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4-29-80
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federal register

Tuesday
April 29, 1980

Highlights

28494 **Law-Related Education Program** HEW/OE solicits applications for grants; apply by 6–27–80

28321 **Drug Strike-Force Grant Program** Justice delegates authority for administration of $5,000,000 program; effective 4–17–80

28544 **Employment Transfer and Business Competition Determinations** Labor/ETA lists organizations that have applied for assistance

28495, 28654 **Qualified Health Maintenance Organizations** HEW/PHS gives notice of information regarding requirements, and publishes list; (Parts I and II of this issue) (2 documents)

28666 **Higher Education Facilities** HEW/OE issues final and interim rules regarding financial assistance for construction, reconstruction or renovation; comments by 6–30–80 (Part III of this issue)

28345 **Natural Gas** DOE/FERC proposes rules regarding advance payments to producers; comments by 6–23–80, hearing 7–1–80

28360 **Legal Services** Treasury/IRS issues final rules and proposed rules regarding qualified group plans; effective 5–29–80, comments by 6–30–80 (2 documents)

CONTINUED INSIDE

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Highlights

28302 **Retail Sales of Gasoline** DOE/ERA adopts final rules regarding refiner and reseller-retailer equal application; effective 4–29–80

28686 **Improving Government Regulations** DOE publishes Semiannual Agenda; (Part IV of this issue)

28409 **Domestic Crude Oil Allocation Program** DOE/ERA issues entitlement notice for February 1980; file appeals by 5–29–80

28408 **Canadian Crude Oil Allocation Program** DOE/ERA issues supplemental notice to reflect export levels for May 1980; appeal by 5–29–80

28498 **State Radiation Control** HEW/FDA announces availability of report

28381 **Railroad Contract Rates** ICC proposes adopting standards and procedures; comments by 6–13–80

28313 **Garnishment of Benefits** RRB issues rules for payment; effective 4–29–80

28507 **Outer Continental Shelf** Interior/GS issues notice of receipt of proposed development and production plan for offshore Louisiana

28307 **Money Market Funds** SEC issues temporary rule providing exemptions; effective 4–22–80

28305 **Monetary Control** FRS issues interpretation of the Act; effective 4–21–80

28359 **Source Plasma (Human)** HEW/FDA proposes to amend dating periods on labels; comments by 6–30–80

28358 **Cryoprecipitated Antihemophilic Factor (Human)** HEW/FDA proposes to delete certain requirements of source plasma used in processing; comments by 6–30–80

28545 **Employee Benefit Plans** Labor/P&WBP grants class exemption for certain interest free loans; effective 1–1–75

28391 **Privacy Act Documents** CFTC

28600 **Sunshine Act Meetings**

Separate Parts of This Issue

28654 **Part II, HEW/PHS**
28666 **Part III, HEW/OE**
28686 **Part IV, DOE**

Contents

Federal Register
Vol. 45, No. 84
Tuesday, April 29, 1980

Agency for International Development
NOTICES
Meetings:
28510 International Food and Agricultural Development Board

Agriculture Department
See Forest Service; Soil Conservation Service.

Civil Aeronautics Board
PROPOSED RULES
28342 Air carriers; notice to passengers of conditions of carriage; airline counter and ticket notices; correction

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
28386 District of Columbia
28386 Indiana
28387 Kentucky
28387 Montana

Commerce Department
See International Trade Administration.

Commodity Futures Trading Commission
NOTICES
28391 Privacy Act; systems of records; annual publication

Defense Department
RULES
Civilian health and medical program of uniformed services (CHAMPUS):
28322 Home oxygen therapy and physician standby charges; clarification
28323 Freedom of Information Act; implementation
NOTICES
Meetings:
28408 DIA Advisory Committee

Economic Regulatory Administration
RULES
Petroleum allocation and price regulations:
28302 Motor gasoline retail sales; equal application rule
NOTICES
Canadian allocation program:
28408 Crude oil, April through June; 1980 allocation period
Consent orders:
28414 Cummings, Douglas R.
28415 New KRO Oil, Inc.
28417 Red Triangle Oil Co.
Crude oil, domestic; allocation program, 1980; entitlement notices:
28409 February
Natural gas; fuel oil displacement certification applications:
28415 Long Island Lighting Co.
Powerplant and industrial fuel use; existing powerplant or installation; classification requests:
28416 Jones & Laughlin Steel Corp.
Remedial orders:
28418 James Pratte Texaco et al.

Education Office
RULES
28666 Higher education facilities, construction, reconstruction, or renovation financial assistance programs; award criteria for removal of architectural barriers to handicapped; interim and final rules
28341 Population education program; correction
NOTICES
Grant applications and proposals, closing dates:
28494 Law-related education program

Employment and Training Administration
NOTICES
28544 Employment transfer and business competition determinations; financial assistance applications (2 documents)

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
PROPOSED RULES
Improving Government regulations:
28686 Regulatory agenda
NOTICES
Meetings:
28483 Fossil Energy Advisory Committee

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
28337 Alabama and Tennessee; correction
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
28338 Mefluidide
Pesticides; tolerances in animal feeds:
28317 Butachlor
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
28371 California
28380 Maryland; correction
28371 New York
NOTICES
Air programs; fuel and fuel additives:
28484 Conservation Consultants of New England, Inc. waiver applications
Pesticide registration, cancellation, etc.:
28483 Silvex
28485 Vegatrol A-2D-2T et al.
Pesticides; experimental use permit applications:
28484 American Cyanamid Co. et al.
Pesticides; temporary tolerances:
28485 Monsanto Agricultural Products Co.

Environmental Quality Council
RULES
28339 National Environmental Policy Act; agency implementation; review and request for comments

Federal Communications Commission
NOTICES
28600 Meetings; Sunshine Act (5 documents)

Federal Deposit Insurance Corporation
NOTICES
28601 Meetings; Sunshine Act

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
28486 Alabama
28486 Louisiana
28486 Mississippi

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978:
28345 Advance payment; definition and interest rate
NOTICES
Hearings, etc.:
28457 Arizona Public Service Co.
28458 Bangor Hydro-Electric Co.
28458 Carolina Power & Light Co.
28458 Consolidated Gas Supply Corp. et al.
28459 Energy Pipeline Corp.
28459 Florida Gas Transmission Co.
28459 Kansas-Nebraska Natural Gas Co., Inc.
28460 Kansas Power & Light Co.
28460 Le Blanc's Arco
28460 Madison Paper Corp. et al.
28461 Merced Irrigation District
28461 Michigan Wisconsin Pipe Line Co.
28462 Mississippi Power Co.
28462 Northern Natural Gas Co.
28462 Schneider Lift Translator Corp.
28462 Sellers Manufacturing Co. Inc.
28463 South Carolina Electric & Gas Co.
28464 South San Joaquin Irrigation District
28464 Southern Co. Services, Inc.
28465 State of Idaho Water Resources Board
28466 Tampa Electric Co.
28466 Tennessee Gas Pipeline Co.
28467 Texas Eastern Transmission Corp.
28465 Utah et al.
Natural Gas Policy Act of 1978:
28418, 28435, 28449 Jurisdictional agency determinations (3 documents)

Federal Home Loan Bank Board
RULES
Mortgage loans, federally-related:
28306 State usury laws; preemption; correction

Federal Maritime Commission
NOTICES
28487 Agreements filed, etc.:

Federal Reserve System
RULES
Reserves of member banks (Regulation D):
28305 Monetary Control Act of 1980; implementation; interpretation

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
28342 National Tea Co. et al.
NOTICES
28601 Meetings; Sunshine Act (3 documents)

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
28507 Holland Bottoms, Ark.
Meetings:
28507 Reeves Bottoms, Mo.

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
28318 Prohibited substances; procedures
Food additives:
28316 1,2-Benzisothiazolin-3-one
Hearings, public, before advisory committees; establishment or termination, etc.:
28316 Blood and Blood Derivatives Review Panel
PROPOSED RULES
Animal drugs, feeds, and related products:
28349 Deodorizer distillate substances; use prohibition; tentative final rule
Biological products:
28358 Cryoprecipitated antihemophilic factor (human); source plasma processing requirements
28359 Source plasma (human); 10-year dating period, expiration date labeling and record retention requirements
28348 Cocoa butters; standard; termination of consideration
NOTICES
Food additives, petitions filed or withdrawn:
28496 Ciba-Geigy Corp.
28496 Velsicol Chemical Corp.
Medical devices:
28497 Vancomycin radioimmunoassy; reclassification
Radiological health:
28498 State regulations for control of radiation; ionizing radiation category; availability

Forest Service
NOTICES
Meetings:
28385 Caribou National Forest Grazing Advisory Board Committee
28385 Los Padres National Forest Grazing Advisory Board
28385 Cascade Head Scenic-Research Area Advisory Council

General Accounting Office
NOTICES
28488 Regulatory reports review; proposals, approvals, etc. (FTC)

General Services Administration
See also National Archives and Records Service.
NOTICES
Procurement:
28488 Qualified film producers list, revised; availability

Geological Survey
NOTICES
Meetings:
28508 Earthquakes Studies Advisory Panel
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
28507 ARCO Oil & Gas Co.

Health, Education, and Welfare Department
See Education Office; Food and Drug Administration; Health Resources Administration; Human Development Services Office; National Institutes of Health; Public Health Service.

Health Resources Administration
NOTICES
Meetings; advisory committees:
28499 May

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
28467, 28470, 28475 Cases filed (3 documents)
28472, 28477, 28480, 28481 Decisions and orders (4 documents)
Remedial orders:
28481 Objections filed (2 documents)

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; additions, deletions, etc.:
28508 Colorado et al.

Housing and Urban Development Department
See Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.

Human Development Services Office
NOTICES
Committees; establishment, renewals, terminations, etc.:
28500 1981 White House Conference on Aging Technical Advisory Committee

Interior Department
See Fish and Wildlife Service; Geological Survey; Heritage Conservation and Recreation Service; Land Management Bureau; National Park Service; Surface Mining Office; Water and Power Resources Service.

Internal Revenue Service
RULES
Income taxes:
28319 Qualified group legal services plan, application for recognition
PROPOSED RULES
Income taxes:
28365 Corporations; treatment of interests as stock or indebtedness; hearing
28365 Pension plans; limitations on benefits and contributions; hearing
28360 Qualified group legal services plans

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
28387 Export trade policy, promotion programs and potential disincentives to U.S. exports; comprehensive study; inquiry
Scientific articles; duty free entry:
28389 Johns Hopkins University
28389 University of Texas et al.
28391 University of Texas Health Science Center

Interstate Commerce Commission
RULES
Motor carriers:
28341 Commercial zones; expansion of Washington, D.C., into Loudoun County, Va.
PROPOSED RULES
Rail carriers:
28380 Boxcars and gondolas, incentive per diem funds use
28381 Railroad contract rates; standards and procedures and exemptions
NOTICES
Motor carriers:
28541 CF Tank Lines, Inc., et al.; authority to transport commodities in premounted collapsible containers; inquiry
28528 Permanent authority applications
28510–28511 Permanent authority applications; corrections (7 documents)
28511 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate
Petitions filed:
28541 Philboro Coach Corp.; incidental charter operations
28542 Southern Railway Co.; charges for guaranteed annual supply of grain cars
Railroad car service orders; various companies:
28543 Chicago, Rock Island & Pacific Railroad Co. (2 documents)
Railroad operation, acquisition, construction, etc.:
28540 Atchison, Topeka & Santa Fe Railway Co. et al.

Justice Department
RULES
Organization, functions, and authority delegations:
28321 Justice Assistance, Research, and Statistics Office, Directors; administration of State and local drug strike-force grant program

Labor Department
See also Employment and Training Administration; Labor Management Relations Office; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
28546 General Electric Co.
28547 Kaiser Steel Corp.

Labor Management Relations Office
RULES
28322 Conduct standards; labor organizations in Federal sector; correction

Land Management Bureau
PROPOSED RULES
U.S. mining laws:
28380 Public lands; surface resources management; adverse environmental impacts; minimization; extension of time; correction
NOTICES
Meetings:
28506 Las Vegas District Grazing Advisory Board
Motor vehicles, off-road, etc.; area closures:
28506 Idaho

National Archives and Records Service
RULES
Public use of records and donated historical materials:
28340 Fees for reproduction services

National Institutes of Health
NOTICES
Meetings:
28502 Allergy and Clinical Immunology Research Committee
28500 Allergy and Infectious Diseases National Advisory Council
28500 Allergy and Infectious Diseases, National Institute; Scientific Counselors Board
28500 Animal Resources Review Committee
28502 Arthritis, Metabolism, and Digestive Diseases National Advisory Council
28501 Arthritis National Advisory Board
28505 Biomedical Library Review Committee
28504 Cancer National Advisory Board
28501 Cancer Research Manpower Review Committee; cancellation
28503 Cellular and Molecular Basis of Disease Review Committee
28501 Communicative Disorders Review Committee
28504 Dental Research, National Institute; Special Grants Review Committee
28503 General Research Support Review Committee
28503 Microbiology and Infectious Diseases Advisory Committee
28501 Neurological Disorders Program—Project Review A Committee
28504 Neurological Disorders Program—Project Review B Committee
28502 Pharmacology-Toxicology Review Committee
28505 Research Resources National Advisory Council
28505 Transplantation Biology and Immunology Committee

National Park Service
NOTICES
28509 Alexandria (Va.) waterfront joint planning process; availability of studies and hearing

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
NOTICES
Meetings:
28506 Mobile Home National Advisory Council

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
28549 Commonwealth Edison Co.
28549 Connecticut Yankee Atomic Power Co.
28550 Florida Power Corp. et al.
28548 General Atomic et al.
28550 Georgia Power Co.
28550 Public Service Electric & Gas Co. et al.
28551 Tennessee Valley Authority
28551 Toledo Edison Co. et al.
Environmental statements; availability, etc.:
28549 Dairyland Power Cooperative; LaCrosse Boiling Water Reactor, Wisc.
Meetings:
28547 Reactor Safeguards Advisory Committee
28601 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans:
28545 Prohibition on transactions; exemption proceedings, applications, hearings, etc.

Personnel Management Office
RULES
28301 Reduction in force; employees in supervisory or managerial for probationary period; retention preference

Postal Rate Commission
NOTICES
28552 Postal rate and fee changes, 1980

Postal Service
RULES
Domestic Mail Manual:
28331 Merchandise return service; temporary mail classification

Public Health Service
NOTICES
28495 Health maintenance organizations, qualified; list
28654 Health maintenance organizations, qualified; requirements

Railroad Retirement Board
RULES
28313 Child support or alimony payments; garnishment of retirement or unemployment insurance benefits paid and of Board personnel remuneration

Securities and Exchange Commission
RULES
Investment companies:
28307 Money market funds; exemptions to permit operation of certain new funds in same manner as existing funds; temporary
NOTICES
Hearings, etc.:
28598 National Fuel Gas Co. et al.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
28385 Bridgeton City Park Recreational Development and Critical Area Treatment RC&D Measure, N.J.
28386 Lower Brushy Creek Watershed, Tex.
28386 Lowland Watershed, N.C.

Surface Mining Office
PROPOSED RULES
Permanent program submission; various States:
28367 Alabama
28368 Kentucky

28366 North Dakota
28369 Tennessee
28367 Utah

Tennessee Valley Authority
NOTICES
28601 Meetings; Sunshine Act

Trade Representative, Office of United States
NOTICES
28552 Export trade policy, competitive position of U.S. exports; comprehensive study; inquiry

Treasury Department
See Internal Revenue Service.

Veterans Administration
NOTICES
Meetings:
598 Cemeteries and Memorials Advisory Committee

Water and Power Resources Service
NOTICES
Contract negotiations:
28510 Shoshone Irrigation District, Wyo.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
28385 Caribou National Forest Grazing Advisory Board Committee, 5–27–80
28385 Cascade Head Scenic-Research Area, 6–6–80
28385 Los Padres National Forest Grazing Advisory Board, 5–16–80

CIVIL RIGHTS COMMISSION
28386 District of Columbia Advisory Committee, 5–17–80
28386 Indiana Advisory Committee, 5–19–80
28387 Kentucky Advisory Committee, 5–16–80
28387 Montana Advisory Committee, 5–17–80

DEPARTMENT OF DEFENSE
Office of the Secretary—
28408 Defense Intelligence Agency Advisory Committee, 7–1 and 7–2–80

ENERGY DEPARTMENT
Fossil Energy Office—
28483 Fossil Energy Advisory Committee, 5–21 and 5–22–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Health Resources Administration—
28499 National Advisory Council on Health Professions Education, 5–12 through 5–14–80
National Institutes of Health—
28501 Communicative Disorders Review Committee, 6–2 and 6–3–80
28500 National Advisory Allergy and Infectious Diseases Council 5–22 and 5–23–80
28502 National Arthritis, Metabolism, and Digestive Diseases Advisory Council, 6–2 through 6–4–80
28504 National Cancer Advisory Board and its Subcommittees, 5–18 through 5–21–80
28502 National Institute of Allergy and Infectious Diseases, Allergy and Clinical Immunology Research Committee, 6–9 and 6–10–80
28500 National Institute of Allergy and Infectious Diseases, Board of Scientific Counselors, 6–12 and 6–13–80
28503 National Institute of Allergy and Infectious Diseases, Microbiology and Infectious Diseases Advisory Committee, 6–5 and 6–6–80
28505 National Institute of Allergy and Infectious Diseases, Transplantation Biology and Immunology Committee, 6–3–80
28501 National Institute of Arthritis, Metabolism, and Digestive Diseases, National Arthritis Advisory Board, Community Programs and Rehabilitation Work Group, 5–22–80
28504 National Institute of Dental Research, NIDR Special Grants Review Committee, 6–18–80
28503 National Institute of General Medical Sciences, Cellular and Molecular Basis of Disease Review Committee, 6–9–80
28502 National Institute of General Medical Sciences, Pharmacology-Toxicology Review Committee, 6–19 and 6–20–80
28504 National Institute of Neurological and Communicative Disorders and Stroke, Neurological Disorders Program—Project Review B Committee, 6–5 through 6–7–80
28505 National Library of Medicine, Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications, 6–4 and 6–5–80
28502 National Research Resources Council, 5–29 and 5–30–80
28501 Neurological Disorders Program—Project Review A Committee, 6–5 through 6–7–80
28500 Research Resources Division, Animal Resources Review Committee, 6–4–80
28503 Research Resources Division, General Research Support Review Committee, 5–27–80

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection—
28506 National Mobile Home Advisory Council Meeting, 5–28 through 5–30–80

INTERIOR DEPARTMENT
Fish and Wildlife Service—
28507 Proposed preservation of Holland Bottoms, Ark., 6–4–80
28507 Proposed preservation of Reeves Bottoms, Mo., 6–2 and 6–3–80
Geological Survey—
28508 Earthquake Studies Advisory Panel, 6–6 and 6–7–80
Land Management Bureau—
28506 Las Vegas District Grazing Advisory Board, 5–16–80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development—
28510 Board for International Food and Agricultural Development, 5–22–80

VETERANS ADMINISTRATION
28598 Advisory Committee on Cemeteries and Memorials, 5–13 and 5–14–80

CANCELLED MEETING

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
National Institutes of Health—
28501 National Cancer Institute, Cancer Research Manpower Review Committee, 5–8 through 5–10–80

HEARINGS

INTERIOR DEPARTMENT
National Park Service—
28509 Alexandria Waterfront Joint Planning Process by the City of Alexandria and the National Park Service, 5–28 and 5–31–80

TREASURY DEPARTMENT
Internal Revenue Service—
28365 Limitations on benefits and contributions under qualified plans, 7–8–80
28365 Treatment of certain interests in corporations as stock or indebtedness, 7–23–80

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
351 28301

10 CFR
212 28302

Proposed Rules:
Ch. II 28686
Ch. III 28686
Ch. X 28686

12 CFR
204 28305
590 28306

14 CFR

Proposed Rules:
221 28342
250 28342
255 28342
298 28342

16 CFR

Proposed Rules:
13 28342

17 CFR
270 28307

18 CFR

Proposed Rules:
270 28345
271 28345

20 CFR
348 28313
349 28313
350 28313
351 28313
352 28313
353 28313
354 28313
355 28313
356 28313
357 28313
358 28313
359 28313
360 28313
361 28313
362 28313
363 28313
364 28313
365 28313
366 28313
367 28313
368 28313
369 28313
370 28313
371 28313
372 28313
373 28313
374 28313
375 28313

21 CFR
14 28316
176 28316
561 28317
589 28318

Proposed Rules:
163 28348
589 28349
606 28359
610 28359
640 (2 documents) 28358, 28359

26 CFR
1 28319

Proposed Rules:
1 (3 documents) 28360, 28365

28 CFR
Ch. I 28321

29 CFR
207 28322
208 28322
209 28322

30 CFR

Proposed Rules:
Ch. VII (5 documents) 28366–28369

32 CFR
199 28322
286 28323

39 CFR
111 28331

40 CFR
81 28337
180 28338
1500 28339
1501 28339
1502 28339
1503 28339
1504 28339
1505 28339
1506 28339
1507 28339
1508 28339

Proposed Rules:
52 (3 documents) 28371, 28380

41 CFR
105–61 28340

43 CFR

Proposed Rules:
3800 28380

45 CFR
161m 28341
170 28666

49 CFR
1048 28341

Proposed Rules:
Ch. X 28381
1036 28380

Rules and Regulations

Federal Register
Vol. 45, No. 84
Tuesday, April 29, 1980

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.
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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This regulation, issued under the Civil Service Reform Act of 1978, provides that an employee who is serving a probationary period upon initial appointment to a supervisory or managerial position is in reduction in force tenure group I unless the employee is serving an initial probationary period on competitive appointment.

EFFECTIVE DATE: May 29, 1980.

FOR FURTHER INFORMATION CONTACT: Ted Dow or Tom Glennon, (202) 632–4422.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1979, OPM published a proposed Part 351 regulation in the **Federal Register** (44 FR 76799) covering new supervisors and managers serving probationary periods established under Section 303 of the Civil Service Reform Act. Interested parties were given 60 days to submit written comments on the proposed regulation. No comments were received.

Explanation of changes

The following changes in Part 351 are now made final, including related editorial amendments to the regulations:

(1) Section 351.203(e), which defines "obligated position," is deleted. The proposed regulation published on December 28, 1979, would delete material in § 351.501 (b) and (c) covering the assignment of employees in obligated positions to reduction in force tenure groups. This material became obsolete with the repeal of the Whitten Amendment and the removal of its requirement for obligated positions. We have now determined that the definition in § 351.203(e) was also rendered obsolete by the repeal of the Whitten Amendment, and it would serve no purpose to maintain the definition in Part 351.

(2) Section 351.203 (f) through (i) are redesignated as § 351.203 (e) through (h), respectively. This is an editorial change resulting from the deletion of the definition of "obligated position" previously set forth in § 351.203(e).

(3) Section 351.501(b) is revised to provide that a supervisory or managerial employee serving a probationary period required by Section 303 of the Civil Service Reform Act, as implemented in Subpart I of Part 315, is in tenure group I if the employee is otherwise eligible to be included in this group. In addition, a provision is deleted which assigned a career employee in an obligated position to tenure group I when the employee was competing for a position at and below the grade in which he or she last served on a permanent basis. This is part of the material which became obsolete with the repeal of the Whitten Amendment and the removal of its requirement for obligated positions.

(4) Section 351.501(c) is revised to provide that a supervisory or managerial employee serving a probationary period required by Subpart I of Part 315 is in tenure group II if the employee is serving a probationary period under Subpart H of Part 315. In addition, a provision which assigned other career employees in obligated positions to tenure group II is deleted because of, again, the repeal of the Whitten Amendment.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR Part 351 is amended as follows:

§ 351.203 [Amended]

(1) Section 351.203(e) is revoked.

(2) Section 351.203 (f) through (i) are redesignated as § 351.203 (e) through (h), respectively, and as revised read as follows:

§ 351.203 Definitions.

* * * * *

(e) "Performance rating" means the current official performance rating under a performance rating plan approved by the Office.

(f) "Reorganization" means the planned elimination, addition, or redistribution of functions or duties in an organization.

(g) "Representative rate" means the fourth step of the grade for a position subject to the General Schedule, the prevailing rate for a position under a wage-board or similar wage-determining procedure, and for other positions, the rate designated by the agency as representative of the position.

(h) "Transfer of function" means the transfer of a continuing function from one competitive area and its addition to one or more other competitive areas, or the movement of the competitive area in which the function is performed to another commuting area.

(3) Section 351.501 (b) and (c) are revised. As revised, 5 CFR 351.501 reads as follows:

§ 351.501 Tenure groups and subgroups—competitive service.

(a) Each agency shall classify the competing employees on a retention register who occupy positions in the competitive service in the following groups and subgroups on the basis of tenure of employment and veteran preference. The descending order of retention standing:

(1) By groups is group I, group II, group III;

(2) Within each group is subgroup AD, subgroup A, subgroup B;

(3) Within each subgroup persons are ranked beginning with the earliest service date.

(b) Group I includes each career employee who is not serving a probationary period. (A supervisory or managerial employee serving a probationary period required by Subpart I of Part 315 of this title is in group I if the employee is otherwise eligible to be included in this group.)

(c) Group II includes:

(1) Each employee serving a probationary period under Subpart H of Part 315 of this title. (A supervisory or managerial employee serving a probationary period required by Subpart I of Part 315 of this title is in group II if that employee has not completed a probationary period under Subpart H of Part 315 of this title.); and

(2) Each career-conditional employee.

(d) Group III includes:

(1) Each indefinite employee;

(2) Each employee serving under a temporary appointment pending establishment of register;

(3) Each employee in status quo; and

(4) Each employee serving under other nonstatus nontemporary appointment.

(e) Subgroup AD includes each preference eligible employee who has a compensable service-connected disability of 30 percent or more.

(f) Subgroup A includes each preference eligible employee not included in subgroup AD.

(g) Subgroup B includes each nonpreference eligible employee.

(5 U.S.C. 1302, 3502)

[FR Doc. 80-13140 Filed 4-28-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-79-32-C]

Application of Equal Application Rule to Retail Sales of Gasoline

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts final rules regarding the refiner and reseller-retailer equal application rules as applied to retail sales of gasoline.

DOE adopts two amendments to the equal application rule in retail sales of gasoline in order to remove some of the current regulatory constraints which encourage some refiners and reseller-retailers to sell gasoline at retail prices substantially below independent retailers. First, the current 3 cents per gallon limit on the difference refiners may charge in retail sales of gasoline without being subject to the equal application rule is increased to 8.6 cents per gallon. Second, the reseller-retailer equal application rule is amended to permit reseller-retailers up to a 8.6 cents per gallon difference between increased costs which may be passed through at retail and other levels of distribution without being subject to the equal application rule.

In each case allowable increases in retail margins are offset by corresponding reductions in "banks" or in cost pass-throughs permitted at other levels of distribution.

DATE: Effective date: April 18, 1980.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, 2000 M Street, NW., Room 2215-B, Washington, D.C. 20461, (202) 653-3757;

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

Chuck Boehl or Ed Mampe (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, NW., Room 7302, Washington, D.C. 20461, (202) 653-3199;

William Mayo Lee (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6754.

SUPPLEMENTARY INFORMATION:

I. Background
II. Comments
III. Amendments
IV. Procedural Requirements

I. Background

On September 17, 1979 (44 FR 54902, September 21, 1979) DOE issued a notice of proposed rulemaking concerning the equal application rule as it applies to retail sales. The notice was issued in response to concerns DOE had regarding price differentials in retail gasoline prices between refiners and reseller-retailers and independent retailers. The price differentials became particularly significant after DOE adopted its new price rules for independent retailers on July 15, 1979 (44 FR 42541, July 19, 1979).[1]

The notice proposed three amendments to the mandatory price rules:

1. Increase from 3 cents per gallon to 7.9 cents per gallon the limit on the difference in increased costs which refiners are permitted to charge in retail sales of gasoline without being subject to the equal application rule.

2. Permit resellers and reseller-retailers up to a 7.9 cents per gallon differential in prices between retail sales and other sales of gasoline without being subject to the equal application rule.

3. Require refiners and reseller-retailers to recoup increased non-product costs attributable to retail sales only in prices charged in retail sales.

II. Comments

DOE held a public hearing on October 23, 1979 in Washington, D.C. regarding the proposed amendments. In addition, DOE received approximately 56 written comments concerning the proposed amendments.

The majority of the comments favored the proposals to amend the equal application rules and opposed the amendment to require increased non-product costs incurred at retail to be recouped only in retail sales.

The majority of the comments stated the proposals would alleviate some of the price disparity between retail prices charged by refiners and reseller-retailers and those charged by independent retailers. However, the commenters believe that a two-tier retail price structure will continue to exist until the equal application rule is eliminated or at least eliminated at the retail level of distribution. The comments pointed out that differences in 1973 selling prices and marketing conditions within and between various geographic areas could still cause some regulation-induced price disparity in retail selling prices. Specifically, refiners stated that they may not be able to take full advantage of the proposed limited exception to the equal application rule since within the retail sales category they would still be deemed to recoup any increase in one retail sale on all other retail sales. They stated that since competitive factors would generally not allow them to raise all retail prices by the same amount, there would still be a disincentive to increase all retail prices to levels approaching that of independent dealers.

With respect to allocating costs incurred at retail outlets to be passed through only in retail sales prices, the comments stressed that this might result in greater regulation-induced price differentials at the retail level and would greatly increase the administrative costs and burden of complying with the DOE regulations as it would require firms to substantially alter their current accounting systems. Based on the comments and our analysis, we have therefore decided not to adopt this option as a final rule.

III. Amendments

The equal application rule is intended to provide refiners and reseller-retailers a disincentive to pass through increased costs in unequal amounts to different persons.[2] The rule requires that to the extent that increased costs are passed through to one class of purchaser but not

[1] Generally, the new rules for retailers require retailers to calculate the maximum lawful selling price for each type or grade of gasoline based on acquisition cost, plus 16.1 fixed cents per gallon markup, plus tax costs.

[2] There are two exceptions to the refiners' equal application rule. Refiners may apply the rule on a regional basis and reflect regional price differentials up to three cents per gallon and a refiner may pass through up to three cents per gallon more increased costs in retail prices than in prices charged to other classes of purchaser.

to others, the refiner or reseller-retailer will be deemed to have passed through the increased costs to all classes of purchaser. Accordingly, many refiners and reseller-retailers "bank" increased costs for recovery at a later date rather than increase prices at all levels of distribution or trigger the equal application rule by increasing prices at only the retail level of distribution.

DOE believes the equal application rule is causing certain refiners and reseller-retailers to sell gasoline in retail sales at prices substantially below those of independent retailers and those that exist in the current competitive marketplace. Accordingly, serious competitive imbalances are resulting in the current retail marketplace because of the regulatory restraints imposed on refiners and reseller-retailers by the equal application rule.

The new rules will enhance the competitive position of independent retailers because one of the regulatory constraints which encourage refiners and reseller-retailers to undersell them will be eliminated.

The amendments adopted today do not permit an increase in the total increased costs refiners and reseller-retailers will have available to pass through on gasoline. The amendments only permit more competitive prices at the retail level of distribution. Any increases in prices at the retail level will be offset by either a reduction in prices of other sales or a decrease in banked costs.

The new rules are intended to provide interim relief to help alleviate the regulation-induced price differentials at retail. The rules adopted today will not eliminate completely the problems, discussed above, that are being caused by the equal application rule. Accordingly, DOE intends to issue a notice of proposed rulemaking in the near future regarding further amendments to the equal application rule.

1. *Refiners.* The refiner equal application rule is amended to increase from 3 cents per gallon to 8.6 cents per gallon the exception for retail sales of gasoline set forth in § 212.83(h)(2)(iv). The exception permits refiners to have an 8.6 cents per gallon differential between increased costs recouped in retail selling prices and increased costs recouped in selling prices to other classes of purchaser without being subject to the equal application rule.

The increase in the exception to the equal application rule reflects DOE's estimate of the increased retail pricing flexibility refiners need on the average in order to prevent regulation-induced underselling of independent retailers. The 7.9 cents per gallon that was originally proposed reflected the differential between the average maximum lawful selling price of refiners and independent retailers in retail gasoline sales when the Notice was issued in September. Since the Notice was issued DOE has adjusted the fixed cents per gallon markup permitted independent retailers from 15.4 cents per gallon to 16.1 cents per gallon to reflect increases in the GNP deflator. Accordingly, DOE is adjusting the proposed 7.9 cents exception to the equal application rule to 8.6 cents to reflect this adjustment to the independent retailers' fixed markup. Moreover, DOE is providing that, beginning June 15, 1980, this figure will be adjusted semiannually based on the GNP deflator, so that increases in refiners' and reseller-retailers' allowable cost passthrough at retail levels will occur simultaneously with and will be in the same amount as the increases in the independent retailers' margins provided for in current DOE regulations.

2. *Reseller-retailers.* The equal application rule for reseller-retailers set forth in § 212.93(e)(1)(ii) is amended to permit reseller-retailers to increase prices in retail sales above prices charged in other sales by an amount up to 8.6 cents per gallon without being subject to the provisions of the equal application rule. Unlike refiners, reseller-retailers were not permitted any differential in the passthrough of increased product costs in selling prices at retail and other levels of distribution. However, this amendment permits reseller-retailers the same flexibility as refiners in establishing prices at the retail level while not increasing overall potential revenues. This figure will be also adjusted semiannually, beginning June 15, 1980, to keep pace with inflation as measured by the GNP deflator.

IV. Procedural Requirements

A. *Section 404 of the DOE Act.* Pursuant to the requirements of Section 404(a) of the Department of Energy Act, we have referred these amendments to the Federal Energy Regulatory Commission (FERC) for a determination whether they would significantly affect any matter within the Commission's jurisdiction. Following an opportunity to review these amendments, the FERC has declined to determine that they may significantly affect any of its functions.

B. *Section 7 of the FEA Act.* Under Section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended), the requirements of which remain in effect under Section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Following an opportunity to review the rule, the EPA Administrator notified us that he did not anticipate that this rule would have an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the EPA.

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

D. *Section 553 of the Administrative Procedures Act.* Subsection (d)(1) of Section 553 provides that the required publication of a rule be made at least 30 days before the effective date of the rule, except when the rule relieves a regulatory constraint, is a non-substantive amendment, or the agency finds good cause for not publishing the rule. We have determined that the 30 day requirement does not apply because the final rules adopted today relieve a regulatory restriction and do not impose additional burdens on the firms concerned.

E. *Summary of the Regulatory Analysis.* Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to prepare a regulatory analysis for those significant regulations that may have a major economic impact. Section 3(a) of the Executive Order directs the agencies to establish criteria to identify which regulations require regulatory analyses. DOE's implementing procedures are contained in DOE Order 2030 (44 FR 1032, January 3, 1979). A final regulatory analysis has been prepared and is available through ERA's Public Information Office, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–4055.

Under "worst case" assumptions in which both refiners and reseller-retailers would be able to use banked costs to support the maximum potential increase in retail direct station sales allowed under the amendments adopted,

without a compensating decrease in other sales prices, consumer costs could possibly increase as much as $1.38 billion per year, or an average of approximately 1.3 cents per gallon over all gasoline sold by all retailers. This number is derived by assuming that December 1979 sales remain constant and that market conditions are such that refiners can increase retail prices by an average of 5.6 cents (16.1–10.5 cents) per gallon ($747 million per year), and that reseller-retailers can increase retail prices by a similar amount ($634 million per year).

There are several factors that make this worst case highly unlikely. First, it is unlikely that all refiners and reseller-retailers will individually have sufficient banked costs to support the maximum possible price increases in all months without reducing their selling prices in other gasoline sales. Second, the COWPS voluntary guidelines require many firms to offset any margin increases on gasoline with margin reductions on other products. Thus, price increases for gasoline would have to be offset by price reductions on other products; or price increases in retail gasoline sales would be offset by price decreases in other gasoline sales (DTW or rack).

The COWPS guidelines are applicable to both refiners and reseller-retailers. With respect to major refiners, at least, there is believed to be general compliance with the guidelines. It is impossible to predict with precision the extent to which these factors will lessen the net impact of the proposed regulations, but it is reasonable to predict that their mitigating effect will be substantial, particularly in the current market situation with adequate gasoline supplies and high allocation fractions.

The main purpose of the proposed rule is to reduce extreme regulation-induced price differentials that currently exist between independent stations and those operated by refiners and reseller-retailers. Continuation of such differentials can be expected to have a continued deleterious effect on competition in the industry. To the extent that refiners and reseller-retailers are able to utilize banked costs to increase their retail prices without reducing other prices, competition would be enhanced and the potential of spot shortages of gasoline, if a tight market were to reoccur, would be reduced. Moreover, since many gasoline reseller-retailers also market other products, any increased margins on gasoline sales would, because of the COWPS guidelines, tend to result in pressure to reduce margins on other products.

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

In consideration of the foregoing, we amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below, effective April 18, 1980.

Issued in Washington, D.C., April 18, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. Section 212.83(h)(2)(iv)(A) is amended to read as follows:

§ 212.83 Price Rule.

* * * * *

(h) *Equal application among classes of purchaser.* * * *

(2) *Special rules.* * * *

(iv) *Retail sales of gasoline by refiners.* (A) When a refiner calculates the amount of increased costs not recouped that may be added to May 15, 1973 selling prices of gasoline to compute maximum allowable prices in a subsequent month, it may, notwithstanding the general rule in (subparagraph (1) of this paragraph) of this section, compute revenues as though (*1*) the greatest amount of increased costs actually added to any May 15, 1973 selling price of gasoline and included in the price charged to any class of purchaser that purchases gasoline at retail from a refiner at any service station operated by employees of the refiner had been added to the May 15, 1973 selling prices of that product and included in the price charged to each class of purchaser that purchases gasoline at retail from a refiner at any service station operated by employees of the refiner and, (*2*) the greatest amount of increased costs actually added to the May 15, 1973 selling price of gasoline and included in the price charged to any class of purchaser that purchases gasoline at retail from a refiner at any service station operated by employees of the refiner had been added in the same amount (less any actual differential or eight and six tenths (8.6) cents per gallon, whichever is less) to the May 15, 1973 selling prices of gasoline and included in the price charged to all other classes of purchaser. Beginning June 15, 1980, the cents per gallon differential shall be adjusted every six (6) months to reflect the GNP deflator.

* * * * *

2. Section 212.93(e)(1)(ii) is amended to read as follows:

§ 212.93 Price Rule.

* * * * *

(e) * * *

(1) * * *

(ii) With respect to each covered product, when a seller calculates its amount of increased product costs not recouped under this paragraph, it shall calculate its revenues as though the greatest amount of increased product costs actually added to the May 15, 1973 selling price of that covered product and included in the price charged to any class of purchaser had been added in the same amount to the May 15, 1973 selling price of such covered product and included in the price charged to each class of purchaser; except that, (A) where an equal amount of increased product cost is not included in the price charged to a purchaser because of either a price term of a written contract covering the sale of such product which was entered into on or before September 1, 1974, or the provisions in paragraph (b)(1)(iv), such portion of the increased product costs not included in the price charged to such a purchaser need not be included in the calculation of revenues, and, (B) the greatest amount of increased costs actually added to the May 15, 1973 selling price of gasoline and included in the price charged to any class of purchaser that purchases gasoline at retail from a reseller-retailer at any service station operated by employees of the reseller-retailer shall be added, in the same amount (less any actual differential or eight and six tenths (8.6) cents per gallon, whichever is less) to the May 15, 1973 selling price of gasoline and included in the price charged to all other classes of purchaser. Beginning June 15, 1980, the cents per gallon differential shall be adjusted every six (6) months to reflect the GNP deflator.

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[FR Doc. 80-13004 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Regulation D; Docket No. R-0287]

Reserves of Member Banks; Implementation of the Monetary Control Act of 1980

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: The Board of Governors has adopted an interpretation of section 19(b)(8)(D) of the Federal Reserve Act (12 U.S.C. 461(b)), as amended by section 103 of the Monetary Control Act of 1980 (Title I of Pub. L. 96-221). This interpretation applies to the reserves that will be required of any bank that was a member bank in the Federal Reserve System on July 1, 1979, and which subsequently withdraws from membership, and to banks involved in mergers. In addition, this interpretation discusses the availability of Federal Reserve services to banks maintaining reserves.

EFFECTIVE DATE: April 21, 1980.

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki, Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Under authority of section 19 of the Federal Reserve Act (12 U.S.C. 461), as amended by the Monetary Control Act of 1980 (Title I of Pub. L. 96-221), Regulation D (12 CFR Part 204) is amended by adding a new § 204.120 as follows:

§ 204.120 Implementation of Monetary Control Act of 1980.

The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) ("Act") provides that any bank that was a member bank on July 1, 1979, and which withdraws from membership in the Federal Reserve System during the period beginning on July 1, 1979, and ending on March 30, 1980, is required to maintain reserves in an amount equal to the amount of reserves it would have been required to maintain if it had been a member bank on March 31, 1980. The Act further provides that any bank that withdraws from membership in the Federal Reserve System on or after March 31, 1980, shall maintain reserves in the same amount as member banks. The Board of Governors has established certain policies and procedures to implement these provisions.

(a) *Determination of Date of Withdrawal from Membership.* (1) Any bank that was a member bank, but which withdrew from membership in the Federal Reserve System prior to July 1, 1979, as determined below, will be subject to Federal reserve requirements on September 1, 1980, the effective date of the remaining provisions of the Monetary Control Act. Such banks will be entitled to an eight-year phase-in of reserve requirements. A bank that is determined to have withdrawn from membership on July 1, 1979, or thereafter, is subject to Federal reserve requirements pursuant to Regulation D in the same manner as a member bank.

(2) The date of withdrawal from membership in the System for a State member bank will be determined by the date on which the Federal Reserve Bank received notice of the decision of the bank's board of directors (and shareholders where State law requires) to withdraw from membership.[1] With regard to a national bank, the date of withdrawal is the date on which such national bank received a State charter whether by conversion, merger, or consolidation.

(3) In recognition of the fact that there may have been individual bank circumstances that delayed an individual bank's withdrawal or acquisition of a State charter, the Board, consistent with the legislative history of section 103 of the Act, will consider evidence from a former member bank that it made an unambiguous irrevocable decision to withdraw from membership before July 1, 1979, and, thus, is entitled to an eight-year phase-in of required reserves. A bank that was a State member bank whose directors (and shareholders where State law requires) voted to leave the System prior to July 1, 1979, or a bank that was a national bank whose shareholders voted to convert to a State charter (including conversion by merger or consolidation) prior to July 1, 1979, and was not a member bank on March 31, 1980, may present the Board with clear, unambiguous documentation of such actions. Upon review of such information, the Board may then determine that the date that an individual bank made such an irrevocable decision is its date of withdrawal from membership. Any bank that believes that it meets these criteria, should submit full documentation to the Board as soon as possible, but in any event, no late than June 16, 1980. Such submissions should be addressed to Theodore E. Allison, Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

(b) *Reserve Requirements of Former Member Banks.* (1) The Board has determined, with respect to banks that withdrew from the System (other than by merger or consolidation) on or after July 1, 1979, and ceased maintaining reserves pursuant to Regulation D prior to March 31, 1980, to waive all Federal reserve requirements for the period from March 31, 1980, through the maintenance period ending August 27, 1980.[2] Such banks will be required to maintain currently prescribed levels of Federal reserves commencing with the reserve maintenance period that begins on August 28, 1980. A former member bank may commence maintaining reserves with a Federal Reserve Bank beginning on or after June 5, 1980, in order to have sufficient balances available for Federal reserve requirement purposes for the August 28–September 3, maintenance period. A former member bank that maintains full reserve balances on or after June 5, 1980, will receive access to all System services.

(2) The Board recognizes that certain former member banks may experience hardships by being subjected to Federal reserve requirements in the same manner as a member bank, notwithstanding the delayed effective date that has been established. In order to accommodate former member banks that may incur significant hardship by maintaining full reserve balances by the maintenance period beginning August 28, the Board will consider granting limited extensions beyond that date in extraordinary circumstances. A former member bank that placed its Federal reserve balances, prior to March 31, 1980, in assets that have declined significantly in value and that cannot be converted to cash before August 28, 1980, without incurring significant losses may be granted a limited extension of time by the Board to maintan full Federal reserve requirements. A former member bank requesting such an extension should submit information concerning such placements of reserve balances withdrawn by July 15, 1980. Such submissions should be addressed to Theodore E. Allison, Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington D.C. 20551.

(3) Any bank that maintained Federal reserves pursuant to Regulation D during the maintenance period that included March 31, 1980, and any

[1] See 126 Cong. Rec. E 1619 (daily ed. March 28, 1980) (remarks of Rep. Brademas and Rep. Reuss); 126 Cong. Rec. S 3176 (daily ed. March 28, 1980) (remarks of Senators Bayh, Proxmire and Lugar).

[2] Such banks will continue to be subject to the special deposit requirement on managed liabilities pursuant to Subpart C of 12 CFR Part 229.

member bank that withdraws from the System (other than by merger or consolidation) on or after March 31, 1980, is required to maintain Federal reserves against its deposits in the same manner as a member bank.

(c) *Mergers.* (1) Banks that withdraw from membership due to mergers or consolidations on or after July 1, 1979, will be required to maintain Federal reserves in the same manner as a member bank on the proportion of their deposits attributable to former member banks. The date of a merger will be determined in accordance with the procedures established in paragraph (a) above.

(2) Where a nonmenber bank merges or consolidates on or after July 1, 1979, with a member bank and the surviving bank is a nonmember bank, the bank is required to maintain Federal reserves in the same manner as a member bank on a proportion of its deposits attributable to the absorbed member bank. This proportion will be the ratio that daily average deposits of the absorbed member bank were to the daily average deposits of the combined banks during the reserve computation period immediately preceding the date of the merger. For example, if during the last full computation period before the date of a merger or consolidation between a member bank and a nonmember bank, the ratio of member bank daily average deposits to the daily average total deposits of the merged entity is 25 per cent, then the surviving nonmember bank will maintain Federal reserve requirements in the same manner as a member bank on 25 per cent of its deposits. The portion of the surviving bank's deposits representing nonmember bank deposits, that is, 75 per cent, will be subject to Federal reserve requirements on an eight-year phase-in schedule under the Act.

(3) A ratio also will be computed for vault cash, and only the proportion of the vault cash attributable to the absorbed member bank will be permitted to be used in determining the amount of reserve balances required to be held at the Federal Reserve. For example, if during the last full computation period before the date of a merger or consolidation between a member bank and a nonmember bank, the ratio of member bank daily average vault cash to the daily average total vault cash of the merged entity is 35 per cent, then the surviving nonmenber bank will take that proportion of its vault cash into account in computing the reserve balance required to be maintained against its deposits attributable to the absorbed member bank.

(4) For mergers or consolidations taking place between July 1, 1979, and August 27, 1980, where the surviving bank is a nonmember bank, Federal reserves will be required to be maintained on that portion of the bank's deposits representing member bank deposits during the maintenance period beginning August 28, 1980.

(5) Mergers and consolidations that take place on or after March 31, 1980, between a member and nonmember bank that was engaged in business on July 1, 1979, where a member bank is the surviving bank will be treated on a proportionate basis for reserve purposes. However, only the amount of deposits and vault cash of the nonmember bank outstanding on a daily average basis during the computation period immediately preceding the date of the merger will be eligible for an eight-year phase-in of reserves. The balance of the deposits of the surviving member bank will continue to be subject to member bank reserve requirements.

(6) Mergers and consolidations involving two member banks will continue to be subject to the Board's current policy of a two-year transitional phase-in of increased reserve requirements.

(d) *Access to Services.* Any bank maintaining full Federal reserves pursuant to the above policies will be permitted access to all Federal Reserve services, except that Federal Reserve Banks may require satisfactory clearing balances. However, a nonmember bank that is maintaining reserves due to the acquisition of a member bank will have access to services if it maintains Federal reserves pursuant to Regulation D against all of its deposits.

By order of the Board of Governors, April 22, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-13090 Filed 4-28-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

Correction of Usury Preemption Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction of final regulations.

SUMMARY: This document corrects and clarifies the Board's recent regulations concerning Federally-related residential mortgage loans published in the **Federal Register** on April 9, 1980.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6457).

EFFECTIVE DATE: April 1, 1980.

SUPPLEMENTARY INFORMATION: By Resolution 80-234, the Board adopted regulations to implement the permanent mortgage interest ceiling preemption contained in § 501 of the Depository Institutions Deregulation and Monetary Control Act (Pub. L. No. 96-221, 94 Stat. 161). Because one phrase was inadvertently omitted from the regulations, certain lenders eligible for the exemption under the Act were not covered in the regulations. The Board is, therefore, amending the previously published usury preemption regulations to include the omitted phrase. The Board is also taking this opportunity to include statutory references in several paragraphs of the regulations in order to ensure that certain terms used in the regulations are given the construction intended by Congress.

Accordingly, the Federal Home Loan Bank Board corrects Resolution No. 80-234, published at 45 FR 24112 (April 9, 1980), by making the following changes:

§ 590.2 [Amended].

In § 590.2(b)(6)(ii), insert after "residential real property loans" and before "more than $1,000,000 per year; ", the phrase", including loans secured by first liens on residential manufactured homes, that aggregate"

In § 590.2(g), delete the period at the end of that paragraph and add:

except as provided in § 501(a)(2)(B) of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96-221, 94 Stat. 161.

§ 590.3 [Amended].

In § 590.3(b)(3), delete the phrase "enactment of this Act," and substitute "adoption of these regulations,"

§ 590.4 [Amended].

In § 590.4(b)(3), insert after " . . ., or other system of additional charges)" and before "as computed by the add-on or discount method." the phrase "within the meaning of 15 U.S.C. 1605(a)(1) and (2)"

By the Federal Home Loan Bank Board

J. J. Finn,

Secretary.

[FR Doc. 80-13139 Filed 4-28-80; 8:45 am]

BILLING CODE 6720-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-11137]

Temporary Rule Providing Exemptions to Certain Money Market Funds and Other Persons and Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting an emergency temporary rule which will provide certain exemptions from the Investment Company Act of 1940 ("Act") and the rules thereunder (1) to permit certain "money market" funds ("new funds"), organized in response to the credit control regulations adopted by the Board of Governors of the Federal Reserve System ("Board"), to operate in the same manner as previously existing money market funds ("existing funds"), and (2) to permit other companies and persons to maintain and to continue any status, relationship or transaction with a new fund where such status, relationship or transaction previously was permitted by order of the Commission to an existing fund. The rule also: (1) Permits money market funds to create additional classes of shares, and (2) permits certain unit investment trusts covered by the Board's regulations to make offers of exchange to unitholders of prior trusts or series so that subsequent trusts or series may avail themselves of favorable treatment under the Board's regulations.

The purpose of the temporary rule is to minimize the disruptions of the operations of investment companies and other hardships that might otherwise occur while investment companies are adjusting their operations as a result of the credit control regulations adopted by the Board.

EFFECTIVE DATE: April 22, 1980.

FOR FURTHER INFORMATION CONTACT:
Kenneth S. Gerstein, Special Counsel (202) 272-3023
Gene A. Gohlke, Senior Financial Analyst (202) 272-2813
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SUPPLEMENTARY INFORMATION: The Commission today is adopting Rule 6c-4(T) (17 CFR 270.6c-4(T)) under the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-1 *et seq.*). This temporary rule, pursuant to Section 6(c) of the Act (15 U.S.C. 80a-6(c)), exempts certain registered investment companies and certain other persons and companies from various provisions of the Act and of the rules thereunder to the extent necessary to permit "money market" funds [1] organized as a response to credit control regulations adopted by the Board of Governors ("Board") of the Federal Reserve System ("new funds") to operate in the same manner as "sister" money market funds which were engaged in a continuous offering of their shares on March 14, 1980 ("existing funds"), and to enable other persons who, and companies which, have been granted an order or orders respecting any status, relationship or transaction with an existing fund to continue such status, relationship or transaction with a new fund. In addition, the rule: (1) Provides an exemption to money market funds from the provisions of Section 18(f)(1) of the Act (15 U.S.C. 80a-15(f)(1)) to the extent necessary for such funds to issue and to sell additional classes of their shares, and (2) provides an exemption to certain unit investment trusts from the provisions of Section 11 of the Act (15 U.S.C. 80a-11) to permit such trusts and their principal underwriters to make certain offers of exchange to unitholders of prior trusts or series and thereby utilize effectively an exemption from the Board's regulations.

The Commission believes that the adoption of Rule 6c-4(T) will enhance the ability of investment companies subject to the Board's regulations, and their investment advisers, underwriters and sponsors, to modify the operations of existing companies and to operate new companies in a manner which will protect and further the interests of shareholders and investors. The rule should help to minimize the disruption of the operations of investment companies, and the interruption of the services and features offered by such companies, which might otherwise result from the Board's regulations. Accordingly, Rule 6c-4(T) is being adopted on an emergency basis.[2] On appropriate notice, and at such time as the exemptions provided by the rule are no longer necessary, the rule may be rescinded in whole or in part.

Background

On March 14, 1980, in response to regulations adopted by the Board (12 CFR 229.11 *et seq.*) pursuant to the Credit Control Act of 1969 (12 U.S.C. 1901-1909), the Commission issued a general statement of policy ("Statement") concerning some of the implications of such regulations under the federal securities laws in order to provide registered investment companies, and their directors and sponsors, with guidance respecting various disclosure obligations under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) and various regulatory matters under the Act arising from the Board's regulations (Investment Company Act Release No. 11088, March 14, 1980). The credit control regulations, as amended on March 28, 1980[3] are applicable to registered investment companies (or series of shares or units of such companies) investing primarily in short-term obligations with maturities of 13 months or less. They generally require that each such company maintain with a Federal Reserve Bank a non-interest bearing special deposit equal to 15 percent of the amount by which such company's average "covered credit" outstanding during a weekly reporting period exceeds the amount of covered credit outstanding as of the close of business on March 14, 1980 ("base"). Because continued sales of shares of money market funds could increase covered credit above the base and thereby necessitate a special deposit which would dilute the dividends of all existing shareholders, the Commission's Statement expressed the view that money market fund boards of directors and investment advisers should, consistent with their fiduciary obligations, consider the appropriateness of continued sales of fund shares and the implementation of measures designed to protect the interests of shareholders against possible dilution.[4]

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[1] Generally, money market funds are registered open-end, management investment companies which invest in short-term debt securities.

[2] If the rule was not adopted in this manner and was instead first published for comment, the Commission is concerned that an extraordinary number of investment companies subject to the Board's regulations would find it necessary to file applications for exemptive orders. Presently, there are over 100 money market funds registered with the Commission, each of which might find it necessary to obtain one or more orders of the Commission to enable it to modify its current operations in view of the Board's regulations. In addition, as discussed below, many additional companies and persons will need other types of Commission orders. Under such circumstances, the Commission and its staff would not be able to process such applications in a prompt and timely manner.

[3] 45 FR 22883 (April 4, 1980).

[4] New money market funds organized after March 14, 1980, could also face possible inequitable dilution with respect to certain of their shareholders. Under the Board's regulations, fund assets attributable to certain "fiduciary accounts" are excluded from the calculation of covered credit. If such accounts are not insulated from the effects of the special deposit requirement caused by sales to other persons, they will be forced to bear a portion of the effect of the special deposit which is not intended to apply to such accounts.

In recognition of their responsibilities to existing shareholders, many money market funds and their investment advisers have implemented, or are contemplating, a variety of actions. Some investment advisers of money market funds have determined to organize new funds to absorb new sales, so-called "clone" funds. In addition, boards of directors of money market funds have, in many cases, adopted policies restricting the growth of existing funds. Other funds are planning to create either a new class of shares, or a new series of shares, which similar to the use of a new fund, will serve to absorb most, or all, of the effect of any special deposit requirement and to allocate fairly among different shareholders the effect of that deposit.[5]

The Board's regulations are also applicable to certain short-term unit investment trusts, and generally require unit investment trusts (and series of such trusts) established after March 14, 1980, each to maintain a special deposit equal to 15 percent of such trust's (or series') covered credit. However, the Board's regulations, in effect, exempt a unit investment trust (or series of such trust) from the special deposit requirement if, among other things, units of the trust (or series) are held entirely by persons who held units in an "expiring" trust (series) offered by the same sponsor which was in existence on March 14, 1980.

Regulatory Implications

In many cases, for a new fund to operate in the same manner as an existing fund, exemptions from various provisions of the Act and the rules thereunder may be necessary. For example, the existing fund may have been granted an exemptive order relating to the pricing of its shares, the valuation of its assets, or the composition of its board of directors. In addition, other companies and persons, which are not money market funds, may have been granted orders permitting certain status, relationships or transactions with the existing fund. Generally, both types of orders would not apply to new funds or to companies and persons dealing with new funds, and also might not apply to new series of shares of an existing fund.

In those cases where a money market fund determined to utilize a new class of securities as a method to allocate fairly among shareholders the effect of the special deposit requirement, an exemption from Section 18(f)(1) of the Act would be necessary.[6] Section 18(f)(1) of the Act, in pertinent part, generally makes it unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer. Section 18(g) of the Act (15 U.S.C. 80a–18(g)) defines the term "senior security" to include any stock of a class having priority over any other class as to the payment of dividends. Thus, the Commission believes that the use of a new class of securities by a fund, where various classes of the fund's securities have differing dividend rights, would, absent an exemption, be prohibited by Section 18(f)(1) of the Act.[7]

The Commission further believes that unit investment trusts (or series of such trusts) wishing to utilize the exemption from the special deposit requirement made available under the Board's amended regulations cannot do so absent an order under Section 11 of the Act. Under Sections 11(a) and 11(c) of the Act (15 U.S.C. 80a–11 (a) and (c)), any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company would be unlawful absent an order of the Commission approving such offer. Rule 11a–1 under the Act (17 CFR 270.11a–1) defines the term "exchange" to include the issuance of any security by a registered investment company in an amount equal to the proceeds, or any portion of the proceeds, payable upon the termination, retirement or cancellation of an outstanding security of such issuer in accordance with the terms thereof. Accordingly, the offers made to unitholders of a terminating series of a unit investment trust to sell such unitholders units of a new series, made in order to permit the new series to be exempt from the special deposit requirement, would be an offer of exchange subject to the provisions of Section 11 of the Act.

Thus, in many cases, investment companies seeking to modify their operations as a result of the special deposit requirement, and new investment companies being organized in response to that requirement, may not be able to operate in a manner which is in the best interests of shareholders and investors without first obtaining certain orders or exemptions from the Act or from the rules thereunder. Although the Commission would be receptive to applications requesting the necessary orders with respect to the matters discussed above, it appears that the number of such applications would be extraordinarily large. Thus, it would be unlikely that the Commission and its staff could process such applications promptly. However, as noted above, the Commission recognizes that the use of new money market funds and new classes of shares of money market funds are important mechanisms by which the interests of existing shareholders can be protected from possible dilution. In addition, it would be beneficial promptly to provide unitholders of series of short-term unit investment trusts in existence on March 14, 1980, the opportunity to purchase shares of a new series of the trusts (or of similar trusts) which would be exempt from the special deposit requirement.

For these reasons, the Commission has adopted temporary Rule 6c–4(T).

Operation of the Rule

Rule 6c–4(T) is exemptive in nature. Although the rule may be available to a company or person, they need not take advantage of its provisions. However, those persons and companies which choose to rely on the rule are exempted from various provisions of the Act and the rules thereunder. Rule 6c–4(T) provides four basic types of exemptions, each of which is discussed below.

(1.) *New Money Market Funds.* Paragraph (b) of Rule 6c–4(T) is intended to permit a money market fund ("new company") which is designed to minimize the impact of the Board's regulations upon another money market fund operating prior to March 14, 1980 ("existing company"), to function and to operate in the same manner as the existing company which has been granted an order or orders by the Commission ("prior order"). Thus, paragraph (a) of the rule defines the term "new company" to require, among other things, that such a company provide essentially the same features and services as an existing company

[5] Shareholder approval may, in many cases, be necessary under applicable state law before a fund could effectuate the use of either new series or new classes of securities.

[6] Where a new *class* of securities is created by a fund, shares of that class would represent pro rata interests in a common portfolio of assets in which shares of other pre-existing classes would also have a pro rata interest. However, to the extent that the effect of the special deposit requirement is not allocated equally to all shares of all classes of the fund, classes of the fund would have differing priorities with respect to the payment of dividends.

This should be contrasted with the creation of a new *series* of a fund where shares of the new series would represent pro rata interests in a portfolio of assets separate from the portfolios of assets attributable to any pre-existing series of the fund (each of which would have its own portfolio of assets).

[7] The use of new *series*, however, would not generally require an exemption from Section 18(f)(1) of the Act where the provisions of Section 18(f)(2) of the Act (15 U.S.C. 80a–18(f)(2)) are satisfied. That section provides that, under certain circumstances, the term "senior security" shall not include series of stock each of which is preferred over all other series with respect to assets specifically allocated to that series.

and have comparable investment policies and objectives. While identical features, services, policies and objectives are not necessary, material differences not attributable to adjustments made by either company as a result of the Board's regulations would make the new company ineligible to rely on the rule.

The two limitations placed upon the availability of the exemption provided by paragraph (b) are: (1) That the new company must be administered and advised by the same company or companies, or by a company or companies controlled by or under common control with such companies, and (2) that any representations, undertakings and conditions made or agreed to, by the existing company (or any other person or company) in connection with the order to the existing company being relied upon by the new company, are and continue to be applicable to the new company (and any such person or company). The first limitation is designed to help assure that only a company which is created as a means of protecting the interests of shareholders in an existing company will be able to avail itself of the exemptive relief provided by paragraph (b). The second limitation is necesary to assure that any condition, representation or undertaking upon which a prior order was premised is applicable to and imposed upon the new company and other persons or companies relying on the rule.

Paragraph (c) of Rule 6c–4(T) enables other persons or companies to interact with the new company in the same manner as they have interacted with the existing company by, in effect, extending the applicability of orders of the Commission, previously granted to such persons or companies with respect to their dealings with the existing company to the new company. Thus, any existing status, relationship or transaction with the existing company permissible only by order of the Commission can continue with respect to the new company. Where aplicable, this exemption should, among other things, permit certain exchange privileges to continue and enable certain "disinterested" directors of existing companies to serve as "disinterested" directors of new companies. The two limitations placed upon the availability of paragraph (c) are similar to those applicable under paragraph (b). [8]

[8] The "prior orders" referred to in both paragraphs (b) and (c) of the rule are those orders which have been or are granted prior to May 19, 1980. Such prior orders must continue to remain in full force and effect.

Paragraphs (b) and (c) of the rule are designed merely to extend to a new company, and to persons and companies dealing with or associated with that company, the prior orders granted to the existing company and such other persons and companies. No new or expanded relief not contemplated by the prior orders is granted by the rule. Thus, these paragraphs will eliminate the need for new companies and others dealing with such companies to file routine applications, and will promptly extent to new companies exemptions enabling such companies to duplicate the operations of existing companies, thereby permitting the new companies effectively to be utilized to protect the interests of shareholders of existing companies.

(2) *New Classes of Shares.* As noted above, some money market funds are contemplating the creation af additional classes of shares as a means of adapting to the Board's credit control regulations and assuring equitable treatment among shareholders. [9] Paragraph (d) of Rule 6c–4(T) provides an exemption from Section 18(f)(1) of the Act to the extent necessary to enable the creation and issuance of new classes of shares by money market funds. Unlike paragraphs (b) and (c) of the rule, paragraph (d) is applicable to all money market funds, regardless of whether or not they were organized after the promulgation of the Board's regulations.

Paragraph (d) of the rule permits any money market fund which is a covered creditor under the Board's regulations ("covered company") to create one or more additional classes of shares under specified circumstances. Under the rule, the only difference which may exist between classes of securities are varying priorities among classes as to the payment of dividends. Any differential in entitlement to dividends among classes, however, must be based solely on the reduction (if any) in yield to each class caused by the special deposit which is attributable to the covered credit of that class, allocated in accordance with the rule's prescribed procedures (performed in any sequence providing the same results).

Under paragraph (d)(3)(i) of the rule, the covered company must first determine the portion of the special deposit attributable to each class. In this regard, it must, in effect, calculate a special deposit for each class as if it were a separate company. The covered company's base must first be allocated to the class of shares predominantly representing shares of the company sold prior to March 14, 1980 (but not allocated to any class of shares held entirely by those fiduciary accounts defined in § 229.12(c)(1) and (2) of the Board's regulations). Any excess base above the covered credit of that class must then be allocated to offset the covered credit of other classes, in proportion to the respective covered credit of such other classes. These calculations are to be based upon the actual covered credit of the company during the period for which the actual special deposit was calculated. [10]

Under the formula set forth in paragraph (d)(3)(ii), the covered company must then follow a specified procedure to adjust the dividends payable to each class. The formula prescribed for this purpose allocates, as an offset to the income of each class, the impact of that portion of the company's special deposit attributable to each such class. The terms utilized in the formula are defined in paragraph (e) of Rule 6c–

[9] A fund could protect shareholders from dilution and inequitable effects through the use of additional classes of shares in the following manner. Sales of shares of the class held by existing shareholders could be limited so that the assets attributable to shares of that class do not exceed the fund's base. Another class of shares could be created and sold only to fiduciary accounts. As amended, the Board's regulations allow a fund to reduce its covered credit in proportion to the value of shares held by certain fiduciary accounts, which include *bona fide* trusts and certain pension and retirement plans. Thus, sales of shares to certain fiduciary accounts would not increase a fund's special deposit. A third class of shares could then be created and sold to all other new investors. Because shares of the class held by the existing shareholders and the fiduciary accounts would not give rise to any special deposit requirement, the third class of shares would bear fully the effects of the special deposit through reduced dividends. In this manner, the assets of the fund would be able to continue to grow, but the investment return to shareholders who made their investments prior to the institution of the Board's regulations, and to fiduciary accounts, would not be impaired. Other approaches might, no doubt, also be appropriate.

[10] For example, assume that on March 14, 1980, a covered company had a base of $200 million. For the reporting period ending April 20, 1980, covered credit of the company was $250 million. The required special deposit would be $7.5 million. On April 21, 1980, shares of the company outstanding are denominated Class A shares, and a new class of shares, Class B, is created. For the period ending April 27, 1980, the company's covered credit is $300 million, of which $50 million represents net sales of Class B shares. Under paragraph (d)(3)(i): (1) The covered credit of Class B is $50 million, and the covered credit of Class A is $250 million; (2) the $200 million base is attributed in whole to Class A; (3) the special deposit attributable to Class A is 15 percent of $50 million (covered credit of $250 million less $200 million base) ($7.5 million); and (4) the special deposit attributable to Class B is 15 percent of $50 million (covered credit of $50 million less $0 base) ($7.5 million). If for the next reporting period ending May 4, 1980, the covered credit of Class A is $180 million: (1) Class A is allocated $180 million of the base and is, therefore, not allocated any portion of the special deposit, and (2) Class B is allocated the $20 million of "unused" base and its special deposit would be 15 percent of $30 million (covered credit of $50 million less $20 million base) ($4.5 million).

4(T). The following example should help to clarify how the prescribed formula would be applied in allocating a company's net investment income to its several classes of shares:[11]

Assume the following facts (dollar figures are all in millions of dollars, except in the case of per share amounts):

Description	Apr. 29 NAV/share	Apr. 29 number of shares (million)	Special deposit attributable to class [1]
Class A Original shares	$1.00	250	$6.38
Class B New shares	1.00	300	40.50
Class C Fiduciary shares	1.00	350	0
Total		900	46.88

[1] Based upon covered credit of each class for the 7 day reporting period ending April 20, 1980, and a base amount of $200 (allocated as required by paragraph (d)(3)(i)).

The net investment income of the company for April 29, 1980, is assumed to be $.467463, which is further assumed to equal an annualized rate of return of 20 percent.[12] The investment advisory fee schedule for the company is assumed to be, on an annual basis, at the following rate:

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[11] The Commission recognizes that the procedures specified by Rule 6c-4(T) concerning the allocation of the special deposit and the adjustment of dividends amoung classes are comprehensive, leaving a company little or no flexibility as to these matters. On the other hand, absent these procedures: (1) The Commission would be unable to conclude that an exemption to all money market funds from Section 18(f)(1) of the Act would be appropriate, and (2) the ability of investors to assess the relative possible investment performance of different funds would be severely impaired. Moreover, as discussed above, Rule 6c-4(T) is exemptive in nature, intended promptly to provide new alternatives to funds affected by the Board's regulations, and does not preclude funds from requesting individual orders of exemption where the exemptions provided by Rule 6c-4(T) are inadequate.

[12] The formula prescribed by the rule assumes that expenses of the company are allocated among classes on the basis of net assets after deduction of the special deposit because shares of each class are not credited with any income with respect to assets of that class subject to the special deposit. However, paragraph (d)(3) provides that expenses may be allocated on the basis of net assets (without regard to the special deposit) where the Board of Directors of the company determines it to be appropriate.

First $100 (net assets)	.45%
$101 to $400	.40
$401 and over	.30

The prescribed formula produces the following results:

Class A Shares:

1. $\frac{\$250 - \$6.38}{\$900 - \$46.88} \times \$.467463 = \$.133490$ (Net Investment Income Attributable To Class A Shares)

2. $\$.133490 + \frac{.003 \times \$6.38^*}{365 \text{ days}} =$

$\$.133490 + .000052 = \$.133543$ (Distributable Income Attributable To Class A Shares)

*$\frac{\text{Investment advisory fee rate times special deposit}}{365 \text{ days}}$

3. $\frac{\$.133543}{250 \text{ shares}} = \$.000534$ (Distributable Income Per Class A Share)

Annualization of the daily dividend results in the following percentage return on Class A shares:

$$\frac{\$.000534 \times 365 \text{ days}}{\$1.00 \text{ net asset value per share}} = 19.49\%$$

Class B Shares:

1. $\frac{\$300 - \$40.50}{\$900 - \$46.88} \times \$.467463 = \$.142192$ (Net Investment Income Attributable To Class B Shares)

2. $\$.142192 + \frac{.003 \times \$40.50}{365 \text{ days}} = \$.142525$ (Distributable Income Attributable To Class B Shares)

3. $\frac{\$.142525}{300 \text{ shares}} = \$.000475$ (Distributable Income Per Class B Share)

Annualization of the daily dividend results in the following percentage return on Class B shares:

$$\frac{\$.000475 \times 365 \text{ days}}{\$1.00 \text{ NAV/share}} = 17.34\%$$

Class C Shares:

1. $\frac{\$350 - 0}{\$900 - \$46.88} \times \$.467463 = \$.191781$ (Net Investment Income Attributable To Class B Shares)

2. $\$.191781 + \frac{.003 \times 0}{365 \text{ days}} = \$.191781$ (Distributable Income Attributable To Class C Shares)

3. $\frac{\$.191781}{350 \text{ shares}} = \$.000548$ (Distributable Income Per Class C Share)

Annualization of the daily dividend results in the following percentage return on Class C shares (the same net rate the company is receiving on its earning assets):

$$\frac{\$.000548 \times 365 \text{ days}}{\$1.00 \text{ NAV/share}} = 20.00\%$$

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Because of the varying dividends of each class that will exist when a covered company relies on paragraph (d) of the rule, some classes of shares may be more attractive than others, yielding a higher rate of return. Thus, paragraph (d)(2) of the rule sets forth particular standards and review procedures to insure that sales of each class of shares are made in a manner that is fair among all shareholders and investors. These requirements are intended to preclude selling shares of a class which is minimally affected, or unaffected, by the effect of the special deposit to "favored" investors or to other persons in any other inequitable manner.

(3) *Short-Term Unit Investment Trusts.* Rule 6c–4(T) also provides an exemption from Section 11 of the Act for certain unit investment trusts and their principal underwriters to the extent necessary to permit such trusts and principal underwriters to make "offers of exchange" to unitholders of a terminating series of a trust so as to enable units of a new series, exempt from the special deposit requirement, to be sold to such unitholders. Sales of units of the new series or trust would have to be made pursuant to an effective statutory prospectus and any material differences between the terminating series and the new series would have to be disclosed.

Procedural Matters

The Commission believes that it is necessary and appropriate to adopt Rule 6c–4(T) immediately. In accordance with Section 553(d) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(d)), because Rule 6c–4(T) is exemptive in nature, publication 30 days before the rule's effective date is unnecessary. In accordance with Section 553(b) of the APA (5 U.S.C. 553(b)(B)), the Commission for good cause finds that notice and opportunity for public comment are similarly not required because such notice and opportunity for public comment would be impracticable and contrary to the public interest.

Text of the Rule

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 270.6c–4(T) to read as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

§ 270.6c–4(T) Temporary exemption for certain money market funds and other persons and companies.

(a) *Definitions.* (1) "Board's regulations" shall mean the credit control regulations applicable to registered investment companies adopted by the Board of Governors of the Federal Reserve System on March 14, 1980 (12 CFR 229.11 *et seq.*), as heretofore or hereafter amended;

(2) "Existing company" shall mean any registered open-end, management investment company, engaged in a continuous offering of its shares on March 14, 1980, which is a "covered creditor" under the Board's regulations; and

(3) "New company" shall mean any registered open-end, management investment company (or series of securities of such company) which: (i) Provides essentially the same features and services as an existing company and has comparable investment policies and objectives, (ii) is a "covered creditor" under the Board's regulations, and (iii) is designed to minimize the impact of the Board's regulations on an existing company.

(b) A new company and those persons and companies providing investment advice, administrative services and distribution services to such company shall be exempt from any and all provisions of the Act and the rules thereunder to the extent necessary to enable such new company to function and to be operated as if it had been granted the same order or orders of the Commission as were granted to the existing company on or before May 19, 1980, and which remain in full force and effect ("prior order"): *Provided,* That:

(1) The existing company and the new company are each advised and administered by the same company or companies, or by a company or companies controlled by or under common control with such companies, and

(2) All representations, undertakings and conditions made or agreed to by the existing company, and any other person or company, in connection with the issuance of the prior order are, and continue to be, applicable to the new company and any such other person or company.

(c) Any person or company which on or prior to May 19, 1980, has been granted an order of the Commission under the Act enabling or permitting any status, relationship or transaction with an existing company, which order remains in full force and effect ("prior order"), shall be exempt from any and all provisions of the Act and the rules thereunder solely to the extent necessary to permit such status, relationship or transaction to exist and to continue with respect to the new company: *Provided,* That:

(1) The requirements of paragraph (b)(1) are met, and

(2) Such person or company and the new company can make and will adhere to all representations, undetakings and conditions made or agreed to in connection with the issuance of the prior order.

(d) A registered open-end, management investment company which is a "covered creditor" under the Board's regulations ("covered company") shall be exempt from the provisions of section 18(f)(1) of the Act to the extent necessary to enable such company to issue, and to sell, classes of securities which have differing priorities with respect to the payment of dividends: *Provided,* That:

(1) Any differences between classes of securities (other than differences which have been, or may hereafter be, permitted by order of the Commission) relate solely to priorities with respect to the payment of dividends and reflect only the impact of the "special deposit" requirement of the Board's regulations in the manner prescribed by paragraph (d)(3) of this section.

(2) Sales of each class of securities (including the reinvestment of any dividends and other distributions) by the covered company and any underwriter for or dealer in such securities are limited in the following manner:

(i) Sales shall be made only in accordance with policies and procedures adopted by the Board of Directors of the covered company with the approval of a majority of the directors who are not interested persons of such company as defined by section 2(a)(19) of the Act (15 U.S.C. 80a–2(a)(19));

(ii) Such policies and procedures must be determined by the Board of Directors to be fair to all investors and to all shareholders of the covered company in view of their relative rights and interests; and

(iii) The Board of Directors must (A) adopt a method of monitoring sales to insure conformity with the policies and procedures adopted under paragraph (d)(2)(i) of this section, and must review such policies and procedures at such intervals as they deem necessary, but not less frequently than quarterly, to determine their continued fairness, and (B) make such modifications of such policies and procedures as may be necessary to assure that sales are being made in a manner which is fair to all shareholders and investors.

(3) Dividends payable to each class of securities shall be adjusted in accordance with the following two procedures (performed in any sequence

resulting in an adjustment identical to that produced by the formula), except that, if the Board of Directors of the company determines it to be appropriate, expenses of the company may be allocated among classes on the basis of net assets of each class (rather than on the basis of net assets after deduction of the "special deposit"):

(i) The portion of the "special deposit" attributable to each class shall be based upon the "covered credit" of such class during the period for which the current actual "special deposit" of the covered company was calculated (the "period"), treating each class as if it were a separate company. Each class created after March 14, 1980, shall initially be given a zero "base" for purposes of computing its portion of the "special deposit." The covered company's "base" shall first be allocated to any class predominantly representing shares of the covered company sold prior to March 14, 1980 ("prior class"), to offset the "covered credit" of that class (or classes) (but not allocated to any class of shares held entirely by those fiduciary accounts defined in § 229.12(c)(1) and (2) of the Board's regulations), and then any excess "base" shall be allocated to offset the "covered credit" of other classes (in proportion to the respective "covered credit" of such other classes during the period).

(ii) Prescribed Formula.

1. Net assets of class minus special deposit attributable to class ÷ Net assets of the company minus special deposit of the company × Daily net investment income of company = Net investment income attributable to class.

2. Net investment income attributable to class + Advisory fee savings attributable to class = Distributable income attributable to class.

3. Distributable income attributable to class ÷ Number of outstanding shares of class = Distributable income per class share.

(e) For purposes of the formula prescribed by paragraph (d)(3)(ii) of this section, the following definitions shall apply:

(1) "Net assets of class" means the number of outstanding shares of such class at the start of business each day, multiplied by the net asset value per share as of such time;

(2) "Special deposit attributable to class" means the number of dollars actually on deposit with a Federal Reserve Bank allocated to that class as prescribed by paragraph (d)(3)(i) of this section at the close of business on the day of the computation made in paragraph (d)(3)(ii) of this section;

(3) "Net assets of the company" means the number of outstanding shares of such company at the start of business each day multiplied by the net asset value per share as of such time;

(4) "Special deposit of the company" means the total number of dollars the company has on deposit with a Federal Reserve Bank at the close of business on the day of the computation made in paragraph (d)(3)(ii) of this section;

(5) "Daily net investment income of company" means interest earned by the company less estimated company expenses (including the investment advisory fee computed on the net assets of the company), and if the company's policies provide for adjusting its net investment income for any realized gains (or losses) or unrealized appreciation (or depreciation) on its portfolio securities, daily net investment income should include the full amount of such gains (or losses) and such appreciation (or depreciation);

(6) "Advisory fee savings attributable to class" means any reduction in the investment advisory fee that results from the company's investment adviser having waived its fee on assets deposited with a Federal Reserve Bank, separately computed for each class of shares based upon the amount of the "special deposit" attributable to such class; and

(7) "Number of outstanding shares of class" means the number of such shares outstanding at the start of business each day.

(f) Any company registered under the Act as a unit investment trust and its principal underwriter shall be exempt from the provisions of section 11 of the Act to the extent necessary to permit the trust and its principal underwriter to make those offers of exchange to unitholders of a terminating series of a trust which may be necessary for a new series of the trust to obtain a "base" other than zero under the Board's regulations.

Statutory Basis: Rule 6c–4(T) is adopted pursuant to Section 6(c) (15 U.S.C. 80a–6(c)) and Section 38(a) (15 U.S.C. 80a–37(a)) of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 22, 1980.

[FR Doc. 80–13045 Filed 4–28–80; 8:45 am]

BILLING CODE 8010–01–M

RAILROAD RETIREMENT BOARD

20 CFR Parts 348 through 375

Garnishment Regulations and Miscellaneous Amendments

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: Regulations are promulgated to inform the public of procedures which must be followed to effect garnishment of benefits paid under the Railroad Retirement and Railroad Unemployment Insurance Acts, or to garnish renumeration of Board personnel. Garnishment is authorized by section 459(a) of the Social Security Act (42 U.S.C. 659(a)), which subjects certain Federal payments to:

legal process brought for the enforcement * * * of * * * legal obligations to provide child support or make alimony payments.

Garnishment of benefits for other than the stated purposes is prohibited by sections 14 of the Railroad Retirement Act (45 U.S.C. 231m) and 2(e) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(e)).

The Board will honor an order of garnishment or analogous legal process in satisfaction of an obligation for alimony or child support subject to the Federal exemptions contained in section 303(b)(2) of the Consumer Credit Protection Act (15 U.S.C. 1673 (b)(2)), if it accords with the law of the state with jurisdiction in the case.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4929.

SUPPLEMENTARY INFORMATION: In accordance with the Board's Report issued under Executive Order 12044, a proposal to develop garnishment regulations was submitted to the Chief Executive Officer for a determination as to whether the proposed regulations would constitute significant regulations. The Chief Executive Officer determined that the garnishment regulations would not constitute significant regulations.

Although public comment has not been invited with respect to these regulations, the Board will accept comments from the public concerning these regulations. Interested persons may submit written comments, suggestions, or data, to Mr. Litt. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, the garnishment regulations will remain in effect, thus permitting agency business to proceed more expeditiously.

Title 20, Chapter II, is amended as follows:

PART 348—[REDESIGNATED FROM PART 370]; PART 349—[RESERVED]

1. In Subchapter C, Part 370 is redesignated as Part 348, and Part 349 is Reserved.

PART 375—[REDESIGNATED FROM PART 395]; PARTS 376-396—[RESERVED]

2. Current Subchapter D, Part 395, is redesignated as Subchapter H, Part 375, and Parts 376-396 are Reserved.

3. New Subchapter D, Part 350, reads as follows:

SUBCHAPTER D—GARNISHMENT OF BENEFITS

PART 350—GARNISHMENT OF BENEFITS PAID UNDER THE RAILROAD RETIREMENT ACT AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Sec.

350.1 Authorization for garnishment of benefits paid by the Board.
350.2 Definitions.
350.3 Procedure.
350.4 Exemptions.
350.5 Miscellaneous.

Authority: 15 U.S.C. 1673(b)(2); 42 U.S.C. 659, 661, and 662; and 45 U.S.C. 231f(b)(5) and 362(1).

§ 350.1 Authorization for garnishment of benefits paid by the Board.

(a) Annuities and accrued annuities payable under the Railroad Retirement Act, and sickness and unemployment benefits payable under the Railroad Unemployment Insurance Act, are subject, in like manner and to the same extent as if the Board were a private person, to legal process brought for the enforcement of legal obligations to provide child support or to make alimony payments.

(b) Lump sums, other than accrued annuities, which are payable under the Railroad Retirement Act of 1974, such as those payable under sections 6(b)(1) and 6(c)(1) of that Act, are not subject to legal process as defined in this subchapter. However, an individual entitled to a benefit under section 6 of the Railroad Retirement Act of 1974 may assign the right to receive all or any part of that benefit.

(c) Except as authorized under paragraphs (a) and (b) of this section, no benefit paid by the Board shall be assignable or be subject to garnishment, attachment, or other legal process, nor shall the payment thereof be anticipated.

(d) In the absence of law to the contrary, it will be assumed that "wages," "earnings," and analogous terms referred to in relevant provisions of state law include payments made by a private person which are analogous to those paid by the Board.

§ 350.2 Definitions.

(a) Child support means periodic payments of funds for the support and maintenance of a child or children; such term also includes attorney's fees, interest, and court costs, when and to the same extent that they are expressly made recoverable pursuant to a decree, order, or judgment issued in accordance with applicable state law by a court of competent jurisdiction.

(b) Alimony means periodic payments of funds for the support and maintenance of a spouse or former spouse and, subject to and in accord with state law, includes but is not limited to, separate maintenance, alimony pendente lite, maintenance, and spousal support; such term also includes attorney's fees, interest, and court costs, when and to the extent that they are expressly made recoverable pursuant to a decree, order, or judgment issued in accord with applicable state law by a court of competent jurisdiction. Alimony does not include any payment or transfer of property or of its value in compliance with any community property settlement, equitable distribution of property, or other division of property, nor does it include any payment to an estate.

(c) Legal process means any court order, summons, or other similar process, including administrative orders, in the nature of garnishment, which is directed to and the purpose of which is to compel the Board to make a payment from moneys which are otherwise payable to an individual, to another party in order to satisfy a legal obligation of such individual to provide child support or make alimony payments. For purposes of this subchapter, legal process additionally includes (1) assignments in lieu of garnishment, but only where grounds for the issuance of legal process in the nature of garnishment exist, and (2) assignments of the portions, attributable to the existence of annuitants' family members, of railroad retirement annuities computed under the social security minimum guaranty provision of the Railroad Retirement Act. Such assignments are revocable.

(d) Legal obligation means an obligation to pay alimony or child support which is enforceable under appropriate state law.

§ 350.3 Procedure.

(a) Service of legal process brought for the enforcement of an individual's obligation to provide child support or make alimony payments shall be accomplished by certified or registered mail, return receipt requested, directed to the General Counsel of the Board, 844 Rush Street, Chicago, Illinois 60611, or by personal service upon the General Counsel.

(b) Where the General Counsel is effectively served with legal process relating to an individual's legal obligation to provide child support or to make alimony payments, he shall, as soon as possible and not later than 15 days after the date of effective service of such process, send written notice that such process has been so served, together with a copy thereof, to the individual whose moneys are affected thereby; and, if response to such process is required, shall respond within 30 days, or within such longer period as may be prescribed by state law, after the date effective service is made. These requirements do not apply in the case of an assignment in lieu of garnishment or an assignment of a portion, attributable to the existence of the annuitant's family members, of a railroad retirement annuity computed under the social security minimum guaranty provision of the Railroad Retirement Act.

(c) Included with the legal process issued to the Board should be the name of the individual against whom the legal obligation to provide child support or to make alimony payments is sought to be enforced and, if available, the individual's social security or railroad retirement number, the individual's address, and the type of benefit that the individual is receiving from the Board.

(d) Legal process which refers to a payment in terms of a percentage of some other amount must also refer to that payment in terms of a specific amount or amounts. In connection with any legal process which does not refer to a payment in terms of a specific amount or amounts, the Board may compute the amount or may comply with that portion of the legal process which specifies an amount or amounts and withhold compliance with the balance of the process pending clarification from the issuing court or from the party which procured that process.

§ 350.4 Exemptions.

(a) Unless a lower percentage or dollar amount limitation on garnishment is provided by applicable state or local

law, the portion of any payment due to an individual which is subject to legal process to enforce any order for the support of any person shall not exceed 65 percent. Where the individual is supporting a spouse or dependent child, other than a spouse or child with respect to whose support that legal process is issued, the portion subject to legal process is reduced by 10 percent. Where the alimony or support arrearage is less than 12 weeks old, the portion subject to legal process is reduced by 5 percent. If a lower limitation is provided by applicable state or local law, then that lower limitation shall be applied.

(b) In the absence of some evidence to the contrary, it will be assumed that the defendant is not supporting a spouse or dependent child other than a spouse or child with respect to whose support the legal process is issued.

(c) In any case in which a recurring benefit payment is reduced, whether due to a recovery by the Board of an overpayment or for some other reason, below the rate at which it is ordinarily paid, any applicable exemptions shall be applied to the amount of the reduced benefit which is actually paid.

(d) For purposes of the applicability of exemptions, amounts deducted for medicare premiums must first be subtracted from the annuity amount.

§ 350.5 Miscellaneous.

(a) The Board may not be required to vary its normal disbursement cycles in order to comply with legal process. However, legal process which is received too late to be honored during the disbursement cycle in which it is received may be honored to the extent that the legal process may, in compliance with this part, be satisfied from the next payment due to the obligor.

(b) Except as provided in these regulations, the Board may not be required in connection with proceedings under this part to forward documents which have been sent to the Board, to an individual, whether or not he is entitled to benefits paid by the Board, or to disclose information other than that relating to the type, amount (whether actual or estimated), and dates of payment of benefits paid by the Board to that individual.

(c) Neither the Board nor any of its employees shall be liable with respect to any payment made to any individual from moneys due from or payable by the Board pursuant to legal process regular on its face, if such payment is made in accordance with this part.

(d) No employee of the Board whose duties include responding to legal process pursuant to requirements contained in this Part shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the performance of the employee's duties in responding to any such process.

(e) For purposes of a proceeding under this Part, the Board will apply the law of the state in which the legal process is issued unless it comes to the attention of the Board that the state of issuance has no contact with the plaintiff or defendant in the action; in which case, the Board may, in its sole discretion, apply the law of any state with significant interest in the matter.

PARTS 355-359—[RESERVED]

4. Current Subchapter E—Regulations on Employee Responsibilities and Conduct, is redesignated as Subchapter F—Internal Administration, Policy, and Procedures, and Part 396 is redesignated as Part 360. Subchapter F reads as follows:

SUBCHAPTER F—INTERNAL ADMINISTRATION, POLICY, AND PROCEDURES

PART 360—EMPLOYEE RESPONSIBILITIES AND CONDUCT

* * * * *

PARTS 361-362—[RESERVED]

PART 363—GARNISHMENT OF REMUNERATION OF BOARD PERSONNEL

Sec.

363.1 Authorization for garnishment of remuneration for employment paid by the Board.
363.2 Definitions.
363.3 Procedure.
363.4 Exemptions.
363.5 Miscellaneous.

Authority: 15 U.S.C. 1673(b)(2); 42 U.S.C. 659, 661, and 662; and 45 U.S.C. 231f(b)(5) and 362(1).

§ 363.1 Authorization for garnishment of remuneration for employment paid by the Board.

(a) Remuneration for employment paid or payable by the Board is subject, in like manner and to the same extent as if the Board were a private person, to legal process brought for the enforcement of legal obligations to provide child support or to make alimony payments.

(b) Remuneration for employment includes compensation paid or payable for personal services, whether such compensation is denominated as wages, salary, commission, bonus, pay, or otherwise, and includes, but is not limited to, severance pay, sick pay, and incentive pay, but does not include awards for making suggestions.

(c) Remuneration for employment does not include:

(1) Amounts required by law to be deducted, including but not limited to Federal employment taxes and civil service retirement contributions;

(2) Amounts which are deducted as health insurance premiums;

(3) Amounts which are deducted as premiums for regular life insurance coverage; and

(4) Amounts which are properly withheld for Federal, state, or local income tax purposes, if the withholding of such amounts is authorized or required by law and if amounts withheld are not greater than would be the case if the individual concerned claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1954 may be permitted only when such individual presents evidence of a tax obligation which supports the additional withholding).

§ 363.2 Definitions.

(a) Child support means periodic payments of funds for the support and maintenance of a child or children; such term also includes attorney's fees, interest, and court costs, when and to the same extent that they are expressly made recoverable pursuant to a decree, order, or judgment issued in accordance with applicable state law by a court of competent jurisdiction.

(b) Alimony means periodic payments of funds for the support and maintenance of a spouse or former spouse and, subject to and in accord with state law, includes but is not limited to, separate maintenance, alimony pendente lite, maintenance, and spousal support; such term also includes attorney's fees, interest, and court costs, when and to the extent that they are expressly made recoverable pursuant to a decree, order, or judgment issued in accord with applicable state law by a court of competent jurisdiction. Alimony does not include any payment or transfer of property or of its value in compliance with any community property settlement, equitable distribution of property, or other division of property, nor does it include any payment to an estate.

(c) Legal process means any court order, summons, or other similar process, including administrative orders, in the nature of garnishment, which is directed to and the purpose of which is to compel the Board to make a payment

from moneys which are otherwise payable to an individual, to another party in order to satisfy a legal obligation of such individual to provide child support or make alimony payments. Legal process additionally includes assignments in lieu of garnishment, but only where grounds for the issuance of legal process in the nature of garnishment exist. Such assignments are revocable.

§ 363.3 Procedure.

(a) Service of legal process brought for the enforcement of a Board employee's obligation to provide child support or make alimony payments shall be accomplished by certified or registered mail, return receipt requested, directed to the General Counsel of the Board, 844 Rush Street, Chicago, Illinois 60611, or by personal service upon the General Counsel.

(b) Where the General Counsel is effectively served with legal process relating to a Board employee's legal obligation to provide child support or to make alimony payments, he shall, as soon as possible and not later than 15 days after the date of effective service of such process, send written notice that such process has been so served, together with a copy thereof, to the individual whose moneys are affected thereby; and, if response to such process is required, shall respond within 30 days, or within such longer period as may be prescribed by state law, after the date effective service is made. These requirements do not apply in the case of an assignment in lieu of garnishment.

§ 363.4 Exemptions.

(a) The portion of any payment due to a Board employee which is subject to legal process to enforce any order for the support of any person shall not exceed 65 percent. Where the individual is supporting a spouse or dependent child, other than a spouse or child with respect to whose support that legal process is issued, the portion subject to legal process is reduced by 10 percent. Where the alimony or support arrearage is less than 12 weeks old, the portion subject to legal process is reduced by 5 percent. If a lower limitation is provided by applicable state or local law, then that lower limitation shall be applied.

(b) In the absence of some evidence to the contrary, it will be assumed that the defendant is not supporting a spouse or dependent child other than a spouse or child with respect to whose support the legal process is issued.

§ 363.5 Miscellaneous.

(a) The Board may not be required to vary its normal disbursement cycles in order to comply with legal process.

(b) Except as provided in these regulations, the Board may not be required, in connection with proceedings under this Part, to forward documents which have been sent to the Board, to an employee of the Board.

(c) Neither the Board nor any of its employees shall be liable with respect to any payment made to any individual from moneys due from or payable by the Board pursuant to legal process regular on its face, if such payment is made in accordance with this Part.

(d) No employee of the Board whose duties include responding to legal process pursuant to requirements contained in this Part shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the performance of the employee's duties in responding to any such process.

(e) For purposes of a proceeding under this Part the Board will apply the law of the state in which the legal process is issued unless it comes to the attention of the Board that the state of issuance has no contact with the plaintiff or defendant in the action; in which case, the Board may, in its sole discretion, apply the law of any state with significant interest in the matter.

PARTS 364–369—[RESERVED]

PARTS 370–374 (SUBCHAPTER G)—[RESERVED]

5. Subchapter G, which will contain Parts 370–374 is reserved.

Dated: April 22, 1980.

By authority of the Board.

R. F. Butler,

Secretary of the Board.

[FR Doc. 80-13047 Filed 4-28-80; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 14

Blood and Blood Derivatives Panel; Termination

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) announces the termination of the Panel on Review of Blood and Blood Derivatives and amends the regulations to delete it from the list of standing advisory committees. The Panel was terminated because it had completed its work.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Clay Sisk, Bureau of Biologics (HFB–5), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–5455.

SUPPLEMENTARY INFORMATION: The Panel's functions were to review and evaluate available data on the safety, effectiveness, and adequacy of labeling of blood and blood products. The Panel has submitted its conclusions and recommendations on the safety, effectiveness, and labeling of these products to the Commissioner of Food and Drugs. The Panel's conclusions and recommendations to the Commissioner of Food and Drugs will be published in a future issue of the **Federal Register.**

Accordingly, the purpose of the Panel has been served, and the Panel is no longer needed. On February 28, 1980, the charter for the Panel expired.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 14 is amended in § 14.100 *List of standing advisory committees* by deleting paragraph (b)(1)(ii) and marking it "reserved."

Effective date. Because this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the **Federal Register,** April 29, 1980.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: April 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12859 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 176

[Docket No. 77F-0256]

Indirect Food Additives: Paper and Paperboard Components; 1,2-Benzisothiazolin-3-One

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the safe use of 1,2-benzisothiazolin-3-one as a preservative in paper and

paperboard coating compositions that contact aqueous foods, and to delete a currently prescribed temperature limitation for the use of the additive in contact with fatty foods. The agency is taking this action in response to a petition filed by ICI Americas, Inc.

DATES: Effective April 29, 1980; objections by May 29, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of November 22, 1977 (42 FR 59918) that a petition (FAP 3B2882) had been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing to amend §§ 175.105 and 176.170 (21 CFR 175.105 and 176.170) to permit the use of 1,2-benzisothiazolin-3-one as a preservative in adhesives and paper and paperboard coating compositions in contact with aqueous and fatty foods. After publication of the notice of filing, the petitioner amended the petition to limit the paper and paperboard applications of the preservative to dry foods under § 176.180(b)(2) (21 CFR 176.180(b)(2)), and to fatty foods only under § 176.170(a)(5).

A final rule amending §§ 175.105, 176.170(a)(5), and 176.180(b)(2) to permit the use 1,2-benzisothiazolin-3-one in adhesives and in paper and paperboard coating compositions that contact dry and fatty foods was published in the Federal Register on April 6, 1979 (44 FR 20653). The fatty foods were designated in the order under § 176.170(a)(5) as food types V, VII–A, and IX in Table 1 of paragraph (c) of the section. However, food type IV–A which is considered to be a fatty food category was inadvertently omitted. Section 176.170(a)(5) also limited the use of the additive to paper and paperboard coating compositions in contact with food at room temperature.

ICI Americas then submitted another petition (FAP 0B3497), notice of which was published in the Federal Register of February 22, 1980 (45 FR 11908) proposing that § 176.170 be further amended to provide for the safe use of 1,2-benzisothiazolin-3-one as a preservative in paper and paperboard coatings that contact aqueous foods. In addition, the petition proposed to delete the temperature limitation prescribed for the use of the additive under the current regulation.

Having evaluated the data submitted in the petition (FAP 0B3497) and other relevant material, the Food and Drug Administration concludes that the food additive regulations should be amended as requested by the petitioner.

For the purposes of clarification, the agency further concludes that the proposed use should be extended to all foods, thus correcting the omission of food types IV–A in the original published document of April 6, 1979 (44 FR 20653).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), §176.170 is amended in paragraph (a)(5) by revising the entry for 1,2-Benzisothiazolin-3-one, to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances and limitations

1,2-Benzisothiazolin-3-one (CAS Registry No. 2634–33–5)—For use only as a preservative in paper coating compositions and limited to use at a level not to exceed 0.01 mg/in² (0.0016 mg/cm²) of the finished paper and paperboard.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 29, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective April 29, 1980

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: April 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–12860 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–03–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FRL 1480–7; FAP 6H5143/T55]

Butachlor; Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a feed additive regulation permitting residues of the herbicide butachlor in rice bran and rice hulls. The extension was requested by Monsanto Agricultural Products Co. This rule will permit the marketing of rice bran and rice hulls while further data are collected on the subject pesticide.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC 20460, (202/755–7013).

SUPPLEMENTARY INFORMATION: On April 8, 1977, the EPA announced (42 FR 18620) that in response to a petition (FAP 6H5143) submitted by Monsanto Agricultural Products Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63116, 21 CFR 561.55 was being established to permit the use of the herbicide butachlor (*N*-butoxymethyl)-2-chloro-2',6'-diethylacetanilide) in a proposed experimental program involving application of the herbicide to growing rice with tolerance limitations of 1 part per million (ppm) for residues of the herbicide in rice hulls and 0.5 ppm in rice bran in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975,

and 1978 (92 Stat. 819; 7 U.S.C. 136). This experimental program expired April 1, 1978. Subsequently, the tolerances were extended for one year (43 FR 2629). These tolerances expired April 1, 1980.

Monsanto Agricultural Products Co. has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the herbicide to the growing raw agricultural commodities rice and rice straw.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued under FIFRA. It has further been determined that since residues of the pesticide may result in rice hulls and rice bran from the agricultural use provided for in the experimental use permit, the feed additive regulation should be extended along with the tolerance limitations. (A related document concerning the extension of temporary tolerances for residues of the pesticide in or on rice and rice straw appears elsewhere in today's **Federal Register.**)

Accordingly, a feed additive regulation is amended as set forth below.

Any persons adversely affected by this regulation may, on or before May 29, 1980, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, 401 M St., SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 29, 1980, 21 CFR Part 561 is amended as set forth below.

Dated: April 23, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)))

Section 561.55 is amended as follows:

§ 561.55 [Amended]

In § 561.55, the date in the eighth line is changed from "April 1, 1980" to "April 23, 1981."

[FR Doc. 80-13074 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 589

[Docket No. 75N-0180]

Substances Prohibited From Use in Animal Food or Feed

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) establishes a procedure for prohibiting substances from use in animal food or feed. This regulation explains the general function of the process used to codify the decision to ban substances that pose a potential for harm or have not been shown to be safe by adequate scientific data.

EFFECTIVE DATE: May 29, 1980.

ADDRESS: Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. McDowell, Bureau of Veterinary Medicine (HFV–222), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4557.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 9, 1975 (40 FR 41797), FDA proposed to establish a new regulation that would provide a list of substances prohibited from use in food or feed for animals other than humans. The proposal was based on the agency's conclusion that actions of this kind should be consolidated for the public record into one regulation for easy reference and ready availability. The regulation was not, however, intended to be a complete compilation of all currently prohibited animal food or feed ingredients, nor was it to be interpreted to mean that an unlisted substance may lawfully be used in food or feed, although the proposal expressly solicited comments on the completeness of the list. The proposal also provided for addition to or deletion from the proposed list, on the initiative of FDA or on the petition of any interested person, as further scientific information becomes available on a specific substance that is in use. Finally, the proposal specifically proposed to ban the use of certain industrial grade vegetable oil byproducts consisting of deodorizer distillate substances.

For clarity and convenience, the two basic issues in the proposal are being addressed in separate documents. This final rule establishes in new § 589.1 (21 CFR 589.1) the general principles that the agency will use in banning substances from animal food or feed. Elsewhere in this issue of the **Federal Register,** FDA is promulgating a tentative final regulation to establish Part 589, Subpart B, and prohibit the use of deodorizer distillate substances in animal food or feed.

Section 589.1, originally proposed as § 121.107 (a) through (c) (before recodification published in the **Federal Register** of September 10, 1976 (41 FR 38618)), explains the general purpose and procedures for establishing a list of substances that are prohibited from use in animal food or feed. In response to petitions, or on its own initiative, the agency will propose to ban from use in animal food or feed a substance that has not been shown to be safe for that use or that presents a risk to the public. If the evidence then available so warrants, FDA will accordingly issue a final order codifying the decision to ban the substance. In this matter, all affected parties will have the opportunity to participate in the process, and they will have due notice of the proscription of any substances listed.

Twenty comments were filed on the proposal. Most were concerned with the proposal to ban deodorizer distillate substances and accordingly are addressed in the preamble to the tentative final regulation cited above.

One comment on the general provisions suggested that the term "ingredients" in the proposal be changed to "substances."

The agency agrees with the comment and has made appropriate changes in the final regulation set forth in this document.

Several comments objected to the principles involved. The comments argued that a literal interpretation of the language in the proposal could require adequate scientific data on each ingredient used in animal feed, including those that have a long history of safe use such as corn, grain sorghums, and barley. Accordingly, they urged that the regulation be revised to provide for feed ingredients that are generally recognized as safe.

FDA advises that these comments have misinterpreted the language of the regulation. The regulation's purpose is merely to explain the general function of the whole process, which is to codify the decision to ban substances that pose a potential for harm or have not been shown to be safe by adequate scientific data. In particular, the list is intended to include substances that may have at one time been widely used. Section 589.1(a) imposes no new requirement for scientific data for substances used in

animal food or feed. All material added to feeds must either be shown to be safe or be generally recognized as safe in accordance with the statutory standard. Section 589.1(a) refers solely to substances that will be listed in Subpart B of Part 589, which was proposed as § 121.107(d) following the decision by the agency that the substance should be prohibited from use in animal food or feed. The proposal specifically noted that the list was not intended to be all inclusive, although it was intended to address at least all those substances that may have been in previous use. Furthermore, a separate procedure for dealing with substances that are generally recognized as safe for use in animal feed has already been established (see 21 CFR Parts 570 and 582). The comments are rejected for these reasons.

The final rule has been revised to clarify that it applies to animal food or feed.

The environmental effects of the regulation have been carefully considered and because it will not significantly affect the quality of the human environment, the agency has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046-1047 as amended, 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371(a))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), 21 CFR Chapter I is amended by adding new Part 589, Subpart A, to read as follows:

PART 589—SUBSTANCES PROHIBITED FROM USE IN ANIMAL FOOD OR FEED

Subpart A—General Provisions

§ 589.1 Substances prohibited from use in animal food or feed.

(a) The substances listed in this part have been prohibited from use in animal food or feed by the Food and Drug Administration because of a determination that they present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in such food or feed. Use of any of these substances in violation of this part causes the animal food or feed involved to be adulterated and in violation of the act.

(b) This part includes only a partial list of substances prohibited from use in animal food or feed; it is for easy reference purposes and is not a complete list of substances that may not lawfully be used in such animal food or feed. No substance may be used in animal food or feed unless it meets all applicable requirements of the act.

(c) The Food and Drug Administration either on its own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish, amend, or repeal a regulation under this part on the basis of new scientific evaluation or information. Any such petition shall include an adequate scientific basis to support the petition, shall be the form set forth in § 571.1 of this chapter, and will be published in the **Federal Register** for comment if it contains reasonable ground.

Effective date. This regulation becomes effective May 29, 1980.

(Secs. 201(s), 402, 409, 701(a), 52 Stat. 1046-1047 as amended, 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371(a)))

Dated: April 21, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12822 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7696]

Income Tax; Application for Recognition as a Qualified Group Legal Services Plan

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to notice of application for recognition of the status of a qualified group legal services plan. Provisions relating to group legal services plans were added to the tax law by the Tax Reform Act of 1976. The regulations provide guidance to administrators or sponsors of group legal services plans in applying to the Internal Revenue Service for recognition of a plan's status as a qualified plan.

EFFECTIVE DATE: The amendments are effective for notices of application for recognition of the status of a qualified group legal services plan filed after May 29, 1980.

FOR FURTHER INFORMATION CONTACT: Richard L. Johnson of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T:EE-34-78, 202-566-3544 (Not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On July 14, 1978, the **Federal Register** published a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 120(c)(4) of the Internal Revenue Code of 1954 (43 FR 30306). This amendment was proposed to conform the regulations to section 2134 of the Tax Reform Act of 1976 (90 Stat. 1926). After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Form 1024

Section 120(c)(4) provides that in order to be a qualified group legal services plan, the plan must give notice to the Secretary of the Treasury that it is applying for recognition of its status as a qualified plan. As described in the proposed regulations, the notice must be filed on Form 1024, Application for Recognition of Exemption under Section 501(a) or for Determination under Section 120, with the accompanying Schedule L. As a result of comments on the proposed regulations, certain revisions have been made to Form 1024 to identify those portions of the form that need not be completed when applying for recognition of the status as a qualified group legal services plan.

The final regulations also provide that if either the Form 1024 or Schedule L filed by or on behalf of an employer is incomplete, the Schedule will be considered filed with the Internal Revenue Service only when all required information is filed.

Plans to Which More Than One Employer Contributes

The proposed regulations have been revised to clarify the requirement for filing Form 1024 with the accompanying Schedule L where two or more employers contribute to the same plan. In general, the final regulations provide that the adoption of a plan by an employer will be treated as the adoption of a separate plan to which that employer alone contributes, notwithstanding that, in form, the employer purports to adopt a plan with respect to which the employer is one of two or more contributing employers.

Those provisions in the proposed regulations that described an "abbreviated" filing with respect to additional adopting employers have been deleted in the final regulations, but continue to be reflected in the instructions accompanying Form 1024. Those instructions may be followed.

The "multiple filing" rules do not apply, however, to a plan to which more than one employer contributes, if the plan is maintained pursuant to a collective bargaining agreement. For these collectively-bargained plans, only one Form 1024 and accompanying Schedule L is required, regardless of the number of contributing employers.

Plans in Existence on June 4, 1976

As described in the proposed regulations, a written group legal services plan in existence on June 4, 1976, will be deemed a qualified plan until April 2, 1977, whether or not a notice of application is filed for the plan. If the plan is maintained pursuant to a collective bargaining agreement in effect on October 4, 1976, this period of deemed qualification will extend until the agreement terminates, but not beyond December 31, 1981. In order for a plan to be a qualified plan for any period after the period of deemed qualification, a notice of application must be filed pursuant to the regulations. The proposed regulations have been revised to provide that a plan will be a qualified plan for the period beginning on the day following the date on which the period of deemed qualification ends, if it otherwise satisfies the requirements for qualification and a Form 1024 with the accompanying Schedule L is filed for the plan no later than the end of the plan year following the plan year with or within which the period of deemed qualification ends.

Drafting Information

The principal author of this regulation is Richard L. Johnson of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matter of substance and style.

Adoption of Amendment to the Regulation

Accordingly, the proposed amendments to 26 CFR Part 1, as set forth in the July 14, 1978, notice of proposed rulemaking, are adopted as § 1.120–3 and are revised to read as follows:

§ 1.120–3 Notice of application for recognition of status of qualified group legal services plan.

(a) *In general.* In order for a plan to be a qualified group legal services plan for purposes of the exclusion from gross income provided by section 120(a), the plan must give notice to the Internal Revenue Service that it is applying for recognition of its status as a qualified plan. Paragraph (b) of this section describes how the notice is to be filed for the plan. Paragraph (c) of this section describes the action that the Internal Revenue Service will take in response to the notice submitted for the plan. Paragraph (d) of this section describes the period of plan qualification.

(b) *Filing of notice*—(1) *In general.* A notice of application for recognition of the status of a qualified group legal services plan must be filed with the key district director of internal revenue as described in § 601.201(n). The notice must be filed on Form 1024, Application for Recognition of Exemption Under Section 501(a) or for Determination Under Section 120, with the accompanying Schedule L, and must contain the information required by the form and any accompanying instructions. The form may be filed by either the employer adopting the plan or the person administering the plan. No Form 1024 and Schedule L may be filed for a plan before an employer adopts the plan, or proposes to adopt the plan contingent only upon the recognition of the plan as a qualified plan.

(2) *Plans to which more than one employer contributes.* In general, for purposes of section 120 the adoption of a plan by an employer constitutes the adoption of a separate plan to which that employer alone contributes, notwithstanding that, in form, the employer purports to adopt a plan with respect to which the employer is one of two or more contributing employers. Accordingly, a separate Schedule L must be filed pursuant to the instructions accompanying Form 1024 for each employer adopting a plan.

(3) *Certain collectively bargained plans.* Notwithstanding subparagraph (2) of this paragraph, if a plan to which more than one employer contributes is a plan to which this subparagraph (3) applies, the plan is treated as a single plan for purposes of section 120. Accordingly, only one Form 1024 and Schedule L is required to be filed for the plan, regardless of the number of employers originally adopting the plan. In addition, once a Form 1024 and Schedule L is filed, no additional filing is required with respect to an employer who thereafter adopts the plan. In general, this subparagraph (3) applies to any plan that is maintained pursuant to a collective bargaining agreement between employee representatives and more than one employer who is required by the plan instrument or other agreement to contribute to the plan with respect to employees (or their spouses or dependents) participating in the plan. This subparagraph does not apply, however, if all employers required to contribute to the plan are corporations which are members of a controlled group of corporations within the meaning of section 1563(a), determined without regard to section 1563(e)(3)(C). If all employers required to contribute to the plan are corporations which are members of such a controlled group, the filing requirements described in subparagraph (2) of this paragraph apply, notwithstanding that the plan is maintained pursuant to a collective bargaining agreement.

(c) *Internal Revenue Service action on notice of application for recognition.* The Internal Revenue Service will issue to the person submitting Form 1024 and Schedule L a ruling or determination letter stating that the plan is or is not a qualified group legal services plan. For general procedural rules, see § 601.201 (a) through (n), as that section relates to rulings and determination letters.

(d) *Period of plan qualification*—(1) *In general.* In the case of a favorable determination, the plan will be considered a qualified group legal services plan. If a Form 1024 and Schedule L required to be filed by or on behalf of an employer is filed before—

(i) The end of the first plan year (as determined under the plan),

(ii) The end of the plan year within which the employer adopts the plan, or

(iii) July 29, 1980,

the period of plan qualification with respect to the employer will begin on the date the plan is adopted by the employer (or, if later, January 1, 1977). If the form and schedule are not filed before the latest of the dates described in subdivisions (i), (ii) and (iii), the period of plan qualification with respect to the employer will begin on the date of filing. In any case in which either the Form 1024 or Schedule L filed by or on behalf of an employer is incomplete, the date of filing is the date on which the incomplete form or schedule is filed, if the necessary additional information is provided at the request of the Commissioner within the additional time period allowed by the Commissioner. If the additional information is not provided within the additional time period, allowed, the date of filing is the date on which the

additional information is filed. If no separate Form 1024 and Schedule L are required to be filed by or on behalf of an employer (see paragraph (b)(3) of this section), the period of plan qualification with respect to the employer will begin on the date the plan is adopted by the employer (or, if later, January 1, 1977). In any case in which a plan is materially modified to conform to the requirements of section 120, either before or after a Form 1024 and Schedule L are filed, the period of plan qualification will not include any period before the effective date of the modification.

(2) *Plans in existence on June 4, 1976.* (i) Notwithstanding paragraph (d)(1) of this section, a written group legal services plan providing for employer contributions which was in existence on June 4, 1976, will be considered a qualified group legal services plan for the period January 1, 1977, through April 2, 1977. However, if the plan is maintained pursuant to one or more agreements which were in effect on October 4, 1976, and which the Secretary of Labor finds to be collective bargaining agreements, the period of deemed qualification will extend beyond April 2, 1977, and end on the date on which the last of the collective bargaining agreements relating to the plan terminates. Extensions of a bargaining agreement which are agreed to after October 4, 1976, are to be disregarded. The period of deemed qualification for a plan maintained pursuant to a collective bargaining agreement will not, however, extend beyond December 31, 1981.

(ii) A written group legal services plan will be considered to have been in existence on June 4, 1976, if on or before that date the plan was reduced to writing and adopted by one or more employers. No amounts need have been contributed under the plan as of June 4, 1976.

(iii) Notwithstanding that a plan is a qualified plan for the period of deemed qualification described in this paragraph (d)(2), the rules of paragraphs (c) and (d)(1) of this section still apply with respect to a Form 1024 and Schedule L filed for the plan. For example, if a Form 1024 and Schedule L filed by or on behalf of an employer are filed before the latest of the 3 dates described in paragraph (d)(1) of this section, in the case of a favorable determination the plan will be a qualified plan from the date the plan is adopted by the employer (or, if later, January 1, 1977), and any period of deemed qualification and the period of qualification based upon the favorable determination will overlap. However, in the case of a plan to which this paragraph (d)(2) applies, if a Form 1024 and Schedule L required to be filed by or on behalf of an employer is not filed before the latest of the 3 dates described in paragraph (d)(1) of this section, the following rules shall apply. In general, if Form 1024 and Schedule L are filed before the end of the plan year following the plan year with or within which the plan's period of deemed qualification expires, in the event of a favorable determination the plan will be a qualified plan with respect to the employer beginning on the earlier of the day following the date on which the period of deemed qualification expires or the date on which the Form 1024 and Schedule L are filed. The period of plan qualification with respect to an employer cannot, however, include any period before the employer adopts the plan. If the Form 1024 and Schedule L are not filed before the end of the plan year following the plan year with or within which the plan's period of deemed qualification expires, in the case of a favorable determination the plan will be a qualified plan with respect to an employer from the later of the date of filing or adoption of the plan by the employer. The rules described in paragraph (d)(1) of this section relating to incomplete filings and plan modifications apply with respect to a filing described in this paragraph (d)(2).

(e) *Effective date.* This section is effective for notices of application for recognition of the status of a qualified group legal services plan filed after May 29, 1980.

(Secs. 120(c)(4) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1926, 68A Stat. 917; (26 U.S.C. 120(c)(4), 7805))

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: April 17, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-13144 Filed 4-28-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Ch. I

[Order No. 886-80]

Delegation of Authority To Administer State and Local Drug Strike-Force Grant Program to the Director of the Office of Justice Assistance, Research and Statistics

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Attorney General is authorized to administer a $5,000,000 State and local drug strike-force grant program. Congress intended that the Attorney General delegate administration to the organization in the Department of Justice he deemed most appropriate. The Attorney General, by this order, delegates the authority to administer the program and to promulgate such regulations as are necessary and appropriate to the Director of the Office of Justice Assistance, Research, and Statistics, and authorizes the Director to redelegate to the Administrator of the Law Enforcement Assistance Administration.

EFFECTIVE DATE: April 17, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas J. Madden, General Counsel, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice, Washington, D.C. 20531 (202-724-7792).

SUPPLEMENTAL INFORMATION: The provisions of Title 28 of the Code of Federal Regulations relating to the Law Enforcement Assistance Administration are currently being rewritten to reflect the organizational changes made by the Justice System Improvement Act of 1979. For that reason, this order does not undertake to amend current Title 28. The content of this order will be reflected in the revision of Title 28 to be published later.

By virtue of the authority vested in me by 28 U.S.C. 510, I hereby order the following:

1. *State and Local Drug Strike-Force Grant Program.* Subject to the general authority and policy control of the Attorney General, the Director of the Office of Justice Assistance, Research, and Statistics (OJARS), after appropriate consultation with the Administrator of the Drug Enforcement Administration and the Assistant Attorney General in charge of the Criminal Division, is authorized to exercise the power and authority to administer a State and local drug strike-force grant program vested in the Attorney General by the provision of Pub. L. 96-68, Title II, 93 Stat. 419, which reads "the Attorney General has the authority to make such provisions as are necessary and appropriate for the efficient and effective administration of funds included herein for State and local drug strike forces" and by Pub. L. 96-132, section 17, 93 Stat. 1049. The Director of OJARS is authorized to promulgate such regulations as are necessary and appropriate for the

effective administration of that program. The Director of OJARS shall not have authority to approve any grants under this delegation to the Regional Organized Crime Information Center in Fiscal Year 1980. Any grants to such entity shall be approved by the Assistant Attorney General in charge of the Criminal Division and the Administrator of the Drug Enforcement Administration.

2. *Redelegation of Authority.* The Director of OJARS is authorized to redelegate to the Administrator of the Law Enforcement Assistance Administration any of the authority delegated to the Director of OJARS by this order.

Dated: April 17, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-13025 Filed 4-28-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Labor-Management Relations

29 CFR Parts 207, 208, and 209

Standards of Conduct for Labor Organizations in the Federal Sector; Correction

AGENCY: Office of the Assistant Secretary for Labor-Management Relations, Department of Labor.

ACTION: Final rule; correction.

SUMMARY: This document sets forth corrections to final regulations concerning standards of conduct for labor organizations in the Federal sector which were published in the **Federal Register** on March 7, 1980 (45 FR 15156; FR Doc. 80-7220)

FOR FURTHER INFORMATION CONTACT: Herbert Raskin (202) 523-7373.

SUPPLEMENTARY INFORMATION: The regulations on standards of conduct for Federal sector unions which were published in the **Federal Register** on March 7, 1980 are amended by the following corrections:

1. In the listing of sections and section headings for Part 207 (page 15157), the word "Administration" in the heading for § 207.19 is corrected to "Administrative."

2. In the third line of § 207.20 (page 15158), a comma is added after the word "complaint."

3. In the listing of sections and section headings for Part 208 (page 15158), the word "Rights" in the heading for § 208.2 is amended to "rights," and the word "prohibition" in the heading for § 208.54 is amended to "Prohibition."

4. The authority citation for Part 208 (page 15158) is amended to "5 U.S.C. 7105, 7111, 7120, 7134."

5. The word "order" in the second line of section 208.29 (page 15159), the third line of § 208.35 (page 15160), and the fourth line of § 208.61 (page 15161) is amended to "Act."

6. In the first line of § 208.58 (page 15161) a comma is added after the word "Administrator."

7. The authority citation for Part 209 (page 15165) is amended to "5 U.S.C. 7120, 7134."

Signed at Washington, D.C. this 18th day of April, 1980.

William P. Hobgood,

Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc. 80-12941 Filed 4-28-80; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Clarification of Home Oxygen Therapy and Physician Standby Charges

AGENCY: Office of the Secretary of Defense.

ACTION: Statement of policy.

SUMMARY: These are policy statements to Part 199 of this title. The purpose of these policy statements is to clarify the conditions under which CHAMPUS benefits may be considered for physician standby charges and for home oxygen therapy.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: LTC L. Rowlette, Special Assistant for CHAMPUS, Office of the Deputy Assistant Secretary of Defense (Health Resources and Programs), Washington, D.C. 20301, telephone 202-625-6281.

SUPPLEMENTAL INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)." Amendment No. 1 was published in FR Doc. 79-9566, appearing in the **Federal Register** on March 29, 1979 (44 FR 18661), and Amendment No. 2 was published in FR Doc. 79-31420, appearing in the **Federal Register** on October 11, 1979 (44 FR 58709). Amendment No. 3 was published in FR Doc. 80-6788, appearing in the **Federal Register** on March 4, 1980 (45 FR 14034).

Section 199.10, paragraphs (a)(10) and (a)(11) of the CHAMPUS regulation (Part 199 of this title) authorizes the Director, OCHAMPUS (or a designee), to issue such other instructions, procedures, guidelines, standards, norms, and criteria, as may be necessary to implement the intent of the regulation.

Accordingly, the following policy statements expand § 199.10. subparagraphs (c)(2)(xii), Maternity Care, and (d)(3)(iv), Oxygen, to clarify the circumstances under which CHAMPUS benefits may be considered for physician standby services related to maternity care and for home oxygen therapy.

§ 199.10 Basic program benefits.[1]

* * * * *

(c) Professional services benefit.

* * * * *

(2) Covered services of physicians and other authorized individual professional providers.

* * * * *

(xii) Maternity care.

Statement of Policy

A. *Definition.* A standby charge is a charge made by an individual provider to cover the expenses involved in maintaining a ready or available status in the event the service the provider has to offer may be required.

B. *Conditions for Coverage of Pediatric Standby Services.* CHAMPUS benefits are authorized for services of a standby physician under the following conditions:

(1) For vaginal delivery when there is a reasonable expectation of fetal distress or for delivery by Cesarean section.

(2) The standby physician is physically present during the period for which benefits are being requested for the standby pediatric services.

(3) The standby physician has the special qualifications necessary to resuscitate newborn infants.

C. *Claims Screening Criteria.* Claims for standby pediatric services must include a signed statement from the standby physician which:

(1) Documents the situation requiring the presence of the standby provider; and

(2) Provides the name and address of the attending obstetrician.

[1] These policy statements will not appear in the Code of Federal Regulations.

D. *Other Standby Charges not Covered.* Coverage for standby charges is limited to the conditions outlined above. Standby charges related to any other circumstance are not covered.

* * * * *

(d) Other benefits.

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(3) Other covered services and supplies.

* * * * *

(iv) Oxygen.

Statement of Policy

A. *Extent of the Home Oxygen Therapy benefit.* 1. *General.*

a. Oxygen and oxygen delivery systems are covered when the patient's ability to breathe is impaired to the degree that home oxygen therapy is medically necessary. The oxygen and equipment for its administration must be prescribed by a physician.

b. Oxygen delivery systems are durable medical equipment and are payable on a rental or lease-purchase basis. Up to a 30-day supply of oxygen at a time is covered. Therefore, the frequency of oxygen purchase should be reasonably related to the patient's oxygen need over a 30-day period, as determined by the physician's prescription.

c. Benefits cannot be expended for spare oxygen supplies kept at a separate location, at an office, summer residence, etc. Such duplicate or spare (for emergency use) supplies of oxygen are excluded.

2. *Portable Oxygen System.* A portable oxygen system may be covered when necessary to complement the medical needs of a patient who requires a stationary system. A portable oxygen system must be specifically prescribed by a physician whether or not it is part of a stationary system (i.e., included in the system equipment), and the physician's prescription must define circumstances under which the portable system will be used (i.e., the medical purpose to be served by portable oxygen which cannot be met by the stationary system).

B. *Exclusions from the Oxygen Benefit.* CHAMPUS benefits may not be extended for any of the following:

1. *Topical Application of Oxygen.* The clinical efficacy of oxygen by topical application has not been established and is still considered investigational. CHAMPUS claims for this service should be denied.

2. *Oxygen Treatment of Inner Ear/Carbon Therapy.* Payment may not be extended for oxygen (95 percent) and carbon dioxide (5 percent) inhalation therapy for inner ear disease. The therapeutic benefit derived from this procedure is not established.

3. *Preset Oxygen Units.* Preset (flow rate not adjustable) portable oxygen units are not covered. A preset unit is primarily designed and meant to be a first-aid item. Its purpose is for use in an emergency and not for long-term therapy.

4. *Regulators Greater than Eight Liters per Minute.* Regulators that permit a flow rate greater than 8 liters per minute are not appropriate for home use and are not covered.

C. *Utilization Guidelines.* Any claims that represent an unusual amount of oxygen or more deluxe equipment than is necessary should be referred to the fiscal intermediary's medical review staff.

D. *Claims Documentation.* 1. The claim must include a signed prescription statement from the attending physician or a consultant specialist who has examined the patient. The prescription must have been written within 30 days prior to the initial delivery of the oxygen. The following information must be included in the prescription:

a. Diagnosis of the condition requiring the use of oxygen.

b. Oxygen flow rate, frequency and duration of use (e.g., two liters per minute, 10 minutes per hour for 12 hours each day).

c. Estimated length of time oxygen will be required.

d. Method of oxygen delivery (e.g., by mask).

e. Medical purpose of portable oxygen system which cannot be met by stationary system (pertains only to claims where a portable system is prescribed in addition to a stationary system—see paragraph A.2.).

2. Where the initial prescription shows an indefinite or lifetime need for oxygen, a new prescription is required annually.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 24, 1980.

[FR Doc. 80-13075 Filed 4-28-80; 8:45 am]

BILLING CODE 3810-70-M

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32 CFR Part 286

[DoD Directive 5400.7] [1]

DoD Freedom of Information Act

AGENCY: Office of the Secretary of Defense

ACTION: Final rule.

SUMMARY: This rule is reissued to establish DoD policies and procedures for the implementation of the Freedom of Information Act (5 U.S.C. 552) by the Department of Defense. Specifically, DoD Components handling public requests under the Freedom of Information Act, as amended, are provided guidance for handling public requests and for aiding the public in obtaining records under the Act.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Colonel R. Farris, Office of the Assistant Secretary of Defense (Public Affairs), Washington, D.C. 20301, telephone 203-697-4325.

SUPPLEMENTARY INFORMATION: In FR Doc. 67-7604, appearing in the **Federal Register** on July 4, 1967 (32 FR 9666), the Department of Defense published Part 286 of this title, establishing the policy of the Department of Defense regarding the availability to the public of DoD information and implementing 5 U.S.C. 552. In FR Doc. 75-5181, appearing in the **Federal Register** on February 26, 1975 (40 FR 8190), the Office of the Secretary of Defense published a revision to this Part, which furnished DoD Components with overall guidance on how they should respond to requests from the public for records under the Freedom of Information Act, as amended, and which described the procedures that the public must follow in requesting records under this part. The following document is an administrative revision of Part 286.

Accordingly, 32 CFR, Chapter I, is revised to read as follows:

PART 286—DoD FREEDOM OF INFORMATION ACT PROGRAM

Sec.
286.1 Reissuance and Purpose.
286.2 Applicability and Scope.
286.3 Policy.
286.4 Responsibilities.
286.5 Information Requirements.
Enclosure 1 Definitions.
Enclosure 2 For Official Use Only.
Enclosure 3 Release Procedures.
Enclosure 4 Fee Schedule.
Enclosure 5 Exemptions.
Enclosure 6 Reporting Requirements.

Authority: 5 U.S.C. 552.

§ 286.1 Reissuance and Purpose.

(a) This Rule reissues this Part 286; establishes policies and procedures for the implementation of the DoD Freedom of Information Act (FOIA) Program, Title 5, U.S.C., Section 552; and delegates authorities and responsibilities for the effective administration of the program.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

(b) This Part also authorizes, in accordance with DoD Directive 5025.1[1], "Department of Defense Directives System," November 18, 1977, the publication of DoD 5400.7–R, the single DoD regulation on the FOIA Program.

§ 286.2 Applicability and Scope.

(a) The provisions of this part apply to the Offcie of the Secretary of Defense (OSD) and their administrative support agencies, the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Defense Communications Agency, Defense Contract Audit Agency, Defense Intelligence Agency, Defense Investigative Service, Defense Logistics Agency, Defense Mapping Agency, and the Defense Nuclear Agency (hereafter referred to as "DoD Components").

(b) The National Security Agency records are subject to the provisions of this part unless the records are exempt under Pub. L. 86–36, "National Security Information Exemption".

§ 286.3 Policy.

It is the policy of the Department of Defense to:

(a) Promote public trust by making the maximum amount of information available to the public on the operation and activities of the Department of Defense, consistent with DoD's responsibility to ensure national security.

(b) Allow a requester to obtain records from the Department of Defense that are available through other public information services without invoking the FOIA.

(c) Make available, under the procedures established by enclosures 2, 3, and 4, those records that are requested by a member of the general public who cites the FOIA.

(d) Answer promptly all other requests for information, records, objects, and articles under established procedures and practices.

(e) Release records to the public, unless those records are exempt from mandatory disclosure as outlined in enclosure 5.

(f) Process requests by individuals for access to records about themselves under the Privacy Act procedures as implemented by 32 CFR Part 286a or procedures outlined in this part when they are more advantageous to the requester.

§ 286.4 Responsibilities.

(a) The Assistant Secretary of Defense (Public Affairs) (ASD(PA)) shall:

(1) Direct and administer the DoD FOIA Program to ensure compliance with policies and procedures that govern the administration of the program.

(2) Issue a DoD FOIA regulation and other discretionary instructions and guidance to ensure timely and reasonably uniform implementation of the FOIA in the Department of Defense.

(3) Administer internally the FOIA Program for the OSD, the OJCS and, as an exception to DoD Directive 5100.3,[1] "Support of the Headquarters of Unified, Specified and Subordinate Joint Commands," March 17, 1980, the Unified Commands (the Specified Commands remain under the Military Departments for FOIA matters).

(4) As the designee of the Secretary of Defense, serve as the sole appellate authority for appeals to decisions of respective Initial Denial Authorities identified in ASD(PA) supplementing instructions.

(b) The General Counsel of the Department of Defense shall provide uniformity in the legal interpretation of this part.

(c) Heads of DoD Components shall:

(1) Publish in the **Federal Register** any instructions necessary for the internal administration of this part within a DoD Component that are not prescribed by this part or by other issuances of the ASD(PA). For the guidance of the public, the information specified in 5 U.S.C. 552(a)(1) will be published in accordance with 32 CFR Part 296.

(2) Conduct training on the provisions of this part for officials and employees who implement the FOIA.

(3) Submit the reports prescribed in enclosure 6 of this part.

(4) Make available for public inspection and copying in an appropriate facility or facilities, in accordance with rules published in the **Federal Register**, the records specified in 5 U.S.C. 552(a)(2) unless such records are published and copies are offered for sale.

(5) Maintain and make available for public inspection and copying current indices of these records.

§ 286.5 Information requirements.

The reporting requirements in section B of enclosure 6 have been assigned Report Control Symbol DD–PA(TRA&A) 1365.

Enclosure 1—Definitions

A. *FOIA Request.* A written request for DoD records made by a member of the public who either explicitly or implicitly invokes the FOIA (5 U.S.C. 552) this part, or DoD Component supplementing regulations.

B. *Record.* 1. The products of data compilation, regardless of physical form or characteristics, made or received by a DoD Component in connection with the transaction of public business and preserved by a DoD Component primarily as evidence of the organization, policies, functions, decisions, or procedures of the DoD Component.

2. The following are not included within the definition of the word "record":

a. Library and museum material made, acquired, and preserved solely for reference or exhibition.

b. Objects or articles, such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, and equipment, whatever their historical value, or value as evidence.

c. Exploitable resources, including but not necessarily limited to, formulae, designs, drawings, maps and charts, map compilation manuscripts and map research materials, research data, computer programs, and technical data packages. Materials such as these are considered to be exploitable resources because of their development costs, utilization, or intrinsic value, and because they are not utilized as primary sources of information about organization, policies, functions, decisions, or procedures of a DoD Component.

d. Unaltered publications and processed documents such as regulations, manuals, maps, charts, and related geophysical materials that are available to the public through an established distribution system with or without charges.

e. Anything that is not a tangible or documentary record, such as, an individual's memory or oral communication.

3. A record must exist at the time of the request to be considered subject to this Directive. There is no obligation to create or compile a record to satisfy a FOIA request.

C. *DoD Component.* An element of the Department of Defense authorized to receive and act independently on FOIA requests. A DoD Component has its own Initial Denial Authority or Authorities and its own Appellate Authority.

D. *Initial Denial Authority (IDA).* An official who has been granted authority by the head of a DoD Component to withhold records requested under the FOIA for one or more of the nine categories of records exempt from mandatory disclosure.

E. *Appellate Authority.* The head of the DoD Component having jurisdiction

[1] See footnote 1, p. 28323.

over the record or the DoD Component head's designee for this purpose.

F. *Administrative Appeal.* A request by a member of the general public, made under the FOIA, asking the appellate authority of a DoD Component to reverse an IDA decision, to withhold all or part of a requested record, or to deny a request for waiver or reduction of fees.

Enclosure 2—for Official Use Only

A. *General.* 1. Information that has not been given a security classification under the criteria of an executive order, but that may be withheld from the public for one or more of the reasons cited in FOIA Exemptions 2 through 9, may be considered for official use only. *No other material shall be considered or marked "For Official Use Only" (FOUO),* and FOUO is not authorized as an anemic form of classification to protect national security interest.

2. The prior application of FOUO markings is not a conclusive basis for withholding a record that is requested under the FOIA. When such a record is requested, the information in it shall be evaluated to determine whether, under current circumstances, FOIA exemptions apply and whether a significant and legitimate Government purpose is served by withholding the record or portions of it.

3. Records such as notes, working papers, and drafts retained as historical evidence of DoD Component actions enjoy no special status apart from their exemptions under the FOIA (5 U.S.C. 552).

4. The marking of records at the time of their creation provides notice of FOUO content and facilitates review when a record is requested under the FOIA. Records requested under the FOIA that do not bear such markings, however, will not be assumed to be releasable without examination for the presence of information that requires continued protection and qualifies as exempt from public release.

5. Information in a technical document that requires a distribution statement under DoD Directive 5200.20[1], "Distribution Statements on Technical Documents," September 24, 1970 shall bear that statement and shall not be marked FOUO.

B. *Marking.* 1. An unclassified document containing FOUO information shall be marked "For Official Use Only" at the bottom on the outside of the front cover (if any), on the first page, on the back page, and on the outside of the back cover (if any).

2. Within a classified or unclassified document, an individual page that contains:

a. Both FOUO and classified information shall be marked at the top and bottom with the highest security classification of information appearing on that page.

b. FOUO information but no classified information shall be marked "For Official Use Only" at the bottom of the page.

3. Other information media, such as photographs, films, tapes, slides, shall be marked "For Official Use Only" or "FOUO" in a manner that ensures that a recipient or viewer is aware of the status of the information therein.

4. FOUO material transmitted outside the Department of Defense requires application of an expanded marking to explain the significance of the FOUO marking. This may be accomplished by typing or stamping the following statement on the record prior to transfer:

> This document contains information Exempt From Mandatory Disclosure under the FOIA Exemptions * * * apply.

C. *Dissemination and Transmission.* 1. Until FOUO status is terminated, the release and transmission instructions that follow apply.

2. FOUO information may be disseminated within DoD Components and between officials of DoD Components and Defense contractors and grantees to conduct official business for the Department of Defense. Recipients shall be made aware of the status of such information, and transmission shall be by means that preclude unauthorized public disclosure. Transmittal documents should call attention to the presence of FOUO attachments.

3. DoD holders of FOUO information are authorized to convey such information to officials in other departments and agencies of the executive and judicial branches when the information carries out a Government function, provided the information is not protected under the Privacy Act or qualified for disclosure to the other agency under the provisions of that Act. Records thus transmitted shall be marked "For Official Use Only", and the recipient shall be advised that the information has been exempted from public disclosure under the FOIA and under any other special handling instructions.

4. Release of FOUO information to Members of Congress is governed by DoD Directive 5400.4[1], "Provision of Information to Congress," January 30, 1978. Release to the General Accounting Office (GAO) is governed by DoD Directive 7650.1[1], "General Accounting Office Comprehensive Audits," July 9, 1958. Records released to the Congress or GAO should be reviewed to determine whether the information warrants FOUO status. If not, prior FOUO markings shall be removed or effaced. If withholding criteria are met, the records shall be marked FOUO and the recipient provided an explanation for such exemption and marking. Alternatively, the receipt may be requested, without marking the record, to protect against its public disclosure for reasons that are explained.

5. Records containing FOUO information shall be transported in a manner that precludes disclosure of the contents. When not commingled with classified information, FOUO information may be sent via first-class mail or parcel post. Bulky shipments, such as distributions of FOUO directives or testing materials, which otherwise qualify under postal regulations, may be sent by fourth-class mail.

6. Each part of electrically transmitted messages containing FOUO information shall be marked appropriately. Unclassified messages containing FOUO information shall contain the abbreviation "FOUO" before the beginning of the text. Such messages shall be transmitted in accordance with communications security procedures in ACP-121 (US Supp 1) for FOUO information.

D. *Safeguarding.* 1. During normal working hours, records determined to be FOUO shall not be left unattended in work areas accessible to unofficial personnel, but shall be placed in an out-of-sight location.

2. At the close of business, FOUO records shall be stored to preclude unathorized access. Filing such material with other unclassified records in unlocked files, desks, or similar containers is adequate when normal U.S. Government or Government-contractor internal building security is provided during nonduty hours. When such internal security control is not exercised, locked buildings or rooms normally provide adequate after-hours protection. If such protection is not considered adequate, FOUO material shall be stored in locked receptacles such as file cabinets, desks, or bookcases.

E. *Termination.* The originator or other competent authority, such as appellate authority, shall terminate "For Official Use Only" markings or status when circumstances indicate that the information no longer requires protection from public disclosure. When

[1] See footnote 1, p. 28323.

[1] See footnote 1, p. 28323.

FOUO status is terminated, all known holders shall be notified, if practical. Upon notification, holders should efface or remove the "For Official Use Only" markings. But records in file or storage need not be retrieved solely for that purpose.

F. *Disposal.* 1. Nonrecord copies of FOUO materials may be destroyed by tearing each copy into pieces to preclude reconstructing and placing them in regular trash containers. When local circumstances or experience indicates that this destruction method is not sufficiently protective of FOUO information, local authorities may direct other methods, but must give due consideration to the additional expense balanced against the degree of sensitivity of the type of FOUO information contained in the records.

2. Record copies of FOUO documents shall be disposed of in accordance with the disposal standards established by 44 U.S.C. Chapter 33.

G. *Unauthorized Disclosure.* The unathorized disclosure of FOUO records does not constitute an unauthorized disclosure of DoD information classified for security purposes. However, appropriate administrative action shall be taken to fix responsibility for unauthorized disclosure to the extent feasible, and appropriate disciplinary action shall be taken. Unauthorized disclosure of FOUO information that is protected by the Privacy Act may also result in criminal sanctions against responsible persons. The DoD Component that originated the FOUO information shall be informed of its unauthorized disclosure.

Enclosure 3—Release Procedures

A. *General.* Since the policy of the Department of Defense is to make the maximum amount of information available to the public consistent with its other responsibilities, written requests for a DoD record made under the Freedom of Information Act may be denied only when:

1. The record is subject to one or more of the exemptions in enclosure 5 of this part, and a significant and legitimate Government purpose is served by withholding it.

2. The record cannot be found because it has not been described well enough to enable the DoD Component to locate it with a reasonable amount of effort by an employee familiar with the files.

3. The applicant has failed to comply with the procedural requirements, including the written agreement to pay or payment of any required fee, imposed by the instructions of the DoD Component concerned. When personally identifiable information in a record is requested by the subject of the record or his or her attorney, notarization of the request may be required.

B. *Initial Determinations.* 1. The initial determination of whether to make a record available upon request may be made by any suitable official designated by the DoD Component in published regulations. The marking or absence of the marking "For Official Use Only" does not relieve the designated official of the responsibility to review the requested record for the purpose of determining whether an exemption under this Directive is applicable.

2. The officials designated by DoD Components to make initial determinations should consult with public affairs officers (PAOs) to become familiar with subject matter that is considered to be newsworthy, and advise PAOs of all requests from news media representatives. In addition, the officials should inform PAOs in advance when they intend to withhold or partially withhold a record, if it appears that the withholding action will be challenged in the media.

3. Initial determinations on whether to release a record:

a. These shall normally be made and a decision reported to the requester within 10 working days of the date a request is received by the official designated to respond to the type of record sought, provided the requester indicates a willingness to reimburse the DoD Component for any search and duplication costs incurred. If the willingness of the requester to reimburse the DoD Component for any required search and duplication costs is not expressed in the request, and the costs are likely to be substantial, resolution of this issue is appropriate before the time for responding begins to run.

b. Misdirected requests will be forwarded promptly to the DoD Component with the responsibility for the records requested. The period allowed for responding to the request misdirected by the requester will not begin until the request is received by the DoD Component that manages the records requested.

c. When a decision is made to release a record, a copy shall be forwarded promptly to the requester upon receipt of any required fees, or the requester may be directed to another source to obtain the record, such as the U.S. Government Printing Office.

d. When a request is received for a record that was obtained from a non-U.S. Government source, or for a record that contains information from a non-U.S. Government source, the source of the record or information will be promptly notified and afforded reasonable time to present any objections concerning the release. These objections will be evaluated, and where a substantial issue has been raised, the DoD Component may seek additional information from the source of the information and shall afford the source and requester reasonable opportunities to present their arguments on the legal issues involved prior to making an agency determination. When the source advises it will seek a restraining order or take court action to prevent release of the record or information, the requester will be notified and action on the request normally will not be taken until after the outcome of that court action is known.

e. When the time for response becomes an issue, the official responsible for replying shall acknowledge to the requester the date of the receipt of the request.

f. In unusual circumstances when additional time is needed to respond, the DoD Component shall acknowledge the request in writing within the 10-day period, describe the circumstances requiring the delay, and indicate the anticipated date for substantive response that may not exceed 10 additional working days. Unusual circumstances that may justify delay are:

(1) The requested record is located in whole or in part at places other than the office processing the request.

(2) The request requires the collection and coordination of a substantial number of records.

(3) Consultation is required with other DoD Components or agencies having substantial interest in the subject matter to determine whether the records requested in whole or in part are exempt from disclosure under provisions of this part or should be released as a matter of discretion.

4. The extension of time for responding to an initial request must be approved on a case-by-case basis by the final appellate authority for the DoD Component or in accordance with regulations of the DoD Component that establish guidance governing the circumstances in which such extensions may be granted.

5. When a request for a record or records is denied in whole or in part, the designated official who has made that determination shall explain to the requester in writing the basis for the determination and the opportunity and procedures for appealing that determination to the appellate authority.

a. Inability to process any part of the request within the specified time should be explained to the requester, with

notification that he or she may treat this delay as an initial denial with a right to appeal or may agree to await a substantive response by an anticipated date. It should be made clear that any such agreement does not prejudice the right of the requester to appeal the initial decision after it is made.

b. The explanation of the substantive basis for a denial shall include both specific citation of the statutory exemption applied under provisions of this Directive and a discussion of the significant and legitimate Government purpose served by invoking an exemption. Merely referring to a classification or "For Official Use Only" marking on the requested record does not constitute a proper citation or explanation of the basis for invoking an exemption.

c. The name and title or name and position of the official responsible for the denial shall be included in the written response to the requester.

d. When the initial denial is based in whole or in part on a security classification, the explanation shall include a reference to the criteria of the executive order on which the classification is based, together with a brief explanation to demonstrate to the extent consistent with security considerations, the logical relationship between the content of the requested record and the criteria.

e. Copies of all initial denials shall be maintained by each DoD Component in a form suitable for rapid retrieval, periodic statistical compilation, and management evaluation.

6. If the official designated by the DoD Component to make initial determinations on requests for records declines to provide a record because the official considers it exempt and its withholding justified for a significant and legitimate Government purpose, that decision may be appealed by the requester in writing to the head of the DoD Component who has jurisdiction over the record. The appeal should be accompanied by a copy of the letter denying the initial request. Such appeals should contain the basis for disagreement with the initial refusal. In addition, the DoD Component may impose a reasonable time limit that may not be less than 40 days for the requester to file an appeal.

C. *Appeal Determinations.* 1. Final determination on appeals shall normally be made within 20 working days of the receipt of the appeal by the official designated to make the decision. Appeals misdirected by the requester will be forwarded promptly to the proper appellate authority with the period for response beginning upon receipt by the appellate authority. If additional time is needed to decide the appeal because of unusual circumstances, as described in paragraph B.3.f. of this enclosure, the final determination may be delayed for the number of working days, not to exceed 10, which were not used as additional time for responding to the initial request.

2. Final refusal to provide a requested record must be made in writing by the head of the DoD Component who has jurisdiction over the record. Such a refusal shall be made in accordance with appeal procedures prescribed in regulations that shall include, as a minimum, the following elements:

a. The basis for the refusal shall be explained to the requester, in writing, both with regard to the applicable statutory exemption invoked under provisions of this part and the significant and legitimate Government purpose served by its withholding.

b. When the final refusal is based in whole or in part on a security classification, the explanation shall include a determination that the record meets the cited criteria and rationale of the governing executive order and that this determination is based on a declassification review, with the explanation of why that review confirmed the continuing validity of the security classification.

c. The written final denial shall include the name and title or name and position of the official responsible for the denial and of the provision for judicial review of the denial as defined in section D., below.

d. Final refusal ordinarily should not be made without prior consultation with the Office of the Staff Judge Advocate, General Counsel, or other counsel of the Component.

e. Copies of all final denial letters shall be maintained by each DoD Component in a central repository.

D. *Judicial Action.* A requester may bring suit to compel release of a record in the United States District Court (1) in the district in which the requester resides or has a principal place of business; (2) in the district in which the requested records are located; or (3) in the District of Columbia when administrative remedy has been exhausted. Administrative remedy is exhausted when the requester has been denied a record by an appellate authority or when the DoD Component has failed to respond within the time limits prescribed by the FOIA.

E. *Cost for Records.* The costs of searching for and duplicating a requested record must be paid or waived in accordance with enclosure 4.

F. *Time Limits.* 1. The time limits for responding to requests begin upon receipt from the requester of clear evidence of willingness to pay anticipated search and duplication costs under the schedule of fees in enclosure 7. The record need not be forwarded until receipt of payment.

2. The time limits for responding to requests for records are subject to the conditions set forth in the previous paragraphs, as follows:

a. Initial Responses—10 working days.
b. Appeal of Denial—20 working days.
c. Extension of time available under certain circumstances for either the initial or final determination, but not both—10 working days.

Enclosure 4—Fee Schedule

A. *Introduction.* The fees described in this enclosure apply to FOIA requests. They reflect direct search and duplication costs, recovery of which are permitted by the FOIA. They are neither intended to imply that fees must be charged in connection with providing information to the public in the routine course of business nor are they meant as a substitute for any other schedule of fees, such as 32 CFR Part 288.

B. *Fee Assessment.* 1. Minimum fees will not be charged.

2. When direct search and duplication costs for a single FOIA request total less than $30.00, fees should be waived automatically. The DoD Components, however, may set aside the automatic waiver provision when on the basis of good evidence, the Component can demonstrate that waiver of fees is not in the public interest.

3. Decision to waive or reduce fees that exceed the automatic waiver threshold should be made on a case-by-case basis. As a general guide, fees ordinarily will be waived when any of the following circumstances are met:

a. No record is located or all records are denied. However, fee charges are appropriate if the requester insists upon a search and evaluation and agrees to such fees after being informed that the search is likely to be nonproductive or that the records are all likely to be exempt from release.

b. A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records including additional information not requested.

c. The record is for the Public Information News Media.

d. The record is for a nonprofit public interest group and the subject of the requested record is known to be of wide public interest, and it is reasonable to expect that the DoD Component will later make the information available to

a significant segment of the general public.

e. A previous denial is reversed in whole or in part.

4. *Collection of Fees.* Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that the cost involved will be acceptable or acceptable up to a specified limit that covers anticipated costs.

5. *Application.* The fee schedule contained in this enclosure is used to compute direct search and duplication costs associated with processing a given FOIA request. Such fees will be computed based on time actually spent. Neither time-based nor dollar-based minimum charges for search and duplication are authorized.

6. *Search Fees.* a. Manual Search

Type	Grade	Hourly rate [1]
Clerical	E9/GS8 and below	8
Executive	07/GS16/ES4 and above.	26
Professional	All other	16

[1] In dollars.

b. Computer search will be based on direct cost of the central processing unit, input output devices, and memory capacity of the actual computer configuration.

c. Actual cost of transporting records or personnel to the search site may be included.

7. *Duplication Fees*

Type	Cost per page [1]
Office copy	10
Microfiche	25
Printed material	01

[1] In dollars.

8. *Audiovisual Documentary Material.* Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

9. *Other Records.* Direct search and duplication cost for any record not described above will be computed in the manner described for audiovisual documentary material.

Enclosure 5—Exemptions

A. *General.* 1. Records that meet the exemption criteria in this enclosure may be withheld from public disclosure and need not be published in the **Federal Register**, made available in a library reading room, or provided in response to a FOIA request.

2. An exempt record, however, should be made available upon the request of any member of the public when, in the judgment of the releasing DoD Component or higher authority, no significant and legitimate Government purpose would be served by withholding it under an applicable exemption. If a DoD Component determines that information requested under the FOIA meets the Exemption 4 withholding criteria set forth below, absent compelling public interest in support of release, the Component will not ordinarily exercise its discretionary power.

B. *Exemptions.* The following types of records may be withheld in whole or in part from public disclosure unless otherwise prescribed by law.

Number 1. Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by executive order and implemented by regulations, such as DoD 5200.1–R, "DoD Information Security Program Regulation," December 1978.

Number 2. Those containing or constituting rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or practices of a DoD Component if their publication or inspection would not directly affect the general public, or their release to the public would substantially hinder the effective performance of a significant function of the Department of Defense. Examples include:

a. Those operating rules, guidelines and manuals for DoD investigators, inspectors, auditors, or examiners that must remain privileged in order for the Component to fulfill a legal requirement.

b. Personnel and other administrative matters, such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

Number 3. Those concerning matters that a statute specifically exempts from disclosure by terms that permit no discretion on the issue, or in accordance with criteria established by that statute for withholding or referring to particular types of matters to be withheld. Examples of statutes are:

a. National Security Agency Information Exemption, Pub. L. 86–36, Section 6.

b. Patent Secrecy, 35 U.S.C. 181–188. Any records containing information relating to inventions that are the subject of patent applications on which Patent Secrecy Orders have been issued.

c. Restricted Data and Formerly Restricted Data, 42 U.S.C. 2162.

d. Communication Intelligence, 18 U.S.C. 798.

Number 4. Those containing trade secrets or commercial or financial information that a DoD Component receives from a person outside the Government with the understanding that they will be retained on a privileged or confidential basis in accordance with the customary handling of such records. Records within the exemption must contain trade secrets or commercial or financial records, the disclosure of which is likely to cause substantial harm to the competitive position of the source providing the information; impair the Government's ability to obtain necessary information in the future; or impair some other legitimate Government interest. Examples include records which contain:

a. Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

b. Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if offered and received in confidence from a contractor or potential contractor.

c. Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they reveal trade secrets or commercial or financial information normally considered confidential or privileged.

d. Financial data provided in confidence by private employers in connection with locality wage surveys that are used to fix and adjust pay schedules applicable to prevailing rate employees within the Department of Defense.

Number 5. Except as provided in subsections b. through e., below, internal advice, recommendations, and subjective evaluations, as contrasted with factual matters, that are reflected in records pertaining to the decision-making process of an agency, whether within or among agencies (as defined in 5 U.S.C. 551) or within or among DoD Components.

a. Examples include:

(1) The nonfactual portions of staff papers, to include after action reports and situation reports containing staff advice, opinions or suggestions.

(2) Advice, suggestions, or evaluations prepared on behalf of the Department of Defense by individual consultants or by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed for the purpose of obtaining advice and recommendations.

(3) Those nonfactual portions of evaluations by DoD Component personnel or contractors and their products that contain recommendations or advice by Government employees about the contractor or product.

(4) Advance information of a speculative, tentative, or evaluative nature on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests or would impede legitimate Government functions.

(5) Records that are exchanged between agency personnel and within and among DoD Components or agencies as part of the preparation for anticipated administrative proceedings by an agency or litigation before any federal, state or military court.

(6) Those portions of official reports of inspection, audits, investigations or surveys pertaining to safety, security, or the internal management, administration, or operation of one or more DoD Components when these records have traditionally been treated by the courts as privileged against disclosure in litigation.

b. If any such intra or interagency record or reasonably segregable portion of such record hypothetically would be made available routinely through the discovery process in the course of litigation with the agency, i.e., the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing, then it should not be withheld from the general public even though discovery has not been sought in actual litigation. If, however, the information hypothetically would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document need not be made available to a member of the general public.

c. Intra or interagency memoranda or letters that are factual or those reasonably segregable portions that are factual are routinely made available through discovery and should be made available to a requester unless the factual material is otherwise exempt from release, inextricably intertwined with the exempt information, so fragmented as to be uninformative or so redundant of information already available to the requester so as to provide no new substantive information.

d. A direction or order from a superior to a subordinate, though contained in an internal communication, generally cannot be withheld from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters or a request for information or advice that would compromise the decisionmaking process.

e. An internal communication concerning a decision that subsequently has been made a matter of public record must be made available to a requester when the rationale for the decision is incorporated by reference, explicitly or implicitly, in the record containing that decision.

Number 6. Information in personnel and medical files, as well as similar personal information in other files, that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

a. Examples of other files containing personal information similar to that contained in personnel and medical files include:

(1) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment or membership in the Armed Forces, and the eligibility of individuals (civilian, military or contractor employees) for security clearances, or for access to particularly sensitive classified information.

(2) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

b. In determining whether the release of information would result in a "clearly unwarranted invasion of personal privacy," consideration should be given to the stated or ascertained purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened. This exemption shall not be exercised in an attempt to protect the privacy of a deceased person, but it may be used to protect the privacy of the deceased person's family.

c. An individual's personnel, medical, or similar file may be withheld from him or his designated legal representative only to the extent consistent with 32 CFR Part 286a.

d. A clearly unwarranted invasion of the privacy of others identified in that record may constitute a basis for deleting reasonably segregable portions of a record even when providing it to the subject of the record.

Number 7. Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of executive orders or regulations issued pursuant to law.

a. This exemption applies, however, only to the extent that release of a record or portion of a record would:

(1) Interfere with enforcement proceedings.

(2) Deprive a person of the right to a fair trial or to an impartial adjudication.

(3) Constitute an unwarranted invasion of personal privacy of a living person, including surviving family members of an individual identified in such a record.

(4) Disclose the identity of a confidential source.

(5) Disclose confidential information furnished only from a confidential source and obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

(6) Disclose investigative techniques and procedures not already in the public domain and requiring protection against public disclosure to ensure their effectiveness.

(7) Endanger the life, physical safety, or well-being of law enforcement personnel or their families.

b. Examples include:

(1) Statements of witnesses and other material developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(2) The identity of firms or individuals being investigated for alleged irregularities involving contracting with Department of Defense when no indictment has been obtained or any civil action filed against them by the United States.

(3) Information obtained in confidence, expressed or implied, in the course of a criminal investigation by a criminal law enforcement agency or office within a DoD Component, or a lawful national security intelligence investigation conducted by an authorized agency or office within a DoD Component. National security intelligence investigations conducted for the purpose of obtaining affirmative or counterintelligence information.

c. The right of individual litigants to investigative records currently available by law (such as, the Jencks Statute, 18 U.S.C. 3500) is not diminished.

d. When the subject of an investigative record is the requester of that record, it may be withheld as authorized by 32 CFR Part 286a.

Number 8. Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

Number 9. Those containing geological and geophysical information and data (including maps) concerning wells.

Enclosure 6—Reporting Requirements

A. *General.* The FOIA requires that certain information be reported each year to Congress. This reporting requirement shall be accomplished through consolidation of DoD Component reports and transmitted to the Speaker of the House of Representatives and the President of the Senate by the Office of the Secretary of Defense.

B. *Component Annual Reporting Requirement.* Each DoD Component shall prepare statistics and accumulate paperwork for the preceding calendar year on those items prescribed below and submit them in duplicate to the ASD(PA) on or before February 1 annually.

C. *Annual Report Content.* The annual report shall contain the following:

1. *Item 1.* Report the number of public requests (a single FOIA request) completed. Report the number of reportable requests, the number in which a statutory exemption was invoked, and the number in which some other authority resulted in the requester not receiving that which was requested.

Note.—A reportable request is that portion of a FOIA request resulting in a single record or group of records pertaining to one general subject area being acted upon by one IDA who concludes that a single type of determination applies. Example: A single public request that requires the action of three IDAs in determining if a record under their jurisdiction is to be released would be counted as three reportable requests, but one public request. Records released by two IDAs in response to one public request would be counted as two reportable requests.

2. *Item 2.* Provide statistics on the specific authorities—statutory exemptions, statutes, and categories of other reasons used in the totals above.

a. *Item 2(a).* Show the number of times each of the nine statutory exemptions (enclosure 5) was invoked (the total may not agree with Item 1 because of situations were two or more exemptions were cited for one record).

b. *Item 2(b).* List the statutes cited when invoking Exemption 3 and the number of times each was cited.

c. *Item 2(c).* Show the number of times each category of other reasons was cited in response to the public. Five such reportable categories have been established in enclosure 7 (the total will equal the number reported in Item 1).

3. *Item 3.* Provide the number of IDAs authorized. Then list the names and titles or positions of persons cited as IDAs, followed thereafter in two subcolumns by the number of times each person cited exemptions or other authority categories (the vertical columnar totals must match Item 1).

4. *Item 4.* Provide the number of appeals that, upon review, were granted, granted in part, or denied, followed by a total of those three numbers.

5. *Item 5.* Repeat the three statistical requirements of Item 2 for the appeals that were granted in part or denied.

6. *Item 6.* Repeat Item 3 for appellate authorities including both subcolumnar statistics.

7. *Item 7.* When a court determines that DoD Component records were improperly withheld and issues a finding raising questions on the actions of DoD Component personnel, provide a copy of each such court opinion or order; a copy of the Office of Personnel Management finding and recommendation on each such proceeding; and a report of the disciplinary action taken against the person who is primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

8. *Item 8.* List changes or revisions of DoD Component rules or regulations affecting the implementation of FOIA followed by the **Federal Register** reference (number, date, and page) that announced the change or revision to the public. Append a copy of each to the report.

9. *Item 9.* The amount of fees collected from the public will be reported tri-annually to OASD(PA); thus, duplicate annual reporting by DoD Components is not required.

10. *Item 10.* The following subitems have been established by congressional request as indicative of DoD Component efforts to administer FOIA.

a. *Item 10(a).* List all new categories of records now being released in whole or in part under FOIA.

b. *Item 10(b).* The costs of administering the FOIA Program shall be reported tri-annually to OASD(PA); thus, duplicate annual reporting by Components is not required. The tri-annual reports shall be used by the OASD(PA) to portray annual DoD Component and DoD-wide totals.

c. *Item 10(c).* Report the number of times unusual circumstances required an extension of normal processing time limits, and break down that total by circumstances and by court action. Append to your report a copy of each court opinion or order involving the question of time limits for processing.

d. *Item 10(d).* Append a copy of all unpublished (not announced in the **Federal Register**) instructions to DoD Component personnel, memoranda, or other issuances that address procedures, definitions, or interpretations of the FOIA promulgated during the year at any organizational level of the DoD Component. Report the number of documents provided and whether or not they are publicly available, together with the legal basis for nondisclosure, should that be the case.

e. *Item 10(e).* Any other information, opinions, or recommendations considered pertinent by the DoD Component.

11. *Item 11.* Report descriptions of FOIA instructional and educational efforts undertaken by the DoD Component directed toward DoD Component personnel or the public.

D. *Tri-Annual Report.* 1. A portion of the annual reporting requirement has been selected for more frequent reporting to provide management data at intermediate DoD Component and DoD levels. The data selected fall into three areas: (1) costs attendant to administration of the FOIA Program, (2) the amount collected from the public, and (3) the number of reportable requests and appeals.

2. Each DoD Component shall prepare statistics tri-annually (Jan-Apr, May-Aug, Sep-Dec) and, using the outline below, report these data to the ASD(PA) on or before 30 days after the close of each 4-month reporting period. The use of DD Form 2086, "Record of FOI Case Processing Costs," to maintain a record of the cost of each FOIA case will provide the data base needed for compiling the data in this report.

E. *Tri-Annual Report Outline*

Reporting Activity:
Period of Report:
1. Cost of Routine Requests Processed:
No. of reportable requests x (cost factor per request): $——
2. Personnel Costs (Civilian and Military):
a. Direct costs of personnel assigned FOI duties based upon estimated payroll workyears by grade:
———— Cost: $————
b. Direct costs for other personnel involved in processing requests not included above base upon accumulation of total hourly data:
(1) Search Time Costs:————

(2) Review and Excising:————
(3) Coordination and Approval/Denial Decision Costs:————
(4) Correspondence and Form Preparation:————
(5) Other Activity Costs:————
Total Manhour Costs: $————
c. Application of Overhead:
(Subtotal a) + (Subtotal b) × (overhead rate): $————
Total of Direct Personnel Costs and Overhead: $————
3. Other Case Related Costs:

a. Computer	$——
b. Office Copy Reproduction	$——
c. Microfiche Reproduction	$——
d. Cost of Printed Records	$——
Total of Other Costs:	$——

4. Other Operating Costs:
a. Reporting Costs[2]
(1) Operational ————
(2) User ————
(3) Overhead ((1) + (2) × (overhead rate)]————
$————
b. Other costs as directed or as can be reasonably ascertained. Itemize each expense category and cost.
$————
(Subtotal a.) + (Subtotal b.)

5. Summary:
a. Total Costs of Sections 1 through 4 above $————
b. Amount Collected from Requesters this Reporting Period:
Search—— Copy—— Total: $——
c. No. of Requests Processed During this Reporting Period: Reportable Requests —— Appeals —— Total: ——

Enclosure 7—Other Reason Categories

1. *Transferred Request* This category applies when responsibility for making a determination or a decision on categories 2, 3, or 4 below is shifted from one DoD Component to another.

2. *Lack of Records* This category covers situations wherein the requester is advised the DoD Component has no record or has no statutory obligation to create a record.

3. *Failure of Requester to Reasonably Describe Record* This category is specifically based on 5 U.S.C. 552(a)(3)(A)

4. *Other Failures by Requester to Comply with Published Rules or Directives* This category is based on 5 U.S.C. 552(a)(3)(B) and includes instances of failure to follow published rules concerning time, place, fees, and procedures.

5. *Request Withdrawn by Requester* This category covers situations when the requester asks an agency to disregard the request or appeal or pursues the request outside FOIA channels.

April 23, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

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BILLING CODE 3810-70-M

[2] See DoD Instruction 5000.22.[1] (p. 28323.) "Guide to Estimating Costs of Information Requirements." October 17, 1974". In the report for the last 4-month period (Sep–Dec) of each year, include the costs attributable to the Annual Report.

POSTAL SERVICE

39 CFR Part 111

Merchandise Return Service; Temporary Implementing Regulations

AGENCY: Postal Service.

ACTION: Temporary implementing regulations.

SUMMARY: By separate notice published on April 17, 1980 (45 FR 26194), the Postal Service announced the establishment of a temporary mail classification for merchandise return service under the authority of 39 U.S.C. 3641(e). The change becomes effective at 12:01 AM on April 27, 1980.

In order to fully implement that mail classification change, the Postal Service also adopts a new temporary Part 919 of the Domestic Mail Manual, effective April 27, 1980.

EFFECTIVE DATE: April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Grayson Poats, (202) 245–4602.

SUPPLEMENTARY INFORMATION: The purpose of the merchandise return service is to offer a means by which a parcel can be returned to a shipper with postage paid by the shipper. In order to make this service available to mailers, implementing regulations must be made effective at the same time the service becomes effective, April 27, 1980.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comments from the public whenever it proposes a new regulation such as this, which might have a substantial effect on the public. In this case, however, publishing these rules as proposals, with a comment period of 30 days, would delay implementation of this new service to the disadvantage of mailers who might otherwise utilize it.

We note also that on April 21, 1980, the Postal Rate Commission transmitted to the Governors a recommended decision approving the settlement proposal under which the temporary merchandise return service was established. It is anticipated that the Governors will consider the recommended decision at the next meeting of the Board, scheduled for May 6, 1980, and if that decision is approved, these implementing regulations will be made permanent.

Accordingly, the Postal Service finds it unnecessary and contrary to the public interest to follow its customary practice of publishing these rules as proposed rules before they become effective. See 5 U.S.C. 553(d).

In view of the considerations discussed above, the Postal Service hereby adopts the following revision of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1

(39 U.S.C. 401, 403, 404, 3621, 3623, 3641)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

New Part 919 is added reading as follows:

919—Merchandise Return

919.1 Description

.11 General. Merchandise return service provides a method whereby a merchandise return permit holder may authorize individuals and organizations to send parcels to the permit holder and have the return postage and fees paid by the permit holder.

.12 Parcel Eligibility. Merchandise return service is available for First-Class Mail, and third-and fourth-class mail.

.13 Delivery of a parcel sent under two-part label procedure. A zone rated or other parcel bearing a merchandise return label sent under the two-part label procedure will not be sent to postage due units but will be returned to the permit holder through the regular distribution and delivery system as any other parcel.

.14 Delivery of a parcel sent under one-part label procedure. A non-zone rated parcel bearing a merchandise return label sent under the one-part label procedure will be sent to postage due units for determination of postage and fees before delivery.

919.2 Merchandise Return Permit

.21 General. A permit to use merchandise return service is required at each post office where parcels will be returned. An application on Form 3625, *Merchandise Return Permit Application,* must be submitted at each post office where the mail will be returned. On receipt of the application, the postmaster will complete the permit portion of the form and deliver it to the applicant. A permit is valid for one year.

.22 Cancellation of Permit. A permit may be cancelled by the Postal Service

for failure to maintain sufficient funds in an advance deposit account to cover postage and fees on returned parcels, for distributing a merchandise return label that does not conform to Postal Service specifications, or for other improper use. When a permit is cancelled, a parcel received by the Postal Service bearing a merchandise return label authorized under that permit will be treated the same as matter not bearing postage (see 146 and 159).

BILLING CODE 7710-12-M

U.S. POSTAL SERVICE

MERCHANDISE RETURN PERMIT APPLICATION

Application is made to use merchandise return service for return of parcels without prepayment of postage and fees under DMM 919. All postage and fees will be paid by the permit holder on all pieces returned under this privilege. Applicant agrees to prepare merchandise return labels in accordance with DMM 919.4 or 919.5, and understands that failure to conform with those requirements may be considered basis for cancellation of this permit. The annual merchandise return permit fee must accompany this request.

NAME AND ADDRESS OF APPLICANT (Print or type)	NAME		TELEPHONE NO.
	STREET	CITY AND STATE	ZIP CODE
POST OFFICE TO WHICH SUBMITTED (*City, State and ZIP Code*)	SIGNATURE AND TITLE OF APPLICANT		DATE

TO BE COMPLETED BY POSTMASTER

☐ APPLICATION APPROVED ☐ APPLICATION DENIED		DATE
PERMIT NUMBER	REASON FOR DENIAL:	
DATE OF ISSUANCE		

PS Form 3625 Apr. 1980

POSTMASTER: Retain application in your file. After application has been approved, deliver authorization to permit holder.

U.S. POSTAL SERVICE

MERCHANDISE RETURN PERMIT

PERMIT NUMBER	DATE OF ISSUANCE	DATE OF EXPIRATION	SIGNATURE OF POSTMASTER

You are authorized to use merchandise return service under the provisions of DMM 919. Your permit number must be shown on each part of each label. Please notify this office of any change of name, address or abandonment of permit. Only mail properly prepared in the format described in DMM 919.4 or 919.5 will be accepted.

Enter name of permit holder, street address, city, state and ZIP Code.	POST OFFICE, State and Zip Code

DETACHED FROM PS FORM 3625, Apr. 1980

Exhibit 919.2 Illustration of merchandise return permit and application form

BILLING CODE 7710-12-C

919.3 Postage and fees

.31 Annual Fee. An annual fee of $30 will be charged each calendar year for each permit issued.

.32 Transaction Fee. The fee for each merchandise return service transaction is 20 cents per parcel. This fee is in addition to applicable postage and any insurance fee.

.33 Payment of Postage

.331 Rate Applicable. Postage at the applicable single-piece first-class, third-class, or fourth-class rate will be charged on each piece returned under merchandise return service.

.332 Advance Deposit Account. Postage and fees must be paid through a postage due advance deposit account. A parcel will be returned under merchandise return sevice only when the permit holder has an advance deposit account with funds sufficient to pay applicable postage and fees. The permit holder may use the same advance deposit account for merchandise return service that he uses for other postage due mail (see 146.34).

919.4 Format—One-Part Label Procedure

.41 Physical Requirements. Any photographic, mechanical, or electrical process or any combination of such processes, other than typewriting or handwriting, may be used to prepare the merchandise return label. The background may be any light color that allows the address, postmark, and other required endorsements to be readily discerned. Brilliant colors may not be used. The reverse of the label must bear an adhesive sufficient to bond the label to the parcel. The label must meet the addressing requirements in 122.

.42 Required Format Elements

.421 Preprinted Endorsements. a. The endorsement "NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES" must be printed in the upper right corner on the face of the label. The arrangement of the endorsement may vary, but it may extend no further than 1¾ inches from the right edge of the label.

b. The "MERCHANDISE RETURN LABEL" legend must appear above the address and must be in capital letters at least 3/16 inches in height.

c. The words "PERMIT NUMBER . . ." followed by the permit number and the name of the issuing post office (city and State) must be shown in capital letters immediately below the merchandise return legend. This must be followed by the name and delivery address of the permit holder at that post office.

d. The following words and information must be shown in capital letters above and to the left of the center of the merchandise return legend:

(Line 1) CLASS:
(Line 2) RECEIVING OFFICE COMPUTE, POSTAGE DUE. ADD 20¢, MERCHANDISE RETURN FEE

e. The address of the postage due unit at the post office where the permit is held must be shown in the manner prescribed in 919.43. Permit holders can have parcels returned only to post offices where they hold a merchandise return permit and have an advance deposit account for payment of postage due.

.422 Required Markings. Horizontal bars as prescribed in 917.52b(1) must be placed on one-part labels. A Facing Identification Mark (FIM) as prescribed in 917.52b(2) is not required on this label.

.43 Addressing of Merchandising Return Labels. Space in the upper left corner of the label must be provided for the return address of the person who sends the matter to the permit holder. The merchandise return label must bear the address of the postage due unit of the post office where the permit is held. The address must be arranged in the manner prescribed in 122.2. A margin of at least one inch is required between the left edge of the piece and the address. The address must contain the following information:

(First line in capital letters at least 3/16 of an inch high)—POSTAGE DUE UNIT
(Second line)—U.S. POSTAL SERVICE
(Third line)—(Post Office, State and ZIP Code of the post office)

.44 Class of Mail Endorsement. If no endorsement of class of mailing appears, the parcel will be accepted at the applicable single-piece third-class or fourth-class parcel post rate according to weight. Parcels qualifying for special rate fourth-class or library rate (non-zoned rates) may be returned at those rates provided the appropriate identifying endorsement prescribed in 724.1, 725.1 or 763.1 is preprinted or rubber stamped in letters at least ¼ inch high immediately below the return address.

919.5 Format—Two-Part Label Procedure

.51 Physical Requirements. Any photographic, mechanical, or electrical process or any combination of such processes, other than typewriting or handwriting, may be used to prepare the merchandise return label. The background may be any light color that allows the address, postmark, and other required endorsements to be readily discerned. Brilliant colors may not be used. A perforation must be provided between the two parts extending fully across the label. The reverse of the part to be attached or affixed to the parcel must bear an adhesive sufficient to bond the label to the parcel. The part of the merchandise return label returned to the postage due unit must conform to all size standards established for post cards. (See 322.2.) The part attached to the parcel must meet the addressing requirements in 122.

.52 Required Format Elements

.521 Part Returned to Postage Due Unit—a. *Preprinted Endorsement.* (1) The endorsement "NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES" must be printed in the upper right corner on the face of the part returned to the postage due unit. The arrangement of the endorsement may vary, but is may extend no further than 1¾ inches from the right edge of the part.

(2) The "MERCHANDISE RETURN CARD" legend must appear above the address and must be in capital letters at least 3/16 inch in height.

(3) The words "PERMIT NUMBER . . ." followed by the permit number and the name of the issuing post office (city and State) must be shown in capital letters immediately below the merchandise return legend.

(4) The following words and information must be shown in capital letters above and to the left of the center of the merchandise return legend:

POSTAGE DUE UNIT
CHARGE $———
MERCHANDISE RETURN POSTAGE DUE TO:

_____
(name of permit holder)

(5) The address of the postage due unit at the post office where the permit is held must be shown in the manner prescribed in 919.531.

b. *Required Markings.* Horizontal bars as prescribed in 917.52b(1) and a Facing Identification Mark (FIM) as prescribed in 917.52b(2) must be placed on the part returned to the postage due unit.

.522 Part Attached of Affixed to Parcel. On the part attached or affixed to the parcel:

a. The endorsement "NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES" must be printed in the upper right corner on the face of the part. The arrangement of the endorsement may vary, but it may extend no further than 1¾ inches from the right edge of the part.

b. The "MERCHANDISE RETURN LABEL" legend must appear above the

address and must be in capital letters at least 3/16 inch in height.

c. The words "PERMIT NUMBER . . ." followed by the permit number and the name of the issuing post office (city and State) must be shown in capital letters immediately below the "Merchandise Return Label" legend.

d. The following words and information must be shown in capital letters above and to the left of the center of the "Merchandise Return Label" legend:

MAILING POST OFFICE
COMPUTE POSTAGE DUE AT APPLICABLE RATE:
ADD MERCHANDISE RETURN FEE: .20
ADD INSURANCE FEE IF ANY:
TOTAL POSTAGE DUE: $———

e. The address of the permit holder at the post office where the permit is held must be shown in the manner prescribed in 919.532.

.53 Addressing of Merchandise Return Labels

.531 The part of the merchandise return label returned to the postage due unit must bear the address of the postage due unit of the post office where the permit is held. The address must be arranged in the manner prescribed in 122.2. A margin of at least one inch is required between the left edge of the part and the address. The address must contain the following information:

(First line in capital letters at least 3/16 of an inch high)—POSTAGE DUE UNIT
(Second line)—U.S. POSTAL SERVICE
(Third line)—(City, State and ZIP Code of the post office)

.532 The part of the merchandise return label attached or affixed to the parcel must bear the address of the permit holder. The arrangement of the address must meet the provisions of 122.2. The permit holder's address must conform to the following:

(Top line)—(Permit holder's name)
(Optional second line)—(ATTN:————)
(Next to last line)—(Permit holder's street or box number address)
(Bottom line)—(Post office where permit is held, State, and ZIP Code of the permit holder)

Note—Both the part returned to the postage due unit and the part attached or affixed to the parcel must be preaddressed with the same destination post office name in the "city" portion of the address. consequently, permit holders can have parcels returned only to the post offices where they hold a merchandise return permit and have an advance deposit account for payment of postage due.

.533 Space in the upper left corner of each part must be provided for the return address of the sender of the parcel.

.54 Class of Mail Endorsement

.541 If no endorsement of class of mail appears the parcel will be accepted at the applicable single piece third-class or fourth-class parcel post rate according to weight.

.542 Parcels will be returned as First-Class Mail if the permit holder endorses both portions of the label "First-Class". The endorsements must be in letters at least ¼ inch high and must be printed or rubber stamped to the left of the merchandise return legends and above the address on each part.

Note—First-Class Mail cannot be insured unless the contents contain third- or fourth-class matter and are so labeled.

.543 Parcels qualifying for special rate fourth-class or library rate will be returned at those rates provided the appropriate identifying endorsement prescribed in 724.1, 725.1 or 763.1 is preprinted or rubber stamped in letters at least ¼ inch high to the left of the "Merchandise Return Label" legend and above the address on the part of the label to be affixed to the parcel.

919.6 Illustration of Merchandise Return Labels

Permit holders' requirements and capabilities for labels may vary. The following examples are suggested as ones which would meet all address and endorsement requirements:

Note—one example is for a two-part label and one example is for a one-part label).

BILLING CODE 7710-12-M

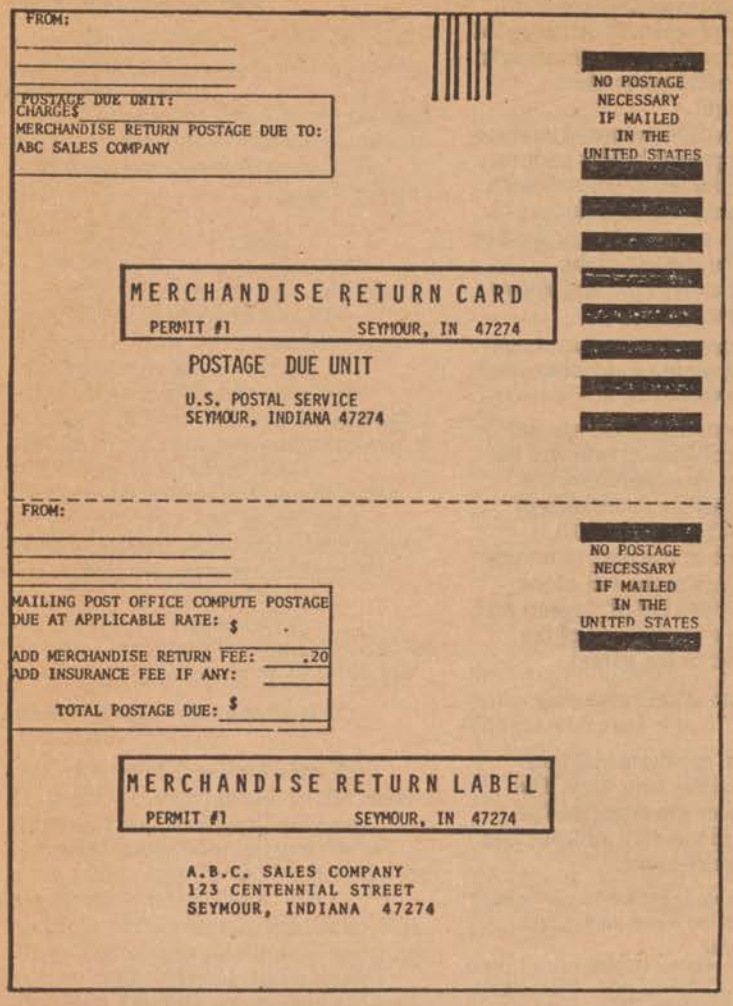

Exhibit 919.6a Two-part merchandise return label (not actual size)

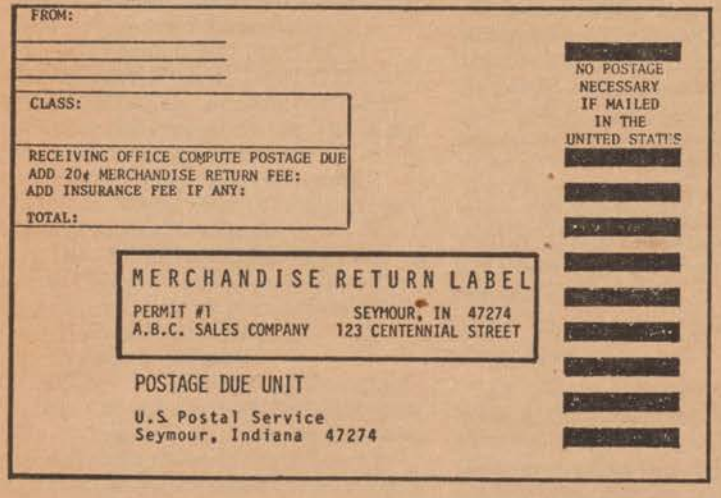

Exhibit 919.6b Illustration of merchandise return permit and application form

BILLING CODE 7710-12-C

919.7 Distribution

.71 General. Merchandise return labels may be distributed:

a. In any quantity for return to any post office in the United States and its territories and possessions, including military post offices overseas where a merchandise return permit is held. They should not be sent to any foreign country.

b. In any manner except by depositing in receptacles provided by customers for receipt of mail.

.72 Instructions to be Provided by Permit Holder. The permit holder must provide written instructions notifying the customer of the provisions of 919.81 (Mailing With One-Part Label) or 919.82 (Mailing With Two-Part Label). These instructions may be printed on a detachable portion of the label or on a separate piece sent with the label.

919.8 Mailing.

.81 Mailing With One-Part Label. Parcels mailed under the one-part label procedure may be mailed at a post office, at a place designated by the postmaster for receipt of mail, or in any mail deposit receptacle.

.82 Mailing With Two-Part Label. Parcels mailed under the two-part label procedure must be mailed at a post office or at a place designated by the postmaster for receipt of mail. They must not be placed in a mail deposit receptacle.

919.9 Ancillary Services

.91 Insured Mail Service.

.911 Only the permit holder may obtain insured mail service in conjunction with merchandise return service. The recipient may not obtain insured mail service. To request insured mail service, the permit holder must place the following endorsement and information on the merchandise return label part to be attached or affixed to the parcel:

INSURANCE DESIRED BY SHIPPER FOR $———(value)

The endorsement must be printed or rubber stamped to the left and above the "Merchandise Return Label" legend and below the return address. The permit holder must indicate the specific dollar amount of insurance applicable to the parcel.

Note.—First-Class Mail cannot be insured unless the parcel contains third- or fourth-class matter and is so labeled.

.912 When a merchandise return article is presented at a post office for return to the permit holder, the accepting Postal Service employee will take the following actions if the return label is endorsed with the "Insurance Desired by Shipper" endorsement:

a. Look at the endorsement to see how much insurance is desired by the permit holder and enter the appropriate insurance fee for the coverage desired on the mailing label on the "Add Insurance Fee If Any" line.

b. If the article is to be insured for $15.00 or less, stamp the article "Insured", complete a Form 3813, *Receipt for Domestic Insured Parcel,* and give the receipt to the recipient, and instruct the recipient to keep the receipt as evidence of mailing the insured article.

c. If the article is to be insured for more than $15.00, complete a Form 3813–P, *Receipt for Insured Mail, Domestic-International,* affix the insured label with the insurance number on it to the article, give the receipt portion of the Form 3813–P to the recipient, and instruct the recipient to keep the receipt as evidence of mailing the insured article.

.913 When numbered insured merchandise return articles are delivered, the delivering Postal Service employee will obtain a delivery receipt for the articles on Form 3849A, *Delivery Notice or Receipt,* or Form 3849B, *Delivery Reminder or Receipt,* or Form 3883, *Firm Delivery Book—Registered, Certified and Numbered Insured Mail.*

.92 *Certificate of Mailing.* The recipient mailing a merchandise return article may obtain a certificate of mailing at his own expense at the time of mailing. No other special service may be obtained by the recipient.

[FR Doc. 80–12933 Filed 4–23–80; 4:39 pm]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1480–1]

Designation of Areas for Air Quality Planning Purposes; Alabama and Tennessee: Corrected Section 107 TSP Tables

AGENCY: Environmental Protection Agency.

ACTION: Correction in final rule.

SUMMARY: In **Federal Register** document 78–25600, appearing on pages 40412 through 40435 of the issue of September 11, 1978, the latter portion of the particulate matter (TSP) attainment status tables for Alabama and Tennessee was omitted through clerical error. (Consequently, the 1979 edition of the Code of Federal Regulations does not give these tables in their complete form.) The Alabama TSP table was later revised and appeared in correct form in the **Federal Register** of July 18, 1979 (44 FR 41782). The correct Tennessee TSP table is printed below. It is the same as it was in the 1978 edition of the Code of Federal Regulations except that the designation of Maury County is more precise and is composed of two entries (see FR of September 11, 1978, page 40342), and the designation of Roane County is now unclassified (see FR of November 2, 1979, page 63105).

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV Air Programs Branch, 345 Courtland St., N.E., Atlanta, Georgia, 404/881–3043 (FTS 257–3043).

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: April 21, 1980

John A. Little,

Acting Regional Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.343, the TSP table is corrected to read as follows:

§ 81.343 Tennessee.

Tennessee—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Those portions of Anderson and Knox Counties surrounding TVA's Bull Run plant.	.....	X	.....	
Those portions of Campbell County within downtown Lafollette and the area surrounding the Carborundum Company's plant at Jacksboro.	X	X	.....	
That portion of Coffee County within a section of Tullahoma	.....	.....	X	
That portion of Davidson County within the 1964 Urban Services Area of Nashville.	X	X	.....	
That portion of Hamilton County within, approximately, the city limits of Chattanooga.	X	X	.....	
That portion of Maury County within the northern section of downtown Columbia.	X	X	.....	

Tennessee—TSP —Continued

That portion of Maury County within the remainder of the northern section of Columbia.			X	
That portion of Obion County within the downtown section of Union City.			X	
That portion of Roane County within a downtown section of Rockwood.			X	
Those portions of Shelby County within two sections of downtown Memphis.	X	X		
Those portions of Sullivan County within a section of Bristol and a section of Kingsport.	X	X		
That portion of Sumner County surrounding TVA's Gallatin plant...		X		
That portion of Washington County within downtown Johnson City.			[1]X	
Rest of State				X

[1] EPA designation replaces State designation.

[FR Doc. 80-13078 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1480-5; PP 9F2157/R243]

Mefluidide; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide mefluidide on soybeans at 0.01 part per million (ppm). The regulation was requested by the 3M Co. This rule establishes a maximum permissible level for residues of mefluidide on soybeans.

EFFECTIVE DATE: Effective on April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 202-755-7013.

SUPPLEMENTARY INFORMATION: On January 18, 1979, notice was given (44 FR 3771) that 3M Co., 3M Center, St. Paul, MN 55101, had filed a pesticide petition (PP 9F2157) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act.

This petition proposed that 40 CFR Part 180 be amended to establish a tolerance for residues of the herbicide mefluidide (*N*-[2,4-dimethyl-5-[[(trifluoromethyl) sulfonyl]amino] phenyl]acetamide) in or on the raw agricultural commodity soybeans at 0.01 ppm.

Subsequently, the petitioner amended the petition by adding the stipulation that the residues of mefluidide remaining in or on the soybeans result from applications of the diethanolamine salt. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance included a rat oral LD_{50} (lethal dose) greater than 4,000 milligrams per kilogram of body weight (mg/kg bw); a 2-year rat feeding study for which a no-observed-effect level (NOEL) could not be established since at the lowest level fed (600 ppm or 30 mg/kg bw/day), body weights were depressed in both male and female test animals; an 18-month carcinogenicity study in mice (negative at 6,000 ppm, the highest fed level); a rabbit teratology study (NOEL equal to or greater than 60 mg/kg bw/day); a three-generation rat reproduction study (NOEL 1,800 ppm); an Ames mutagenicity test (negative at highest level tested); a hen demyelination study (negative); and rat metabolism studies.

No permanent tolerances for mefluidide have previously been established. An acceptable daily intake (ADI) for man and a maximum permissible intake (MPI) for man are not available and cannot be calculated for mefluidide because an NOEL cannot be established at this time from the two-year rat feeding study.

Although a NOEL cannot be established, the weight depression effect observed at the lowest dose level in the two-year rat feeding study is considered to be a minor effect. This effect is expected to diminish with dose to a level at which no measurable weight loss would occur; for the worst-case approximation, the dose-response curve would be linear from the measured dose levels down to the zero dose level. Since only minor effects were observed at doses 13,000,000 times the maximum expected human dose, the Agency expects that any potential effect at the very low human exposure levels which will result from the use of the herbicide would be immeasurably low. Thus, the Agency has concluded that the tolerance of the herbicide mefluidide at 0.01 ppm on soybeans is adequate to protect the public health.

3M Company has agreed to provide an additional feeding study which includes lower dosage levels in order to establish an unequivocal NOEL. Upon receipt of this study, the Agency will re-evaluate this tolerance.

Desirable data lacking from the petition are an additional one-year rat feeding study, a second teratology study (rat), a subchronic nonrodent feeding study, and further mutagenicity data. The company has agreed to conduct the additional one-year rat feeding study and second teratology and nonrodent studies within a reasonable period of time; further mutagenicity testing will be deferred until the amount and kinds of mutagenicity data required for the establishment of tolerances are determined by this agency. There are no pending actions against registration of the pesticide. The nature of the residue of the pesticide is known and an adequate analytical method (gas chromatography with flame photometric detection in the sulfur mode) is available for enforcement purposes. No other considerations are involved in establishing the proposed tolerance.

Use limitations on the pesticide label prohibit foraging or feeding of soybean hay. In addition, no detectable mefluidide residues (less than 0.01 ppm) were observed in or on soybeans or processed soybean products. Therefore, secondary residues are not likely to occur in eggs; milk; and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance of 0.01 ppm in or on soybeans established by amending 40 CFR 180 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before May 29, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-

110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on April 29, 1980, Part 180 is amended as set forth below.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))

Dated: April 24, 1980.

James M. Conlon,

Associate Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by adding the new § 180.386 to read as follows:

§ 180.386 Mefluidide; tolerances for residues.

A tolerance is established for residues of the herbicide mefluidide (*N*-[2,4-dimethyl-5-[[(trifluoromethyl) sulfonyl]amino]phenyl]acetamide) derived from application of the diethanolamine salt and calculated as the free acid, in or on the following raw agricultural commodity:

Commodity:	*Parts per million*
Soybeans	0.01

[FR Doc. 80-13076 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500 through 1508

Request for Public Comment on Agency Implementation of CEQ's NEPA Regulations

April 21, 1980.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Request for public comment.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA") (43 FR 55978–56007; 40 CFR 1500–1508). This notice requests the comments of the public on how well agencies are implementing those regulations.

ADDRESS: Comments should be addressed to General Counsel, Attention: NEPA Regulations Oversight, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; 202–395–5750.

SUPPLEMENTAL INFORMATION: On November 29, 1978, the Council on Environmental Quality published its Final Regulations implementing the procedural provisions of the National Environmental Policy Act. Those regulations are found at 40 CFR Parts 1500–1508 and at 43 FR 55879 (Nov. 29, 1978). They became effective for and binding upon most Federal agencies July 30, 1979, and for all remaining agencies on November 30, 1979. Each agency must adopt implementing procedures (though the regulations are binding upon an agency whether or not it adopts the required procedures). The Council published its Seventh Progress Report on Agency Implementing Procedures on March 25, 1980. 45 FR 19294.

Since its creation by the National Environmental Policy Act in 1970 the Council on Environmental Quality has been responsible for overseeing Federal efforts to comply with the National Environmental Policy Act ("NEPA"). In 1970, the Council issued Guidelines for the preparation of environmental impact statements (EISs). Although the Council conceived of the Guidelines as non-discretionary standards for agency decisionmaking, some agencies viewed them as advisory only. Similarly, courts differed over the weight which should be accorded the Guidelines in evaluating agency compliance with the statute.

The result was an evolution of inconsistent agency practices and interpretations of the law. The lack of a uniform, government-wide approach to implementing NEPA impeded Federal coordination and made it more difficult for those outside government to understand and participate in the environmental review process. It also caused unnecessary duplication, delay and paperwork.

Moreover, by the terms of Executive Order 11514, the Guidelines were confined to Subsection (C) of Section 102(2) of NEPA—the requirement for environmental impact statements. The Guidelines did not address Section 102(2)'s other important provisions for agency planning and decisionmaking. Consequently, the environmental impact statement tended to become an end in itself, rather than a means to making better decisions. Environmental impact statements have often failed to establish the link between what is learned through the NEPA process and how the information can contribute to decisions which further national environmental policies and goals.

To correct these problems, President Carter issued Executive Order 11991 on May 24, 1977, directing the Council to issue the regulations.

In accordance with this directive, the Council issued its regulations binding on all Federal agencies, to replace some seventy different sets of agency regulations, and to provide uniform standards applicable throughout the Federal government for conducting environmental reviews. The regulations also establish formal guidance from the Council on the requirements of NEPA for use by the Courts in interpreting this law. The regulations address all nine subdivisions of Section 102(2) of the Act, rather than just the EIS provision covered by the Guidelines. Finally, as mandated by President Carter's Executive Order, the regulations are

> ". . . designed to make the environmental impact statement more useful to decisionmakers and the public and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives."

As directed by the President and after a year and a half of hearings and consultations with all affected interests the Council issued its regulation with the threefold objection of less paperwork, less delay, and better decisions. (These three purposes are more fully explained in the Preamble to the Regulations. 43 FR 55978–55980 (Nov. 29, 1978).) All the major affected groups in America from the business community to the environmental community to State and local governments welcomed those regulations as an immense improvement over prior NEPA practices.

The Council now has under way an extensive program of oversight to insure that the agencies of the Federal Government are implementing those regulations as intended. We are particularly concerned that the three major goals of less paperwork, less

delay, and better decisions are carried out.

This notice is to request the assistance of the American public in this effort. We would appreciate your informing us at the address given above of your experiences with agency implementation of the NEPA regulations. We look forward to hearing from anybody affected—from environmentalists to business applicants to States and local governments. Limited resources do not permit us to investigate each particular situation, but depending upon the information we receive, we can deal with the agencies involved to secure their general compliance with NEPA and the regulations.

Thank you for your help.

Nicholas C. Yost,

General Counsel.

[FR Doc. 80-12999 Filed 4-28-80; 8:45 am]

BILLING CODE 3125-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-61

National Archives and Record Service; Fees for Reproduction Services: Location of Records and Hours of Use

AGENCY: General Services Administration, National Archives and Records Service (NARS).

ACTION: Final rule.

SUMMARY: This rule revises the fee schedule for reproduction services established by the National Archives and Record Service (NARS). The revised fee schedule will be in effect during fiscal year 1980.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Buffington, Planning and Analysis Division, Office of the Executive Director, National Archives and Records Service, General Services Administration (NAA), Washington, DC 20408. (202-523-3214).

SUPPLEMENTARY INFORMATION: On March 4, 1980, there was published in the **Federal Register** (45 FR 14073) a notice of proposed rulemaking with proposed revisions to the regulations. No comments were received. The effective date of this rule listed in Section 105-61.5208 has been revised. With this minor change, the final rule is adopted as set forth below.

Note.—The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(c), Stat. 390; 40 U.S.C. 486(c); 41 CFR 105-61.000-2)

Dated: April 4, 1980.

Walter W. Stender,

Acting Archivist of the United States.

Subpart 105-61.51—Location of Records and Hours of Use

1. Section 105-61.5101-3(e) is revised to read as follows:

§ 105-61.5101-3 Presidential libraries.

* * * * *

(e) John F. Kennedy Library, Morrisey Boulevard, Columbia Point, Boston, MA 02125. Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

* * * * *

2. Section 105-61.5101-7 is amended by revising paragraphs (d), (g), (h), and (k) to read as follows:

§ 105-61.5101-7 Federal archives and records centers.

* * * * *

(d) 1557 St. Joseph Avenue, East Point, GA 30344. Hours: 8 a.m. to 5 p.m., Monday through Friday.

* * * * *

(f) 2306 East Bannister Road, Kansas City, MO 64131. Hours: 8 a.m. to 4 p.m., Monday through Friday.

(g) 4900 Hemphill Street, Fort Worth, TX. Mailing address: Federal Archives and Records Center, P.O. Box 6216, Fort Worth, TX 76115. Hours: 8 a.m. to 4 p.m., Monday through Friday.

(h) Building 48, Denver Federal Center, Denver, CO. Mailing address: Federal Archives and Records Center, P.O. Box 25307, Denver, CO 80225. Hours: 8 a.m. to 3:50 p.m., Monday through Friday.

* * * * *

(k) 6125 Sand Point Way, Seattle, WA 98115. Hours: 7:45 a.m. to 4:15 p.m., Monday through Friday.

Subpart 105-61.52—Fees

3. Section 105-61.5201(2)(8) is revised to read as follows:

§ 105-61.5201 Applicability.

* * * * *

(c) * * *

(8) Customers may request expedited service for most reproduction orders. "Rush" orders are subject to a 40-percent surcharge.

4. Section 105-61.5205 is amended by revising paragraphs (a), (c), and (e) to read as follows:

§ 105-61.5205 Mail orders.

* * * * *

(a) Except for those processes showing a higher minimum in § 105-61.5206, a minimum fee of $3 per order is charged for reproductions ordered by mail.

* * * * *

(c) When a customer requests that reproductions be sent to a foreign address or requests special postal service to domestic addresses, the order is subject to a shipping fee in addition to the cost of the reproductions. The shipping fee is computed as a percentage of the cost of the items ordered using the schedule in paragraph (d) of this section and/or a postal service fee using the schedule in paragraph (e) of this section. However, no additional charge is made when the special shipping fee is less than $1.

* * * * *

(e) The following fees for special postal service apply when the service is requested by the customer.

(1) Insured mail:

Amount insured	Fee	
	Domestic	Foreign
$15.00	.....	$0.90
50.00	$0.85	1.20
100.00	1.10	1.50
150.00	1.40	.....
200.00	1.75	2.10
300.00	2.25	2.70
400.00	2.75	3.30

(2) Certified mail, $0.80.

(3) Return receipt, $0.45.

(4) Registered mail, $3.00.

5. Section 105-61.5206 is amended by revising paragraphs (a) thru (j) to read as follows:

§ 105-61.5206 Fee schedule.

(a) *Authentication,* $2.00.

(b) *Still photography* (minimum order, $4).

(1) *Copy negatives:*

	Black and white
4 in. by 5 in.	$4.00
8 in. by 10 in.	6.80

(2) *Aerial prints:*

10 in. by 10 in or smaller (contact)	$4.25
10 in. by 10 in enlargement	4.25
14 in. by 14 in	7.00
18 in. by 18 in	7.80
20 in. by 24 in	7.80
27 in. by 28 in	16.00
40 in. by 41 in	22.00
Photo-indexes (usually 20 in. by 24 in.)	7.80

(3) *Photographic prints (includes prints from microfilm):*

	Black and white	*Color*
4 in. by 5 in. (contact: A contact print is an exact copy of a negative which cannot be altered. The service is available only when there is a 4 in. by 5 in. negative on file)	$2.40	.....
8 in. by 10 in. or smaller	4.65	$20.00
11 in. by 14 in	5.75	30.00
16 in. by 20 in	9.50	46.00
20 in. by 24 in	12.90	59.30
22 in. by 28 in	12.90	.....
24 in. by 30 in	17.85	110.00
30 in. by 40 in	17.85	155.00
Sepia, add	3.75	.....

(4) *Slides and transparencies:*

Black and white:	
2 in. by 2 in. from existing negative	$1.90
Additional fee when negative must be made	4.00
Color:	
2 in. by 2 in.	2.70
4 in. by 5 in.	16.85
8 in. by 10 in.	32.70

(5) *Photostat:*

Paper (up to 17 in. by 23 in.)	$6.25
Film (up to 17 in. by 23 in.)	7.80

(6) *Diazo (per foot),* $1.00.

(7) *105 mm microfilm prints:*

18 in. by 24 in. paper copy	$1.55

(c) *Microfilm.*

	16 mm rotary	16 mm planetary	35 mm planetary	35mm oversize
(1) Negative (per frame; minimum order, $10)				
Customer tabs documents for microfilming	$0.06	$0.10	$0.10	$0.40
NARS identifies documents for microfilming	.06	.15	.15	.45
(2) Positive (per foot; minimum, $6 per roll)		.13	.14	
(3) Duplicate negative (Per foot; minimum order, $6)		.16	.17	

(d) *Microfiche duplication.*

(per fiche, minimum order, $3	$0.40

(e) *Electrostatic copying.*

(1) *Paper to paper (up to 11 in. by 17 in.).*

Customer tabs documents for copying	$0.15
NARS identifies documents for copying	.20

(2) *Oversized electrostatic copies (per foot),* $0.080.

(3) *Microfilm to paper.*

From negative (Copyflo, per foot; minimum order, $10)	$1.35
From positive (per frame):	
When work is done by customer (up to 8½ in. by 14 in. per frame)	.15
When work is done by NARS (minimum mail order, $3):	
Nonconsecutive frames or first of consecutive frame, any size	.75
Consecutive or duplicate frames:	
Up to 8½ in. by 14 in	.25
11 in. by 17 in	.35
18 in. by 24 in	.45
High resolution-wet process (8½ in. by 11 in):	
When work is done by customer	.20
When work is done by NARS	.30

(f) *Sound recordings.*

Reel to reel (per minute; minimum order, $5)	$0.51
Cassette (per minute; minimum order, $5)	.44
Film-to-tape sound transfer (per minute; minimum order, $15)	2.50

(g) *Video recordings.*

Film to tape:	
10 min	$40.00
20 min	56.00
30 min	69.00
40 min	88.00
60 min	114.00
Tape to tape:	
10 min	34.00
20 min	44.00
30 min	52.00
40 min	64.00
60 min	79.00

(h) *Machine-readable records.*

Tape-to-tape copying (per reel)	$65.00
Tape-to-printout copying (computer processing time per hour; minimum order, $50	150.00
Tape-to-printout extract (computer processing time per hour; minimum order, $250	150.00
Tape-to-tape extract (per output reel)	65.00
(Computer processing time per hour)	150.00
Card-to-card (per card; minimum order, $10)	.02
Tape-to-card (per card; minimum order, $10)	.02

(i) *Technical services.*

	Regular	Overtime
Motion picture preparation (per hour)	$22.00	$26.00
Photographer (per hour)	20.00	24.00
Microfilm preparation (per hour)	18.00	27.00
Sound and video recordings (per hour)	28.00	34.00

* * * * *

6. Section 105–61.5208 is revised as follows:

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective beginning April 7, 1980, and ending September 30, 1980. Orders received after September 30, 1980, will be subject to the fees in effect at that time.

[FR Doc. 80–13048 Filed 4–28–80; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161m

Population Education Program; Correction

AGENCY: Office of Education, HEW.

ACTION: Correction, final regulation.

SUMMARY: In the final regulations published in the **Federal Register** on Friday, April 4, 1980, 23200, a correction needs to be made. The change is as follows: On Page 23200, first column under "For further Information Contact" the contact should be Dr. Stanley Kruger. The address and phone number are the same.

FOR FURTHER INFORMATION CONTACT:

Dr. Stanley Kruger. Telephone (202) 245–8868.

Dated: April 23, 1980.

(Catalog of Federal Domestic Assistance No. (not assigned yet))

William L. Smith,

Commissioner of Education.

[FR Doc. 80–13071 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–02–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC–37 (Sub-No. 30)]

Washington, D.C., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Final rule, redefinition and expansion of the Washington, DC, commercial zone.

SUMMARY: By petition filed October 13, 1978, the Loudoun County, VA, Chamber of Commerce seeks the redefinition and extension of the Washington, DC, commercial zone, which is now defined specifically in 49 CFR 1048.10, to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include the eastern section of Loudoun County generally described as the area east of US Hwy 15 in the present zone. A concurrently filed statement in support by the Loudoun County Board of Supervisors seeks the inclusion of the entire county in the Washington, DC, commercial zone. A total of 33 statements in support of the petition were filed by business, transportation, and local interests. No statements were filed in opposition. The regulation set forth below is promulgated pursuant to the Commission's action on these statements.

EFFECTIVE DATE: May 29, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Shaw, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, 12th and Constitution Ave. N.W., Washington, D.C. 20423, (202) 275–7292.

SUPPLEMENTARY INFORMATION: This regulation is issued under the authority of 49 U.S.C. 10321 and 49 U.S.C. 10526(b)(1) (the Interstate Commerce Act) and 5 U.S.C. 553 (the Administrative Procedure Act).

§ 1048.10 [Amended]

Accordingly, § 1048.10(c) of Part 1048 of Chapter X of Title 49 of the Code of Federal Regulations is revised to read:

* * * * *

(c) All points in Fairfax and Loudoun Counties, VA.

* * * * *

Decided: April 10, 1980.

By the Commission, Appellate Division 2, Commissioners Gresham, Trantum, and Gaskins.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–13044 Filed 4–28–80; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 45, No. 84
Tuesday, April 29, 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.

CIVIL AERONAUTICS BOARD

[Economic Regulations Docket 38021; EDR-396; Dated: April 10, 1980]

14 CFR Parts 221, 250, 255, and 298

Prescribed Airline Counter and Ticket Notices

AGENCY: Civil Aeronautics Board.

ACTION: Erratum to Notice of Proposed Rulemaking.

SUMMARY: The CAB has proposed to revise and simplify the airline ticket notices and counter signs prescribed by its regulations. This notice corrects an error in the Appendix to that proposal.

DATES: Comments by: June 16, 1980; reply comments by: July 7, 1980. Comments and relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: April 28, 1980.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on the others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mary Candace Fowler, Bureau of Consumer Protection, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5158.

SUPPLEMENTARY INFORMATION: Part of the language of the proposed new airline counter sign was inadvertently misstated in Appendix A to EDR-396 as originally published, April 16, 1980 (45 FR 25817) though it appears correctly in the proposal itself. The proposed overbooking and denied boarding notice on page 1 of Appendix A should read as follows:

On scheduled flights, airlines must offer a specific payment to most passengers with confirmed reservations who are not let on the plane because their flight is oversold. *You may not be bumped before the airline has asked for volunteers to give up their seats for a bargained for payment.* Ask any airline agent for a free summary of the complete rules.

Note.—Different rules apply on some international flights.

Dated: April 22, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-13138 Filed 4-28-80; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9126]

National Tea Co., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlemenmt of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, would dismiss the complaint against Applebaums' Food Markets, Inc., and require a Rosemont, Ill. operator of a retail grocery store chain to divest itself, within six months from the effective date of the order, of all its rights, title and interest in seven specified retail grocery stores in the Minneapolis-St. Paul area, to a Commission-approved acquirer. Further, for a ten-year period, the company (with certain minor exceptions) would be prohibited from acquiring any retail grocery store business located in designated geographic areas without prior Commission approval.

DATE: Comments must be received on or before June 30, 1980.

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, Alfred F. Dougherty, Jr., Washington, D.C. 20580 (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)).

Agreement Containing Order To Divest and Other Relief

In the matter of National Tea Company, a corporation, and Applebaums' Food Markets, Inc., a corporation. Docket No. 9126.

The agreement herein, by and between National Tea Company, a corporation, hereafter sometimes referred to as National, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Federal Trade Commission's Rules governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent National Tea Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois with its principal executive offices located at 9701 West Higgins Road, Rosemont, Illinois 60018.

2. National has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. Section 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. Section 45, and has filed answers to said complaint denying said charges.

3. National admits all of the jurisdictional facts set forth in the Federal Trade Commission's complaint in this proceeding.

4. National waives:

(a) Any further procedural steps;

(b) The requirement that the Federal Trade 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 to Divest and Other Relief, sometimes referred to hereinafter as 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 Federal Trade 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 National, 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 National that the law has been violated as alleged in the complaint. Nothing in this agreement or order shall be construed as representing a view of the Federal Trade Commission or its staff regarding the appropriateness or legality under the antitrust laws of the merger challenged by the complaint in this matter or of any other merger or acquisition.

7. If this agreement is accepted by the Federal Trade 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 National (1) issue its decision containing the following Order to Divest and Other Relief in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order 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 agree-to order to respondent's address as stated in this agreement shall constitute service. National waives any right it might have to any other manner of service.

8. This agreement comtemplates that the complaint may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or to contradict the terms of the order.

9. The officer who has signed this agreement on behalf of National is authorized to do so, has read the complaint and the order contemplated hereby, and understands that once the order has been issued, National will be required to file one or more compliance reports showing that it has fully complied with the order, and that National may be liable for a civil penalty of up to $10,000 per day for violation of the order after it becomes final.

Order To Divest and Other Relief

I

As used in this order:

(A) "National " means National Tea Co., a corporation organized under the laws of Illinois with its principal executive offices at 9701 West Higgins Road, Rosemont, Illinois 60018, and its directors, officers, agents and employees, and its subsidiaries, successors and assigns.

(B) "Applebaums" means Applebaums' Food Markets, Inc., a corporation once organized under the laws of Minnesota with its principal executive offices at 222 Plato Boulevard, St. Paul, Minnesota 55107, and which was merged on July 27, 1979 into a wholly-owned subsidiary of National, at which time Applebaums as a corporation ceased to exist.

(C) "Retail grocery stores" are retail food stores classified under Bureau of Census Industry Classification No. 541, including supermarkets, convenience stores and delicatessens, which primarily sell a wide variety of canned or frozen foods, such as vegetables, fruits and soups; dry groceries, either packaged or in bulk, such as tea, coffee, cocoa, dried fruits, processed food, and non-edible grocery items. In addition, these stores often sell smoked and prepared meats, and fresh fish and poultry, fresh vegetables and fruits, and fresh or frozen meats.

(D) "The Minneapolis-St. Paul Area" means the area encompassed by the Minnesota counties of Anoka, Dakota, Hennepin, Ramsey and Washington.

(E) "Applebaums stores" means those retail grocery stores in the Minneapolis/St. Paul area formerly owned by Applebaums, all of which were acquired by National on July 27, 1979.

(F) "National stores" means those retail grocery stores in the Minneapolis/St. Paul area owned by or operated by National on or after the date on which this Order becomes final, including the Applebaums stores.

(G) The "disposition stores" means the following National ("N") stores and Applebaums ("A") stores:

1. N–80 (2326 Louisiana, St. Louis Park)
2. N—91 (3115 E. 38th St., Minneapolis)
3. N–99 (150 Apache Plaza, St. Anthony Village)
4. N–210 (4300 Xycon Ave., New Hope)
5. N–803 (8948 University Ave., St. Paul)
6. N–130 (1901 W. 80th St., Bloomington)
7. A–8 (900 E. Maryland, St. Paul)

(H) "May Brothers" means May Brothers Company, a wholesale supplier of groceries and related products with its principal office located at 3501 Marshall Street, Northeast, Minneapolis, Minnesota 55418.

(I) "Acquisition", "acquire", "merger", or "merge with" includes all other forms of arrangement by which National may obtain all or any part of the market share of any other retail grocery store or stores.

II

It is ordered that within six months from the date on which this order becomes final, National shall divest itself of all of its right, title and interest in the disposition stores. During this period, National shall continue to operate said properties as retail grocery stores. Divestiture shall be made only to an acquiror or acquirors approved in advance by the Federal Trade Commission. The purpose of the divestiture required by this paragraph is to assure the continued operation of the disposition stores as retail grocery stores and their survival as viable competitors in the Minneapolis-St. Paul area.

III

It is further ordered that at the request of May Brothers National shall do the following:

(A) For a period of one year from the date on which this order becomes final, National shall continue to purchase from May Brothers, when averaged over the one-year period, at least fifty percent of the dry grocery products purchased by National for the Applebaums stores;

(B) For a period of five years from the date on which this order becomes final, National shall make annual purchases of no less than six million dollars ($6,000,000.00) of dry groceries from May Brothers for the National stores, and, for a period of five years from the date on which this order becomes final, National shall maintain May Brothers as the first alternative source for the dry grocery products requirements of the National stores; and

(C) For a period of five years from the date on which this order becomes final May Brothers shall be the exclusive

frozen food supplier of the National stores; provided, however, that this paragraph shall have effect only so long as May Brothers continues to offer National competitive quality and prices for such purchases.

IV

It is further ordered that for a period of ten (10) years from the date on which this order becomes final, National shall not merge with or acquire, or merge with or acquire and thereafter hold, directly or indirectly through subsidiaries or in any other manner, without the prior approval of the Federal Trade Commission, the whole or any part of the stock or assets of any individual, firm, partnership, corporation or other legal or business entity which directly or indirectly owns or operates any retail grocery store, where such acquisition or merger involves five or more such retail grocery stores, any one of which is located in any of the following areas:

(A) In Minnesota, Wisconsin, Indiana, Missouri, Illinois, Louisiana or Mississippi; or

(B) Within five hundred (500) miles of any warehouse owned or operated by National at the time of such acquisition or merger and which is engaged in the shipment of products to retail grocery stores; or

(C) Within three hundred (300) miles of any retail grocery store owned or operated by National at the time of such acquisition or merger.

V

It is further ordered that, in the event National withdraws from the business of operating retail grocery stores in the Minneapolis/St. Paul area prior to the expiration of paragraph IV of this order, National shall divest all of its right, title and interest in the National stores to an acquiror or acquirors approved in advance by the Federal Trade Commission. The purpose of this paragraph is to assure that National's withdrawal from the Minneapolis/St. Paul area is accomplished in a manner which, in the opinion of the Federal Trade Commission, will best promote, preserve, and protect competition among retail grocery stores in that area.

VI

It is further ordered that within sixty (60) days from the date on which this order becomes final and every sixty (60) days thereafter until the divestiture required by paragraph II of this order is completed, National shall submit to the Federal Trade Commission a written report setting forth in detail the manner and form in which National intends to comply, is complying, and has complied with the terms of this order and such additional information relating thereto as may from time to time be required. In addition, upon written request of the staff of the Federal Trade Commission, National shall submit such reports in writing with respect to the other requirements of this order as may from time to time be requested.

VII

It is further ordered that National notify the Federal Trade Commission at least thirty (30) days prior to any proposed corporate changes, 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 with the obligations arising out of this order.

VIII

It is further ordered that the complaint against Applebaums' Food Markets, Inc., be, and it hereby is, dismissed.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from National Tea Company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments from 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 case arose from the 1979 acquisition by National Tea Company ("National") of Applebaums' Food Markets, Inc., ("Applebaums"), a retail grocery store chain located primarily in the Minneapolis-St. Paul, Minnesota area. National is also a retail grocery store chain which does business in Minneapolis-St. Paul, as well as in other areas of the United States. The Commission's complaint charged that this acquisition violated Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The Complaint alleged anticompetitive effects in the retail grocery store industry in Minneapolis-St. Paul, a market which was considered to be highly concentrated. The alleged anticompetitive effects included (a) the elimination of actual competition between National and Applebaums; (b) increased concentration in the market; (c) potentially weakening competition from independent retail grocery store competitors of Applebaums and National in Minneapolis-St. Paul by impairing the ability of their wholesale supplier to maintain existing levels of price and service; and (d) the encouragement of further acquisitions and mergers by and among other leading firms in the retail grocery store business.

The proposed order contains provisions (a) requiring divestiture; (b) imposing limitations on National's future acquisitions; (c) designating May Brothers Company (former primary wholesale supplier of Applebaums) as a primary and secondary wholesale grocery supplier of National (with certain minimum purchase requirements); and (d) requiring approval by the Commission of the acquirer or acquirers should National withdraw from grocery retailing in Minneapolis-St. Paul during the next ten years. The proposed order also contains a provision calling for dismissal of the complaint against Applebaums.

National will be required to divest seven retail grocery stores in the Minneapolis-St. Paul area, within six months of the date the order becomes effective. Divestiture will be made to an acquirer or acquirers approved in advance by the Federal Trade Commission. The proposed order states that the purpose of this divestiture is to assure that the divested retail grocery stores continue to operate as such, and as viable competitors in Minneapolis-St. Paul.

For a period of ten (10) years from the effective date of the order, National (with certain minor exceptions) will not be permitted to make any acquisitions in the retail grocery store business in designated areas of the United States without prior Commission approval. The areas included in this provision are (a) the states of Minnesota, Wisconsin, Indiana, Missouri, Illinois, Louisiana and Mississippi; (b) the area(s) defined by a circle with a five hundred (500) mile radius drawn around each National warehouse existing at the time an acquisition is proposed; and (c) the area(s) defined by a circle with a three hundred (300) mile radius drawn around each National retail grocery store existing at the time an acquisition is proposed.

Before it was acquired by National, Applebaums was supplied primarily by May Brothers Company, a wholesale supplier of groceries and related products located in Minneapolis, Minnesota. For a one year period which commences on the date the order becomes final, National will be required by the terms of the order to continue to purchase from May Brothers Company

fifty (50) percent of the dry grocery needs of the retail grocery stores it acquired from Applebaums. In addition, National must purchase at least six million dollars ($6,000,000.00) worth of dry groceries from May Brothers Company each year, for a five year period beginning on the order's effective date, and National must turn to May Brothers as its first alternate source of supply for dry groceries for all of the national retail grocery stores in the Minneapolis-St. Paul area (including the stores acquired from Applebaums) for the same five-year period. The proposed order also provides that May Brothers Company shall be the exclusive supplier of frozen foods for all of the National retail grocery stores in the Minneapolis-St. Paul area (including the stores acquired from Applebaums) for the next five years. The designation of May Brothers Company as a dry grocery and frozen food supplier of National depends upon May Brothers Company's ability to continue to offer competitive quality and prices for these items.

If National withdraws from the retail grocery business in the Minneapolis-St. Paul area at any time during a ten-year period which begins with the order's effective date, the proposed order provides that National shall only divest itself of its Minneapolis-St. Paul retail grocery stores to an acquirer or acquirers approved in advance by the Commission. The proposed order states that the purpose of Commission approval is to insure that competition in the retail grocery store industry in Minneapolis-St. Paul is preserved and protected in the event of any withdrawal from that market by National.

After the Commission's complaint was issued in April of 1979, Applebaums was merged, on July 27, 1979, into a wholly owned subsidiary of National. At that time, Applebaums' Food Markets, Inc., ceased to have an independent corporate existence. Therefore, the proposed order contains a provision dismissing the complaint against Applebaums.

The provisions of the proposed order are expected to ameliorate the anticompetitive effects alleged in the complaint. Before the acquisition Applebaums was the third largest grocery chain in the Minneapolis-St. Paul area, and National ranked fifth. The acquisition made National the largest operator of retail grocery stores in the market. The divestiture contemplated by the proposed order will reduce the sales of the combined firm and lower its rank from first to third, the position held by Applebaums before the acquisition. This will reduce, to some extent, the impact of increased concentration on the market. The proposed order's provision calling for the designation of May Brothers Company as a wholesale supplier of National is designed to preserve retail competition by enabling May Brothers to maintain existing levels of price and service to its remaining retail grocery store customers, sustaining those customers as strong competitors of National. If National withdraws from grocery retailing in Minneapolis-St. Paul during the next ten years, the order's provision requiring prior Commission approval of the acquirer(s) of National's Minneapolis-St. Paul retail operations is designed to assure that grocery competition in that area is promoted, preserved and protected as much as possible. The limitations on National's future acquisitions in the retail grocery store industry are expected to prevent National from making anticompetitive merger agreements in the future.

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 proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-13134 Filed 4-28-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR 270 and 271

[Docket No. RM80-52]

Advance Payments Under the Natural Gas Policy Act of 1978; Proposed Rulemaking

AGENCY: The Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission gives notice that it proposes to adopt regulations which will define the term "advance payment" and which will impute an interest rate to advance payments made to natural gas producers on or after the date of issuance of this notice. This rule will apply to first sales of natural gas not subject to § 271.403 of regulations (renumbered as § 270.207(a) in this proposed rule). The proposed interest rate will be equal to the average prime rate for each calendar quarter. The rate shall be compounded quarterly and shall be computed from the date upon which the advance payment was accepted. The proposed rule further requires that the producer not receive more than half the applicable maximum lawful price until the advance payment plus interest has been repaid. That part of the price of delivered gas not received by the producer because of this rule shall be applied in diminution of the amount of the advance payment, plus interest, still outstanding.

DATES: Written comments by June 23, 1980. Public hearing to be held on July 1, 1980, at the address listed below. Other public hearings may be announced.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Refer to Docket No. RM80-52

FOR FURTHER INFORMATION CONTACT:

Roger B. Coven, Office of the General Counsel, Federal Energy Regulatory Commission, Room 4013, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-9113

Jeffrey Fink, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8111, 825 North Capitol St., N.E., Washington, D.C. 20426, (202) 357-8460

Issued: April 23, 1980

On November 8, 1978, the Natural Gas Policy Act of 1978 (NGPA) [1] was enacted. The NGPA set various maximum lawful prices for different categories of natural gas. On December 1, 1978, interim regulations were promulgated implementing the NGPA, including a *Special rule regarding carrying charge adjustments for advance payments*, 18 CFR § 271.403. This rule deducted, as a carrying charge adjustment, 83 cents per MMBtu from the maximum lawful price for natural gas qualifying under sections 104 and 106(a) of the NGPA if the seller had accepted advance payments after the issuance of Federal Power Commission (FPC) Opinion No. 770-A, on November 5, 1976.

For gas not subject to sections 104 or 106(a), there is no regulation concerning advance payments. To prevent producers from using advance payments to circumvent the NGPA maximum lawful prices for gas not subject to the current rule in § 271.403, the Federal Energy Regulatory Commission (Commission) proposes to impute an interest rate to all advance payments for such natural gas which are made on or after the date of issuance of this notice.

[1] 15 U.S.C. § 3301 *et seq.*

I. Background

A. *The Advance Payments Program.* On October 2, 1970, the FPC Issued Order No. 410,[2] which allowed interstate pipelines to include advance payments to producers in their jurisdictional rate base. The rationale of this order was that since there were "indications of a natural gas shortage, it is not in the public interest for pipeline companies to bear the cost of assuring themselves and their customers of a future supply of natural gas." [3] The order thus allowed interstate pipelines to grant to producers interest free loans to encourage the dedication of natural gas to interstate commerce, and also allowed those pipelines to pass the burden of the loans to their ratepayers by adding the amount of the advances to the pipeline's rate base. Account 166 was established to include within it "all advance payments made for gas . . . to others . . . for exploration, including lease acquisition costs, development or production of natural gas, when such advance payments are to be repaid by delivery of gas." [4] Advance payments were to be repaid within a five year period. Subsequent orders modified, expanded, and limited the treatment of advance payments in ways not relevant here.[5]

In *Public Service Commission for the State of New York v. F.P.C.,* 511 F.2d 338 (D.C. Cir. 1975), two of the orders establishing the advance payment program were remanded. Subsequently, on December 31, 1975, the FPC terminated rate base treatment for advance payments made under contracts executed after December 31, 1975 (Termination Order).[6] Under the Termination Order, only advance payments made to producers before December 31, 1980, under contracts executed between October 2, 1970, and December 31, 1975, continued to receive rate base treatment.

On November 5, 1976, FPC Opinion No. 770–A was issued. In that opinion the FPC stated:

> We recognize that capital generated through the advance payments program should no longer be required to bring badly needed gas supplies to the interstate market. The rate structure set forth in this Opinion is designated to achieve the capital formation objective.[7]

Although the FPC desired to terminate rate base treatment for all advance payments, regardless of the date of the contract under which they were made, considerations of fairness precluded this action. Instead, the FPC sought to harmonize prospectively the advance paymentsprogram with the rate structure set forth in Opinion No. 770–A by requiring producers to "reduce the sales price of natural gas committed under any further advance payments by the cost of the advances borne by [the pipeline's] consumers."[8] Thus, even though a producer could require an interstate pipeline to make advance payments in accordance with a contract executed prior to December 31, 1975, the producer would probably not require such advances unless necessary capital could not otherwise be obtained.

B. *Advance Payments Under the NGPA.* In *Tennessee Gas Pipeline Co.* v. *F.E.R.C.,*[9] the District of Columbia Court of Appeals indicated that advance payments "provide a 'bonus' to producers in the amount of the interest factor, an amount which is never refunded."[10] The court found that this bonus effectively raised the price of natural gas "above the regulatory ceiling."[11] The Commission agrees; without an appropriate adjustment, advance payments may allow producers to circumvent the maximum lawful prices established under the NGPA.

As stated previously, the NGPA established various maximum lawful prices for different categories of natural gas. For gas which falls within NGPA sections 104 or 106(a), the maximum lawful price is established by reference to a "just and reasonable" rate set by the Commission. Opinion 770–A required that "just and reasonable" rates be subject to a carrying charge credit where producers had received advance payments. This carrying charge credit has been continued under the NGPA for gas subject to sections 104 or 106(a). 18 CFR 271.403. As in Opinion No. 770–A, the NGPA deduction applies only to advance payments made on or after 1:00 p.m., EST, November 5, 1976, pursuant to contracts executed after October 2, 1970, and prior to the issuance of the Termination Order on December 31, 1975.[12]

However, natural gas which qualifies for an NGPA pricing category other than sections 104 or 106(a) has a maximum lawful price which is set without reference to "just and reasonable" rates set by the Commission. Therefore, under section 101(b)(5) of the NGPA, which provides that gas qualifying under more than one category shall receive the highest maximum lawful price, this gas would not be subject to the Opinion No. 770–A carrying charge credit. An interstate producer of such gas having an advance payment contract executed after October 2, 1970 and before December 31, 1975, currently has as incentive to demand advance payments from an interstate pipeline. Under such a contract, the interstate pipeline would be bound to make the advance payment, and under the Termination Order, it would be allowed to include any payment made before December 31, 1980, in its rate base. The Commission believes that permitting advance payments without an appropriate adjustment for interest may allow producers to circumvent the maximum lawful prices under the NGPA. This is true for both the interstate and the intrastate markets. Further, prohibiting only interstate pipelines from making advance payments to producers would create a disparity in bargaining power between the intra- and interstate markets: a producer could get the maximum lawful price plus the benefits of an advance payment from an intrastate purchaser, but only the maximum lawful price from the interstate purchaser. Because the Commission wishes to prohibit circumvention of NGPA maximum lawful prices and to avoid the consequences of a disparity between the interstate and intrastate markets it proposes to apply the proposed rule on advance payments to all first sales not subject to the rule currently embodied in § 271.403.

II. Summary of the Proposed Rule

This proposed rule is not predicated upon a desire to discourage advance payments. Rather, the Commission wishes to prevent producers from circumventing the policy of the NGPA by receiving the maximum lawful price, *plus* another thing of value: the use of capital over time without the payment of interest at a market rate.

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[2] 44 F.P.C. 1142 (1970).

[3] *Id.* at 1144.

[4] *Id.* at 1146. Account 166, *Advances for gas exploration, development and production,* is one of the accounts falling under the heading "Current and Accrued Assets."

[5] The subsequent orders were: Order 410–A, 45 FPC 135 (1971); Order 441, 46 FPC 1178 (1971); Order 465, 48 FPC 1550 (1972); Order 499, 50 FPC 2111 (1973). Order 441 removed rate base treatment for advance payments for exploration and lease acquisition. Order 465 continued to exclude advance payments for lease acquisition from rate base treatment, but reversed Order 441 to allow advance payments for exploration to be included in rate base. Order 499 continued to exclude advance payments for lease acquisition.

[6] Docket Nos. R–411 and RM74–4.

[7] Mimeo at page 150. The "rate structure" referred to above was a substantial increase in the rates which could be charged by jurisdictional natural gas producers.

[8] *Id.,* mimeo at page 151.

[9] 606 F.2d 1094 (D.C. Cir. 1979).

[10] *Id.* at 1102.

[11] *Id.* at 1103.

[12] Only these advance payments qualify for rate base treatment under the Termination Order of December 31, 1975.

To prevent the producer of natural gas not subject to the rule currently embodied in § 271.403 from receiving the advance payment "bonus," the Commission proposes that any such producer who has received the benefit of an advance payment not be allowed to receive more than fifty percent of the applicable maximum lawful price per MMBtu until enough gas has been delivered to repay the advance payment plus interest.[13] That portion of the sale price that is not received by the producer will serve to repay the amount owed (the advance payment plus interest) by the producer to the purchaser. Naturally, the advance payment could be repaid in cash or otherwise. When the entire advance payment plus interest has been repaid, the producer will be allowed to collect the full contract price, up to the maximum lawful price.

The methodology for computing the carrying charge credit under the Natural Gas Act (NGA) differs from the methodology for determining the interest rate to be imputed to advance payments under the NGPA. Under the NGA, the focus was on the cost to the pipeline's customers; the NGA carrying charge credit was designed to reimburse the customers for that cost.[14] Under the NGPA, we are concerned with the value of the advance payment received by the producer because we wish to prevent circumvention of the maximum lawful prices. Therefore, for natural gas not subject to an adjustment under Opinion No. 770–A and § 271.403, the Commission proposes to diminish the amount that a producer can collect by an adjustment which reflects the value of any advance payment made by a purchaser to a seller.

The Commission recognizes that the value of an advance payment may vary from producer to producer, depending on each producer's financial ability to acquire loans or to generate capital by other means. However, we propose to use as a standard the average cost of intermediate-term business loans. We believe that the prime rate most closely approximates the cost of such loans and, consequently, the value of an advance payment to most producers. Further, the prime is easily determined, widely known, and frequently used. Hence, the prime rate not only approximates the value of an advance payment but also is desirable for reasons of administrative convenience. This imputed interest rate will be compounded quarterly in order to reflect more precisely the actual value to a producer of having such capital available for its use.[15] The Commission specifically requests comments on this approach or any other approach which would reflect the value to the producer of an advance payment. In addition, we request comment on the treatment which should be accorded to advance payments which were made prior to the issuance of this notice and are not subject to § 271.403.

An example may help to explain the mechanics of the rule. Assume a producer receives $1,000,000 in advance payments from a prospective purchaser and begins deliveries a year after the date of the advance payment. Assume further that, based on the compound interest computations of this proposed rule, the value to that producer of the use of the advance payment funds for the one year period between acceptance of the advance payment and the first delivery of gas is $100,000. Finally, assume that the contract price for the gas, $2.00 per MMBtu, equals the maximum lawful price at the time of delivery. Since the producer owes the purchaser $1,100,000 (the $1,000,000 advanced plus $100,000 in interest), the producer can collect only $1.00 per MMBtu (50 percent of $2.00, the maximum lawful price for the gas) until at least 1,100,000 MMBtu of gas has been delivered.[16] Once the advance payment plus interest has been repaid, the producer can collect the full maximum lawful price of $2.00 per MMBtu.

The Commission has included a definition of "advance payment" in the proposed rule. An "advance payment" is any payment made by a purchaser in advance of receipt of natural gas deliveries. Thus, the term "advance payment" includes prepayments, extended front-end advances, or any other form of pre-delivery payment or loan.[17]

Finally, the Commission specifically requests comment on whether, as an alternative to this proposed rule, advance payments should be prohibited outright in both the interstate and intrastate markets.

The Commission emphasizes that § 271.403, proposed to be renumbered as § 270.207(a), remains in effect at this time.

Comment Procedure. Any interested person may submit to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, not later than June 23, 1980, data views and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with the Commission, and should refer to Docket Number RM80–52. Submissions to the Commission should indicate the name, title, mailing address and phone number of the person to whom communications regarding the proposal should be addressed. Written submissions will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

A public hearing concerning this proposal will be held in Washington, D.C. on July 1, 1980, beginning at 9:30 a.m., and will continue if necessary on the following day. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission

[13] For section 104 or 106(a) natural gas, § 271.403 of our regulations requires application of the carrying charge credit at the rate of 83 cents per MMBtu, until "an amount of natural gas has been delivered at the adjusted rate such that the total carrying charge credits equal the amounts lawfully collected by the jurisdictional pipeline as a result of including the advance payments in rate base." The rule in § 271.403 has been retained, but has been renumbered as § 270.207(a).

The price for natural gas that is subject to the adjustment under Opinion No. 770–A will be subject to the entire carrying charge for any advance payment made pursuant to a contract executed prior to December 31, 1975. Therefore, if a section 102 well is drilled with the aid of advance payments which are subject to the 770–A adjustment, the section 102 price would not be diminished by the carrying charge credit. The section 104 or 106(a) wells would bear all of the carrying charge. However, under § 270.207(b) of the proposed rule, if a section 102 well is drilled under the same advance payment contract but with the aid of an advance payment not subject to the 770–A adjustment, the section 102 price for such gas must be reduced.

We request comment on the above stated policy and on the alternatives regarding treatment of advance payments made for section 104 or 106(a) gas which has been reclassified since the time that the advance payment was made.

[14] The carrying charges on advance payments included in rate base were determined by reference to the overall rate of return and the allowances for income taxes for the equity portion of the return.

[15] The prime rate was also applied as the interest rate on refunds and carrying charges in Order No. 47 (Docket No. RM77–22, September 10, 1979). We specifically incorporate that rate in our rule here. In Order No. 47, however, the prime rate was a compromise solution which understated the costs to the ratepayer, overstated the benefits to the seller, and provided an incentive for all parties to seek an early resolution of rate proceedings. The Commission recognizes that the justifications for using the prime rate in this proposed rule are different. We have used the prime rate in the proposed rule because we believe that the prime rate most closely approximates an average of the benefits of advance payments to producers and because it is the rate which is most practical to administer.

[16] Since 1,100,000 MMBtu probably cannot be delivered in the first day, interest will continue to accrue on the unpaid amount. Thus, more than 1,100,000 MMBtu will have to be delivered to repay in total the advance payment plus interest.

[17] Payments made under "take-or-pay" contracts will not be considered to be advance payments.

prior to 4:30 p.m., on June 26, 1980. An additional public hearing may be held in an appropriate city outside of Washington, D.C. if sufficient interest in such a hearing is expressed.

Requests to participate in the hearing should reference Docket No. RM80-52, and include concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Prior to the hearing, each person filing a request to participate will be contacted by the presiding officer or his designee for scheduling purposes. At least five copies of the statement shall be submitted to the Secretary of the Commission prior to 4:30 p.m. on June 26, 1980. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. Persons participating in the public hearing should, if possible, bring 100 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested persons may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information. Members of the hearing panel will be designated by the Chairman of the Commission.

(Natural Gas Act, as amended 15 U.S.C. 717-717w; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Department of Energy Organization Act 42 U.S.C. 7101-7352, E. O. 12009, 42 FR 46267.)

In consideration of the foregoing the Commission proposes to amend Parts 270 and 271 of Subchapter H, Chapter I, Title 18 Code of Federal Regulations as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

1. Subpart B of Part 270 is amended by adding a new section 207 to read as follows:

§ 270.207 Special rule regarding advance payments.

(a) The rate prescribed in § 271.402 for post-1974 gas to which Opinion No. 770-A applies shall be subject to a deduction of 83 cents per MMBtu as a carrying charge adjustment if the seller has accepted advance payments on or after 1:00 p.m., EST, November 5, 1976, under an advance payments contract with an interstate pipeline company and such pipeline company has received rate base treatment of such advance payments made. The resulting adjusted rate shall be employed in the discharge of the obligations of any advance payments accepted on or after 1:00 p.m., EST, November 5, 1976, for all deliveries until an amount of natural gas has been delivered at the adjusted rate such that the total carrying charge credits equal the amounts lawfully collected by the jurisdictional pipeline company as a result of including the advance payments in rate base.

(b) In the case of an advance payment which is not subject to paragraph (a) and which has been accepted by the seller on or after [the date of issuance of the proposed rule], the seller may not accept more than fifty percent of the applicable maximum lawful price as consideration in any first sale of natural gas until the advance payment, plus interest, has been repaid by the delivery of natural gas or otherwise. The interest shall be computed from the date on which the advance payment was accepted, in an amount at least equal to the rate specified in § 154.102(d)(2)(iii)(A) compounded in accordance with § 154.102(d)(2)(iii)(B). That portion of the sales price not collected by reason of this rule shall be applied in diminution of the amount owed by the seller.

(c) "Advance payment" means any payment made by any person to any other person in consideration of an obligation to make future delivery of natural gas in a first sale. For the purposes of this definition, the word "person" includes any affiliate of that person.

PART 271—CEILING PRICES

§ 271.403 [Deleted]

2. Subpart D of Part 271 is amended by deleting § 271.403 in its entirety.

[FR Doc. 80-13126 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT AND HEALTH, EDUCATION, AND WELFARE

Food and Drug Adminstration

21 CFR Part 163

[Docket No. 78N-0361]

Cocoa Butters; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Notice of termination of consideration.

SUMMARY: This notice terminates the review by the United States of the Codex Alimentarius Commission (Codex) "Recommended International Standard for Cocoa Butters." The response to the Food and Drug Administration's (FDA's) request for comments on the provisions of the Codex standard and on the desirability of establishing a U.S. standard for cocoa butters indicates there is neither sufficient consumer interest nor need to warrant proposing U.S. standards for this food. FDA, therefore, has terminated consideration of developing U.S. standards for cocoa butters based on the Codex standard.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Administration, Department of Health, Education, and Welfare, 200 C. St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 23, 1979 (44 FR 10740), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex "Recommended International Standard for Coacoa Butters" and to comment on the desirability and need for U.S. standards for this food. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission. At the request of a trade organization, a notice extending the comment period to May 24, 1979 was published in the **Federal Register** of May 15, 1979 (44 FR 28332).

Letters were received from a trade association, three chocolate products manufacturers, and the U.S. Metric Board. Comments from the three chocolate products manufacturers, endorsed by the trade association, stated that the acceptance of the Codex standard would facilitate international and domestic trade.

Several comments stated that adoption of the Codex standard would eliminate the confusion between cocoa butters derived from cacao bean (*Theobroma cacao*) and combined vegetable fats which approximate the characteristics of the cocoa butters. One comment pointed out that a standard was justified because of the variation in products available under the name "cocoa butter."

The letter from the U.S. Metric Board advanced no position on whether or not a U.S. standard is necessary, but addressed other issues.

With regard to alleged confusion between cocoa butters derived from the cacao bean and combined vegetable fats which approximate the characteristics of the cocoa butters, FDA advises that only the fat produced from cacao beans may be labeled as cocoa butter. Mixtures of vegetable fats other than cacao fat used as a cocoa butter substitute must be labled as required by § 101.3(e) (21 CFR 101.3(e)). FDA notes that the limited number of comments received did not indicate any direct consumer benefit, nor were comments received from consumers or consumer groups to demonstrate that the establishment of a standard of identity for cocoa butters would promote honesty and fair dealing in the interest of consumers. The comments received reflect the fact that cocoa butters are normally used for remanufacturing purposes and are not sold as such to consumers. The different labeling provided for in the Codex standard is primarily a means of identifying the type of process used to obtain the different cocoa butters from cacao beans. Such labeling would not normally be seen by consumers but would be of use primarily to manufacturers.

FDA believes that the general provisions of the Federal Food, Drug, and Cosmetic Act are sufficient to protect the American consumer without a standard for cocoa butters. Because the comments received do not support the need for a U.S. standard, none is proposed. Therefore, under the procedures in § 130.6 (21 CFR 130.6), notice is given that the Commissioner of Food and Drugs has terminated consideration of developing U.S. standards for cocoa butters based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard for cocao butters upon appropriate justification.

The Codex Alimentarius Commission will be informed that an imported food that complies with the requirements of the Codex standard for cocoa butters may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: April 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12840 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 589

[Docket No. 75N-0180]

Substances Prohibited From Use in Animal Food or Feed; Tentative Final Regulation

AGENCY: Food and Drug Administration.

ACTION: Tentative final regulation.

SUMMARY: The Food and Drug Administration (FDA) tentatively prohibits deodorizer distillate substances from use in animal food or feed on the grounds that these substances present a risk to the public and that they have not been shown by adequate scientific data to be safe.

DATE: Comments by June 30, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. McDowell, Bureau of Veterinary Medicine (HFV-222), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5362.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 9, 1975 (40 FR 41797), FDA proposed to establish a new § 121.107 (21 CFR 121.107) (proposed before recodification published in the **Federal Register** of September 10, 1976 (41 FR 38618)) that would provide a list of substances prohibited from use in food or feed for animals other than humans. The agency specifically proposed to ban the use of certain industrial-grade vegetable oil byproducts now defined as deodorizer distillate substances.

For clarity and convenience the two basic issues in the proposal are being addressed in separate documents. This rule tentatively prohibits deodorizer distillate substances from use in animal food or feed. Elsewhere in this issue of the **Federal Register**, FDA is promulgating a rule that establishes in new Part 589 (21 CFR Part 589) the procedure for prohibiting substances from use in animal food or feed.

I. Introduction

Vegetable oils (e.g., corn oil, soybean oil, peanut oil, etc.) have been added for a number of years to poultry, swine, beef cattle, and sheep rations to provide a concentrated source of energy. Adding oils to animal feed also reduces dustiness and may improve the color, texture, and palatability of animal feed. However, in 1974 the use of certain industrial-grade vegetable oil byproducts, deodorizer distillate substances, caused the contamination of poultry feed with high levels of pesticide residues. The result was the destruction of approximately 8 million chickens in Mississippi. The circumstances surrounding this incident were discussed in detail in the 1975 proposal and formed the basis for the decision to propose to ban the use of deodorizer distillate substances in animal feed.

The basis for the agency's action in this matter has been modified to include (1) the contamination of deodorizer distillate substances with fat-soluble toxic contaminants including halogenated hydrocarbon pesticides, halogenated industrial contaminants, and products of rancidity; and (2) the absence of any practical, reliable, or available analytical methodology capable of ensuring that deodorizer distillate substances are uniformly free of unsafe levels of fat-soluble toxic contaminants. The administrative record is supplemented with all the materials supporting this tentative final regulation banning the use of deodorizer distillate substances. The issuance of a tentative final regulation under § 10.40(f)(6) (21 CFR 10.40(f)(6)) provides the opportunity for informed comment on the basis of the agency's action and ensures that the final regulation in this matter will be legally defensible.

II. Deodorizer Distillate Substances

Deodorizer distillate substances are a byproduct of the final step in the commercial refining of vegetable oils. This step removes volatiles, particularly odorous substances, under reduced pressure and high temperature with the aid of steam (Refs. 1 and 2). The entire refining process is a multistep operation, which includes the following basic elements: (1) reduction of the oilseed to small particles; (2) solvent extraction of fats and oils; (3) alkali refining (treatment with alkali to remove free fatty acids and some impurities); (4) bleaching with activated clays and filtering; (5) hydrogenation (an optional and infrequent step in the refining of

vegetable oils); (6) winterization (an optional step that may either precede or follow deodorization; winterization is a treatment to prevent oil from becoming cloudy when exposed to low temperatures) and (7) deodorization. All substances removed in the last step are termed deodorizer distillates and are the subject of the agency's ban.

For the purpose of this document, therefore, the term "deodorizer distillate substances" refers to: (1) distillates resulting from the steam stripping (single or two-step, caustic or noncaustic) or vacuum distillation of vegetable oils; (2) byproducts resulting from the extraction of tocopherols from deodorizer distillates; (3) clabber stock, shell drain condensate, scrubber condensate, deodorizer hotwell skimmings, stillbottoms, residual oils, sludge, or such other nomenclatures as may be used to identify these or similar fractional distillation products of vegetable oils; or (4) combinations or blends of any of the deodorizer distillate substances listed above with or without other miscellaneous vegetable oil byproducts or inedible fat and oil refinery wastes.

Deodorizer distillate substances cannot be uniformly characterized because their composition depends upon the individual characteristics of the specific lot of oils from which they are derived.

Deodorizer distillates will consist primarily of materials about which there is little concern: triglycerides, diglycerides, and monoglycerides; free fatty acids and their esters; and sterols and tocopherols. Thus, on a weight basis, the amount of undesirable components of dedorizer distillates may not be great. The deodorizer distillates, however, will contain concentrations of any toxic volatile contaminants that may have been present in the crude oils. Oxidation products of rancidity may also be concentrated in the deodorizer distillates, depending upon the condition of the original raw material or crude oils before refining. Other potentially toxic substances that are or may be present in the deodorizer distillates are the oxidation products of fats and oils themselves (see Refs. 24 and 25).

The following sections document the presence of toxic contaminants in vegetable (oil seed) crops, the fate of such contaminants during the processing of oils, the ultimate concentration of the contaminants in deodorizer distillate substances, and the difficulty in analyzing for the presence of the contaminants in deodorizer distillate substances. There is little publicly available direct evidence on the nature and amount of the contaminants in deodorizer distillate substances. There is, however, information in the literature documenting the presence of contaminants in the original raw material and in partially refined oils and the absence of such contaminants in the finished deodorized edible oils. The evidence therefore requires the conclusion that the contaminants present at the beginning of the refining process are removed as part of the waste products, including deodorizer distillate substances, drawn off by the refining process.

III. Contaminants Present in the Raw Material Used for Edible Oil Production

Raw materials and crude oils have been shown to be contaminated with various halogenated hydrocarbon pesticides as well as with halogenated industrial contaminants (e.g., polychlorinated biphenyls) and products of rancidity.

A. Pesticide Contamination and its Persistence in Oil Seed Crops

Pesticide contamination of oil seed crops is not uncommon. Studies involving soybeans (Refs. 3 through 6, 11, and 12) as well as other oil seeds (Refs. 6a and 7) document such contamination.

In two such studies by Moore et al. (Refs. 3 and 4), the Illinois soybean crop was monitored in 1965, 1966, 1967, 1971, and 1974 for residues of dieldrin (a halogenated hydrocarbon pesticide) resulting form the application of aldrin to corn (aldrin degrades to dieldrin) in the years before soybean cultivation. Residue levels of dieldrin in raw soybeans were found to be higher in 1974 than in previous years in spite of the declining use of aldrin in Illinois cropland since 1967.

Moore found that soybeans from 36 percent of the monitored fields had residues of dieldrin averaging between 0.01 and 0.08 part per million (ppm) for the years 1965 through 1974 (see Table 1). Moore also found that in 1974 approximately 50 percent of the sampled soybeans were contaminated by 0.01 to 0.05 ppm dieldrin; 15 percent were contaminated by 0.01 to 0.05 ppm heptachlor; and 4 percent were contaminated with 0.03 to 0.06 ppm chlordane (see Tables 2 and 3).

Table I. —*Percent of Field With Dieldrin Residues in Soybeans at Various Ranges in 1965, 1966, 1967, 1971, and 1974 in Illinois (Reproduced From Moore et al. (Ref. 3))*

Residue range	Percent of fields in each range						
	1965	1966	1967	1971	1974	Average	Number of fields
Parts per million:							
0 to .01	67.8	72.5	58.5	53.8	52.8	64.0	212
.01 to .02	31.1	20.6	29.2	24.7	26.3	26.3	87
.02 to .03	1.1	6.9	10.8	9.4	12.5	7.3	24
.03 to .04	0	0	1.5	5.9	4.2	1.2	4
.04 to .05	0	0	0	0	4.2	0.9	3
.05 to .06	0	0	0	0	0	0	0
.06 to .07	0	0	0	0	0	0	0
.07 to .08	0	0	0	1.2	0	0.3	0

Table 2.—*Insecticide Residues in Soybeans in Illinois in 1974 (Reproduced From Moore et al. (Ref. 3))*

[Residues in soybeans in pars per million [1]]

Insecticide	All fields	Treated fields	Untreated fields
Dieldrin	0.0136	0.0190	0.0110
Heptachlor	.0054	.0093	.0052
Chlordane	.0018	.0352	.0013
Total	.0208	.0635	.0175

[1] Residues in parts per million (ppm) based on the weight of the whole bean.

Table 3.—*Percent of Field With Insecticide Residues in Soybeans at Various Ranges in Illinois in 1974 (Reproduced From Moore et al. (Ref. 3))*

[Percent of fields in each range [1]]

Residue range	Dieldrin	Heptachlor	Chlordane	Total
Parts per million:				
.0 to .01	52.8(38)	84.7(62)	95.8(69)	77.8
.01 to .02	26.3(19)	11.1(8)	0	12.5
.02 to .03	12.5(9)	2.8(8)	0	5.1
.03 to .04	4.2(3)	0	8.8(2)	2.3
.04 to .05	4.2(3)	1.4(2)	0	1.8
.05 to .06	0	0	1.4(1)	0.5

[1] Number of fields in parenthesis.

Chaudry et al. (Refs. 11 and 12) carried out laboratory investigations of seven lots of soybeans obtained from the 1975 crop in Illinois and found (Ref. 11) that aldrin residues on soybeans ranged from 0.0 to 0.028 ppm and dieldrin residues ranged from 0.001 to 0.123 ppm (see Table I, Ref. 11). Interestingly, residues were found in soybeans from a field never treated with aldrin. Chaudry's findings are comparable to those of Petty et al. (Ref. 57), who found dieldrin residues in soybeans grown on untreated soils. Chaudry commented that the methods of pesticide introduction vary, but that the majority of pesticides applied eventually reach the ground and spread over or translocate to other environments (see also Matsumura et al. (Ref. 58)). Chaudry noted that the degradation of aldrin and dieldrin is slow; for aldrin and dieldrin, for example, it takes 1 to 6 years and 5 to 25 years, respectively, for 95 percent of the chemical to disappear (see also Bruce et al. (Ref. 59))

In Chaudry's second investigation (Ref. 12) of soybeans carried out under the same conditions of the earlier study, residues of the following pesticides were found in whole soybeans: BHC, lindane, heptachlor, aldrin, heptachlor epoxide, dieldrin, endrin, *o,p'*—DDT, *p,p'*—DDD, and *p,p'*—DDT. The total residues were 0.534 ppm (see Table 4).

Table 4.—*Pesticide Residues in Extracted Crude Oil**

[Reproduced from Chaudry et al. (Ref. 12)]

	Coty-ledons	Whole beans	Hulls	Hypo-cotyles and fines
alpha BHC	.018	.045	.166	.076
Lindane	.008	.020	.145	.045
beta BHC	.009	.016	.247	.072
Heptachlor	.009	.009	.205	.072
Aldrin	.010	.034	.197	.102
Heptachlor epoxide	.040	.050	.416	.189
p,p'—DDE				
Dieldrin	.223	.230	2.057	.479
p,p'—DDD			.034	
Endrin	.028	.049	.375	.104
o,p'—DDT	.015	.031	.205	.042
p,p'—DDD	.009	.009	.068	.028
p,p'—DDT	.019	.041	.171	.122
Total residues	.388	.534	4.296	1.331

*Average parts per million in oils extracted from 8 samples of each soyean fraction.

FDA compiled data (Ref. 6) for pesticide residues in soybeans for Fiscal Years 1974 through 1976. This compilation showed that approximately 60 percent of 90 samples contained detectable residues of one or more halogenated hydrocarbon pesticides. The percent of samples with more than 0.01 ppm of residue ranged from 14 percent to 18 percent for this period.

Finally, FDA compilation of pesticide residues in samples of various oil seed products collected in Fiscal Years 1963 through 1969 revealed halogenated hydrocarbon pesticide contamination not only of soybeans, but of peanuts, cottonseed, and corn as well (see Tables 22 through 25, and 27 in Ref. 6a).

Treated and untreated raw sources of vegetable oil are commonly adulterated with halogenated hydrocarbon pesticides. The levels of contamination vary from crop to crop and, accordingly, cannot be predicted. Even the cessation of use of halogenated hydrocarbon pesticides does not preclude their persistence in the environment and their continued contamination of oil seed crops.

B. Pesticide Contamination of Crude Oils

Oil soluble pesticide contaminants are partitioned to the crude oils derived from oil seeds. Chaudry's findings (Ref. 11) demonstrate this phenomenon (see Tables I and II, Ref. 11).

A careful analysis of the data from these tables reveals that pesticides not only are partitioned from the contaminated oil seeds but are found at greater concentrations in the crude oil extracted from the seeds than in the seeds themselves (Refs. 11 and 12).

That halogenated hydrocarbon pesticides contaminate crude vegetable oils has been documented in numerous other investigations of domestic as well as foreign oils (e.g., Refs. 6a, 7, 8, 13, 16, and 17). Levels of contamination vary depending on factors such as the nature and amount of pesticides applied to the crop, the nature and amount of pesticides in the soil from past applications, the effect on pesticides of environmental factors (e.g., weather, drift from aerial application), the time interval between application of the pesticides and harvest of the treated crop, and the manner of application of the pesticides. This variability precludes any reliable prediction of average levels of pesticide contamination of crude oils from any source.

C. Halogenated Industrial Contaminants in Crude Vegetable Oils

The presence of halogenated industrial contaminants such as polychlorinated biphenyls (PCB's) in crude vegetable oils has not been the subject of extensive investigation. However, Meemkin (Ref. 7) detected PCB's at low levels in samples of commercial grade (refined) vegetable oils. Such contamination is not surprising in light of the ubiquitous nature of PCB's (see Refs. 8, 9, 10, 14, and 15).

D. Contamination of Crude Oils by Products of Rancidity

Oils and oil seeds may be auto-oxidized and become rancid. Rancidity is often caused by adverse harvest or storage conditions of oil seeds (Ref. 18) or storage of crude oils in a manner in which oxygen is not excluded (Ref. 21). There are no data on the content and degree of contamination of crude oils by products of rancidity. That such contamination does occur, however, and in turn may be expected to occur with regularity, is documented (Refs. 1, 18, and 19). Only by deodorization can contaminated oils be made fit for human use. The only likely repository for contaminants after refining is the deodorizer distillate substances. Thus, whenever there is such contamination, the contaminants can be expected to be present in the deodorizer distillate substances.

IV. Removal of Contaminants by Deodorization

Numerous investigations have followed the fate of halogenated hydrocarbon contaminants during the refining process. Those investigations demonstrate that the primary repository for halogenated hydrocarbon contaminants after refining is the deodorizer distillate substances.

A. Laboratory and Pilot Plant Deodorization Experiments

Published laboratory and pilot plant studies show that pesticides are removed from contaminated fats and oils by deodorization (Refs. 7, 9 through

12, 17, and 28 through 32). Chaudry et al. (Ref. 11), for example, collected soybean samples from Illinois fields in 1975 and then processed the beans by a simulated commercial processing technique on a semi-micro-laboratory scale. All samples contained dieldrin residues. Two samples contained aldrin. Pesticide levels decreased in the oil with each processing step, i.e., refining, bleaching, and deodorization. The deodorized oil did not show any aldrin or dieldrin under the detection limits used. Almost all the samples showed a high level of aldrin and dieldrin concentrations in the deodorization condensate. The authors concluded that:

> The findings are very strongly supported by previous reports that chlorinated pesticides are removed through volatilization during deodorization of the oil under the parameters of temperature and pressure used here.

The same investigators (Ref. 12) conducted another study to include investigation for the following additional halogenated hydrocarbon pesticides: hexachlorobenzene isomers, heptachlor, heptachlor epoxide, aldrin, dieldrin, DDT, DDD (TDE), and DDE. Crude, refined, bleached, and deodorized oils, soap-stock, Fullers' earth sludge, and deodorization condensate were analyzed. The authors reported that:

> None of the processing steps except deodorization were found to be completely effective in the removal of chlorinated pesticidal residues. Oil deodorized at 250 degrees under 1–5 mm pressure was almost free of such residues. Almost all of the residues found were concentrated in deodorization condensate. [See Table II, Ref. 11, for the amounts of pesticides found in these samples].

Addison et al. (Ref. 10) published the results of a pilot plant investigation in which two representative batches of herring oil were sampled and analyzed for *p,p'*-DDE, *p,p'*-DDD, *p,p'*-DDT, PCB's, and dieldrin at various stages of refining and processing for use in margarine, including hydrogenation and deodorization. In this experiment the deodorizer distillate substances obtained after hydrogenation were analyzed and were found to contain the residues of *p,p'*-DDE and PCB's (see Table II, Ref. 10). As expected, the other residues being investigated in this study—*p,p'*-DDD, *p,p'*-DDT, and dieldrin—were not detected in the deodorizer distillate substances because they were not present in the hydrogenated oil before deodorization. This study did not involve vegetable oil, but it and a related study by Addison and Ackman (Ref. 9) are relevant to the effects of deodorization on removing contaminants, particularly PCB's, from crude oils, and in trnasferring those contaminants to the deodorizer distillate substances.

Other pilot plant studies, although they did not include an analysis of the deodorizer distillate substances, provide evidence that the contaminants present in the oil before deodorization are removed by the deodorization process and are present in the deodorizer distillate substances.

Smith et al. (Ref. 17), for example, refined eight samples of naturally contaminated crude soybean and cottonseed oils (endrin range, 0.0–0.62 ppm). In addition, eight different halogenated hydrocarbon pesticides, at levels of from 1.0 to 22.0 ppm, were added to cottonseed oils, which were refined in the same manner as the naturally contaminated oils. The deodorized oils in each sample contained no detectable amounts of pesticides. The authors concluded that deodorization removed the vast majority of the pesticides from the partially refined vegetable oils. (As an illustration of the effectiveness of deodorization in removing pesticides from partially refined vegetable oils, these investigators emphasized the similarity of deodorization to a step used in the removal of pesticides from fatty foodstuffs. Thus, the equipment used by Ott and Gunther (Ref. 27) for quantitatively isolating chlorinated pesticides from butterfat is essentially a small scale deodorizer. The only difference between the systems is that one bubbles nitrogen and the other bubbles dry steam.)

Gooding (Ref. 28) reported on the pilot plant refining of crude cottonseed oil to which were added aldrin, BHC, chlordane, DDT, dieldrin, heptachlor, heptachlor epoxide, Kelthane, methoxychlor, lindane, sesone, strobane, TDE or DDD, and toxaphene. As in Smith et al. (Ref. 17), the refined oils did not contain any detectable residues of the pesticides.

Saha et al. (Ref. 29) conducted laboratory refining studies of rapeseed oil using ^{14}C radioactive labeled lindane and DDT. Radiolabeled pesticides were used because the authors expected better detection of the compounds with radiolabels at lower levels than could be achieved by electron capture gas chromatography of unlabeled material. Only 4.7 percent of the total amount of added lindane and 1.7 percent of the added DDT remained in the deodorized oil.

Mounts et al. (Ref. 30) conducted a radiochemical refining experiment to determine the fate of benzo(a)pyrene and endrin as contaminants of crude soybean oil. ^{14}C labeled compounds were selected because the investigators found radiochemical techniques to be highly sensitive, quantitative, and unaffected by chemical modification or decomposition of the parent compound. The investigators found that deodorization at 250° C for 2 hours at 4.5 millimeters (mm) Hg pressure removed nearly 96 percent of the endrin (the refined oil had 4.2 percent of the original radioactivity). All the benzo(a)pyrene was accounted for in the soap stock.

Wolff (Ref. 31) conducted laboratory refining experiments on samples of crude rapeseed, sunflower, and peanut oils to which BHC, heptachlor, aldrin, DDT, DDE, and DDD were added. Wolff reported that deodorization was chiefly responsible for the elimination of the pesticide residues from the oils.

Florence et al. (Ref. 32) conducted laboratory scale refining of peanut, corn, soybean, and sunflower oils that were artificially contaminated with organochlorine pesticides. They found that the pesticide residues were easily removed by deodorization.

Addison and Ackman (Ref. 9) reported the pilot plant refining of pesticide and PCB contaminated marine oils. The 10 raw oils were analyzed for the DDT group, dieldrin, and PCB's. Residues of these were found in each of the 10 oils. The deodorized oils did not contain detectable levels of the pesticides. PCB levels also were significantly reduced by deodorization. The authors stated, "The disappearance of PCB residues from oils under similar conditions has not been reported, to our knowledge, but was not unexpected."

It should be noted that each of the experiments of Addison et al. (Refs. 9 and 10) presents information on only one of the several instances in which edible oils are deodorized. A more typical situation for vegetable oils is that in which hydrogenation is not carried out before deodorization.

The pilot plant and laboratory investigations of the effects of refining seeds, crude oils, and artificially contaminated crude fats and oils demonstrate that deodorization removes the halogenated hydrocarbon pesticides and halogenated industrial contaminants (e.g., PCB's) to the extent that they are usually not detected by current analytical methodology or are found, if at all, at low levels in the refined oils. In addition, experiments demonstrate that halogenated hydrocarbon pesticides (Refs. 10, 11, and 12) and PCB's (Ref. 12) when removed are concentrated in the deodorizer distillates.

B. Commercial Deodorization Experiments

Reports in the scientific literature show that when crude oils contaminated with pesticides are refined commercially, the refined oils, as analyzed by conventional gas liquid chromatographic (GLC) methods, are free of pesticide contamination or contain greatly reduced levels of contamination.

FDA has investigated samples of soybean oil at different stages of commercial refining (Ref. 13). Crude oil contained low levels of dieldrin and endrin. No dieldrin or endrin was detected in the refined oil. The deodorizer distillates were also examined and found to contain about 5 ppm dieldrin and 0.30 ppm endrin as well as a number of additional pesticide residues (heptachlor epoxide, *cis*-chlordane, *trans*-chlordane, *p,p'*-TDE, and *p,p'*-DDT) that were not detected in the crude oil (see Table 5).

Hashemy-Tonkabony and Soleimani-Amiri (Ref. 16) reported on the level of pesticide-contaminated crude soybean, sunflower, and cottonseed oils and the levels of contamination at various stages of commercial processing. In 110 samples of raw vegetable oils (soybean, sunflower, and cottonseed from the USA, USSR, and Iran) examined, lindane, heptachlor, DDE, TDE, DDT, dieldrin, and endrin were found. These contaminants were either eliminated or reduced to substantially lower levels by deodorization.

Table 5.—*Residues Determined in a Crude Soybean Oil and Its Refinery Product (Ref. 13)*

Sample/Pesticide	Found parts per million (ppm) *
I. Crude Oil	
dieldrin	0.05
endrin	0.01
II. Soapstock	
No pesticides were detected in the soapstock (limit of detection about 0.1 ppm dieldrin)	
III. Deodorizer distillate	
dieldrin	5.3
endrin	0.3
p,p'-TDE	ca 0.3
p,p'-DDT	ca 0.3
cis-chlordane	0.5
trans-chlordane	0.5
heptachlor epoxide	1.2
BHC's (alpha, beta, gamma)	ca 2.0
aldrin	ca 1.0
heptachlor	ca 0.5
IV. Clabber stock	
dieldrin	8.0
endrin	ca 0.3
heptachlor epoxide	2.1
cis-chlordane	ca 0.7
trans-chlordane	ca 0.9
V. Refined oil	
No pesticides were detected in the refined oil (limit of detection about 0.06 ppm dieldrin)	

* Determination by a gas liquid chromatograph equipped with an electron capture detector.

These investigations demonstrate that commercial deodorization removes pesticide residues that may be present in the partially refined oil. Furthermore, in the FDA experiment (Ref. 13) some of the residues were at levels too low to be detected in the unrefined oil by a methodology with conventional detection limits, but were detected in the deodorizer distillates using the same methodology. This experiment conclusively demonstrates that deodorization concentrates pesticides in the deodorizer distillate substances.

C. Additional Data Documenting the Presence of Contaminants in Deodorizer Distillate Substances

The laboratory and commercial deodorization experiments discussed in sections IV. A. and B. above demonstrate that deodorization concentrates contaminants present in crude oils in deodorizer distillate substances. Additional data exist documenting pesticide contamination of deodorizer distillate substances.

As a result of the pesticide contamination of chickens in Mississippi in 1974, FDA analyzed samples of deodorizer distillate substances for dieldrin (Ref. 33). A large portion was found to be contaminated not only with dieldrin, but with other pesticides as well. The fat and oil industry also conducted a survey (Ref. 34) in which two-thirds of 100 consecutive tank car samples of deodorizer distillate substances were found to be contaminated with dieldrin at levels ranging from 0.3 to 4.0 ppm.

During these investigations chemists at State funded laboratories in Mississippi found that FDA Pesticide Analytical Manual (PAM) (Ref. 35) methods for detecting halogenated hydrocarbon pesticides in foods generally were not adequate for the analysis of feed grade fat samples for the halogenated hydrocarbon pesticide dieldrin (Ref. 36). As a result of this investigation, the State laboratories developed an improved method capable of detecting dieldrin residues in samples previously found to be free of dieldrin by PAM methods. This investigation also demonstrated that in other samples the results of analysis by the PAM methods showed residues at considerably lower levels than those obtained by the improved method.

Accordingly, the incidence of contamination reported in earlier investigations employing the PAM method would be expected to be higher if analyses were repeated with the improved analytical method (id.).

D. Summary

Deodorizer distillate substances have been shown to be contaminated with pesticide residues (Refs. 6a, 13, 16, 33, and 34) at levels more concentrated than the levels of residues present in oils before deodorization. Laboratory investigations confirm pesticide contamination of the deodorizer distillate substances (Refs. 7 through 12, 17, 24, 28, 30, 31, and 32). In addition, investigations (Ref. 7) show the presence of toxic halogenated industrial contaminants (PCB's) in crude or partially refined oils and the absence of these contaminants in the refined edible oils after deodorization. Finally, products of rancidity also are volatilized and removed by deodorization and, presumably, transferred to deodorizer distillate substances (Refs. 1, 2, 18, and 19).

VI. Difficulty of Analysis

Several comments on the 1975 proposal requested that deodorizer distillate substances not be banned but instead be allowed for use subject to a certification program under which the substances would be analyzed on a batch-by-batch basis. If any batches were found to be free of unsafe levels of contaminants, the comments suggested that the producer be permitted to certify them as suitable for animal feed use. One comment suggested that, for example, to allow batch certification of fish that may be contaminated with excessive levels of PCB, or peanuts that may be contaminated with excessive levels of aflatoxin, and not to allow batch certification for deodorizer distillates, would be arbitrary. Another comment suggested that if traditional methods of analysis were inadequate, the chick edema assay should be used instead.

The chick edema assay is appropriate only for assaying the "chick edema factor" and is incapable of determining the presence of pesticide contaminants in deodorizer distillate substances.

Methods do not exist to carry out the necessary analyses to certify that a batch or lot of deodorizer distillate substances is free of pesticide residues, let alone other toxic substances, e.g., PCB's and products of rancidity. The analytical methodology for determining multiple residues of halogenated hydrocarbon pesticides in raw agricultural commodities described in

the Official Methods of Analysis of the Association of Official Analytical Chemists (Ref. 38) and the FDA Pesticide Analytical Manual, Vol. I (PAM) (Ref. 35) are not reliable means of analyzing deodorizer distillate substances (Ref. 36). Cleanup procedures to separate pesticides from interfering substances present in the sample are not effective when applied to deodorizer distillate substances. Gas chromatographic examination of the extract solutions prepared by the PAM methodology results in numerous peaks and background responses in the gas chromatographic recording. In such cases, reliable qualitative and quantitative interpretation of gas chromatograms is usually not possible because peaks resulting from known pesticides cannot be distinguished from peaks caused by substances, yet unidentified, that appear in the gas chromatograms. Therefore, attempts to determine the presence and level of residues may lead to false positive and false negative results. Furthermore, repeated injections of extract into the gas chromatograph fouls the gas chromatographic column and detector so that they rapidly become unusable.

Lane et al. (Ref. 36) have reported that the PAM methodology is not reliable for the analysis for dieldrin in feed grade fats. Their report states:

> During the Mississippi poultry crisis of 1974, this laboratory and other state and Food and Drug Administration laboratories discovered the PAM method was unsatisfactory for analyzing some feed grade fats. The PAM method recovered no dieldrin from some fat samples which contained as high as 26 ppm dieldrin by the aluminum oxide method.

Lane developed an alternative procedure based on an aluminum oxide column cleanup for dieldrin residues in these materials.

FDA used the aluminum oxide procedure in its analyses of deodorizer distillate substances for dieldrin, and was able to detect other halogenated hydrocarbon pesticides in some samples (Ref. 41). However, the procedure did not provide consistently reliable results either. Young, for example, found the method to be inadequate in analyzing all the pesticides encountered in commercial deodorizer distillate from a naturally contaminated crude soybean oil (Ref. 13).

Continued experimentation at FDA with analytical methodologies for the reliable detection of multiple residues of halogenated hydrocarbon pesticides in deodorizer distillate substances has led to the use of gel permeation chromatography in combination with Florisil column chromatography for the cleanup procedure (Ref. 42). This approach has been used in a research study to determine the halogenated hydrocarbon pesticide residues in commercial refining byproducts from soybean oil, including deodorizer distillate substances (Ref. 13). There were difficulties in analysis even with this methodology. Repeated gas chromatographic examinations with different columns, and with both electron capture and halogen selective microcoulometric or conductometric detectors, were required to determine the 10 halogenated hydrocarbon pesticides and degradation products found in the deodorizer distillate. All the substances that produced gas chromatographic peaks present in these samples could not be identified. This cleanup procedure is the best currently available, yet examination of the extract of deodorizer distillate substances by electron capture gas chromatography, as may be done with raw agricultural commodities, does not routinely give a definitive answer about either the absence or presence of multiple residues of halogenated hydrocarbon pesticide residues or their levels. Furthermore, this type of analysis is difficult to perform, is time consuming, and cannot be carried out in a routine fashion. Proven methods are not currently available to determine the pesticide residues in deodorizer distillate substances reliably and practicably.

Analysis for residues of the multicomponent chemicals, e.g., PCB's (Refs. 43, 44, and 45) and products of rancidity, is extremely complex and analytical methods are not nearly as well developed as those for the halogenated hydrocarbon pesticides. There is no certainty that a given analysis provides a complete and correct indication of the presence and amounts of such industrial chemicals present in deodorizer distillate substances.

Finally, none of the comments that advocated a certification procedure provided any data or information relating to how a certification program could be established or implemented. As discussed above, FDA is unaware of any practical mechanism for testing that will assure that batches of deodorizer distillate substances are uniformly free of unsafe levels of all contaminants. Likewise, FDA is unaware of any practical manufacturing mechanism capable of guaranteeing the safety of deodorizer distillate substances. Without this information, deodorizer distillate substances must be considered unsuitable for animal feed use.

VII. Toxicology

Deodorizer distillate substances have been shown to contain industrial-type halogenated compounds, such as PCB's, and halogenated hydrocarbon pesticides. The toxicity of these compounds has been thoroughly documented (Refs. 15 and 46).

The acute and chronic toxicity to laboratory animals of many pesticides, the metabolism of pesticides in animals, and the persistence of pesticide residues in treated crops, meats and animals, and animal products has been studied extensively (Ref. 46). Information regarding the acute toxic effects of pesticides in humans is limited to accounts of accidental exposure and abuse. Acute exposures have resulted in serious illness and death (id).

There has been a recent increase in information on the chronic toxicity of pesticides and industrial chemicals. Although there is no direct evidence indicating that pesticides are carcinogenic or teratogenic to humans, some pesticides have been shown to cause these effects in mammals (Ref. 46). Pesticides that produce tumors in one or more mammalian species and have also been identified in deodorizer distillate substances are aldrin, dieldrin, and heptachlor (including epoxide).

Scientific information on the characteristics and toxicity of PCB's has been reviewed. PCB's are poorly metabolized and accumulate and are retained in the lipid portion of animal tissues for prolonged periods (Refs. 49, 50, and 51). Accumulation and storage of a chemical makes it available, under appropriate, conditions, for recirculation within the body, and results in continuous exposure of target organs long after the original dose has ceased. Comparable effects may occur when multiple low doses accumulate to a critical level (see Ref. 51).

Recent studies have demonstrated that PCB's produce specific toxic effects. These effects include: reproductive failure in primates fed low levels of PCB's (Refs. 52 and 53); liver tumors in rats from PCB ingestion over prolonged periods (Ref. 54); and the partial conversion in rats of tetrachlorobiphenyl to an acutely toxic monohydroxy-metabolite (Ref. 55). These data strongly suggest that long-term and low-level exposure to PCB's or PCB metabolites may be a hazard to human health.

The scientific literature also contains reports on the toxic effects of products of rancidity (Refs. 20, 22, 23, 24, and 26; see also Refs. 1 and 2). Although the components of rancid fats responsible for malnutrition have not been clearly

defined, it is known that the unsaturated fatty acids in fats and oils are susceptible to auto-oxidation. Kaneda and Ishii (Ref. 23) and Matsuo (Ref. 24) conducted feeding studies that show that some auto-oxidized unsaturated fatty acids are toxic and in some instances fatal when fed to rats. Akiya et al. (Ref. 25) collected the volatile decomposition products from experimentally auto-oxidized oils and showed by feeding tests that they too were toxic, even causing death in some animals. Akiya et al. state:

> In these experiments peroxidized oils were heated to destroy the peroxides, but the temperature was controlled to avoid formation of dimers. The heated oils also interfered with growth, indicating that some of the peroxide fission products were toxic. We collected the volatile decomposition products of heated oils and fractionated them into acidic, carbonyl and neutral fractions * * *. Feeding tests carried out with the acidic and neutral fractions showed that the acidic fraction permitted normal growth, but that the neutral fraction caused weight loss and death * * *. Gas chromatographic analysis of the neutral fraction showed that it was a mixture of hydrocarbons having various carbon chain lengths, and therefore the toxicity of appropriate hydrocarbons was investigated * * *. Unexpectedly, hydrocarbons having more than ten carbon atoms depressed growth. These experiments showed that the toxic components of oxidized oil are complex, and include some of the decomposition products.

The toxicity of the contaminants expected to be found in deodorizer distillate substances is, as seen, well documented. Data show that these contaminants, when eaten by animals, may remain in the edible parts and tissues of food-producing animals (Refs. 14 and 46). In fact, edible parts and tissues of food-producing animals are reported to be the main source of human exposure to halogenated hydrocarbon residues (Ref. 46). The use of deodorizer distillate substances in animal feed therefore raises human safety conserns because deodorizer distillate substances have been shown to contain concentrated amounts of these toxic contaminants.

VIII. Summary

Crude vegetable oils are contaminated at varying levels with fat-soluble toxic contaminants, including halogenated hydrocarbon pesticides, halogenated industrial contaminats, and products of rancidity. These contaminants are removed from the oil in the deodorization steps of the refining process and are concentrated in the deodorizer distillate substances. These contaminants are, or may be, toxic to humans and animals. There is no practical means of showing that any particular lot of deodorizer distillate substances is free of toxic contaminants.

For these reasons deodorizer distillate substances as defined in this document have been tentatively classified as unsafe food additives that are adulterated under section 402(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(2)(C)). Such substances must be labeled "NOT FOR FOOD OR FEED USE."

IX. Comments

Twenty comments on the 1975 proposal were received from manufacturers of vegetable oils, vegetable oil products, and animal feeds; individuals; a consumer group; associations of vegetable oil processors; associations of poultry and egg producers; a State department of argirculture; and an association representing renderers of animal products. Six comments supported the proposal. Another comment supported a ban of deodorizer distillate substances resulting from the refining of soybeans and soybean crude oil but not from other vegetable crops. Such a limitation is groundless. The available data demonstrate that soybeans are not the only products contaminated.

1. One comment asserted that steps should be taken to reduce the confusion that exists in the nomenclature of fats and oils.

FDA agrees that the nomenclature should not be confusing. The proposal used the term "industrial grade vegetable byproducts," but this term is too broad to be useful for regulatory purposes. In the tentative final order the term "deodorizer distillate substances" is adopted to cover the substances affected by the regulation. That term more precisely describes the contaminated byproducts derived from the processing of vegetable oils. The substances are specifically identified in the regulation as distillates resulting from the steam stripping (single or two-step, caustic or noncaustic) or vacuum distillation of edible vegetable oils; residual oils resulting from the extraction of tocopherols from such deodorizer distillates, clabber stock, shell drain condensate, scrubber condensate, deodorizer hotwell skimmings, stillbottoms, residual oils, and sludge, or such other nomenclatures as may be used to identify these or similar fractional distillation products of vegetable oils; or combinations or blends of any of the byproducts listed above with or without other miscellaneous vegetable oil byproducts or vegetable oil refinery wastes.

2. Two comments discussed the general recognition of safety (GRAS) issue. One comment asserted that deodorizer distillate substances are generally recognized, among qualified experts, as safe for use as the fat components of poultry, cattle, and hog feeds because they have been used since well before January 1, 1958. The comment stated that the mere fact that these substances are subject to environmental pesticide contamination does not call for their classification as food additives. Another comment, from a processor, stated that the processor's experience of numerous years constitutes an adequate basis to substantiate a conclusion that deodorizer distillate substances are GRAS for use in animal feeds.

FDA finds that neither comment is relevant to the GRAS issue. Deodorizer distillate substances contain a mixture of toxic contaminants. The levels of contamination in the deodorizer distillate substances will depend on the levels of contamination in the unrefined vegetable oils. For a substnace to achieve GRAS status, its proponent must demonstrate, not merely assert, that the substance not only was commonly used in food before January 1, 1958, but also:

(a) That the pre-1958 use constituted a substantial history of consumption of the substance by a significant number of consumers (see 21 CFR 570.3);

(b) That, based on this pre-1958 use, experts generally recognize that the proposed use of the substance is safe; and

(c) That, ordinarily, this general recognition is based on available data and information (see 21 CFR 570.30).

These requirements have not been demonstrated for deodorizer distillate substances. Any attempt to demonstrate the GRAS status of deodorizer distillate substances would also have to include proof that the levels and ratios of contaminants in deodorizer distillate substances before 1958 are the same as the levels and ratios of the contaminants in the deodorizer distillate substances that are the subject of this tentative final rule. The Mississippi vegetable oil incident, the vegetable oil refining processes, and the data discussed in this preamble demonstrate that deodorizer distillate substances contain numerous contaminants in continually varying concentrations. Deodorizer distillate substances have been shown to be neither GRAS nor safe.

3. One comment stated that although the basis for the agency's proposal to ban deodorizer distillate substances was the pesticide concentration, any future petitions to remove these

substances from the list of prohibited substances should be based on data relative to pesticide contamination as well as any other regulated contaminants, e.g., PCB's.

As explained earlier in this preamble, the agency's basis for this action has been modified to include the contamination of deodorizer distillates by fat-soluble toxic contaminants inlcuding, but not limited to, pesticides. Any petitions to remove deodorizer distillate substances from the banned list must demonstrate that the substances are safe, and must consequently show that they lack toxicants or that any toxicants present are present at safe levels. Such a showing has not yet been made.

4. Two comments requested an exemption from the proposed ban for deodorizer distillate substances that are derived from imported palm oil. One comment stated that the fruit of the Malaysian palm does not come into contact with pesticides; thus, deodorizer distillate substances derived from palm oil are free of toxic substances. The other comment concerned crude palm oil imported from Malaysia and Indonesia. The comment asserted that it uses a single-step noncaustic steam de-acidfication process to manufacture deodorizer distillates, and this process results in very low levels of contaminants because it does not have the concentrating effect of the usual two-step caustic refining and stripping process. To support its position, the comment supplied analytical data indicating a lack of pesticide residues in three sample batches tested.

FDA advices that these comments address only one element in the decision to ban deodorizer distillate substances. The agency's decision is based in part on the fact that other toxicants are inherent in the distillate substances in addition to pesticides, and the levels of all toxicants may fluctuate. The comments submitted no evidence on the absence of other toxicant substances in imported palm oil. Furthermore, the mere absence of evidence of pesticide residues in three batches is inadequate to demonstrate that the imported palm oil is free of pesticide residues, let alone free of all other toxic substances. If such evidence is available, it may be submitted as part of a food additive petition or petition to affirm GRAS status.

5. Several comments asserted that banning the use of deodorizer distillate substances in animal feed would create a disposal problem.

The agency rejects the underlying premise of these comments that the use of the deodorizer distillate substances as ingredients in animal feeds is a suitable means for thier disposal. The presence of deodorizer distillate substances in animal feeds raises concern about contamination of human food derived from animals. Moreover, these byproducts may be safely used for industrial purposes including the manufacture of industrial cleaners, asphalt tiles, chemicals, paints, caulking, polishes, fuel, and plastics (Ref. 37).

6. One comment questioned FDA's projection that the concentration of contaminants in the deodorizer distillate substances exceeds the concentration of contaminants in crude oil by a factor of over 300.

FDA acknowledges that a concentration factor of 100 may be that which can be expected to occur most often (Ref. 59). The factor for the concentration of contaminants in crude vegetable oil relative to the concentration of contaminants in the deodorizer distillates, however, depends upon a number of variables such as the concentrations of contaminants in the crude oil, the type of dedorizer equipment employed, and the operating condition of the deodorizer. The variability thus prohibits any precise projection of the concentration factor.

X. References

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The environmental effects of the regulation have been carefully considered. Because the regulation will not significantly affect the quality of the human environment, an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 589 be amended by adding new Subpart B, consisting at this time of § 589.105, to read as follows:

Subpart B—Substances Generally Prohibited From Addition to or Use as Animal Food or Feed

§ 589.105 Deodorizer distillate substances.

(a) For the purpose of this section, deodorizer distillate substances consist of: distillates resulting from the steam stripping (single or two-step, caustic or noncaustic) or vacuum distillation of vegetable oils; byproducts resulting from the extraction of tocopherols from such deodorizer distillates; clabber stock, shell drain condensate, scrubber condensate, deodorizer hotwell skimmings, stillbottoms, residual oils, sludge, or such other nomenclatures as may be used to identify these or similar fractional distillation products of vegetable oils; or combinations or blends of any of the deodorizer distillate substances listed in this paragraph with or without other miscellaneous vegetable oil byproducts and oil refinery wastes.

(b) Deodorizer distillate substances identified in paragraph (a) of this section shall be regarded as unsafe food additives that are adulterated under section 402(a)(2)(C) of the act and shall be labeled "NOT FOR ANIMAL FOOD OR FEED USE."

Interested persons may, on or before June 30, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the revisions made to the proposal and issued as part of this tentative final regulation and new developments since the proposal that warrant consideration.

Received comments may be seen in the office above from 9 a.m. to 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 21, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12823 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 640

[Docket No. 79N-0325]

Cryoprecipitated Antihemophilic Factor (Human)

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the bilogics regulations by deleting the requirement that a minimum of 200 milliliters of source plasma be used for processing Cryoprecipitated Antihemophilic Factor (Human). The current production techniques obviate the necessity for this reqirement, which limits the efficient use of a single unit of plasma as a source of both Platelet Concentrate (Human) and Cryoprecipitated Antihemophilic Factor (Human).

DATE: Comments by June 30, 1980.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Rockville, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 29, 1977 (42 FR 21772), FDA amended the Cryoprecipitated Antihemophilic Factor (Human) regulations (21 CFR 640.50 through 640.57) by redefining the product to include plasma obtained by plasmapheresis and reorganizing the regulations based on the agency's ongoing review of the existing standards of safety, purity, potency, and efficacy of biological products. Section 640.54(a) (21 CFR 640.54(a)) of the biologics regulations requires that the plasma shall be separated from the red blood cells by centrifugation to obtain no less than 200 milliliters of essentially cellfree plasma. The reason for this volume requirement is that a unit of plasma may be used first as a source of Platelet Concentrate (Human). The amount of Cryoprecipitated Antihemophilic Factor (Human) that may be obtained from a unit of plasma depends, in part, on the volume of source plasma. The 200 milliliter plasma volume restriction was intended to ensure a sufficient amount of plasma that would result in a yield of Cryoprecipitated Antihemophilic Factor (Human) adequate for clinical use. As a further control in the processing of plasma for antihemophilic factor, § 640.54(b) (21 CFR 640.54(b)) also provides for a potency standard that is an average of no less than 80 units of antihemophilic factor per final container.

About 3 years have passed since these requirements were promulgated. In that time practical experience has demonstrated that with the use of careful production techniques, an acceptable final product, that averages no less than 80 units of antihemophilic factor per final container, can be manufactured from less than 200 milliliters of plasma. Based on this information, the agency finds that the minimum source plasma volume requirement for the production of Cryoprecipitated Antihemophilic Factor (Human) no longer provides any more assurance of the quality of the final product than the currently required potency standard, and further, discriminates against current methodology. Consistent with the National Blood Policy, as enunciated by the Secretary of Health, Education, and Welfare, the agency believes that blood banks should be free to prepare as many components as is safely possible from each unit of blood, so as to maximize the use of this vital national resource. The agency finds that the minimum source plasma volume requirement for the manufacture of Cryoprecipitated Antihemophilic Factor (Human) does not effectively use blood resources by facilitating the use of a single unit of plasma as a possible source of both Platelet Concentrate (Human) and Cryoprecipitated Antihemophilic Factor (Human). Thus, because adequate clinical effectiveness of Cryoprecipitated Antihemophilic Factor (Human) is assured by the current potency requirement for processing the final product under § 640.54(b), the agency concludes that the minimum source plasma requirement is no longer necessary. Accordingly, FDA is proposing to amend § 640.54(a0 by deleting the 200-milliliter source plasma requirement for the processing of Cryoprecipitated Antihemophilic Factor (Human).

The agency has determine pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action will not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 640 be amended in § 640.54 by revising paragraph (a)(1) to read as follows:

§ 640.54 Processing.

(a) *Processing the plasma.* (1) The plasma shall be separated from the red blood cells by centrifugation to obtain essentially cell-free plasma.

* * * * *

Interested persons may, on or before June 30, 1980, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-12858 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 606, 610, and 640

[Docket No. 79N-0316]

Source Plasma (Human); Proposed Dating Period and Reduction of Record Retention Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the biologics regulations by prescribing a 10-year dating period for Source Plasma (Human) and requiring the expiration date on the lable for Source Plasma (Human). Currently, Source Plasma (Human) has no specific dating period. Under the proposed 10-year dating period, manufacturers would be required to retain all manufacturing records for 10 years and 6 months. These amendments would reduce recordkeeping requirements while ensuring the safety, purity, potency, and efficacy of the final products.

DATES: Comments by June 30, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATOIN CONTACT: Steven F. Falter, Bureau of Bilogics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Source Plasma (Human) is the fluid portion of human blood collected by plasmapheresis and intended as a source material for further manufacturing use, two of the major final derivatives being albumin and globulin. The additional standards for Source Plasma (Human) (21 CFR Part 640, Subpart G) were published in the **Federal Register** July 20, 1973 (38 FR 19362). No specific dating period was assigned for the product because plasma will yield albumin and glodulin after an indefinite period of time. Rather, the collection date of the plasma was required on the lablel (21 CFR 606.120(b)(5) and 640.70(a)(6)). Under § 606.160(d) (21 CFR 606.160(d)), records pertaining to a product having no expiration date, i.e., Source Plasma (Human), must be retained indefinitely. When § 606.160 was promulgated as part of the current good manufacturing practices for blood and blood products (see the **Federal Register** of November 18, 1975 (40 FR 53532)), the Commissioner advised in the preamble to the final rule that a specific dating period for Source Plasma (Human), and consequently a definite period of record retention, would be proposed at a later date.

Consistent with the requirements for all other licensed blood products, FDA is proposing to amend § 610.53 (21 CFR 610.53) to prescribe a dating period of 10 years for Source Plasma (Human) and § 640.70 (21 CFR 640.70) to require the expiration date, in place of the collection date, on the labeling of Source Plasma (Human), including plasma intended for manufacturing into noninjectable products and pooled from two or more donors. For pooled Source Plasma (Human) the expiration date will be determined from the collection date of the oldest unit in the pool and the collection date of each unit constituting the pool would be recorded in the pooling records. The agency is also proposing to clarify § 606.120(b)(5) (21 CFR 606.120(b)(5)) by replacing the phrase "or in the case of plasma for further manufacutre," with the phrase "or in the case of recovered plasma for further manufacture". Recovered plasma is an unlicensed biological source material that will continue to have an indefinite dating period.

Becasuse of the extreme stability of the albumin and globulin fractions, there are no data available demonstrating a limitation upon the stability of Source Plasma (Human) when stored at −20° C; therefore, the stability of the product would theroetically allow the prescription of almost any dating period. However, the agency believes a 10-year dating period is appropriate for Source Plasma (Human) for the following reasons:

1. To promote practical recordkeeping requirments. The bulk of a plasmapheresis establishment's records consists of the medical history of the plasma donors. Members of the plasmapheresis and plasma derivatives industries have expressed concern over the volume of medical history records that are now being retained.

FDA is aware of some plasmapheresis centers now retaining approximately 100,000 individual files on donors no longer active in the center's plasma collection program. Obviously, with the continued accumulation of records and without provision for their subsequent disposal, the recordkeeping requirements for Source Plasma (Human) will eventually become unmanageable. With the proposed 10-year dating period for Source Plasma (Human) and under § 606.160(d), establishments will only need to retain all manufacturing records for 6 months after the expiration date for the individual product, in this case, 10 years and 6 months. This retention period would apply to the donor records, as well as all other manufacturing, and quality control records associated with the collection, processing, and storage of Source Plasma (Human). The 10-year and 6-month retention period will help to maintain the required recordkeeping tasks at a manageable level.

2. To encourage the timely fractionation of Source Plasma (Human) into individual products. Section 351(a)(2) of the Public Health Service Act (42 U.S.C. 262(a)(2)) requires that all licensed biological products be labled with a date beyond which the contents cannot be expected beyond a reasonable doubt to yield their specific results, i.e., an expiration date. FDA considers the proposed 10-year dating period to be an appropriate assessment of the stability of the product. A specified expiration date, moreover, will encourage the use of older units of plasma in an expeditious manner. A 10-year dating period will help prevent the use of extremely aged Source Plasma (Human) that has become obsolete because of improvements in manufacturing practices and changes in processing, testing, or labeling requirements implemented after the collection of the plasma.

FDA believes that 10 years is ample time for Source Plasma (Human) to be fractionated into individual final products. Indeed, because of the expense of storing plasma at −20° C, it is likely that few establishments could afford to store Source Plasma (Human) for even the 10-year period. The agency had considered allowing each establishment to request its own dating period for Source Plasma (Human) by a product license application amendment. However, this procedure would involve unnecessary and time-consuming paperwork for both FDA and the over 200 establishments now licensed for the product. Also, the existence of multiple dating periods for a product would be confusing and may incorrectly suggest that the stability of the product varies depending upon the place of manufacture. Should an establishment believe that special circumstances justify a dating period other than 10 years for their product, an exemption in the form of an amendment to the product license may be applied for under § 610.53(b) (21 CFR 610.53(b)).

FDA advises that all provisions in this proposal, with the exception of the proposed labeling changes under §§ 606.120 and 640.70, would become effective 30 days after the date of publication of the final rule. The effective date for the required changes in labeling, namely, the inclusion of the expiration date, would be delayed until

180 days after the date of publication to permit an orderly transition to the new labeling requirements. The 10-year dating period would apply to all Source Plasma (Human), regardless of the date of manufacture. Thus, Source Plasma (Human) already manufactured would, upon the effective date of the final rule, have a dating period of 10 years even though the collection date, but not the expiration date, would be included on the label. For these units, the expiration date would be determined by adding 10 years to the collection date given on the label.

The agency has determined pursuant to 21 CFR 25.24(d)(10) and (12) (proposed December 11, 1979, 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 701, 52 Stat. 1040–1042 as amended, 52 Stat. 1050–1051 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs proposes to amend Parts 606, 610, and 640 of Subchapter F of Title 21 of the Code of Federal Regulations as follows:

PART 606—CURRENT GOOD MANUFACTURING PRACTICES FOR BLOOD AND BLOOD COMPONENTS

1. In Part 606, by revising § 606.120(b)(5) to read as follows:

§ 606.120 Labeling.

* * * * *

(b) * * *

(5) The expiration date, including the day and year, and if it is a factor, the hour; or in the case of recovered plasma for further manufacture, the date of collection.

* * * * *

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. In Part 610, by amending § 610.53(a) by revising the item "Source Plasma (Human)" to read as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

Source Plasma (Human)	Ten years. Section 610.51 does not apply.

* * * * *

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

3. In Part 640, by revising § 640.70(a)(6) to read as follows:

§ 640.70 Labeling.

(a) * * *

(6) The expiration date of the plasma. If plasma intended for manufacturing into noninjectable products is pooled from two or more donors the expiration date is determined from the collection date of the oldest unit in the pool, and the pooling records shall show the collection date for each unit constituting the pool.

* * * * *

Interested persons may, on or before June 30, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk Docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: April 22, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-13051 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-5-78]

Income Tax; Qualified Group Legal Services Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to qualified group legal services plans. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with that Act and would affect both employers who establish group legal services plans and employees and their spouses and dependents who receive benefits under these plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 30, 1980. The amendments are generally proposed to be effective for taxable years beginning after December 31, 1976, and ending before January 1, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T: EE–5–78, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Richard L. Johnson of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention CC:LR:T:EE 5–78, 202–566–3544, (Not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 120 and 501(c) (20) of the Internal Revenue Code of 1954, as added by section 2134 of the Tax Reform Act of 1976 (90 Stat. 1926). The amendments are to be issued under the authority contained in sections 120 and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1926, 68A Stat. 917; 26 U.S.C. 120, 7805).

Prepaid Legal Services

Code section 120 (a) excludes from the gross income of an employee, and the employee's spouse or dependent, employer contributions made on their behalf to a qualified group legal services plan. The value of legal services provided, or amounts paid for legal services, under the plan are also excluded from gross income.

Qualified Group Legal Services Plans

In order for a group legal services plan to be a qualified plan, the plan must satisfy certain requirements relating principally to nondiscrimination in employer contributions, plan benefits and eligibility for participation, the limitation on employer contributions for participants who are shareholders or owners, and the means by which the plan is funded. If the plan is funded by means of a trust, subject to certain

requirements, the trust is exempt from tax.

Deletion of Regulations Under Repealed Code Provision

Existing § 1.120–1 of the Income Tax Regulations provides regulations under Code section 120, relating to statutory subsistance allowance received by police, which was repealed by section 3 of the Technical Amendments Act of 1958 (72 Stat. 1607). This section is being deleted.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

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

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.120–1 [Deleted]

Paragraph 1. Section 1.120–1, relating to statutory subsistence allowances received by police, is deleted.

Par. 2. New § § 1.120–1 and 1.120–2 are added in the appropriate place:

§ 1.120–1 Amounts received under a qualified group legal services plan.

(a) *Exclusion from gross income.* The gross income of an employee, or the employee's spouse or dependent, does not include—

(1) Amounts contributed by an employer on behalf of the employee, spouse or dependent under a qualifed group legal services plan described in §1.120–2,

(2) The value of legal services provided the employee, spouse or dependent under the plan, or

(3) Amounts paid to the employee, spouse or dependent under the plan as reimbursement for the cost of personal legal services provided to the employee, spouse or dependent.

(b) *Definitions.* For rules relating to the meaning of the terms "employee," "employer," "spouse," and "dependent" see paragraph (d) (3) and (4) and paragraph (i) of §1.120–2.

(c) *Effective date.* This section is effective with respect to employer contributions made on behalf of, and legal services provided to, an employee, spouse or dependent on or after the first day of the period of plan qualification (as determined under § 1.120–3 (d)) and in taxable years of the employee, spouse or dependent beginning after December 31, 1976, and ending before January 1, 1982.

§ 1.120–2 Qualified group legal services plan.

(a) *In general.* In general, a qualified group legal services plan is a plan established and maintained by an employer under which the employer provides employees, or their spouses or dependents, personal legal services by prepaying, or providing in advance for, all or part of the legal fees for the services. To be a qualified plan, the plan must satisfy the requirements described in paragraphs (b) through (h) of this section and be recognized as a qualifed plan by the Internal Revenue Service. Section 1.120–3 provides rules under which a plan must apply to the Internal Revenue Service for recognition as a qualified plan.

(b) *Separate written plan.* The plan must be a separate written plan of the employer. For purposes of this section—

(1) *Plan.* The term "plan" implies a permanent as distinguished from a temporary program. Thus, although the employer may reserve the right to change or terminate the plan, and to discontinue contributions thereunder, the abandonment of the plan for any reason other than a business necessity soon after it has taken effect will be evidence that the plan from its inception was not a *bona fide* plan for the benefit of employees generally (see paragraph (d) of this section). Such evidence will be given special weight if, for example, a plan is abandoned soon after extensive benefits are provided to persons with respect to whom discrimination in plan benefits is prohibited (see paragraph (e) of this section).

(2) *Separate plan.* The requirement that the plan be a separate plan means that the plan may not provide benefits which are not personal legal services within the meaning of paragraph (c) of this section. For example, the requirement for a separate plan is not satisfied if personal legal services are provided under an employee benefit plan that also provides pension, disability, life insurance, medical or other such non-legal benefits. The requirement for a separate plan does not, however, preclude a single plan from being adopted by more than one employer.

(c) *Personal legal services*—(1) *In general.* In general, benefits under the plan must consist of, or be provided with respect to, only personal legal services that are specified in the plan. The plan must specifically prohibit a diversion or use of any funds of the plan for purposes other than the providing of personal legal services for the participants. In general, a personal legal service is a legal service (within the meaning of subparagraph (3) of this paragraph) provided to a participant employee, spouse or dependent which is not directly connected with or pertaining to—

(i) A trade or business of the employee, spouse or dependent,

(ii) The management, conservation or preservation of property held by the employee, spouse or dependent for the production of income, or

(iii) The production or collection of income by the employee, spouse or dependent.

(2) *Certain personal legal services.* Notwithstanding subparagraph (1) (ii) and (iii) of this paragraph, the following (if legal services within the meaning of subparagraph (3)) are considered personal legal services—

(i) A legal service provided to a participant with respect to securing, increasing or collecting alimony under a decree of divorce (or payments in lieu of alimony) or the division or redivision of community property under the community property laws of a State,

(ii) A legal service provided to a participant as heir or legatee of a decedent, or as beneficiary under a testamentary trust, in protecting or asserting rights to property of a decedent, or

(iii) A legal service provided to a participant with respect to the participant's claim for damages, other than compensatory damages, for personal injury.

(3) *Legal services*—(i) *Services of a lawyer.* In general, a legal service is a service performed by a lawyer if the performing of the service constitutes the practice of law.

(ii) *services of a person not a lawyer.* A legal service may include a service performed by a person who is not a lawyer, if the service is performed under the direction or control of a lawyer, in

connection with a legal service (within the meaning of subdivision (i)) performed by the lawyer, and the fee for the service is included in the legal fee of the lawyer. Examples of services to which this subdivision (ii) may apply are the services of an accountant, a researcher, a paralegal, a law clerk, an investigator or a searcher of title to real property.

(iii) *Court fees.* Amounts payable to a court in connection with the presentation, litigation or appeal from a matter before a court is considered the cost of a legal service. For example, benefits under the plan may be provided with respect to a court filing fee, a fee for service of summons or other process, the cost of a transcript of trial or the posting of bail bond.

(iv) *Other fees or charges.* An amount payable to a competent governmental authority (for example, the United States, a State or any subdividion thereof) is considered the cost of a legal service, if the amount is payable with respect to the filing or registration of a legal document (for example, a deed or will). However, any amount payable directly or indirectly to a governmental authority is not the cost of a legal service, if the amount is in the nature of a tax. For example, although a plan may provide for payment of an amount payable to a county for the filing or registration of a deed to real property, a plan may not provide for payment of an amount in the nature of a tax on the transfer of title to real property.

(4) *Limited initial consultation.* A plan is not other than a qualified plan merely because, in connection with providing personal legal services, the plan provides a specified "limited initial consultation" benefit without restricting the benefit to personal legal services. An "initial consultation" is a consultation, the purpose of which is to determine whether a plan participant is in need of a personal legal service and, if so, whether the required personal legal service may be provided under the plan. An initial consultation must not include document preparation or review, or representation of the participant. An initial consultation benefit is "limited", if under the plan it is limited either in time (*e.g.*, no more than 4 hours of initial consultation during any year) or number (*e.g.*, no more than 4 initial consultations during any year).

(d) *Exclusive benefit*—(1) *In general.* The plan must benefit only employees of the employer, including individuals who are employees within the meaning of paragraph (i)(1) of this section, or the spouses or dependents of employees.

(2) *Plans to which more than one employer contributes.* In the case of a plan to which more than one employer contributes, in determining whether the plan is for the exclusive benefit of an employer's employees, or their spouses or dependents, the employees of any employer who maintains the plan are considered the employees of each employer who maintains the plan.

(3) *Spouses of employees.* In general, for purposes of determining whether a plan is for the exclusive benefit of an employer's employees, or their spouses or dependents, the determination of whether an individual is a spouse of an employee is made at the time the legal services are provided to the individual. The term "spouse" includes a surviving spouse of a deceased employee. Although, in general, the term "spouse" does not include a person legally separated from an employee under a decree of divorce or separate maintenance, a legal service provided to an employee's former spouse after the issuing of a decree of divorce, annulment or separate maintenance from the employee is considered a service provided to the spouse of an employee, if the service relates to the divorce, annulment or separation. For purposes of this section and § 1.120–1, the term "spouse" includes an individual to whom benefits may be provided under this subparagraph.

(4) *Dependents of employees.* For purposes of determining whether a plan is for the exclusive benefit of an employer's employees, or their spouses or dependents, benefits provided to the following individuals are considered benefits provided to a dependent of an employee:

(i) An individual who is a dependent of an employee within the meaning of section 152 for the taxable year of the employee within which the legal services are provided to the individual;

(ii) An individual who is described in paragraph (h)(2) of this section (relating to certain surviving dependents) at the time the legal services are provided to the individual; or

(iii) An individual who is a dependent of an employee within the meaning of section 152 for the taxable year of the employee ending on the date of the employee's death, under age 21 on the date of the employee's death, and under age 21 at the time the legal services are provided to the individual.

For purposes of this section and § 1.120–1, the term "dependent" means an individual to whom benefits may be provided under this subparagraph.

(5) *Estates of employees.* A plan is for the exclusive benefit of the employer's employees, or their spouses or dependents, notwithstanding that the plan provides benefits to the personal representative of a deceased employee, or spouse or dependent, with respect to the estate of the deceased.

(e) *Prohibited discrimination*—(1) *In general.* The plan must benefit the employer's employees generally. Among those benefited may be employees who are officers, shareholders, self-employed or highly compensated. A plan is not for the benefit of employees generally, however, if the plan discriminates in favor of employees described in the preceding sentence, or their spouses or dependents, in eligibility requirements (see subparagraph (2) of this paragraph) or in contributions or benefits (see subparagraph (3) of this paragraph).

(2) *Eligibility to participate.* A plan need not provide benefits for all employees (or their spouses or dependent). A plan must, however, benefit those employees (or their spouses or dependents) who qualify under a classification of employees set up by the employer which is found by the Internal Revenue Service not to discriminate in favor of employees who are officers, shareholders, self-employed or highly compensated, or their spouses or dependents. In general, this determination shall be made by applying the same standards as are applied under section 410(b)(1)(B) (relating to qualified pension, profit-sharing and stock bonus plans), without regard to section 401(a)(5). For purposes of making this determination, there shall be excluded from consideration employees not covered by the plan who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, if the Internal Revenue Service finds that group legal services plan benefits were the subject of good faith bargaining between the employee representatives and the employer or employers. For purposes of determining whether such bargaining occurred, it is not material that the employees are not covered by another plan or that the employer's present plan was not considered in the bargaining.

(3) *Contributions and benefits*—(i) *In general.* Employer contributions under the plan or benefits provided under the plan must not discriminate in favor of employees who are officers, shareholders, self-employed or highly compensated, or their spouses or dependents, as against other employees, or their spouses or dependents, covered by the plan. This does not mean that contributions or benefits may not vary. Variations in contributions or benefits

may be provided so long as the plan, viewed as a whole for the benefit of employees in general, with all its attendant circumstances, does not discriminate in favor of those with respect to whom discrimination is prohibited. Thus, contributions or benefits which vary by reason of a formula which takes into account years of service with the employer, or other factors, are not prohibited unless those factors discriminate in favor of employees who are officers, shareholders, self-employed or highly compensated, or their spouses or dependents. Under this subparagraph (3), if a plan covers employees who are highly compensated, and benefits under the plan uniformly increase as compensation increases, the plan is not a qualified plan.

(ii) *Relative utilization of plan benefits.* Not only must a plan not discriminate on its face in employer contributions or plan benefits in favor of employees who are officers, shareholders, self-employed or highly compensated, or their spouses or dependents, the plan also must not discriminate in favor of such employees, or their spouses or dependents, in actual operation. Accordingly, the extent to which such employees, or their spouses or dependents, as a group, utilize plan benefits must be compared to the extent to which all other employees, or their spouses or dependents, as a group, utilize plan benefits. A plan is not other than a qualified plan for a plan year merely because, relative to their number, those employees, or their spouses or dependents, with respect to whom discrimination is prohibited utilize plan benefits to a greater extent than do other employees, or their spouses or dependents. However, a persistent pattern of greater relative utilization of plan benefits by the group of employees who are officers, shareholders, self-employed or highly compensated, or their spouses or dependents, may be evidence that the plan discriminates in favor of such employees and is not for the benefit of employees generally. Such evidence will be considered, together with all other pertinent facts and circumstances, to determine whether the plan improperly discriminates in actual operation.

(f) *Contribution limitation*—(1) *In general.* Under section 120(c)(3), a plan is a qualified plan for a plan year only if no more than 25% of the amount contributed by the employer under the plan for the plan year is contributed on behalf of the limitation class described in subparagraph (2). A plan satisfies the requirements of section 120(c)(3) for a plan year (as determined under the plan) if either—

(i) The plan satisfies the requirements of subparagraph (3), or

(ii) The percentage determined under subparagraph (4) is 25% or less, and the plan is not other than a qualified plan by reason of subparagraph (5).

(2) *Limitation class.* The limitation class consists of—

(i) *Shareholders.* Individuals who, on any day of the plan year, own more than 5% of the total number of shares of outstanding stock of the employer, or

(ii) *Owners.* In the case of an employer's trade or business which is not incorporated, individuals who on any day of the plan year, own more than 5% of the capital or profits interest in the employer, and

(iii) *Spouses and dependents.* Individuals who are spouses or dependents of shareholders or owners described in subdivision (i) or (ii).

For purposes of determining stock ownership, the attribution rules described in paragraph (i)(4) of this section apply. The regulations prescribed under section 414(c) are applicable in determining an individual's interest in the capital or profits of an unincorporated trade or business.

(3) *Disregarding allocation rules*—(i) *Plans providing legal services directly.* If a plan is one under which legal services are provided directly to a participant, the plan will satisfy the requirements of section 120(c)(3), without regard to the allocation rules described in subparagraphs (4) and (5) of this paragraph, if the plan satisfies the following requirement. The plan must provide and be operated so that no legal service may be provided to a member of the limitation class if to provide the service would cause the fair market value of legal services provided to date during the plan year to members of the limitation class to exceed 25% of the fair market value of the legal services provided under the plan to date during the plan year.

(ii) *Plans providing reimbursement for the cost of legal services.* If a plan is one under which a participant is reimbursed for the cost of legal services, the plan will satisfy the requirements of section 120(c)(3), without regard to the allocation rules described in subparagraphs (4) and (5) of this paragraph, if the plan satisfies the following requirement. The plan must provide and be operated so that no amount may be paid to a member of the limitation class if the payment would cause amounts paid to date during the plan year to members of the limitation class to exceed 25% of the amounts paid under the plan to date during the plan year.

(iii) *Limitation class; special rule.* For purposes of this subparagraph (3) an individual is a member of the limitation class only if the individual is a member (within the meaning of subparagraph (2)) on or before the date on which the determination described in subdivision (ii) or (iii) is required to be made.

(iv) *Example.* The provisions of subdivision (iii) of this subparagraph may be illustrated by the following example:

Example. (A) Plan X is a qualified group legal services plan under which plan participants are reimbursed for the cost of personal legal services specified in the plan. The plan includes a provision satisfying the requirements of subdivision (ii) of this subparagraph. The plan year is the calendar year.

(B) A, an individual, is a participant in Plan X. On March 18, 1981, A is paid an amount under the plan. On June 21, 1981, A purchases shares of stock of the employer maintaining the plan. As a result of the purchase A owns more than 5% of the total number of shares of outstanding stock of the employer. Accordingly, under subparagraph (2) of this paragraph, A is a member of the limitation class for the plan year 1981. On August 14, 1981, A sells the shares of stock purchased on June 21, 1981, and no longer owns more than 5% of the total number of shares of outstanding stock of the employer. On October 9, 1981, A is paid an additional amount under the plan.

(C) For purposes of the determination required by subdivision (ii) of this subparagraph, if the determination is made for a date after March 17, 1981, and before June 21, 1981, the amount paid to A on March 18, 1981, is not considered an amount paid to a member of the limitation class. If the determination is made for a date after June 20, 1981, the amount paid to A on March 18, 1981, is considered an amount paid to a member of the limitation class. With respect to a determination made for a date after October 8, 1981, the amount paid to A on October 9, 1981, is considered an amount paid to a member of the limitation class.

(4) *Contribution allocation*—(i) *Equal benefits.* In general, if under a plan the same benefits are made available to each participant, the percentage of the amount contributed by the employer for a plan year that is considered contributed on behalf of the limitation class is equal to the number of participants who are members of the limitation class at any time during the plan year, divided by the number of individuals who are participants in the plan at any time during the plan year.

(ii) *Unequal benefits.* In general, if under the plan different benefits are made available to different participants or different classes of participants, the percentage of the amount contributed by

the employer for a plan year that is considered contributed on behalf of the limitation class is equal to the fair market value (as of the first day of the plan year) of those benefits available under the plan to participants who are members of the limitation class at any time during the plan year, divided by the fair market value (as of the first day of the plan year) of those benefits available under the plan to all individuals who are participants in the plan at any time during the plan year.

(iii) *Individual premiums.* Notwithstanding subdivision (i) or (ii) of this subparagraph, if benefits are provided under the plan in exchange for the employer's prepayment or payment of a premium, and the amount of the prepayment or premium is determined by taking into account the circumstances of individual participants or classes of participants, the percentage of the amount contributed by the employer for a plan year that is considered contributed on behalf of the limitation class is equal to the sum of the prepayments or premiums paid for the plan year on behalf of participants who are members of the limitation class at any time during the plan year, divided by the sum of the prepayments or premiums paid for the plan year. A prepayment or premium is paid for the plan year if it is paid with respect to legal services provided or made available during the plan year. This subdivision (iii) will apply if, for example, equal benefits are provided each participant under the plan in exchange for the employer's payment of a premium with respect to each participant employee, and the amount of the premium varies, taking into account the employee's income level, the number and ages of the employee's dependents or other such factors.

(5) *Relative utilization of plan benefits*—(i) *Application.* The extent to which members of the limitation class, as a class, utilize plan benefits shall be taken into account in determining the percentage of amounts contributed by the employer that is considered contributed on behalf of the limitation class. The rules described in this subparagraph (5) are in addition to those described in subparagraph (4) of this paragraph, and a plan may be other than a qualified plan by reason of the application of this subparagraph (5), notwithstanding that the percentage determined under subparagraph (4) is 25% or less.

(ii) *Computation.* Under this subparagraph (5), if during any three successive plan years, benefits paid to or with respect to the limitation class (as determined for each plan year) exceed 25% of all benefits paid under the plan during the three years, the plan is not a qualified plan for the next succeeding plan year.

(iii) *Reapplication for recognition as a qualified plan.* A plan that is not a qualified plan for a plan year by reason of this subparagraph (5), may reapply under § 1.120–3 for recognition as a qualified plan for any plan year following the first plan year for which it is not a qualified plan. A plan so reapplying will be recognized as a qualified plan for any plan year for which recognition is sought only if the plan is a qualified plan under this subparagraph (5) for the first plan year for which such recognition is sought and otherwise satisfies the requirements of section 120 and this section.

(g) *Employer contributions*—(1) *In general.* Employer contributions under the plan may be made only—

(i) To insurance companies, or to organizations or persons that provide personal legal services, or indemnification against the cost of personal legal services, in exchange for a prepayment or payment of a premium,

(ii) To organizations or trusts described in section 501(c)(20),

(iii) To organizations described in section 501(c) that are permitted by that section to receive payments from an employer for support of a qualified group legal services plan, except that the organization shall pay or credit the contribution to an organization or trust described in section 501(c)(20),

(iv) As prepayment to providers of legal services under the plan, or

(v) A combination of the above.

(2) *Prepayment required.* For purposes of subparagraph (1) (i) and (iv), employer contributions are considered prepayments or premiums only if a contribution made with respect to benefits reasonably anticipated to be provided under the plan during any month is made on or before the tenth day of the month.

(h) *Employee contributions*—(1) *In general.* A plan is not a qualified plan if it permits participants to contribute under the plan other than as described in subparagraphs (2) and (3) of this paragraph.

(2) *Certain separated employees and surviving spouses and dependents.* A plan will not be other than a qualified plan merely because the plan allows—

(i) A separated former employee,

(ii) A surviving spouse of a deceased employee, or

(iii) An individual who is a dependent of an employee within the meaning of section 152 for the taxable year of the employee ending on the date of the death of the employee,

to elect to continue as a participant under the plan on a self-contributory basis for a period not to exceed one year after the separation or death.

(3) *Certain employee contributions in lieu of employer contributions.* This subparagraph (3) applies with respect to a plan that—

(i) Is maintained pursuant to an agreement that the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, and

(ii) Provides that an employer is required to contribute (or contribute in full) on behalf of a participant employee only if the employee completes a minimum number of hours of service with the employer within a stated period ending on or before the date the contribution is otherwise required to be made by the employer.

Such a plan is not other than a qualified plan merely because it permits a participant employee to contribute under the plan an amount not required to be contributed by the employer because the employee fails to complete the minumum number of hours. However, no amount may be contributed by an employee under this subparagraph (3) unless employer contributions on behalf of participant employees are required to be made monthly or more often, and at least one employer contribution is made on behalf of the employee under the plan before the contribution by the employee is made under the plan. In addition, a plan shall not be a qualified plan for a plan year by reason of this subparagraph (3), if amounts contributed by employees under this subparagraph (3) during the plan year exceed 5% of the total amount contributed under the plan during the plan year.

(i) *Definitions.* For purposes of this section, § 1.120–1 and § 1.120–3—

(1) *Employee.* The term "employee" includes—

(i) A retired, disabled or laid-off employee,

(ii) A present employee who is on leave, as, for example, in the Armed Forces of the United States,

(iii) An individual who is self-employed within the meaning of section 401(c)(1), or

(iv) A separated former employee who is covered by the plan by reason of paragraph (h)(2)(i) of this section (relating to employee contributions).

(2) *Employer.* An individual who owns the entire interest in an unincorporated trade or business is treated as his or her

own employer. A partnership is treated as the employer of each partner who is an employee within the meaning of section 401(c)(1).

(3) *Officer.* An officer is an individual who is an officer within the meaning of regulations prescribed under section 414(c).

(4) *Shareholder.* The term "shareholder" includes an individual who is a shareholder as determined by the attribution rules under section 1563 (d) and (e), without regard to section 1563(e)(3)(C).

(5) *Highly compensated.* The term "highly compensated" has the same meaning as it does for purposes of section 410(b)(1)(B).

Par. 3. There is added in the appropriate place the following new section:

§ 1.501 (c) (20)–1 Qualified group legal services plan trust.

(a) *Qualified group legal services plan.* For purposes of this section, a "qualified group legal services plan" is a plan that satisfies the requirements of section 120(b) and § 1.120–2.

(b) *General requirements for exemption.* Under section 501(c)(20), an organization or trust created or organized in the United States is exempt as provided in section 501(a) if the exclusive function of the organization or trust is to form part of a qualifed group legal services plan or plans.

(c) *Exception for trust associated with section 501(c) organization.* As described in section 120(c)(5)(C), employer contributions under a qualified group legal services plan may be paid to an organization described in section 501(c) if that organization is permitted by section 501(c) to receive payments from an employer for support of a qualified group legal services plan. However, that organization must, in turn, pay or credit the contributions to an organization or trust described in section 501(c)(20). In such a case, the organization or trust to which the contributions are finally paid or credited is considered to satisfy the requirement that the *exclusive* function of the organization or trust be to form part of a qualified group legal services plan or plans, notwithstanding that the organization or trust provides legal services or indemnification against the cost of legal services unassociated with such a qualified plan. This exception applies, however, only if any such legal service or indemnification is provided under a program established and maintained by the organization described in section 501(c) to which the employer contributions under a qualified group legal services plan are first paid under section 120(c)(5)(C). Whether providing legal services or indemnification against the cost of legal services unassociated with a qualified group legal services plan is a permissible activity of an organization described in section 501(c) is determined under the rules under that paragraph of section 501(c) in which the organization is described.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–13072 Filed 4–28–80; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 1

[LR–1661]

Income Tax; Treatment of Certain Interests in Corporations as Stock or Indebtedness; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of certain interests in corporations as stock or indebtedness.

DATES: The public hearing will be held on July 23, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by July 9, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–1661), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202–566–6870, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 166, 385, 482 and 1371 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Monday, March 24, 1980 (45 FR 18957).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject by July 9, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,

Director, Legislation and Regulations Division.

[FR Doc. 80–13143 Filed 4–28–80; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 1

[EE–24–78]

Income Tax; Limitations on Benefits and Contributions Under Qualified Plans; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to limitations on benefits and contributions under qualified pension plans.

DATES: The public hearing will be held on July 8, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 24, 1980.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue

Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE–24–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202–566–6870, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 401(a)(16), 403(b)(2) and 415 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Thursday, January 24, 1980, at page 5754 (45 FR 5754).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject by June 24, 1980.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 80–13145 Filed 4–28–80; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of North Dakota

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed Rule: Notice of Determination of Completeness of Submission.

SUMMARY: On February 29, 1980, the state of North Dakota submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the North Dakota program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has determined the North Dakota program submission is complete.

ADDRESSES: Written comments on the North Dakota program and a summary of the public meeting are available for public review, 8:00 a.m.–4:00 p.m., Monday through Friday, excluding holidays at: Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Copies of the full text of the proposed North Dakota program are available for review during regular business hours at the OSM Regional Office above and at the following offices of the State regulatory authority: Public Service Commission, Department of Reclamation, Capitol Building, Bismarck, North Dakota 58505.

FOR FURTHER INFORMATION CONTACT: Sylvia Sullivan, Public Information Office, Office of Surface Mining, Region V, Department of the Interior, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed permanent regulatory program from the state of North Dakota. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328 March 13, 1979), the Regional Director, Region V, published notification of receipt of the program submission in the **Federal Register** of March 7, 1980, and in the following newspapers of general circulation within North Dakota:

Bismarck Tribune

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979, the U.S. District Court for the District of Columbia, in response to a suit filed by the state of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. As a result of this court ordered change in the required submission deadline the Office announced an amendment to § 731.12 of the final regulations in the October 22, 1979, **Federal Register** (44 FR 60969). The amended regulation revises the original schedule by making Sections 732.11, 732.12, and 732.13 inapplicable for post August 3, 1979, submissions. In lieu of this schedule, Section 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following timetable sets forth the general schedule for review of the North Dakota proposed State regulatory program:

—A final date for the submission of program changes by the State will be established June 12, 1980.
—A public hearing will be held on July 24, 1980;
—A final date for the submission of public comments will be July 29, 1980;
—The initial decision of the Secretary will be announced approximately 40 days after the public hearing, approximately 180 days from the original date of the State submission.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the North Dakota program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the North Dakota submission does fulfill the content requirements for program submission under 30 CFR 731.14 and is therefore complete.

No later than June 17, 1980, the Regional Director will publish a notice in the **Federal Register** and in the following newspapers of general circulation in North Dakota initiating substantive review of the program submission:

Bismarck Tribune

The review will include an informal public hearing and written comment period. Procedures will be detailed in

that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the North Dakota regulatory program, in accordance with Section 702(d) of SMCRA (30 U.S.C. 1292(d)), which states that approval of State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 22, 1980.

Donald A. Crane,

Regional Director.

[FR Doc. 80-13091 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Utah

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: Notice of determination of completeness of submission.

SUMMARY: On March 3, 1980, the state of Utah submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Utah program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has determined the Utah program submission is complete.

ADDRESSES: Written comments on the Utah program and a summary of the public meeting are available for public review, 8:00 a.m.–4:00 p.m., Monday through Friday, excluding holidays at: Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Copies of the full text of the proposed Utah program are available for review during regular business hours at the OSM Regional Office above and at the following offices of the State regulatory authority: Division of Oil, Gas and Mining, Department of Natural Resources, 1588 West North Temple, Salt Lake City, Utah 84116.

FOR FURTHER INFORMATION CONTACT: Sylvia Sullivan, Public Information Office, Office of Surface Mining, Region V, Department of the Interior, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed permanent regulatory program from the state of Utah. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328 March 13, 1979), the Regional Director, Region V, published notification of receipt of the program submission in the **Federal Register** of March 11, 1980, and in the following newspapers of general circulation within Utah: Salt Lake City Tribune.

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979, the U.S. District Court for the District of Columbia, in response to a suit filed by the state of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. As a result of this court ordered change in the required submission deadline, the office announced an amendment to § 731.12 of the final regulations in the October 22, 1979, **Federal Register** (44 FR 60969). The amended regulation revises the original schedule by making Sections 732.11, 732.12 and 732.13 inapplicable for post August 3, 1979, submissions. In lieu of this schedule, Section 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following timetable sets forth the general schedule for review of the Utah proposed State regulatory program:

—The final date for the submission of program changes by the State will be June 15, 1980.

—A public hearing will be held on July 29, 1980, in Salt Lake City.

—The final date for the submission of public comments will be August 1, 1980.

—The initial decision of the Secretary will be announced approximately 40 days after the public hearing, approximately 180 days from the original date of the State submission.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the Utah program. Having considered public comments, testimony presented at the public review meeting and all other relevent information, the Regional Director had determined that the Utah submission does fulfill the content requirements for program submission under 30 CFR 731.14 and is therefore complete.

No later than June 20, 1980, the Regional Director will publish a notice in the **Federal Register** and in the following newspapers of general circulation in Utah initiating substantive review of the program submission: Salt Lake City Tribune.

The review will include an informal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Utah regulatory program, in accordance with Section 702(d) of SMCRA (30) U.S.C. § 1292(d), which states that approval of State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

April 22, 1980.

Donald A. Crane,

Regional Director.

[FR Doc. 80-13092 Filed 4-28-80 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Alabama

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: Notice of Determination of Completeness of Alabama Program Submission.

SUMMARY: On March 3, 1980, the State of Alabama submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announced the Regional Director's determination as to whether the Alabama program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has determined the Alabama submission is incomplete.

ADDRESSES: Copies of the full text of the proposed Alabama program and OSM administrative record on the program review are available for review 8:00 a.m.–4:00 p.m. Monday through Friday, excluding holidays at:

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay

Street SW., Suite 500, Knoxville, Tennessee 37902.
Alabama Surface Mining Reclamation Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, Alabama.
Alabama Surface Mining Reclamation Commission, 100 Third Street, Fort Payne, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional Director, Office of Surface Mining, 530 Gay Street, Suite 500, Knoxville, TN 37902. Telephone: (615) 637–8060.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed permanent regulatory program from the State of Alabama. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328, March 13, 1979), the Regional Director, Region II, published notification of receipt of the Alabama submission in the **Federal Register** of March 12, 1980 (45 FR 15947–15948) and in newspapers of general circulation within the State.

The March 12, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the Alabama submission, announcement of a public review meeting on April 14, 1980, in Jasper, Alabama, to discuss the submission and its completeness, and announcement of a public comment period until April 14, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the Alabama program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Alabama submission does not fulfill the content requirements for program submissions under 30 CFR 731.14 and is therefore incomplete.

In accordance with § 732.11(c) of the permanent regulatory program regulations, the following required elements are missing from the proposed Alabama permanent regulatory program:

1. There is no legal opinion as required by 30 CFR 731.14(c). State Program Chapter V includes a comparison of regulations but does not mention the proposed law and is not identified as approved by the Attorney General or chief legal officer for the regulatory authority.

2. The budget presented in Chapter VI does not include four (4) separate fiscal years as required by 30 CFR 731.14(l).

3. The description of physical resources in Chapter VI does not include proposed new resources for use after primacy as required by 30 CFR 731.14(m).

Alabama may submit additions to remedy the incomplete elements identified by the completeness review and any other modifications of the proposed Alabama program until June 15, 1980. If the State fails to supply these missing elements by that deadline, its program will be initially disapproved by the Secretary as set forth in 30 CFR 732.11(d).

No later than June 20, 1980, the Regional Director will publish a notice in the **Federal Register** and in newspapers of general circulation initiating substantive review of the Alabama submission.

The review will include a formal public hearing and written comment period. During the review, public comments and hearing testimony received since the program was submitted will be considered, and discussed to the extent appropriate, in the **Federal Register** notice announcing the Secretary's initial decision on the program. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Alabama regulatory program, in accordance with section 702(d) of SMCRA (30 U.S.C. 1292(d)) which states that approval of State programs shall not constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Dated: April 22, 1980.

David C. Short,

Regional Director

[FR Doc. 80–13137 Filed 4–28–80; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Kentucky

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed Rule: Determination of Completeness of Kentucky Program Submission.

SUMMARY: On February 29, 1980, the State of Kentucky submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Kentucky program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined the program submission is complete.

ADDRESSES: Copies of the full text of the proposed Kentucky program and OSM's Administrative Record on the program review are available for public review, 8:00 a.m.–4:00 p.m., Monday through Friday, excluding holidays at:

Administrative Record Room, Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee.
Bureau of Surface Mining Reclamation and Enforcement, Capital Plaza Tower, 6th Floor, Frankfort, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, Old TB Facility, Laffoon Street, Madisonville, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, 1632 East Cumberland Avenue, Middlesboro, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, 213 Lovern Street, Hazard, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, 431 South Lake Drive, Prestonburg, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, 165 South Mayo Trail, Pikeville, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, Reclamation Building (Near Intersection of East 80, Daniel Boone Parkway and Hwy. 25), London, Kentucky.
Bureau of Surface Mining Reclamation and Enforcement, 620 West Main Street, Grayson, Kentucky.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional Director, Office of Surface Mining, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902. Telephone: (615) 637–8060.

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed permanent regulatory program from the State of Kentucky. Pursuant to the provisions of 30 CFR Part 732,

"Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326–15328, March 13, 1979), the Regional Director, Region II, published notification of receipt of the program submission in the **Federal Register** of March 12, 1980 (45 FR 15948–15950) and in newspapers of general circulation within Kentucky.

The March 12, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the program submission, announcement of public review meetings on April 16 and 17, 1980, in Madisonville and Pikeville, Kentucky, to discuss the submission and its completeness, and announcement of a public comment period until April 17, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b), and constitutes the Regional Director's decision on the completeness of the Kentucky program. Having considered public comments, testimony presented at the public review meetings and all other relevant information, the Regional Director has determined that the Kentucky submission fulfills the requirements for program submissions under 30 CFR 731.14 and is therefore complete.

No later than June 17, 1980, the Regional Director will publish a notice in the **Federal Register** and in newspapers of general circulation initiating substantive review of the Kentucky submission:

The review will include a formal public hearing and written comment period. During the review, public comments and hearing testimony received since the program was submitted will be considered, and discussed to the extent appropriate, in the **Federal Register** notice announcing the Secretary's initial decision on the program. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Kentucky regulatory program, in accordance with section 702(d) of SMCRA (30 U.S.C. 1292(d)) which states that approval of state programs shall not constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Dated: April 22, 1980.

David C. Short,

Regional Director.

[FR Doc. 80-13135 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Chapter VII

Determination of Completeness for Permanent Program Submission From the State of Tennessee

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed Rule: Notice of Determination of Completeness of Tennessee Program Submission.

SUMMARY: On February 28, 1980, the State of Tennessee submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Tennessee program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined that the Tennessee submission is incomplete.

ADDRESSES: Copies of the full text of the proposed Tennessee program and OSM's administrative record on the program review are available for public review, 8 a.m.–4 p.m., Monday through Friday, excluding holidays, at:

Administrative Record Room, Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee.

Tennessee Department of Conservation, Division of Surface Mining and Reclamation, 1720 West End Avenue, Nashville, Tennessee.

Tennessee Department of Conservation, Division of Surface Mining and Reclamation, 618 Church Avenue, S.W., Knoxville, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, TN 37902. Telephone: (615) 637–8060.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed permanent regulatory program from the State of Tennessee. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (45 FR 15326–15328, March 13, 1979), the Regional Director, Region II, published notification of receipt of the Tennessee submission in the **Federal Register** of March 11, 1980 (45 FR 15578–15580), and in newspapers of general circulation within Tennessee.

The March 11, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the Tennessee submission, announcement of a public review meeting on April 15, 1980, in Knoxville, Tennessee, to discuss the submission and its completeness, and announcement of a public comment period for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and **Federal Register** notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the Tennessee program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the Tennessee submission does not fulfill the content requirements for program submissions under 30 CFR 732.14 and is therefore incomplete.

In accordance with § 732.11(c) of the permanent regulatory program regulations, the following required elements are missing from the proposed Tennessee permanent regulatory program:

1. 30 CFR 731.14(a): The proposed regulations are not in the process of enactment since they are not fully drafted and were not introduced into the legislative or public review process. Submitted regulations do not contain provisions corresponding to federal provisions for: restriction on employee financial interest (30 CFR Part 705), administrative and judicial review of permit decisions (30 CFR Part 787), bonding (30 CFR Parts 800, 805, 806, 807, and 808), performance standards (30 CFR Parts 816 and 817), and inspection and enforcement (30 CFR Parts 840, 842, and 843).

2. 30 CFR 731.14(b): The submission does not contain copies of other State laws and regulations directly affecting the regulation of coal exploration and surface coal mining and reclamation operations, and amendments to such other laws or regulations which affect the regulation of coal exploration and surface coal mining and reclamation operations which are being considered or are pending.

3. 30 CFR 731.14(c): The submitted material is not responsive to the requirement since it contains only a section-by-section listing of a superceded draft of the proposed State law against the Federal law. The submission does not contain a legal opinion from the Attorney General of the State or the chief legal officer of the State regulatory authority stating that the State has the legal authority or will have legal authority through enactment of new laws and regulations or amendments to laws and regulations which are in the process of enactment to implement, administer, and enforce the program and to regulate coal exploration and surface coal mining and reclamation operations in accordance with Pub. L. 95–87 and 30 CFR Chapter VII. Also omitted is a section-by-section comparison of the State's laws and regulations and amendments which are in the process of enactment with Pub. L. 95–87 and 30 CFR Chapter VII, explaining any differences and their legal effect.

4. 30 CFR 731.14(d): The submission does not contain a copy of the legal document which designates one State agency as the regulatory authority and authorizes that agency to implement, administer, and enforce a State program and to submit grant applications and receive and administer grants under 30 CFR Subchapter G.

5. 30 CFR 731.14(e): The submitted material does not completely address the requirement. The submission contains several organization charts which appear to represent the existing organization of the State regulatory authority. No description of the charts is given nor is there any description or charts for the proposed structural organization of the regulatory authority. Also omitted is a description, including appropriate charts, of the existing and proposed structural organization of other agencies or applicable divisions or departments of those agencies which will have duties in the State program, indicating the coordination system among agencies, the lines of authority and the staffing functions within each agency and among agencies.

6. 30 CFR 731.14(f): The submission does not contain a copy of supporting agreements between agencies which will have duties in the State program.

7. 30 CFR 731.14(g)(7): The submission does not contain a description of the proposed system for assessing and collecting civil penalties.

8. 30 CFR 731.14(g)(9): The submission does not contain a description of the proposed system for coordinating issuance of permits required under Public Law 95–87 and 30 CFR Chapter VII with other State, Federal and local agencies.

9. 30 CFR 731.14(g)(11): The submitted material contains only draft regulations. The submission does not contain a description of the proposed system for designating lands unsuitable for suitable for surface coal mining operations, including provisions for terminating those designations and for public participation in the designation process.

10. 30 CFR 731.14(g)(12): The submitted material does not address the requirement since it only quotes a provision in the proposed law. The submission does not contain a description of the proposed system for monitoring, reviewing and enforcing restrictions against direct and indirect financial interests of State employees in surface coal mining and reclamation operations.

11. 30 CFR 731.14(g)(14): The submitted material does not address the requirement since it only quotes the proposed law and refers to other parts of the proposed program. The submission does not contain a description of the proposed system for providing for public participation in the development, revision, and enforcement of State regulations, the State program, and permits under the State program.

12. 30 CFR 731.14(g)(15): The submission does not contain a description of the proposed system for providing administrative and judicial review of actions provided for in the State program, including inspection and enforcement actions.

13. 30 CFR 731.14(g)(16): The submitted material does not address the requirement since it contains only proposed regulations and a cooperative agreement relating to the interim program. The submission does not contain a description of the proposed system for providing a small operator assistance program consistent with 30 CFR 795.

14. 30 CFR 731.14(i): The submission does not contain a summary table of the existing and proposed State program staff, as well as job function titles and required job experience and training for two of the agencies proposed to operate portions of the program.

15. 30 CFR 731.14(j): The submitted material does not address the requirement. The submission does not contain a description of how the staffing proposed for the State program will be adequate to carry out the functions, including permitting, inspection, and legal actions for the projected workload to ensure that coal exploration and surface coal mining and reclamation operations will be regulated in accordance with the requirements of Pub. L. 95–87 and 30 CFR Chapter VII.

16. 30 CFR 731.14(k): The submitted material does not address the rquirement since it only lists the locations of available expertise. The submission does not contain an explanation of the projected use of professional and technical personnel that are available to the regulatory authority from other agencies including the information required in 30 CFR 731.14(i).

17. 30 CFR 731.144(l): The submitted material does not include the required budget information for the second fiscal year after the current fiscal year, nor does it include any budget for two of the agencies proposed to operate portions of the program.

18. 30 CFR 731.14(m): The submitted material does not include the required physical resource information and office locations for two of the agencies proposed to operate portions of the program.

19. 30 CFR 731.14(o): The submitted material does not sufficiently address the requirement for a brief description of the other programs administered by the regulatory authority since it only describes the programs of one agency within the regulatory authority.

Tennessee may submit additions to remedy the incomplete elements identified by the completeness review and any other modifications of the proposed Tennessee program until June 11, 1980. If the State fails to supply these missing elements by that deadline, its program will be initially disapproved by the Secretary as set forth in 30 CFR 732.11(d).

No later than June 16, 1980, the Regional Director will publish a notice in the **Federal Register** and in newspapers of general circulation in Tennessee initiating substantive review of the Tennessee submission.

This review will include a formal public hearing and written comment period. During the review, public comments and hearing testimony received since the program was submitted will be considered, and discussed to the extent appropriate, in the **Federal Register** notice announcing the Secretary's initial decision on the progam. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Tennessee regulatory program, in accordance with Section 702(d) of SMCRA (30 U.S.C. 1292(d)) which states that approval of

State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 22, 1980.

David C. Short,

Regional Director.

[FR Doc. 80-13136 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1480-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Sierra County APCD

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Sierra County Air Pollution Control District (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations, and to correct deficiencies in the SIP. All rules submitted have been evaluated in accordance with EPA Policy and 40 CFR Part 51. The rule revisions are proposed to be approved, as they are consistent with EPA requirements. The EPA invites public comment on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to June 30, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the office at the above address, and at the following locations:

Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812;

Sierra County Air Pollution Control District, County Courthouse, Downieville, CA 95936;

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105 (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on May 23, 1979:

Rule 207, Particulate Matter
Rule 210, Specific Contaminants
Rule 211, Process Weight Per Hour
Rule 218, Compliance Tests
Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance
Rule 517, Permit Fees
Rule 618, Hearing Board Fees

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan revisions. All rules submitted have been evaluated in accordance with EPA policy and 40 CFR Part 51.

It is the purpose of this notice to propose to approve all the rule revisions listed above, and to incorporate them into the California SIP.

The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking, and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received, and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act. and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

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". EPA has reviewed the revisions being acted upon in this notice, and has determined that it is a specialized revision not subject to the procedural requirements of Executive Order 12044.

(Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: April 16, 1980.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 80-13077 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1479-7]

Approval and Promulgation of State Implementation Plans; Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to discuss in part the results of the Environmental Protection Agency's (EPA's) review of a proposed revision to the New York State Implementation Plan for the Niagara Frontier area (Erie and Niagara Counties) and to invite public comment on EPA's proposed determinations regarding the adequacy of this proposed revision. The Clean Air Act, as amended, requires that the State Implementation Plan applicable to an area not in attainment of a national ambient air quality standard be revised by January 1, 1979 to provide for attainment of the standard. The revision received from New York State is intended to meet this requirement with regard to particulate matter, sulfur dioxide, carbon monoxide, and ozone in designated portions of the Niagara Frontier. Today's action, however, only addresses the revision's approvability with regard to attainment of the sulfur dioxide, carbon monoxide, and ozone national ambient air quality standards; a separate rulemaking proposal will be published by EPA in the near future to address the revision's provisions for attainment of the particulate matter standards.

DATE: Comments must be submitted on or before June 30, 1980.

ADDRESSES: Copies of the SIP revision are available for inspection at the following location:

Environmental Protection Agency, Region II, Room 908, 26 Federal Plaza, New York, New York 10007.

Envirnomental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233.

Erie County Department of Environment and Planning, 95 Franklin Street, Buffalo, New York 14202.

Niagara County Health Department, 5467 Upper Mountain Road, Lockport, New York 14094.

Erie & Niagara Counties Regional Planning Board, Northtown Plaza, 3103 Sheridan Drive, Amherst, New York 14426.
New York State Department of Environmental Conservation, Region 9, 584 Delaware Avenue, Buffalo, New York 14202.

WRITTEN COMMENTS SHOULD BE SENT TO: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, (212) 264–2517.

SUPPLEMENTAL INFORMATION:

I. Introduction

Pursuant to the requirements of Section 107(d) of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) published in the **Federal Register** (44 FR 5119, January 25, 1979) a list of the attainment status designations with respect to each national ambient air quality standard for every area within New York State. These designations represent revisions, corrections and elaborations to designations originally published in the March 3, 1978 issue of the **Federal Register** at 43 FR 8962. Additional revisions to ozone designations in New York State which do not affect the Niagara Frontier area (Erie and Niagara Counties) were published on December 7, 1979 (44 FR 70466). The reader is referred to the January 25, 1979 **Federal Register** for a detailed description of the nonattainment designations for the Niagara Frontier.

The 1977 Amendments to the Clean Air Act added Part D to Title I of the Act. This new Part requires that for each area wihin a state designated as not meeting a national ambient air quality standard, a revision to the State Implementation Plan (SIP) must be adopted by the State and submitted for approval to EPA by January 1, 1979. The SIP revision is to provide for attainment of the contravened standard by no later than December 31, 1982 or, for ozone and carbon monoxide, under certain conditions specified by the Act, by no later than December 31, 1987.

The required content of the SIP revisions mandated by the Clean Air Act is described in Part D and, more generally, in Section 110(a) of the Act. These requirements are further discussed and elaborated upon in a "General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas" published in the April 4, 1979 issue of the **Federal Register** at 44 FR 20372. The reader is referred to this **Federal Register** notice for a complete discussion of SIP revision requirements; these are not repeated in great detail in this notice.

The reader is also referred to several supplements to this April 4, 1979 notice which were published in the **Federal Register** of July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 38583), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). Among other things, the July 2, 1979 and November 23, 1979 notices discuss conditional approval of SIPs. EPA proposes to conditionally approve a plan where there are minor deficiencies and a state provides assurances that it will submit corrections by specified deadlines. This notice solicits comment on items to be conditionally approved and on the deadlines for submittal which are specified in this notice. The restrictions on new major stationary source construction, also discussed in a July 2, 1979 **Federal Register** notice (44 FR 38583 and 44 FR 38471), will not apply where conditional approvals are granted unless a state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA. The August 28, 1979 and September 17, 1979 **Federal Register** provide additional guidance on regulations for source categories emitting volatile organic compounds (VOC) covered by Control Technique Guidelines (CTG). These requirements are further discussed in Subsection III.D.2 of this notice.

II. Background

In accordance with the provisions of Section 174 of the Clean Air Act, in a March 28, 1978 letter, the Governor of the State of New York designated the Erie & Niagara Counties Regional Planning Board (ENCRPB) as having primary responsibility for preparing the SIP revision for the Niagara Frontier. The ENCRPB then drew up a Memorandum of Understanding which delineated the responsibilities of other state and local governmental agencies that were given specific roles in the development of the SIP. These other governmental agencies are the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Transportation (NYSDOT), the Erie County Department of Environment and Planning (ECDEP), the Niagara County Health Department (NCHD), and the Niagara Frontier Transportation Committee (NFTC). The State itself assumed responsibility for providing technical support to involved agencies, for developing stationary source emission control requlations, for carrying out new source reviews, and for developing other programs encompassing areas beyond the traditional role of local governments.

On May 25, 1979 the Governor of the State of New York formally adopted a SIP revision intended to meet the Clean Air Act's requirements for those portions of the Niagara Frontier designated as not meeting a national ambient air quality standard. The document, which was submitted on May 31, 1979, is entitled, "New York State Air Quality Implementation Plan, Niagara Frontier, Erie and Niagara Counties," May 1979. In addition, on May 23, 1979, June 13, 1979, June 18, 1979, July 25, 1979, August 10, 1979, September 26, 1979, October 1, 1979, November 13, 1979, and November 14, 1979, the State submitted to EPA additional information for inclusion in its SIP revision proposal. Notice of EPA receipt of the proposed SIP revision was announced in the **Federal Register** on June 28, 1979 at 44 FR 37681.

The proposed SIP revision document submitted by the State addresses attainment of national ambient air quality standards for particulate matter, sulfur dioxide, ozone, and carbon monoxide. This notice, however, deals with the SIP revision's approvability with regard to only the sulfur dioxide, ozone, and carbon monoxide standards; no action is being taken on the SIP's provisons for attainment of the particulate matter standards. This is because EPA's review of the plan revision has uncovered some apparent discrepancies in the data which have been used in the particulate matter control strategy adequacy demonstration. EPA and the State are currently reevaluating this data and its effect on the demonstration of attainment of the particulate matter primary national ambient air quality standards. Once this effort is completed, EPA will publish a separate notice of proposed rulemaking discussing its findings and proposed action on this aspect of the SIP revision.

With respect to the pollutants addressed by this notice, the plan revision submitted 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.

—The continued enforcement of existing State regulations for the control of sulfur oxide emissions, including a revised State regulation 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 of 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

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

III. Plan Contents and Review

This section describes the content of the proposed SIP revision for the Niagara Frontier, evaluates it with respect to each of the major criteria used by EPA to determine approvability, and discusses the deficiencies found by EPA through its evaluation and corrective actions which should be undertaken by the State in order to make its SIP revision fully approvable. However, as stated previously, this notice addresses the proposed revision only with regard to its provisions for attainment of the sulfur dioxide, carbon monoxide and ozone standards; it does not deal with its provisions for attainment of particulate matter standards. These will be the subject of a future notice of proposed rulemaking.

EPA further recognizes that the time frame for initiating many of the corrective actions proposed in today's notice is tight, and in some cases the deadline has expired. This is a reflection of the fact that, since many of the regulations included in the Niagara Frontier SIP have statewide applicability, rulemaking action on their approvability has already taken place with respect to other areas (i.e., New York City metropolitan area, Capital District and Town of Catskill, Rochester, Syracuse, and Southern Tier, see 44 FR 44556, July 30, 1979, 44 FR 70754, December 10, 1979, and 45 Fr 7803, February 5, 1980) and the State has already committed to carry out corrective action within the time frame identified. If necessary, EPA will revise its proposed deadlines, but only in the case of comment providing information on specific circumstances applicable to the Niagara Frontier. In the absence of specific circumstances, EPA will be guided by the need for consistency with regard to corrective action on regulations with statewide applicability.

A. *SIP revisions shall be adopted by the state after reasonable notice and public hearing.* The proposed SIP revision was adopted by the Governor of the State of New York on May 25, 1979 and formally submitted to EPA on May 31, 1979. A public hearing was held, after 30 days of notice, on April 5, 1979 at the Erie County Public Library Auditorium in Buffalo, New York. The State has provided documentation to identify that the necessary notices, public hearings and adoptions were carried out in such a manner as to be found acceptable to EPA.

B. *The SIP revisions shall demonstrate that both primary and secondary national ambient air quality standards will be attained within the nonattainment area as expeditiously as practicable, but for primary standards no later than the following final deadlines:*

—December 31, 1982 except that

—For ozone or carbon monoxide, December 31, 1987, if the state demonstrates that attainment by December 31, 1982 is impossible despite implementation of all reasonably available measures.

1. *Sulfur Dioxide.* The proposed SIP revision concludes that the primary standards for sulfur dioxide will be attained by 1982 in those areas of the Niagara Frontier currently not attaining these standards. The State's demonstration is based on diffusion modeling analyses and is found acceptable by EPA.

2. *Ozone/Carbon Monoxide.* The State indicates that national ambient air quality standards for ozone and carbon monoxide will be attained in the Niagara Frontier by December 31, 1982. The plan demonstrates ozone attainment in the urbanized portions of the area. Demonstrating attainment for an urbanized area is consistent with EPA policy and provides adequate technical assurance of attainment for the whole, larger area designated nonattainment, including rural areas (44 FR 20376, April 4, 1979).

It must be noted, however, that the confidence which EPA places on the State's ozone and carbon monoxide attainment demonstrations is lowered because of questionable baseline data. Air quality data used in these demonstrations are, as recognized in the plan, not representative of the worst conditions which occur: For ozone, monitors are located in or near urban areas where ozone levels are locally depressed; for carbon monoxide, monitors are not located in potential "hot-spot" areas. As described in Subsection III.E.3 of this notice, EPA has also found problems with the emission data used in the State's attainment demonstrations.

Because of the uncertainties associated with its demonstration of ozone and carbon monoxide standard attainment, the State has committed to carrying out several additional programs identified in the plan revision so as to provide a followup study of reasonably available transportation control measures for possible future implementation, to refine analytic methods, and to improve its emission inventories and its monitoring network. The State has provided EPA with an acceptable schedule for these activities. On the basis of these commitments, EPA proposes to approve the plan revision as meeting this requirement.

C. *The SIP revision shall require reasonable further progress in the period before attainment, including regular, consistent reductions sufficient to assure attainment by the required date.*

The State has presented tables and graphs depicting the change in emissions which will occur over time as the plan is implemented. On this basis, EPA considers the plan to be acceptable in meeting this requirement.

D. *The SIP revision shall provide for implementation of all reasonably available control measures as expeditiously as practicable insofar as is necessary to assure reasonable further progress and attainment by the required date. This requirement includes reasonably available transportation control measures.*

1. *Sulfur Dioxide.* Revised 6 NYCRR Part 214, "By-Product Coke Oven Batteries," is intended to regulate sulfur compound emissions (expressed as hydrogen sulfide) contained in coke oven gases. Along with revised Part 214, New York State has submitted as part of its proposed SIP revision two administrative orders entered into by the New York State Department of Environmental Conservation (NYSDEC) and the Bethlehem Steel Corporation. The two orders establish compliance schedules for the by-product coke oven batteries at Bethlehem Steel's Lackawanna, New York plant and are intended to bring the facilities into compliance with the revised Part 214 (except to the extent that the orders grant a relaxation to these regulatory requirements). It should be noted that both Part 214 and the administrative orders serve to revise the compliance deadline, incorporated in the currently approved SIP revisions, beyond July 1, 1979. EPA has previously expressed, both to the State and to the Bethlehem

Steel Corporation, its finding that these orders do not qualify as delayed compliance orders under Section 113(d) of the Clean Air Act. Therefore, in accordance with its continuity policy, as articulated in the April 4, 1979 **Federal Register** at 44 FR 20372 (Section 11.B.3, pages 20373 and 20374), EPA cannot approve such compliance date extensions. On this basis, in its enforcement of the SIP with regard to collection of noncompliance penalties, EPA will not be bound by the new deadlines incorporated in Part 214 and the consent decree entered into by Bethlehem Steel Corporation and NYSDEC.

It should be further noted that Part 214 as discussed in this notice is a revision to an existing regulation, which is a part of the New York SIP presently in effect. However, the revisions are of an administrative nature and do not affect existing sulfur dioxide emission limitations. In general, they are designed to provide flexibility in application.

(a) *Part 214 Deficiencies.*

• Section 214.1, "Compliance," requires a source affected by Part 214 to be in compliance with its provisions within 180 days of the regulation's effective date. Alternately, a later date for compliance may be established by an order of the Commissioner of the NYSDEC. It is indicated in the proposed SIP revision that such orders will be necessary with respect to the three companies in New York State which operate by-product coke oven batteries. As indicated earlier, the State has already submitted to EPA administrative orders applicable to one of the companies; no orders applicable to the other two have been submitted as yet.

Because of their effect on the attainment and maintenance of ambient air quality standards, such enforcement orders must be considered as a part of the SIP. therefore, with respect to any future orders, or modifications to existing orders, issued under § 214.1 of Part 214, EPA will not be bound by any agreement between the source and the State unless the agreement's provisions are incorproated into the SIP throught a formal SIP revision process.

• Section 214.5(a), "Coke oven fuel gas—Sulfur recovery/desulfurization systems," limits the emission, burning or flaring of coke oven gas containing 0.050 grains of sulfur compounds per dry standard cubic foot ("measured as hydrogen sulfide"). EPA interprets the State's intent as regulating all sulfur compounds emitted, which are to be expressed in terms of grains of hydrogen sulfide. Such interpretation will be used by EPA in its enforcement of the SIP.

• Section 214.5(a), "Coke oven fuel gas—sulfure recovery/desulfurization systems," and § 214.9, "Exemptions," both provide for variances from the generally applicable emission limitations of Part 214. Section 214.5(a) is specific as to the demonstrations necessary for a variance to be granted. The required demonstrations are all air quality impact related. On the other hand, for existing sources, § 214.9 provides for a variance from any emission standard in Part 214 for any one of three reasons, none of which are air quality related.

In both cases such variances must be considered as a part of the SIP. Therefore, with respect to any variances issued under § 214.5(a) or § 214.9 of Part 214, EPA will not be bound by any agreement between the source and the State unless the agreement's provisions are incorporated into the SIP through a formal SIP revision process.

• Part 214 contains no procedures for determining compliance with its sulfur compound mass emission standards. The State has indicated that these are included in 6 NYCRR Part 202, "Emissions Testing, Sampling and Analytical Determinations," but the procedures referenced therein are not specific to coke making processes. Consequently, EPA proposes to condition its approval of this SIP revision on State adoption of adequate test procedures. The State must adopt and submit to EPA acceptable test procedures by June 1, 1980.

(b) *Deficiencies in the Administrative Orders Issued to Bethlehem Steel.*

The proposed SIP revision contains two administrative orders entered into by the NYSDEC and the Bethlehem Steel Corporation. They address coke batteries 3, 4, 5, 6, 7, and 8 (referred to herein as Order A) and battery 9 (referred to herein as Order B) at the company's Lackawanna, New York plant.

Both orders contain a paragraph c.X.C. indicating that, if provisions of the orders are violated as a result of "equipment malfunction, maintenance, repair or the start-up, alteration or shut-down of process operations and air cleaning devices," the State will utilize enforcement discretion "consistent with its policy." Insofar as no policy has been submitted as any part of the New York SIP, EPA cannot be bound by unarticulated State policy and must retain independent authority regarding enforcement of the SIP.

It is further noted that both orders contain a paragraph c.VI requiring compliance with a sulfur compound emission limit which is less stringent than that required by § 214.5. Since using less stringent limitation the State has demonstrated in its proposed SIP revision attainment of the primary standards for sulfur dioxide (and no areas have been designated as nonattainment for the sulfur dioxide secondary standard), EPA does not intend to condition plan approval on this point.

(c) *Part 200—General provisions.*

6NYCRR Part 200 contains definitions of the terms used in the State's regulations, including those for "by-product coke oven battery," a source category regulated under the provisions of 6 NYCRR Part 214. It should be noted that a clear definition of the affected source is central to the enforceability of any regulation. However, EPA has determined that the definition of "by-product coke oven battery" is deficient. The reader is referred to Subsection III.D.2.a of this notice where Part 200 is also discussed.

Section 200.1(j), "By-product coke oven battery," provides a general designation of the equipment comprising the coke manufacturing process. In order to clarify what occurs in the process, the present definition must include a reference to the destructive distillation of coal and separation of gaseous and liquid distillates from the carbon residue or coke. To clarify which operations and equipment are covered under this definition, the following activities and equipment should specifically be mentioned: coal handling and preparation, hot coke transfer, separation and cleaning of distillates, coal preheaters, flues, and operating equipment including jumper pipes, pushing machines, door machines, mud trucks and quench cars. Further, it should be noted that EPA interprets the reference to control equipment to include oven patching equipment, door hoods, sheds and other hoods, either movable or stationary and with or without water sprays. The definition should be modified to include these systems. Also, because there may still be confusion regarding battery identification, particularly if two batteries share a common charging systems, the definition must be sensitive to this issue. For example it could include a list of all existing batteries, including identification of the operator, plant, and other pertinent information.

EPA proposes to condition its approval of this SIP revision on State adoption of an acceptable definition of by-product coke over batteries. The State must revise its regulation by December 1, 1980.

(d) *Part 225—Fuel Composition and Use.*

6 NYCRR Part 225 regulates fuel sulfur content and is currently a part of the approved SIP. In 1976 the State submitted to EPA a revised Part 225 which contained, among other changes, a relaxation in the 1.1 percent fuel oil sulfur content limitation applicable to Niagara County and areas of Erie County outside of the entire City of Lackawanna and part of the City of Buffalo. The new limitation would allow, under the provisions of the SIP, the use of up to 1.7 percent, by weight, sulfur content fuel oil in the affected areas. As discussed in the Federal Register on December 16, 1976 (41 FR 54955) and May 18, 1977 (42 FR 25501), EPA took no action regarding the approval of this provision pending receipt of a diffusion model analysis demonstrating an acceptable air quality impact. Since the State has now adequately demonstrated through the use of diffusion modeling the attainment of the ambient standards for sulfur dioxide, EPA proposes to approve revised Part 225, as submitted in 1976, in full.

2. *Ozone-Stationary Source Control Measures.*

For stationary sources, the 1979 ozone SIP revisions for major urban areas must include, as a minimum, legally enforceable regulations to reflect the application of reasonably available volatile organic compound control technology (RACT) to those stationary sources for which EPA has published a Control Technology Guideline (CTG) document by January 1978, and provide for the adoption and submittal of additional legally enforceable RACT regulations by July 1, 1980 for those sources covered by CTGs that have been published between January 1978 and January 1979. Furthermore, it must provide for the adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January. For rural nonattainment areas (and for urban nonattainment areas demonstrating attainment by December 31, 1982), the regulations must provide, at a minimum, legally enforceable procedures for the present and future control of large volatile organic compound (VOC) sources (i.e., those with 100 tons/year or more potential emissions).

To meet this requirement, the State has submitted to EPA revisions to 6 NYCRR affecting the following Parts:

Part 200—General Provisions,
Part 211—General Prohibitions,
Part 212—Process and Exhaust and/or Ventilation Systems,
Part 223—Petroleum Refineries,
Part 226—Solvent Metal Cleaning Processes,
Part 228—Surface Coating Processes, and
Part 229—Gasoline Storage and Transfer.

It should be noted that, with the exception of Part 212, these regulatory revisions have been legally adopted by the State. Also, as previously noted, the comments contained in this notice refer to the approvability of the State's regulations only for the Niagara Frontier despite the fact that several of the regulations are applicable statewide. The approvability of the regulations for other portions of New York State has been addressed in separate notices (44 FR 44556, July 30, 1979; 44 FR 70754, December 10, 1979; and 45 FR 7803, February 5, 1980).

The remainder of the discussion under this item will deal with each of the submitted regulations for the control of volatile organic compounds from the source categories for which CTG documents had been published by January 1978. As discussed in a notice appearing in the September 17, 1979 issued of the Federal Register (44 FR 53761), the CTG documents provide information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as discussed below. On the points noted below, since the State regulations are not supported by the information in the CTGs, the State must provide an adequate demonstration that its regulations represent RACT or amend the regulations to be consistent with the information in the CTGs.

a. *Part 200—General Provisions.*

Part 200 contains definitions of the terms used in the State's regulations and general provisions which are applicable to all regulations. The revision to this Part defines "attainment area" and "nonattainment area" which determine the geographic applicability of the various Parts in the State's Code.

b. *Part 211—General Prohibitions.*

Part 211 contains a general prohibition against polluting the air and regulates visible emissions. It also contains a new section (§ 211.4) which prohibits, except under certain circumstances, the use of VOCs to liquify asphalt used for paving purposes.

The State has included an exemption for cutback asphalt used in the manufacture of asphalt emulsions with low VOC content (less than 15% by weight). The State determined that this exemption was necessary because of certain application problems for emulsions with no VOC content and the inability of some asphalt manufacturers to produce solvent-free emulsions. However, EPA did not recommend such an exemption in the CTG and the State has not provided a valid justification for the exemption. Therefore, EPA cannot fully approve this proposed revision. As a result of discussions by EPA and the State regarding this problem, the State has agreed to survey current asphalt usage and use the resulting data to either justify the current general exemption or to make appropriate revisions to Part 211. The State has submitted a schedule for completing this work. Therefore, EPA is proposing to approve the proposed revision on the condition that on or before May 1, 1981 the State shall submit to EPA necessary adopted revisions to Part 211 to eliminate the general exemption or shall submit adequate justification for not making such revisions.

c. *Part 212—Process and Exhaust and/or Ventilation Systems.*

Part 212 contains general limits applicable to process sources for which there are no specific regulations. When revisions to existing regulations or new regulations are promulgated to cover specific processes previously covered by Part 212, it is therefore necessary for the State to amend this Part by exempting those processes covered by the revised or new specific regulation. Such a step was taken with regard to the sources addressed by the regulations discussed in this notice.

However, in its review of the State's SIP revision submittal, EPA noted that Part 212 had been revised to a greater extent than indicated by the State. This apparent discrepancy results from the fact that Part 212 had been previously revised by the State without incorporation of these revisions into the SIP. Therefore, EPA and the State currently are enforcing different versions of Part 212. While, in order to correct this situation, the State has recently submitted as a SIP revision this regulation in its entirety, only those revisions to Part 212 exempting those processes covered by revised or new regulations are being addressed by EPA in this notice. EPA proposes to find these specific revisions to Part 212 acceptable.

d. *Part 223—Petroleum Refineries.*

In its revision of Part 223 the State has combined into a single regulation various emission standards applicable to petroleum refinery air pollution sources. Many of these standards existed previously in other Parts of the State's Code.

Of importance to the SIP revisions discussed in this notice is the further fact that the proposed regulation addresses the control of VOCs from

refinery vacuum producing systems, wastewater separators and process unit turnarounds. This Part requires all non-condensable vapors from any vacuum producing system to be piped to a firebox or incinerator, or compressed and added to refinery fuel gas. It would require all forebays and separator sections which recover 200 gallons per day or more of VOCs to be covered. It should be noted that the 200 gallon per day exemption is not justified by the CTGs, however, the exemption is consistent with the requirement to address only those sources of 100 tons per year potential emissions. It would also require all processing units to be depressurized to 5 psig and the VOCs vented to a recovery system, fuel gas system, or flared when the unit is being shut-down, inspected, repaired, or started-up.

This Part allows the regulated sources until June 1, 1982, or such later date as determined by an Order of the Commissioner of the New York State Department of Environmental Conservation (upon submission of appropriate justification) to achieve compliance with its VOC emission limitation provisions. Such orders must be submitted by the State to EPA as SIP revisions. The length of time allowed for compliance is considered by EPA to be generous for these types of sources. However, since the State has demonstrated attainment of the ozone standard by December 31, 1982 with emission reductions from both stationary and mobile strategies and has addressed reasonable further progress requirements, EPA proposes to find this part acceptable.

e. *Part 226—Solvent Metal Cleaning Processes.*

Part 226 is a new regulation with statewide applicability directed at controlling the emissions of VOCs from solvent metal cleaning (degreasing) operations. The regulation contains three main sections: "General Requirements," "Equipment Specifications" and "Operating Requirements."

Section 226.2, "General Requirements," requires solvents to be stored in covered containers and disposed of properly, equipment to be maintained properly, operating procedures to be posted, equipment covers to be closed when not in use, and records of solvent consumption to be kept. Section 226.3, "Equipment Specification," lists the equipment required for each of three types of degreasers: cold cleaning, open top vapor, and conveyorized degreasers. In the CTG document for solvent metal cleaning, two levels of control for each type of degreaser were identified. The State has selected control requirements composed of those contained in the first (less stringent) level plus elements of those contained in the second (more stringent) level. Section 226.4, "Operating Requirements," addresses the correct operation of degreasing units to minimize emissions.

The requirements for controlling solvent metal cleaning operations meet the recommended control levels contained within the EPA guidance. However, this regulation contains provisions which exempt methyl chloroform and methylene chloride from control. These exemptions were included by the State because these two compounds do not have an effect on atmospheric ozone formation. Therefore, the State believes that they should not be regulated under regulation that is concerned with reducing ambient ozone levels. However, under 6 NYCRR Part 212, "Process and Exhaust and/or Ventilation Systems," methyl chloroform and methylene chloride emissions from metal cleaning processes can be controlled if it is determined by the State that these two compounds have "toxic properties" (§ 212.8(k)).

EPA does not agree with this limited interpretation of regulatory objective. While it is true that these volatile organic compounds do not appreciably affect ambient ozone levels, they are potentially harmful. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and carcinogenicity.

Furthermore, methyl chloroform is considered one of the slower reacting VOCs which eventually migrates to the stratosphere where it is suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light, the depletion could lead to an increase of ultraviolet light, the depletion could lead to an increase of ultraviolet light penetration resulting in a worldwide increase in skin cancer.

With the possible exemption of these compounds, some sources, particularly existing degreasers, may be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding that of other solvents. Endorsing the use of methyl chloroform by exempting it in Part 226 can only further aggravate the problem by possibly increasing the emissions produced by existing primary degreasers and other sources.

EPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. As noted in a June 4, 1979 **Federal Register** notice (44 FR 32042), while EPA does not propose to disapprove the State's SIP revision if the State chooses to maintain these exemptions, EPA is concerned that this policy should not be interpreted as encouraging the increased use of these compounds nor compliance by substitution. EPA does not endorse such approaches. Furthermore, State officials and source are advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply with Part 226 by substitution may well be required to install control systems as a consequence of these future regulatory actions or as a requirement of Part 212.

f. *Part 228—Surface Coating Processes.*

Part 228 is a new regulation applicable in areas of the State designated as "nonattainment" for ozone and is directed at controlling the emissions of VOCs from surface coating processes. Industries involved in the following activities are required to comply with this Part: large appliance coating lines, magnet wire insulation coating lines, metal furniture coating lines, metal can coating lines, fabric coating lines, vinyl coating lines, paper coating lines, automobile assembly coating lines, and coil coating lines. This regulation specifies a maximum permitted emission rate (pounds of organic solvent, minus water, per gallon of coating at application) for each source category and allows the source owner to choose the most economical method of control to meet the emission limitation specified. The various control methods available to sources are: reformulation of coatings—use of "low-solvent" coatings (water-borne, high-solids, and powder coatings), "add-on" technology to recover or destroy VOCs in exhaust gases, and modification of processes to reduce the quantity of VOC emissions. EPA proposes to find this part acceptable.

g. *Part 229—Gasoline Storage and Transfer.*

Part 229 is a new regulation applicable in areas of the State designated as "nonattainment" for ozone and is directed at controlling the emissions of VOCs from: the storge of gasoline in fixed roof tanks, the transfer of gasoline at gasoline bulk plants, and the transfer of gasoline at loading terminals. Since the State has demonstrated attainment of the ozone standard by December 31, 1982, controls are only required for

sources with potential emissions of 100 tons per year or greater.

Fixed roof tanks with capacities of 40,000 gallons or greater located at a source with potential VOC emissions of 100 tons per year or greater are required to be retrofitted with an internal floating roof or equivalent vapor controls. Gasoline bulk plants have two levels of control depending on whether or not they service a gasoline service station equipped with vapor controls. All bulk plants are required to have submerged filling of gasoline transport vehicles. Those servicing vapor control equipped service stations (service stations in the Niagara Frontier AQCR are *not* required to be so equipped) must install vapor collection, vapor balance type systems to control the gasoline vapors generated during transfer operations. Gasoline loading terminals are required to have vapor collection and vapor control systems in all cases.

Part 229 only partially addresses the control requirements for VOC emissions from fixed roof storage tanks. The CTG document addressing this source category did not limit itself only to the control of gasoline storage as does the State's regulation; rather, it suggests control of "petroleum liquids," which can be defined as any finished or intermediate product manufactured or extracted in a petroleum refinery and with a true vapor pressure of greater than 10.5 kilo Pascals.

Therefore, because of its limited scope without justification, EPA is proposing conditional acceptance of Part 229. On or before August 1, 1980 the State must adopt and submit to EPA a revised Part 229. On or before August 1, 1980 the State must adopt and submit to EPA a revised Part 229 which addresses all petroleum liquid storage in fixed roof tanks.

Compliance Schedules. Each of the State's regulations contains a date by which an affected source must submit a schedule for achieving compliance with provisions of the regulation and a date for final compliance. Title 40 of the Code of Federal Regulations, Section 51.1(q) defines acceptable "increments of progress" toward compliance which are more extensive than the two milestones included in the State's regulations. However, the State has provided written assurance to EPA that the increments of progress contained in 40 CFR 51.1(q) will be established with each source owner unless, because of the shortness of the compliance schedule, such interim milestones are not appropriate. EPA proposes to find this assurance acceptable.

3. *Ozone/Carbon Monoxide—Transportation Control Measures.*

EPA finds that the plan is conditionally acceptable with regard to meeting the requirement for adoption of reasonably available transportation control measures. Attainment of the ozone and carbon monoxide standards by December 31, 1982 is demonstrated in the plan without the need to implement reasonably available transportation control measures. However, as discussed under Subsection III.B.2 and Subsection III.E.3 of this notice, the State's demonstration is based on questionable data. Therefore, certain improvements to the transportation planning elements of the State's plan should be made for contingency purposes.

If the State's demonstration of the attainment of the ozone standard by the end of 1982 is faulty or if new locations greatly exceeding the carbon monoxide standard are found through the planned studies discussed previously, then a revision of the current plan may be required. In order to be prepared to meet this contingency, basic data must be available, preliminary analyses of control options must have been completed and certain planning procedures must be in place.

The SIP revision contains acceptable plans for the future examination of reasonably available transportation control measures. However, these plans should be refined to include all the steps necessary for a systematic, full evaluation of these measures. Furthermore, these plans should be implemented through the ongoing urban transportation planning process through new procedures designed to continue and give priority to such work. Such procedures have not been adequately identified by the State.

In this regard, the entire output of the transportation planning process must be asessed periodically for its "consistency" and "conformity" with the SIP. (These assessments are required by Section 109(j) of Title 23 of the United States Code and Section 176(c) of the Clean Air Act). Such assessments are important to assure that the transportation planning process gives priority to air quality concerns and that these concerns are fully integrated into the process. Criteria and procedures for making consistency and conformity assessments were to be included in the SIP revision (43 FR 21673, May 19, 1978); they are not in the proposed revision for the Niagara Frontier area. Approval of the SIP revision, therefore, is proposed to be conditioned on the development and submittal by July 1, 1980 of these required criteria and procedures.

It also should be noted that the proposed SIP revision includes reference to the currently programmed highway network for the Niagara Frontier and to several specific projects within this network. The highway projects are characterized by the SIP revision as not being necessary for the attainment of the carbon monoxide ambient air quality standards and as increasing volatile organic compound emissions. Nevertheless, the proposed SIP revision indicates that reasonable further progress towards the attainment of the carbon monoxide and ozone standards would not be jeopardized by the construction to these projects.

EPA believes that the State's inclusion of the highway projects in the SIP is inappropriate because such projects are not what are commonly considered to be control measures. Furthermore, EPA believes that the SIP should not be used to endorse such projects will be subject to evaluation as part of the Niagara Frontier's "Regional Transportation Plan" and "Transportation Improvement Program" to determine if they conform to the SIP. Additional evaluation will take place under the procedures of the State's "Environmental Action Plan." Their endorsement in the SIP could prejudice the results of such evaluations and could reduce the utility of the conformity determinations.

E. *The SIP revisions shall include an accurate, current inventory of emissions that have an impact on the nonattainment area, and provide for annual updates to indicate emissions growth and progress in reducing emissions form existing sources.*

1. *General.* The emissions inventory data contained in the proposed SIP revision for the Niagara Frontier are not broken down in sufficient detail to satisfy EPA requirements. Such a breakdown is necessary in order for the impact of control strategy implementation to become readily apparent. However, throughout the proposed SIP revision, the State has committed itself to inventory improvements. Consequently, EPA proposes to approve the proposed SIP revision on the condition that by July 1, 1981 the State submit to EPA additional emission inventory data for the baseline year and projected attainment year in a format equivalent to that presented in the EPA document, *Workshop on Requirements for Nonattainment Area Plans,* April 1978.

2. *Sulfur Dioxide.* The proposed SIP revision contains a list of point sources along with their current and projected future emissions. Area source emissions are also summarized by major source category and growth factors are identified; in general, minimal area source growth is projected.

3. *Ozone/Carbon Monoxide.* The inventories submitted by the State are considered acceptable insofar as they represent the best presently available information. It should be noted, however, that the data presented is not accurate with regard to mobile source emissions because the most current emission factors were not used to generate it. Also, the stationary source volatile organic compound emissions inventory is not sufficiently comprehensive for plan development purposes. Consequently, EPA accepts these inventories with the provision that future improvements, as identified in the plan, will be completed by July 1, 1981. The mid-1981 date for the submission of improved inventories is necessary to assure that, if a future plan revision is required from the State (this contingency is discussed in Subsection III.D.3), an accurate data base will be available.

A current, comprehensive volatile organic compound emission inventory is also necessary for air pollution control activities aside from those associated with meeting the national ambient air quality standard for ozone. This results from the fact that a majority of the air pollutants suspected as having carcinogenic or other toxic properties are volatile organic compounds. In view of the emerging concerns regarding these pollutants, particularly in the Niagara Frontier, the State is encouraged to develop its inventory data on an organic species or, where necessary, a specific compound basis.

4. *Annual Reporting.* The State has agreed to provide annual reports to EPA on progress made in adopting control measures, growth of new and modified major sources of air pollution, changes in emissions as required to track reasonable further progress, progress in updating the emission inventories and the results of ongoing air quality studies related to the plan.

EPA finds that the State's commitment with regard to Annual Reporting is acceptable.

5. *Data Base Consistency.* The following assumptions are worthy of note and it is recommended that the State review their validity through the follow-up programs:

—A significant increase in "vehicle-miles-travelled" is anticipated. The validity of this assumption will have to be periodically evaluated in light of gasoline supply trends and the effectiveness of fuel conservation measures contained in the State's Energy Master Plan.

—A general decline in economic activity is projected by the State. If State and federal efforts to encourage economic development are successful, this assumption will also require reassessment and may result in a SIP revision.

In addition, the "growth projections" used in development of the emissions inventory are based on population projections inconsistent with recent State-certified area-wide planning program data, i.e., as used in the "208 program;" they are, however, consistent with the population projections believed applicable at the time of plan development. In view of the State's commitment for inventory improvements, EPA proposes not to condition its approval of the plan revision on this issue, but calls up the State to integrate the updated information in its emission inventory improvements as well as its follow-up studies.

F. *The SIP revision shall expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources or major modifications of existing sources, which may not be so large as to jeopardize reasonable further progress toward attainment by the required date. The SIP revision shall require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act.*

In order to assure that emission increases from new stationary sources or modifications of existing stationary sources will not exceed the projected "growth allowance" incorporated in the reasonable further progress demonstration discussed in Section III.C of this notice, the State has submitted procedures providing for the "offsetting" of emissions from major sources or modifications and for the tracking of all minor and area source emission changes. The emission "offsets" will be required in accordance with a new State regulation, 6 NYCRR Part 231, "Major Facilities." Also, the State has provided adequate commitment to submit emission offset applications and supporting material to EPA as SIP revisions.

This regulation requires new major sources and major source modifications located in or significantly impacting a nonattainment area to offset new emissions by providing reductions at existing sources beyond those available from control strategies in the SIP. The regulation also apparently was intended to apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting air quality in nonattainment areas. However, § 231.9(d) could be read as exempting such sources from the provisions of Part 231 until EPA delegates to the State responsibility for source review related to Prevention of Significant Deterioration provisions of the Clean Air Act. Therefore, EPA requested an interpretation of §§ 231.9(d) and 231.6(a), which could be subject to a similar misinterpretation, from the State. In response, the State has submitted to EPA a Declaratory Ruling issued pursuant to Section 204 of the New York State Administrative Procedures Act and 6 NYCRR 619 indicating that the provisions of Part 231 do, in fact, apply to new major sources and major modifications locating outside nonattainment areas but significantly impacting nonattainment areas. In addition, in order to further clarify these two sections, the State has indicated that it will formally revise the wording of these sections by April 1, 1980. Consequently, EPA is proposing to approve the proposed SIP revision on the condition that §§ 231.6(a) and 231.9(d) are revised to reflect the Declaratory Ruling and are adopted by this date.

A major source is defined as one having allowable emissions of 50 tons per year, 1000 pounds per day, or 100 pounds per hour of particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, or volatile organic compounds. A major modification is defined as a change to an existing source causing allowable emissions to increase by these amounts for the specified pollutants. EPA proposes to approve these definitions because they are consistent with EPA's definitions in Section II.A of the revised Emission Offset Interpretative Ruling published in the January 16, 1979 issue of the **Federal Register** at 44 FR 3282.

Additionally, these sources are required by Section 173 of the Clean Air Act to meet the "lowest achievable emission rate" (LAER). Currently, the language of the proposed regulation (§ 231.3(b)) is unclear about requiring LAER control technology on a source locating in an area where standards are actually violated, regardless of whether or not the source has a significant impact (as defined in the regulation) on the air quality of the area. (In this regard, an actual violation exists where air quality monitoring or modeling confirms the existence of a violation). The State has written to indicate that the LAER requirement is, in fact, applicable to such sources and has been explicitly documented by policy guidance. EPA is proposing to approve the proposed SIP revision on the condition that 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.

Also, in accordance with the requirements of Section 173, the regulation must require that any other major sources owned or operated by the same person and located in the State be in compliance or meeting the requirements of an approved compliance schedule. However, although Part 231 requires a permit applicant to demonstrate that all of its major sources in the State are in compliance or on a schedule for compliance with applicable emission standards, the regulation does not require the same showing of sources owned or operated by any entity controlling, controlled by, or under common control with the applicant. EPA has determined that the State's definition of "owner" appearing in § 200.1(pp) of 6 NYCRR Part 200, "General Provisions," is not equivalent to the definition in Section 173(3) of the Clean Air Act. Therefore, EPA is proposing to approve the proposed SIP on the condition that the State change the definition of "owner" to conform to the definition in the Clean Air Act. This revision must be adopted by August 1, 1980.

G. *The SIP revisions shall provide identification and commitment of the necessary resources to carry out the Part D provisions of the plan.*

These requirements were adequately addressed by the State. In its SIP revision, New York State has presented the necessary identification of and commitment to the financial and manpower resources needed to carry out the plan and its associated future studies. However, the State relies to some extent on the use of second round Urban Air Quality Planning Grant funds authorized under Section 175 of the Clean Air Act. Because these funds are limited, EPA has determined that they could be spent most appropriately in nonattainment areas demonstrating the need for an extension to the attainment dates for either carbon monoxide or ozone beyond 1982 (see 45 FR 14774, March 6, 1980). Since the State has not requested or determined a need for such an extension for the Niagara Frontier, second round Section 175 funding for certain worthwhile projects in the SIP will not be available. Consequently, less Section 175 money will be available than identified in the proposed SIP revision. EPA recommends that the State, in conjunction with other agencies, reexamine the SIP to determine if any reductions in costs can be made and to identify alternate funding sources. It should be noted that regardless of whether or not federal funds are provided, the State is required to carry out all activities contained in the SIP or make a reasonable effort to do so.

H. *The SIP revisions shall provide evidence of public, local government, and state legislative involvement and consultation.*

1. *Public Participation and Consultation.* A public participation program carried out by the Erie and Niagara Counties Regional Planning Board, the lead planning agency designated by the Governor pursuant to Section 174 of the Clean Air Act, is described in the proposed SIP revision. This public participation program made use of press conferences, public meetings and information exchange with civic, labor and interest groups. The proposed SIP indicates that all of these methods were used during its preparation and will continue to be used in the future if it has to be revised. The proposed SIP revision also contains evidence that the public is actively involved, throught an intensive effort comprising of monthy progress meetings and ad-hoc meetings on special issues, in the planning process and that there is consultation, including appropriate feedback, with those affected by the issues. EPA finds that this program is, and continues to be, effective and, on this basis, proposes to find the plan acceptable in meeting this requirement.

2. *Intergovernmental Involvement and Consultation.* The State has identified that the lead planning agency is carrying out the measures necessary to satisfy this requirement. Principally, this is evidenced by the membership of local governmental officials and others on a Technical Advisory Committee on plan preparation, membership on the Erie and Niagara Counties Regional Planning Board and membership on the Niagara Frontier Transportation Committee, all of which played a major role in the development of the plan revision. In addition, special meetings were held during its preparation to brief various governmental bodies on the proposed SIP's content. Again, EPA finds this program effective and, therefore, proposes to find that this requirement was satisfactorily fulfilled.

1. *The SIP revisions shall provide an identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered and a summary of the public comments on the analysis.*

The proposed plan revision for the Niagara Frontier includes a report, *Assessment of Air Pollution Control Strategies: Economic, Social, and Energy Impacts,* intended to fulfill this requirement. EPA proposes to find that this requirement was adequately addressed.

J. *The SIP revisions shall provide written evidence that the State and other governmental bodies have adopted the necessary requirements in legally enforceable form, and are committed to implement and enforce the appropriate elements of the SIP.*

As discussed in Sections III.D and III.F of this notice, with the exception of Part 212, "Process and Exhaust and/or Ventilation Systems," the State has submitted the required stationary source control regulations in legally enforceable form. Therefore, EPA is proposing to find this aspect of the proposed SIP revision acceptable. This proposed finding by EPA is based in part on the fact that the unadopted revisions to Part 212 are administrative rather than substantive.

EPA also finds this element to be acceptable in that the plan has been officially adopted by the Governor and includes commitments by responsible agencies to implement the activities for which they are responsible. In the case of local government responsibility, resolutions are included in the plan.

IV. Unfulfilled Requirements

The following summary identifies plan improvement actions which EPA has found to be necessary for full, unconditioned approval of this New York State plan revision. These proposed conditions of approval are discussed in Section III of this **Federal Register** notice. The appropriate subsection number is referenced after each 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 (Subsection III.D.1(a)).

(2) On or before December 1, 1980 the State must revise § 200.i(j), "By-product coke oven battery," to provide for an acceptable definition of coke oven batteries. (Subsection III.D.1(c)).

(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 used in the manufacture of asphalt emissions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency. (Subsection III.D.2.b).

(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. (Subsection III.D.2.g).

(5) On or before July 1, 1980 the State must submit to EPA criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP (Subsection III.D.3).

(6) On or before July 1, 1981 the State must submit to EPA additional emission 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 (Subsection III.E.1).

(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 (Subsection III.F).

(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 (Subsection III.F).

(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 (Subsection III.F).

V. Public Comment

Interested persons are invited to comment on any element of the subject revision and on whether or not the proposed New York State Implementation Plan revision meets Clean Air Act requirements. Comments received by June 30, 1980, will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, Room 908, New York, New York 10007.

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. I have reviewed this package 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, 172, and 301 of the Clean Air Act, as amended, to advise the public that comments may be submitted on whether the proposed revision to the New York State Implementation Plan should be approved or disapproved.

Dated: March 31, 1980.

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

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 80-13079 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1465-7]

Proposed Revision of Maryland State Implementation Plan

Correction

In FR Doc. 80-12066, appearing in the issue of Friday, April 18, 1980 at page 26368, make the following corrections:

In the chart appearing on page 26369, under the column headed "Current Status," the eighth line which reads ".04J(1)i(i) and all of .04J(1)i(i) . . ." should read ".04J(1)e(i) and all of .04J(1)e(ii) . . ."

Also, line 16 of the same column, which reads ".04J(1)e(i) and all of .04J(i)e(ii) . . ." should read ".04J(1)i(i) and all of .04J(1)e(ii) . . ."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3800

Surface Management of Mining Claims Located on the Public Lands; Extension of Comment Period

Corrections

In FR Doc. 80-12419 appearing at page 27456 in the issue for Wednesday, April 23, 1980, third column, make the following changes:

(1) Seventh line of the summary, "(45 FR 13597)" should read "(45 FR 13956)".

(2) The telephone number for Bob Anderson should read "343-8537".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1036

[Ex Parte No. 252 (Sub-No. 3)]

Use of Incentive Per Diem Funds

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission proposes to amend its incentive per diem regulations to allow: the use of IPD funds upon Commission approval on a matching basis for projects that directly improve the utilization of cars in short supply; funds earned on one type of IPD car to be drawn down on another IPD car; funds used for major repairs that place bad order cars on line; and, under certain circumstances, a second non-equity lease to be an assumption of the initial non-equity lease.

DATES: Comments are due May 19, 1980. Replies are due June 9, 1980.

FOR FUTHER INFORMATION CONTACT: Richard B. Felder (202) 275-7693.

SUPPLEMENTARY INFORMATION: By order served April 21, 1978 (43 FR 17985, April 27, 1978), we instituted this rulemaking proceeding to consider three proposed changes in the incentive per regulations, 49 CFR Part 1036, to permit the use of IPD funds for purposes other than now specified in the regulations. The three proposed changes were: (1) Expanding the uses to which IPD funds may be put; (2) permitting the use of IPD funds for repair and maintenance of cars in certain circumstances; and (3) considering a second non-equity lease to be, in effect, an assumption of the initial

lease where the initial lessee defaults and the term of the second lease equals the remainder of the initial lease.

Numerous comments were filed by the parties in response to the order and we have issued an Interim Decision, decided April 11, 1980. Concerning the first issue, we propose amending the regulations for boxcars, XF cars and gondolas to provide that upon Commission approval, a carrier may, if it has adequate supplies of IPD cars or no need for additional IPD cars, spend IPD funds on a matching basis for projects that directly improve the utilization of IPD cars. We also propose that funds earned on one type of IPD car can be drawn down on another. We propose to amend 49 CFR 1036.4 and 1036.5 to read in part:

Upon application to the Commission, common carriers by railroad who have either adequate car supplies or good cause for not purchasing additonal incentive per diem cars described in § 1036.1 from funds earned on those cars, may apply to the Commission to permit expenditure of such funds, on a matching basis, for projects that can be shown to improve directly the utilization of any of the car types earning incentive per diem.

In issue two, we propose to allow carriers to use IPD funds without a spending prerequisite on major repairs, but not ordinary repair and maintenance, which place bad order cars on line. These major repairs must be at least 25% of the cost of a new car. We propose to amend 49 CFR to read in part:

Incentive may also be used for major repairs that equal at least 25% of the cost of a new car of the same kind and class at that time if this expenditure results in placing a bad order car on line. Incentive funds cannot be used for ordinary repair and maintenance.

Concerning the third issue, we find that in the event of a lessee's default in a non-equity lease, the second lease shall be considered an assumption of the initial lease for IPD purposes if the term of the second lease equals the remainder of the defaulted lease. We propose to amend 49 CFR 1036.4 by adding these sentences to the end of the third paragraph:

"In a lessee's default in a non-equity lease, the second lease shall be considered an assumption of the initial lease for IPD purposes and the IPD cars in the second non-equity lease shall be considered new, if the term of the second lease equals the remainder of the defaulted lease. This assumption can only be done once per lease."

Comments concerning the proposed regulations shall be filed with the Commission and served on all those appearing on the service list in this proceeding on or before May 19, 1980. Replies should be filed on or before June 9, 1980. This decision will not significantly affect either the quality of the human environment or conservation of human resources.

This notice is issued pursuant to the authority of 49 U.S.C. 10321 and 11122 (the Interstate Commerce Act) and 5 U.S.C. 553 and 559 (the Administrative Procedure Act).

Decided April 11, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commssioners Clapp and Trantum dissented in part, each with a separate expression.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13042 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Ch. X

[Ex Parte No. 358 F (Sub-No. 1)]

Change of Policy, Railroad Contract Rates; Standards and Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking and Exemption.

SUMMARY: The Commission is considering adopting standards and procedures for contract rates. In the alternative, the Commission is also considering whether some or all aspects of the filing and regulation of contract rates could be exempted from the Commission's jurisdiction. If regulation is retained, the rights and obligations of shippers and carriers concerning contract rates will be determined, and we will adopt rules to remove existing barriers to the filing of these rates and encourage their use. While no rules are proposed here, subjects for possible rules are described in detail. Should it determine that regulation should continue, the Commission plans to adopt specific rules following the comments received in response to this notice.

DATES: Comments are due June 13, 1980.

ADDRESS: An original and 15 copies of comments should be submitted to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202) 275-7693.

SUPPLEMENTARY INFORMATION:

Background

In Ex Parte No. 358 F, *Change of Policy, Railroad Contract Rates* (served November 9, 1978), and in a subsequent decision in that proceeding reported at 361 I.C.C. 205 (1979), the Commission encouraged the filing of contract rates [1] by rail carriers in appropriate circumstances. Those decisions made clear that rail contract rates were not considered to be illegal per se, contrary to *dicta* in certain earlier proceedings. The Commission believes that negotiated ratemaking offers great promise for improved service, reasonably stable and predictable rate levels, and needed innovative rail pricing. In our November 9, 1978 decision, we noted the benefits of contract rates, as follows:

In recent years, various types of volume rates have become commonplace. The Commission has, for example, approved arrangements where railroads offer reduced rates conditioned on shipments of a requisite annual volume. *Coal From Ky., Va., and W. Va. to Virginia*, 308 I.C.C. 99 (1959) (annual volume rates to meet competition from a mine mouth generator); *Coal from Ill., Ind., and Ky., to Illinois and Indiana*, 308 I.C.C. 673 (1959) (reduced rates on multiple car shipments to meet barge competition); *Coal to New York Harbor Area*, 311 I.C.C. 355 (1960) (reduced rates to meet competition from oil and gas); *Huron Portland Co.*, v. *Baltimore & O.R. Co.*, 332 I.C.C. 655 (1968), *aff'd sub nom., Natural Gypsum Co.* v. *United States*, 353 F. Supp 941 (W.D.N.Y. 1973) (rates to meet competition from possible construction of a coal slurry pipeline). These rates were seen as a way to improve service, reduce shipping costs, and to increase the efficiency of the operation. Since they were open to any shippers who could take advantage of the volume rates, they were held not to be unlawfully discriminatory or destructively competitive.

In the same manner that volume shipments provide cost savings, contract rates have a number of significant transportation benefits. They may allow for a better utilization of the railroad car supply through faster switching and turnaround time. This could allow more cars to be available for use and therefore reduce equipment costs. Contract rates allow for better planning on the part of both shippers and carriers. A shipper is guaranteed a certain rate for the period of the contract while the carrier knows what services that shipper will require. This allows the railroad to plan its allocation of equipment and other resources. The shipper in return would be provided with assurances as to the quality of service it would receive. This greater certainty, particularly in areas where large rail capital investments are needed to permit the railroads to become or remain competitive with other modes, will benefit carriers and shippers alike.

Nonetheless, only a limited number of contract rates have been filed since these decisions were issued. Their application has generally been restricted to commodities which have fairly limited rail movement and to situations

[1] The phrase "contract rates" used throughout this document is not meant to be restrictive. Contracts may be entered into which relate to service, as well as rate, options.

where a rail carrier is attempting to regain traffic lost to it due to service deficiencies. Carriers have been hesitant to extend contract ratemaking to situations where rail transportation is the predominant mode. It is in this situation that these rates could best be used to define demand, encourage investment, and improve shipper and carrier operating efficiencies.

This hesitancy is attributable to uncertainty about a number of factors, including:

(1) Application of the "similarly situated" requirement [2] mentioned in the Commission's prior policy statements;

(2) The type of service and rate options that could be offered under contract rates (other than the typical volume rate agreement);

(3) Whether the contract would be enforced or would not be dissolved or disturbed by the Commission (including the effect of the common carrier obligation on the contract service and application of car service orders to equipment dedicated to the contract); and

(4) The forum for enforcement of the contract.

We believe it possible that many of these questions can be answered through adoption of specific regulations governing the filing of rail contract rates. We are soliciting comments from all interested persons on our discussion of contract rates and on any other relevant aspects of rail contract ratemaking which require consideration.

As an alternative to the promulgation of new standards and procedures for the regulation of contract rates, we are also seeking comments on whether exemption from filing or other specific statutory requirements or from regulation altogether would better serve the public interest.

Major Issues and Proposed Solutions Assuming Continued Regulation

1. *Filing and Notice Requirements.* There has been some confusion concerning the form in which the contract should be published and what it must contain.

We do not believe it necessary to require that the entire contract be converted to tariff form although, of course, it may be. There are other choices available to the carriers which we may include in our rules. The contract may be published in full with a standard tariff cover page (for reference purposes). Another possibility is to publish only the essential terms of the contract (for example, parties, rates, duration,[3] escalation agreement, "escape" clauses, and obligations of each party) either in contract or tariff form.

Comments are invited as to the advantages or disadvantages of these types of publication, the terms of the contract that should be contained in a tariff if the entire contract is not filed, and the need for confidentiality of any of this information. We are also interested in determining whether disclosure of certain contract terms and of the identity of the contracting shipper restrain the parties from entering into these agreements.

2. *Equality of Opportunity—Discrimination.* We originally indicated that any carrier offering a new service or rate option through a contract rate wold be required to extend the contract to any shipper willing and able to ship a like kind of traffic under substantially similar conditions. This may have been a major restraining factor to contract rates in areas where the number of possible similarly situated shippers is great. The carrier may be unable or unwilling to extend its offer to 50, as opposed to 5, shippers. An example of this problem has been presented in No. 37326, *Southern Railway Company—Petition for Declaratory Order—Guaranteed Annual Supply of Grain Cars,* insituted concurrently with this rulemaking proceeding. Timing of the requests for similar contracts may also be a problem if a carrier is willing to purchase additional equipment but is unable to receive it within a reasonable time. It may also be necessary not to require a contract to be extended to other shippers if the carrier has determined that it plans to terminate the service with its existing shippers when the contracts expire. We realize that these concerns must be balanced against the shippers' need to remain competitive. However, it appears likely that if no limits are placed on the "holding-out" requirement the benefits of innovative contract rates may be denied to all shippers.

We seek comments on how these interests should be balanced. One possible solution would be to require a two-step process of contract offering. The carrier would publish the offer, interested shippers would respond, and the carrier's ultimate tariff publication would reflect its decision as to how to limit its offer. That tariff might be published on greater than statutory notice (perhaps 45–60 days) to allow an extended period for shippers to study the proposal and determine their response. Shippers denied similar contracts could protest during this time. The carrier might elect to include a justification statement with the tariff (or we could require one) and in a reply, if filed, the reasons why protesting shippers were not or could not be included. Acceptable justification would be different transportation conditions, limited equipement, or other operational limitations. The carrier could also be required to show that it offered alternative contracts with service as comparable as possible to the contract service to those to which it is unable to offer the original contract. We recognize that carrier use of, for example, a first come basis for choosing between similarly situated shippers might create undue discrimination. However, it can also be argued that if (1) all shippers are treated equally; (2) the carrier has a practical limit on the number it can accommodate; and (3) the carrier has made a reasonsble bona fide offer of comparable, although not identical service, then undue discrimination may not be present. There may be other circumstances where the carrier wished to make only a limited offer and is not interested in offering comparable service to shippers it is unwilling or unable to accommodate. The Southern's proposal is an example. Carrier use of a lottery to limit participants is another approach we are considering. As if affords an equal chance to all interested shippers, it can be argued that no undue discrimination would arise.

Another problem arises when a shipper enters the market after this process has been completed. Would it be legally and economically sufficient to require only that the carrier then make bona fide offer of as comparable service as possible? Is this even necessary? Would it unduly restrain carriers from offering contracts? We invite comments on this analysis and suggestions as to other ways in which these conflicting interests can be accommodated legally.

We also will address the issue of formal complaints by shippers not included. Given the restraining effect complaints may have on carrier initiatives, we invite comment on whether we could or should bar complaints.

3. *Equipment Allocation—Discrimination Against Non-Contracting Shippers—Common Carrier Obligation.* Questions have been raised concerning the lawfulness of proposals to dedicate a certain amount or percentage of carrier equipment to contract carriage.

[2] Carriers were required to offer the same basic contract rate plan to all other shippers in similar situations. This was intended to prohibit undue discrimination.

[3] Duration is an essential term because we need to know how long to give deference to the contract when faced with an inconsistent tariff filing.

Arguably, non-contracting shippers using the same equipment could claim this to be discriminatory or an unreasonable practice.

We believe that carriers should be able to dedicate portions of their fleets (either total or by car type) to contract service. Our prior decisions in Ex Parte No. 358 F have explained why we believe contract rates are crucial to the future health of the railroad industry. It is obvious that some amount of equipment dedication is necessary. We ask for comments on whether we should establish a general standard percentage of equipment (a maximum percentage) by car type or based on the total fleet of a carrier that could be dedicated to contract carriage. What percentage would be appropriate? We are considering a range of 35–75%. We believe a percentage in this range would provide enough contract-dedicated equipment to allow similar service to all requesting shippers and would still assure continued service to non-contracting shippers. What factors should be considered in determining a percentage (should we conclude this is a good approach) besides the carrier's weighted average demand for equipment and the size of its fleet?

We would also propose to review a proposed allocation above the percentage figure chosen on the basis of the average demand for the car type during the period of the contract (i.e., all year or seasonal), the amount this demand would be reduced when subtracting the proposed use by contracting shippers, the extent to which the fleet and, thus, allocations to other shippers, may be reduced, and the intended effect of the contract. Similarly, if a carrier can accommodate all its shippers with contracts by dividing its fleet among them, a 100% fleet dedication to contract arrangement would be authorized. For example, this would appear quite reasonable for the distribution of specialized equipment used by a limited number of shippers. And, we wish to make clear that if the carrier purchases new equipment solely to fulfill contractual obligations, or if the equipment is provided by the shipper, we would not be inclined to disapprove the proposal. We seek comments on this approach and on what should be done if a carrier proposes to use added revenues generated under the contract to purchase new equipment to add to its general car fleet. See No. 37326, *supra.*

Related to this issue is the question of whether equipment dedicated to contract service should be subject to general or emergency car service orders. Our tentative conclusion is that it should not. However, we invite comment as to whether these orders, especially emergency orders, should be necessary on dedicated equipment.

4. *Reasonableness of Contract Rate.* Obviously, if an agreed upon rate is filed, participating shippers should not be challenging its level. We propose to adopt a rule prohibiting protest at the suspension level on reasonableness issues from parties to the contract. However, the rate could be challenged by competing shippers paying higher rates or by other carriers. In this situation, we propose to suspend or investigate only those contract rates shown not to contribute to going concern value.

If, once the contract is effective, the carrier seeks to change the rate or other terms and these changes are not provided for in the contract, the Commission may be asked to resolve the disagreement. We propose to approve an attempt by a carrier to increase its rates above the level provided in the contract only if the carrier proves: that (1) the rate does not meet its going concern value, or short run variable cost (defined in Ex Parte No. 355, *Cost Standards of Railroad Rates,* now pending) for a significant period of time;[4] or (2) that the service is *force majeure* with respect to the particular shipper(s). Also, if the contract has a gross inequities clause the carrier may seek Commission approval of a rate change under this clause. At the same time, however, we are most anxious to limit Commission interference in contract operations. Thus, we cannot state too strongly the proposition that all contracts should contain clear, workable provisions, especially dispute resolution mechanisms. As noted, we will look with disfavor upon carrier attempts to change contract terms or rates prior to bona fide attempts to negotiate the issue with the other parties to the contract.

5. *Types of Services that may be Provided Under Contract Rates.* We do not propose to develop any list of areas where contract rates would be appropriate. A list of this sort could be restrictive. We encourage the carriers to study their traffic and propose service or rate options geared to, among other things, attracting new or lost traffic, developing operations to meet the particular needs of the carrier and shipper, defining demand, encouraging new investment and improving existing facilities, increasing efficiency, and improving car utilization. Shippers are also encouraged to suggest service or rate contract options to their carriers.

6. *Enforceability of the Contract.* This notice, read in conjunction with our recent decision concerning pre-358 F contracts, should leave no doubt that the Commission intends, absent exemption, to assert jurisdiction over the contract itself.

The Commission's jurisdiction to enforce the *carrier's* obligation under the contract would appear fairly clear. We request comment on the reach of our power (if any) to enforce the *shipper's* obligations under the contract, e.g., a shipper's failure to tender an agreed upon annual volume. Could any measure of damages apply other than the difference between the contract rate and the rate which would have applied in the absence of the contract?

Also related to this issue of shipper obligations is the general question of the effect of the argument that a contract does no more than restate a carrier's common carrier obligation. That is, if a carrier seeks to enforce a contract against a shipper, the shipper could argue that there was no mutuality of contract (thus, no contract) because the railroad is merely providing the same service required under its common carrier obligation. Accordingly, any liquidated damage clause (or other similar provision) would not be enforceable and the carrier might not be able to recover its investment. (Arguably, the Commission would have no jurisdiction to enforce such clauses; court action would be the only option.) We seek comment on this issue and possible solutions. One solution is explained in the Exemption discussion, *infra.*

We also propose not to consider contract issues unless and until the contract is filed with the Commission. This requirement will minimize legal and practical problems. Shippers should assume a contract does not exist until it is filed, and should not undertake related investments until it is filed and reviewed by the Commission. Obviously, this may require a contract to be filed years in advance of the movement. However, we believe our decision on the lawfulness of the agreement is best made before the

[4] We recognize that use of these terms may create problems in the situation where: (1) A contract has been signed; (2) the service has not yet begun; (3) the shipper has made substantial investments; and (4) the carrier has not yet made its required additons to equipment, facilities, etc., and now refuses to make them under the contracted rate level. Present definitions of going concern value/short run variable cost may include at this point the incremental investment. In this instance, we would propose to overturn the contract only if the rate produced less than the minimum possible cost. Minimum possible cost is defined as those costs that would vary coverage. Minimum possible cost is defined as those costs that would vary immediately and directly when the service under the contract begins.

parties act in reliance on it and at a time when the issues are fresh in their minds. This will eliminate problems that arose when we were forced to review alleged contracts entered into years earlier.

7. *Other Matters.* Carriers and shippers have entered, or may enter into contracts, of which the Commission is unaware, after issuance of the 358 F decision but before the effective date of the regulations being considered in this proceeding. Comments should address the status and basis for review of those contracts filed during this period.

We recognize that the discussion in this section may not cover every problem or dispute that may arise. Similarly, the rules, if ultimately adopted, will be fairly general in nature. Thus, we will be forced to review each proposal on a case-by-case basis, relying not only on the general rules adopted, but also on the particular situation and how it relates to our stated goals and concerns. We also invite comment on whether the definition of a contract rate contained in 49 CFR Part 1039 should be changed to reflect a broader scope of innovative services.

Exemption From Regulation

The prior discussion assumed continuing Commission regulation of contract arrangements and noted a number of problems created by existing interpretations of statutory language (e.g., definition of discrimination, availability of the complaint remedy). While these issues may be resolved in a way that does not create barriers or restrictions to contract agreements, section 10505 of the Interstate Commerce Act provides another approach that may be more practical in the long run.

Under section 10505 the Commission may exempt from its jurisdiction a railroad transaction or service that is limited in scope, if it finds that regulation (1) is unnecessary to carry out the National Transportation Policy; (2) would be an unreasonable burden on a person, class of person, or commerce, and (3) would serve little or no public purpose.

On March 22, 1979 Ex Parte No. 346 (Sub-No. 1), we exempted the rail transportation of fresh fruits and vegetables. (A number of other agricultural commodities were exempted on March 24, 1980 in Sub-No. 2). Early indications are that carriers and shippers have adjusted well to expanded opportunities in the perishables area, with the railroads increasing their share of the traffic that had been moving largely by truck. Although the issues in Ex Parte No. 346 were different from those involved in contract rates, our experience there also encourages us to explore the possibility of exemption here.

There can be no question that, at present, contract ratemaking is limited in scope. Since November 9, 1978, only a dozen or so identifiable contracts have been filed with the Commission. We recognize that an exemption would be likely to contribute to an expansion of contract arrangements, but that is what we are trying to encourage by this proceeding. To the extent that the growth of contracting might ultimately interfere with the ability of a railroad to meet its common carrier obligation, an exemption could involve equipment allocation limits such as those duscussed in Section 3, *supra.* We believe, however, that the overall efficiency gains that would result from contracting might well improve the availability of equipment and quality of service for non-contract shippers.

The willingness of parties to sign a contract should eliminate questions between them as to rate reasonableness (given appropriate provisions for escalation, force majeure, dispute resolution, etc.). The ability of carriers of all modes to compete in offering contracts should protect their interests. Clearly the central issue for potential Commission involvement is the charge of discrimination from a non-contracting shipper. If the Commission were to attempt to encourage contract by ratemaking exempting contracts from tariff filing requirements, would shippers be able to find out about contracts through normal commercial channels? Even if they could not find out, should the contracts be exempted from all regulation, including discrimination? would it be in the best business interest of a railroad to sign a contract with one shipper but not with another unless there were economic differences between the two?

As noted in Section 6, there could be an enforceability problem should the shipper refuse to perform following substantial rail investment. Assuming weight would be given to the argument that the contract service is no different from the service required under a carrier's common carrier obligation, it may be appropriate simply to exempt contract rates from section 11101.

We invite the parties to address these issues as they relate to the statutory criteria of section 10505 and to discuss the benefits and detriments of exemption from all or particular provisions of the Act.

Oral hearings do not appear to be necessary at this time and none are contemplated. Any person wishing to present views and evidence will be permitted to do so by submitting for consideration written statements of facts, views, and arguments on the matters mentioned above or on any other matter pertaining to the adoption of regulations governing rail contract rates. Written materials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW, Washington, DC, during regular business hours.

Notice to the general public of this proceeding will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Office of the Federal Register.

It does not appear that this decision will significantly affect either the quality of the human environment or conservation of energy resources. However, comments on these issues are solicited.

Authority: 49 U.S.C. §§ 10321, 10505, 5 U.S.C. 553.

Decided: April 1, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Stafford absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13021 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 45, No. 84
Tuesday, April 29, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Caribou National Forest Grazing Advisory Board Committee; Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at *10:00 a.m., May 27, 1980* at the *Grandine Guard Station, on the Curlew National Grasslands.*

The purpose of this meeting is to secure recommendations for use of the range betterment funds and grazing allotment plans.

The meeting will be open to the public. Persons who wish to attend should notify Frank G. Beitia, Caribou Supervisor's Office, telephone 208–236–6705. Written statements will be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Non-livestock owners are asked to withhold comments until the close of business.

Dated: April 21, 1980.

Frank G. Beitia,

Acting Forest Supervisor.

[FR Doc. 80–13066 Filed 4–28–80; 8:45 am]

BILLING CODE 3410–11–M

Los Padres National Forest Grazing Advisory Board; Meeting

The Los Padres National Forest Grazing Advisory Board will meet from 9:00 a.m. to 12:30 p.m. on May 16, 1980, Dorthea Nelson rm, City Library, 420 South Broadway, Santa Maria, California. The purpose of this meeting is to consider (1) priorities for use of range betterment funds (2) allotment management plans, and (3) bylaws for public input. This is the Board's second semi-annual meeting. Informational topics will include grazing and the Forest Land Management Plan.

The meeting will be open to the public. Persons who wish to attend should notify me at 42 Aero Camino, Goleta, California 93017 (805–968–1578). Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation. Public members will be given an opportunity to speak on each approved agenda item unless such input interferes with the Board's ability to work within the alloted time.

Dated: April 21, 1980.

Frederik G. deHoll,

Forest Supervisor.

[FR Doc. 80–13069 Filed 4–28–80; 8:45 am]

BILLING CODE 3410–11–M

Pacific Northwest Region, Cascade Head Scenic-Research Area; Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet on Friday, June 6, 1980, at the Inn at Spanish Head, 4009 S. Hwy. 101, Lincoln City, Oregon. The meeting will begin at 9:30 a.m.

The purpose of the meeting is for the Advisory Council to formulate their recommendation on the Environmental Education Program and to dedicate the Cascade Head Experimental Forest and Scenic-Research Area as a Biosphere Reserve.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Lisa Freedman, Hebo Ranger Station, Hebo, Oregon 97122, telephone 392–3161, or Sandy Matheny, Siuslaw National Forest, 545 SW Second Street, Corvallis, Oregon 97330, telephone 757–4492.

Dated: April 21, 1980.

Larry A. Fellows,

Forest Supervisor.

[FR Doc. 80–13093 Filed 4–28–80; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Bridgeton City Park Recreational Development and Critical Area Treatment RC&D Measure, New Jersey

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone 201–246–1205.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bridgeton City Park Recreational Development and Critical Area Treatment RC&D Measure, Cumberland County, New Jersey.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Plater T. Campbell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of water-based recreational facilities and the stabilization of a critically eroding area within the Bridgeton City Park. The planned works of improvement include picnic areas with shelters, a boat ramp, fishing piers, walkways and associated comfort stations, parking lots, and utilities. The stabilization work involves the grading, shaping, installation of rock riprap, and reseeding along about 100 feet of stream below the Mary Elmer Lake dam.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone 201–246–1205. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87–703, 16 U.S.C. 590a–f, q)

Dated: April 10, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80–13001 Filed 4–28–80; 8:45 am]

BILLING CODE 3410–16–M

Lower Brushy Creek Watershed, Texas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Marks, State Conservationlist, Soil conservation Service, W. R. Poage Federal Building, Temple, Texas 76501, telephone number (817) 774–1255.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for critical area treatment in the Lower Brushy Creek Watershed, Williamson and Milam Counties, Texas.

The environmental evaluation of this federally-assisted action indicates that the proposed measures will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determied that the preparation and review of an environmental impact statement is not needed.

The proposed action involves the use of clearing, shaping, preparation of vegetation, mulching, fertilizing, vegatating, fencing, and construction of appurtenant grade stabilization structures, such as pipe drops, drop inlets, formless concrete chutes, diversions, and dams to reduce or control critically eroding areas.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation and the environmenral assessment are on file and may be reviewed by interested parties by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, Temple, Texas 76501, telephone number (817) 774–1255.

The finding of no signifcant impact has been sent to interested Federal, State, and local agencies and other interested parties. A limited number of copies of finding of no significant impact are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 28, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566, 16 U.S.C. 10001–1008)

Dated: April 10, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–13002 Filed 4–28–80; 8:45 am]

BILLING CODE 3410–16–M

Lowland Watershed, North Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, 310 New Bern Avenue, Room 552, Federal Office Building, Raleigh, North Carolina 27611, telephone number 919–755–4165.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notices that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Lowland Watershed, Pamlico County, North Carolina.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these fundings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, 310 New Bern Avenue, Room 552, Federal Office Building, Raleigh, North Carolina 27611, telephone number 919–755–4165. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 27, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83–566, 16 U.S.C. 1001–1008)

Dated: April 11, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80–13003 Filed 4–28–80; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. and will end at 4 p.m., on May 17, 1980, at the National City Christian Church, 14th & Thomas Circle and Massachusetts Avenue, NW., Auditorium in the Basement.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this conference is to gather views and facts on the subject of the D.C. police-community relations.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 23, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80–12958 Filed 4–28–80; 8:45 am]

BILLING CODE 6335–01–M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the

Commission will convene at 7 p.m. and will end at 10 p.m., on May 19, 1980, at the South Bend Housing Authority, 501 South Scott Street, P.O. Box 262, South Bend, Indiana 46624.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is a staff's summary of data review by the employment sub-committee; staff report on the affirmative action employment factfinding hearing held in Detroit, Michigan on May 1–2, 1980; and SAC assignments in conjunction with the factfinding hearing for June 19–20, 1980 in Indianapolis, Indiana.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 21, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80–12957 Filed 4–28–80; 8:45 am]

BILLING CODE 6335–01–M

Kentucky Advisory Committee; Agenda and Notice of Open Meeting

Notices is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 4 p.m., on May 16, 1980, at the Executive East Walterson Expressway at the Fairgrounds, Dolphin Room, Louisville, Kentucky 40213.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to plan for the upcoming housing project; and give a progress report on State police employment.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 23, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80–12955 Filed 4–28–80; 8:45 am]

BILLING CODE 6335–01–M

Montana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 1 p.m., on May 17, 1980, at the State of Montana Department of Commerce, 1429 9th Street, Downstairs Conference Room, Helena, Montana.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is the review of the draft of Access to the Legal Profession in Montana; and discussion of possible future projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 23, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80–12956 Filed 4–28–80; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Comments on Export Promotion Functions and Potential Disincentives to U.S. Exports

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Solicitation of comments.

SUMMARY: The Federal Government is conducting an extensive review of the executive branch's export promotion functions and potential regulatory and programmatic disincentives to U.S. exports. The impact on exports to both market and non-market countries is included in this review. The review is required by the Trade Agreements Act of 1979 (Pub. L. 96–39), the implementing legislation for the agreements arising from the Multilateral Trade Negotiations. In order to ensure the thoroughness of this review, the Government wishes to draw upon the expertise and input of the widest possible range of interested and knowledgeable parties. The Department of Commerce, therefore, requests comments and information relevant to the issues addressed by this review from representatives of the business community and other interested persons and organizations. Persons or organizations affected by issues relating to small- and medium-sized companies are especially encouraged to respond. The Department must stress, however, that it is soliciting only information from the public that may be made part of the public record.

In addition to this review, subsection (b) of Section 1110 of the Trade Agreements Act of 1979 requires a study of the factors affecting the competitive position of domestic producers. Information about the subsection (b) study which will be conducted separately is provided by the Office of the U.S. Trade Representative (USTR) in today's edition of the **Federal Register.**

DATES: All comments received before May 30, 1980 will be considered.

ADDRESS: Written comments should be sent to: Mr. Franklin J. Vargo, Acting Deputy Assistant Secretary for Policy Planning and Analysis, International Trade Administration, U.S. Department of Commerce, Information Code—1110/HPM, Room 2036, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Henry P. Misisco, Director, Trade Research Division, Office of Planning and Research, International Trade Administration, U.S. Department of Commerce, Room 2036, Washington, D.C. 20230, telephone: (202) 377–4923.

SUPPLEMENTAL INFORMATION:

Legislative Mandate

Section 1110(a) of the *Trade Agreements Act of 1979* (Pub. L. 96–39) states:

> The President shall review all export promotion functions of the executive branch and potential programmatic and regulatory disincentives to exports, and shall submit to the Congress a report of that review not later than July 15, 1980. The report should make particular reference to those activities which enhance the role of small- and medium-sized businesses in trade.

Export Promotion

The Federal Government provides a variety of export promotion and assistance services to private firms. Information on overseas market potential for U.S. products, on techniques of doing business in foreign countries, and on other export-related topics is disseminated through numerous publications. These include foreign Economic Trends Reports, Global Market Surveys, Overseas Business Reports, and the Overseas Export Promotion Calendar. Seminars and workshops on exporting are held regularly throughout the United States. Special programs exist to help U.S. firms locate foreign commercial representatives, evaluate individual foreign firms, receive specific trade leads, and obtain information on large infrastructure and industrial systems projects. The Government helps provide direct exposure of U.S. products to foreign buyers overseas through trade fairs, exhibitions, and catalog shows. It

also sponsors overseas trade missions for U.S. businessmen, and helps to bring potential foreign buyers to the United States.

Financial assistance for exporting firms is available from a number of sources. The Export-Import Bank (Eximbank) offers both direct loans for large projects and equipment sales that require longer-term financing, and medium-term guarantee programs for smaller-scale capital goods sales. The Small Business Administration (SBA) offers several types of financing to smaller firms in the export field, including long- and short-term loans and revolving lines of credit. The Overseas Private Investment Corporation (OPIC) provides investment guarantees to U.S. firms interested in making investments in developing nations. U.S. exporters may also avail themselves of certain tax deferment advantages by utilizing the Domestic International Sales Corporation (DISC) provisions of the U.S. Tax Code.

Several recent developments, in addition to the programs noted above, will assist in the expansion of U.S. exporting activities. The Worldwide Information and Trade System (WITS) is a computerized market data system currently under development. It will contain accessible data on U.S. suppliers and products, potential foreign customers and trade leads, market research information, trade and economic statistics, data on promotional events, and information on further sources of export advice and assistance. The newly established Trade Advisory Center (TAC) provides a forum for business/government dialog on trade policy. Industry can bring to the Center problems in such areas as Multilateral Trade Negotiation (MTN) implementation, foreign trade barriers, import competition, and international trade policies. Agreements arising from the Multilateral Trade Negotiations have created new opportunities for exporting through the reduction or elimination of many tariff and nontariff barriers to trade.

Concerned private sector representatives are asked to comment on the effectiveness of existing export promotion programs, the need for new programs, and on specific information and other assistance needed by business to take maximum advantage of the new opportunities resulting from the MTN. Comments on the effect of export promotion programs on small- and medium-sized businesses are especially encouraged. You are also asked to indicate any specific export promotion techniques used by foreign countries that you believe are especially effective. Please identify the country or countries and describe the programs or incentives.

Export Disincentives

Exports can be affected by many U.S. laws, policies, or regulations, either directly (e.g., restrictions on specific commodities or markets) or indirectly (e.g., increased production costs). There are export controls on items for reasons of foreign policy, national security, and short supply. There are restrictions on the export of hazardous substances and the re-export of certain U.S.-origin goods. Each of these controls is intended to achieve a specific goal which is in the interest of the United States, such as deterring international terrorism. However, some of these controls may be negatively affecting U.S. trade or exporters' willingness to develop further foreign markets.

Uncertainty about the availability of foreign tax credits (Sections 901 and 903 of the Tax Code) and uncertainty about the regulations regarding the taxation of U.S. citizens working abroad (Sections 911 and 913 of the Tax Code) may be affecting employees' and firms' decisions to operate in foreign markets. The allocation of research and development expenditures to foreign source income (Section 861 of the Tax Code) may also have economic consequences for U.S. exporters or potential exporters. Limitations on Webb-Pomerene antitrust immunity for export associations or uncertainty about the application of anti-trust laws to U.S. international business may affect a firm's or an industry's readiness to export.

Other laws, regulations or government policies may affect export sales or negatively impact on the way in which U.S. export business is conducted. These may include domestic regulations such as environmental controls which affect the cost of the product or shipping practices which affect the delivery and distribution of the product to export markets.

Private sector representatives are asked which, if any, of these, or other laws, policies, or regulations they believe adversely affect their exports, either directly or indirectly, and specifically how their exports are affected (e.g., lost opportunities because of lengthy processing procedures, increased production costs, etc.). Specific comments on any impact export disincentives may have on small- and medium-sized businesses are especially encouraged. If possible, please provide an estimate of the percentage of your export sales affected by these laws or regulations and an estimate of how much larger (percent) your exports would be in the absence of these disincentives. The law(s), policy(policies), or regulation(s) which affect(s) trade may have varying impact depending on the commodity or geographical destination area. If this has been your experience, please indicate the areas and commodities that are most affected.

Public Information

Private sector representatives are asked to be as specific as possible about the effects of promotional activities and regulatory or programmatic disincentives on their exports. However, respondents are reminded that the Department of Commerce is soliciting only information that may be quoted publicly. No "Confidential Business Information" will be accepted by the International Trade Administration. All "Confidential" information shall be returned to the commentor and may be re-submitted as non-confidential, or may be withdrawn.

All public comments to be considered for this study will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communciations from agencies of the United States Government or foreign governments will not routinely be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Dated: April 24, 1980.

Franklin J. Vargo,

Acting Deputy Assistant Secretary for Policy Planning and Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-13013 Filed 4-28-80; 8:45 am]

BILLING CODE 3510-25-M

Johns Hopkins University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666 11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00224. Applicant: The Johns Hopkins University, School of Medicine, 725 North Wolfe Street, Baltimore, Maryland 21205. Article: MS-50 Ultra High Resolution Mass Spectrometer (MI-015) and Accessories. Manufacturer: AEI/Kratos, United Kingdom. Intended use of article: The article is intended to be used for studies of a wide variety of chemical and biochemical compounds including peptides, polysaccharides, organometallic, multi-conjugated drug metabolites, natural products from terrestrial plants, animals and marine organisms, synthetic products, small polymers, stable isotope-labeled compounds, environmental residues, toxic substances and others. For the most part, the article will be used to elucidate structures of unknown compounds brought to the facility by scientists from all over the country. There will also be a substantial informal educational component in the use of the article described, since scientists are encouraged to bring their samples or send students with the samples and to participate in deciding what measurements to make and in making them. Application received by Commissioner of Customs: March 30, 1979.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed static resolution of 150,000 (10% valley) and mass data on compounds weighing over 3000 Daltons at eight kilovolts. The Department of Health, Education and Welfare advises in its memorandum dated September 12, 1979 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-13062 Filed 4-28-80; 8:45 am]

BILLING CODE 3510-25-M

University of Texas at Dallas, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. by May 19, 1980.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 735 at 666-11th Street N.W. Washington, D.C.

Docket No. 80-00174. Applicant: University of Texas at Dallas, P.O. Box 688, Richardson, Texas 75080. Article: Rare Gas Halide Laser, TE 861S. Manufacturer: Lumonics Reasearch Limited, Canada. Intended use of article: The article is intended to be used to study the role of carbon, hydrogen, oxygen and nitrogen atoms in flames and to assess the importance of these various atomic species as products in ion recombination reactions. The specific experiments to be conducted include the two photon excitation of high-lying atomic states and the measurement of their fluorescence. These determinations of atomic population will allow quantitative assessment of the importance of atom reactions in flames and in ion recombination. The article will also be used in M.S. and Ph.D. level research courses in Chemistry and Physics (UTD Course No. CHM 8391, PHY 8310). Application received by Commissioner of Customs: January 31, 1980.

Docket No. 80-00175. Applicant: University of Minnesota, Department of Psychology, 75 East River Road, Minneapolis, MN 55455. Articles: Visual Pattern Stimulator. Manufacturer: Joyce Electronics, United Kingdom. Intended use for article: The article is intended to be used in the investigation of pattern perception and binocular interaction during visual perception studies. The investigations will be conducted for diagnosis and understanding of visual malfunction. In addition, the article will be used for class demonstrations in the course PSY 5-031: Perception. Application received by Commissioner of Customs: January 31, 1980.

Docket No. 80-00176. Applicant: Medical College of Wisconsin, P.O. Box 26509, Milwaukee, Wisconsin 53226. Article: Optical Emissions Spectroscope. Manufacturer: V. E. B. Straton, The Netherlands. Intended use of article: The article is intended to be used for the study of the relationship between protein turnover, nutritional status and prognosis in children with cancer. Protein turnover has considerable energy costs and the studies will also provide evidence that may indicate whether increased whole body protein turnover is one cause for increased energy expenditure in some pediatric cancer patients. Application received by commissioner of Customs: February 2, 1980.

Docket No. 80-00177. Applicant: National Oceanic and Atmospheric Administration, Climate & Garp Office, c/o Travel & Transportation Branch, AD17, 6010 Executive Blvd, Room 110, Rockville, Maryland 20852. Article: Navaid Sounding System. Manufacturer: Vaisala Oy, Finland. Intended use of article: The article is intended to be used for investigations of pressure, temperature, humidity, wind speed and direction in order to provide international data set for global weather model. Application received by

Commissioner of Customs: February 4, 1980.

Docket No. 80–00178. Applicant: University of South Florida, 4202 Fowler Avenue, ADM 214, Tampa, Florida 33620. Article: Isotope Ratio Mass Spectrometer, Mat 250 and Accessories. Manufacturer: Varian Mat, West Germany. Intended use of article: The article is intended to be used for studies of stable isotope compositions of naturally occurring carbonaceous material. The experiments will consist of the measurement of natural variations which will be used to understand natural phenomena of solids, liquids and gases. Application received by Commissioner of Customs: February 2, 1980.

Docket No. 80–00180. Applicant DHEW/PHS/FDA, National Center for Toxicological Research, Division of Chemistry/HFT–154, Jefferson, AR 72079. Article: Gas Chromatograph/Mass Spectrometer, Model MS–50. Manufacturer: Kratos, Inc., United Kingdom. Intended use of article: The article is intended to be used in a wide spectrum of projects ranging from research related to the development of new methodologies for the study of carcinogens, mutagens, and environmental pollutants which have or will be identified by the Food and Drug Administration as public health risks. The areas of study are:

(a) Steroids and terperoids
(b) Hormones
(c) Polypepticle sequencing
(d) Polysaccharide sequencing
(e) Lipids, fatty acids, bile acids, phospholipids
(f) Nucleic acid derivatives
(g) Antibiotics
(h) Herbicides, pesticides and fungicides
(i) Polynucleararomatics (PNA)

These studies will be conducted using ultrahigh resolution data reduced electron impact, field desorption/emission and positive and negative chemical ionization mass spectra and metastable ion scanning in any of the three spectral modes. Application received by Commissioner of Customs: February 6, 1980.

Docket No. 80–00181. Applicant: Harvard University, 9 Oxford Street, Cambridge, MA 02138. Article: High Pressure Pulsed CO_2 Amplifier. Manufacturer: Lumonics Research Limited, Canada. Intended use of article: The article is intended to be used to amplify extremely short pulses of infrared light. Typical pulse durations will be 50 picoseconds (50 psec) and less. The experimental programs in which the article will be used are: (1) Interaction of intense laser light with plasma, (2) multiphoton infrared laser photochemistry of gas-phase molecules and (3) ultra-short CO_2 laser pulse generation. Application received by Commissioner of Customs: February 6, 1980.

Docket No. 80–00182. Applicant: Research Foundation of CUNY, Department of Psychology, Queens College of CUNY, Flushing, New York 11367. Article: Anomaloscope. Manufacturer: The Rayner Optical Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used for research on certain types of colorblind subjects, in order to discern the type of cone mechanisms (present in the normal subject, but absent in some colorblind subjects) which interact with rods. Application received by Commissioner of Customs: February 6, 1980.

Docket No. 80–00183. Applicant: University of Puerto Rico, Department of Chemistry, Rio Piedras Campus, Rio Piedras, Puerto Rico 00931. Article: NMR Spectrometer, Model FX 90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in assisting the research work in such diverse areas as biologically relevant peroxides involved in prostaglandins, lipid peroxidation and others; basic understanding of ionic complexation equilibria in solution; and organic potochemistry, pesticides, biomembranes, natural products and synthetic inorganic chemistry. Application received by Commissioner of Customs: February 8, 1980.

Docket No. 80–00184. Applicant: California Polytechnic State University, Biological Sciences Department, San Luis Obispo, CA 93407. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for biological investigations in projects dealing with morphology of various fungal spores, the comparison of normal and malignant human breast tissue, study of the importance of microfilaments in secretory cells of the pituitary gland, and the ramification of the extravascular transfer system in the pituitary gland of amphibians. The article will be used primarily in the course Techniques in Electron Microscopy for undergraduate and graduate students. This course covers not only the theory and practice of electron microscopy, but also the collection and evaluation of photographic data. In addition, the article will be used for demonstrations in other classes, such as General Cytology, Introductory Botany and Introductory Zoology, Senior Project and Special Problems and Thesis. Application received by Commissioner of Customs: February 8, 1980.

Docket No. 80–00185. Applicant: Acupuncture Research Project, Haight-Ashbury Free Medical Clinics, 1694 Haight Street, San Francisco, CA 94117. Article: Model 71–3 Electro Stimulator Apparatus A204 and Stimulator Leads A601. Manufacturer: Peutraco, Ltd., People's Republic of China. Intended use of article: The article is intended to be used in a research project in which the effects of acupuncture on heroin addiction will be studied. Application received by Commissioner of Customs: February 20, 1980.

Docket No. 80–00186. Applicant: New York League for the Hard of Hearing, 71 West 23 Street, New York, New York 10010. Article: Auditory Training Equipment (One Suvag II and One Suvag I). Manufacturer: Service European de diffusion des inventions—France. Intended use of article: The articles are intended to be used in communication therapies with both children and adults to give them the possibility of maximum auditory perception by selecting a frequency response that is optimal to each individual. Application received by Commissioner of Customs: February 14, 1980.

Docket No. 80–00188. Applicant: Stanford University Medical Center, Stanford, California 94305. Article: LKB 2088 Ultrotome V Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section various tissues obtained from rabbit and human cornea which will then be examined by transmission electron microscopy. The intact corneas will be studied both before and after an experimental corneal transplant has been performed and also during various stages of normal post-natal development in the case of the rabbit corneas. The cultures of rabbit and human corneal endothelium will be studied at stages of their development *in vitro* prior to their involvement in the transplant procedure noted above. The ultrastructural features of the cell cultures will be compared to those of normal endothelial cells *in vivo*, and also to those of cell cultures that have been transplanted into rabbit corneas for varying amounts of time. Some investigators will study phenomena related to the innervation of the corneal stroma and epithelium in developing rabbits and rats. Application received by Commissioner of Customs: February 19, 1980.

Docket No. 80–00189. Applicant: University of North Carolina,

Department of Neurology, 756 Burnett-Womack Building, Chapel Hill, North Carolina 27514. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of the brain in mammals and fishes. In particular, it is intended to study, with immunocytochemical techniques, the chemical identity of dye-marked hypothalamic magnocellular neuroendocrine cells (MgC), the membrane characteristics of the intracellular organelles of these MgC, the presence or absence of gap junctions between MgC and adjacent hypothalamic cells and the ultrastructural details and chemical nature of synaptic junctions onto these MgC. The objectives will be to establish functional and anatomical criteria for the classification of the chemical types of MgC in the hypothalamus. Application received by Commissioner of Customs: February 19, 1980.

Docket No. 80-00190. Applicant: Tufts University School of Medicine, 136 Harrison Avenue, Boston, Massachusetts 02111. Article: Electron Microscope, Model JEM-100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of viruses, cellular organelles and macromolecular complexes, DNA heteroduplexes, antibodies, etc. The experiments to be conducted will include chemical and physical modifications of structures and mixtures with the objective of examinations of fundamental mechanisms of molecular interactions in cells. In addition, the article will be used for the instruction of graduate students, research fellows and faculty so that they can become familiar with use. Application received by Commissioner of Customs: February 19, 1980.

Docket No. 80-00191. Applicant: Vanderbilt University, Box 1820, Station B, Nashville, Tennessee 37235. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructural characteristics of tissues, cellular membranes and molecules such as nucleic acid and microtubules. The experiments to be performed will examine the ultrastructure of biological membranes; measure size distributions of macromolecules such as nucleic acids and microtubules; study intermediates in the recombination of DNA; and locate replication forks on replicating genomes. The main objective to be pursued in the course of these investigations will be to obtain knowledge about the ultrastructure of cells and their components and to study basic biological functions. The article will also be used to instruct staff and students in the use of electron microscopy to solve problems in biology. Application received by Commissioner of Customs: February 19, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-13061 Filed 4-28-80; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. at 666—11th Street NW. (Room 735), Washington, D.C.

Docket No. 79-00324. Applicant: University of Texas Health Science Center, 5323 Harry Hines Blvd., Dallas, Texas 75235. Article: NMR Spectrometer, Model JNM/FX-90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in support of research projects in the general areas of organic, physical, and biochemistry.

The specific areas of research include:

(i) Structure elucidation of natural products;

(ii) Identification and analysis of synthetic products and chemically modified biological materials;

(iii) Study of the packing, composition, and dynamics of transport proteins;

(iv) Interactions and structure of isonitrile-metal complexes; and

(v) Conformational analysis of fatty acids and related systems.

Pulsed Fourier transformer NMR spectra will be obtained for ^{1}H and ^{13}C on material as required for each project. Integration, chemical shifts, coupling constants, T_1-rho relaxation times, and Nuclear Overhauser. Effects and line shapes will be measured to obtain data about the structure, purity, composition, and dynamics of the system under investigation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 31, 1979).

Reasons: The foreign article provides the capability for measuring T_1-rho, a spin-lattice relaxation time in the rotating frame. Although domestic instruments did not provide this capability at the time the foreign article was ordered, Varian accepted an order on November 15, 1979, for an accessory to its Model XL-200 with the capacity to measure T_1-rho, and delivery was made by the firm on December 14, 1979. The Department of Health, Education and Welfare advises in its memorandum dated November 5, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which provided the pertinent specification at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-13060 Filed 4-28-80; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records, Annual Publication

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of annual notice of the existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains which contains information about individuals.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading

Commission as required by the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals. [40 FR 41056]. The rules, as amended, [17 CFR Part 146] deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to those records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons.[1]

Under 5 U.S.C. 552a(e)(4), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Jane K. Stuckey, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–6126.

SUPPLEMENTARY INFORMATION:

Content of System Notices

Each system notice contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. Each routine use of the records contained in the system, including the categories of users and the purpose of each use;
7. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
8. The title and business address of the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;
10. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
11. The categories of sources of records in the system.[2]

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–6314
233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606, Telephone: (312) 353–9499
4901 Main Street, Room 208, Kansas City, Missouri 64112, Telephone: (816) 374–2994
One World Trade Center, Suite 4747, New York, New York 10004, Telephone: (212) 466–2071
Two Embarcadero Center, Suite 1660, San Francisco, California 94111, Telepone: (415) 556–7503
510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725–2025

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identified the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City, New York and San Francisco offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all be available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarily, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, D.C., headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commerical matters. For example, the system of records entitled "registration of futures commission merchants"[3] contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act.[4]

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes.[5]

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[1] The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

[2] Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. 552a(k). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (9), (10), and (11) above be furnished.

[3] A futures commission merchant is someone engaged in soliciting or in accepting orders for the purchase or sale of commodity futures in the manner defined in section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2.

[4] See the definition of system of records in the Privacy Act, 5 U.S.C. 552a(a)(5), and section 146.2(g) of the Commission's Privacy Act rules, 17 C.F.R. 146.2(g).

[5] Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been metioned herein.

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individaul to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "rountine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnal Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., and to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

6. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

The Commission's systems of records are set forth below. For further information contact:

Freedom of Information Act, Privacy Act and Government in the Sunshine Act compliance staff,[6] Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. (202) 254–6314.

Index

CFTC–1 Matter Register and Matter Indices
CFTC–2 Correspondence Files
CFTC–3 Docket Files
CFTC–4 Employee Leave, Time and Attendance
CFTC–5 Employee Personnel Records
CFTC–6 Employee Travel Records
CFTC–7 Employee Records maintained by the Office of ADP Services—CFTC
CFTC–8 Employment Applications
CFTC–9 Exempted Employee Background Investigation Material
CFTC–10 Exempted Investigation Records.[7]
CFTC–11 Deleted—Incorporated in CFTC–20 and CFTC 22
CFTC–12 Fitness Investigations
CFTC–13 Interpretation Files
CFTC–14 Matter Files
CFTC–15 Large Trader Report Files
CFTC–16 Case Files
CFTC–17 Litigation Files—OGC
CFTC–18 Logbook on Speculative Limit Violations
CFTC–19 Petition and Rulings
CFTC–20 Registration of Futures Commission Merchants, Commodity Trading Advisors and Commodity Pool Operators
CFTC–21 Deleted—Incorporated in CFTC–20
CFTC–22 Registration of Associated persons and Floor Brokers
CFTC–23 Deleted—Incorporated in CFTC–20
CFTC–24 Deleted—Incorporated in CFTC–22
CFTC–25 Stipulation of Compliance File
CFTC–26 Deleted—Incorporated in CFTC–14
CFTC–27 Deleted
CFTC–28 Exchange Disciplinary Action File
CFTC–29 Reparations Complaints

CFTC–1

SYSTEM NAME:

Matter register and Matter Indices—CFTC

SYSTEM LOCATION:

Records in this system are maintained in the Commission's principal office and in each of the regional offices. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Persons alleged to have violated or suspected of having violated the Commodity Exchange Act or the rules

[6] Hereinafter referred to as the "FOI, Privacy and Sunshine Acts compliance staff."

[7] CFTC–10. Exempted Investigatory Records was inadvertently omitted from printing in the 1978 Annual Publication.

and regulations or orders of the Commission adopted thereunder.

b. Persons lodging complaints with the Commission.

c. Agency referrals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system, which is an index system to CFTC–14 Matter Files and CFTC–16 Case Files, include:

a. The matter register, a summary of complaints received from the public concerning an individual (or business entity) as well as a summary of leads as to possible areas of violation which were developed from other sources. A complaint number is assigned to each case and the record is filed according to that number. The register also, among other matters, names the individual complained about, his employer, the name of the complainant, the type of complaint, the date received, the disposition, the date closed and the investigator assigned.

b. The matter index, which contains a summary of the same information as the complaint register, but is maintained alphabetically by the name of the person who is the subject of the complaint.

c. The matter index, which contains a summary of the same information as the complaint register but is maintained alphabetically by the name of the complainant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, in looseleaf binders, or on index cards.

RETRIEVABILITY:

Information in the register is retrievable by assigned matter number. This is cross-indexed to the individual's name through the matter index.

SAFEGUARDS:

Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

The index and register are maintained as reference and destroyed when no longer needed.

SYSTEM MANAGER(S):

The Director of the Division of Enforcement in the Commission's principal office and the Regional Counsel of each regional office. Addresses of these offices are set forth in the introduction of these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquires to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Act compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Persons submitting complaints to the Commission, other miscellaneous sources including customers, other law enforcement and regulatory agencies, commodity exchanges, various trade sources, and items generated internally by the Commission staff.

CFTC–2

SYSTEM NAME:

Correspondence Files—CFTC

SYSTEM LOCATION:

These records are maintained in the Commission's principal offices at 2033 K Street, NW., Washington, DC. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with the Commission, directly or through attorneys or other representatives. Persons discussed in correspondence to or from the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence.

This system does not include all Commission correspondence, but only those records which are part of a general correspondence file maintained by the office involved. It does not include correspondence indexed by subject matter, by date, or by assigned number unless there is a corresponding index capability by individual name. It includes correspondence files maintained by the FOI, Privacy and Sunshine Acts compliance staff relating to requests by individuals under the Freedom of Information Act and the Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, in looseleaf binders, or on index cards.

RETRIEVABILITY:

By name, subject and case. This may be the name of the person who sent the letter, the person who received the letter, or the person on whose behalf the letter was sent or received. On occasion it may also be another person who was the principal subject of the letter, where circumstances appear to justify this treatment. See previous discussion concerning the category of records maintained in this system.

SAFEGUARDS:

Records are located in secured rooms or on secured premises with access limited to those whose official duties required access.

RETENTION AND DISPOSAL:

These records are maintained indefinitely or for varying periods of time depending on the policies and practices of the offices involved.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers include: a. The General Counsel; b. the Director of the Office of Public Information; c. the Director of the Division of Enforcement; d. the Office of the Secretariat. All are located at 2033 K Street, N.W., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314. The request should specify the system manager under whose jurisdiction the records are maintained, if known.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC–3

SYSTEM NAME:

Docket Files—CFTC

SYSTEM LOCATION:

The records are maintained in the Office of Hearings and Appeals, in the Commission's principal office at 2033 K Street, NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties and other persons involved in any CFTC proceeding.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system include all pleadings, motions, applications, stipulations, affidavits, transcripts, and documents introduced as evidence, briefs, orders, findings, opinions, and other matters which are part of the record of an administrative proceeding. They also contain related correspondence and indices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Commission is authorized or required to conduct hearings under several provisions of the Commodity Exchange Act. The maintenance of these files is a necessary concomitant for the conduct of orderly hearings. See also 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These are public records except to the extent the Commission or the assigned hearing officer determines that they may be treated as non-public consistent with the provisions of the Freedom of Information Act and that for good cause they should be treated as non-public. Non-public portions may be used for any purpose specifically authorized by the hearing officer who ordered non-public treatment or by the Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

These records are filed by the docket number and cross-indexed by the respondent's name, and his attorney's name.

SAFEGUARDS:

The information in these files is in most cases a matter of public record. Those items which the Commission or the hearing officer has directed be kept non-public are segregated and precautions are taken to assure that access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

These records are maintained in the files of the Commission indefinitely and offered to the National Archives and Records Service when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Administrative Law Judge, Hearings Section, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Commission staff members; opposing parties and their attorneys; witnesses in the proceeding; and other miscellaneous sources.

CFTC–4

SYSTEM NAME:

Employee Leave, Time and Attendance—CFTC

SYSTEM LOCATION:

These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes various records reflecting a breakdown of time and attendance of CFTC employees, and a record of leave status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6301–6323; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department or other federal agencies or used by the Commission in connection with any investigation, or

administrative or legal proceeding involving any violation of any federal law or regulation thereunder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or on index cards.

RETRIEVABILITY:

By the name of the employee or by the employee number, cross-indexed by name.

SAFEGUARDS:

The records are maintained in locked cabinets.

RETENTION AND DISPOSAL:

Records for current employees are maintained for three years; the final record of former employees is maintained for ten years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

For employees of the Commission's principal office records are maintained by the Budget Officer. For regional office employees, records are maintained by the support services supervisor in each of the regional offices. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC–5

SYSTEM NAME:

Employee Personnel Records—CFTC.

SYSTEM LOCATION:

These records are maintained in the principal office at 2033 K St., NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained in the principal office for all employees include: a. Forms required and records maintained under the Commission's rules of conduct; b. Pre-employment inquiries not included with "exempted employee background investigation materials"; c. Various summary materials received in computer printout form; d. Card indices reflecting various information contained in other personnel records.

The official personnel records maintained by the Commission are described in the system notices published by the Office of Personnel Management, and are not included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. In response to legitimate requests, this information may be provided to other federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter. b. The information may be provided to the Justice Department, the Office of Personnel Management or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of federal law or regulation thereunder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on index cards.

RETRIEVABILITY:

By the name of the employee.

SAFEGUARDS:

The records are maintained in lockable cabinets.

RETENTION AND DISPOSAL:

The records are maintained in the current file until the employee is terminated or separated, retained for 2 years thereafter, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of the Commission is the system manager for all records maintained in the Commission's principal office, except for those records maintained under the Commission's rules of conduct which are kept in the Office of the General Counsel as to which the General Counsel is the system manager. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; personnel office records; and other miscellaneous sources.

CFTC–6

SYSTEM NAME:

Employee Travel Records—CFTC.

SYSTEM LOCATION:

These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Commission member, employee, witness, expert or any member of an

Advisory Committee who travels on official business for the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, destination, itinerary, mode and purpose of travel, dates, expenses, amounts advanced, amounts claimed, amounts reimbursed. Includes travel authorizations, travel vouchers, copies of government transportation requests, receipts and other records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1921, 31 U.S.C. 1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be provided to the Justice Department or other federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of federal law or regulation thereunder.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By the name of the member, employee, witness, expert and member of the Advisory Committee.

SAFEGUARDS:

The records are maintained in lockable cabinets.

RETENTION AND DISPOSAL:

Records are maintained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

For employees in the Commission's principal office the records are maintained by the Budget Officer. For other employees, records are maintained by the operating units in each regional office. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC–7

SYSTEM NAME:

Employee Records Maintained by the Operations and Budget Section.

SYSTEM LOCATIONS:

These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "The Location of System of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CFTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Operations and Budget Section provides data processing capability for various personnel, payroll and accounting related matters. The records in the system include:

a. General records relating to the employee including information from the notification of personnel action (Form 350 and 350A) and other related sources. The information includes the name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

b. Various payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses. This includes copies of the CFTC time and attendance reports as well as authorizations relating to deductions.

c. Travel vouchers and related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records is transmitted to the U.S. Treasury to effect reimbursement of travel expenses and issuance of paychecks, as well as distribution of pay to other sources according to employee instructions. Appropriate information from these records is also forwarded to taxing authorities and others receiving proceeds from the employee's pay.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic disk.

RETRIEVABILITY:

Indexed by social security number or equivalent employee number and by name of employee.

SAFEGUARDS:

Protection is afforded by limiting access to the offices where the records are maintained. Certain records are kept in lockable file cabinets and safes.

RETENTION AND DISPOSAL:

Records are maintained for three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Operations and Budget Section, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

NOTIFICATIONS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC-8

SYSTEM NAME:

Employment Applications—CFTC.

SYSTEM LOCATION:

These records are maintained in the Commission's principal offices and in each of the regional offices. The address and telephone number of each of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions with the CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the application form (SF-171) and/or the résumé of the person applying.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about these records is used in making inquiries concerning the qualifications of the applicant.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Indexed by the name of the applicant; cross-indexed by interest.

SAFEGUARDS:

These records are maintained in a locked file cabinet.

RETENTION AND DISPOSAL:

Applications are maintained two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of the Commission is the system manager for all records maintained in the Commission's principal office. The system manager for records maintained in the regional offices is the Support Services Supervisor in each regional office. Addresses of these offices are set forth in the introduction of these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254-6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this sytem of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

CFTC-9

SYSTEM NAME:

Exempted Employee Background Investigation Material—CFTC.

SYSTEM LOCATION:

These records are maintained in the Personnel Office of the Commission's principal offices at 2033 K Street NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and prospective employees of CFTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system contain investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for employment with the CFTC which were obtained under an express promise that the identify of the source would be held in confidence, or which were obtained prior to September 28, 1975, under an implied promise of confidentiality.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 5 U.S.C. 552a(k)(5).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses" except the general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By the name of the employee.

SAFEGUARDS:

The records are maintained in lockable cabinets in secured offices or in secured buildings.

RETENTION AND DISPOSAL:

These records are maintained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k)(5), and the Commission's rule promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures, record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC-10

SYSTEM NAME:

Exempted Investigatory Records—CFTC.

SYSTEM LOCATION:

These records are maintained in the Commission's principal offices and in each of the regional offices. The address and telephone number of each of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing applications with the Commission for their own registration or registration of a firm.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system consist of investigatory materials compiled for law enforcement purposes whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations. This exemption could include all or any part of the records developed during the investigation or inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a(k)(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses" except that general routine use number (5) is not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

The records are maintained by assigned case number or by the title of the case. Cases filed by number are cross-indexed by case title.

SAFEGUARDS:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

RETENTION AND DISPOSAL:

The records are maintained in this system until it is determined that exemption is no longer necessary. They are then returned to the appropriate non-exempt system.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the Division of Enforcement, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k)(2) and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, records access procedures, record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC–11

Incorporated in CFTC–20 and CFTC–22.

CFTC–12

SYSTEM NAME:

Fitness Investigations—CFTC.

SYSTEM LOCATION:

These records are located in the Division of Trading and Markets in the Commission's principal offices at 2033 K Street, NW., Washington, D.C. 20581. Limited records are located at the Chicago regional office, 233 South Wacker Drive, 46th floor, Chicago, Illinois 60606.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied to the Commission for registration as an associated person or as a floor broker; and partners, sole proprietors, officers, directors, branch office managers, agents, more than 10 percent stockholders and persons performing similar functions for futures commission merchants, commodity trading advisors and commodity pool operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various information pertaining to the fitness of the above described persons to engage in business subject to the Commission's jurisdiction. The file includes copies of the application for registration and supplements. It also includes correspondence, reports and memoranda reflecting information developed from various sources outside the agency. The system contains records of the CFTC investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8a(2)(B) of the Commodity Exchange Act, 7 U.S.C. 12a(2)(B).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computer tapes.

RETRIEVEABILITY:

By the name of the firm or individual.

SAFEGUARDS:

Records are maintained in locked cabinets. Further protection is afforded by limiting access to the office where the record is maintained to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained on the premises for 5 years, then held in the Federal Records Center for 5 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Division of Trading and Markets in the Commission's principal office and the Chief, Chicago Branch, Registration Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained, his employer, federal, state, and local regulatory and law enforcement agencies, commodity and stock exchanges, National Association of Securities Dealers, and other miscellaneous sources.

CFTC-13

SYSTEM NAME:

Interpretation Filed—CFTC.

SYSTEM LOCATION:

These files are maintained in the Office of the General Counsel and the Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested the Office of the General Counsel to provide them with its interpretation of provisions of the Commodity Exchange Act or various rules and regulations adopted by the Commission. The requests may have been made directly by the individual, or through his attorney or other representative.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains the interpretation letters furnished, the request for an interpretation, and any related internal memoranda and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2(a)(4) of the Commodity Exchange Act, 7 U.S.C. 4a(c); 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Interpretation letters and the related requests for interpretation which discuss matters of general appliability may be made public and may be published by the Commission, or the Commission may otherwise make information public concerning matters raised therein. However, portions of such letters or information will be deleted or omitted to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or to the extent they otherwise contain material considered nonpublic under the Freedom of Information Act and the Commission's rules implementing that Act.

b. Information in these files may be used as a reference in responding to later inquiries from the same party or in following up on earlier correspondence involving the same person.

c. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVEABILITY:

The records are maintained under the name of futures commission merchant, floor broker, commodity pool operator, commodity trading advisor or associated person if the request is made by them or on their behalf. If it is made on behalf of another individual it will be filed by the name of the individual. If the identity of these persons is not known, the record will be maintained in the name of the attorney or other representative filing the request.

SAFEGUARDS:

Protection is afforded by limiting access to the offices where the records are maintained.

RETENTION AND DISPOSAL:

The records are maintained permanently. Records are maintained on premises for 5 years, then transferred to the Federal Records Center. When the records are 20 years old they are offered to the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

The General Counsel, Office of General Counsel, in the Commission's principal office. The Director, Office of Public Information in the Commission's principal office. Addresses of CFTC offices are set forth in the introduction to these systems notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254-6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC-14

SYSTEM NAME:

Matter Filed—CFTC.

SYSTEM LOCATION:

These records are maintained in the Commission's principal office and in the regional offices. Files concerning pending investigations may be located in other Commission offices when the investigation is being conducted by those offices. Addresses of Commission offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing an application for registration as associated person or floor broker Form 94 (biographical information questionnaire) in connection with an application for registration with the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains anything obtained during the course of an investigation including data from Commission reporting forms, account statements, and other trading records, exchange records, bank records, and credit information, business records, reports of interviews, transcripts of testimony, exhibits to transcripts, affidavits, statements by witnesses, contracts and agreements. Also contains internal memoranda, reports of investigation, subpoenas, warning letters stipulations of compliance, correspondence and other miscellaneous matters. The nature of the personal information contained in these files varies according to what is considered relevant to the attorney assigned to the case based on the circumstances of the particular case under investigation. For example, the file may contain personal background information about the individual involved, his education and employment history, information on prior violations, and a wide variety of financial information, as well as a detailed examination of the individual's activities during the period in question.

AUTHORITY FOR MAINTENACE OF THE SYSTEM:

Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction of these system notices under the caption "General Statement of Routine Uses." In addition, information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Furthermore, information collected during the investigation may be included in a public report to be issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

The records are maintained by assigned case number or by the title of the case. Matter cases are filed by number and cross-indexed by matter title.

SAFEGUARDS:

In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

RETENTION AND DISPOSAL:

Regional office records are maintained on the premises for 5 years, then sent to the Federal Records Center for 5 years, before being destroyed. The records in the Office of the General Counsel are generally maintained until the investigation is closed and any action arising therefrom has been completed, including all review at the appellate level. Thereafter, certain basic information may be retained and sent to the Federal Records Center, while the remaining information is either returned to the person from whom it was obtained or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of the Division of Enforcement in the Commission's principal office. The Regional Counsel of the region where the investigation is being conducted. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

a. Reporting forms and other information filed with the Commission; b. boards of trade; c. futures commission merchants, commodity trading advisors, commodity pool operators, floor brokers; d. federal, state and local regulatory and law enforcement agencies; e. banks, credit organizations and other institutions, pursuant to subpoena or otherwise; f. corporations, pursuant to subpoena or otherwise; g. individuals having knowledge of the facts, pursuant to subpoena or otherwise; h. attorneys; i. publications; j. courts; and k. other miscellaneous sources.

CFTC–15

SYSTEM NAME:

Large Trader Report Files—CFTC.

SYSTEM LOCATION:

Copies of original reports and related correspondence are maintained in the CFTC office where they are filed. See further description below. Ancillary records and information in computer printout form may be located in some or all CFTC offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the captain "The Location of Systems of Records."

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Reports filed by the individual holding the reportable position:

a. Statements of Reporting Trader (CFTC Form 40). Contains information described in Part 18 of the Commission's rules and regulations, including the name, address, number, and principal occupation of the reporting trader, the kind of commodity futures account, and information about his business associations;

b. Large trader reporting form (Series 03 Form). Contains information described in Part 18 of the Commission's rules and regulations, including the traders identifying number, his previous open contracts, his trades and deliveries that day, his open contracts at the end of the day, and his classification as to speculation or hedging;

c. Large trader reporting form (Series 04 Form). Contains information described in Part 19 of the Commission's rules and regulations, to be filed by merchants, processors and dealers in

commodities which have federally imposed speculative position limits. Includes trader's identifying number, stocks owned, fixed price sale and purchase commitments. These reports are filed in the CFTC office in the city where the reporting trader is located. If there is no CFTC office in that city, the reports are filed according to specific instructions of the CFTC.

2. Reports to be filed by futures commission merchants and foreign brokers.

a. Identification of "Special Accounts" (CFTC Form 102). Contains material described in Part 17 of the Commission's rules and regulations. Includes the name, address, and occupation of a customer whose accounts have reached the reporting level.

Also includes the account number which the futures commission merchant uses to identify this customer on the firm's 01 report (see next paragraph), and whether the customer has control or manages accounts of other traders.

b. Large trader reporting form (Series 01 Form). Contains material described in Part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number and reportable position held in each commodity future. These reports are filed in the FCTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

3. Computer records prepared from information on the forms described in items (1) and (2) above. The computer system is located in Chicago. Printouts may be located in some or all of the Commission's offices and suboffices.

4. Correspondence and memoranda of telephone conversations between the Commission and the individual or between the Commission and other agencies dealing with matters of official business concerning the individual.

5. Other miscellaneous information, including intra-agency correspondence and memoranda concerning the individual and documents relating to official actions taken by the Commission against the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4g, 4i, and 8 of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, and 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer records in computer memory and in computer printout form.

RETRIEVABILITY:

Form 40, Form 102, correspondence and other miscellaneous information are maintained directly under the name of the reporting trader. The Series 01, 03, and 04 forms are maintained by identifying code number. However, information from these forms is included in the computer and retrievable by individual name from the computer.

SAFEGUARDS:

Protection of records is afforded by general office security measures, with recent trading reports stored in lockable file cabinets. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

CFTC Form 40, CFTC Form 102, correspondence, memoranda, etc. are retained on the premises until the account has been inactive for 10 years and then destroyed. Form 01, 03 and 04 reports are maintained for 2 years on the premises and then held at the Federal Records Center for 3 years before being destroyed. The computer file is maintained for 10 years for Form 01, 03 and 04 reports. The computer memory on other items of information is maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief, Surveillance Branch, Division of Economics and Education of the region where the records are located. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individual seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314. The individual should include the code number assignd to him by the Commission for filing such reports, the name of the futures commission merchant through whom he trades, and the time period for which information is sought.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained and futures commission merchants through whom the individual trades. Correspondence and memoranda prepared by the Commission or its staff. Correspondence from firms, agencies, or individuals requested to provide information on the individual.

CFTC–16

SYSTEM NAME:

Case Files—CFTC.

SYSTEM LOCATION:

Files in this system of records are maintained in the Commission's principal office and in the regional offices. For pending litigation, files may also be located in other offices participating in the litigation. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons or firms against whom the Commission has issued a complaint based on violations of the Commodity Exchange Act or the rules and regulations promulgated thereunder.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains copies of various papers filed by or with the Commission or the courts in connection with administrative proceedings or injunctive actions brought by the Commission. It includes, as a minimum, a copy of the complaint and the final decision and order, and may contain other documents as well.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of these files is necessary to the orderly and effective conduct of various litigation authorized under the Commodity Exchange Act and other federal statutes. See e.g., Section 6c of the Commodity Exchange Act, 7 U.S.C. 13a–1, authorizing injunctive actions, and various provisions in that Act authorizing administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these files is generally a matter of public record and may be disclosed without restriction. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders or binders.

RETRIEVABILITY:

Cases are maintained in alphabetical order and cross-indexed to the original matter number.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

These files are maintained indefinitely, although when the action is completed they are usually reduced to only the complaint and the final decision and order.

SYSTEM MANAGER(S) AND ADDRESS:

These records are maintained by the Director of the Division of Enforcement at the Commission's principal office and by the Regional Counsel for the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORDS PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The information is generally obtained from the parties or their attorneys or from the Commission's Hearings Section or the relevant court.

CFTC–17

SYSTEM NAME:

Litigation Files—OGC–CFTC.

SYSTEM LOCATION:

Files in this system are maintained in the Office of the General Counsel in the Commission's principal office at 2033 K Street, NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties involved in litigation with the Commission or litigation in which the Commission has an interest including, but not limited to:

a. administrative proceedings before the Commission;

b. injunctive actions brought by the Commission;

c. other federal courts cases to which the Commission is a party;

d. litigation in which the Commission is participating as amicus curiae;

e. other cases involving issues of concern to the Commission, including those brought by other law enforcement and regulatory agencies and those brought by private parties.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files consist primarily of papers comprising or included in the record of the case, and briefs and correspondence related to that action. These may be included also under other documents pertaining to the matter being litigated, including internal memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Commodity Exchange Act, 7 U.S.C. 1 et seq., entrusts the Commission with broad regulatory responsibilities over commodity futures transactions. In this connection, the Commission is authorized to bring both administrative proceedings and injunctive actions where there appear to have been violations of the Act. Furthermore, to effectuate the purposes of the Act, it is necessary that the Commission staff be familiar with developments in other actions brought by others which have implications in the commodity law areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these files is generaly a matter of public record and may be disclosed without restriction. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Cases are classified according to type; i.e., administrative proceedings, injunctive actions brought by the Commission, and other litigation. Within those classifications, actions are filed by caption of the case.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The record is maintained until the action is completed, including final review at the appellate level. Thereafter, a skeletal record of pleadings, briefs, findings and opinions and other particularly relevant papers may be maintained indefinitely. Other materials are generally destroyed except insofar as a copy of some of the documents may be kept in the office's "precedent files" for use in later legal research or preparation of filings in other matters.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains

information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The information is generally obtained from the court or regulatory authority before whom the action is pending or from the attorneys for one of the parties named in the action, although it may on occasion come from other sources.

CFTC–18

SYSTEM NAME:

Logbook on Speculative Limit Violations—CFTC.

SYSTEM LOCATION:

Records in this system are located in the Commission's regional offices in Chicago and New York. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have exceeded speculative limits in a particular fiscal year.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record consists of a listing, by year, of the violations of speculative limits imposed by the Commission and the exchanges. It includes the trader's assigned code number, the commodity involved, the name of the trader, the type of violation, the date of violation, the date the violation ceased, and the action taken. Copies of warning letters and replies pertaining to the violations listed are maintained with the logbook.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4i and 8 of the Commodity Exchange Act, 7 U.S.C. 6i and 12.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Listed by fiscal year, and within each year may be retrieved by the name of the violator.

SAFEGUARDS:

Protection against unauthorized disclosure is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained on the premises for 5 years, then held in Federal Records Centers for 15 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Surveillance Branch, Division of Economics and Education, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606; Chief, Surveillance Branch, Division of Economics and Education, Commodity Futures Trading Commission, One World Trade Center, Suite 4747, New York, New York 10048.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Act compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Series 03 reports filed by traders. Correspondence prepared by the Commission or by the individual or his representative.

CFTC–19

SYSTEM NAME:

Petitions and Rulings.

SYSTEM LOCATION:

These records are maintained in the Hearings Section in the Commission's principal office located at 2033 K Street, NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons named in an Application for Institution of a Proceeding before the CFTC or its predecessors.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the application and supporting documentation of the person submitting the application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The maintenance of these records is ancillary to the Commission's authority to institute administrative proceedings. See also 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

The records in this system are maintained by the number and caption assigned to the application. Generally, the caption will be the name of complainant and name of a firm, organization, or person against whom the applicant complains.

SAFEGUARDS:

Protection against unauthorized disclosure is afforded by limiting access

to the office where the record is maintained.

RETENTION AND DISPOSAL:

The files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Administrative Law Judge, Hearings Section, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Act compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Persons submitting an Application for Institution of a proceeding.

CFTC-20

SYSTEM NAME:

Registration of Futures Commission Merchants, Commodity Trading Advisors and Commodity Pool Operators—CFTC.

SYSTEM LOCATION:

The primary files are maintained in the Chicago office. All CFTC offices have summary information in the form of microfiche records. Addresses and telephone numbers of these offices are set forth in the introduction of these systems notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Partners, sole proprietors, officers, directors, branch office managers, agents, more than 10 percent stockholders and persons performing similar functions for futures commission merchants, commodity trading advisors and commodity pool operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various information pertaining to the fitness of and registration as futures commission merchants, commodity trading advisors and commodity pool operators. The Chicago office maintains the applications for registration (Form 7–R and related schedules) and supplements, as well as correspondence between the firm and/or individuals and the agency relating to registration. A computer system is also maintained by the Chicago office. A computerized record is maintained for each individual engaged as an officer, partner, sole proprietor, branch office managr, agent, and more than 10 percent stockholder of a futures commission merchant as listed in the application as such. The computer memory consists of the name, firm affiliation, title, date and place (optional) of birth, social security number (optional), fitness and business address of each individual engaged as a partner, sole proprietor, officer, director and persons performing similar functions for futures commission merchants, commodity trading advisors and commodity pool operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4f(1) and 4n(1) of the Commodity Exchange Act, 7 U.S.C. 6f(1) and 6n(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manual form in file folders, in computer memory, in computer printouts and microfiche records.

RETRIEVABILITY:

The application, correspondence and other primary records are filed by the name of the firm. The computer records are maintained by the name of the individual officer, director, partner, etc. and serve as a cross-index to the primary registration file.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration and related documents and correspondence are maintained on the premises for three years. Records are then held in the Federal Records Center for seven years and then destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains associated as a principal with a registrant. Printouts are maintained on the premises for six months and then destroyed. Microfiche records are maintanied on the premises for two months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Chicago Branch, Registration Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOUCE CATEGORIES:

The application is submitted by the applicant. The computerized record is prepared from the application, including supplements, information developed during the fitness inquiry and from correspondence prepared by the Commission, the registrant or applicant, commodity and stock exchanges, other government agencies and other persons

with relevant information concerning an individual's or firm's fitness.

CFTC-21

Incorporated in CFTC-20.

CFTC-22

SYSTEM NAME:

Registration of Associated Persons and Floor Brokers—CFTC.

SYSTEM LOCATION:

The primary files are maintained in the Chicago office. All CFTC offices have summary information in the form of microfiche records. Addresses and telephone numbers of these offices are set forth in the introduction of these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied to the Commission for registration as an associated person or as a floor broker; and partners, sole proprietors, officers, directors, branch office managers, agents, more than 10 percent stockholders and persons performing similar functions for futures commission merchants, commodity trading advisors and commodity pool operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various information pertaining to the fitness for registration as an associated person or floor broker. The system includes the application for registration (Form 8-R and related schedules) plus supplements and correspondence between the applicant/registrant and the Commission relating to registration. It also includes reports reflecting information developed from various sources outside the agency. A computerized system consisting primarily of information taken from the application is maintained by the Chicago office. The computer memory includes the name, date and place of birth (optional), social security number (optional), fitness, membership and firm affiliation, business address and residence (optional) of each registered floor broker. In addition to the above, the computer memory also includes education and experience for each registered associated person. Monthly microfiche records list the name, business address, and membership affiliation of all registered floor brokers and the name and firm affiliation of all individuals engaged as associated persons. These microfiche records, as well as non-confidential portions of the application for registration are considered public records and available to any person for inspection and copying. In addition certain auxiliary records, such as card indexes, are maintained, summarizing information contained in the system regarding each floor broler and associated person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1) and 4k(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1) and 6k(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manual form in file folders and on index cards, computer memory, and in computer printout form.

RETRIEVABILITY:

By the name of the individual. The computer cross-indexes the record to the name of the futures commission merchant, commodity trading advisor or commodity pool operator with whom the individual is associated.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration and related documents and correspondence are maintained on the premises for five years after registration becomes inactive. Records are then held in the Federal Records Center for five years and then destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains registered or associated with a registrant. Printouts are maintained on the premises for six months and then destroyed. Microfiche records are maintained on the premises for two months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Chicago Branch, Registration Unit, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, his employer, the commodity and stock exchanges, other government agencies and other persons with relevant knowledge about the individual. Correspondence may be prepared by the Commission or the applicant/registrant. The computer record is prepared from the application and supplement and from information developed during the fitness inquiry.

CFTC-23

Incorporated in CFTC-20.

CFTC-24

Incorporated in CFTC-22.

CFTC-25

SYSTEM NAME:

Stipulation of Compliance File—CFTC.

SYSTEM LOCATION:

Records in this system are maintained by the Division of Enforcement in the Commission's principal office. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person or firm who has signed a stipulation of compliance with the Commodity Exchange Authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of stipulations of compliance and related indices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The obtaining of stipulations of compliance is ancillary to the duties and responsibilities of the Commission to enforce the provisions of the Commodity Exchange Act and the rules and regulations adopted thereunder. See also 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None. The stipulations of compliance are a matter of public record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or three-ring binders.

RETRIEVABILITY:

The records are filed according to a stipulation of compliance number. They are cross-indexed to the name of the person signing the stipulation or on whose behalf the stipulation is signed.

SAFEGUARDS:

Protection is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained indefinitely on the premises, unless otherwise ordered by the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

The Director of the Division of Enforcement in the Commission's principal office, and the Regional Counsel of each of the regional offices. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

The individual signing the stipulation of compliance.

CFTC–26

Incorporated in CFTC–14.

CFTC–27

Deleted.

CFTC–28

SYSTEM NAME:

Exchange Disciplinary Action File—CFTC.

SYSTEM LOCATION:

Records in this system are maintained at the Commission's principal office and by the regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been suspended, expelled, or disciplined, or denied access to or by an exchange.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of notification of disciplinary or other adverse action taken by an exchange which include the name of the person against whom such action was taken, the action taken and the reasons therefor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8c(1)(B) of the Commodity Exchange Act, 7 U.S.C. 12c(1)(B).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in these files is made public at the discretion of the Commission after a review of the information and a finding that no reason to withhold the information exists. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Looseleaf binders.

RETRIEVABILITY:

Notices are classified in chronological order according to the exchange which took the disciplinary or other adverse action which is the subject of the notice.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures.

RETENTION AND DISPOSAL:

The records are retained indefinely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Exchanges notifying the Commission of disciplinary or other adverse action which they have taken.

CFTC–29

SYSTEM NAME:

Reparations Complaints—CFTC.

SYSTEM LOCATION:

These records are located in the Complaints Section, Office of the Executive Director in the Commission's principal offices at 2033 K Street, NW., Washington, D.C. 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing customer reparations complaints, as well as the firms and individuals named in the complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files consist of reparations complaints, answers, correspondence, and miscellaneous motions filed with the Complaints Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 14 of the Commodity Exchange Act, 7 U.S.C. 18.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used in the conduct of the Commission's reparations program. In addition, these records can be used as set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Reparation files are maintained by number and are cross-indexed by the name of the complainant and respondent.

SAFEGUARDS:

The information in these files is a matter of public record. The records are maintained in file boxes or cabinets.

RETENTION AND DISPOSAL:

At the present time records are maintained for an indefinite time period. After a case is forwarded to the Hearings Section however, the records are included in the Commission's docket files, and the Reparations Unit only maintains certain case records such as complaints, answers, and decisions and orders.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Complaints Section, Office of the Executive Director, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C 20581. Telephone (202) 254–6314.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

CONTESTING RECORD PROCEDURES:

Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff at the address listed in the notification section above.

RECORD SOURCE CATEGORIES:

Persons filing reparation complaints or answers.

Issued in Washington, D.C. on April 23, 1980, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80–13141 Filed 4–28–80; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meetings

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that closed meetings of the DIA Advisory Committee will be held as follows:

Tuesday and Wednesday, July 1–2, 1980, The Pentagon, Washington, D.C.

The entire meetings, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

Dated: April 21, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 80–13058 Filed 4–28–80; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Economic Regulatory Administation

Canadian Crude Oil Allocation Program Supplemental Allocation Notice for the April 1 Through June 30, 1980, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a supplemental allocation notice to reflect the export levels of Canadian light crude oil and Canadian heavy crude oil for the month of May 1980.

Since October 1979, exports of crude oil from Canada have been authorized on a monthly basis instead of a quarterly basis. Consequently, the volumes listed in the allocation notice issued on March 31, 1980 (45 FR 23718, April 8, 1980), represented only volumes to be exported in April. This supplemental notice lists only Canadian crude oil volumes which will be exported in the month of May.

The issuance of Canadian crude oil rights to refiners and other firms was formerly set forth in an Appendix to the allocation notice and to each supplemental allocation notice. In view of the reductions in the light and heavy crude oil export levels and the lack of nominations from many refineries whose base period volumes would make them ineligible for allocations, the Appendix is being eliminated, and the relevant information regarding current nominations and allocations is being incorporated into this supplemental notice.

Allocation of Canadian Light Crude Oil

The Canadian National Energy Board (NEB) has formally advised ERA that the total volume of Canadian light crude oil authorized for export to the United States for the month of May 1980, and therefore subject to allocation under Part 214, will be 50 barrels/day (B/D), all of which is operationally constrained through the Union Oil pipeline from the Reagan field in Canada to the Flying J, Inc. (formerly ICG Vista) Thunderbird refinery (second priority) at Cut Bank, Montana. Pursuant to 10 CFR 214.35, ERA is continuing to give effect to the

operational constraint regarding the Thunderbird refinery in the revised issuance of Canadian crude oil rights for the month of May.

Allocation of Canadian Heavy Crude Oil

The NEB has advised ERA that the authorized export level for Canadian heavy crude oil for the month of May 1980 is 84,955 B/D. Ashland Oil Inc., which reduced its heavy crude oil nomination to zero barrels for the month of April, has advised ERA that it wishes to reduce its nomination from 31,000 B/D, as originally reported to ERA, to 11,000 B/D for the month of May. Murphy Oil Corp., which reduced its heavy crude oil nomination to 5,000 B/D for the month of April, has advised ERA that it wishes to further reduce its nomination to zero barrels for the month of May. ERA has given effect to these changes in the nominations of Ashland and Murphy in the allocations of heavy crude oil assigned for may.

In allocating heavy crude oil for May, ERA has used the procedures set forth in § 214.31(a)(3). Due to the relatively low export level for heavy crude oil for May, only first priority refineries are entitled to heavy crude oil allocations, pursuant to the first two steps specified in § 214.31(a)(3).

The issuance of Canadian heavy crude oil rights, expressed in B/D, for May 1980 to refiners and other firms nominating for heavy crude oil for the April–June allocation period is as follows:

Priority and Refiner/refinery	Base period volumes [1] Canadian total	Base period volumes [1] Canadian heavy crude	Nomination	Allocation
I Ashland-St. Paul Park, MN	44,707	4,803	[2] 11,000	11,000
I Koch-Pine Bend, MN	74,383	68,692	95,000	73,955
II Marathon-Detroit, MI	10,301	142	8,637	0
II Mobil-Buffalo, NY	24,995	0	6,036	0
II Mobil-Ferndale, WA	45,444	0	10,975	0
II Mobil-Joliet, IL	14,606	12,474	12,989	0
I Murphy-Superior, WI	25,625	5,372	[2] 0	0
II Sohio-Toledo, OH	29,182	0	10,000	0
II Total-Alma, MI	9,727	6,707	5,000	0
II Union-Lemont, IL	11,711	0	20,000	0
Total priority I				84,955
Total priority II				0
Total I and II				84,955

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis. For the base period volumes of all priority refineries, see Allocation Notice issued December 29, 1979, (45 FR 1664, January 8, 1980).

[2] As revised.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocation period each refiner or other firm that owns or codntrols a priority refinery shall file the periodic report specified in § 214.41(c)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills, consumed, or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Par 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before May 29, 1980.

Issued in Washington, D.C., on April 18th 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-13030 Filed 4-28-80; 8:45 am]

BILLING CODE 6350-01-M

Domestic Crude Oil Allocation Program; Entitlement Notice for February 1980

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: February 1980 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for February 1980.

DATES: Payments for entitlements required to be purchased under this notice must be made by April 30, 1980. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by May 10, 1980.

FOR FURTHER INFORMATION CONTACT:

David Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, NW., Room 6128I, Washington, D.C. 20461, (202) 653–3873.

Jeffrey Stoermer (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6911.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for February 1980 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4), the national domestic

crude oil supply ratio for February 1980 is calculated to be .207713.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of February 1980, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .690268 of a barrel of deemed old oil.

The issuance of entitlements for the month of February 1980 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of February 1980 is hereby fixed at $24.70 which is the exact differential as reported for the month of February between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of February 1980 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of February 1980 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of February 1980 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Included in the Appendix are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute.

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the February 1980 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its February 1980 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, *see Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the Government made no purchases of imported crude oil.

For the month of February 1980, imports of residual fuel oil eligible for entitlements issuances totaled 23,695,801 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California Lower Tier Crude Oil	2,062,204	27°
California Upper Tier Crude Oil	3,588,048	28°

The total number of entitlements required to be purchased and sold under this notice is 20,739,366.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for February 1980, the pricing composition and weighted average costs thereof are as follows:

	Volumes in thousands of B/D	Weighted average cost	Percent of total volumes [1]
Lower Tier	1,639	$6.99	11.0
Upper Tier	2,494	14.64	16.7
Exempt Domestic:			
Alaskan	1,357	24.45	9.1
Heavy and Market Tier	719	30.06	4.8
Naval Petroleum reserve	81	33.38	.5
Newly-Discovered	298	39.04	2.0
Stripper	1,769	33.99	11.8
Tertiary	10	30.14	0.06
Total Domestic	8,367	$21.22	56.2
Imported	6,523	$32.40	43.8
Total Uncontrolled (Exempt Domestic and Imported)	10,757	$31.69	72.2
Total Reported Crude Oil Receipts	14,891	$26.11	
Total Reported Crude Oil Runs to Stills	14,938		

[1] Volumes may not total 100% due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for February 1980 must be made April 30, 1980.

On or prior to May 10, 1980, each firm which is required to purchase or sell entitlements for the month of February 1980 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of February. The monthly transaction report forms for the month of February have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by April 30, 1980 are requested to contact the ERA at (202) 653-3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to April 30, 1980, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before May 29, 1980.

Issued in Washington, D.C., on April 22, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Notice of Entitlements for Domestic Crude Oil

[February 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and correct	Entitlements		Required to buy	Required to sell
				Product	California		
-Consol'd-Sales	−51,137	0	0	0	0	0	[1]51,137
A-Johnson	0	120,721	0	37,677	0	0	120,721
Adm	0	14,495	0	0	0	0	14,495
Akron-Ohio	0	1,755	0	0	0	0	1,755
Allied	37,853	23,271	0	0	0	14,582	0
Amer-Agri-Fuels	0	309	0	0	0	0	309
Amer-Petrofina	446,250	845,435	0	0	0	0	399,185
Amerada-Hess	1,402,085	3,414,185	0	85,725	0	0	2,012,100
American-Can-Co	0	2,660	0	0	0	0	2,660
Ames-Iowa	0	587	0	0	0	0	587
Amoco	9,877,973	4,793,636	0	0	0	5,084,337	0
Anchor	0	28,712	0	0	0	0	28,712
Arco	2,568,370	4,468,668	0	0	−131	0	1,900,298
Arizona	75,717	24,580	0	0	987	[1]51,137	0
Arizona-Chem	0	26,409	0	0	0	0	26,409
Asamera	126,470	139,504	0	0	0	0	13,034
Ashland	970,232	2,214,216	0	0	0	0	1,243,984
Bayou	12,373	19,055	0	0	0	0	6,682
Beacon	132,502	76,172	0	0	4,800	56,330	0
Belcher	0	122,868	0	122,868	0	0	122,868
Bruin	34,245	83,906	0	0	0	0	49,661
C&H	0	121	0	0	0	0	121
Cadence-Chem	0	1,329	0	0	0	0	1,329
Calcasieu	65,868	76,625	0	0	0	0	10,757
Calumet	14,095	7,353	0	0	0	6,742	0
Canal	97,701	49,272	0	0	0	48,429	0
Carbonit	517	45,304	0	0	0	0	44,787
Caribou	70,725	51,790	12,401	0	0	18,935	0
Castle	0	119,446	55,919	63,527	0	0	119,446
Central	0	31,873	0	31,873	0	0	31,873
Champlin	987,854	1,159,324	0	0	28,452	0	171,470
Charter	476,457	355,647	0	29,076	0	120,810	0
Charter-Bahamas	0	170,349	0	170,349	0	0	170,349
Chevron	5,467,425	6,841,560	0	11,359	25,432	0	1,374,135
Cibro	0	139,227	0	57,454	0	0	139,227
Citgo	1,286,812	1,556,904	0	0	0	0	270,092
City-of-Seward	0	16	0	0	0	0	16
Claiborne	80,451	29,122	0	0	0	51,329	0
Clark	318,815	601,270	0	0	0	0	282,455
Coastal	145,053	1,297,100	0	148,940	0	0	1,152,047
Coastal-Petro	0	7,301	0	0	0	0	7,301
Colonial	0	18,836	0	18,836	0	0	18,836
Columbus-Ohio	0	−269	0	0	0	269	0
Conoco	2,558,674	1,773,991	0	35,377	21,672	784,683	0
Consumers-Power	0	49,590	76	49,514	0	0	49,590
Copano	861	35,835	0	0	0	0	34,974
Coral	0	195,241	0	0	0	0	195,241
Corco	0	496,333	0	1,500	0	0	496,333
Cra-Farmland	273,266	457,920	0	0	0	0	184,654
Cross	32,589	58,401	0	0	0	0	25,812
Crown	301,826	411,122	0	0	0	0	109,296
Crystal-Oil	119,655	74,386	0	0	0	45,269	0
Crystal-Ref	0	17,819	0	0	0	0	17,819
Delta	232,610	257,155	0	0	0	0	24,545
Demenno	0	34,475	0	0	0	0	34,475
Detroit-Ed	0	37,475	0	37,475	0	0	37,475
DFSC	0	572	0	572	0	0	572
Diamond	556,291	341,911	0	0	0	214,380	0
Dillman	0	26	0	0	0	0	26
Dorchester	13,833	136,643	0	0	0	0	122,810
Dow	46,918	33,739	0	0	0	13,179	0
E-Seaboard	0	32,067	0	32,067	0	0	32,067
East-Bay-Mud	0	1,762	0	0	0	0	1,762
Eco	4,106	36,580	0	0	357	0	32,474
Eddy	37,852	25,866	0	0	0	11,986	0
Elgin-Il	0	21	0	0	0	0	21
Energy-Coop	0	609,607	0	0	0	0	609,607
Ergon	−202	52,962	0	0	0	0	53,164
Erickson	179,387	132,390	0	0	0	46,997	0
Essex-Union	0	287	0	0	0	0	287
Evangeline	37,645	15,152	0	0	0	22,493	0
Exxon	9,157,950	7,560,288	0	356,568	0	1,597,662	0
Ez-Serve	−367	19,923	0	0	0	0	20,290
Farmers-UN	164,623	208,562	0	0	0	0	43,939
Fletcher	151,407	167,073	0	0	1,007	0	15,666
Flint	4,480	4,663	0	0	0	0	183
Friendswood	85,278	38,548	0	0	0	46,730	0
Funding	73,187	27,602	0	0	0	45,585	0
Gary	230,333	69,943	0	0	0	160,390	0
Getty	1,119,689	1,278,865	0	0	0	0	[1]59,176
Getty-SYN	0	1,585	0	0	0	0	1,585
Giant	10,304	38,584	0	0	0	0	28,280
Gibson	0	27,918	0	0	0	0	27,918
Glacier-Park	77,115	29,683	0	0	0	47,432	0
Gladieux	49,759	71,260	0	0	0	0	21,501
Golden-Eagle	0	72,206	0	0	0	0	72,206
Goldking	242,354	118,947	0	0	0	123,407	0

Notice of Entitlements for Domestic Crude Oil—Continued

[February 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and correct	Entitlements		Required to buy	Required to sell
				Product	California		
Good-Hope	23,895	392,391	0	0	0	0	368,496
Guam	0	203,771	0	0	0	0	203,771
Gulf	7,655,560	5,116,219	0	44,175	6,586	2,539,341	0
Gulf-Energy	44,487	21,978	[4]0	0	0	22,509	0
Gulf-STS	146,968	63,698	0	0	0	83,270	0
Harrisburg-PA	0	26,835	0	0	0	0	26,835
Health-Care	0	486	0	0	0	0	486
Hiri	0	391,733	0	0	0	0	391,733
Howell	546,588	205,356	0	0	0	341,232	0
HRR	0	6,549	0	0	0	0	6,549
Hudson-Oil	33,049	110,817	0	0	0	0	77,768
Hunt	260,604	152,961	0	0	0	107,643	0
Huntway	−1,608	28,198	0	0	−179	0	29,806
Husky	383,001	383,001	[5]117,171	0	0	0	0
Independent-Ref	0	74,715	0	0	0	0	74,715
Indiana-Farm	30,861	132,876	0	0	0	0	102,015
Indust-Fuel	60,186	26,911	0	0	0	33,275	0
Inter-Petro	0	23,429	0	23,429	0	0	23,429
Inter-Process	50,514	101,877	0	0	0	0	51,363
Irving	0	21,218	0	21,218	0	0	21,218
Kenco	47,225	16,283	0	0	0	30,942	0
Kentucky	17,141	12,141	3,040	0	0	5,000	0
Kern	111,037	124,287	0	0	2,493	0	13,250
Kerr-Mcgee	1,347,770	853,896	0	0	0	493,874	0
Koch	813,948	711,679	0	20,348	0	102,269	0
La-County	0	4,092	0	0	0	0	4,092
Lagloria	483,349	196,896	0	0	0	286,453	0
Lake-Charles	97,627	42,440	0	0	0	55,187	0
Lakeside	21,909	20,948	0	0	0	961	0
Laketon	64,481	89,473	41,919	0	0	0	24,992
Little-Amer	1,117,314	527,019	0	0	0	590,295	0
Los-Angeles-CA	0	2,327	0	0	0	0	2,327
Louisiana-Land	686,964	253,834	0	0	0	433,130	0
Macmillan	33,382	86,233	0	0	1,118	0	851
Madison-Chatham	0	16	0	0	0	0	16
Madison-City-WI	0	110	0	0	0	0	110
Madison-WI	0	197	0	0	0	0	197
Mallard	101,847	33,863	0	0	0	67,984	0
Marathon	3,165,672	2,781,652	0	0	0	384,020	0
Marion	37,745	121,347	0	0	0	0	83,602
Marlex	680	54,842	0	0	60	0	54,162
Metropolitan	0	165,112	0	165,112	0	0	165,112
Mid-Amer	0	2,990	0	0	0	0	2,990
Midwest-Solv	0	1,126	0	0	0	0	1,126
Milwaukee-WI	0	551	0	0	0	0	551
Mobil	4,929,655	4,655,495	0	48,981	21,605	274,160	0
Mobile-Bay	1,948	32,518	0	0	0	0	30,570
Mohawk	284,816	181,148	0	0	9,298	103,668	0
Monoco	0	11,571	0	11,571	0	0	11,571
Monsanto	430,530	194,976	0	0	0	235,554	0
Morrison	19,381	5,212	0	0	0	14,169	0
Mountaineer	3,633	1,256	0	0	0	2,377	0
Mt-Airy	141,317	119,134	0	0	0	22,183	0
Murphy	1,027,548	709,386	0	0	0	318,162	0
N-Amer-Petro	76,916	35,698	0	0	442	41,218	0
Nashville-Tenn	0	3,288	0	0	0	0	3,288
Natl-Coop	151,316	271,808	0	0	0	0	120,492
Navajo	346,016	221,433	34,868	0	0	124,583	0
Nevada	0	16,376	0	0	0	0	16,376
New-Edgington	88,051	75,095	0	0	8,320	12,956	0
Newhall	8,891	101,452	0	0	590	0	92,561
Northeast-Petro	0	48,029	0	48,029	0	0	48,029
Northland	41,893	41,893	29,847	0	0	0	0
Northville	0	25,639	0	25,639	0	0	25,639
Ny-Sanitation	0	10,494	0	0	0	0	10,494
OKC	5,471	140,134	0	0	0	0	134,663
Okla-Ref	37,402	85,493	0	0	0	0	48,091
Orange-County	0	12,341	0	0	0	0	12,341
Osceola-Ar	0	326	0	0	0		326
Oxnard	768	19,684	0	0	85		18,916
Peerless	0	57,323	0	0	0		57,323
Pennzoil	403,712	327,587	0	0	0	76,125	0
Peoria-Il	0	1,578	0	0	0	0	1,578
Pester	123,667	141,103	0	0	0	0	17,436
Petro-Heat-Pa	0	10,907	0	10,907	0	0	10,907
Philadelphia-Pa	0	713	0	0	0	0	713
Phillips	2,056,490	1,700,190	0	0	0	356,300	0
Phillips-Pr	0	246,619	0	246,619	0	0	246,619
Pioneer	59,731	34,462	0	0	0	25,269	0
Placid	517,424	273,338	0	0	0	244,086	0
Plateau	207,929	116,297	0	0	0	91,632	0
Port	369	13,750	0	0	0	0	13,381
Powerine	28,018	178,428	0	0	1,022	0	150,410
Pride	4,348	165,967	0	0	0	0	161,619
Quad	0	24,207	0	0	0	0	24,207
Quaker-St	21,463	142,964	0	0	0	0	121,501

Notice of Entitlements for Domestic Crude Oil—Continued

[February 1980]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and correct	Entitlements		Required to buy	Required to sell
				Product	California		
Quitman	0	43,488	0	0	0	0	43,488
Racine-Waste-Ut	0	193	0	0	0	0	193
Rahway	0	140	0	0	0	0	140
Rancho-Ref	335	26,137	0	0	0	0	25,802
Resco	0	6,463	0	0	0	0	6,463
Road-Oil	0	7,223	0	0	0	0	7,223
Rock-Island	174,447	227,116	0	0	0	0	52,669
Saber-Tex	33,602	89,026	0	0	0	0	55,424
Sabre-Cal	447	41,561	0	0	31	0	41,114
Sage-Creek	7,881	2,959	0	0	0	4,922	0
Salem-Va	0	472	0	0	0	0	472
San-Joaquin	0	63,026	0	0	0	0	63,026
Scallop	0	224,565	0	224,565	0	0	224,565
Scanoil	0	65,493	0	65,493	0	0	65,493
Schulze	15,790	5,475	0	0	0	10,315	0
Seaview	0	130,346	0	0	0	0	130,346
Sector	57,666	20,999	0	0	0	36,667	0
Seminole	10,628	72,718	0	0	0	0	62,090
Sentry	9,409	65,040	0	0	0	0	55,631
Shell	8,213,840	5,456,454	0	0	15,666	2,757,386	0
Shepherd	11,829	40,352	0	0	0	0	28,523
Sigmor	19,693	136,535	0	0	0	0	116,842
Silver-Eagle	3,736	1,524	0	0	0	2,212	0
Slapco	113,385	52,627	0	0	0	60,758	0
SMRSA	0	48	0	0	0	0	48
So-Hampton	75,589	86,134	0	0	0	0	10,545
Sohio	1,200,016	2,795,441	0	0	0	0	1,595,425
Somerset	19,600	24,220	0	0	0	0	4,620
Sound	0	49,731	0	0	0	0	49,731
Southern-Union	139,168	203,683	0	0	0	0	64,515
Southland	201,455	132,151	18,541	0	0	69,304	0
Southwestern	18,973	7,796	2,952	0	0	11,177	0
Sprague	0	113,565	0	113,565	0	0	113,565
Sunland	3,659	65,166	0	0	54	0	61,507
Sunoco	3,393,253	2,906,655	0	47,979	0	486,598	0
Swamnw	0	32,382	0	32,382	0	0	32,382
T&S	0	38,110	0	0	0	0	38,110
Tenneco	1,439,490	585,979	0	0	2,917	853,511	0
Tesoro	191,186	381,223	0	0	0	0	190,037
Texaco	6,065,050	6,369,815	0	226,476	−211	0	304,765
Texas-American	19,283	50,863	0	0	0	0	31,580
Texas-Asph	28,565	4,684	0	0	0	[3]23,881	0
Texas-City	467,884	692,231	0	0	0	0	224,347
Thagard	38,111	55,749	0	0	1,635	0	17,638
Thriftway	61,583	28,615	0	0	0	32,968	0
Thunderbird	27,691	26,668	0	0	0	1,023	0
Tipperary	22,068	40,429	0	0	0	0	18,361
Tonkawa	25,774	61,357	0	0	0	0	35,583
Tosco	750,328	954,618	0	0	16,327	0	204,290
Total-Petroleum	56,712	317,847	0	0	0	0	461,135
UCC-Caribe	0	96,296	0	96,296	0	0	96,296
UNI-Ref	0	63,163	0	0	0	0	63,163
Union-Carbide	0	28,314	0	28,314	0	0	28,314
Union-Oil	2,715,460	2,460,855	0	0	8,539	254,605	0
UNTD-Ref	108,381	233,934	0	0	0	0	125,553
US-Oil	12,848	51,969	0	0	818	0	39,121
USA-Petrochem	40,022	98,197	0	0	1,158	0	58,175
VAL-Verde	1,627	3,401	0	0	0	0	1,774
Vickers	85,634	303,662	0	0	0	0	218,028
Vicksburg	9,731	35,888	0	0	0	0	26,157
Warrior	26,217	30,676	19,983	0	0	0	4,459
West-Coast	12,992	32,127	0	0	821	0	19,135
West-Monmouth	0	245	0	0	0	0	245
Western	0	60,110	0	0	0	0	60,110
Winston	90,353	89,234	0	0	0	1,119	0
Wireback	0	303	0	0	0	0	303
Witco	37,717	122,892	0	0	1,575	0	85,175
Wyatt	0	13,522	0	13,522	0	0	13,522
Wyoming	26,573	58,862	0	0	0	0	32,289
Yetter	0	235	0	0	0	0	235
Young	30,007	54,432	90,177	0	0	0	24,425
Total	94,922,716	94,922,716	366,894	2,805,377	183,346	20,739,366	20,739,366

[1] See discussion in Notice.

[2] This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co.* v. *DOE, et al.*, Civ. Action No. C77-190-B (D. Wyo., filed March 14, 1978), *remanded* 582 F. 2d 644 (TECA, August 10, 1978).

[3] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA*, Civ. Action No. 4-75-268 (N.D.Tex., filed October 31, 1975).

[4] Pursuant to a Stipulation of Settlement and Dismissal entered in *Gulf Energy Refining Corp., et al.* v. *DOE, et al.*, Civ. Action No. CA3-79-1518-H (N.D.Tex. April 4, 1980), no entitlements purchase obligation is imposed upon this company in this list with respect to its deemed old oil recipts for the month of August 1979.

[FR Doc. 80-13029 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-01-M

Douglas R. Cummings; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: April 16, 1980.

COMMENTS BY: May 29, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 16, 1980, the Office of Enforcement of the ERA executed a Consent Order with Douglas R. Cummings (Cummings) of Oklahoma City, Oklahoma. Under 10 CFR 205.199J(b), the Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Cummings, with its office located in Oklahoma City, Oklahoma, is a working interest owner of certain domestic crude oil producing properties operated by Seco Producing Company (SECO) of Midland, Texas and is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Cummings, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through September 30, 1976, and it included all sales of crude oil which were made by SECO during that period.

2. Cummings, as a working interest owner of certain properties operated by SECO, allegedly misapplied the provisions of 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, received prices in excess of the maximum lawful sales prices resulting in overcharges to the purchasers.

3. In Order to expedite resolution of the disputes involved, the DOE and Cummings have agreed to a settlement in the amount of $14,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Cummings.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The Provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Cummings agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the total sum of $14,000 twenty-four (24) months from the date of the execution of the Consent Order. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment

to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at the this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Douglas R. Cummings Consent Order." We will consider all comments we received by 4:30 p.m., local time on May 29, 1980. You should identify any information or date which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued Dallas, Texas on the 16th day of April 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80–13033 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 80–CERT–016]

Long Island Lighting Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on March 13, 1980, as amended on April 1, 1980, Long Island Lighting Company (Long Island), 250 Old Country Road, Mineola, New York 11501, filed an application for certification of an eligible use of natural gas to displace fuel oil at three of its electric generating plants in New York: The E. F. Barrett Electric Plant in Island Park, the Glenwood Electric Plant in Glenwood Landing, and the Far Rockaway Electric Plant in Far Rockaway, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the Economic Regulatory Administration (ERA) and available for public inspection at the ERA, Docket Room 4126, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m.—4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Long Island states that the volume of natural gas for which it requests certification is up to 50,000 dekatherms per day. This volume is estimated to displace the use of approximately 20,000 barrels of No. 2 fuel oil (0.3 percent sulfur) and 500,000 barrels of residual fuel oil (1.50 percent sulfur) at the E. F. Barrett Electric Plant, and 165,000 barrels of residual fuel oil (1.00 percent sulfur) at the Glenwood Electric Plant, between May 1, 1980, and October 1, 1980.

The eligible seller is the Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219. The gas would be transported by the Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001.

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 this application to submit comments in writing to the Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before May 9, 1980.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period (May 9, 1980). 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 Long Island and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on April 18, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80–13034 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–01–M

New KRO Oil, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administation, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: March 13, 1980.

COMMENTS BY: May 29, 1980.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On March 12, 1980, the Office of Enforcement of the ERA executed a Consent Order with New KRO Oil Co., Inc., Evansville, Indiana. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

New KRO Oil Co., Inc. (New KRO) with its home office located in Evansville, Indiana, is a firm engaged in the marketing of Motor Gasoline through its company owned retail service stations in Illinois, Indiana and Kentucky and is subject to the Mandatory Petroleum Price and Allocation and Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of New KRO, the Office of Enforcement, ERA, and New KRO Oil Co., Inc., entered into a Consent Order.

The Consent Order encompasses New KRO's sale of covered products during

the period November 1, 1973 through February 29, 1980.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on New KRO Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on May 29, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 9th day of April, 1980.

William D. Miller,

District Manager of Enforcement.

Dated: April 10, 1980.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 80-13031 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-010]

Jones & Laughlin Steel Corp.; OFC Case No. 55368-3194-01-77; Request for Classification of a Certain Powerplant and Installation as Existing Facility

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of request for classification.

SUMMARY: On February 25, 1980, the Jones & Laughlin Steel Corporation (J&L) of Pittsburgh, Pennsylvania, requested that the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) classify as, "existing", one boiler being constructed at its Aliquippa, Pennsylvania, facility pursuant to § 515.13 of the "Final Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities", issued by ERA on October 19, 1979, (10 CFR Part 515), Page 60690 and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), which became effective on May 8, 1978. FUA imposes statutory prohibitions against the use of petroleum and natural gas by new major fuel burning installations (MFBIs). The statutory prohibitions that apply to new MFBIs do not apply to MFBIs that are classified as existing.

The purpose of this notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Final Rule, no public hearing will be held.

DATES: Written comments are due on or before May 20, 1980.

ADDRESSES: Ten (10) copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Department of Energy, 2000 M Street, NW., Room 3214, Washington, D.C. 20461.

Docket No. ERA–FC–80–010 should appear on the envelope and the document therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3679.

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3675.

James Renjilian, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967.

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

SUPPLEMENTAL INFORMATION: J&L, a subsidiary of the LTV Corporation of Dallas, Texas, is currently installing a 666 million Btu/hr boiler at their Blast Furnace Department, North Mills, Aliquippa Works, Aliquippa, Pennsylvania. The field-erected boiler (No. 61) is designed to be capable of burning blast furnace gas (at a rated heat input capacity of 666 million Btu/hr) or coal tar (at a rated capacity of 772 million Btu/hr). The steam generated by Boiler No. 61 is distributed throughout the plant for process steam, heating steam and to provide wind for the blast furnaces. The blast furnaces supply boiler No. 61 with blast furnace gas which is the primary energy source used in the unit. Blast furnace gas is an "alternate fuel" as defined in § 515.20 of the Final Rule. When required, Boiler No. 61 will use coal tar as a secondary fuel. J&L is eligible to request classification of Boiler No. 61 as "existing" under the criteria set forth in §515.10 of the Final Rule because contracts for construction or acquisition of the unit were signed prior to November 9, 1978.

In accordance with the provisions of § 515.13 of the Final Rule, ERA will classify an eligible installation as "existing" if it is demonstrated to the satisfaction of ERA that cancellation, rescheduling, or modification of the construction or acquisition of the installation would result in a substantial financial penalty or significant operational detriment. A summary of the pertinent facts relied on by J&L and submitted as part of its petition are as follows:

Substantial Financial Penalty.— Pursuant to § 515.13(a) of the Final Rule, ERA will classify a facility as existing upon demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of that date. J&L relies on the figures below to meet this requirement.

Boiler No. 61

Total projected project cost as of 11/9/78—$19,646,000.

Total project expenditures, including obligation and cancellation charges, as of 11/9/78—$6,709,000.

Total recoverable expenditures—$9,600.

Total nonrecoverable outlays—$6,709,000.

Nonrecoverable outlays percent of total projected project cost as of 11/9/78—34.147 percent.

Significant Operational Detriment.— To support its claim of significant operational detriment under § 515.13(b), J&L supplied ERA with a letter from its contractor which discusses the changes which would have been required, as of the date of the letter (6/1/77), were the plans for the primary energy source for the unit to have been changed to coal. Additionally, pursuant to a consent decree "which is currently being negotiated" with the U.S. Environmental Protection Agency, J&L is scheduled to permanently cease operation of five other existing boilers at the Aliquippa facility by December 31, 1982. J&L claims that if Boiler No. 61 cannot come on line, as currently planned (10/6/80), the loss of productivity would be roughly the equivalent to the percentage of steam loss from the five other existing boilers at the Aliquippa facility, which J&L will be required to shut down. The potential impact on employment at the Aliquippa Works could be as much as one-third of the jobs lost.

ERA hereby invites all interested persons to submit written comments on this matter. The public file, containing documents on these proceedings and supporting material is available inspection upon request at: ERA, Room B-110, 200 M Street, NW., Washington, D.C. 20461, Monday—Friday 8:00 am.—4:30 pm.

Issued in Washington, D.C., on April 11, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-13035 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-01-M

Red Triangle Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 24, 1980.

COMMENTS BY: May 29, 1980.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, California 94105, phone (415) 764-7038.

SUPPLEMENTAL INFORMATION: On March 24, 1980, the Office of Enforcement of the ERA executed a Consent Order with Red Triangle Oil Company of Fresno, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Red Triangle Oil Company, with its home office located in Fresno, California, is a firm engaged in the sale of motor gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Red Triangle, the Office of Enforcement, ERA, and Red Triangle entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was November 1, 1973 through December 31, 1978. The audit included all sales of motor gasoline made during that period. These sales were made to retailers, end users, and customers of service stations owned by Red Triangle.

2. Red Triangle allegedly misapplied the provisions of 6 CFR Part 150, Subpart L and 10 CFR Part 212, Subpart F, when determining the prices to be charged for gasoline.

3. In order to expedite resolution of disputes involved, the DOE and Red Triangle have agreed to a settlement in the amount of $59,993. The negotiated settlement was determined to be in the public interest as well as the best interest of DOE and Red Triangle.

4. The settlement program consists of three parts:

a. $36,116 shall be paid, in quarterly installments by Red Triangle to DOE for appropriate distribution. These monies relate to sales made during the audited period to retailers. Information applicable to this part of the settlement is found below in Section II, Disposition of Refunded Overcharges.

b. $2,043 shall be paid by Red Triangle to the other end-users to whom sales were made during the audited period.

c. $21,834 shall be paid to customers of service stations owned by Red Triangle. This will be accomplished by Red Triangle's sale of motor gasoline at these outlets at prices $.02 per gallon below the maximum lawful selling price, until such time as the entire $21,834 has been paid.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

As part of this Consent Order, Red Triangle agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $36,116 plus interest on or before October 30, 1981. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the Unted States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount described in Section II should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making the proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Red Triangle Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on May 29, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 15th day of April, 1980.

Lon W. Smith,

District Manager of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 80-13032 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of the Mandatory Petroleum Price Regulations.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Leon Snead, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202-653-3569. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR § 205.193.

Issued in Washington, DC, on the 22nd day of April 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Firm name and address	Audit date	Violation amount	Highest cents/gal. violation
CENTRAL DISTRICT			
James Pratte Texaco, 329 South Lincoln Way, North Aurora, IL 60542	3-6-80	$914.70	1.6
SOUTHWEST DISTRICT			
Dave's Warr Acres Texaco, 5040 N. MacArthur, Warr Acres, OK 73122	3-7-80	400.32	5.3
Standard Truck Plaza North, 9600 N.E. Expressway, Oklahoma City, OK 73131	3-21-80	17,288.15	12.6
Berwick Exxon Service Station, P.O. Box 675 (U.S. Hwy 90 West), Berwick, LA 70342	3-14-80	8,903.64	15.4
WESTERN DISTRICT			
Dave Clark Chevron, 1600 E. Sante Fe, Flagstaff, AZ 86001	3-14-80	3,855.64	11.9
Jerry's Chevron Station, 4401 Eagle Rock Blvd., Los Angeles, CA	3-20-80	2,592.02	5.0
Mario's Service, 699 Columbus Street, San Francisco, CA 94133	3-21-80	1,725.27	10.4
Ye Old Pump House, 700 Tennent Ave., Pinole, CA 94564	3-24-80	13,151.03	6.1
Shoreline Texaco, 156 Shoreline Blvd., Mill Valley, CA 94941	3-24-80	297.29	1.2

[FR Doc. 80-13129 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[No. 183]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 22, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Colorado Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-24355/80-24
2. 05-125-06326-0000
3. 102 000 000
4. J-W Operating Co
5. O Lueking #7
6. Rock Creek
7. Yuma, CO
8. 20.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24356/80-25
2. 05-125-06310-0000
3. 102 000 000
4. J-W Operating Co
5. O Lueking #6
6. Rock Creek
7. Yuma, CO
8. 25.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24357/80-36
2. 05-125-06312-0000
3. 102 000 000
4. J-W Operating Co
5. C Korf #1
6. Rock Creek
7. Yuma, CO
8. 20.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24358/80-34
2. 05-125-06297-0000
3. 102 000 000
4. J-W Operating Co
5. State of Colorado #10
6. Rock Creek
7. Yuma, CO
8. 50.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24359/80-33
2. 05-125-06311-0000
3. 102 000 000
4. J-W Operating Co
5. State of Colorado #11
6. Rock Creek
7. Yuma, CO
8. 25.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24360/80-27
2. 05-125-06309-0000
3. 102 000 000
4. J-W Operating Co
5. O Lueking #4
6. Rock Creek
7. Yuma, CO
8. 20.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24361/80-32
2. 05-125-06322-0000
3. 102 000 000
4. J-W Operating Co
5. State of Colorado #12
6. Rock Creek
7. Yuma, CO
8. 35.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24362/80-31
2. 05-125-06323-0000
3. 102 000 000
4. J-W Operating Co
5. State of Colorado #13
6. Rock Creek
7. Yuma, CO
8. 60.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24363/80-35
2. 05-125-06324-0000
3. 102 000 000
4. J-W Operating Co
5. A Crossland #1
6. Rock Creek
7. Yuma, CO
8. 50.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24364/80-29
2. 05-125-06305-0000
3. 102 000 000
4. J-W Operating Co
5. O Lueking #2
6. Rock Creek
7. Yuma, CO
8. 40.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co

1. 80-24365/80-11
2. 05-001-07403-0000
3. 103 000 000
4. Byron Oil Industries Inc
5. M Ginther #3
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 3.8 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co

1. 80-24366/80-4
2. 05-001-07406-0000
3. 103 000 000
4. Byron Oil Industries Inc
5. North York Assoc #2
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 5.6 million cubic feet
9. April 2, 1980

10. Northern Natural Gas Co
1. 80–24367/80–5
2. 05–001–07424–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. John Ehler #2
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 4.7 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co
1. 80–24368/80–7
2. 05–001–07405–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. North Colorado Blvd #4
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 7.6 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co
1. 80–24369/80–9
2. 05–001–07404–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. State of Colorado #2
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 9.0 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co
1. 80–24370/80–10
2. 05–001–07408–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Mark McElwain #7
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 4.9 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co
1. 80–24371
2. 05–001–07178–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Jean Jacobucci #3
6. Spindle Field Wattenberg Pool
7. Weld, CO
8. 4.4 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co
1. 80–24372/80–6
2. 05–001–07425–0000
3. 103 000 000
4. Byron Oil Industries Inc
5. Edstrom et al Unit #2
6. Spindle Field Wattenberg Pool
7. Adams, CO
8. 4.7 million cubic feet
9. April 2, 1980
10. Northern Natural Gas Co
1. 80–24373/80–23–B
2. 05–123–09771–0000
3. 103 000 000
4. Nielson Enterprises Inc
5. Lloyd Ewing #1
6. Hambert-Sussex
7. Weld, CO
8. 140.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24374/79–829
2. 05–001–07453–0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 67 Amoco J #1
6. Quail
7. Adams, CO
8. 182.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24375/79–828
2. 05–001–07401–0000
3. 103 000 000
4. Amoco Production Co
5. UPRR 24 Pan Am E #1
6. Wattenberg
7. Adams, CO
8. 160.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24376/80–28
2. 05–125–06308–0000
3. 102 000 000
4. J–W Operating Co
5. O Lueking #3
6. Rock Creek
7. Yuma, CO
8. 30.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co
1. 80–24377/80–26
2. 05–125–06313–0000
3. 102 000 000
4. J–W Operating Co
5. O Lueking #5
6. Rock Creek
7. Yuma, CO
8. 25.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co
1. 80–24378/80–30
2. 05–125–06304–0000
3. 102 000 000
4. J–W Operating Co
5. O Lueking #1
6. Rock Creek
7. Yuma, CO
8. 35.0 million cubic feet
9. April 2, 1980
10. Cities Service Gas Co
1. 80–24379/80–58
2. 05–123–07300–0000
3. 108 000 000
4. Amoco Production Co
5. UPRR 38 Pan Am C #1 (sec filing)
6. Wattenberg
7. Weld, CO
8. 15.7 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24380/80–60
2. 05–123–08590–0000
3. 108 000 000
4. Amoco Production Co
5. Russell L Gurtler #1 (2nd filing)
6. Wattenberg
7. Weld, CO
8. 19.3 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24381/80–59
2. 05–001–06197–0000
3. 108 000 000
4. Amoco Production Co
5. UPRR 24 Pan Am #1 (sec filing)
6. Jamboree
7. Adams, CO
8. 17.6 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24382/80–64
2. 05–123–09680–0000
3. 103 000 000
4. Cotton Petroleum Corp
5. MFM Farms #1
6. Spindle
7. Weld, CO
8. 11.0 million cubic feet
9. April 2, 1980
10. Amoco Production
1. 80–24383/80–65
2. 05–081–06384–0000
3. 103 000 000
4. Anadarko Production Co
5. Cottonwood Gulch State A No 1
6. North Craig
7. Moffat, CO
8. 448.0 million cubic feet
9. April 2, 1980
10. Mountain Fuel Supply Co
1. 80–24384/80–69
2. 05–123–09454–0000
3. 108 000 000
4. Energy Minerals Corp
5. Harold #2
6. Roggen
7. Weld, CO
8. 17.0 million cubic feet
9. April 2, 1980
10. Crystal Gas Co
1. 80–24385/80–70
2. 05–123–09293–0000
3. 108 000 000
4. Energy Minerals Corp
5. Cord #1
6. Roggen Field
7. Weld, CO
8. 20.0 million cubic feet
9. April 2, 1980
10. Phillips Petroleum Co
1. 80–24386/80–63
2. 05–125–06292–0000
3. 103 000 000
4. Kansas-Nebraska Natural Gas Company
5. Peters 1–36
6. Vernon
7. Yuma, CO
8. 200.0 million cubic feet
9. April 2, 1980
10. Kansas-Nebraska Natural Gas Co Inc
1. 80–24387/80–66
2. 05–123–09831–0000
3. 103 000 000
4. Amoco Production Co
5. Donald Cook Gas Unit #2
6. Wattenberg
7. Weld, CO
8. 82.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24388/80–39
2. 05–001–07454–0000
3. 103 000 000
4. Sandlin Oil Corp
5. Woerpel No 1
6. Katie Field
7. Adams County, CO
8. 108.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co
1. 80–24389/80–19
2. 05–123–08299–0000

3. 108 000 000
4. Martin Oil Service Inc
5. Richardson #1
6. Wattenberg
7. Weld, CO
8. 17.3 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–24390/80–71
2. 05–123–09739–0000
3. 103 000 000
4. Amoco Production Co.
5. Vern Marshall #1
6. Hambert
7. Weld, CO
8. 35.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co.

1. 80–24391/80–61
2. 05–101–07277–0000
3. 108 000 000
4. Amoco Production Co.
5. Champlin 67 Amoco G #1
6. Chieftain
7. Adams, CO
8. 17.5 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipe Line Co.

1. 80–24392/80–62
2. 05–001–07463–0000
3. 103 000 000
4. Amoco Production Co.
5. Champlin 287 Amoco C #1
6. Zenith
7. Adams, CO
8. 28.0 million cubic feet
9. April 2, 1980
10. Vessels Gas Processing Co.

1. 80–24393/80–57
2. 05–123–09759–0000
3. 103 000 000
4. J. W. Nylund
5. Biggs #1
6. Grail
7. Weld, CO
8. 21.9 million cubic feet
9. April 2, 1980
10.

1. 80–24394/80–56
2. 05–075–08791–0000
3. 103 000 000
4. Kimbark Operating Co.
5. Sandhouse #2
6. Caballo Field
7. Logan, CO
8. 185.0 million cubic feet
9. April 2, 1980
10. Kansas-Nebraska Natural Gas Co.

1. 80–24395/80–53
2. 05–123–09800–0000
3. 102 000 000
4. J. R. Drilling & Exploration Company
5. Hicks #1–27
6. Waite Lake
7. Weld, CO
8. 36.0 million cubic feet
9. April 2, 1980
10. Crystal Gas Resources Inc.

1. 80–24396/80–52
2. 05–077–08172–0000
3. 103 000 000
4. Chandler & Associates Inc.
5. Suites 15–33
6. Wildcat
7. Mesa, CO
8. 179.0 million cubic feet
9. April 2, 1980
10. Northwest Pipeline Corp.

1. 80–24397/80–3
2. 05–125–06349–0000
3. 102 000 000
4. Mountain Petroleum Corp.
5. Blach 2–19
6. Pony Express
7. Yuma, CO
8. 36.0 million cubic feet
9. April 2, 1980
10. Natural Gas Pipeline Company of AME

1. 80–24398/80–43
2. 05–121–09783–0000
3. 102 000 000
4. Lockridge & Thompson
5. Allen #1–15
6. De Nova
7. Washington, CO
8. 30.0 million cubic feet
9. April 2, 1980
10. Natural Gas Pipeline Company of AME

1. 80–24399/80–42
2. 05–009–06242–0000
3. 103 000 000
4. Texas Oil & Gas Corp.
5. Hume C. #1
6. Walsh
7. Baca, CO
8. 150.0 million cubic feet
9. April 2, 1980
10. The Nueces Co.

1. 80–24400
2. 05–001–07443–0000
3. 103 000 000
4. Sandlin Oil Corp.
5. Fred Meyer No. 1
6. Quail Field
7. Adams, CO
8. 54.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80–24401/80–41
2. 05–103–07642–0000
3. 103 000 000
4. American Resources Management Corp.
5. T. C. #23–3A Fee Lease
6. Trail Canyon Field
7. Rio Blanco, CO
8. .0 million cubic feet
9. April 2, 1980
10. Northwest Pipeline Corp.

1. 80–24402/80–17
2. 05–007–00000–0000
3. 108 000 000
4. Estate of Roy L. Cook
5. Cox No. 1
6. Ignacio Blanco
7. Archuleta, CO
8. 1.4 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80–24403/80–16
2. 05–067–00000–0000
3. 108 000 000
4. Estate of Roy L. Cook
5. Espinosa No. 1
6. Ignacio Blanco
7. La Plata, CO
8. 8.5 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80–24404/80–18
2. 05–007–00000–0000
3. 108 000 000
4. Estate of Roy L. Cook
5. Bone No. 1
6. Ignacio Blanco
7. Archuleta, CO
8. 5.6 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80–24405/80–12
2. 05–067–00000–0000
3. 108 000 000
4. Estate of Roy L. Cook
5. Walton No. 1
6. Ignacio Blanco
7. La Plata, CO
8. 6.4 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80–24406/80–13
2. 05–007–00000–0000
3. 108 000 000
4. Estate of Roy L. Cook
5. Perino No. 1
6. Ignacio Blanco
7. Archuleta, CO
8. 8.5 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80–24407/80–14
2. 05–067–00000–0000
3. 108 000 000
4. Estate of Roy L. Cook
5. McKeen No. 1
6. Ignacio Blanco
7. La Plata, CO
8. 10.1 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80–24408/80–28
2. 05–001–00000–0000
3. 103 000 000
4. Sandlin Oil Corp.
5. Fred Meyer No. 2
6. Quail Field
7. Adams, CO
8. 75.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80–24409/80–48
2. 05–001–06991–0000
3. 108 000 000
4. Amoco Production Co.
5. Champlin 67 Amoco C. #1
6. Chieftan
7. Adams, CO
8. 15.3 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80–24410/80–44
2. 05–123–07250–0000
3. 108 000 000
4. Amoco Production Co.
5. UPRR 53 Pan Am #1 (Sec filing)
6. Wattenberg
7. Weld, CO
8. 16.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80–24411/80–49
2. 05–123–07825–0000
3. 108 000 000
4. Amoco Production Co.
5. Cullen C. Odenbaugh #1 (Sec filing)
6. Wattenberg

7. Weld, CO
8. 12.0 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80-24412/80-46
2. 05-123-08329-0000
3. 108 000 000
4. Amoco Production Co.
5. Carl Adler Gas Unit B #1 (Sec filing)
6. Wattenberg
7. Weld, CO
8. 18.6 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80-24413/80-45
2. 05-123-07309-0000
3. 108 000 000
4. Amoco Production Co.
5. Greeley National Bank #1 (2nd filing)
6. Wattenberg
7. Weld, CO
8. 17.8 million cubic feet
9. April 2, 1980
10. Panhandle Eastern Pipeline Co.

1. 80-24414/80-51
2. 05-177-08151-0000
3. 103 000 000
4. Chandler & Associates Inc.
5. Woodring #15-16
6. Plateau
7. Mesa, CO
8. 274.0 million cubic feet
9. April 2, 1980
10. Northwest Pipeline Corp.

1. 80-24415/80-15
2. 05-007-00000-0000
3. 108 000 000
4. Estate of Roy L. Cook
5. Luchini No. 1
6. Ignacio Blanco
7. Archuleta, CO
8. 1.9 million cubic feet
9. April 2, 1980
10. El Paso Natural Gas Co.

1. 80-24416/79-641
2. 05-009-00000-0000
3. 108 000 000
4. Executive Properties Inc.
5. Newman 1-12
6. Greenwood
7. Baca, CO
8. 6.0 million cubic feet
9. April 2, 1980
10. Colorado Interstate Gas Co.

1. 80-24417/80-40
2. 05-103-08338-0000
3. 102 000 000
4. Coseka Resources (USA) Ltd.
5. Kirby-Robertson #10-21-4-102
6. Thunder
7. Rio Blanco, CO
8. 886.0 million cubic feet
9. April 2, 1980
10. Northwest Pipeline Corp.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-24274/03164
2. 35-109-20321-0000
3. 102 000 000
4. Boswell Energy Corp.
5. Sorghum 1-10
6.
7. Oklahoma, OK
8. 273.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co.

1. 80-24275/02085
2. 35-107-00000-0000
3. 103 000 000
4. World Exploration Corp.
5. Hockensmith #1-B
6. W. Okmulgee
7. Okfulskee, OK
8. .0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co.

1. 80-24276/01178
2. 35-059-20577-0000
3. 103 000 000
4. Arco Oil and Gas Co.
5. D. G. Zoldoske No. 2
6. Laverne
7. Harper, OK
8. 292.0 million cubic feet
9. April 4, 1980
10. Michigan Wisconsin Pipe Line Co.

1. 80-24277/02104
2. 35-037-00000-0000
3. 103 000 000
4. World Exploration Corp.
5. Butler #2
6. Pickett Prairie
7. Creek, OK
8. .0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co.

1. 80-24278/02103
2. 35-037-00000-0000
3. 103 000 000
4. World Exploration Corp.
5. Calder #1
6.
7. Creek, OK
8. .0 million cubic feet
9. April 4, 1980
10.

1. 80-24279/02089
2. 35-111-00000-0000
3. 103 000 000
4. World Exploration Corp.
5. Wesley #1
6. W. Beggs
7. Okmulgee, OK
8. .0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co.

1. 80-24280/02106
2. 35-037-00000-0000
3. 103 000 000
4. World Exploration Corp.
5. Butler #3
6. Pickett Prairie
7. Creek, OK
8. .0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co.

1. 80-24281/02105
2. 35-037-00000-0000
3. 103 000 000
4. World Exploration Corp.
5. Butler #1
6. Pickett Prairie
7. Creek, OK
8. .0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co.

1. 80-24282/03368
2. 35-003-20587-0000
3. 108 000 000
4. Blaik Oil Co
5. Schmidt #1
6. Sooner Trend
7. Alfalfa, OK
8. 7.0 million cubic feet
9. April 4, 1980
10. Union Texas Petroleum

1. 80-24283/02639
2. 35-029-00218-0000
3. 108 000 000
4. Tenneco Oil Co
5. Zoie L Poler Unit #1
6. Centrahoma
7. Coal OK
8. 19.1 million cubic feet
9. April 4, 1980
10. Arkansas Lousiana Gas Co

1. 80-24284/02458
2. 35-103-00000-0000
3. 108 000 000
4. Thompson Tye Drilling Co Inc
5. Pancoast B Oct #103 46468
6. Northwest Sumner
7. Noble OK
8. 18.0 million cubic feet
9. April 4, 1980
10.

1. 80-24285/02182
2. 35-037-00000-0000
3. 103 000 000
4. World Exploration Corp
5. Woody C
6. Mannford
7. Creek OK
8. .0 million cubic feet
9. April 4, 1980
10.

1. 80-24286/03374
2. 35-017-20663-0000
3. 103 000 000
4. Continental Oil Co
5. Evans-Larson No 1
6. E Niles
7. Canadian OK
8. 82.1 million cubic feet
9. April 4, 1980
10. O G & E

1. 80-24287/03372
2. 35-017-20806-0000
3. 103 000 000
4. Continental Oil Co
5. Matthies A No 1
6. S El Reno
7. Canadian OK
8. 25.2 million cubic feet
9. April 4, 1980
10. Transok

1. 80-24288/03369
2. 35-003-20587-0000
3. 108 000 000
4. Blaik Oil Company
5. Schmidt #2
6. Sooner Trend
7. Alfalfa OK
8. 6.0 million cubic feet
9. April 4, 1980
10. Union Texas Petroleum

1. 80-24289/03376

2. 35–017–20949–0000
3. 103 000 000
4. Continental Oil Co
5. Phelps No 1
6. E El Reno
7. Canadian OK
8. 34.3 million cubic feet
9. April 4, 1980
10. Cities Service Gas Co

1. 80–24290/03377
2. 35–039–20167–0000
3. 103 000 000
4. Continental Oil Co
5. Taylor Hayes 34–1
6. Indianapolis
7. Custer OK
8. 393.5 million cubic feet
9. April 4, 1980
10. Delhi

1. 80–24291/03382
2. 35–043–20776–0000
3. 103 000 000
4. Continental Oil Co
5. Stephenson C No 1
6. Putnam
7. Dewey OK
8. 25.9 million cubic feet
9. April 4, 1980
10. Delhi

1. 80–24292/03381
2. 35–073–21954–0000
3. 103 000 000
4. Continental Oil Co
5. Coffey A No 1
6. S E Altona
7. Kingfisher OK
8. 197.5 million cubic feet
9. April 4, 1980
10. Delhi

1. 80–24293/02439
2. 35–083–00000–0000
3. 108 000 000 denied
4. Post Oak Oil Co
5. Vivian No 1
6. Lovell
7. Logan OK
8. .0 million cubic feet
9. April 4, 1980
10. Eason Oil Co

1. 80–24294/03325
2. 35–009–20232–0000
3. 103 000 000
4. The Harlow Corp
5. Turner #1
6. South Erik
7. Beckham OK
8. 35.0 million cubic feet
9. April 4, 1980
10. El Paso Natural Gas Co

1. 80–24295/03332
2. 35–111–21299–0000
3. 103 000 000
4. Carl L Ketchum
5. Betty Kay #1
6. Natura
7. Okmulgee OK
8. 40.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24296/01753
2. 35–093–21373–0000
3. 102 000 000
4. Resources Investment Corp
5. Karber #1
6. S Fairview
7. Major OK
8. 33.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24297/03217
2. 35–045–20653–0000
3. 103 000 000
4. Holly Energy Inc
5. Berryman No 1
6. South Peek
7. Ellis OK
8. 241.0 million cubic feet
9. April 4, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–24298/02709
2. 35–091–20231–0000
3. 103 000 000
4. Estoril Producing Corp
5. Burkhart No 1
6.
7. McIntosh OK
8. 73.0 million cubic feet
9. April 4, 1980
10. Public Service Co of Oklahoma

1. 80–24299/02598
2. 35–017–20835–0000
3. 103 000 000
4. Universal Resources Corp
5. Wiedeman #2–27
6. Richland NW
7. Canadian OK
8. 70.0 million cubic feet
9. April 4, 1980
10. Oklahoma Gas & Electric Co

1. 80–24300/02597
2. 35–017–20855–0000
3. 103 000 000
4. Universal Resources Corp
5. Wallace #2–31
6. Richland SE
7. Canadian OK
8. 100.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24301/02596
2. 35–017–20816–0000
3. 103 000 000
4. Universal Resources Corp
5. Powell #5–29
6. Richland NW
7. Canadian OK
8. 196.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24302/02595
2. 35–017–20836–0000
3. 103 000 000
4. Universal Resources Corp
5. Wilkowske 1–28
6. Richland NW
7. Canadian OK
8. 66.0 million cubic feet
9. April 4, 1980
10. Delhi Gas Pipeline Corp Oklahoma Gas & Electric Co

1. 80–24303/02587
2. 35–017–20847–0000
3. 103 000 000
4. Universal Resources Corp
5. Crose #1–19
6. Richland NW
7. Canadian OK
8. 173.0 million cubic feet
9. April 4, 1980
10. Delhi Gas Pipeline Corp

1. 80–24304/02592
2. 35–017–20849–0000
3. 103 000 000
4. Universal Resources Corp
5. Powell #6–19
6. Richland NW
7. Canadian OK
8. 124.0 million cubic feet
9. April 4, 1980
10. Delhi Gas Pipeline Corp

1. 80–24305/02593
2. 35–017–20852–0000
3. 103 000 000
4. Universal Resources Corp
5. Wilkerson #2–30
6. Richland NW
7. Canadian OK
8. 104.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24306/02594
2. 35–017–20811–0000
3. 103 000 000
4. Universal Resources Corp
5. Powell #4–20
6. Richland NW
7. Canadian OK
8. 63.0 million cubic feet
9. April 4, 1980
10. Delhi Gas Pipeline Corp

1. 80–24307/02833
2. 35–121–20333–0000
3. 108 000 000 denied
4. Great Basins Petroleum Co
5. Silva #4
6. Fish Creek Field
7. Pittsburg OK
8. 8.8 million cubic feet
9. April 4, 1980
10. Arkansas Louisiana Gas Co

1. 80–24308/01998
2. 35–137–00000–0000
3. 103 000 000
4. Rocket Oil Co
5. Kuenkel No 7
6. Sho-Vel-Tum
7. Stephens OK
8. 145.0 million cubic feet
9. April 4, 1980
10. Getty Oil Co

1. 80–24309/03398
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Yauk #18–199
6. Undesignated (C SW 25–28N–23W)
7. Harper OK
8. 360.0 million cubic feet
9. April 4, 1980
10. Northern Natural Gas Co

1. 80–24310/03394
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Doby #17–194
6. Undesignated (C SW 16–27N–24W)
7. Harper OK
8. 183.0 million cubic feet
9. April 4, 1980
10. Northern Natural Gas Co

1. 80–24311/03361
2. 35–093–21541–0000
3. 103 000 000
4. Tenneco Oil Co
5. Jellison Estate 1–31

6. Seiling NE
7. Major OK
8. 365.0 million cubic feet
9. April 4, 1980
10.

1. 80–24312/03389
2. 35–059–20597–0000
3. 103 000 000
4. Continental Oil Co
5. Van Dorn No 1
6. N Boiling Springs
7. Harper OK
8. 128.7 million cubic feet
9. April 4, 1980
10. Delhi

1. 80–24313/03365
2. 35–007–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Little #16–185
6. Undesignated (C SE 26–6N–28ECM)
7. Beaver OK
8. 82.0 million cubic feet
9. April 4, 1980
10. Northern Natural Gas Co

1. 80–24314/03356
2. 35–049–00000–0000
3. 103 000 000
4. Farmers Energy Corp
5. Lela 1–A 049–55631
6. South White Bead
7. Garvin OK
8. 5.0 million cubic feet
9. April 4, 1980
10. Warren Petroleum Co

1. 80–24315/03355
2. 35–049–00000–0000
3. 103 000 000
4. Farmers Energy Corp
5. Beaty 1–A
6. South White Bead
7. Garvin OK
8. 5.0 million cubic feet
9. April 4, 1980
10. Warren Petroleum Co

1. 80–24316/03330
2. 35–077–20164–0000
3. 102 000 000
4. Mustang Production Co
5. Cathey #1–3
6. West Red Oak
7. Latimer OK
8. 400.0 million cubic feet
9. April 4, 1980
10.

1. 80–24317/01931
2. 35–151–20805–0000
3. 103 000 000
4. Wm J Oconnor
5. Edna Stevens #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. April 4, 1980
10.

1. 80–24318/02365
2. 35–007–00000–0000
3. 108 000 000
4. R Clay Underwood
5. R E Adams A #1
6. Mocaine Field
7. Beaver OK
8. 8.8 million cubic feet
9. April 4, 1980
10. Colorado Interstate Gas Co

1. 80–24319/01935
2. 35–151–20782–0000
3. 103 000 000
4. Wm J Oconnor
5. Dora Jeffries #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. April 4, 1980
10.

1. 80–24320/01932
2. 35–151–20780–0000
3. 103 000 000
4. Wm J Oconnor
5. Wm C Jeffries #1
6. Oakdale
7. Woods OK
8. 180.0 million cubic feet
9. April 4, 1980
10.

1. 80–24321/01914
2. 35–093–21362–0000
3. 103 000 000
4. Wm J Oconnor
5. Keein #2
6. Oakdale
7. Major OK
8. .0 million cubic feet
9. April 4, 1980
10.

1. 80–24322/02677
2. 35–035–20103–0000
3. 103 000 000
4. Texas American Oil Corp
5. Karban No 1
6. Sooner Trend
7. Garfield OK
8. 80.0 million cubic feet
9. April 4, 1980
10. Grace Petroleum Corp

1. 80–24323/02678
2. 35–047–21405–0000
3. 103 000 000
4. Texas American Oil Corp
5. Clara No 1
6. Sooner Trend
7. Garfield OK
8. 14.0 million cubic feet
9. April 4, 1980
10. Grace Petroleum Corp

1. 80–24324/02703
2. 35–007–21342–0000
3. 103 000 000
4. Reading & Bates Petroleum Co
5. Groendyke #2
6. Southeast Union Star
7. Beaver OK
8. 7.3 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24325/02708
2. 35–121–20557–0000
3. 103 000 000
4. Samson Resources Co
5. Hazelwood No 1
6. Southeast Reams
7. Pittsburg OK
8. 300.0 million cubic feet
9. April 4, 1980
10. Arkansas Louisiana Gas Co

1. 80–24326/02711
2. 35–061–20238–0000
3. 103 000 000
4. Samson Resources Co
5. College Unit No 1
6. Stigler
7. Haskell OK
8. 1400.0 million cubic feet
9. April 4, 1980
10. Arkansas Louisana Gas Co

1. 80–24327/02599
2. 35–017–20850–0000
3. 103 000 000
4. Universal Resources Corp
5. Estep #1–30
6. Richland NW
7. Canadian OK
8. 156.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24328/02670
2. 35–073–22062–0000
3. 103 000 000
4. Texas American Oil Corp
5. Royce Flowers No 1
6. Dover-Hennessey Sooner Trend
7. Kingfisher OK
8. 318.0 million cubic feet
9. April 4, 1980
10. ONG Western Inc

1. 80–24329/02675
2. 35–047–00000–0000
3. 103 000 000
4. Texas American Oil Corp
5. Frickenschmidt No 1
6. Sooner Trend
7. Garfield OK
8. 56.0 million cubic feet
9. April 4, 1980
10. Oklahoma Natural Gas

1. 80–24330/02676
2. 35–047–21465–0000
3. 103 000 000
4. Texas American Oil Corp
5. R B Hudkings No 1
6. Sooner Trend
7. Garfield OK
8. 45.0 million cubic feet
9. April 4, 1980
10. Grace Petroleum Corporation

1. 80–24331/03379
2. 35–073–00000–0000
3. 103 000 000
4. Hillshafer-Goodway Corp
5. Storin 1–A
6. W Edmond
7. Kingfisher OK
8. 140.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24332/03233
2. 35–047–21392–0000
3. 103 000 000
4. Peninsula Resources Corp
5. Helen No 1 047 53812
6. North Enid
7. Garfield OK
8. 41.0 million cubic feet
9. April 4, 1980
10. Oklahoma Natural Gas co

1. 80–24333/02152
2. 35–017–21010–0000
3. 103 000 000
4. Core Oil & Gas Corp
5. Joani No 1
6. W Yukon
7. Canadian OK
8. 500.0 million cubic feet
9. April 4, 1980
10. Phillips Petroleum Co

1. 80–24334/02673
2. 35–093–20458–0000
3. 108 000 000
4. Tenneco Oil Co
5. Evelyn Link Unit 1–15
6. Ames Area
7. Major OK
8. 6.8 million cubic feet
9. April 4, 1980
10. Public Service Co of Oklahoma

1. 80–24335/02649
2. 35–137–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. Hattie Harrell #4
6. Doyle
7. Stephens OK
8. 5.3 million cubic feet
9. April 4, 1980
10. Aminoil USA Inc

1. 80–24336/02646
2. 35–137–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. Hattie Harrell #5
6. Doyle
7. Stephens OK
8. 5.3 million cubic feet
9. April 4, 1980
10. Aminoil USA Inc

1. 80–24337/02582
2. 35–049–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. J M McDaniel #2
6. Golden Trend
7. Garvin OK
8. 2.3 million cubic feet
9. April 4, 1980
10. Warren Petroleum Corp

1. 80–24338/00097
2. 35–121–20525–0000
3. 103 000 000
4. Palmer Oil & Gas Co
5. Rogers #1–30
6. Pine Hollow Area
7. Pittsburg County OK
8. 100.0 million cubic feet
9. April 4, 1980
10. Arkansas-Louisiana Gas Co

1. 80–24339/02440
2. 35–011–20915–0000
3. 103 000 000
4. George Rodman Inc
5. Adams 2–1
6. Sooner Trend
7. Blaine OK
8. 255.5 million cubic feet
9. April 4, 1980
10.

1. 80–24340/02077
2. 35–091–20208–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Sparks #1–9
6. Hitchita
7. McIntosh OK
8. .0 million cubic feet
9. April 4, 1980
10.

1. 80–24341/02083
2. 35–091–20219–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. Doubleton #1–15
6. Hitchita
7. McIntosh OK
8. 290.0 million cubic feet
9. April 4, 1980
10.

1. 80–24342/02366
2. 35–007–21425–0000
3. 103 000 000
4. R Clay Underwood
5. Jessie S Adams F #13
6. Mocaine
7. Beaver OK
8. 31.2 million cubic feet
9. April 4, 1980
10. Colorado Interstate Gas Co

1. 80–24343/03198
2. 35–119–00000–0000
3. 103 000 000
4. Ketal Oil Producing Co
5. Thomas #1
6. W Ingalls
7. Payne OK
8. 130.0 million cubic feet
9. April 4, 1980
10. Colorado Gas Compression Inc

1. 80–24344/03314
2. 35–093–21410–0000
3. 103 000 000
4. Southland Royalty Co
5. Frazer 1–23
6. Anadarko Shelf
7. Major OK
8. 180.0 million cubic feet
9. April 4, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–24345/03315
2. 35–093–21487–0000
3. 103 000 000
4. Southland Royalty Co
5. Jordan 1–25
6. Orion
7. Major OK
8. 90.0 million cubic feet
9. April 4, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–24346/03323
2. 35–007–00000–0000
3. 103 000 000
4. Marlin Oil Corporation
5. Leonard #1
6. Mocane-Laverne
7. Beaver OK
8. 365.0 million cubic feet
9. April 4, 1980
10. El Paso Natural Gas Co

1. 80–24347/03327
2. 35–053–00000–0000
3. 108 000 000
4. Viersen & Cochran
5. Leisure #1
6. Wakita Trend
7. Grant OK
8. 3.0 million cubic feet
9. April 4, 1980
10. Sun Gas Co

1. 80–24348/02138
2. 35–027–00000–0000
3. 108 000 000
4. Northwest Oil Co
5. O L Harris #4
6. West Norman
7. Cleveland OK
8. 4.0 million cubic feet
9. April 4, 1980
10. Sun Gas Co

1. 80–24349/02236
2. 35–151–20768–0000
3. 103 000 000
4. Guy M Steele Jr
5. Duncan No 2
6. Northeast Waynoka
7. Woods OK
8. 360.0 million cubic feet
9. April 4, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–24350/02157
2. 35–073–22079–0000
3. 103 000 000
4. Court Pappe Jr
5. Janet #1 073–56042
6. Sooner Trend
7. Kingfisher OK
8. 239.0 million cubic feet
9. April 4, 1980
10. Continental Oil Co

1. 80–24351/03336
2. 35–019–00000–0000
3. 103 000 000
4. Keith F Walker
5. Cox #1
6. Oil City
7. Carter OK
8. 18.3 million cubic feet
9. April 4, 1980
10. Aminoil USA Inc

1. 80–24352/02156
2. 35–017–20730–0000
3. 103 000 000
4. Court Pappe Jr
5. Rose #1 017–53537
6. North Concho
7. Canadian OK
8. 112.3 million cubic feet
9. April 4, 1980
10. Delhi Gas Pipeline Corp

1. 80–24353/02158
2. 35–073–22041–0000
3. 103 000 000
4. Court Pappe Jr
5. Hazel #1 073–54889
6. Sooner Trend
7. Kingfisher OK
8. 162.1 million cubic feet
9. April 4, 1980
10. Continental Oil Co

1. 80–24354/03393
2. 35–059–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Best #16–311
6. Undes Field (C NE 16–27N–23W)
7. Harper OK
8. 33.0 million cubic feet
9. April 4, 1980
10. Northern Natural Gas Co

1. 80–24418/00087
2. 35–035–00000–0000
3. 108 000 000
4. Verdigris Gathering Systems Inc
5. Robert N Lee #2
6.
7. Craig OK
8. 16.9 million cubic feet
9. April 7, 1980
10. Cities Service Co

1. 80–24419/00081
2. 35–035–20163–0000
3. 108 000 000
4. Verdigris Gathering Systems Inc
5. Robert N Lee #1

6. (undesignated)
7. Craig OK
8. 18.7 million cubic feet
9. April 7, 1980
10. Cities Service Co

1. 80–24420/00077
2. 35–035–20211–0000
3. 108 000 000
4. Verdigris Gathering Systems Inc
5. Carmaletta Bozman #1
6. (Undesignated)
7. Craig OK
8. 11.5 million cubic feet
9. April 7, 1980
10. Cities Service Co

1. 80–24421/03358
2. 35–093–21526–0000
3. 103 000 000
4. Diamond Shamrock Corp
5. Nellie Tefft #1
6. Waukomis
7. Major OK
8. 18.0 million cubic feet
9. April 7, 1980
10. Petro-Lewis Corp

1. 80–24422/02635
2. 35–029–60047–0000
3. 108 000 000
4. Tenneco Oil Co
5. Mike Mayer Jr A #1
6. Centrahoma
7. Coal OK
8. 4.6 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24423/02637
2. 35–029–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. Selma Strunk Trust #1
6. Centrahoma
7. Coal OK
8. 6.7 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24424/03384
2. 35–047–21410–0000
3. 103 000 000
4. Conoco Inc
5. Caldwell No 1 A
6. Waukomis
7. Garfield OK
8. 123.4 million cubic feet
9. April 7, 1980
10. Oklahoma Gas & Electric Co

1. 80–24425/02638
2. 35–029–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. Sarkeys A #1
6. Centrahoma
7. Coal OK
8. 12.2 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24426/03324
2. 35–135–20070–0000
3. 103 000 000
4. Clayton E Lee
5. Clayton E Lee #1 Barber
6. Tidwell
7. Sequoyah OK
8. 180.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24427/02636
2. 35–029–60074–0000
3. 108 000 000
4. Tenneco Oil Company
5. W R Downard B #1
6. Centrahoma
7. Coal OK
8. 5.6 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24428/02197
2. 35–047–21506–0000
3. 103 000 000
4. Earlsboro Oil and Gas Co Inc
5. Welker #1
6. East Waukomis
7. Garfield OK
8. 250.0 million cubic feet
9. April 7, 1980
10. Union Texas Petroleum

1. 80–24429/02632
2. 35–007–35243–0000
3. 108 000 000
4. Marathon Oil Co
5. Engler Unit No 1 (Chester & Morrow)
6. Laverne
7. Beaver OK
8. 10.2 million cubic feet
9. April 7, 1980
10. Colorado Insterstate Gas Co

1. 80–24430/02645
2. 35–137–20225–0000
3. 108 000 000
4. Tenneco Oil Co
5. Mabel Payne I #4
6. Sho-vel-tum
7. Stephens OK
8. 7.6 million cubic feet
9. April 7, 1980
10. Aminoil USA Inc

1. 80–24431/02647
2. 35–137–20208–0000
3. 108 000 000
4. Tenneco Oil Co
5. Payne Mabel A #3
6. Doyle
7. Stephens OK
8. 1.9 million cubic feet
9. April 7, 1980
10. Aminoil USA Inc

1. 80–24432/02642
2. 35–121–30010–0000
3. 108 000 000
4. Tenneco Oil Co
5. J W Hall Unit #1
6. Pine Hollow South
7. Pittsburg OK
8. 4.6 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24433/02641
2. 35–029–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. W R Downard Jr unit #1
6. Centrahoma
7. Coal OK
8. 7.9 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24434/02640
2. 35–029–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. Pope #1
6. Centrahoma
7. Coal OK
8. 11.9 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24435/02644
2. 35–081–00000–0000
3. 108 000 000
4. D A Griffin
5. Decker 081–03857
6.
7. Lincoln OK
8. 16.0 million cubic feet
9. April 7, 1980
10. Kerr McGee Corp

1. 80–24436/01804
2. 35–0947–2155–0000
3. 103 000 000
4. Seely Oil Co
5. Harry Baker #1 047 54102
6. Sooner Trend
7. Garfield OK
8. 86.5 million cubic feet
9. April 7, 1980
10. Exxon Corp

1. 80–24437/03385
2. 35–047–21486–0000
3. 103 000 000
4. Conoco Inc
5. Fred Moehle No 1
6. Sooner Trend
7. Garfield OK
8. 85.4 million cubic feet
9. April 7, 1980
10. Oklahoma Gas & Electric Co

1. 80–24438/02729
2. 35–017–20986–0000
3. 103 000 000
4. Universal Resources Corp
5. Heinrich #1–3
6. Richland NW
7. Canadian OK
8. 70.0 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp

1. 80–24439/02698
2. 35–137–21718–0000
3. 103 000 000
4. L. E. Jones Production Co
5. Broadbent No 1
6. Milroy
7. Stephens OK
8. 6.4 million cubic feet
9. April 7, 1980
10. Lone Star Gas Co

1. 80–24440/02702
2. 35–019–21692–0000
3. 103 000 000
4. L. E. Jones Production Co
5. Willingham No 1
6. Hewitt
7. Carter OK
8. 23.0 million cubic feet
9. April 7, 1980
10. Natural Gas Operations Co & Lone Star Gas Co

1. 80–24441/02682
2. 35–151–00000–0000
3. 108 000 000 denied
4. Kaiser Francis Oil Co
5. C. J. Hull 1–24
6. N. E. Waynoka
7. Woods OK
8. 19.0 million cubic feet
9. April 7, 1980

10. Cities Service Gas Co
1. 80–24442/02685
2. 35–059–20282–0000
3. 108 000 000 denied
4. Tenneco Oil Co
5. O. E. Howard #1–12
6. Selman East
7. Harper OK
8. 16.8 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp
1. 80–24443/03271
2. 35–083–00000–0000
3. 108 000 000 denied
4. Post Oak Oil Co
5. Knecht B–1
6. Lovell
7. Logan OK
8. .0 million cubic feet
9. April 7, 1980
10. Eason Oil Co
1. 80–24444/02067
2. 35–061–20155–0000
3. 108 000 000
4. Earlsboro Oil and Gas Co Inc
5. Fioretti No 1
6. Stigler Field
7. Haskell OK
8. 10.0 million cubic feet
9. April 7, 1980
10. Arkansas-Louisiana Gas Co
1. 80–24445/01316
2. 35–025–20366–0000
3. 103 000 000
4. H & L Operating Co
5. Mingenback #1
6. Keyes
7. Cimarron OK
8. 75.0 million cubic feet
9. April 7, 1980
10. Colorado Interstate Gas Co
1. 80–24446/02800
2. 35–059–20512–0000
3. 108 000 000
4. Dyco Petroleum Corp
5. Doyle Davis No 1
6. Mocane-Laverne
7. Harper OK
8. 13.0 million cubic feet
9. April 7, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–24447/02829
2. 35–007–20859–0000
3. 108 000 000
4. Dyco Petroleum Corp
5. Chilcott No 1
6. Mocane Morrow
7. Beaver OK
8. 18.0 million cubic feet
9. April 7, 1980
10. Colorado Interstate Gas Co & Northern Natural Co
1. 80–24448/02845
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Ellis #1
6. Ingalls
7. Payne OK
8. 8.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc
1. 80–24449/03248
2. 35–111–21351–0000
3. 103 000 000
4. Gulf Oil Corp
5. Stamps #12–19
6. Beggs South
7. Okmulgee OK
8. 10.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24450/03249
2. 35–111–21413–0000
3. 103 000 000
4. Gulf Oil Corp
5. Ricks Pine #14–19
6. Beggs South
7. Okmulgee OK
8. 5.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24451/02068
2. 35–107–20606–0000
3. 103 000 000
4. Earlsboro Oil and Gas Co Inc
5. Price No 1
6. S. W. Hickory Ridge
7. Okfuskee OK
8. 425.0 million cubic feet
9. April 7, 1980
10.
1. 80–24452/02736
2. 35–129–20349–0000
3. 103 000 000
4. Dyco Petroleum Corp
5. Spurlin Unit No 1–23
6. Reydon
7. Roger Mills OK
8. 2000.0 million cubic feet
9. April 7, 1980
10. Northern Natural Gas Co
1. 80–24453/02549
2. 35–047–10628–0000
3. 108 000 000
4. Odessa Natural Corp
5. Zaloudek No 3–1
6. Northeast Enid
7. Garfield OK
8. 2.6 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24454/02545
2. 35–047–00000–0000
3. 108 000 000
4. Odessa Natural Corp
5. Taylor Unit No 1
6. Waukomis
7. Garfield OK
8. 12.8 million cubic feet
9. April 7, 1980
10. Union Texas Petroleum
1. 80–24455/02844
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Penny #1
6. Ingalls
7. Pane OK
8. 9.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc
1. 80–24456/02537
2. 35–129–00000–0000
3. 108 000 000
4. Odessa Natural Corp
5. J. I. Kirbie No 1
6. South Peek
7. Roger Mills OK
8. 2.5 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24457/02735
2. 35–017–20664–0000
3. 103 000 000
4. Universal Resources Corp
5. Dow #1–30
6. Piedmont W
7. Canadian OK
8. 17.0 million cubic feet
9. April 7, 1980
10. Oklahoma Gas & Electric Co
1. 80–24458/02733
2. 35–017–20862–0000
3. 103 000 000
4. Universal Resources Corp
5. Wilkerson #3–34
6. Richland NW
7. Canadian OK
8. 77.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24459/03246
2. 35–111–21325–0000
3. 103 000 000
4. Gulf Oil Corp
5. Stamps #10–19
6. Beggs South
7. Okmulgee OK
8. 15.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24460/03239
2. 35–111–21350–0000
3. 103 000 000
4. Gulf Oil Corp
5. Stamps #11–19
6. Beggs South
7. Okmulgee OK
8. 5.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24461/03237
2. 35–111–21261–0000
3. 103 000 000
4. Gulf Oil Corp
5. Stamps #9–19
6. Beggs South
7. Okmulgee OK
8. 1.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24462/03238
2. 35–111–21212–0000
3. 103 000 000
4. Gulf Oil Corp
5. Ricks Pine #2–19
6. Beggs South
7. Okmulgee OK
8. 30.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24463/02769
2. 35–073–21912–0000
3. 103 000 000
4. Reading & Bates Petroleum Co
5. Gammon #2
6. Sooner Trend
7. Kingfisher OK
8. 8.3 million cubic feet
9. April 7, 1980
10. Exxon Co USA
1. 80–24464/02789

2. 35–093–21387–0000
3. 103 000 000
4. Universal Resources Corp
5. Shades #1–3
6. Ringwood
7. Major OK
8. 138.0 million cubic feet
9. April 7, 1980
10. Union Texas Petroleum

1. 80–24465/02791
2. 35–193–21307–0000
3. 103 000 000
4. Universal Resources Corp
5. Inman #1–8
6. Cedardale NE
7. Major OK
8. 31.0 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp

1. 80–24466/02745
2. 35–083–20895–0000
3. 103 000 000
4. Universal Resources Corp
5. Eubanks #2–2
6. Russell
7. Logan OK
8. 78.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24467/02744
2. 35–083–20831–0000
3. 103 000 000
4. Universal Resources Corp
5. Eubanks #1–2
6. Russell
7. Logan OK
8. 95.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24468/02743
2. 35–083–20915–0000
3. 103 000 000
4. Universal Resources Corp
5. Arnett #1–2
6. Russell
7. Logan OK
8. 15.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24469/02742
2. 35–083–20927–0000
3. 103 000 000
4. Universal Resources Corp
5. Flasch #1–2
6. Russell
7. Logan OK
8. 29.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24470/01633
2. 35–129–20075–0000
3. 108 000 000
4. Gulf Oil Corp
5. Horrell #1
6. Peek S
7. Roger Mills OK
8. 19.0 million cubic feet
9. April 7, 1980
10. Panhandle Eastern Pipeline Co

1. 80–24471/02712
2. 35–061–20260–0000
3. 103 000 000
4. Stephens Production Co
5. State #1–27
6. Kinta
7. Haskell OK
8. 300.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24472/02684
2. 35–151–20729–0000
3. 103 000 000
4. Tenneco Oil Co
5. Eastman 1–15
6. Avard
7. Woods OK
8. 50.0 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp

1. 80–24473/02715
2. 35–117–20550–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. J. B. Booher #36
6. Cleveland
7. Pawnee OK
8. 7.3 million cubic feet
9. April 7, 1980
10. Perpetual Pipeline Co of America LT

1. 80–24474/02740
2. 35–043–20202–0000
3. 108 000 000
4. Samson Resources Co
5. Clark Unit No. 1–8
6. West Putnam
7. Dewey OK
8. 18.9 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp

1. 80–24475/02847
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Davis #1
6. Ingalls
7. Payne OK
8. 8.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compressions Inc

1. 80–24476/02846
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Harris #1
6. Ingalls
7. Payne OK
8. 5.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc

1. 80–24477/02848
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Micheal #1
6. Ingalls
7. Payne OK
8. 8.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc

1. 80–24478/02849
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. McKaughan #1
6. Ingalls
7. Payne OK
8. 5.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc

1. 80–24479/03266
2. 35–059–00000–0000
3. 103 000 000
4. Cobra Oil & Gas Corp
5. Rohrer #1
6. Buffalo North
7. Harper OK
8. .0 million cubic feet
9. April 7, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–24480/02850
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Hadley #2
6. Ingalls
7. Payne OK
8. 7.0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc

1. 80–24481/02852
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Cooper #1
6. Ingalls
7. Payne OK
8. .0 million cubic feet
9. April 7, 1980
10. Colorado Gas Compression Inc

1. 80–24482/02798
2. 35–153–00000–0000
3. 108 000 000
4. Viersen & Cochran
5. Casad Unit #1
6. Ne Mooreland
7. Woodward OK
8. 18.0 million cubic feet
9. April 7, 1980
10. Western Farmers Electric Coop

1. 80–24483/02718
2. 35–117–20511–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Louisa M Jones #51
6. Cleveland
7. Pawnee OK
8. 3.6 million cubic feet
9. April 7, 1980
10. Perpetual Pipeline Co of America Ltd

1. 80–24484/02717
2. 35–117–20553–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Mullendore and Berry #37
6. Cleveland
7. Pawnee OK
8. 7.3 million cubic feet
9. April 7, 1980
10. Perpetual Pipeline Co of America Ltd

1. 80–24485/02739
2. 35–073–22040–0000
3. 103 000 000
4. Dalco Petroleum Inc
5. State A #1
6. Sooner Trend
7. Kingfisher OK
8. 190.4 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24486/00151
2. 35–007–21483–0000
3. 103 000 000
4. Sovereign Exploration Co
5. Sovereign No 1 Schuster
6. Ivanhoe

7. Beaver OK
8. 150.0 million cubic feet
9. April 7, 1980
10. Northern Natural Gas Co

1. 80–24487/03299
2. 35–121–20616–0000
3. 103 000 000
4. Edwin L. Cox
5. Fulton No 1
6. West Canadian
7. Pittsburg OK
8. 36.0 million cubic feet
9. April 7, 1980
10. Public Service Co of Oklahoma

1. 80–24488/02688
2. 35–053–00000–0000
3. 108 000 000
4. Tenneco Oil Co
5. Green B Unit #1
6. Wakita Trend
7. Grant OK
8. 4.7 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24489/02741
2. 35–129–00000–0000
3. 108 000 000
4. Amoco Production Co
5. Keller Unit #1
6. Durham W
7. Roger Mills OK
8. 14.1 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Co

1. 80–24490/02711
2. 35–061–20238–0000
3. 102 000 000
4. Samson Resources Co
5. College Unit No 1
6. Stigler
7. Haskell OK
8. 1400.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co Tennessee Gas Pipeline Co Columbia Gas Transmission Corp

1. 80–24491/02716
2. 35–117–20551–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. J B Booher #37
6. Cleveland
7. Pawnee OK
8. 7.3 million cubic feet
9. April 7, 1980
10. Perpetual Pipeline of America Ltd

1. 80–24492/02818
2. 35–137–21750–0000
3. 103 000 000
4. L E Jones Production Co
5. Purcell No 4
6.
7. Stephens OK
8. 43.2 million cubic feet
9. April 7, 1980
10. Lone Star Gas Co

1. 80–24493/02755
2. 35–073–22058–0000
3. 103 000 000
4. Dalco Petroleum Inc
5. Hobbs No 1
6. Sooner Trend
7. Kingfisher OK
8. 426.7 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24494/02904
2. 35–109–00000–0000
3. 108 000 000
4. Likins-Foster Honolulu Corp
5. Swisher No 2
6. West Edmond
7. Oklahoma OK
8. 2.1 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24495/02903
2. 35–109–00000–0000
3. 108 000 000
4. Likins-Foster Honolulu Corp
5. Buttram No 1
6. West Edmond
7. Oklahoma OK
8. 2.7 million cubic feet
9. April 7, 1980
10. Continental Oil Co

1. 80–24496/02857
2. 35–031–00000–0000
3. 108 000 000
4. Petro-Lewis Corp
5. State Unit B #1
6. Burns
7. Comanche OK
8. 10.5 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24497/02926
2. 35–083–20841–0000
3. 103 000 000
4. F C D Ltd
5. Navratil 2–4
6. South Marshall
7. Logan OK
8. 12.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24498/02922
2. 35–083–20674–0000
3. 103 000 000
4. F C D Ltd
5. Bahan-Pollard 2–5
6. South Marshall
7. Logan OK
8. 59.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24499/02276
2. 35–007–20417–0000
3. 108 000 000
4. Worldwide Energy Corp
5. Barby State #1
6. Mocane-Tonkawa
7. Beaver OK
8. 9.0 million cubic feet
9. April 7, 1980
10. El Paso Natural Gas Co

1. 80–24500/02353
2. 35–053–00000–0000
3. 108 000 000
4. Worldwide Energy Corp
5. Sand Creek Gas Unit #1
6. S W Wakita
7. Grant OK
8. 4.0 million cubic feet
9. April 7, 1980
10. Cities Services Gas Co

1. 80–24501/02732
2. 35–017–20851–0000
3. 103 000 000
4. Universal Resources Corp
5. Ruzicka #1–30
6. Richland NW
7. Canadian OK
8. 62.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24502/02671
2. 35–011–00000–0000
3. 108 000 000
4. Perkins Production Co
5. Weber No 1
6. Northwest Okeene
7. Blaine OK
8. .0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co

1. 80–24503/02827
2. 35–007–21409–0000
3. 103 000 000
4. Shell Oil Co
5. Barby C #2–1
6. Mocane Laverne
7. Beaver OK
8. 4.2 million cubic feet
9. April 7, 1980
10. El Paso Natural Gas Co

1. 80–24504/02714
2. 35–119–20586–0000
3. 108 000 000
4. Service Drilling Co
5. Scott #1–9
6.
7. Payne OK
8. 2.0 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24505/02697
2. 35–137–00000–0000
3. 108 000 000
4. Perkins Production Co
5. Riviere No 1
6. Sho-Vel-Tum
7. Stephens OK
8. 9.0 million cubic feet
9. April 7, 1980
10. Lone Star Gas Co

1. 80–24506/02680
2. 35–093–00000–0000
3. 108 000 000
4. ONG Exploration Inc
5. Greer No 1
6. Ringwood
7. Major OK
8. 12.1 million cubic feet
9. April 7, 1980
10. Oklahoma Natural Gas Gathering Corp

1. 80–24507/05076
2. 35–053–00000–0000
3. 108 000 000
4. ONG Exploration Inc
5. Smetana #1
6. N W Medford
7. Grant OK
8. 4.5 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24508/01982
2. 35–059–20354–0000
3. 108 000 000
4. Premier Resources Ltd
5. Adkins D001
6. North Lovedale
7. Harper OK
8. 7.5 million cubic feet

9 April 7, 1980
10. Michigan Wisconsin Pipeline Co
1. 80–24509/03226
2. 35–007–20867–0000
3. 108 000 000
4. Decalta International Corp
5. Sargent #1 00119750473020
6. Camrick Gas Area
7. Beaver OK
8. .0 million cubic feet
9. April 7, 1980
10. Northern Natural Gas Co
1. 80–24510/02738
2. 35–073–22031–0000
3. 102 000 000
4. Universal Resources Corp
5. Krittenbrink #1–26
6. Unnamed
7. Kingfisher OK
8. 41.0 million cubic feet
9. April 7, 1980
10.
1. 80–24511/02921
2. 35–083–20639–0000
3. 103 000 000
4. F C D Ltd
5. Bahan-Hill 1–5
6. South Marshall
7. Logan OK
8. 25.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co
1. 80–24512/02689
2. 35–059–00000–0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Lewis A #1
6. Mocane Laverne
7. Harper OK
8. 13.0 million cubic feet
9. April 7, 1980
10. Northern Natural Gas Co
1. 80–24513/02704
2. 35–007–20219–0000
3. 108 000 000
4. Samson Resources Co
5. Lewis Unit No 2
6. North Gate
7. Beaver OK
8. 16.5 million cubic feet
9. April 7, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80–24514/02566
2. 35–061–20246–0000–1
3. 102 000 000
4. Cities Service Co
5. King A #1 (Cromwell)
6. N Russellville
7. Haskell OK
8. 91.2 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24515/02567
2. 35–061–20246–0000–2
3. 102 000 000
4. Cities Service Co
5. King A #1 (Basil Atoka)
6. N Russellville
7. Haskell OK
8. 328.5 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24516/02568
2. 35–061–20245–0000–1
3. 102 000 000
4. Cities Service Co
5. Wagnon A #1 (Cromwell)
6. N Russellville
7. Haskell, OK
8. 139.2 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24517/02569
2. 35–061–20256–0000
3. 102 000 000
4. Cities Service Co
5. Graves D #1
6. N Russellville
7. Haskell, OK
8. 57.4 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24518/02570
2. 35–061–20244–0000
3. 102 000 000
4. Cities Service Co
5. Seabolt A #1
6. N Russellville
7. Haskell, OK
8. 250.2 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24519/02571
2. 35–061–20245–0000–2
3. 102 000 000
4. Cities Service Co
5. Wagnon A #1 (Basil Atoka)
6. N Russellville
7. Haskell, OK
8. 438.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24520/02572
2. 35–121–20588–0000
3. 102 000 000
4. Cities Service Co
5. Janeway A #1
6. N Russellville
7. Pittsburg, OK
8. 22.3 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24521/02573
2. 35–061–20235–0000
3. 102 000 000
4. Cities Service Co
5. Cramm A #1
6. N Russellville
7. Haskell, OK
8. 160.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24522/02574
2. 35–061–20234–0000–1
3. 102 000 000
4. Cities Service Co
5. Verden A #1 (Cromwell)
6. N Russellville
7. Haskell, OK
8. 337.6 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24523/02575
2. 35–061–20234–0000–2
3. 102 000 000
4. Cities Service Co
5. Verden A #1 (Basil Atoka)
6. N Russellville
7. Haskell, OK
8. 125.4 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24524/02576
2. 35–061–20240–0000–1
3. 102 000 000
4. Cities Service Co
5. Brown L #1 (Basal Atoka)
6. N Russellville
7. Haskell, OK
8. 402.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24525/02577
2. 35–061–20248–0000–2
3. 102 000 000
4. Cities Service Co
5. Brown L #1 (Cromwell)
6. North Russellville
7. Haskell, OK
8. 183.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24526/02578
2. 35–061–20232–0000–1
3. 102 000 000
4. Cities Service Co
5. Rose and Sons A #1 (Cromwell)
6. N Russellville
7. Haskell, OK
8. 111.6 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24527/02579
2. 35–061–20232–0000–2
3. 102 000 000
4. Cities Service Co
5. Rose & Sons A #1 (Basil Atoka)
6. N Russellville
7. Haskell, OK
8. 195.7 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24528/02681
2. 35–093–20232–0000
3. 108 000 000
4. Tenneco Oil Co
5. L R Willits 1–34
6. Cheyenne Valley E
7. Major, OK
8. 4.5 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co
1. 80–24529/02669
2. 35–083–30066–0000
3. 108 000 000
4. Tenneco Oil Co
5. C N Smith B #1
6. Marshall
7. Logan, OK
8. 1.1 million cubic feet
9. April 7, 1980
10. Eason Oil Co
1. 80–24530/02565
2. 35–121–20593–0000
3. 102 000 000
4. Cities Service Co
5. Eakle A #1
6. N Russellville
7. Pittsburg, OK
8. 200.0 million cubic feet
9. April 7, 1980
10. Arkansas Louisiana Gas Co
1. 80–24531/06265

2. 35–149–20060–0000
3. 107 000 000
4. El Paso Natural Gas Co
5. Haggard #2
6. Elk City Springer
7. Washita, OK
8. 3630.0 million cubic feet
9. April 7, 1980
10. El Paso Natural Gas Co

1. 80–24532/0387
2. 35–139–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Melissa No 2
6. South Guymon Morrow
7. Texas, OK
8. 8.6 million cubic feet
9. April 7, 1980
10. Panhandle Eastern Pipeline Co

1. 80–24533/02556
2. 35–031–20498–0000
3. 102 000 000
4. Kent E Phillips Co
5. Carlson #1
6. Lawton
7. Comanche County, OK
8. 100.0 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24534/03363
2. 35–093–00000–0000
3. 103 000 000
4. T F Hodge
5. Lloyd Jantzen No 1
6. Ringwood
7. Major, OK
8. 4.9 million cubic feet
9. April 7, 1980
10. Union Texas Petroleum

1. 80–24535/03362
2. 35–093–21256–0000
3. 103 000 000
4. T F Hodge
5. Lloyd Jantzen No 2
6.
7. Major, OK
8. 17.9 million cubic feet
9. April 7, 1980
10. Union Texas Petroleum

1. 80–24536/02561
2. 35–007–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. Jones/G–A & H #2
6. Logan SW
7. Beaver, OK
8. .8 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24537/02585
2. 35–049–00000–0000–
3. 108 000 000
4. Mobil Oil Corp
5. Alice Osborne/Bro #3
6. Golden Trend
7. Garvin, OK
8. 8.4 million cubic feet
9. April 7, 1980
10. Warren Petroleum Corp

1. 80–24538/02584
2. 35–049–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. Emma B Wilson #1
6. S W Maysville
7. Garvin, OK
8. 4.2 million cubic feet
9. April 7, 1980
10. Warren Petroleum Corp

1. 80–24539/02583
2. 35–049–00000–0000–
3. 108 000 000
4. Mobil Oil Corp
5. H H Litton Unit #1
6. S W Maysville
7. Garvin, OK
8. 15.1 million cubic feet
9. April 7, 1980
10. Warren Petroleum Corp

1. 80–24540/02586
2. 35–017–20857–0000–
3. 103 000 000
4. Universal Resources Corp
5. Phelps #1–32
6. Richland SE
7. Canadian, OK
8. 109.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24541/02590
2. 35–017–20832–0000
3. 103 000 000
4. Universal Resources Corp
5. Wilkerson #1–29
6. Richland NW
7. Canadian, OK
8. 77.0 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp

1. 80–24542/02588
2. 35–017–20747–0000
3. 103 000 000
4. Universal Resources Corp
5. Powell #2–20
6. Richland NW
7. Canadian, OK
8. 222.0 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp Oklahoma Gas & Electric Co

1. 80–24543/02589
2. 35–017–20831–0000
3. 103 000 000
4. Universal Resources Corp
5. Griffin #2–28
6. Richland NW
7. Canadian, OK
8. 38.0 million cubic feet
9. April 7, 1980
10. Oklahoma Gas & Electric Co

1. 80–24544/02654
2. 35–009–00000–0000–
3. 108 000 000
4. Ashland Exploration Inc
5. Eason #1
6. Erick
7. Beckham, OK
8. 2.6 million cubic feet
9. April 7, 1980
10. Okla Natural Storage Gas Co Arkansas Louisiana Gas Co

1. 80–24545/02655
2. 35–009–00000–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Davidson #1
6. Erick
7. Beckham, OK
8. 1.4 million cubic feet
9. April 7, 1980
10. Oklahoma Natural Gas Storage Co Arkansas Louisiana Gas Co

1. 80–24546/02580
2. 35–137–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. C Ashshal Intubbi #2
6. Sho Vel Tum
7. Stephens, OK
8. 7.4 million cubic feet
9. April 7, 1980
10. Aminoil USA Inc

1. 80–24547/02591
2. 35–017–20858–0000
3. 103 000 000
4. Universal Resources Corp
5. Phelps #2–32
6. Richland SE
7. Canadian, OK
8. 90.0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24548/02652
2. 35–009–00000–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Codgan #1
6. Erick
7. Beckham, OK
8. 1.3 million cubic feet
9. April 7, 1980
10. Okla Natural Gas Storage Co Arkansas Louisiana Gas Co

1. 80–24549/02653
2. 35–009–00000–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Davidson #2
6. Erick
7. Beckham, OK
8. 12.5 million cubic feet
9. April 7, 1980
10. Oklahoma Natural Gas Storage Co Arkansas Louisiana Gas Co

1. 80–24550/02651
2. 35–015–20642–0000
3. 103 000 000
4. Tenneco Oil Co
5. Cannedy 1–23
6. Cogar South
7. Caddo, OK
8. 44.6 million cubic feet
9. April 7, 1980
10. Oklahoma Gas & Electric Co

1. 80–24551/02650
2. 35–015–20748–0000
3. 103 000 000
4. Tenneco Oil Co
5. Levs 1–34
6. Cogar S
7. Caddo, OK
8. 73.0 million cubic feet
9. April 7, 1980
10. Oklahoma Gas and Electric Co

1. 80–24552/02557
2. 35–017–21119–0000
3. 103 000 000
4. Kent Phillips Exploration Ltd
5. Samara #1
6. Yukon
7. Canadian County, OK
8. 120.0 million cubic feet
9. April 7, 1980
10.

1. 80–24553/02299

2. 35–037–00000–0000
3. 108 000 000
4. Cooke County Production Co
5. Lumm #1
6. Iron Post
7. Creek, OK
8. 21.6 million cubic feet
9. April 7, 1980
10. Kerr-McGee Corp

1. 80–24554/03380
2. 35–073–00000–0000
3. 102 000 000
4. C & S Resources Inc
5. Storin B–1
6. W Edmond
7. Kingfisher, OK
8. .0 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24555/02658
2. 35–109–37974–0000
3. 108 000 000
4. Tenneco Oil Co
5. Roy Wood A #3
6. Coffey Creek
7. Oklahoma, OK
8. 9.4 million cubic feet
9. April 7, 1980
10. Oklahoma Natural Gas Co

1. 80–24556/01698
2. 35–073–22083–0000
3. 103 000 000
4. Geodyne Resources Inc
5. Hladik No 3–1
6. Sooner Trend
7. Kingfisher, OK
8. 65.7 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24557/02660
2. 35–045–20657–0000
3. 103 000 000
4. Tenneco Oil Co
5. Inselman #1–3
6. Peek South
7. Ellis, OK
8. 58.0 million cubic feet
9. April 7, 1980
10. Delhi Gas Pipeline Corp

1. 80–24558/02659
2. 35–011–20756–0000
3. 103 000 000
4. Tenneco Oil Co
5. Gaddis 1–22
6. S Eagle City
7. Blaine, OK
8. 70.0 million cubic feet
9. April 7, 1980
10. Public Service Co of Oklahoma

1. 80–24559/02656
2. 35–009–20257–0000
3. 103 000 000
4. Union Oil Co of California
5. Maggie Green #1–3
6. N E Mayfield
7. Beckham, OK
8. 300.0 million cubic feet
9. April 7, 1980
10. El Paso Natural Gas Co

1. 80–24560/02657
2. 35–109–37967–0000
3. 108 000 000
4. Tenneco Oil Co
5. Roy Wood A #1
6. Coffee Creek
7. Oklahoma City, OK
8. 9.4 million cubic feet
9. April 7, 1980
10. Oklahoma Natural Gas Co

1. 80–24561/02560
2. 35–007–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. Bourguin A/G–A & H #2
6. Logan SW
7. Beaver, OK
8. 1.3 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24562/02559
2. 35–007–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. Bourquin A #1
6. Logan SW
7. Beaver, OK
8. 1.1 million cubic feet
9. April 7, 1980
10. Phillips Petroleum Co

1. 80–24563/03404
2. 35–083–00000–0000
3. 103 000 000
4. Hillshafer-Goodway Corp
5. McCune #1
6. S Elkhorn
7. Logan, OK
8. 60.0 million cubic feet
9. April 7, 1980
10. Eason Oil Co

1. 80–24564/02562
2. 35–007–00000–0000
3. 108 000 000
4. Mobil Oil Corp
5. E J Neufeld Unit #1
6. N E Dower
7. Beaver, OK
8. 12.2 million cubic feet
9. April 7, 1980
10. Northern Natural Gas Co

1. 80–24565/00082
2. 35–035–20212–0000
3. 108 000 000
4. Verdigris Gathering Systems Inc
5. Carmaletta Bozman #2
6. (undesignated)
7. Craig, OK
8. 12.2 million cubic feet
9. April 7, 1980
10. Cities Service Gas Co

1. 80–24566/02563
2. 35–139–20964–0000
3. 103 000 000
4. Par Petroleum Inc
5. Mires #1
6. W Domby
7. Texas, OK
8. 10.0 million cubic feet
9. April 7, 1980
10. Panhandle Eastern Pipeline Co

1. 80–24567/02356
2. 35–059–20746–0000
3. 103 000 000
4. Cobra Oil and Gas Corp
5. Shupe A #1
6. Buffalo North
7. Harper, OK
8. 252.0 million cubic feet
9. April 7, 1980
10. Michigan Wisconsin Pipeline Co

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Fields or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–24573
2. 47–021–03379–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. C H Miles #1
6. Glenville
7. Gilmer, WV
8. 75.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24574
2. 47–021–03408–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. A F Peters #2
6. Glenville
7. Gilmer, WV
8. 110.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24575
2. 47–021–03012–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. L B Bonnett #1
6. Glenville
7. Gilmer, WV
8. 70.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24576
2. 47–021–02995–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. M E Snider #1
6. Glenville
7. Gilmer, WV
8. 70.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24577
2. 47–021–03376–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. E D Fulton #7
6. Glenville
7. Gilmer, WV
8. 110.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24578
2. 47–021–02943–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. Opha Wolfe #1
6. Glenville
7. Gilmer, WV
8. 70.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24579
2. 47–021–03374–0000

3. 107 000 000
4. Eastern American Energy Corporation
5. G Collins #4
6. Glenville
7. Gilmer, WV
8. 75.0 million cubic feet
9. April 7, 1980
10. Equitable Gas Company

1. 80–24580
2. 47–021–02368–0000
3. 108 000 000
4. Pennzoil Co
5. James Mullady #10
6. Courthouse
7. Lewis, WV
8. .0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24581
2. 47–041–02324–0000
3. 108 000 000
4. Pennzoil Co
5. T R Reynolds #15
6. Courthouse
7. Lewis, WV
8. .0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24582
2. 47–041–03367–0000
3. 108 000 000
4. Pennzoil Co
5. C F Mick #2
6. Glenville
7. Gilmer, WV
8. .5 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24583
2. 47–021–03346–0000
3. 108 000 000
4. Pennzoil Co
5. M C Collins #1
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24584
2. 47–021–3462–0000
3. 108 000 000
4. Pennzoil Co
5. J M Collins #1
6. Glenville
7. Gilmer, WV
8. 1.5 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24585
2. 47–021–03184–0000
3. 108 000 000
4. Pennzoil Co
5. W H Cox #11
6. Glenville
7. Gilmer, WV
8. .4 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24586
2. 47–021–01853–0000
3. 108 000 000
4. Pennzoil Co
5. W S Kirkpatrick #9
6. Glenville
7. Gilmer, WV
8. 3.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24587
2. 47–021–01793–0000
3. 108 000 000
4. Pennzoil Co
5. M C Collins #8
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24588
2. 47–041–02325–0000
3. 108 000 000
4. Pennzoil Co
5. James Mullady #5
6. Courthouse
7. Lewis, WV
8. .0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24589
2. 47–041–02254–0000
3. 108 000 000
4. Pennzoil Co
5. James Mullady #11
6. Courthouse
7. Lewis, WV
8. .0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24590
2. 47–021–03357–0000
3. 108 000 000
4. Pennzoil Co
5. W E Lively #3
6. Glenville
7. Gilmer, WV
8. .8 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24591
2. 47–021–3338–0000
3. 108 000 000
4. Pennzoil Co
5. Elizabeth Barton No 1
6. Troy
7. Gilmer, WV
8. 5.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp

1. 80–24592
2. 47–021–03369–0000
3. 108 000 000
4. Pennzoil Co.
5. Roy Stalnaker No. 1
6. Troy
7. Gilmer, WV
8. 7.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80–24593
2. 47–021–02162–0000
3. 108 000 000
4. Pennzoil Co.
5. Billy B. Burke #4
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80–24594
2. 47–021–01832–0000
3. 108 000 000
4. Pennzoil Co.
5. Billy B. Burke #2
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80–24595
2. 47–021–01719–0000
3. 108 000 000
4. Pennzoil Co.
5. D. L. Moody #2
6. Glenville
7. Gilmer, WV
8. 1.7 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80–24596
2. 47–107–00581–0000
3. 108 000 000
4. B. & L. Oil Co.
5. S. J. Willard No. 2 W00 581 62A
6. Williams District
7. Wood County, WV
8. 8.5 million cubic feet
9. April 4, 1980
10. Gas Transport Inc.

1. 80–24597
2. 47–107–00585–0000
3. 108 000 000
4. B. & L. Oil Co.
5. B. Chichester No. 1 W00 585 33A
6. Williams District
7. Wood County, WV
8. 2.9 million cubic feet
9. April 4, 1980
10. Gas Transport Inc.

1. 80–24598
2. 47–085–02353–0000
3. 108 000 000
4. B. & L. Oil Co.
5. E. D. Bailey Rit 2353 122A
6. Union District
7. Ritchie Co., WV
8. .2 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80–24599
2. 47–085–02883–0000
3. 108 000 000
4. B. & L. Oil Company
5. T. E. Toothman 2 Rit 2883 67A
6. Union District
7. Ritchie Co. Union Dis., WV
8. 2.1 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80–24600
2. 47–085–02890–0000
3. 108 000 000
4. B. & L. Oil Co.
5. T. E. Toothman 1 Rit 2890 17A
6. Union District
7. Ritchie Co., WV
8. 2.1 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80–24601
2. 47–085–02912–0000
3. 108 000 000
4. B. & L. Oil Company
5. T. E. Toothman 3 67A Rit 2912
6. Union District

7. Ritchie Co., WV
8. 2.1 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80-24602
2. 47-085-03007-0000
3. 108 000 000
4. B. & L. Oil Company
5. T. E. Toothman 1 Rit 3007 17A
6. Union District
7. Ritchie Co., WV
8. 2.1 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80-24603
2. 47-085-03008-0000
3. 108 000 000
4. B. & L. Oil Company
5. T. E. Toothman 1-G Rit 3008 67A
6. Union District
7. Ritchie Co., WV
8. 2.1 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80-24604/GPC# 1177
2. 47-085-03038-00007
3. 108 000 000
4. B. & L. Oil Company
5. G. Vincent No. 2 Rit 3038 121A
6. Union District
7. Ritchie Co., WV
8. 2.7 million cubic feet
9. April 4, 1980
10. Carnegie Natural Gas

1. 80-24605
2. 47-069-00016-0000
3. 108 000 000
4. Micoa Inc.
5. Craig No. 2
6. Twilight
7. Ohio, WV
8. .5 million cubic feet
9. April 4, 1980
10. Columbia Gas Transmission Corp.

1. 80-24606
2. 47-069-00017-0000
3. 108 000 000
4. Micoa Inc.
5. Cox No. 1
6. Twilight
7. Ohio, WV
8. 1.0 million cubic feet
9. April 4, 1980
10. Columbia Gas Transmission Corp.

1. 80-24607
2. 47-107-00565-0000
3. 108 000 000
4. B. & L. Oil Co.
5. C. M. Galloway #1 W00565 64A
6. Williams District
7. Wood County, WV
8. 1.5 million cubic feet
9. April 4, 1980
10. Gas Transport Inc.

1. 80-24608
2. 47-107-00570-0000
3. 108 000 000
4. B. & L. Oil Co.
5. H. E. Way No. 2 W00 570 80A
6. Williams District
7. Wood County, WV
8. 2.3 million cubic feet
9. April 4, 1980
10. Gas Transport Inc.

1. 80-24609
2. 47-107-00574-0000
3. 108 000 000
4. B. & L. Oil Co.
5. C. Waybright W00 574 18A
6. Williams District
7. Wood County, WV
8. 2.9 million cubic feet
9. April 4, 1980
10. Gas Transport Inc.

1. 80-24610
2. 47-021-02179-0000
3. 108 000 000
4. Pennzoil Co.
5. Billy B. Burke #5
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24611
2. 47-021-00001-0000
3. 108 000 000
4. Pennzoil Co.
5. R. R. Marshall #1
6. Glenville
7. Gilmer, WV
8. .5 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24612
2. 47-021-00009-0000
3. 108 000 000
4. Pennzoil Co.
5. D. B. Wilfong No. 2
6. Glenville
7. Gilmer, WV
8. 8.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24613
2. 47-021-01380-0000
3. 108 000 000
4. Pennzoil Co.
5. B. Batton #3
6. Glenville
7. Gilmer, WV
8. 4.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24614
2. 47-021-01430-0000
3. 108 000 000
4. Pennzoil Co.
5. M. C. Collins #4
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24615
2. 47-021-01521-0000
3. 108 000 000
4. Pennzoil Co.
5. Billy B. Burke #1
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24616
2. 47-021-01529-0000
3. 108 000 000
4. Pennzoil Co.
5. D. L. Moody #1
6. Glenville
7. Gilmer, WV
8. 1.7 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24617
2. 47-021-01557-0000
3. 108 000 000
4. Pennzoil Co.
5. W. S. Kirkpatrick #W-1
6. Glenville
7. Gilmer, WV
8. 4.0 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24618
2. 47-021-01558-0000
3. 108 000 000
4. Pennzoil Co.
5. W. E. Lively No. W-1
6. Glenville
7. Gilmer, WV
8. 6.5 million cubic feet
9. April 4, 1980
10. Consolidated Gas Supply Corp.

1. 80-24619
2. 47-007-00622-0000
3. 108 000 000
4. Francis Friestad
5. Squires Lease #1
6.
7. Braxton, WV
8. 3.4 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp.

1. 80-24620
2. 47-021-01001-0000
3. 108 000 000
4. Francis Friestad
5. Villers-Morris Lease
6.
7. Gilmer, WV
8. 1.8 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp.

1. 80-24621
2. 47-017-01381-0000
3. 108 000 000
4. Francis Friestad
5. David D. Ball #1
6.
7. Doddridge, WV
8. 5.1 million cubic feet
9. April 7, 1980
10. Equitable Gas Co.

1. 80-24622
2. 47-017-01405-0000
3. 108 000 000
4. Francis Friestad
5. David D. Ball #4
6.
7. Doddridge, WV
8. 5.1 million cubic feet
9. April 7, 1980
10. Equitable Gas Co.

1. 80-24623
2. 47-007-00614-0000
3. 108 000 000
4. Francis Friestad
5. Baker No. 1
6.
7. Braxton, WV
8. 4.7 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp.

1. 80-24624

2. 47–007–00608–0000
3. 108 000 000
4. Francis Friestad
5. Flora Bragg No. 1
6.
7. Braxton, WV
8. 3.7 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–24625
2. 47–045–00540–0000
3. 108 000 000
4. Devon Corp.
5. W3 Guyan Mercantile #2
6. Logan
7. Logan, WV
8. 9.0 million cubic feet
9. April 7, 1980
10. Columbia Gas Transmission Corp.

1. 80–24626
2. 47–039–00679–0000
3. 108 000 000
4. Devon Corp.
5. Elizabeth J. Thaxton #0–38
6. Sissonsville
7. Kanawha, WV
8. 1.0 million cubic feet
9. April 7, 1980
10. Columbia Gas Transmission Corp.

1. 80–24627
2. 47–039–02276–0000
3. 108 000 000
4. Devon Corp.
5. Cecil Boggess #769
6. Rocky Fork
7. Kanawha, WV
8. 3.0 million cubic feet
9. April 7, 1980
10. Columbia Gas Transmission Corp.

1. 80–24628
2. 47–097–01855–0000
3. 103 000 000
4. NRM Petroleum Corp.
5. L. L. Moss #11
6. Middle Fork River
7. Upshur, WV
8. .0 million cubic feet
9. April 7, 1980
10. Columbia Gas Transmission Corp.

1. 80–24629
2. 47–043–01571–0000
3. 108 000 000
4. Pennzoil Co.
5. Artie Withrow #2
6. Duval
7. Lincoln, WV
8. 1.9 million cubic feet
9. April 7, 1980
10. Columbia Gas Transmission Corp.

1. 80–24630
2. 47–085–02583–0000
3. 108 000 000
4. Frank J. Steck
5. James P. Rogers #2
6. Harrisville
7. Ritchie, WV
8. .8 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–24631
2. 47–085–02659–0000
3. 108 000 000
4. Frank J. Steck
5. James P. Rogers #1
6. Harrisville
7. Ritchie, WV
8. .8 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp.

1. 80–24632
2. 47–017–01420–0000
3. 108 000 000
4. Francis Friestad
5. David D Ball #2
6.
7. Doddridge County WV
8. 5.1 million cubic feet
9. April 7, 1980
10. Equitable Gas Co

1. 80–24633
2. 47–085–02626–0000
3. 108 000 000
4. Frank J Steck
5. James P Rogers #3
6. Harrisville
7. Ritchie WV
8. .8 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

1. 80–24634
2. 47–013–01952–0000
3. 108 000 000
4. Francis E Cain
5. Starcher Farm (Miles Miller #2)
6. Lee
7. Calhoun WV
8. 3.3 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

1. 80–24635
2. 47–013–01416–0000
3. 108 000 000
4. Clyde P Law
5. Mallohan #1
6. Big Bend
7. Calhoun WV
8. 1.9 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

1. 80–24636
2. 47–079–00940–0000
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A–302
6. Union District
7. Upshur WV
8. 4.7 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

1. 80–24637
2. 47–085–02844–0000
3. 108 000 000
4. Frank J Steck
5. Frank J Steck et al Lease
6. Harrisville
7. Ritchie WV
8. .8 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

1. 80–24638
2. 47–013–01821–0000
3. 108 000 000
4. Francis E Cain
5. Edward Starcher #1
6. Lee
7. Calhoun WV
8. 3.4 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

1. 80–24639
2. 47–013–01511–0000
3. 108 000 000
4. Clyde P Law
5. Mallohan #2
6. Big Bend
7. Calhoun WV
8. 1.9 million cubic feet
9. April 7, 1980
10. Consolidated Gas Supply Corp

United States Geological Survey, Albuquerque, New Mexico

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–24568/NM–65–79–SA
2. 30–039–05899–0000–0
3. 108 000 000
4. Kimbell Oil Co
5. Jicarilla Federal No 1
6. Basin Dakota M–20–25N–5W
7. Rio Arriba NM
8. 13.9 million cubic feet
9. April 7, 1980
10. El Paso Natural Gas Co

1. 80–24569/NM–94–79–SA
2. 30–045–00000–0000–0
3. 108 000 000
4. Supron Energy Corporation
5. Taliferro #3
6. Basin Dakota
7. San Juan County NM
8. .0 million cubic feet
9. April 7, 1980
10. Southern Union Gathering Company

1. 80–24570/NM–96–79–SA
2. 30–025–00000–0000–0
3. 108 000 000 denied
4. Conoco Inc
5. Lockhart B–14 A #2
6. New Mexico Federal Unit
7. Lea NM
8. 2.3 million cubic feet
9. April 7, 1980
10. Getty Oil Co (C–112)

1. 80–24571/NM–102–79–SA
2. 30–039–00000–0000–0
3. 108 000 000 denied
4. Conoco Inc
5. NE Haynes #4
6. Otero Gallup & Basin Dakota
7. Rio Arriba NM
8. .0 million cubic feet
9. April 7, 1980
10.

1. 80–24572/NM–103–79–SA
2. 30–039–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Axi Apache D #2
6. Axi Apache Area
7. Rio Arriba NM
8. 13.7 million cubic feet
9. April 7, 1980
10. El Paso Natural Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the

record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's office of public information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 14, 1980.

Please reference the FERC control number in all correspondence related to these determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13099 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 184]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 22, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-24944
2. 30-025-26391-0000
3. 103 000 000
4. Arco Oil and Gas Company
5. State 157 D #10
6. Drinkard
7. Lea, NM
8. 40.0 million cubic feet
9. April 8, 1980
10. Warren Petroleum Company

1. 80-24945
2. 30-039-00000-0000
3. 108 000 000
4. Amax Petroleum Corporation
5. Bishop No 1
6. South Blanco
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. April 8, 1980
10. El Paso Natural Gas Co

1. 80-24946
2. 30-025-10802-0000
3. 108 000 000
4. Arco Oil and Gas Company
5. E L Steeler Wn #4
6. Langlie Mattix
7. Lea, NM
8. 4.6 million cubic feet
9. April 8, 1980
10. El Paso Natural Gas Co

1. 80-24947
2. 30-045-21098-0000
3. 108 000 000
4. El Paso Natural Gas Company
5. Atlnatic D Com L #13 PC
6. Blanco-Pictured Cliffs Gas
7. San Juan, NM
8. 21.0 million cubic feet
9. April 8, 1980
10. El Paso Natural Gas Company

West Virginia Department of Mines, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-22919
2. 47-081-00137-0000
3. 108 000 000
4. Columbia Gas Transmission Corp
5. Coal Riv Mining No 8 (806435)
6.
7. Raleigh, WV
8. 4.2 million cubic feet
9. March 28, 1980
10. Columbia Gas Transmission Corp

1. 80-24640
2. 47-039-02862-0000
3. 108 000 000
4. Cabot Corp
5. Bowers 19-642
6.
7. Kanawha, WV
8. 1.3 million cubic feet
9. April 8, 1980
10.

1. 80-24641
2. 47-039-00820-0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 19-984
6. Sissonville Oriskany
7. Kanawha, WV
8. 3.4 million cubic feet
9. April 8, 1980
10.

1. 80-24642
2. 47-039-00813-0000
3. 108 000 000
4. Cabot Corp
5. E Bowen 1-980
6. Sissonville Oriskany
7. Kanawha, WV
8. .5 million cubic feet
9. April 8, 1980
10.

1. 80-24643
2. 47-039-00812-0000
3. 108 000 000
4. Cabot Corp
5. Bailey-null 1-977
6. Sissonville Oriskany
7. Kanawha, WV
8. 2.1 million cubic feet
9. April 8, 1980
10.

1. 80-24644
2. 47-039-00806-0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 17-975
6. Sissonville Oriskany
7. Kanawha, WV
8. 5.9 million cubic feet
9. April 8, 1980
10.

1. 80-24645
2. 47-039-00803-0000
3. 108 000 000
4. Cabot Corp
5. Hol Morton 6-971
6. Sissonville Oriskany
7. Kanawha, WV
8. 3.8 million cubic feet
9. April 8, 1980
10.

1. 80-24646
2. 47-039-00801-0000
3. 108 000 000
4. Cabot Corp
5. E V Bailey 1-970
6. Sissonville Oriskany
7. Kanawha, WV
8. 11.3 million cubic feet
9. April 8, 1980
10.

1. 80-24647
2. 47-039-02861-0000
3. 108 000 000
4. Cabot Corp
5. Bowers 18-641
6.
7. Kanawha, WV
8. 2.6 million cubic feet
9. April 8, 1980
10.

1. 80-24648
2. 47-039-02860-0000
3. 108 000 000
4. Cabot Corp
5. Bowers 17-640
6.
7. Kanawha, WV
8. .5 million cubic feet
9. April 8, 1980
10.

1. 80-24649
2. 47-039-02859-0000
3. 108 000 000
4. Cabot Corp
5. Bowers 16-639
6.
7. Kanawha, WV
8. 1.7 million cubic feet
9. April 8, 1980
10.

1. 80-24650
2. 47-039-02858-0000
3. 108 000 000
4. Cabot Corp
5. Bowers 15-638
6.
7. Kanawha, WV
8. 2.6 million cubic feet
9. April 8, 1980
10.

1. 80–24651
2. 47–039–02857–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 14–637
6.
7. Kanawha, WV
8. 1.3 million cubic feet
9. April 8, 1980
10.

1. 80–24652
2. 47–039–02856–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 13–636
6.
7. Kanawha, WV
8. 1.4 million cubic feet
9. April 8, 1980
10.

1. 80–24653
2. 47–039–02855–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 12–635
6.
7. Kanawha, WV
8. .2 million cubic feet
9. April 8, 1980
10.

1. 80–24654
2. 47–039–00856–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 25–997
6. Sissonville Oriskany
7. Kanawha, WV
8. 1.7 million cubic feet
9. April 8, 1980
10.

1. 80–24655
2. 47–039–00843–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 23–995
6. Sissonville Oriskany
7. Kanawha, WV
8. 8.0 million cubic feet
9. April 8, 1980
10.

1. 80–24656
2. 47–039–02863–0000
3. 108 000 000
4. Cabot Corp
5. Beecher 1–164
6.
7. Kanawha, WV
8. 1.9 million cubic feet
9. April 8, 1980
10.

1. 80–24657
2. 47–039–02864–0000
3. 108 000 000
4. Cabot Corp
5. Bettinger 1–386
6.
7. Kanawha, WV
8. 1.1 million cubic feet
9. April 8, 1980
10.

1. 80–24658
2. 47–039–02900–0000
3. 108 000 000
4. Cabot Corp
5. Imperial Coal Co 1–339
6.
7. Kanawha, WV
8. 5.5 million cubic feet
9. April 8, 1980
10.

1. 80–24659
2. 47–039–02898–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 38–572
6.
7. Kanawha, WV
8. 12.8 million cubic feet
9. April 8, 1980
10.

1. 80–24660
2. 47–039–02897–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 34–543
6.
7. Kanawha, WV
8. 10.9 million cubic feet
9. April 8, 1980
10.

1. 80–24661
2. 47–039–02887–0000
3. 108 000 000
4. Cabot Corp
5. Tompkins 4–687
6.
7. Kanawha, WV
8. 5.5 million cubic feet
9. April 8, 1980
10.

1. 80–24662
2. 47–039–02885–0000
3. 108 000 000
4. Cabot Corp
5. Tompkins 1–665
6.
7. Kanawha, WV
8. 1.3 million cubic feet
9. April 8, 1980
10.

1. 80–24663
2. 47–039–02883–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 18–316
6.
7. Kanawha, WV
8. 8.1 million cubic feet
9. April 8, 1980
10.

1. 80–24664
2. 47–039–02882–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 15–292
6.
7. Kanawha, WV
8. 4.4 million cubic feet
9. April 8, 1980
10.

1. 80–24665
2. 47–039–02881–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 14–291
6.
7. Kanawha, WV
8. 5.6 million cubic feet
9. April 8, 1980
10.

1. 80–24666
2. 47–039–02878–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 2–217
6.
7. Kanawha, WV
8. 1.1 million cubic feet
9. April 8, 1980
10.

1. 80–24667
2. 47–039–02874–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 25–404
6.
7. Kanawha, WV
8. 9.3 million cubic feet
9. April 8, 1980
10.

1. 80–24668
2. 47–039–02873–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 24–403
6.
7. Kanawha WV
8. 2.4 million cubic feet
9. April 8, 1980
10.

1. 80–24669
2. 47–039–02872–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 23–402
6.
7. Kanawha WV
8. 10.8 million cubic feet
9. April 8, 1980
10.

1. 80–24670
2. 47–039–02871–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 21–378
6.
7. Kanawha WV
8. 5.5 million cubic feet
9. April 8, 1980
10.

1. 80–24671
2. 47–011–00606–0000
3. 108 000 000
4. Ralph Kirtley
5. Walton #2
6. William Walton
7. Cabell WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Columbia Gas Tran Corp

1. 80–24672
2. 47–011–20092–0000
3. 108 000 000
4. Ralph Kirtley
5. Graham #2
6. City of Huntington
7. Cabell WV
8. 12.0 million cubic feet
9. April 8, 1980
10. Columbia Gas Tran Corp

1. 80–24673
2. 47–085–24138–0000
3. 103 000 000
4. Warren R Haught
5. Aaron Friedly H–660

6. Murphy Dist
7. Ritchie WV
8. 20.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24674
2. 47–085–24137–0000
3. 103 000 000
4. Warren R Haught
5. Lewis H Morton H–659
6. Murphy Dist
7. Ritchie WV
8. 18.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24675
2. 47–085–24136–0000
3. 103 000 000
4. Warren R Haught
5. Lewis H Morton H–658
6. Murphy Dist
7. Ritchie WV
8. 18.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24676
2. 47–085–24059–0000
3. 103 000 000
4. Warren R Haught
5. Mary Elliott Heirs H–641
6. Murphy Dist
7. Ritchie WV
8. 18.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24677
2. 47–085–24051–0000
3. 103 000 000
4. Warren R Haught
5. Marie Osbourn H–629
6. Murphy Dist
7. Ritchie WV
8. 8.0 million cubic feet
9. April 8, 1980
10. Consolidated gas

1. 80–24678
2. 47–085–23792–0000
3. 103 000 000
4. Warren R Haught
5. Wesley Byrd Heirs H–573
6. Murphy Dist
7. Ritchie WV
8. 15.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24679
2. 47–085–03383–0000
3. 108 000 000
4. Wilbur E Myers
5. Burley Barker #1
6. Fonzo
7. Ritchie WV
8. 5.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24680
2. 47–085–20753–0000
3. 103 000 000
4. Warren R Haught
5. Charles R Swadley #1
6. Murphy Dist
7. Ritchie WV
8. 5.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24681
2. 47–017–22282–0000
3. 103 000 000
4. Warren R Haught
5. P B Michael Heirs #1
6. Southwest
7. Doddridge WV
8. 2.2 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24682
2. 47–085–23862–0000
3. 103 000 000
4. Warren R Haught
5. L W Davis H–544
6. Union Dist
7. Ritchie WV
8. 5.0 million cubic feet
9. April 8, 1980
10. Carnegie Natural Gas Co

1. 80–24683
2. 47–013–01943–0000
3. 108 000 000
4. Francis E Cain
5. Grover Starcher Farm (M Miller #1)
6. Lee
7. Calhoun WV
8. 3.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24684
2. 47–013–01761–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Hardman Lease #1
6. Lee District
7. Calhoun WV
8. .4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24685
2. 47–013–01785–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Grace Barr #1
6. Lee District
7. Calhoun WV
8. 1.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24686
2. 47–013–01325–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Powell & Hays #2
6. Sherman District
7. Calhoun WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24687
2. 47–013–01837–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Barr #2
6. Lee District
7. Calhoun WV
8. 1.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24688
2. 47–013–01869–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Grace Barr #2
6. Lee District
7. Calhoun WV
8. 2.4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Co

1. 80–24689
2. 47–013–01929–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Metz #1
6. Lee District
7. Calhoun WV
8. 1.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24690
2. 47–013–02143–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Craddock Lease
6. Lee Dist
7. Calhoun WV
8. .4 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24691
2. 47–013–02186–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Anderson Gas Company
6. Lee District
7. Calhoun WV
8. 2.4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24692
2. 47–013–02282–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Metz #2
6. Lee District
7. Calhoun WV
8. 1.9 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24693
2. 47–013–02427–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Powell & Hays #3
6. Lee District
7. Calhoun WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24694
2. 47–039–00338–0000
3. 108 000 000
4. Cabot Corp
5. J E Good 1–898
6. Sissonville Oriskany
7. Kanawha WV
8. 2.1 million cubic feet
9. April 8, 1980
10.

1. 80–24695
2. 47–013–00406–0000
3. 108 000 000
4. Cabot Corp
5. Allen Hardman 10–906
6.
7. Calhoun WV
8. .2 million cubic feet
9. April 8, 1980
10.

1. 80–24696
2. 47–013–00640–0000
3. 108 000 000
4. Cabot Corp
5. Allen Hardman 12–1008
6.
7. Calhoun WV
8. 11.8 million cubic feet
9. April 8, 1980
10.

1. 80–24697
2. 47–013–00652–0000
3. 108 000 000
4. Cabot Corp
5. Allen Hardman 13–1012
6.
7. Calhoun WV
8. 2.6 million cubic feet
9. April 8, 1980
10.

1. 80–24698
2. 47–013–02640–0000
3. 108 000 000
4. Cabot Corp
5. Ardelia Garretson 3–487
6.
7. Calhoun WV
8. 5.9 million cubic feet
9. April 8, 1980
10.

1. 80–24699
2. 47–015–00334–0000
3. 108 000 000
4. Cabot Corp
5. C & H Corp 3–1096
6.
7. Clay WV
8. 5.0 million cubic feet
9. April 8, 1980
10.

1. 80–24700
2. 47–015–01373–0000
3. 108 000 000
4. Cabot Corp
5. Hill & Long 3–544
6.
7. Clay WV
8. 9.3 million cubic feet
9. April 8, 1980
10.

1. 80–24701
2. 47–019–00015–F000
3. 108 000 000
4. Cabot Corp
5. Kanawha-Gauley 4–848
6.
7. Fayette WV
8. 10.3 million cubic feet
9. April 8, 1980
10.

1. 80–24702
2. 47–019–00032–0000
3. 108 000 000
4. Cabot Corp
5. Kanawah-Gauley 8–868
6.
7. Fayette WV
8. 3.8 million cubic feet
9. April 8, 1980
10.

1. 80–24703
2. 47–019–00033–0000
3. 108 000 000
4. Cabot Corp
5. Kanawha-Gauley 9–885
6.
7. Fayette WV
8. 10.2 million cubic feet
9. April 8, 1980
10.

1. 80–24704
2. 47–019–00034–0000
3. 108 000 000
4. Cabot Corp
5. Kanawha-Gauley 10–909
6.
7. Fayette WV
8. 9.8 million cubic feet
9. April 8, 1980
10.

1. 80–24705
2. 47–019–00341–0000
3. 108 000 000
4. Cabot Corp
5. Kanawha-Gauley 2–847
6.
7. Fayette WV
8. 14.6 million cubic feet
9. April 8, 1980
10.

1. 80–24706
2. 47–035–00079–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 9–946
6. Sissonville Oriskany
7. Jackson WV
8. 6.1 million cubic feet
9. April 8, 1980
10.

1. 80–24707
2. 47–035–00090–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 11–958
6. Sissonville Oriskany
7. Jackson WV
8. 1.3 million cubic feet
9. April 8, 1980
10.

1. 80–24708
2. 47–019–00339–0000
3. 108 000 000
4. Cabot Corp.
5. Newman 1–601
6.
7. Fayette, WV
8. 7.3 million cubic feet
9. April 8, 1980
10.

1. 80–24709
2. 47–039–00146–0000
3. 108 000 000
4. Cabot Corp.
5. Huntington 48–802
6.
7. Kanawha, WV
8. 8.8 million cubic feet
9. April 8, 1980
10.

1. 80–24710
2. 47–035–00091–0000
3. 108 000 000
4. Cabot Corp.
5. Putnam Co. 13–960
6. Sissonville Oriskany
7. Jackson, WV
8. 1.4 million cubic feet
9. April 8, 1980
10.

1. 80–24711
2. 47–039–00039–0000
3. 108 000 000
4. Cabot Corp.
5. Huntington 30–492
6.
7. Kanawha, WV
8. 9.8 million cubic feet
9. April 8, 1980
10.

1. 80–24712
2. 47–039–00076–0000
3. 108 000 000
4. Cabot Corp.
5. Tompkins 5–718
6.
7. Kanawha, WV
8. .9 million cubic feet
9. April 8, 1980
10.

1. 80–24713
2. 47–039–00182–0000
3. 108 000 000
4. Cabot Corp.
5. A. Putney 1–852
6.
7. Kanawha, WV
8. 6.0 million cubic feet
9. April 8, 1980
10.

1. 80–24714
2. 47–039–00186–0000
3. 108 000 000
4. Cabot Corp.
5. N B Tompkins 1–854
6. Blue Creek Oriskany
7. Kanawha, WV
8. 5.8 million cubic feet
9. April 8, 1980
10.

1. 80–24715
2. 47–039–00214–0000
3. 108 000 000
4. Cabot Corp.
5. N B Tompkins 2–860
6. Blue Creek Oriskany
7. Kanawha, WV
8. 1.5 million cubic feet
9. April 8, 1980
10.

1. 80–24716
2. 47–039–00219–0000
3. 108 000 000
4. Cabot Corp.
5. N B Tompkins 3–861
6.
7. Kanawha, WV
8. 1.1 million cubic feet
9. April 8, 1980
10.

1. 80–24717
2. 47–039–00220–0000
3. 108 000 000
4. Cabot Corp.
5. Plus Levi 2–862
6. Blue Creek Oriskany
7. Kanawha, WV
8. .3 million cubic feet
9. April 4, 1980
10.

1. 80–24718
2. 47–039–00223–0000
3. 108 000 000
4. Cabot Corp.
5. Tompkins 9–864

6.
7. Kanawha, WV
8. 2.0 million cubic feet
9. April 8, 1980
10.

1. 80–24719
2. 47–039–00263–0000
3. 108 000 000
4. Cabot Corp.
5. N B Tompkins 4–871
6. Blue Creek Oriskany
7. Kanawha, WV
8. 1.4 million cubic feet
9. April 8, 1980
10.

1. 80–24720
2. 47–039–00350–0000
3. 108 000 000
4. Cabot Corp.
5. N B Tompkins 6–900
6. Blue Creek Oriskany
7. Kanawha, WV
8. 1.8 million cubic feet
9. April 8, 1980
10.

1. 80–24721
2. 47–073–20540–0000
3. 108 000 000
4. Warren Associates Inc.
5. Cora Dodd #1
6. McKim
7. Pleasants, WV
8. 2.4 million cubic feet
9. April 8, 1980
10. Consumers Gas Utility Co.

1. 80–24722
2. 47–035–01173–0000
3. 108 000 000
4. Devon Corporation
5. Sue Proctor Miller #782
6. Ravenswood
7. Jackson, WV
8. .3 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission

1. 80–24723
2. 47–097–01823–0000
3. 103 000 000
4. NRM Petroleum Corp.
5. L L Moss #2
6. Middle Fork River
7. Upshur, WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp.

1. 80–24724
2. 47–085–20983–0000
3. 108 000 000
4. Warren Associates Inc.
5. Lemon Heirs #4
6. Murphy Dist.
7. Ritchie, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24725
2. 47–085–20954–0000
3. 108 000 000
4. Warren Associates Inc.
5. Lemon Heirs #3
6. Murphy Dist.
7. Ritchie, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24726
2. 47–085–20853–0000
3. 108 000 000
4. Warren Associates Inc.
5. Mackey #1
6. Murphy Dist.
7. Ritchie, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24727
2. 47–085–20788–0000
3. 108 000 000
4. Warren Associates Inc.
5. Coyle Heirs #4
6. Murphy District
7. Ritchie, WV
8. 2.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24728
2. 47–085–20684–0000
3. 108 000 000
4. Warren Associates Inc.
5. McGregor HRS #4
6. Murphy Dist
7. Ritchie, WV
8. 1.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24729
2. 47–085–20771–0000
3. 108 000 000
4. Warren Associates Inc.
5. C R Bradley #4
6. Grant District
7. Ritchie, WV
8. 3.9 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24730
2. 47–085–20615–0000
3. 108 000 000
4. Warren Associates Inc.
5. McGregor HRS #3
6. Murphy District
7. Ritchie, WV
8. 1.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24731
2. 47–085–20568–0000
3. 108 000 000
4. Warren Associates Inc.
5. M D Patterson #3
6. Murphy Dist
7. Ritchie, WV
8. .8 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24732
2. 47–085–20371–0000
3. 108 000 000
4. Warren Associates Inc.
5. Coyle Heirs #1
6. Murphy Dist
7. Ritchie, WV
8. 2.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24733
2. 47–097–01875–0000
3. 103 000 000
4. NRM Petroleum Corp.
5. L L Moss #18
6. Middle Fork River
7. Upshur, WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp.

1. 80–24734
2. 47–035–00139–0000
3. 108 000 000
4. Devon Corp.
5. J A Shinn #0–54
6. Sissonsville
7. Jackson, WV
8. 1.2 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp.

1. 80–24735
2. 47–035–00094–0000
3. 108 000 000
4. Devon Corp.
5. J. F. Miller #0–44
6. Sissonsville
7. Jackson, WV
8. 1.0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission

1. 80–24736
2. 47–085–22589–0000
3. 108 000 000
4. Warren Associates Inc.
5. Belle Pritchard #3
6. Union Dist
7. Ritchie, WV
8. 1.4 million cubic feet
9. April 8, 1980
10. Carnegie Natural Gas Company

1. 80–24737
2. 47–105–20278–0000
3. 108 000 000
4. Warren Associates Inc.
5. M Richter #24
6. Burning Springs District
7. Wirt, WV
8. .1 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24738
2. 47–105–20274–0000
3. 108 000 000
4. Warren Associates Inc.
5. M Richter #23
6. Burning Springs District
7. Wirt, WV
8. .1 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24739
2. 47–105–20196–0000
3. 108 000 000
4. Warren Associates Inc.
5. Richter #22
6. Burning Springs District
7. Wirt, WV
8. .1 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24740
2. 47–105–20191–0000
3. 108 000 000
4. Warren Associates Inc.
5. M Richter #7
6. Burning Springs District
7. Wirt, WV
8. .1 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24741
2. 47–085–23269–0000
3. 108 000 000
4. Warren Associates Inc.
5. Lester Metz #2
6. Grant
7. Ritchie, WV
8. 2.4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24742
2. 47–085–22309–0000
3. 108 000 000
4. Warren Associates Inc.
5. A W Smith #7
6. Murphy Dist
7. Ritchie, WV
8. 2.8 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24743
2. 47–085–21991–0000
3. 108 000 000
4. Warren Associates Inc.
5. Mansfield Haught #1
6. Murphy District
7. Ritchie, WV
8. 2.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24744
2. 47–085–21702–0000
3. 108 000 000
4. Warren Associates Inc.
5. I R Wilson #1
6. Murphy Dist
7. Ritchie, WV
8. .1 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24745
2. 47–085–21139–0000
3. 108 000 000
4. Warren Associates Inc.
5. McGregor HRS #5
6. Murphy District
7. Ritchie, WV
8. 1.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp.

1. 80–24746
2. 47–085–21005–0000
3. 108 000 000
4. Warren Associates Inc.
5. Lemon Heirs #5
6. Murphy Dist
7. Ritchie, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas

1. 80–24747
2. 47–039–02853–0000
3. 108 000 000
4. Cabot Corp.
5. Bowers 9–632
6.
7. Kanawha, WV
8. .4 million cubic feet
9. April 8, 1980
10.

1. 80–24748
2. 47–039–02854–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 10–633
6.
7. Putnam WV
8. 2.9 million cubic feet
9. April 8, 1980
10.

1. 80–24749
2. 47–039–02865–0000
3. 108 000 000
4. Cabot Corp
5. Blue Flame 3–670
6.
7. Kanawha WV
8. 6.6 million cubic feet
9. April 8, 1980
10.

1. 80–24750
2. 47–039–02866–0000
3. 108 000 000
4. Cabot Corp
5. Blue Flame 4–671
6.
7. Kanawha WV
8. .6 million cubic feet
9. April 8, 1980
10.

1. 80–24751
2. 47–039–02869–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 2–625
6.
7. Kanawha WV
8. .4 million cubic feet
9. April 8, 1980
10.

1. 80–24752
2. 47–039–02870–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 5–628
6.
7. Kanawha WV
8. .6 million cubic feet
9. April 8, 1980
10.

1. 80–24753
2. 47–039–02875–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 28–482
6.
7. Kanawha WV
8. 5.6 million cubic feet
9. April 8, 1980
10.

1. 80–24754
2. 47–039–02876–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 29–491
6.
7. Kanawha WV
8. 7.5 million cubic feet
9. April 8, 1980
10.

1. 80–24755
2. 47–039–02877–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 32–521
6.
7. Kanawha WV
8. 1.0 million cubic feet
9. April 8, 1980
10.

1. 80–24756
2. 47–039–02886–0000
3. 108 000 000
4. Cabot Corp
5. Tompkins 3–667
6.
7. Kanawha WV
8. 1.2 million cubic feet
9. April 8, 1980
10.

1. 80–24757
2. 47–039–02889–0000
3. 108 000 000
4. Cabot Corp
5. H P Tompkins 3–615
6.
7. Kanawha WV
8. 2.5 million cubic feet
9. April 8, 1980
10.

1. 80–24758
2. 47–039–02890–0000
3. 108 000 000
4. Cabot Corp
5. H P Tompkins 4–616
6.
7. Kanawha WV
8. .2 million cubic feet
9. April 8, 1980
10.

1. 80–24759
2. 47–039–02892–0000
3. 108 000 000
4. Cabot Corp
5. H P Tompkins 6–618
6.
7. Kanawha WV
8. 1.4 million cubic feet
9. April 8, 1980
10.

1. 80–24760
2. 47–039–02893–0000
3. 108 000 000
4. Cabot Corp
5. H P Tompkins 7–619
6.
7. Kanawha WV
8. .8 million cubic feet
9. April 8, 1980
10.

1. 80–24761
2. 47–039–02894–0000
3. 108 000 000
4. Cabot Corp
5. H P Tompkins 8–620
6.
7. Kanawha WV
8. .9 million cubic feet
9. April 8, 1980
10.

1. 80–24762
2. 47–039–02896–0000
3. 108 000 000
4. Cabot Corp
5. H P Tompkins 10–622
6.
7. Kanawha WV
8. .9 million cubic feet
9. April 8, 1980
10.

1. 80–24763
2. 47–039–02899–0000
3. 108 000 000
4. Cabot Corp
5. Huntington 39–686

6.
7 Kanawha WV
8. 1.2 million cubic feet
9. April 8, 1980
10.

1. 80–24764
2. 47–039–01017–0000
3. 108 000 000
4. Cabot Corp
5. H B Milam 1–1100
6. Sissonville Oriskany
7 Kanawha WV
8. 4.9 million cubic feet
9. April 8, 1980
10.

1. 80–24765
2. 47–039–01982–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 11–634
6.
7 Kanawha WV
8. .3 million cubic feet
9. April 8, 1980
10.

1. 80–24766
2. 47–039–02852–0000
3. 108 000 000
4. Cabot Corp
5. Bowers 8–631
6.
7. Kanawha WV
8. 3.3 million cubic feet
9. April 8, 1980
10.

1. 80–24767
2. 47–039–00402–0000
3. 108 000 000
4. Cabot Corp
5. Maxine Williams 1–923
6. Blue Creek Oriskany 1–923
7. Kanawha WV
8. .6 million cubic feet
9. April 8, 1980
10.

1. 80–24768
2. 47–039–00622–0000
3. 108 000 000
4. Cabot Corp
5. J L McLean 2–928
6. Sissonville Oriskany
7. Kanawha WV
8. 10.7 million cubic feet
9. April 8, 1980
10.

1. 80–24769
2. 47–039–00661–0000
3. 108 000 000
4. Cabot Corp
5. Mans Jones 1–934
6. Sissonville Oriskany
7. Kanawha WV
8. 4.8 million cubic feet
9. April 8, 1980
10.

1. 80–24770
2. 47–039–00689–0000
3. 108 000 000
4. Cabot Corp
5. Bonham 3–938
6. Sissonville Oriskany
7. Kanawha WV
8. 9.8 million cubic feet
9. April 8, 1980
10.

1. 80–24771
2. 47–039–00735–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 14–964
6. Sissonville Oriskany
7 Kanawha WV
8. 2.7 million cubic feet
9. April 8, 1980
10.

1. 80–24772
2. 47–039–00877–0000
3. 108 000 000
4. Cabot Corp
5. Poca Coal Land 6–1014
6. Sissonville Oriskany
7 Kanawha WV
8. 4.4 million cubic feet
9. April 8, 1980
10.

1. 80–24773
2. 47–039–00893–0000
3. 108 000 000
4. Cabot Corp
5. Hol Morton 7–1021
6. Sissonville Oriskany
7 Kanawha WV
8. 4.4 million cubic feet
9. April 8, 1980
10.

1. 80–24774
2. 47–039–00921–0000
3. 108 000 000
4. Cabot Corp
5. Bailey-Null 1–1022
6. Sissonville Oriskany
7. Kanawha WV
8. 6.4 million cubic feet
9. April 8, 1980
10.

1. 80–24775
2. 47–039–00931–0000
3. 108 000 000
4. Cabot Corp
5. Poca Coal Land 8–1032
6.
7. Kanawha WV
8. 13.7 million cubic feet
9. April 8, 1980
10.

1. 80–24776
2. 47–039–00940–0000
3. 108 000 000
4. Cabot Corp
5. A Burford 1–1039
6.
7. Kanawha WV
8. 16.2 million cubic feet
9. April 8, 1980
10.

1. 80–24777
2. 47–039–00942–0000
3. 108 000 000
4. Cabot Corp
5. Poca Coal Land 10–1052
6. Sissonville Oriskany
7. Kanawha WV
8. 8.2 million cubic feet
9. April 8, 1980
10.

1. 80–24778
2. 47–013–02243–0000
3. 108 000 000
4. Roy G Hildreth
5. Rays Gas Company #2
6. Lee District
7 Calhoun WV
8. 2.9 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24779
2. 47–021–00731–0000
3. 108 000 000
4. Roy G Hildreth
5. Collins Gas Co #3
6. Glenville
7 Gilmer County WV
8. 3.2 million cubic feet
9. April 8, 1980
10. Equitable Gas Co

1. 80–24780
2. 47–021–00741–0000
3. 108 000 000
4. Roy G Hildreth
5. Snider Gas Company
6. Glenville
7. Gilmer WV
8. 1.9 million cubic feet
9. April 8, 1980
10. Equitable Gas Co

1. 80–24781
2. 47–021–00748–0000
3. 108 000 000
4. Roy G Hildreth
5. Keith Gas Co
6. Glenville
7. Gilmer WV
8. .8 million cubic feet
9. April 8, 1980
10. Equitable Gas Co

1. 80–24782
2. 47–021–00751–0000
3. 108 000 000
4. Roy G Hildreth
5. Brannon Woofter Lease
6. Glenville
7. Gilmer WV
8. .6 million cubic feet
9. April 8, 1980
10. Equitable Gas Co

1. 80–24783
2. 47–021–00735–0000
3. 108 000 000
4. Roy G Hildreth
5. Webster Gas Co
6. Glenville
7. Gilmer WV
8. 3.2 million cubic feet
9. April 8, 1980
10. Equitable Gas Co

1. 80–24784
2. 47–013–00427–0000
3. 108 000 000
4. Roy G Hildreth
5. Hall Gas Co
6. Lee District
7. Calhoun WV
8. 2.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24785
2. 47–013–01205–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Starkey Lease
6. Lee District
7. Calhoun WV
8. 7.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24786
2. 47–013–01372–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Lynch #1
6. Lee District
7. Calhoun WV
8. .8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24787
2. 47–013–02144–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Vere Price Lease
6. Lee District
7. Calhoun WV
8. .4 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24788
2. 47–013–01300–0000
3. 108 000 000
4. Roy G Hildreth
5. Laughlin #1
6. Lee District
7. Calhoun, WV
8. 2.8 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24789
2. 47–013–01451–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Lois Keith #3
6. Lee District
7 Calhoun, WV
8. .6 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24790
2. 47–013–01478–0000
3. 108 000 000
4. Roy G Hildreth
5. Laughlin #2
6. Lee District
7. Calhoun, WV
8. 2.8 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24791
2. 47–013–00492–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. C C Starcher Gas Co #1
6. Lee District
7. Calhoun, WV
8. 4.4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24792
2. 47–013–00491–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Alider Gas Co #2
6. Lee District
7. Calhoun, WV
8. .6 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24793
2. 47–013–01349–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Lois Keith #1
6. Lee District
7. Calhoun, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24794
2. 47–013–01379–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Lois Keith #2
6. Lee District
7. Calhoun, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24795
2. 47–013–01732–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Morgan Lease
6. Lee District
7. Calhoun, WV
8. .4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24796
2. 47–013–01746–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Allen Gas Co #2
6. Lee District
7. Calhoun, WV
8. 1.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24797
2. 47–013–01240–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Allen Gas Co
6. Lee District
7. Calhoun, WV
8. 1.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24798
2. 47–013–01253–0000
3. 108 000 000
4. Roy G Hildreth
5. Haymaker Gas Co #2
6. Lee District
7. Calhoun, WV
8. 4.4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24799
2. 47–013–00305–0000
3. 108 000 000
4. Roy G Hildreth
5. Logan-McDonald #1
6. Sherman District
7. Calhoun, WV
8. 7.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24800
2. 47–013–00331–0000
3. 108 000 000
4. Roy G Hildreth
5. Stockswell Gas Co #1
6. Lee District
7. Calhoun, WV
8. .6 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24801
2. 47–013–01268–0000
3. 108 000 000
4. Roy G Hildreth
5. Hildreth & Starcher Lease
6. Lee District
7. Calhoun, WV
8. 1.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24802
2. 47–013–21359–0000
3. 108 000 000
4. Vercia Poling Agent
5. Raybuck & Harris No 2
6. Sherman District
7. Calhoun, WV
8. 4.3 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24803
2. 47–013–21415–0000
3. 108 000 000
4. Vercia Poling Agent
5. Raybuck & Harris No 3
6. Sherman District
7. Calhoun, WV
8. 1.4 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24804
2. 47–021–00930–0000
3. 108 000 000
4. Roy G Hildreth
5. W C Kingery Lease
6. Glenville
7. Gilmer WV
8. 1.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24805
2. 47–013–01218–0000
3. 108 000 000
4. Roy G Hildreth
5. Nitz Gas Company
6. Lee
7. Calhoun, WV
8. 2.5 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24806
2. 47–013–01236–0000
3. 108 000 000
4. Roy G Hildreth
5. J J Starcher
6. Lee
7. Calhoun, WV
8. 1.2 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24807
2. 47–013–01530–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Lois Keith #4
6. Lee District
7. Calhoun, WV
8. .7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24808
2. 47–013–00000–0000
3. 108 000 000
4. Roy G Hildreth Jr
5. Barr Gas Co #1

6. Lee District
7. Calhoun, WV
8. 1.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24809
2. 47–013–00000–0000
3. 108 000 000
4. Roy G Hildreth
5. Barr Gas Co #2
6. Lee District
7. Calhoun, WV
8. 1.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24810
2. 47–013–01724–0000
3. 108 000 000
4. Roy G Hildreth
5. Barr #3
6. Lee District
7. Calhoun, WV
8. 1.7 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24811
2. 47–021–01576–0000
3. 108 000 000
4. Pennzoil Co
5. W E Lively No W–2
6. Glenville
7. Gilmer, WV
8. 6.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24812
2. 47–021–01600–0000
3. 108 000 000
4. Pennzoil Co
5. W E Lively #13
6. Glenville
7. Gilmer, WV
8. .8 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24813
2. 47–021–01603–0000
3. 108 000 000
4. Pennzoil Co
5. W E Lively #14
6. Glenville
7. Gilmer, WV
8. .8 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24814
2. 47–021–01619–0000
3. 108 000 000
4. Pennzoil Co
5. M C Collins #5
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24815
2. 47–021–01632–0000
3. 108 000 090
4. Pennzoil Co
5. M C Collins #6
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24816
2. 47–021–01652–0000
3. 108 000 000
4. Pennzoil Co
5. M C Collins #3
6. Glenville
7. Gilmer, WV
8. 2.2 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24817
2. 47–021–01660–0000
3. 108 000 000
4. Pennzoil Co
5. R R Marshall #W–1
6. Glenville
7. Gilmer, WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24818
2. 47–021–01661–0000
3. 108 000 000
4. Pennzoil Co
5. R R Marshall #W–2
6. Glenville
7. Gilmer, WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24819
2. 47–021–01678–0000
3. 108 000 000
4. Pennzoil Co
5. R R Marshall #W–3
6. Glenville
7. Gilmer, WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24820
2. 47–021–01680–0000
3. 108 000 000
4. Pennzoil Co
5. M C Collins #7
6. Glenville
7. Gilmer, WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24821
2. 47–081–00029–0000
3. 108 000 000
4. Cabot Corp
5. Rockhouse 7–1092
6.
7. Raleigh, WV
8. 7.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24822
2. 47–081–00019–0000
3. 108 000 000
4. Cabot Corp
5. Rockhouse 4–1056
6.
7. Raleigh, WV
8. 3.4 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24823
2. 47–081–00016–0000
3. 108 000 000
4. Cabot Corp
5. Beaver Coal 13–1085
6.
7. Raleigh, WV
8. 6.7 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24824
2. 47–081–00015–0000
3. 108 000 000
4. Cabot Corp
5. Rockhouse Fork 2–1029
6.
7. Raleigh, WV
8. 3.8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24825
2. 47–081–00011–0000
3. 108 000 000
4. Cabot Corp
5. Beaver Coal 8–840
6.
7. Raleigh, WV
8. 20.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24826
2. 47–079–00241–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 38–1104
6. Sissonville Oriskany
7. Putnam WV
8. 2.8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24827
2. 47–081–00009–0000
3. 108 000 000
4. Cabot Corp
5. Beaver Coal 7–817
6.
7. Raleigh, WV
8. 17.7 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24828
2. 47–079–00221–0000
3. 108 000 000
4. Cabot Corp
5. Amherst 2–1060
6. Sissonville Oriskany
7. Putnam WV
8. .4 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24829
2. 47–079–00217–0000
3. 108 000 000
4. Cabot Corp
5. Putnam Co 35–1079
6. Sissonville Oriskany
7. Putnam WV
8. 7.3 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24830
2. 47–079–00208–0000
3. 108 000 000
4. Cabot Corp
5. E Carney 1–1075
6. Sissonville Oriskany
7. Putnam WV
8. .6 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24831
2. 47–079–00207–0000
3. 108 000 000
4. Cabot Corp
5. Black Betsey 1–1067
6. Sissonville Oriskany
7. Putnam WV
8. 11.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24832
2. 47–067–00455–0000
3. 108 000 000
4. Cabot Corp
5. Hill & Long 2–520
6.
7. Nicholas WV
8. 11.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24833
2. 47–067–00021–0000
3. 108 000 000
4. Cabot Corp
5. Federal Coal Co 2–1110
6.
7. Nicholas WV
8. 6.8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24834
2. 47–067–0009–F000
3. 108 000 000
4. Cabot Corp
5. C & H Corp 1–963
6.
7. Nicholas WV
8. 16.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24835
2. 47–109–00019–0000
3. 108 000 000
4. Cabot Corp
5. C C Sharp 4–1077
6.
7. Wyoming WV
8. 18.9 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24836
2. 47–109–00014–0000
3. 108 000 000
4. Cabot Corp
5. C C Sharp 1–1046
6.
7. Wyoming WV
8. 8.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24837
2. 47–081–00048–0000
3. 108 000 000
4. Cabot Corp
5. Levi Cook 1–1150
6.
7. Raleigh WV
8. 5.3 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24838
2. 47–081–00042–0000
3. 108 000 000
4. Cabot Corp
5. Snuffers Hrs 1–1131
6.
7. Raleigh WV
8. 1.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24839
2. 47–081–00041–0000
3. 108 000 000
4. Cabot Corp
5. Beaver Coal 19–1125
6.
7. Raleigh WV
8. 8.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24840
2. 47–081–00032–0000
3. 108 000 000
4. Cabot Corp
5. O P Riffe 1–1097
6.
7. Raleigh WV
8. 3.3 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24841
2. 47–109–00052–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 7–1149
6.
7. Wyoming WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24842
2. 47–109–00051–0000
3. 108 000 000
4. Cabot Corp
5. Ford Hunter 1–1148
6.
7. Wyoming WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24843
2. 47–109–00050–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 6–1145
6.
7. Wyoming WV
8. 1.6 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24844
2. 47–109–00040–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 4–1135
6.
7. Wyoming WV
8. 12.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24845
2. 47–109–00039–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 3–1134
6.
7. Wyoming WV
8. 5.3 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24846
2. 47–109–00037–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 2–1133
6.
7. Wyoming WV
8. 3.8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24847
2. 47–109–00036–0000
3. 108 000 000
4. Cabot Corp
5. Pocahontas Land 1–1130
6.
7. Wyoming WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24848
2. 47–109–00035–0000
3. 108 000 000
4. Cabot Corp
5. R D Bailey 1–1128
6.
7. Wyoming WV
8. 17.7 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24849
2. 47–109–00032–0000
3. 108 000 000
4. Cabot Corp
5. C C Sharp 7–1117
6.
7. Wyoming WV
8. 7.8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24850
2. 47–097–01874–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #17
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24851
2. 47–097–01870–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #12
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24852
2. 47–097–01865–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #10
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24853
2. 47–097–01860–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #15

6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24854
2. 47–097–01856–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #16
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24855
2. 47–097–01854–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #13
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24856
2. 47–097–01851–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #14
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24857
2. 47–097–01841–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #5
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24858
2. 47–097–01825–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #4
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24859
2. 47–097–01824–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #3
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24860
2. 47–097–01822–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24861
2. 47–097–01812–0000
3. 103 000 000
4. NRM Petroleum Corp
5. R Smith #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 8, 1980
10. Columbia Gas Transmission Corp

1. 80–24862
2. 47–085–24183–0000
3. 103 000 000
4. Warren R Haught
5. Maxine Moats H–689
6. Grant Dist
7. Ritchie WV
8. 20.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24863
2. 47–085–24148–0000
3. 103 000 000
4. Warren R Haught
5. Adaline Glover H–669
6. Murphy Dist
7. Ritchie WV
8. 18.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24864
2. 47–085–24145–0000
3. 103 000 000
4. Warren R Haught
5. Parks Heirs H–672
6. Murphy Dist
7. Ritchie WV
8. 8.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24865
2. 47–085–24141–0000
3. 103 000 000
4. Warren R Haught
5. Simmons H–570
6. Murphy Dist
7. Ritchie WV
8. 20.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24866
2. 47–085–24139–0000
3. 103 000 000
4. Warren R Haught
5. Aaron Friedly Gas Co H–661
6. Murphy Dist
7. Ritchie WV
8. 20.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24867
2. 47–005–01093–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #115
6. Yawkey-Freeman
7. Boone WV
8. 6.6 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24868
2. 47–085–24184–0000
3. 103–000–000
4. Warren R Haught
5. Maxine Moats H–690
6. Grant Dist
7. Ritchie, WV
8. 15.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24869
2. 47–085–24140–0000
3. 103–000–000
4. Warren R Haught
5. A W Flesher H–569
6. Murphy Dist
7. Ritchie WV
8. 8.0 million cubic feet
9. April 8, 1980
10. Consolidated Gas Supply Corp

1. 80–24870
2. 47–013–00044–F000
3. 108–000–000
4. Cabot Corp
5. Ardelia Barretson 2–320
6.
7. Calhoun, WV
8. 15.1 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24871
2. 47–039–00038–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 20–370
6.
7. Kanawha, WV
8. 17.8 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24872
2. 47–039–00037–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 7–219
6.
7. Kanawha, WV
8. 4.9 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24873
2. 47–039–00034–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 33–539
6.
7. Kanawha, WV
8. 4.3 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24874
2. 47–039–00025–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 17–308
6.
7. Kanawha, WV
8. 8.6 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24875
2. 47–039–00022–0000
3. 108–000–000
4. Cabot corp
5. Quincy Coal 3–659
6.
7. Kanawha, WV
8. 6.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24876
2. 47–039–00021–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 13–280
6.
7. Kanawha, WV
8. 8.1 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24877
2. 47–039–00019–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 35–552
6.
7. Kanawha, WV
8. 20.1 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24878
2. 47–039–00017–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 22–384
6.
7. Kanawha, WV
8. 6.6 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24879
2. 47–039–00016–F000
3. 108–000–000
4. Cabot Corp
5. Huntington 12–276
6.
7. Kanawha, WV
8. 10.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24880
2. 47–019–00340–0000
3. 108–000–000
4. Cabot Corp
5. Virginian Rwy 1–583
6.
7. Fayette, WV
8. 3.3 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24881
2. 47–019–00338–0000
3. 108–000–000
4. Cabot Corp
5. John Smith 1–466
6.
7. Fayette, WV
8. 2.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24882
2. 47–019–00337–0000
3. 108–000–000
4. Cabot Corp
5. Robson Prichard 3–595
6.
7. Fayette, WV
8. 19.2 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24883
2. 47–019–00024–0000
3. 108–000–000
4. Cabot Corp
5. Koppers-Elkhorn Piney 1–745
6.
7. Fayette, WV
8. 4.4 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24884
2. 47–019–00014–0000
3. 108–000–000
4. Cabot Corp
5. Kanawha Hocking 5–712
6.
7. Fayette, WV
8. 17.1 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24885
2. 47–015–01376–0000
3. 108–000–000
4. Cabot Corp
5. Hill & Long 6–594
6.
7. Clay, WV
8. 7.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24886
2. 47–015–01374–0000
3. 108–000–000
4. Cabot Corp
5. Hill & Long 4–590
6.
7. Clay, WV
8. 9.4 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24887
2. 47–015–00061–0000
3. 108–000–000
4. Cabot Corp
5. Hill & Long 8–722
6.
7. Clay, WV
8. 2.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24888
2. 47–013–02643–0000
3. 108–000–000
4. Cabot Corp
5. Allen Hardman 4–29
6.
7. Calhoun, WV
8. 14.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24889
2. 47–013–02642–0000
3. 108–000–000
4. Cabot Corp
5. Allen Hardman 3–20
6.
7. Calhoun, WV
8. 8.6 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24890
2. 47–039–00051–0000
3. 108–000–000
4. Cabot Corp
5. Huntington 36–553
6.
7. Kanawha, WV
8. 13.1 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24891
2. 47–039–00085–0000
3. 108–000–000
4. Cabot Corp
5. Huntington 37–554
6.
7. Kanawha, WV
8. 3.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24892
2. 47–039–00108–0000
3. 108–000–000
4. Cabot Corp
5. Koppers-Elkhorn Plney 2–748
6.
7. Kanawha, WV
8. 2.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24893
2. 47–039–00121–0000
3. 108–000–000
4. Cabot Corp
5. Huntington 40–772
6.
7. Kanawha, WV
8. 4.1 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24894
2. 47–039–00132–0000
3. 108–000–000
4. Cabot Corp
5. Huntington 43–796
6.
7. Kanawha, WV
8. 4.4 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24895
2. 47–039–00135–0000
3. 108–000–000
4. Cabot Corp
5. Huntington 45–798
6.
7. Kanawha, WV
8. 21.0 million cubic feet
9. April 8, 1980
10. Cabot Corp

1. 80–24896
2. 47–039–00136–0000
3. 108–000–000
4. Cabot Corp
5. Huntington 46–799
6.
7. Kanawha, WV
8. 6.5 million cubic feet
9. April 8, 1980
10. Cabot Corp

U.S. Geological Survey, Casper, Wyo.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–24898/CC 1283–9
2. 05–103–08339–0000–0
3. 103–000–000

4. J & D Associates
5. J & D Federal 10–1
6. Philadelphia Creek
7. Rio Blanco, CO
8. 78.0 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp

1. 80–24899/CC 1287–9
2. 05–103–08269–0000–0
3. 103–000–000
4. Fuel Resources Development Co
5. 0–28–3–101–S
6. Cathedral
7. Rio Blanco, CO
8. 165.0 million cubic feet
9. April 8, 1980
10. Mountain Fuel Supply Co

1. 80–24900/CC 1288–9
2. 05–103–08248–0000–0
3. 103–000–000
4. Fuel Resources Development Co
5. A–30–3–101–S
6. Cathedral
7. Rio Blanco, CO
8. 15.0 million cubic feet
9. April 8, 1980
10. Mountain Fuel Supply Co

1. 80–24901/CC 1289–9
2. 05–103–08296–0000–0
3. 103–000–000
4. Fuel Resources Development Co
5. J–36–2–101–S
6. Cathedral
7. Rio Blanco, CO
8. 63.0 million cubic feet
9. April 8, 1980
10. Western Slope Co

1. 80–24903/CC 1240–9
2. 05–103–08309–0000–0
3. 103–000–000
4. Provident Resources Inc
5. Government 10–25–4–102
6. Foundation Creek
7. Rio Blanco, CO
8. 36.5 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp

1. 80–24904/CC 1239–9
2. 05–103–07986–0000–0
3. 103–000–000
4. Provident Resources Inc
5. Government #9–34–4–102
6. Foundation Creek
7. Rio Blanco, CO
8. 146.0 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp

1. 80–24922/CC 625–9
2. 05–103–07255–0000–0
3. 108–000–000
4. American Resources Management Corp
5. Cascade 10
6. Trail Canyon Field
7. Rio Blanco, CO
8. 8.6 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp

1. 80–24942/CC 1241–9
2. 05–103–08257–0000–0
3. 102–000–000
4. Provident Resources Inc
5. Government #10–31–4–102
6. Wildcat
7. Rio Blanco, CO
8. 54.7 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–24902/M 1291–9
2. 25–005–21816–0000–0
3. 102 000 000
4. Fuel Resources Development Co
5. #21–24–19B
6. Leroy
7. Blaine, Mt
8. 65.0 million cubic feet
9. April 8, 1980
10. Montana Power Co

1. 80–24917/M 1197–9
2. 25–071–21579–0000–0
3. 108 000 000 denied
4. Midlands Gas Corp
5. 2961 Soc Etal Federal 1–29
6.
7. Phillips, Mt
8. .0 million cubic feet
9. April 8, 1980
10. Kansas Nebraska Natural Gas Co Inc

1. 80–24918/M 1195–9
2. 25–071–21397–0000–0
3. 108 000 000 denied
4. Midlands Gas Corp
5. 1113 1 Federal
6.
7. Phillips, Mt
8. .0 million cubic feet
9. April 8, 1980
10.

1. 80–24921/M 910–9
2. 25–005–21668–0000–0
3. 108 000 000
4. Tricentrol United States Inc
5. Federal 26–10–27–18
6. Sawtooth Mountain
7. Blaine, Mt
8. 1.0 million cubic feet
9. April 8, 1980
10. Northern Natural Gas Co

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–24908/ND 1235–9
2. 33–007–00307–0000–0
3. 102 000 000
4. A1-Aquitaine Exploration Ltd
5. A1-Aquitaine US 1–14
6. Teddy Roosevelt
7. Billings, ND
8. 45.0 million cubic feet
9. April 8, 1980
10. Western Gas Processors Ltd

1. 80–24930/ND 1280–9
2. 33–053–00881–0000–0
3. 102 000 000
4. Marshall & Winston Inc
5. Spring Creek Federal #1–X
6. Mon Dak
7. McKenzie, ND
8. 110.0 million cubic feet
9. April 8, 1980
10. Montana-Dakota Utilities Co

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–24923/UC 470–9B
2. 43–047–30316–0000–0
3. 102 000 000
4. Gas Producing Enterprises Inc
5. NBU 16–6B 30316
6. Natural Buttes Unit
7. Uintah, UT
8. 130.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24934/UC 467–9B
2. 43–047–30328–0000–0
3. 102 000 000
4. Gas Producing Enterprises Inc
5. NBU 19–21B 30328
6. Natural Buttes Unit
7. Uintah, UT
8. 5.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–24897/W 1296–9
2. 49–045–21061–0000–0
3. 103 000 000
4. Cities Service Co
5. Federal J #1
6. Thunder Creek
7. Weston, WY
8. .0 million cubic feet
9. April 8, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–24905/W 1238–9
2. 49–009–21528—0000–0
3. 102 000 000
4. Wexpro Co
5. Spearhead Ranch Unit No 15
6. Spearhead Ranch Unit
7. Converse, WY
8. 182.5 million cubic feet
9. April 8, 1980
10. Mountain Fuel Supply Co

1. 80–24906/W 1237–9
2. 49–037–21320–0000–0
3. 102 000 000
4. Davis Oil Co
5. Gale Unit #1
6. Wildcat
7. Sweetwater, WY

8. 158.0 million cubic feet
9. April 8, 1980
10. Panhandle Eastern Pipeline

1. 80–24907/W 1236–9
2. 49–037–21390–0000–0
3. 102 000 000
4. Davis Oil Co
5. Pickett Lake Unit #3
6. Wildcat
7. Sweetwater, WY
8. 159.0 million cubic feet
9. April 8, 1980
10. Panhandle Eastern Pipeline Co

1. 80–24909/W 1231–9
2. 49–007–20374–0000–0
3. 103 000 000
4. Sinclair Oil Corp
5. Sinclair/Hamilton 25–1
6. Blue Gap
7. Carbon, WY
8. 54.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24910/W 1230–9
2. 49–007–20426–0000–0
3. 103 000 000
4. Sinclair Oil Corp
5. Sinclair Federal 1–6
6. Wild Rose
7. Carbon, WY
8. 292.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24911/W 1229–9
2. 49–007–20432–0000–0
3. 103 000 000
4. Sinclair Oil Corp
5. Sinclair/Hamilton Federal 35–1
6. Blue Gap
7. Carbon, WY
8. 328.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24912/W 1228–9
2. 49–007–20405–0000–0
3. 103 000 000
4. Sinclair Oil Corp
5. Sinclair/Grynberg Federal 2–1
6. Blue Gap
7. Carbon, WY
8. 109.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24913/W 1227–9
2. 49–007–20378–0000–0
3. 103 000 000
4. Sinclair Oil Corp
5. Sinclair/Hamilton Federal 27–1
6. Blue Gap
7. Carbon, WY
8. 146.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24914/W1226–9
2. 49–005–24984–0000–0
3. 102 000 000
4. Woods Petroleum Corp
5. Pinetree Ranch Federal #2
6. Archibald
7. Campbell WY
8. 180.0 million cubic feet
9. April 8, 1980
10. Phillips Petroleum Co

1. 80–24915/W1225–9
2. 49–005–25164–0000–0
3. 102 000 000
4. Woods Petroleum Corp
5. Turner Federal #24–1
6. Archibald
7. Campbell WY
8. .0 million cubic feet
9. April 8, 1980
10. Phillips Petroleum Co

1. 80–24916/W1224–9
2. 49–035–20486–0000–0
3. 103 000 000
4. Belco Petroleum Corp
5. CBU 20–34 20486
6. Chimney Buttes Unit
7. Sublette WY
8. 840.0 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp Mountain Fuel Supply Co

1. 80–24919/W1194–9
2. 49–037–21440–0000–0
3. 103 000 000
4. Husky Oil Co
5. #13–24 Federal-Chandler Baxter
6. Wildcat
7. Sweetwater WY
8. 90.0 million cubic feet
9. April 8, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–24920/W1132–9
2. 49–025–21145–0000–0
3. 103 000 000
4. National Coop Refinery Assn
5. Wallace Creek #5
6. Wallace Creek-Raderville
7. Natrona WY
8. 123.0 million cubic feet
9. April 8, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80–24924/W1297–9
2. 49–037–20454–0000–0
3. 108 000 000
4. Kenneth Luff Inc
5. #1–14 Gosman-Federal
6. Desert Springs
7. Sweetwater WY
8. 5.0 million cubic feet
9. April 8, 1980
10. Colorado Interstate Gas Co

1. 80–24925/W1298–9
2. 49–013–02089–0000–0
3. 107 000 000
4. W A Moncriff Jr
5. Long Butte 30–1X
6. Wildcat
7. Freemont WY
8. 1526.0 million cubic feet
9. April 8, 1980
10.

1. 80–24926/W1257–9
2. 49–013–20974–0000–0
3. 103 000 000
4. Tom Brown Inc
5. Tribal #13–24
6. Wildcat
7. Fremont, Wy
8. 20.5 million cubic feet
9. April 8, 1980
10. Montana-Dakota Utilities Co

1. 80–24927/W1274–9
2. 49–009–21561–0000–0
3. 102 000 000
4. Diamond Shamrock Corp
5. Campbell Federal No 23–5
6. Scott
7. Converse WY
8. 12.0 million cubic feet
9. April 8, 1980
10.

1. 80–24928/W1276–9
2. 49–009–21573–0000–0
3. 102 000 000
4. Diamond Shamrock Corporation
5. Campbell Federal No 41–5
6. Scott
7. Converse WY
8. 12.0 million cubic feet
9. April 8, 1980
10.

1. 80–24929/W1277–9
2. 49–009–21546–0000–0
3. 102 000 000
4. Diamond Shamrock Corp
5. Grable Federal No 21–4
6. Scott
7. Converse WY
8. 12.0 million cubic feet
9. April 8, 1980
10.

1. 80–24931/W379–9
2. 49–009–21398–0000–0
3. 103 000 000
4. UV Industries Inc
5. UV Federal-Cheesbrough A No 1
6. Mikes Draw
7. Converse WY
8. 27.1 million cubic feet
9. April 8, 1980
10. McCulloch Gas Processing Corp

1. 80–24932/W381–9
2. 49–005–24813–0000–0
3. 103 000 000
4. UV Industries Inc
5. UV Federal-Tenneco #1
6. Smeltenn
7. Campbell WY
8. 378.8 million cubic feet
9. April 8, 1980
10. McCulloch Gas Transmission Co

1. 80–24933/W382–9
2. 49–009–21342–0000–0
3. 103 000 000
4. UV Industries Inc
5. UV Federal-Cheesbrough No. 1
6. Mikes Draw
7. Converse WY
8. 40.3 million cubic feet
9. April 8, 1980
10. McCulloch Gas Processing Corp

1. 80–24935/W1246–9
2. 49–037–21095–0000–0
3. 102 000 000
4. Texas Oil & Gas Corp
5. Federal G #1
6. Lost Creek
7. Sweetwater WY
8. 182.0 million cubic feet
9. April 8, 1980
10.

1. 80–24936/W1248–9
2. 49–037–21293–0000–0
3. 102 000 000
4. Texas Oil & Gas Corp
5. Federal 477 #1
6. Bush Lake
7. Sweetwater WY
8. 180.0 million cubic feet
9. April 8, 1980
10. Western Transmission Corp

1. 80–24937/W1249–9
2. 49–037–21472–0000–0
3. 102 000 000
4. Texas Oil & Gas Corp
5. North Bitter Creek Federal #1
6. Wildcat
7. Sweetwater WY
8. 200.0 million cubic feet
9. April 8, 1980
10.

1. 80–24938/W1258–9
2. 49–013–20959–0000–0
3. 103 000 000
4. Tom Brown Inc
5. Tribal #25–41
6. Wildcat
7. Fremont WY
8. 28.9 million cubic feet
9. April 8, 1980
10. Montana-Dakota Utilities Co

1. 80–24939/W1259–9
2. 49–013–20949–0000–0
3. 103 000 000
4. Tom Brown Inc
5. Tribal #12–34
6. Wildcat
7. Fremont WY
8. 5.3 million cubic feet
9. April 8, 1980
10. Montana-Dakota Utilities Co

1. 80–24940/W1260–9
2. 49–037–20986–0000–0
3. 102 000 000
4. C & K Petroleum Inc
5. Lincoln Road Unit No. 4
6. Unnamed
7. Sweetwater WY
8. 45.0 million cubic feet
9. April 8, 1980
10. Northwest Pipeline Corp Colorado Interstate Gas Co Michigan Wisconsin Pipe Line Co

1. 80–24941/W1269–9
2. 49–005–21215–0000–0
3. 108 000 000
4. Arco Oil and Gas Co
5. Sinclair Daly Federal #6
6. Kitty
7. Campbell WY
8. 1.5 million cubic feet
9. April 8, 1980
10. Arco Oil & Gas Co

Osage Agency, Bureau of Indian Affairs Osage County, Okla.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80–24943
2. 35–113–00000–0000–0
3. 102 000 000
4. Strata Energy Inc
5. Mullendore #6–1
6. Unnamed (SE/4 Sec 6 Twp 28N Reg 12E
7. Osage OK
8. 300.0 million cubic feet
9. April 4, 1980
10. Cities Service Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 14, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–13100 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 186]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 23, 1980.

The Federal Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–25589/NM4982–79–2
2. 30–052–07010–0000
3. 103 000 000
4. El Ran Inc
5. Dashner Federal #2
6. Chaveroo
7. Chaves, NM
8. 36.0 million cubic feet
9. April 9, 1980
10. Transwestern Pipeline Co Cities Service Co.

Oklahoma Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s).

1 .80–25591/02506
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #6
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25592/03214
2. 35–049–50404–0000
3. 108 000 000
4. Phillips Petroleum co
5. Hart Unit #J–27
6. Golden Trend
7. Garvin, OK
8. 1.4 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co.

1. 80–25593/02971
2. 35–017–21082–0000
3. 103 000 000
4. Phillips Petroleum Co
5. Wright-D No. 1
6. Yukon
7. Canadian, OK
8. 152.0 million cubic feet
9. April 9, 1980
10. Panhandle Eastern Pipeline Co.

1. 80–25594/02972
2. 35–047–21639–0000
3. 103 000 000
4. Harper Oil Co.
5. Keck #2
6. North Drummond
7. Garfield, OK
8. 320.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25595/02966
2. 35–137–00000–0000
3. 108 000 000
4. Frank Oneal
5. McCollum #1
6. East Velma Field
7. Stephens, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Aminoil USA Inc.

1. 80–25596/02944
2. 35–093–21557–0000
3. 103 000 000
4. F C D Ltd
5. Cooper #1
6. N E Ames
7. Major, OK
8. 44.0 million cubic feet
9. April 9, 1980
10. Pioneer Gas Product Co.

1. 80–25597/02937
2. 35–047–21466–0000
3. 103 000 000
4. F C D Ltd
5. Batchelder #
6. Sooner Trend
7. Garfield, OK
8. 62.0 million cubic feet
9. April 9, 1980
10. Grace Petroleum Corp.

1. 80–25598/02935
2. 35–047–21688–0000

3. 103 000 000
4. F C D Ltd
5. Ella 1–10
6. Sooner Trend
7. Garfield, OK
8. 36.0 million cubic feet
9. April 9, 1980
10. Champlin Petroleum Co.

1. 80–25599/02936
2. 35–047–21511–0000
3. 103 000 000
4. F C D Ltd
5. Rodenberg #1
6. East Enid
7. Garfield, OK
8. 43.0 million cubic feet
9. April 9, 1980
10. Grace Petroleum Co.

1. 8025600/02836
2. 35–063–20649–0000
3. 103 000 000
4. OKT Development Inc
5. Eckles 1–32
6. E Lamar
7. Hughes, OK
8. 25.0 million cubic feet
9. April 9, 1980
10. Oklahoma Gas & Electric Co.

1. 80–25601/02513
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #8
6. Allen
7. Pontotoc
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25602/02793
2. 35–045–00102–0000
3. 108 000 000
4. Amoco Production Co
5. Purdum Unit #1
6. Milder
7. Ellis, OK
8. 5.3 million cubic feet
9. April 9, 1980
10. Northern Natural Gas Co.

1. 80–25603/02510
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Lewis-Pegg #2
6. Allen District
7. Pontotoc County, OK
8. 2.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 8025604/02934
2. 35–093–21279–0000
3. 103 000 000
4. Amoco Production Co
5. W D Fast Unit #1
6. N W Okeene
7. Major, OK
8. .3 million cubic feet
9. April 9, 1980
10. Arkansas—Louisiana Gas Co.

1. 80–25605/02938
2. 35–047–21542–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Cromwell No. 4
6. Sooner Trend
7. Garfield, OK
8. 109.5 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25606/02939
2. 35–047–21340–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Cromwell No. 3
6. Sooner Trend
7. Garfield, OK
8. 73.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25607/03446
2. 35–137–21827–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. E Velma West Blk Sims Sand UT #423
6. SHO—VEL TUM
7. Stephens, OK
8. 3.6 million cubic feet
9. April 9, 1980
10. Getty Oil Co.

1. 80–25608/02987
2.35–025–35130–0000
3. 108 000 000
4. CIG Exploration Inc
5. Rooney #1
6. Keyes
7. Cimarron, OK
8. 5.0 million cubic feet
9. April 9, 1980
10. Colorado Interstate Gas Co.

1. 80–25609/03236
2. 35–135–20064–0000
4. 103 000 000
4. Joe D Davis
5. Brant #1–11
6. Tidwell
7. Sequoyah, OK
8. 73.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25610/02940
2. 35–047–21323–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Lucy Dierksen #3
6. Sooner Trend
7. Garfield, OK
8. 109.0 million cubic feet
9. April 9, 1980
10. Exxon Co USA.

1. 80–25611/01151
2. 35–093–21297–0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Webb Glidewell #2
6. Ringwood
7. Major, OK
8. 35.0 million cubic feet
9. April 9, 1980
10. Oklahoma Natural Gas Gathering Corp.

1. 80–25612/02917
2. 35–043–00000–0000
3. 108 000 000
4. Sarkeys Inc
5. Ross No. 1
6. N W Leedey
7. Dewey, OK
8. 3.6 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co.

1. 80–25613/02839
2. 35–107–29533–0000
3. 103 000 000
4. Cumberland Operating Co
5. Weehunt #1
6. Lyons Quinn Field
7. Okfuskee, OK
8. 4.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co.

1. 80–25614/02511
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #9
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25615/02503
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #4
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25616/02502
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #10
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25617/02505
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #7
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Company.

1. 80–25618/02512
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #1
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25619/02516
2. 35–123–00000–0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Cook-Gilmore #2
6. Allen District
7. Pontotoc County, OK
8. 9.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co.

1. 80–25620/02906
2. 35–129–2030–7–0000
3. 102 000 000
4. El Paso Natural Gas Co
5. Scott #1
6. Undesignated Marmaton

7. Roger Mills OK
8. 365.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80-25621/02694
2. 35-085-20326-0000
3. 103 000 000
4. Lincoln Rock Corp
5. Clinton #1
6. Northeast Marietta
7. Love OK
8. 15.0 million cubic feet
9. April 9, 1980
10. Cimarron Transmission Co
1. 80-25622/03179
2. 35-093-20594-0000
3. 108 000 000
4. Kaiser-Francis Oil Co
5. Worrell Unit #1
6. Cheyenne Valley
7. Major OK
8. 8.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co
1. 80-25623/02948
2. 35-047-21365-0000
3. 103 000 000
4. F C D Ltd
5. Biby 1-8
6. East Enid
7. Garfield OK
8. 64.0 million cubic feet
9. April 9, 1980
10. Grace Petroleum Corp
1. 80-25624/02943
2. 35-093-21457-0000
3. 103 000 000
4. F C D Ltd
5. Crow Estate #1
6. NE Ames
7. Major OK
8. 110.0 million cubic feet
9. April 9, 1980
10. Pioneer Gas Products Co
1. 80-25625/02942
2. 35-321-52700-0000
3. 103 000 000
4. F C D Ltd
5. Frank Crow #1
6. NE Ames
7. Major OK
8. 35.0 million cubic feet
9. April 9, 1980
10. Pioneer Gas Products Co
1. 80-25626/02946
2. 35-093-00000-0000
3. 103 000 000
4. Vaughn Good
5. Fast #1
6. Ringwood
7. Major OK
8. 70.0 million cubic feet
9. April 9, 1980
10. Union Texas Petroleum
1. 80-25627/02945
2. 35-093-00000-0000
3. 103 000 000
4. Vaughn Good
5. Hagele #1
6. East Fairview
7. Major OK
8. 60.0 million cubic feet
9. April 9, 1980
10. Oklahoma Gas and Electric Co
1. 80-25628/01292
2. 35-007-21568-0000
3. 102 000 000
4. P F Beeler
5. P F Beeler—Doreen #1
6. Unnamed Sec 29-3N-25ECM
7. Beaver OK
8. 200.0 million cubic feet
9. April 9, 1980
10. Colorado Interstate Gas Co
1. 80-25629/02607
2. 35-153-20067-0000
3. 108 000 000
4. Kaiser Francis Oil Co
5. Erza C Hohweiler A #1
6. N E Tangier
7. Woodward OK
8. 10.0 million cubic feet
9. April 9, 1980
10. Panhandle Eastern Pipe Line Co Northern Natural Gas Co
1. 80-25630/02913
2. 35-043-00000-0000
3. 108 000 000
4. Sarkeys Inc
5. Manney No 1
6. N W Putnam
7. Dewey OK
8. 7.0 million cubic feet
9. April 9, 1980
10. Aminoil USA Inc
1. 80-25631/02941
2. 35-047-21416-0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Lucy Dierksen #4
6. Sooner Trend
7. Garfield OK
8. .0 million cubic feet
9. April 9, 1980
10. Exxon Co
1. 80-25632/02923
2. 35-083-20834-0000
3. 103 000 000
4. F C D Ltd
5. Bahan-Pollard #2
6. South Marshall
7. Logan OK
8. 70.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co
1. 80-25633/02927
2. 35-073-22036-0000
3. 103 000 000
4. F C D Ltd
5. Grimes #1
6. Lacy
7. Kingfisher OK
8. 15.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co
1. 80-25634/02932
2. 35-047-21593-0000
3. 103 000 000
4. F C D Ltd
5. Barnes #1
6. Sooner Trend
7. Garfield OK
8. 35.0 million cubic feet
9. April 9, 1980
10. Exxon Co USA ONG Western Inc
1. 80-25635/02920
2. 35-083-20722-0000
3. 103 000 000
4. F C D Ltd
5. Navratil 1-4
6. South Marshall
7. Logan OK
8. 12.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co
1. 80-25636/02919
2. 35-083-20776-0000
3. 103 000 000
4. F C D Ltd
5. Bahan-Pollard 3-5
6. South Marshall
7. Logan OK
8. 59.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co
1. 80-25637/ 02830
2. 35-007-21473-0000
3. 103 000 000
4. Shell Oil Co
5. Sizelove 1-35
6. Mocane Laverne
7. Beaver OK
8. 100.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80-25638/02754
2. 35-073-21973-0000
3. 103 000 000
4. Dalco Petroleum Inc
5. Pray #1
6. Sooner Trend
7. Kingfisher OK
8. 2.9 million cubic feet
9. April 9, 1980
10. Cities Service Gas Co
1. 80-25639/02737
2. 35-073-22037-0000
3. 103 000 000
4. Dalco Petroleum Inc
5. Kordis #1
6. Sooner Trend
7. Kingfisher OK
8. 4.2 million cubic feet
9. April 9, 1980
10. Cities Service Gas Co
1. 80-25640/02339
2. 35-045-20698-0000
3. 103 000 000
4. Wessely Exploration Inc
5. Eastham Unit No 1
6. South Peek
7. Ellis OK
8. 70.0 million cubic feet
9. April 9, 1980
10. Panhandle Eastern Pipe Line Co
1. 80-25641/02515
2. 35-123-00000-0000
3. 108 000 000
4. Rockwell Petroleum Corp
5. Lewis-Pegg #1
6. Allen District
7. Pontotoc County OK
8. 2.0 million cubic feet
9. April 9, 1980
10. Arkansas-Louisiana Gas Co
1. 80-25642/02838
2. 35-079-20323-0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Jones N No 1
6. Cedars
7. Leflore Co Ok
8. 107.0 million cubic feet
9. April 9, 1980
10.

1. 80–25643/03348
2. 35–073–22148–0000
3. 103 000 000
4. Vulcan Energy Corp
5. Yost 29–1
6. Sooner Trend
7. Kingfisher OK
8. 125.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80–25644/02902
2. 35–017–20692–0000
3. 103 000 000
4. Universal Resources Corp
5. Schein #1–23
6. Richland NW
7. Canadian OK
8. 51.0 million cubic feet
9. April 9, 1980
10. Transok Pipe Line Co

1. 80–25645/02900
2. 35–017–20810–0000
3. 103 000 000
4. Universal Resources Corp
5. Pazoureck #1–29
6. Richland SE
7. Canadian OK
8. 23.0 million cubic feet
9. April 9, 1980
10. Public Service Co of Oklahoma

1. 80–25646/02909
2. 35–073–22039–0000
3. 103 000 000
4. Dalco Petroleum Inc
5. Ray #1
6. Sooner Trend
7. Kingfisher OK
8. 42.4 million cubic feet
9. April 9, 1980
10. Continental Oil Co

1. 80–25647/01305
2. 35–025–20359–0000
3. 103 000 000
4. H & L Operating Co
5. Frank Estate 025–12064–1
6. Keyes
7. Cimarron OK
8. 80.0 million cubic feet
9. April 9, 1980
10. Colorado Interstate Gas Co

1. 80–25648/01296
2. 35–025–20345–0000
3. 103 000 000
4. H & L Operating Co
5. Spradlin 025–28858–1
6. Keyes
7. Cimarron OK
8. 30.0 million cubic feet
9. April 9, 1980
10. Panhandle Eastern Pipeline Co

1. 80–25649/02842
2. 35–083–21114–0000
3. 103 000 000
4. WIL-MC Oil Corp
5. Hibler #1
6.
7. Logan OK
8. .0 million cubic feet
9. April 9, 1980
10. Cities Service Gas Co

1. 80–25650/02931
2. 35–073–22122–0000
3. 103 000 000
4. Harper Oil Co
5. Nell #1
6. Sooner Trend
7. Kingfisher OK
8. 13.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Company

1. 80–25651/02811
2. 35–019–21793–0000
3. 103 000 000
4. L E Jones Production Co
5. Hardin No 1
6. SHO-VEL-TUM
7. Carter OK
8. 960.1 million cubic feet
9. April 9, 1980
10. Lone Star Gas Co

1. 80–25652/02817
2. 35–137–21807–0000
3. 103 000 000
4. L E Jones Production Co
5. Purcell No 6
6.
7. Stephens OK
8. 14.4 million cubic feet
9. April 9, 1980
10. Lone Star Gas Co

1. 80–25653/02851
2. 35–119–00000–0000
3. 103 000 000
4. Vaughn Good
5. Hadley #1
6. Ingalls
7. Payne OK
8. 12.0 million cubic feet
9. April 9, 1980
10. Colorado Gas Compression Inc

1. 80–25654/02843
2. 35–081–00000–0000
3. 103 000 000
4. Vaughn Good
5. Mose #1
6. West Agra
7. Lincoln OK
8. 10.0 million cubic feet
9. April 9, 1980
10.

1. 80–25655/02822
2. 35–137–21878–0000
3. 103 000 000
4. L E Jones Production Co
5. Purcell No 7
6.
7. Stephens OK
8. 14.4 million cubic feet
9. April 9, 1980
10. Lone Star Gas Co

1. 80–25656/02918
2. 35–083–20924–0000
3. 103 000 000
4. F C D Ltd
5. Bahan-Pollard 4–5
6. South Marshall
7. Logan OK
8. 59.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co

1. 80–25657/02928
2. 35–011–20785–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Bill "A" No 1
6. Hitchcock
7. Blaine OK
8. 700.0 million cubic feet
9. April 9, 1980
10. Delhi Gas Pipeline Corp

1. 80–25658/02925
2. 35–083–20753–0000
3. 103 000 000
4. F C D Ltd
5. Vogel 1–4
6. South Marshall
7. Logan OK
8. 16.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co

1. 80–25659/02929
2. 35–083–20641–0000
3. 103 000 000
4. F C D Ltd
5. Beeby 1–26
6. South Marshall
7. Logan OK
8. 3.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co

1. 80–25660/02924
2. 35–083–20833–0000
3. 103 000 000
4. F C D Ltd
5. Bahan-Hill 2–5
6. South Marshall
7. Logan OK
8. 25.0 million cubic feet
9. April 9, 1980
10. Eason Oil Co

U.S. Geological Survey, Albuquerque, >N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–25526/COA 2688–79
2. 05–067–06037–0000–0
3. 108 000 000
4. Bow Valley Coal Resources Inc
5. Ute #1
6. Red Horse Gulch
7. La Plata CO
8. 7.2 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–25483/NM–3762–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Odessa Natural Corp
5. Little Federal No 1
6. Conner Fruitland
7. San Juan NM
8. 5.6 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25484/NM–3969–79
2. 30–015–22472–0000–0

3. 103 000 000
4. Holly Energy Inc
5. McIntyre B-4
6. Grayburg-Jackson
7. Eddy NM
8. 95.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80-25485/NM3971-79
2. 30-015-22453-0000-0
3. 103 000 000
4. Holly Energy Inc
5. Beeson No 1
6. Grayburg-Jackson
7. Eddy NM
8. 70.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80-25486/NM-3996-79
2. 30-045-23264-0000-0
3. 103 000 000
4. Supron Energy Corp
5. Navajo Indian 6-A
6. Blanco Mesaverde
7. San Juan NM
8. 70.0 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp

1. 80-25487/NM-4083-79
2. 30-039-06416-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Jicarilla J #4
6. South Blanco Pictured Cliffs Gas
7. Rio Arriba NM
8. 22.6 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
Northwest Pipeline Corp

1. 80-25488/NM-5018-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Russell 30 Federal No 1
6. Battleaxe-Battleaxe Delaware
7. Lea NM
8. 8.4 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80-25489/NM-4107-79
2. 30-039-21600-0000-0
3. 108 000 000
4. Jack A Cole
5. Apache Hills No 3
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 14.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25490/NM3598-79
2. 30-039-07546-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. SJ 29-5 Unit #14
6. Blanco
7. Rio Arriba NM
8. 7.0 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp
El Paso Natural Gas Co

1. 80-25491/NM-4356-79A
2. 30-025-26268-0000-0
3. 103 000 000
4. Conoco Inc
5. Semu Blinebry No 104
6. NMFU-Blinebry Oil & Gas
7. Lea NM
8. 515.0 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25492/NM-4356-79B
2. 30-025-26268-0000-0
3. 103 000 000
4. Conoco Inc
5. Semu Tubb A No 104
6. NMFU-Warren Tubb Oil
7. Lea NM
8. 51.0 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25493/NM-4568-79
2. 30-045-23270-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Tapp #1
6. Basin Dakota
7. San Juan NM
8. 250.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25494/NM-4569-79
2. 30-045-23467-0000-0
3. 103 000 000
4. AAA Operating Co Inc
5. Federal E No 1-A
6. Blanco Mesaverde
7. San Juan NM
8. 275.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25495/NM-4571-79
2. 30-045-23466-0000-0
3. 103 000 000
4. AAA Operating Co Inc
5. Federal E No 4
6. Largo Chacra
7. San Juan NM
8. 75.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25496/NM-4572-79
2. 30-045-23464-0000-0
3. 103 000 000
4. AAA Operating Co Inc
5. Federal E No 5
6. Largo Chacra
7. San Juan NM
8. 75.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25497/NM-4584-79
2. 30-045-22931-0000-0
3. 108 000 000
4. Amoco Production Co
5. Elliott Gas Com W #1
6. Blanco Pictured Cliffs
7. San Juan NM
8. 20.8 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25498/NM-5012-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Reed B No 13
6. NMEU Eunice-Monument
7. Lea NM
8. 3.2 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80-25499/NM-5013-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Meyer B-4 #8
6. NMFU-Eunice-Monument
7. Lea NM
8. 3.2 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25500/NM-5014-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Lockhart B-12 No 4
6. NMFU-Drinkard
7. Lea NM
8. 5.7 million cubic feet
9. April 9, 1980
10. Getty Oil Co

1. 80-25501/NM-5015-79
2. 30-025-25390-0000-0
3. 108 000 000
4. Conoco Inc
5. North El Mar No 60
6. El Mar-El Mar Delaware
7. Lea NM
8. .1 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80-25502/NM-5102-79
2. 30-039-07720-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 30-6 Unit #99
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 23.7 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25503/NM 2976-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Meyer B-9 #4
6. New Mexico Federal Unit
7. Lea NM
8. 2.6 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25504/NM 3046-79-3
2. 30-039-06421-0000-0
3. 108 000 000
4. Caulkins Oil Co
5. Reuter 344
6. Basin Dakota
7. Rio Arriba NM
8. 15.6 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp

1. 80-25505/NM-3597-79
2. 30-045-10562-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 32-8 Unit #10
6. Blanco
7. San Juan NM
8. 14.0 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp
El Paso Natural Gas Co

1. 80-25506/4992-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc

5. North El Mar Unit No 25
6. El Mar–El Mar Delaware
7. Lea NM
8. .2 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80–25507/NM–5004–79 A
2. 30–039–22001–0000–0
3. 103 000 000
4. Caulkins Oil Co
5. Breech A 729 (PC)
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 37.0 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80–25508/NM–5004–79B
2. 30–039–22001–0000–0
3. 103 000 000
4. Caulkins Oil Co
5. Breech A 729 (Chacra)
6. Otero Chacra
7. Rio Arriba NM
8. 37.0 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80–25509/NM4363–79–A
2. 30–025–26374–0000–0
3. 103 000 000
4. Conoco Inc
5. Warren Unit Blinebry No 77
6. NMFU–Blinebry Oil & Gas
7. Lea NM
8. 85.0 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80–25510/NM4363–79–B
2. 30–025–26374–0000–0
3. 103 000 000
4. Conoco Inc
5. Warren Unit Tubb No 77
6. NMFU–Warren Tubb Oil
7. Lea NM
8. 42.0 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80–25511/NM–2913–79
2. 30–039–00000–0000–0
3. 103 000 000
4. Conoco Inc
5. Axi Apache N #1
6. Axi Apache Area
7. Rio Arriba NM
8. 10.2 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico (C–4787)

1. 80–25512/NM–4212–79
2. 30–045–22429–0000–0
3. 108 000 000
4. J G Merrion & R L Bayless
5. Chaco Limited #1
6. Waw Fruitland Pictured Cliffs
7. San Juan NM
8. .4 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25513/NM–4159–79
2. 30–039–07872–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. SJ 30–6 unit #70
6. Blanco-Mesaverde Gas
7. Rio Arriba County NM
8. 73.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25514/NM–4655–79
2. 30–005–20688–0000–0
3. 103 000 000
4. El Ran Inc
5. Federal #1
6. Chaveroo (San Andres)
7. Chaves NM
8. 15.3 million cubic feet
9. April 9, 1980
10. Transwestern Pipeline Co

1. 80–25515/NM–4620–79
2. 30–039–21935–0000–0
3. 103 000 000
4. Oxy Petroleum Inc
5. Jicarilla West 8A
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 75.2 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp

1. 80–25516/NM–4337–79
2. 30–041–20490–0000–0
3. 103 000 000
4. El Ran Inc
5. U S #2
6. Chaveroo
7. Roosevelt NM
8. 36.0 million cubic feet
9. April 9, 1980
10. Transwestern Pipeline Co Cities Service Co

1. 80–25517/NM–5016–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Stevens B No 11
6. NMFU–Jalmat Tansill YT 7 Rivers
7. Lea NM
8. 8.9 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25518/NM–4991–79
2. 30–025–0000–0000–0
3. 108 000 000
4. Conoco Inc
5. Cline A–15 No 2
6. NMFU—Teague Blinebry
7. Lea NM
8. .3 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80–25519/NM–5017–79
2. 30–025–23441–0000–0
3. 108 000 000
4. Conoco Inc
5. Eaves B–1 No 16
6. NMFU–Scarborough Yates 7 Rivers
7. Lea NM
8. .8 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25520/NM–4336–79
2. 30–041–20490–0000–0
3. 103 000 000
4. El Ran Inc
5. U S #1
6. Chaveroo
7. Roosevelt NM
8. 36.0 million cubic feet
9. April 9, 1980
10. Transwestern Pipeline Co Cities Service Co

1. 80–25521/NM–4226–79
2. 30–045–23394–0000–0
3. 103 000 000
4. Kimbark Operating Co
5. Horton #3A
6. Blanco-MV
7. San Juan NM
8. 1095.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25522/NM–1975–79
2. 30–025–20653–0000–0
3. 108 000 000
4. Conoco Inc
5. Semu—Tubb A/C 1 #83
6. New Mexico Federal Unit
7. Lea NM
8. 5.4 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80–25523/NM–1979–79
2. 30–025–04186–0000–0
3. 108 000 000
4. Conoco Inc
5. Reed-Sanderson unit #11
6. New Mexico Federal Unit
7. Lea NM
8. 13.9 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80–25524/NM–1970–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Meyer B–28 #1
6. New Mexico Federal Unit
7. Lea NM
8. 1.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25525/NM–2906–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Meyer B–22 #1
6. New Mexico Federal Unit
7. Lea NM
8. 1.4 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25527/NM 2712–79
2. 30–045–00000–0000–0
3. 108 000 000
4. Husky Oil Co
5. Alice Bolack #14
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 18.9 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25528/NM–4114–79
2. 30–039–21383–0000–0
3. 103 000 000
4. Amerada Hess Corp
5. J Apache I #6
6. Chacon Dakota
7. Rio Arriba NM
8. .0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25529/NM–4113–79
2. 30–039–21384–0000–0
3. 103 000 000
4. Amerada Hess Corp
5. J Apache I #5
6. Chacon Dakota

7. Rio Arriba NM
8. .0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25530/NM–4112–79
2. 30–039–21382–0000–0
3. 103 000 000
4. Amerada Hess Corp
5. J Apache I #4
6. Chacon Dakota
7. Rio Arriba NM
8. .0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25531/NM–2938–79
2. 30–039–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Axi Apache C #8
6. Axi Apache Area
7. Rio Arriba NM
8. 4.4 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80–25532/NM–2949–79
2. 30–039–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Axi Apache A #4
6. Axi Apache Area
7. Rio Arriba NM
8. 7.3 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80–25533/NM–4039–79–1A
2. 30–039–21847–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Tonkin No 1 (Gallup)
6. West Lindrith Gallup
7. Rio Arriba NM
8. 75.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25534/NM–4039–79–1B
2. 30–039–21847–0000–0
3. 103 000 000
4. Arco Oil and Gas Co
5. Tonkin No 1 (Dakota)
6. West Lindrith—Dakota
7. Rio Arriba NM
8. 75.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25535/NM–360–3–79
2. 30–045–21485–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Holt #1
6. Blanco
7. San Juan NM
8. 20.0 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp El Paso Natural Gas Co

1. 80–25536/NM–4617–79
2. 30–015–21955–0000–0
3. 108 000 000
4. McClellan Oil Corp
5. Hinkle Federal No 4 Fed LC–068677
6. High Nitro (Grayburg)
7. Eddy NM
8. 16.6 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25537/NM–4799–79
2. 30–005–20609–0000–0
3. 103 000 000
4. Flag-Redfern Oil Co
5. Amoco Federal No 1 USA NM 13418
6. Tom-Tom (San Andres)
7. Chaves NM
8. 1.8 million cubic feet
9. April 9, 1980
10. Natural Gas Pipeline Co of America

1. 80–25538/NM–4726–79
2. 30–039–21599–0000–0
3. 108 000 000
4. Amoco Production Co
5. Valencia Canyon Unit #20
6. Choza Mesa-Pictured Cliffs
7. Rio Arriba NM
8. 5.5 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25539/NM–4741–79
2. 30–039–22010–0000–0
3. 103 000 000
4. Southland Royalty Co
5. Arizona Jicarilla B #8A
6. Blanco Mesa Verde
7. Rio Arriba NM
8. 100.0 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80–25540/NM–4743–79
2. 30–039–05747–0000–0
3. 108 000 000
4. Kimbell Oil Co
5. Salazar Federal No 4
6. Basin Dakota H–34–25N–6W
7. Rio Arriba NM
8. 17.8 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25541/NM–4745–79
2. 30–039–06566–0000–0
3. 108 000 000
4. Caulkins Oil Co
5. Breech A 177
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 15.5 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80–25542/NM–4659–79
2. 30–015–22742–0000–0
3. 103 000 000
4. Texas Oil & Gas Corp
5. Coquina Federal Com #1
6. Undesignated (Morrow)
7. Eddy NM
8. 219.0 million cubic feet
9. April 9, 1980
10. Bixco Inc Natural Gas Pipline Co of America

1. 80–25543/NM–4986–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Hawk B–3 No 20
6. NMFU—Blinebry Oil and Gas
7. Lea NM
8. 8.7 million cubic feet
9. April 9, 1980
10. Getty Oil Co

1. 80–25544/NM–4987–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Hawk B–3 No 10
6. NMFU—Drinkard
7. Lea NM
8. 10.1 million cubic feet
9. April 9, 1980
10. Getty Oil Co

1. 80–25545/NM–4357–79–A
2. 30–025–26269–0000–0
3. 103 000 000
4. Conoco Inc
5. Semu Burger B No 108 (Blinebry)
6. NMFU—Blinebry Oil & Gas
7. Lea NM
8. 12.0 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80–25546/NM–4357–79–B
2. 30–025–26269–0000–0
3. 103 000 000
4. Conoco Inc
5. Semu Burger B No 108 (Warren Tubb)
6. NMFU—Warren Tubb Oil
7. Lea NM
8. 12.0 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80–25547/NM–4988–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Langlie Jack Unit No 9
6. NMFU Langlie Mattix 7 Rivers Queen
7. Lea NM
8. .5 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80–25548/NM–4800–79
2. 30–005–20620–0000–0
3. 103 000 000
4. Flag-Redfern Oil Co
5. Amoco Federal No 2 USA NM 13418
6. Tom-Tom (San Andres)
7. Chaves
8. 1.8 million cubic feet
9. April 9 1980
10. Natural Gas Pipeline Co of America

1. 80–25549/NM–4801–79
2. 30–005–20634–0000–0
3. 103 000 000
4. Flag-Redfern Oil Co
5. Amoco Federal No 3 USA NM 13418
6. Tom-Tom (San Andres)
7. Chaves, NM
8. 5.5 million cubic feet
9. April 9 1980
10. Natural Gas Pipeline Co of America

1. 80–25550/NM–4842–79
2. 30–015–22460–0000–0
3. 102 000 000
4. Exxon Corp
5. Scheidt Federal #1
6. Wildcat
7. Eddy, NM
8. 355.0 million cubic feet
9. April 9 1980
10. El Paso Natural Gas Co

1. 80–25551/NM–4851–79
2. 30–015–22716–0000–0
3. 103 000 000
4. David Fasken
5. Fasken-Ross-Federal No 3
6. Cemetary (Morrow)
7. Eddy, NM
8. 730.0 million cubic feet
9. April 9 1980

10. Natural Gas Pipeline Co of America
1. 80–25552/NM–4746–79
2. 30–039–06716–0000–0
3. 108 000 000
4. Caulkins Oil Co
5. Breech E 49
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 14.0 million cubic feet
9. April 9 1980
10. Gas Co of New Mexico
1. 80–25553/NM–4747–79
2. 30–043–20269–0000–0
3. 108 000 000
4. Dave M Thomas Jr
5. Chacon Jicarilla #7
6. Ballard Pictured Cliffs
7. Sandoval NM
8. 15.6 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25554/NM–4796–79
2. 30–005–20643–0000–0
3. 103 000 000
4. Flag-Redfern Oil Co
5. Amoco-Federal No 4 USA NM 13418
6. Tom-Tom (San Andres)
7. Chaves NM
8. 3.7 million cubic feet
9. April 9, 1980
10. Natural Gas Pipe Line Co of America
1. 80–25555/NM–4797–79
2. 30–005–20665–0000–0
3. 103 000 000
4. Flag-Redfern Oil Co
5. Hahn Federal No 6 USA NM 15677
6. Tom-Tom (San Andres)
7. Chaves NM
8. 11.0 million cubic feet
9. April 9, 1980
10. Natural Gas Pipe Line Co of America
1. 80–25556/NM–4798–79
2. 30–005–20664–0000–0
3. 103 000 000
4. Flag Redfern Oil Co
5. Hahn-Federal A No 1 USA NM 15537
6. Tom-Tom (San Andres)
7. Chaves NM
8. 3.7 million cubic feet
9. April 9, 1980
10. Natural Gas Pipe Line Co of America
1. 80–25557/NM–4040–79
2. 30–039–21910–0000–0
3. 103 000 000
4. Arco Oil And Gas Co
5. Tonkin No 2
6. West Lindrith Gallup-Dakota
7. Rio Arriba NM
8. 55.5 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25558/NM–4041–79
2. 30–039–21959–0000–0
3. 103 000 000
4. Arco Oil And Gas Co
5. Tonkin No 3
6. West Lindrith Gallup-Dakota
7. Rio Arriba NM
8. 88.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25559/NM–4406–79
2. 30–039–20304–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Klein #15
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25560/NM–4443–79
2. 30–025–26272–0000–0
3. 102 000 000
4. Estoril Producing Corp
5. Union Federal #1
6. Wildcat
7. Lea NM
8. 540.0 million cubic feet
9. April 9, 1980
10. Llano Inc
1. 80–25561/NM–4530–79
2. 30–039–00000–0000–0
3. 103 000 000
4. Odessa Natural Corp
5. Chacon Jicarilla No D–14
6. Chacon Dakota
7. Rio Arriba NM
8. .0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25562/NM–4562–79
2. 30–045–20789–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Day A #13
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 12.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25563/NM–4407–79
2. 30–039–05243–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Lindrith unit #57
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 22.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25564/NM–4564–79
2. 30–039–21158–0000–0
3. 108 000 000
4. El Paso Natural Gas Co
5. Jicarilla C #13
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25565/NM–5150–79
2. 30–045–21623–0000–0
3. 108 000 000
4. Universal Resources Corp
5. Grigsby 3–8
6. Basin Dakota
7. San Juan NM
8. 13.0 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp
1. 80–25566/NM–5148–79
2. 30–015–22940–0000–0
3. 102 000 000
4. Mesa Petroleum Co
5. Runyan Federal #2
6. Runyan Ranch (Morrow)
7. Eddy NM
8. 208.0 million cubic feet
9. April 9, 1980
10. Northern Natural Gas Co
1. 80–25567/NM–5151–79
2. 30–045–22534–0000–0
3. 103 000 000
4. Northwest Pipeline Corp
5. San Juan 32–0 Unit #38
6. Undesignated Pdictured Cliffs
7. San Juan NM
8. 74.0 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp
1. 80–25568/NM–1993–79
2. 30–039–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Axi Apache A #5
6. Axi Apache Area
7. Rio Arriba NM
8. 8.7 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico
1. 80–25569/NM–1977–79
2. 30–039–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Axi Apache H #2
6. Axi Apache Area
7. Rio Arriba NM
8. 5.9 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico
1. 80–25570/NM–4597–79102
2. 30–015–22859–0000–0
3. 102 000 000
4. Perry R Bass
5. Big Eddy Unit No 72
6. Wildcat Morrow
7. Eddy County NM
8. 404.4 million cubic feet
9. April 9, 1980
10. Natural Gas Pipe Line Co of America
1. 80–25571/NM–2922–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Reed B #5
6. New Mexico Federal Unit
7. Lea NM
8. 10.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co
1. 80–25572/NM–1955–79
2. 30–025–11658–0000–0
3. 108 000 000
4. Conoco Inc
5. Sholes A–19 #1
6. New Mexico Federal Unit
7. Lea NM
8. 7.5 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25573/NM–4023–79
2. 30–015–22477–0000–0
3. 103 000 000
4. Holly Energy Inc
5. #1–32 Avalon Fed Com
6. Avalon
7. Eddy NM
8. 273.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co
1. 80–25574/NM–4570–79
2. 30–045–23465–0000–0

3. 103 000 000
4. AAA Operating Co Inc
5. Federal E No 2-A
6. Blanco Mesaverde
7. San Juan NM
8. 275.0 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25575/NM-4596-79102
2. 30-015-22749-0000-0
3. 102 000 000
4. Perry R Bass
5. Big Eddy Unit No 68
6. Wildcat Morrow
7. Eddy County NM
8. 271.6 million cubic feet
9. April 9, 1980
10. Natural Gas Pipe Line Co of America

1. 80-25576/NM-4989-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Hawk B-3 No 1
6. NMFU—Wantz ABO
7. Lea NM
8. 4.3 million cubic feet
9. April 9, 1980
10. Getty Oil Co

1. 80-25577/NM-4990-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Semu Permian No 47
6. NMFU—Skaggs Grayburg
7. Lea NM
8. 1.5 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25578/NM-4795-79
2. 30-005-20680-0000-0
3. 103 000 000
4. Flag-Redfern Oil Co
5. Amoco-Federal No 6 USA NM 13418
6. Tom-Tom (San Andres)
7. Chaves NM
8. 5.5 million cubic feet
9. April 9, 1980
10. Natural Gas Pipe Line Co of America

1. 80-25579/NM-4619-79-A
2. 30-039-21979-0000-0
3. 103 000 000
4. Oxy Petroleum Inc
5. Jicarilla West 9A (MV)
6. Blanco Mesaverde
7. Rio Arriba NM
8. 75.2 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp

1. 80-25580/NM-4619-79-B
2. 30-039-21979-0000-0
3. 103 000 000
4. Oxy Petroleum Inc
5. Jicarilla West 9A (Chacra)
6. Wildcat Chacra
7. Rio Arriba NM
8. 75.2 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp

1. 80-25581/NM-4618-79
2. 30-039-22015-0000-0
3. 103 000 000
4. Oxy Petroleum Inc
5. Jicarilla West 7A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 75.2 million cubic feet
9. April 9, 1980
10. Northwest Pipeline Corp

1. 80-25582/NM-5003-70-A
2. 30-039-21996-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech 812 (Dakota)
6. Basin Dakota
7. Rio Arriba NM
8. 15.0 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80-25583/NM-5003-79-B
2. 30-039-21996-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech 812 (Chacra)
6. Otero Chacra
7. Rio Arriba NM
8. 12.0 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80-25584/NM-5003-79-C
2. 30-039-21996-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech 812 (MV)
6. Blanco Mesaverde
7. Rio Arriba NM
8. 12.0 million cubic feet
9. April 9, 1980
10. Gas Co of New Mexico

1. 80-25585/NM-4856-79-2
2. 30-025-09328-0000-0
3. 108 000 000
4. Conoco Inc
5. Stevens B No 7
6. NMFU
7. Lea NM
8. 7.0 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

1. 80-25586/NM-4984-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Semu Permian No 16
6. NMFU—Skaggs Grayburg
7. Lea NM
8. 1.1 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25587/NM-4981-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Reed—Sanderson Unit #198
6. NMFU—Eumont Yates 7 Rivers Queen
7. Lea NM
8. 2.6 million cubic feet
9. April 9, 1980
10. Warren Petroleum Co

1. 80-25588/NM-4985-79
2. 30-025-24622-0000-0
3. 108 000 000
4. Conoco Inc
5. Jack B-17 No 4
6. NMFU-Jalmat Tansill Yates 7-Rivers
7. Lea NM
8. 15.9 million cubic feet
9. April 9, 1980
10. El Paso Natural Gas Co

1. 80-25590/NM-4982-79-1
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Stevens B No 5
6. NMFU Langlie-Mattix 7 Rivers Queen
7. Lea NM
8. 7.1 million cubic feet
9. April 9, 1980
10. Phillips Petroleum Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 14, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13101 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-345]

Arizona Public Service Co., Proposed Change in Rate

April 22, 1980;

The filing Company submits the following:

Take notice that Arizona Public Service Company on April 18, 1980, tendered for filing Supplement No. 18 dated August 31, 1979 to the Agreement between the Navajo Tribal Utility Authority (NTUA) and Arizona Public Service Company (APS) which Agreement has been designated FPC Rate Schedule No. 6. APS states that this Supplement provides certain technical changes and also for the manner of computing Material and Supplies expense adjustment.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 13, 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. 80-13102 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2710]

Bangor Hydro-Electric Co.; Application for Approval of Exhibit R

April 22, 1980.

Take notice that an application was filed on April 2, 1980, under the Federal Power Act, 16 U.S.C. § 791a–825r, by the Bangor Hydro-Electric Company, Licensee for the Orono Project No. 2710, for approval of its recreation use plan, Exhibit R. The project is located on the Penobscot River in Penobscot County, Maine.

Correspondence with the Applicant should be directed to: Mr. Robert S. Briggs, Vice-President, Bangor Hydro-Electric Company, 33 State Street, P.O. Box 932, Bangor, Maine 04401. As described in the proposed recreation plan Bangor Hydro-Electric Company (Licensee) has agreed to provide an area for a recreational facility adjacent to the Orono Project powerhouse in Orono, Maine. Such a facility would include walkways, park benches and picnic facilities, the installation of protective fencing and landscaping of the area.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 2, 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. 80-13103 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-344]

Carolina Power & Light Co.; Filing

April 22, 1980.

The filing Company submits the following:

Take notice that Carolina Power & Light Company (CP&L) on April 18, 1980, tendered for filing Revised Sheet Nos. 5–8 and 21–24 to its FPC Electric Tariff, First Revised Volume No. 1, containing revised rates and charges, and a revised Index of Purchasers applicable to CP&L's 25 municipal, two private distribution utilities, and 18 rural electric cooperative sales-for-resale customers. The revised rates are contained in proposed Resale Service Schedules RS–13 and RS–14 applicable to CP&L's electric cooperative customers, and to municipal and private distribution utility customers, respectively. Accompanying Resale Fuel Adjustment Clause Rider No. 2B is applicable to both rate schedules. CP&L proposes to place the revised tariff sheets into effect as of June 17, 1980. The revised rates and charges would increase revenues from jurisdictional sales by $29,077,832 based on the 12-month period ending June 30, 1980.

CP&L states that under the rates currently in effect it expects to realize a rate of return during Period II (calendar year 1980) from service to its municipal and private utility resale customers of 6.98% and from its electric cooperative resale customers of 8.05%. These operating results would produce a return on common equity of only 3.32% from municipal and private utility sales and only 6.23% from cooperative sales during the calendar year 1980, due in part to the addition of CP&L's Roxboro #4 coal fired unit to plant in service in September, 1980 representing an increase in investment of approximately 10% which is not being compensated for by the sales-for-resale customers. The proposed rates and charges are designed to enable CP&L to improve the rate of return realized from resale services, which return is estimated to be 11.26% if the proposed rates and charges had been in effect for the 12-month period ending December 31, 1980.

A copy of the appropriate portions of the filing has been served upon CP&L's jurisdictional resale customers and the State Commissions of North Carolina and South Carolina.

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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rule of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 14, 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. 80-13104 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP72-157, et al.]

Consolidated Gas Supply Corp., et al., Filing of Pipeline Refund Reports and Refund Plans

April 21, 1980

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 6, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing Date	Company	Docket No.	Type Filing
4/1/80	Consolidated Gas Supply Corp.	RP72-157	Report.
4/10/80	Alabama-Tennessee Natural Gas Co.	RP73-77	Report.
4/11/80	Tennessee Gas Pipeline Co.	G-11980	Plan.
4/15/80	Arkansas-Louisiana Gas Co.	TA80-2-31	Report.

[FR Doc. 80-13105 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP73-148]

Energy Pipeline Corp.; Amendment to Application

April 23, 1980.

Take notice that on April 10, 1980, Energy Pipeline Corporation (Applicant), 80 Park Place, Newark, New Jersey 07101, filed in Docket No. CP73-148 an amendment to its application in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the construction and operation of a natural gas transmission pipeline between the existing liquefied natural gas (LNG) plant of Energy Terminal Services Corporation (ETS) located in Rossville, Staten Island, New York, and points of interconnection with Texas Eastern Transmission Corporation (Texas Eastern) and Public Service Electric and Gas Company (Public Service) in Woodbridge, New Jersey, as well as appurtenant facilities including a metering and regulating station, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate a 30-inch natural gas transmission pipeline, approximately 16,625 feet in length between the existing LNG plant of ETS in Rossville and points of interconnection with Texas Eastern and Public Service in Woodbridge, New Jersey. Applicant states that it would also be necessary to construct and operate a metering and regulating station near the points of interconnection in Woodbridge.

It is stated that the purpose of the transportation service being proposed by Applicant for its customers, Texas Eastern, Public Service and the Brooklyn Union Gas Company (Brooklyn Union) is to provide firm transportation for such volumes of natural gas as the customers require to have transported to and from the existing LNG plant of ETS in order to enable the customers to avail themselves of the LNG peaking service proposed by ETS in Docket No. CP74-122.

Applicant states that its pro forma tariff rates based on January 1, 1980, dollar costs for a full year of operation would be a monthly charge for each customer based on each customer's share of the capacity quantity of the ETS facility relative to the entire capacity quantity of the facility. It is stated that the charge for Brooklyn Union reflects the fact that it would only be using the pipeline facilities when gas is flowing into the LNG plant. It is further stated that the rate would be $33,200 per month for Texas Eastern, $125,900 per month for Public Service, and $4,000 per month for Brooklyn Union, which rates would cover only the transportation service provided by Applicant.

It is planned that the construction of the pipeline could commence as early as April, 1982, and, therefore, the operation of the pipeline for transportation of gas to the ETS LNG plant could begin on July 1, 1983.

Applicant states that the cost of the proposed facilities exclusive of allowance for funds used during construction, would be $9,838,000. Such cost, it is stated, would be financed initially with interim financing under a revolving credit agreement.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13106 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-472]

Florida Gas Transmission Co., Petition To Amend

April 23, 1980.

Take notice that on April 11, 1980, Florida Gas Transmission Company (Petitioner), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP79-472 a petition to amend the order issued January 22, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of 30 billion Btu of natural gas per day to Southern Natural Gas Company (Southern), or such volumes as Petitioner finds to be necessary, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that additional development has taken place in the Lips Ranch Field Area, Hidalgo County, Texas, the source of the gas supply to be transported hereunder. Petitioner states that the 10 billion Btu of natural gas reflected in the certificate issued January 22, 1980, in the instant docket, would be inadequate to handle the total production anticipated. It is stated that, pursuant to an amendatory agreement signed March 4, 1980, Southern and Petitioner have agreed to provide for an increase in the transportation volumes to 30 billion Btu per day.

Petitioner states that the cost of facilities adequate to handle the revised volumes is $61,600 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13107 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-88]

Kansas-Nebraska Natural Gas Co., Inc.; Proposed Change in FERC Gas Tariff

April 23, 1980.

Take notice that on April 15, 1980, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, in Docket No. TC80-88 tendered for filing Third Revised Sheet No. 24 of its FERC Gas Tariff, Third Revised Volume No. 1. This filing would add an additional clause to Section 13.b(2) which would permit Kansas-Nebraska to provide natural gas service to Priority 1 and 2 customers for emergency standby electric generation, all as more fully set forth in the revised sheet which is on file with the Commission and open to public inspection.

Kansas-Nebraska states that the proposed change would authorize it to make natural gas service available to standby emergency electric generating facilities operated by schools, hospitals, governmental installations such as police, fire protection, and correctional facilities, and to essential agricultural establishments. The existing § 13.b(2) of Kansas-Nebraska's General Terms and Conditions of its FERC Gas Tariff prohibits the making of new or additional sales of natural gas for electric generation by Kansas-Nebraska. Kansas-Nebraska states that it does not believe that service to these facilities would have any measurable impact upon its annual gas supply.

Kansas-Nebraska requests that the tendered tariff sheet be accepted for filing and become effective 30 days following the date of filing.

Any person desiring to be heard or to protest said tariff filings should on or before May 2, 1980, file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make 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. 80-13108 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-342]

Kansas Power & Light Co.; Notice of Filing

April 22, 1980.

The filing Company submits the following:

Take notice that the Kansas Power and Light Company (KPL) on April 15, 1980, tendered for filing a Economy Energy Interchange Service Agreement executed with Missouri Public Service Company dated February 15, 1980. Included with the filing was a Certificate of Concurrence of Missouri Public Service Company assenting to and concurring in the filed rate schedule.

KPL requests an effective date of March 1, 1980.

Any person desiring to be heard or to make any 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 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 May 13, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protesants parties to the proceeding. Any person wishing to become a party must file file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 80-13109 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-22]

Le Blanc's Arco; Filing of Petition for Review Under 42 U.S.C. 7194

Issued April 22, 1980.

Take notice that Le Blanc's Arco on April 4, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before May 5, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13110 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 2364, 2365, 2613, and 2615]

Madison Paper Corp., Madison Paper Industries; Application for Transfer of Major Licenses

April 21, 1980.

Public notice is hereby given that an application was filed on March 14, 1980, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by Madison Paper Corporation (Licensee) and Madison Paper Industries (Transferee) for transfer of major licenses for the Abenaki Project No. 2364, Anson Project No. 2365, Moxie Project No. 2613, and Brassua Project No. 2615.

Correspondence should be directed to: Frank A. Knight, President, Madison Paper Corporation, Box 129, Madison, Maine 04950.

Project No. 2364 has 2,650 kW of installed hydroelectric generating capacity and 9,100 H.P. of hydro-mechanical capacity. Project No. 2365 has an installed electric generating capacity of 6,000 kW. The power from these projects is used by the adjacent paper mills owned by the Transferee. Both projects are located on the Kennebec River in Madison, Maine.

Projects Nos. 2613 and 2615 are located on the Moxie Stream and the Moose River, respectively and provide water storage for power generation at projects on the Kennebec River.

Madison Paper Industries is a general partnership organized under the laws of the State of Maine which includes Madison Paper Corporation and Northern S.C. Paper Corporation.

Transferee proposes to continue to operate Projects Nos. 2364, 2365, 2613, and 2615, in the same manner and for the same purposes for which they are now operated, namely, as sources of power and energy for the adjacent paper mills.

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 June 2, 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. 80-13111 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3055]

Merced Irrigation District; Application for Exemption for Small Conduit Hydroelectric Facility

April 22, 1980.

Take notice that on February 20, 1980, Merced Irrigation District (District) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Richard B. Parker Power Plant (FERC No. 3055) would be located on the District's Main Canal in Merced County, approximately 12 miles northeast of the City of Merced, California. Water is diverted into the Main Canal from the Merced River at Snelling Diversion Dam, approximately 4½ miles northeast of the proposed project. Correspondence with the Applicant should be directed to: Mr. Jay Anderson, Manager-Secretary, Merced Irrigation District, P.O. Box 2288, Merced, California 95340.

Purpose of Project—Project energy would be sold to a nearby power utility, the Turlock Irrigation District (TID), for use within the TID's electric service area.

Estimated Cost—The cost of the project is estimated by the Applicant to be $4,600,000.

Project Description—The proposed project would include a concrete powerhouse containing a single generating unit with a rated capacity of 2,800 kW and a substation adjacent to the powerhouse housing a 5/17-kV transformer. The power plant would utilize an effective head of 22 feet (created by deepening of the tailrace channel and raising the water surface elevation upstream of the powerhouse), would be remotely monitored and controlled from TID's Control Center in Turlock, California, and would produce approximately 9.75 million kilowatt-hours of energy per year.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. 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, protests, or petiton to intervene must be filed on or before June 4, 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. 80-13112 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-314]

Michigan Wisconsin Pipe Line Co.; Application

April 23, 1980.

Take notice that on April 14, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-314 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during an indefinite period commencing July 13, 1980, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application on file with the Commission and open to public inspeciton.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total cost of the proposed facilities would not exceed $9,000,000 for the balance of 1980 nor exceed $20,000,000 for any calendar year thereafter, with no single onshore project to exceed $2,500,000 and no single offshore project to exceed $3,500,000. It is asserted that the cost of the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13113 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-341]

Mississippi Power Co.; Cancellation

April 22, 1980.

Take notice that on April 15, 1980, Mississippi Power Company (Mississippi) tendered for filing a notice of cancellation of Supplement No. 7 to FERC Electric Tariff Original Volume No. 7 between Coast Electric Power Association and Mississippi.

Mississippi states that the electric service requirements of this delivery point are now being served by Mississippi through other delivery points of Coast Electric Power Association.

Mississippi requests an effective date of March 31, 1980.

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 May 13, 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. 80-13114 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-51]

Northern Natural Gas Co.; Amended Notice of Informal Technical Conference

April 23, 1980.

Take notice that the informal conference previously scheduled in the above-captioned cause on April 21, 1980, at 10:00 a.m. will now be held on May 7, 1980 in room 3400 of the North Building of the Federal Energy Regulatory Commission, 941 North Capitol Street, Washington, D.C. 20426, and will consist of a discussion of the technical aspects of the above-captioned docket, including gas supply data and the possibility of resolving the same through settlement and compromise. Any interested person may attend, but mere attendance will not serve to make any person formally a party to this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13115 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3062]

Schneider Lift Translator Corp.; Application for Exemption for Small Conduit Hydroelectric Facility

April 22, 1980.

Take notice that on February 28, 1980, Schneider Lift Translator Corporation (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. § 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Richvale Irrigation District small conduit hydroelectric facility (FERC Project No. 3062) would be located within the existing irrigation canal, at the main drop of the canal near Highway 162 and the town of Richvale, in Butte County, California. Water is supplied to the irrigation system from the California Department of Water Resources' State Water Project, Oroville Thermalito Afterbay. Correspondence with the Applicant should be directed to Evangelin M. Miller, Schneider Lift Translator Corporation, 3961 American River Drive, Sacramento, California 95825.

Purpose of Project—Project energy would be used to enhance the spinning reserve of the Pacific Gas and Electric Company during summer peaking.

Estimated Cost—The cost of the project is estimated by the Applicant to be $75,000.

Project Description—The proposed project would include: 1) a steel-plate rectangular penstock and a draft tube; 2) a concrete pedestal; 3) a powerhouse containing a Schneider Engine and generator rated at 75 kW; and 4) a 12-kV transmission line. The power plant would utilize an effective head of 10 feet, would be automatically operated, and would produce approximately 360,000 kWh of energy annually. The west wall of the canal drop would be modified to accommodate a speed increaser and generator and the upstream operating water level will increase one foot.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. 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, protests, or petition to intervene must be filed on or before June 4, 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.

Kennth F. Plumb,

Secretary.

[FR Doc. 80-13116 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3072]

Sellers Manufacturing Co. Inc.; Application for Preliminary Permit

April 23, 1980.

Take notice that Sellers Manufacturing Company Inc., filed on March 5, 1980, an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for a preliminary permit for the proposed hydroelectric power project to be known as the Saxapahaw Project (FERC Project No. 3072), located on the Haw River in Alamance County,

North Carolina. Correspondence with the Applicant on this matter should be addressed to: John M. Jordan, Vice President, Sellers Manufacturing Company, Post Office Box 128, Saxapahaw, North Carolina 27340.

Purpose of Project—Sellers Manufacturing Company proposes to redevelop the hydroelectric potential at the site of an existing dam on the Haw River in Saxapahaw Township, North Carolina. The potential customers of power generated by this project include Dixie Yarns, Inc. (an adjacent textile mill), the Town of Saxapahaw, and Duke Power Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. Upon completion of the feasibility study, if the Applicant considers the project to be environmentally, economically, financially and technically feasible, a license application will be submitted. The Applicant's estimated total cost for performing a feasibility study is $53,020.

Project Description.—The Applicant's proposed project would consist of: (1) an existing dam consisting of a concrete gravity section with a maximum height of 29 feet and approximately 700 feet long, and an earth embankment section approximately 315 feet long with a ten foot wide crest; (2) an existing reservoir with a storage capacity of 5,600 acre-feet at normal pool elevation 446.0 m.s.l.; (3) an existing powerhouse containing hydroelectric generating equipment with a rated capacity of 2,500 kW (the condition of the existing equipment, with a rated capacity of 1,500 kW is not known); and (4) appurtenant facilities. The annual generation is estimated to be 4,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described 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 June 26, 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 August 25, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before June 26, 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. 80-13117 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1895]

South Carolina Electric & Gas Co.; Application for Approval of Change in Land Rights

April 23, 1980.

Take notice that an application was filed on January 30, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r), by South Carolina Electric & Gas Company for approval of a change in land rights of Project No. 1895. The project lands and waters affected are located at the confluence of the Broad and Saluda Rivers, where they form the Congaree River, in the County of Richland, near the City of Columbia. Correspondence with the Applicant on this matter should be addressed to: Randolph R. Mahan, Esquire, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218, and Peyton G. Bowman III, Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

South Carolina Electric & Gas Company seeks Commission authorization to lease for a 25-year period, certain lands and waters to the City of Columbia, South Carolina. The lease would permit the City of Columbia to develop a non-profit public recreational park and public recreation areas, including such accommodations, equipment, utilities, and appurtenant facilities the City deems are in the public interest.

Approximately 165 acres of land are involved in the lease.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protests, or petition to intervene must be filed on or before June 6, 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. 80-13118 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER80-243, ER80-160, et al]

Southern Co. Services, Inc., Order Accepting for Filing Proposed Rates, Granting Waiver of Notice Requirements and Consolidating Proceedings

Issued: April 23, 1980.

On February 19, 1980, Southern Company Services, Inc. (SCSI) on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (operating companies) filed a power sale agreement between Jacksonville Electric Authority (JEA) and the operating companies.[1] The agreement provides for the long-term sale of economy energy to JEA on a "split-the-savings" basis and for the sale of 50 MW of coal-fired capacity and associated energy to JEA from March 1, 1980 through September 15, 1985. Capacity and associated energy will be sold at an energy charge equal to the operating companies' out of pocket costs and a demand charge computed in accordance with a formulary rate which allows for a periodic recalculation of demand charges. The demand charges under the formulary rate for the 1980 calendar year will be $3.99/KW/month (February 22, 1980 to May 31, 1980) and $4.08/KW/month (June 1, 1980 to December 31, 1980).

SCSI requests that the formulary rate be approved to allow for the periodic recalculation of the demand charges without the necessity for filings. SCSI also requests waiver of the Commission's notice requirements so that service might commence as of February 22, 1980. According to SCSI, the long term power sale under the agreement will allow JEA to reduce generation from more expensive capacity and to become less dependent upon higher-cost oil-fired generation.[2]

Notice of this filing was issued on February 26, 1980 with comments, protests, petitions to intervene due by March 17, 1980. No responses were filed.

Discussion

The agreement between SCSI and JEA was filed as an initial rate under Section 35.12 of the Commission's Regulations, although the rates specified therein are identical to those set for investigation in Docket No. ER80-160 regarding service to Florida Power Corporation. However, we need not reach the question of whether the rate is an initial one because we shall accept without suspension the proposed rates for 1980, as calculated under the formula. We shall grant waiver of the Commission's notice requirements to allow service under the agreement to commence on February 22, 1980.

We shall set the proposed rate formula for investigation pursuant to Section 206 of the Federal Power Act. Any subsequent revision to the capacity charges in accordance with the formula in the agreement shall be treated as a change in rates pending the outcome of the investigation. We shall require SCSI to file the rates as changed pursuant to the formula 60 days before its proposed effective date. However, we shall waive the full filing requirements of Section 35.13 of the regulations on condition that such revised charges shall be collected subject to refund pending the outcome of the hearing ordered.

We believe a hearing, concerning the justness and reasonableness of the formula for determining rate levels in the future, is appropriate. Since the same formulary rate has been recently set for investigation and hearing, we shall consolidate the proceeding with the SCSI rate proceedings in Docket Nos. ER80-58 and ER80-60 and ER80-160.[3]

The Commission orders: (A) Upon a showing of good cause, we hereby grant waiver of the 60 day notice requirements set out in Section 35.3a of the Commission's Regulations.

(B) The agreement between SCSI and JEA is accepted for filing, to become effective as of February 22, 1980. SCSI's rate formula is hereby set for investigation.

(C) This proceeding is hereby consolidated with Docket Nos. ER80-58, ER80-65, and ER80-160 for purposes of hearing and decision.

(D) We hereby grant waiver of our Section 35.13 filing requirements for future rate changes made in accordance with the formula filed herein on the condition that SCSI agrees to collect any increases in the rate under the formula subject to refund pending he outcome of this proceeding. SCSI shall file these rates changes with the Commission 60 days before their proposed effective dates.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13120 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3056]

South San Joaquin Irrigation District; Application for Exemption for Small Conduit Hydroelectric Facility

April 22, 1980.

Take notice that on February 20, 1980, South San Joaquin Irrigation District (District), filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. § 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Woodward Power Plant (FERC Project No. 3056) would be located on the District's Main Canal at the outlet of the existing Woodward Reservoir (a re-regulating reservoir which is part of the District's irrigation system) in Stanislaus County, California. Water is diverted into the Main Canal from the Stanislaus River at Goodwin Diversion Dam, approximately 4 miles east of the proposed project. Correspondence with the Applicant should be directed to Mr. Noel Negley, Manager-Chief Engineer, South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, California 95336.

Purpose of Project—Project energy would be sold to a nearby power utility, the Turlock Irrigation District (TID), for use within the TID's electrical service area.

Estimated Cost—The cost of the project is estimated by the Applicant to be $4,000,000.

Project Description—The proposed project would include a concrete powerhouse containing a single generating unit with rated capacity of 2,300 kW and a substation adjacent to the powerhouse housing a 5/17-kV transformer. The power plant would utilize an effective head of 41 feet, would be remotely monitored and controlled from the TID's Control Center

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[1] The operating companies and SCSI are subsidiaries of the Southern Company and are all parties to the agreement. *See* Appendix A for rate schedule designations.

[2] SCSI informed the Commission by letter that sales of coal-fired capacity to JEA began on February 22, 1980, so that JEA might immediately reduce its dependence on oil-fired generation.

[3] *See* orders issued in *Southern Company Services, Inc.*, Docket No. ER80-58 (February 12, 1980); *Southern Company Services, Inc.*, Docket No. ER80-65 (March 7, 1980); and *Southern Company Servces, Inc.*, Docket No. ER80-160, *et al.* (February 29, 1980).

in Turlock, California, and would produce approximately 7 million kilowatt hours of energy per year.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. 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 June 4, 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. 80-13119 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3080]

State of Idaho Water Resources Board; Application for Preliminary Permit

April 23, 1980.

Take notice that State of Idaho Water Resources Board (Applicant) filed on March 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3080 to be known as the Lower Ashton Project located on the Henry's Fork of the Snake River in the County of Fremont, near the town of Ashton, Idaho. The project would affect lands of the United States managed by the Bureau of Land Management. Correspondence with the Applicant should be directed to: Messrs. C. Stephen Allred and Wayne Haas, Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720.

Project Description—The Proposed project would consist of: (a) a 25-foot high dam across the Henry's Fork River creating a reservoir with gross storage capacity of 1,500 acre-feet; (b) a powerhouse at the downstream tow of the dame with rated capacity of 3 to 5 MW; and (c) appurtenant facilities.

Purpose of Project—Project energy would be sold to an investor owned utility or a rural electric cooperative operating in the State of Idaho.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including results of foundation studies, preliminary designs, economic analysis and environmental studies. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application and final field surveys and designs is estimated by the Applicant to be $200,000.

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 June 30, 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 August 29, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropiate 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 June 30, 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. 80-13121 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP79-84]

State of Utah Section 108 NGPA Determinations; Request for Withdrawal of Final Well Category Determinations

April 21, 1980.

In the matter of Gililland & Fix Whyte-State #2 Well, JD79-12345, Utah Cause No. K-113-2(1); Legg Resources, Ltd., Joyce-State #1 Well, JD79-12346, Utah Cause No. K-113-2(2).

Take notice that on March 10, 1980, the State of Utah Department of Natural Resources, Division of Oil, Gas and Mining (Utah) filed with the Commission a request for withdrawal of the Notices

of Determination it submitted to the Commission under 18 CFR § 274.104 for the above-listed wells. These Notices, which were received by the Commission on July 12, 1979, contained determinations by Utah that the subject wells qualified as stripper wells under section 108 of the Natural Gas Policy Act of 1978. On August 14, 1979 and December 12, 1979, respectively, the Commission issued a Preliminary Finding and a Final Order reversing these two Utah determinations.

Utah states that additional information should be considered in connection with these final negative determinations, and it seeks to withdraw its Notices in order that it may make such consideration.

Any person desiring to be heard or to make protest with reference to said request should on or before May 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13122 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER77-550 and ER77-551]

Tampa Electric Co.; Filing

April 22, 1980.

Take notice that on April 16, 1980, Tampa Electric Company (TEC) submitted for filing certain supplemental schedules which reflect the computation of annual capacity charges on the basis of a 13.00% rate of return on common equity. This filing is pursuant to the Commission's directive of March 14, 1980 in the above referenced proceeding.

TEC further states that, within thirty days after the supplemental schedules are accepted for filing, it will refund the revenue amounts collected in excess of the settlement rate levels.

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 May 13, 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. 80-13123 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. CP70-185 and CP69-222]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

April 23, 1980.

Take notice that on March 31, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP70-185 and CP69-222 a petition to amend the orders [1] issued December 16, 1976, and August 27, 1969, respectively, pursuant to Section 7(c) of the Natural Gas Act so as to authorize natural gas service to Granite State Gas Transmission, Inc. (Granite) under Petitioner's Rate Schedule CD-6 and under a single gas sales contract providing for a contracted demand of 83,921 Mcf of gas per day at certain delivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to a contract dated December 22, 1976, between it and Bay State Gas Company (Bay State) and by order issued December 16, 1976, in Docket No. CP70-185, it was authorized to render gas service to Bay State under Petitioner's Rate Schedule CD-6. The contract provided for sale and delivery by Petitioner of a contract demand of 64,141 Mcf of gas per day at the following delivery points:

Delivery point	Daily volume limit (Mcf)
Agawam	34,875
East Longmeadow	16,875
Northampton	4,567
Lawrence	18,849

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner also states that pursuant to a contract between it and Granite dated November 1, 1968, and by order issued August 27, 1969, in Docket No. CP69-222, it was authorized to render gas service to Granite under Petitioner's Rate Schedule G-6. Under the contract between Petitioner and Granite, Petitioner sells and delivers up to 19,780 Mcf of gas per day at the following delivery point:

Delivery point	Daily volume limit (Mcf)
Pleasant Street	19,780

It is stated that Bay State has since acquired all gas transmission properties of Granite. Thus, Petitioner proposes, pursuant to a request by Bay State, to combine into one the gas contracts it has with Granite and Bay State so as to sell and deliver to Granite a contract demand of up to 33,921 Mcf of gas per day at the five delivery points listed above under Petitioner's Rate Schedule CD-6. It is further stated that Granite would then resell to Bay State the volumes of natural gas which Bay State would have purchased directly from Petitioner.

Pursuant to a precedent agreement dated February 1, 1980, among Petitioner, Bay State and Granite, Granite would, it is asserted, receive the following volume limits by delivery point:

Delivery point	Daily volume limit (Mcf)
Agawam	40,000
East Longmeadow	25,000
Northampton	4,567
Lawrence	22,849
Pleasant Street	25,000
Total	117,416

Petitioner assets that the subject proposal would not permit Granite, as purchased under the sales contract, to receive any more natural gas from Petitioner than Petitioner is now authorized to sell to Bay State and Granite under their separate gas sales contracts.

Any person desiring to be heard to make any protest with reference to said petition to amend should on or before May 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13124 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-21]

Texas Eastern Transmission Corp.; Notice of Third-Party Protest[1]

Issued: April 22, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,[2] and "Order on Rehearing of Order No. 23-B,"[3] the staff of the Commission protested on March 25, 1980, the assertion by the Texas Eastern Transmission Corporation (Texas Eastern) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts set forth in Appendix A do not constitute authority for the producer to increase prices to the extent claimed by Texas Eastern in its evidentiary submission.

Take further notice that on March 24, 1980, the Associated Gas Distributors (AGD) filed a Supplemental Protest to their protest of October 15, 1979. AGD protests the Texas Eastern contracts listed in Appendix B, alleging that they do not constitute contractual authority for the producer to increase prices to the applicable NGPA maximum lawful price.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 6, 1980, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

Appendix A

Producer	Rate schedule No. or contract date
Morris Cannan	8-1-71
Texaco	416
Conoco	139

Appendix B

Seller	Rate schedule No.	Contract date
Atlantic Richfield Co	244	10/16/79
Cities Service Co	375	11/30/79
Energy Reserves Group, Inc	48	05/24/79
Exxon Corp	12	
W. C. McBride-Silurian Oil Co	SPC	12/07/79
Pennzoil Producing Co	202	11/28/79
Sun Oil Co	282	02/07/79

[FR Doc. 80-13125 Filed 4-28-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed Week of January 25 Through February 1, 1980

Notice is hereby given that during the week of January 25, 1980 through February 1, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

April 22, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Jan. 25 through Feb. 1, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 25, 1980	Belcher Oil Company, Washington, D.C	BRD-0029	Motion for Discovery. If granted: Discovery would be granted to Belcher Oil Company in connection with the Statement of Objections which the firm submitted to the Proposed Remedial Order (Case No. DRO-0192) issued to it.
Jan. 25, 1980	Bilger & Sons, Inc., Middleburg, Pa	BEE-0761	Allocation Exception. If granted: Bilger & Sons, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	Earl Williams & Sons, West Mifflin, Pa	BEE-0790	Allocation Exception. If granted: Earl Williams & Sons would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of motor gasolione.
Jan. 25, 1980	Greater Washington/Maryland Service Station Association, Greenbelt, Md.	BEE-0763	Allocation Exception. If granted: Greater Washington/Maryland Service Station Association would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	Greater Washington/Maryland Service Station Association, Greenbelt, Md.	BEE-0763	Allocation Exception. If granted: Greater Washington/Maryland Service Station Association would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	Kaiser Aluminum & Chemical Corp., Oakland, Calif	BEE-0389	Exception from the Emergency Building Temperature Restrictions. If granted: Kaiser Aluminum & Chemical Corp. would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Jan. 25, 1980	Marathon Oil Company, Findlay, Ohio	BED-0252	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with information submitted regarding an application for exception filed by Milner Super Gas, Inc. (Case No. BEE-0252).

[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 25 through Feb. 1, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 25, 1980	Power Test Petroleum, Westbury, N.Y	BEE-0764	Allocation Exception. If granted: Power Test Petroleum would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 25, 1980	St. Croix Natural Gas Co., Inc., River Falls, Wis	BEE-0760	Exception to the reporting requirements. If granted: St. Croix Natural Gas Co., Inc. would not be required to file Form EIA-149 "Natural Gas Supply Requirements and Usage".
Jan. 25, 1980	Union Oil of Calfornia, Los Angeles, Calif	BEX-0029	Supplemental Order. If granted: The relief granted to Union Oil of California in the December 21, 1979 Interim Order would be extended through February 1980 (Case No. BEN-0009).
Jan. 28, 1980	Farmers Union Oil Company, Grand Forks, N. Dak	BEE-0765	Allocation Exception. If granted: Farmers Union Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 28, 1980	Fauser Oil Company, Inc., Elgin, Iowa	BEE-0766	Allocation Exception. If granted: Fauser Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 28, 1980	Ingram Brothers Oil Company, Clovis, N. Mex	BEE-0767	Allocation Exception. If granted: Ingram Brothers Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 28, 1980	Milner Super Gas, Inc., West Aiken, S.C	BEN-0252	Request for Interim Order. If granted: An Interim Order would be issued to Milner Super Gas, Inc. which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol, pending a final determination on its Application for Exception (Case No. BEE-0252).
Jan. 28, 1980	Rhodes, Inc., Reedley, Calif	BEE-0768, BEL-0768.	Allocation Exception. If granted: Rhodes, Inc. would receive a temporary exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol, pending a final determination on its application for exception.
Jan. 28, 1980	Robert G. Sands, Bethesda, Md	BFA-0148	Appeal of Information Request Denial. If granted: The January 14, 1980 Information Request Denial issued by the DOE Director of Personnel would be rescinded, and Robert G. Sands would receive access to certain DOE documents.
Jan. 28, 1980	Southern Farmers Association, North Little Rock, Ark.	BEE-0665	Allocation Exception. If granted: Southern Famers Association would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 28, 1980	Texaco, Inc., White Plains, N.Y	BEE-0769	Price Exception. If granted: Texaco, Inc. would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Jan. 28, 1980	Winston Refining Company, Fort Worth, Tex	BEA-0151	Appeal of Order. If granted: The December 26, 1979 Decision and Order issued to Winston Refining Company by the Economic Regulatory Administration, Office of Petroleum Operations, regarding the firm's request for an emergency allocation of crude oil would be rescinded.
Jan. 29, 1980	B Y S, Inc., Duval County, Tex	BXE-0777	Extension of Relief granted in *Universal Mineral Corporation,* 4 DOE Par.—— (September 28, 1979). If granted,: B Y S, Inc. would be permitted to continue to sell the crude oil produced from the Humble-Dowdy Fee Lease, located in Duval County, Texas, at market prices.
Jan. 29, 1980	Commonwealth Oil Refining Co., Inc., San Antonio, Tex.	BEJ-0029	Protective Order. If granted: Commonwealth Oil Refining Co., Inc. and Occidental Petroleum Corp. would enter into a Protective Order regarding documents relating to Commonwealth Oil Refining Co., Inc.'s Application for Exception, Temporary Exception, and Stay (Case Nos. BEE, BEL, BES-8020).
Jan. 29, 1980	Diamond Shamrock Corporation, Amarillo, Tex	BEE-0774, BEL-0774.	Allocation and Price Exception, and Temporary Exception. If granted: Diamond Shamrock would receive an exception and temporary exception from the provisions of 10 CFR 211 and 212.83 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol, and which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Jan. 29, 1980	Marathon Oil and Commowealth Oil, Refining Co., Inc., San Antonio, Tex.	BEJ-0023	Protective Order. If granted: Marathon Oil and Commonwealth Oil Refining Co., Inc. would enter into a Protective Order regarding the Commonwealth Oil Refining Co., Inc.'s Application for Exception (Case No. BEE-0691).
Jan. 29, 1980	Mobil Oil Corporation, Garvin and Grady Counties, Okla.	BEE-0750	Price Exception (Section 212.73). If granted: Mobil Oil Corporation would receive an exception from the provisions of 10 CFR 212 which would permit the firm to sell the crude oil produced from the S.E. Bradley A Unit, located in Garvin and Grady Counties, Oklahoma, at upper tier ceiling prices.
Jan. 29, 1980	Seminary Hill Service Station, Lutherville, Md	BEE-0772	Allocation exception. If granted: Seminary Hill Service Center would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 29, 1980	Sioux Valley Co-op, Watertown, S.D.,	BEE-0773	Allocation Exception. If granted: Sioux Valley Co-op would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 29, 1980	True Oil Company, Casper, Wyo	BRD-0268, BRH-0268.	Motion for Evidentiary Hearing and Motion for Discovery. If granted: An evidentiary hearing would be convened and discovery would be granted to True Oil Company in connection with the Statement of Objections which the firm submitted to the June 8, 1979 Proposed Remedial Order issued to True Oil Company by the Economic Regulatory Administration, Office of Enforcement.
Jan. 30, 1980	American Petrofina and La Gloria Gas and Oil Company, Washington, D.C.	BEJ-0026, BED-0030.	Motion for Discovery and Protective Order. If granted: La Gloria Gas & Oil Co. would enter into a Protective Order with American Petrofina in order to ensure the confidentiality of specific information submitted by La Gloria Gas & Oil Co. in regard to an application for exception filed by Fina Jobbers Association, Inc. (Case No. DEE-5568). Discovery would be granted to American Petrofina in connection with the Statement of Objections it intends to file to the Proposed Decision and Order issued to Fina Jobbers Association, Inc. (Case No. DEE-5568).
Jan. 30, 1980	Applied Energy Technology, Los Gatos, Calif	BEE-0779	Allocation Exception. If granted Applied Energy Technology would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 30, 1980	Cities Service Company, Tulsa, Okla	BEE-0782	Allocation Exception. If granted: Cities Service Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 30, 1980	Commonwealth Oil Refining Company, Inc., and Chevron, U.S.A., Inc., San Antonio, Tex.	BEJ-0027	Request for Protective Order. If granted: Commonwealth Oil Refining Company, Inc. would enter into a Protective Order with Chevron, U.S.A., Inc. which would ensure the confidentiality of information designated as confidential by Corco and Chevron in connection with Commonwealth Oil Refining Company, Inc.'s application for Exception (Case No. BEE-0691).

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 25 through Feb. 1, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 30, 1980	Economic Regulatory Administration, Washington, D.C.	BES-0049, BST-0049.	Request for Stay and Temporary Stay. If granted: The Economic Regulatory Administration would receive a stay and a temporary stay of the December 14, 1979 Decision and Order issued to Industrial Fuel and Asphalt of Indiana, Inc. by the Office of Hearings and Appeals pending a final determination on its Appeal which the firm intends to file.
Jan. 30, 1980	Lake Charles Refining Company, Washington, D.C..	BEA-0154	Appeal of Entitlements Notice. If granted: The October 1979 Entitlements Notice would be modified with respect to Lake Charles Refining Company's entitlements purchase obligations.
Jan. 30, 1980	Martin Oil Company, Fresno, Calif	BEE-0778	Allocation Exception. If granted: Martin Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 30, 1980	Mobil Oil Corporation, New York, N.Y	BEA-0155	Appeal of Allocation Notice. If granted: The January, 1980 Allocation Notice issued by the Economic Regulatory Administration under the Canadian Crude Oil Allocation Program would be modified with respect to Mobil Oil Corporation's allocation of crude oil.
Jan. 30, 1980	Start Oil Company, Inc., Fair Oaks, Calif	BEE-0780	Allocation Exception. If granted: Start Oil Company, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 30, 1980	Tresler Oil Company, Cincinnati, Ohio	BEE-0781	Allocation Exception. If granted: Tresler Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 31, 1980	Lido Co. of New England, Inc., Seabrook, N.H	BES-0517	Request for Stay. If granted: Lido Co. of New England, Inc. would receive a stay of the provisions of 10 CFR 211.105 pending a final determination on its Application for Exception (Case No. BEE-0517).
Jan. 31, 1980	Loc-A-Hol, Portland, Ind	BEE-0788	Allocation Exception. If granted: Loc-A-Hol would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 31, 1980	Phillips Petroleum Company, Bartlesville, Okla	BES-0054, BST-0054.	Request for Stay and Temporary Stay. If granted: Phillips Petroleum Company would receive a stay and temporary stay of the October 11, 1979 Assignment Order issued to Phillips by the Economic Regulatory Administration, Region VIII, pending a final determination on its Application for Modification or Rescission which the firm intends to file.
Jan. 31, 1980	Sun Oil Co. of Pennsylvania, Philadelphia, Pa	BED-0031, BEJ-0031.	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Sun Oil Co. of Pennsylvania in connection with the Statement of Objections which the firm submitted to the November 14, 1979 Proposed Decision and Order (Case Nos. DEE-3174, DEE-6387) issued to U.S. Oil Company by the Office of Hearings and Appeals. Sun Oil Company of Pennsylvania and U.S. Oil Company would enter into a Protective Order regarding information pertaining to these cases.
Feb. 1, 1980	Edson Oil Co., Inc., Windsor, N.Y	BEE-0732	Allocation Exception. If granted: Edson Oil Co., Inc., would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.

Notices of Objection Received

Week of Jan. 25, 1980, to Feb. 1, 1980

Date Name and Location of Applicant and Case No.

Jan. 25, 1980, Clay, Ralph, Mechanicsburg, Pa.—BEO–0950
Jan. 25, 1980, Stewart Oil Co., Urbana, Ill.—BEO–0948
Jan. 25, 1980, Conestoga Wagon, Conestoga, Pa.—BEO–0946
Jan. 25, 1980, Kirschner Bros. Oil Co., Haverford, Pa.—DEE–7408
Jan. 28, 1980, Whirlpool Corp., Benton Harbor, Mich.—BEE–0232
Jan. 28, 1980, Kollett's Shell Service, Mauldin, S.C.—DEE–7470
Jan. 28, 1980, Musolino & Sons, Inc., Washington, D.C.—DEE–6199
Jan. 28, 1980, Young Refining Corp., Houston, Tex.—BXW–0005
Jan. 28, 1980, Coleman Co., Wichita, Kans.—DEE–6485
Jan. 25, 1980, Mascot Petroleum Co., Washington, D.C.—BEO—0958 through BEO–0963
Jan. 25, 1980, Giadini, James V., Denver, Colo.—BEO–0957
Jan. 25, 1980, Stephenson Oil Co., Hamilton, Ohio.—BEO–0955
Jan. 25, 1980, Cole, Jim, Tulsa, Okla.—BEO–0954
Jan. 25, 1980, Earl Williams & Sons, West Mifflin, Pa.—BEO–0951
Jan. 29, 1980, Tomahawk Oil Company; Kansas.—BEE–0331
Jan. 29, 1980, Ergon Refining, Inc., Washington, D.C.—BEE–0308
Jan. 30, 1980, Joe Maider Mobil, No. Attleboro, Mass.—DEE–7792
Jan. 30, 1980, Dow Jones & Company, Inc., Princeton, N.J.—BEE–0506
Jan. 29, 1980, Consumers Service Stations, Tulsa, Okla.—BEE–0259
Feb. 1, 1980, Hampton Roads Oil Co., Norfolk, Va.—DEE–7453
Feb. 1, 1980, Burns Bros., Inc., Portland, Oreg.—BEE–0063
Feb. 1, 1980, Frank Bower Chevron, Washington, D.C.—DEE–5906
Jan. 29, 1980, Dipilato Bros. Gulf, Worcester, Mass.—BEO–0988
Jan. 31, 1980, NaQuins Super Conoco Station, Houma, La.—BEO–0986
Jan. 30, 1980, Johnson's Bait & Tackle, Whitney, Tex.—BEO–0966
Jan. 30, 1980, Spring Valley Gulf, Washington, D.C.—BEO–0822
Jan. 30, 1980, Kahn, Inc., Sebring, Fla.—BEO–0967
Jan. 30, 1980, Philys J. Buccalo, Plymouth, Mich.—BEO–0802
Jan. 30, 1980, B & J Standard, Riverview, Mich.—BEO–0968
Jan. 30, 1980, Donde's Texaco, Philadelphia, Pa.—BEO–0969
Jan. 30, 1980, Rite-Way, Inc., Waterbury, Conn.—BEO–0970
Jan. 30, 1980, Great Neck Service Station, Manhasset, N.Y.—BEO–0971
Jan. 30, 1980, Lillian Segall's Dresses, Wilmington, Del.—BEO–0973
Jan. 30, 1980, E & E Exxon, Wilmington, Del.—BEO–0972

Jan. 30, 1980, McColl's Corp., Redding, Calif.—BEO–0974
Jan. 30, 1980, Dick's Auto Repair, Hollywood, Calif.—BEO–0975
Jan. 30, 1980, Ken's Truck Town, North Bend, Wash.—BEO–0976
Jan. 30, 1980, A G C Building, Inc., Dallas, Tex.—BEO–0977
Jan. 30, 1980, Quick Stop Food Store, Inc., San Angelo, Tex.—BEO–0978
Jan. 30, 1980, Winsauer's Texaco, Mathis, Tex.—BEO–0979
Jan. 30, 1980, Floyd Oil Co., Kirksville, Mo.—BEO–0980
Jan. 30, 1980, Handy Food #2, Forrest City, Ark.—BEO–0981
Jan. 30, 1980, Western Oil of Nebraska, Inc., Washington, D.C.—BEO–0982
Jan. 31, 1980, Consolidated X-Ray Service Corp., Dallas, Tex.—BEO–0987
Jan. 31, 1980, Dominick's Shell Service, New Orleans, La.—BEO–0951
Feb. 1, 1980, Trimat, Inc., Parkside, Pa.—BEO–0989
Feb. 1, 1980, Airport Limousine Service, Norfolk, Va.—BEO–0990
Feb. 1, 1980, Hughes Grocery & Station, Sadler, Tex.—BEO–0991
Jan. 31, 1980, Foresthill Chevron, Foresthill, Calif.—BEO–0998
Jan. 31, 1980, Molycorp, Inc., Albuquerque, N. Mex.—BEO–0997
Jan. 31, 1980, Independent Oil & Coal Co., Natchez, Miss.—BEO–0996
Jan. 30, 1980, Tri-C Certified Service Center, Arlington Heights, Ill.—BEO–0995
Jan. 31, 1980, McNatt's Exxon East, Harrisburg, Pa.—BEO–0994
Jan. 31, 1980, Plaza Mobil, Washington, D.C.—BEO–0993
Jan. 31, 1980, Paul's Service Center, Bensalem, Pa.—BEO–0992

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of January 25 Through February 1, 1980

If Granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Jan. 25, 1980

Lucas, Edgar D.—BEE–0762, Jan. 25, 1980, Indiana
Midland Energy Corp.—BEE–0756, Jan. 25, 1980, Missouri
Onyx Corporation—BEE–0013, Jan. 25, 1980, Missouri
Seeman, J. H.—BEE–0758, Jan. 25, 1980, Minnesota

January 28, 1980

Novotny, John—BEE–0770, Jan. 28, 1980, South Dakota

Jan. 29, 1980

Crestwood Corp. Auto. Service—BEE–0776, Jan. 29, 1980, Pennsylvania
Howard Davis Exxon—BEE–0771, Jan. 29, 1980, California

Jan. 30, 1980

Angelo and Sons—BEE–0784, Jan. 30, 1980, Massachusetts

Jan. 31, 1980

Franmar Corp.—BEE–0785, Jan. 31, 1980, Florida
H & H Oil Co., Inc.—BEE–0782, Jan. 31, 1980, Tennessee
Johnson's Texaco—BEE–7787, Jan. 31, 1980, New Jersey
Monaco & Evans Exxon—BEE–0789, Jan. 31, 1980, Colorado
Pete's Arco, Inc.—BEE–0786, Jan. 31, 1980, New York

Feb. 1, 1980

J. P. Bellamy Oil Co.—BEE–0791, Feb. 1, 1980, North Carolina
Otomac Oil, Inc.—BEE–0794, Feb. 1, 1980, Virginia
Pachar, Max A., Jr.—BEE–0827, Feb. 1, 1980, Texas

Items retrieved, 16.

[FR Doc. 80–13132 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed Week of March 14 Through March 21, 1980

Notice is hereby given that during the week of March 14, 1980 through March 21, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (April 29, 1980) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.
April 22, 1980.

Date	Name and location of applicant	Case No.	Type of submission
Mar. 17, 1980	Atlanta Stove Works, Inc., Atlanta, Ga	BEE–0983	Exception from the Energy Conservation Program for Consumer Products. If granted: Atlanta Stove Works, Inc. would receive an exception from the provisions of 10 CFR 430 which would permit the firm to modify the energy efficiency test procedures applicable to vented gas fired room heaters.
Mar. 17, 1980	Brown & Bettencourt, Honolulu, Hawaii	BFA–0278	Appeal of an Information Request Denial. If granted: The February 15, 1980, Information Request Denial would be rescinded, and Brown & Bettercourt would receive access to certain DOE information.
Mar. 17, 1980	Chevron, U.S.A. (Main Zone), San Francisco, Calif.	BXE–0987	Extension of Relief Granted in *Chevron, U.S.A. (Main Zone)* —— DOE Par. —— (January 3, 1979). If granted: Chevron, U.S.A. (Main Zone) would be permitted to continue to sell the crude oil produced from the State Lease PRC 1824.1 site located in Offshore Santa Barbara County, California at upper tier ceiling prices.
Mar. 17, 1980	Chevron U.S.A. (South Flank) San Francisco, Calif.	BXE–0986	Extension of Relief Granted in *Chevron, U.S.A. (South Flank)* —— DOE Par. —— (November 5, 1979). If granted: Chevron, U.S.A. would be permitted to continue to sell the crude oil produced from the State Lease PRC 1824 site located in Offshore Santa Barbara County, California at upper tier ceiling prices.
Mar. 17, 1980	City of Long Beach, California, Long Beach, Calif.	BXE–0980	Extension of relief granted in *City of Long Beach,* —— DOE, Par. —— (December 31, 1979). If granted: The Working Interest Owners would be permitted to continue to sell the crude oil produced from the Fault Block III Unit located in Los Angeles County, California at upper tier ceiling prices.
Mar. 17, 1980	Exxon Company, U.S.A. (U.S. Oil Co.), Houston, Tex.	BEA–0279	Appeal of an Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to Exxon Company, USA by the Economic Regulatory Administration, Region V, regarding Exxon's supply obligations to U.S. Oil Company would be rescinded.
Mar. 17, 1980	Gillespie Oil Company, Inc., Bellefontaine, Ohio	BEL–0043	Request for Temporary Exception. If granted: Gillespie Oil Company, Inc. would receive a temporary exception to the provisions of 10 CFR 211.9 which would permit the firm to receive an assignment of a new base period supplier.
Mar. 17, 1980	Heine Petroleum, Inc., Huntington, Pa	BEE–0981	Allocation Exception. If granted: Heine Petroleum, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 17, 1980	Midland Energy Corp./Total Petroleum, Inc., Detroit, Mich.	BEJ–0064	Motion for Protective Order. If granted: Midland Energy Corporation and Total Petroleum, Inc. would enter into a Protective Order regarding Midland's Application for Exception and Extension (DEE–3188 and BXE–0756).

Date	Name and location of applicant	Case No.	Type of submission
Mar. 17, 1980	National Treasury Employees Union, Washington, D.C.	BFA-0270	Appeal of Information Request Denial. If granted: The February 29, 1980, Information Request Denial issued by the Office of Personnel, would be rescinded, and the National Treasury Employees Union would receive access to certain DOE information.
Mar. 17, 1980	Sunland Refining Corporation, Los Angeles, Calif	BEA-0280	Appeal of an Assignment Order. If granted: The February 15, 1980 Assignment Order issued to Sunland Refining Corporation by the Economic Regulatory Administration regarding the firm's allocation assignment would be modified.
Mar. 17, 1980	Total Petroleum, Inc., Alma, Mich	BEE-0985	Price Exception (Section 212.83). If granted: Total Petroleum, Inc. would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Mar. 18, 1980	Bonham, Carrington & Fox, Houston, Tex	BFA-0281	Appeal of an Information Request Denial. If granted: The February 8, 1980 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Bonham, Carrington & Fox would receive access to certain DOE information.
Mar. 18, 1980	Don's FM Oil Company, Fargo, N.Dak	BEE-0989	Allocation Exception. If granted: Don's FM Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purposes of blending gasohol.
Mar. 18, 1980	Energy Cooperatives, Inc., Phoenix, Oreg	BEE-0952	Allocation Exception. If granted: Energy Cooperatives, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 18, 1980	Gulf Oil Corporation, Houston, Tex	BEE-0990	Price Exception. If granted: Gulf Oil Corporation would receive an exception from the provisions of 10 CFR 212.83 which would permit the firm to adjust its May 1973 nonproduct marketing cost base to exclude certain direct marketing costs.
Mar. 18, 1980	Gulf Oil Corporation (Kiefer Unit), Tulsa, Okla	BXE-0988	Extension of Relief Granted in *Gulf Oil Corporation*——DOE Par——(January 4, 1980). If granted: Gulf Oil Corporation would be permitted to continue to sell the crude oil produced from the Kiefer Unit located in Creek County, Oklahoma at upper tier ceiling prices.
Mar. 18, 1980	McMahan Shoes, Greenville, S.C	BEE-0995	Exception from the emergency Building Temperature restrictions. If granted: McMahan Shoes would receive an exception from the provisions of 10 CFR 490 the emergency building temperature restrictions.
Mar. 18, 1980	Patricia A. Barnes, McLean, Va	BFA-0284	Appeal of an Information Request Denial. If granted: The February 29, 1980 Information Request Denial issued by the Inspector General would be rescinded, and Patricia A. Barnes would receive access to certain DOE information.
Mar. 18, 1980	Petroleum, Inc., Wichita, Kans	BXE-0992	Extension of the relief granted in *Petroleum, Inc.* 4 DOE Par.—— (November 15, 1979). If granted: Petroleum, Inc. would be permitted to continue to sell the crude oil produced from the Crowder Lease at upper tier ceiling prices.
Mar. 18, 1980	R. E. Hunt, Inc., Silver Spring, Md	BEA-0286	Appeal of Assignment Denial. If granted: The January 1980 Assignment Order issued to R. E. Hunt, Inc. by the Economic Regulatory Administration, Region III, (Case No. 03-022199) would be rescinded.
Mar. 18, 1980	Summit Transportation Company Washington, D.C.	BEE-0991	Exception from reporting requirements. If granted: Summit Oil Company would not be required to file Form EIA-149 "(Natural Gas Supply Requirements and Usage)".
Mar. 18, 1980	Sun Oil Company of Pennsylvania, Washington, D.C.	BEA-0285	Appeal Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to ten suppliers including Sun Oil Compnay by the Economic Regulatory Administration, Region V, regarding Sun *et. al.'s* supply obligations to U.S. Oil Company would be rescinded.
Mar. 18, 1980	Wind Energy Report, Rockville Centre, N.Y	BFA-0282	Appeal of an Information Request Denial. If granted: Wind Energy Report would receive access to certain DOE Technical Information Center List UC-60 information.
Mar. 18, 1980	Wind Energy Report, Rockville Centre, N.Y	BFA-0283	Appeal of an Information Request Denial. If granted: The March 3, 1980 Information Request Denial issued by the Office of General Counsel, Solar Energy Research Institute would be rescinded, and Wind Energy Report would receive access to certain Solar Energy Research Institute information.
Mar. 19, 1980	Chevron U.S.A., Inc., San Francisco, Calif	BMR-0031	Request for Modification-Rescission. If granted: The January 18, 1979 Decision and Order issued to Chevron U.S.A., Inc. by the Office of Hearings and Appeals would be modified.
Mar. 19, 1980	Dean Oil Company, Fanwood, N.J	BEE-0996	Allocation Exception. If granted: Dean Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 19, 1980	Gulf Oil Corporation, Houston, Tex	BES-0277	Request for Stay. If granted: Gulf Oil Corporation would receive a stay of the February 5, 1980 Decision and Order issued to Commonwealth Oil Refining Company (CORCO) pending a final determination on Gulf's Appeal (Case No. BEA-0277).
Mar. 19, 1980	Marlex Oil and Refining, Inc., Long Beach, Calif	BEA-0290	Appeal of a Buy/Sell Allocation Order. If granted: The Decision and Order issued to Marlex Oil and Refining, Inc. (Marlex) by the Economic Regulatory Administration regarding an emergency allocation and adjustment to base period under the crude oil buy/sell program would be modified.
Mar. 19, 1980	Office of Enforcement (ERA) Washington, D.C	BRR-0030	Motion for Modification/Rescission. If granted: The November 30, 1979, Decision and Order issued to William Herbert Hunt Trust Estate would be modified.
Mar. 19, 1980	Texaco, Inc. (Arizona Chemical), White Plains, N.Y.	BEA-0287	Appeal of Designation Order. If granted: The February 27, 1980 Order issued by the Economic Regulatory Administration which designates Arizona Chemical Company as a producer of a petroleum substitute under the entitlements program would be rescinded.
Mar. 20, 1980	Eggers, Caryl & Corrigan, Inc., New York Mills, N.Y.	BEA-0288	Appeal of an Assignment Order. If granted: The July 6, 1978 Reassignment Order issued to Eggers, Caryl & Corrigan, Inc. by the Economic Regulatory Administration, Region II, regarding Atlantic Richfield Company's supply obligations to Eggers, Caryl & Corrigan, Inc. would be modified.
Mar. 20, 1980	Marathon Oil Company, Findlay, Ohio	BEA-0289 and BES-0289.	Appeal and Stay of an Assignment Order. If granted: The February 16, 1980 Assignment Order issued to Marathon Oil Company by the Economic Regulatory Administration, Region IV, regarding Marathon's supply obligations to Publix Oil Company, Inc. would be rescinded and Marathon would receive a stay of the Assignment Order pending a final determination on its Appeal.
Mar. 20, 1980	State of Oregon, Department of Transportation, Salem, Oreg.	BMR-0032	Request for Modification/Rescission. If granted: The October 3, 1975 FEA Order issued to the State of Oregon, Department of Transportation would be modified to allow a two cents per gallon increased in Oregon's License Tax on motor vehicle or aircraft fuel.
Mar. 20, 1980	Sun Oil Company of Pennsylvania, Philadelphia, Pa.	BED-0066 and BEJ-0066.	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Sun Oil Co. of Pennsylvania and Publicker Industries, Inc. would enter into a Protective Order in connection with Publicker Application for Exception (Case No. BEE-0652).
Mar. 20, 1980	Texaco, Inc., Stamford, Conn	BED-0042	Motion for Discovery. If granted: Discovery would be granted to Texaco, Inc. in connection with the Application for Supplemental Order filed by Energy Cooperative, Inc. (Case No. DEX-8112).
Mar. 20, 1980	Texaco, Inc., Stamford, Conn	BEH-0017	Request for an Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the January 15, 1980 Proposed Decision and Order issued to Energy Cooperative, Inc. (Case No. DEX-8112).

Date	Name and location of applicant	Case No.	Type of submission
Mar. 20, 1980	Tweedell & Van Buren Oil Company, Athens, Ga	BEE-0998	Allocation Exception. If granted: Tweedell & Van Buren Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 21, 1980	Miller & Chevalier, Washington, D.C	BFA-0291	Appeal of an Information Request Denial. If granted: The February 19, 1980 Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded, and Miller & Chevalier would receive access to certain DOE information.

Notices of Objection Received

Week of March 14, 1980, to March 21, 1980

Date, Name and Location of Applicant; and Case No.

Mar. 18, 1980, Santa Fe Oil Company, San Bernardino, Calif.—DEE-3247
Mar. 18, 1980, Russell Distributing Company, Rector, Ark.—DEE-4174
Mar. 18, 1980, Scot Oil Company, Nashville, Tenn.—DEE-5604
Mar. 18, 1980, Zenith Oil Company, Minneapolis, Minn.—DEE-2556
Mar. 18, 1980, Travelers Construction, Inc., Dallas, Tex.—BEE-0504
Mar. 18, 1980, Gardner, Kirk, & Cowden, Inc., Oklahoma City, Okla.—BEE-0441
Mar. 29, 1980, Dipilato Brothers Gulf, Worester, Maine.—DEE-5728
Mar. 20, 1980, E. J. Flemister & Son Oil Co., Sandersville, Ga.—BEE-0437
Mar. 20, 1980, Automatic Comfort Corp., Hartford, Conn.—BEE-0294
Mar. 18, 1980, Haywood Oil Co., Inc., Waynesville, N.C.—DEE-6842
Mar. 20, 1980, Petro-Wash, Inc., Atlanta, Ga.—DEE-2318
Mar. 19, 1980, Whitewater Petroleum Terminals, Washington, D.C.—BEE-0403
Mar. 18, 1980, Laketon Asphalt Refining Company, Stamford, Conn.—BEE-0583

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of Mar. 14 through Mar. 21, 1980

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Hayes Texaco Service—BEE-0982, Mar. 17, 1980, Texas
Montgomery County Assoc.—BEE-0979, Mar. 17, 1980, New York
Turners Grocery & Fishing—BEE-0984, Mar. 17, 1980, Kentucky
Coopers Arco—BEE-0994, Mar. 18, 1980, Pennsylvania
Dyson Sunoco—BEE-0993, Mar. 18, 1980, Maryland
John A. Rondinelli—BEE-1003, Mar. 18, 1980, Pennsylvania
Power Test Petroleum Dist.—BEE-0999, Mar. 19, 1980, District of Columbia
West Point Exxon—BEN-0019, Mar. 19, 1980, California
Howard University—BEE-0997, Mar. 20, 1980, District of Columbia

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Issuance of Decisions and Orders; Week of March 17 Through March 21, 1980

Notice is hereby given that during the week of March 17 through March 21, 1980, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Duncan Oil Co., Rock Hill, S.C.; DEA-0666, motor gasoline

Duncan Oil Company filed an Appeal from an Assignment Order which the Region IV Office of Petroleum Operations had issued. In its Appeal, Duncan contended that the Office of Petroleum Operations erred in establishing a base period volume for its outlet. In considering the Appeal, the DOE found that Duncan failed to meet its burden of establishing that the determination of the Office of Petroleum Operations was not in accordance with the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Outlets" issued by the Economic Regulatory Administration. The DOE also found that Duncan had failed to make a *prima facie* showing that it was entitled to exception relief.

Gambrell, Russell & Forbes, Atlanta, Ga.; BFA-0193, Freedom of Information

The law firm of Gambrell, Russell & Forbes appealed from a denial by the Director, Petroleum Price Regulations, Office of Regulations and Emergency Planning, Economic Regulatory Administration, of a portion of a request for information filed under the Freedom of Information Act. The DOE found that with minor exceptions the Director had correctly applied the exemptions contained in 5 U.S.C. § 552(b)(2) and § 552(b)(5) in denying the appellant's request. The exceptions concerned reasonably segregable factual material that the Director erroneously withheld under 5 U.S.C. § 552(b)(5). Release of two documents was also found on appeal not to be contrary to the public interest. In addition, the DOE found inadequate the search for documents within the agency. The Appeals was therefore granted in part and the matter was remanded for further action.

International Biomass Institute, Washington, D.C.; BFA-0202, Freedom of Information

The International Biomass Institute filed an Appeal from a partial denial by the DOE Deputy Director of the Office of Procurement Operations of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that portions of a contract proposal which were initially withheld under Exemptions 4 and 6 of the FOIA should be released to the public. An important issue that was considered in the Decision and Order was the nonapplicability of Exemption 6 to most portions of the résumé of a grantee of a government contract.

Petroleum Delivery Service, Miami Fla.; BFA-0198, Freedom of Information

Petroleum Delivery Service filed an Appeal from a denial by the District Manager of the Economic Regulatory Administration, Southeast District of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the determination of the district Manager was deficient in that it did not (i) provide an index or listing of documents withheld; (ii) adequately justify the withholding of each document under Exemption 7; or (iii) properly outline the reasons why the public interest required nondisclosure.

Vickers Petroleum Corp., Ardmore, Okla.; BEA-0239, crude oil

Vickers Petroleum Corporation appealed the provisions of 10 CFR 211.67 as specified in the December 1979 Entitlement Notice which required the firm to purchase 187,867 entitlements. In considering the Appeal, the DOE found that the DOE Office of Petroleum Operations had incorrectly calculated Vicker's December 1979 entitlement obligation. Accordingly, exception relief was

granted on the January 1980 Entitlement Notice to correct for the error.

Bob Mullins Texaco, Altamonte Springs, Fla.; BEO–0744, motor gasoline

Bob Mullins Texaco (Mullins) filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that purchasers in its marketing area were suffering an unfair distribution of burdens resulting from the current shortage of motor gasoline. Accordingly, exception relief was denied.

Chuck's Clarke Super 100, Urbana, Ill.; BEO–0342, motor gasoline

Chuck's Clark Super 100 filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was not suffering a serious financial hardship as a result of DOE regulations. Accordingly, exception relief was denied.

Continental Oil Co., Houston, Tex.; DEE–2030 crude oil

The Continental Oil Company filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought an exception to permit it to sell crude oil produced from the Feldman-Pardo lease at upper tier prices. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to continue its production operations at the lease. Accordingly, exception relief was granted.

Husky Oil Co., Denver Colo.; DEE–1433, DEE–1440, crude oil

The Husky Oil Company filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought an exception to permit it to sell crude oil produced from the Acquisitpace and Nicholson leases at upper tier ceiling prices. In considering the request, the DOE found that the firm had failed to demonstrate that it would experience a financial hardship in the absence of relief. Accordingly, exception relief was denied.

Jim's Rapid Wash, Big Rapids, Mich.; BEO–0048, gasoline retail outlet

Jim's Rapid Wash filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of gasoline. In considering the request, the DOE found that the firm failed to demonstrate that it would suffer a severe financial hardship in the absence of relief. Accordingly, exception relief was denied.

Joseph I. O'Neill, Jr. Oil Properties, Midland, Tex.; DXE–2156, crude oil

Joseph I. O'Neill, Jr., Oil Properties filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought an exception to permit it to sell crude oil produced from the Feldman-Pardo lease at upper tier prices. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to continue its production operations at the lease. Accordingly, exception relief was granted.

Maetex Supply Co., Draper, Utah; BEO–0736, motor gasoline

Maetex Supply Company filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had made a capital investment to lease a retail motor gasoline outlet but that the investment was made after the updating of the base period regulations on March 1, 1979. The DOE found that the firm had an obligation to be aware of the provisions of DOE regulations which affect the conduct of its business. Further, the firm failed to establish that the outlet was a "new" retail outlet which would qualify for an assignment under 10 CFR 211.12(e)(3). Accordingly, exception relief was denied.

Northeast Amoco, Kansas City, Mo.; BEO–0202, motor gasoline

Northeast Amoco filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious financial hardship as a result of DOE regulations. However, the DOE also found that although Northeast had overdrawn substantial volumes of motor gasoline in 1979, the provisions of 10 CFR 21125(c) prohibited Amoco from requiring Northeast to repay these volumes from its 1980 base period allocation. Accordingly, exception relief was denied.

Publix Oil Co., Morristown, Tenn.; DEE–5462, DEA–0543, through, DEA–0548, DEA–0557, DMR–0068, DEA–0667, motor gasoline

Publix Oil Company filed an Application for Exception in which the firm requested the DOE to issue orders directing new, lower-priced suppliers to furnish the firm with portions of its base period use of motor gasoline. In considering the request, the DOE found that a significant price disparity existed between the prices charged by the firm's Gulf Coast suppliers and the prices charged by suppliers to Publix's competitors in Tennessee, and that Publix' financial data indicated that the firm would experience a serious hardship in the absence of exception relief. Although the DOE determined that the price disparity which actually existed during the June through September period was not as great as the price disparity upon which the Proposed Decision was based, the DOE concluded that it was unnecessary to require Publix to make restitution for product supplied since it had received only 70 percent of the gasoline which would have been assigned to it if actual June through September prices had been used in computing relief. Accordingly, exception relief was granted.

The DOE also discussed the following other arguments raised by the parties to this proceeding: (1) the DOE failed to comply with its own regulations; (2) the firms were not provided sufficient notice and an adequate opportunity to comment; (3) the Orders issued by the Region failed to set forth sufficient factual and legal bases for the assignments; (4) the Region exceeded its authority in failing to assign the amounts specified in the Proposed Decision; (5) any hardship experienced by Publix is due to discretionary business decisions made by Publix; (6) Publix is not entitled to relief on the basis of hardship to its customers; and (7) the Proposed Decision failed to evaluate the impact of relief on others.

Transub Inc., d.b.a. Don K's Arco, Portland, Oreg.; BEO–0361, motor gasoline

Transub Inc., d.b.a. Don K's Arco (Don K) filed an Application for Exception from the provisions of 10 CFR Part 322 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that any operating difficulties which it might be experiencing were attributable to the firm's discretionary business decisions rather than DOE regulations. Accordingly, exception relief was denied.

Requests for Modification and or Rescission

Naph-Sol Refining Co., Inc., Muskegon, Mich.; BMR–0015, motor gasoline

Napha-Sol Refining Company, Inc. filed a request for Modification or Rescission in which the firm sought to modify or rescind an Order issued by the Office of Hearings and Appeals to Naph-Sol. In considering the request, the DOE found that the firm had failed to show significantly changed circumstances which would lead the Office of Hearings and Appeals to consider the Application for Modification or Rescission. Accordingly, the Naph-Sol request was denied.

Sigmore Refinng Co., Washington, D.C.; DMR–0054, crude oil

On May 3, 1979, the Office of Hearings and Appeals of the Department of Energy granted an Appeal filed by Cities Service Company (Cities) which rescinded an Order issued to Cities by the Acting Assistant Administrator for Fuels Regulations of the Economic Regulatory Administration on January 31, 1979. The ERA Order had directed Cities to sell 357,000 barrels of crude oil to Sigmor Refining Company during the period February through March 1979. On May 24, 1979 Sigmor filed an Application for Modification or Rescission of the May 3, 1979 Appeal determination, which, if granted would result in the reinstatement of the ERA's January 31, 1979 Order. In considering the Sigmor request for modification for rescission, the DOE found that Sigmor was not in a position to time-trade for crude oil for the February through March 1979 period and therefore was in fact without sufficient crude oil supplies for that period. However, the DOE found that as of February 14, 1979, Sigmore expected to receive its first shipment of Nigerian crude oil as early as March 18, 1979 and therefore ERA should have modified the allocation order for the March 19 through March 31 period. Accordingly, the Office of Hearings and Apeals ordered Cities to supply Sigmor with

289,600 barrels of suitable crude oil at the current Buy-Sell price.

Request for Stay

Pester Refining Co., El Dorado, Kans. BES-0258, Gasohol

Pester Refining Company filed an Application for Stay of an Assignment Order which required it to supply unleaded motor gasoline to Highway Oil Company. That assignment order implemented a Decision in which it was determined that Highway would experience a gross inequity in the absence of exception relief since the firm would be unable to obtain unleaded motor gasoline for the production and distribution of gasohol. *Highway Oil, Inc.*, 5 DOE ¶ (December 10, 1979). In considering the Application, the DOE determined that Pester had failed to satisfy the criteria governing the granting of stay relief. Pester's stay request was therefore denied.

Supplemental Orders

Caribou Four Corners, Inc., Washington, D.C.; BEX-0036, crude oil

The DOE issued a Decision and Order to Caribou Four Corners, Inc staying that firm's obligation to purchase entitlements as otherwise required by 10 CFR 211.67 to the extent specified in a Proposed Decision and Order which was issued to the firm on March 21, 1980.

Navajo Refining Co., Dallas, Tex.; BEX-0035 crude oil

The DOE issued a Decision and Order to Navajo Refining Company staying that firm's obligation to purchase entitlements as otherwise required by 10 CFR 211.67 to the extent specified in a Proposed Decision and Order which was issued to the firm on March 21, 1980.

Protective Orders

Special counsel for compliance Gulf Oil Co., Washington, D.C., Houston, Tex.; BEJ-0061 Crude Oil

The DOE Special Counsel for Compliance and Gulf Oil Corporation submitted draft protective orders under which certain documents would be released to the parties in seven enforcement actions brought by the Special Counsel. (Case Numbers DRO-0193 through 0911). In considering the submissions, the DOE concluded that two categories of documents should be released to parties to the enforcement proceedings provided that any party receiving the documents first executed a Stipulation of Protective Order. The DOE also requested the Office of Special Counsel to formulate a determination as to which portions of a third category of documents were privileged. The non-privileged portions of the third category of documents will be released to parties who execute the Stipulation of Protective Order, and the DOE will consider whether to sustain claims of privilege asserted by the Office of Special Counsel with respect to the other portions of those documents.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name, Case No., and Location

Cotten Svc. Stations & Rentals; Diamond Shamrock Corporation; Sigmor Corporation, BEJ-0062; Washington, DC
Farmers Union Central Exchange, Inc./ Marathon Oil Company, BEJ-0056; Washington, DC

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Alltrans, Express USA, Inc., BEO-0558; San Francisco, CA.
Cost Plus Amoco, DEE-3662; Seabrook, MD.
Earth H. Gore, BEO-1109; Gadsden, AL.
Economy Amoco, DEE-7448; S. Attleboro, MA.
Eighth & Beech Sunoco, BEO-0633; Detroit, MI.
Eldons Chevron, BEO-0495; Nyssa, OR.
Frank's Service Station, BEO-0007; Western Springs, IL.
Glendale Shell, BEO-0521; Toledo, OH.
Hardell Corporation DEE-2579; Hagerstown, MD.
Homestead Dairies, Inc., BEO-1035; Massena, NY.
Hub Truck Rental Corporation, BEO-0807; Melville, NY.
Joe's Gas House, DEE-4609; Mountain Ranch, CA.
Memorail Exxon, DEO-0405; Alexandria, VA.
Navin's Service, Inc., DEO-0287; Allenton, WI.
Rogers Skelly Service, BEO-0273; Des Moines, IA.
School Board of DeSoto County, Florida, BEO-0358; Arcadia, FL.
W. J. Fletcher Arco, DEE-2960; Medford, NJ.
Wimmer's Grocery and Texaco Service, BEO-0666; Shawsville, VA.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later:

Company Name, and Case No.
Anderson & Company—DEE-5324
Amoco Oil Company—DEE-1079
Ashland Oil, Inc.—BEE-09027; BSG-0017
Raymond Basile—DEE-5848
Mary Lee Elden—BFA-0249
Amerada Hess Corporation—DST-0463
H&H Manhattan Shell—DST-3150
Hampton Park Exxon—DST-2732
Harvey's Arco & Mini Mart—DES-7407
Husky Oil Company—DXE-6325
Beisaw's Garage—DEE-7422
Bill's Service Center—DEE-4909
Bob's Gulf—DST-4645
Borderssummit Market—DEE-7369
C & H Gas & Oil—DST-8221
Chiles Ol, Inc.—DEE-6612
E. T. Lawson & Son, Inc.—DEE-2626; DES-2626; DST-2626
Farel Little Oil Co., Inc.—DST-2627
L. S. & J. M. Gravelle, Inc.—DEE-3220
Henry Engineering Company—DEE-2175
I & M Gulf Service—DEE-5445; DES-5445
Jack C. Mitchell Oil Company—DEE-8079
Jordan Oil Company—DST-6908
MacMillan Oil Company—DEE-2885; DST-2885
Mamic, Inc.—DEE-3899
Mid-Penn Refining Company—DEE-1474
Mini-Market Groceries—DES-3248
Placerville Drive Shell—DEE-4419
Rockwell International—BEE-0922
Jack Ross—BEE-0820
Slattery's Service, Inc.—DST-3322
Stan's Gulf—DEE-5641
Williamsburg Exxon—DEE-5566; DES-5566; DST-5566
Aubrey Hancock—DEE-4364; DES-4364
Lapointe's Service Center, Inc.—DES-4642; DST-4642
Lenoir Gas House—DEE-4997; DES-4997
McCombs Oil Company, Inc.—DEE-4123
Patrick N. McGinnis—DEE-7126
Minit Mart—DEE-7462
Raymond Oil Company—DEE-1960
Town and Country Food Markets, Inc.—BEL-0647
Truesdell's Texaco—DEE-6545
Kimmick Oil Company—DST-2634
Midwest Petroleum Company—DEE-3769; DES-3769; DST-3769
Minuteman Gas 'N Pantry, Inc.—DEE-5115
Luther W. Moss—DEE-3860; DES-3860
Powers & Alexander Distributing—DEE-4306
Santa Fe Oil Company—DES-3247
Anderson's Shell—DST-3880
Arco Mini Mart—DES-6040
Brucken's Auto Center—DES-3201
Cities Service—DEL-7937
Copsey, Inc.—DES-4038
F. A. Stein Oil Company—DEE-4994; DES-4994
Fountain Hills S.C.—DST-2995
H. B. "Buster" Hughes—DEE-7201
Happy Valley Exxon—DST-0267
Kate & Bill's Country Store—DEE-6150
Lee Roy Lane—DES-6956
Leo's One Stop Mart—DES-4764
Lindsay Oil Company, Inc.—DEE-2559; DST-2559
Parkview Exxon—DES-6348
Pyramid Oil Company—DEE-7198
Roe Oil Company—DEE-5162
Rush Oil Coporation—DEE-3477; DES-3477
Service Oil Corporation—DEE-4879
Spruce Creek Gulf & Country Club—DEE-5155
Wilson Ford, Inc.—DEE-5450; DST-5450

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120,

2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
April 22, 1980.

[FR Doc. 80-13131 Filed 4-28-80; 8:45 am]
BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 21 through March 28, 1980

Notice is hereby given that during the week of March 21, 1980 through March 28, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 22, 1980.

Melvin Goldstein,
Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Mar. 21 through 28, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 24, 1980	Atlantic Richfield Co., *et al.*, Washington, D.C	BED-0373	Motion for Discovery. If granted: Discovery would be granted to Atlantic Richfield Company, Chevron USA, Inc., Gulf Oil Corp., Marathon Oil Company, Mobil Oil Corp. and Texaco, Inc. in connection with the Statement of Objections submitted in response to the February 11, 1980 Proposed Decision and Order issued to Ashland Oil, Inc. (Case Nos. BEE-0373, BSG-0007).
Mar. 24, 1980	Kerr-McGee Corp., Oklahoma City, Okla	BEE-1010, BEL-1010.	Allocation and Price Relief. If granted: Kerr-McGee Corp. would receive an exception and temporary exception from the provisions of 10 CFR 211 and 212.83 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol and would permit the firm to pass through incremental expenses relating to the blending, storage, distribution and marketing of gasohol.
Mar. 24, 1980	Mid-South Wood Products, Mena, Ark	BEE-1001	Allocation Exception. If granted: Mid-South Wood Products would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of diesel fuel.
Mar. 24, 1980	Norman Boutin, Lewiston, Maine	BRH-1136	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted to the Proposed Remedial Order issued to Norman Boutin (Case No. BRO-1136).
Mar. 24, 1980	Stanco Petroleum, Inc., Kimball, Nebr	BRH-0018	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted to the Proposed Remedial Order issued to Stanco Petroleum, Inc. (Case No. DRO-0201).
Mar. 24, 1980	T. F. Barry Oil Service, Berkeley Heights, N.J	BEE-1000	Allocation Exceptions. If granted: T. F. Barry Oil Service would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 24, 1980	Vanway Gasohol, Inc., Brantley, Ala	BEE-0978	Allocation Exception. If granted: Vanway Gasohol, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 24, 1980	Wald, Harkader & Ross, Washington, D.C	BFA-0292	Appeal of an Information Request Denial. If granted: The February 12, 1980 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Wald, Harkader & Ross would receive access to certain DOE information.
Mar. 25, 1980	Agawam Bus Company, Inc., West Springfield, Mass.	BEA-0296	Appeal of Assignment Order. If granted: The January 4, 1980 Assignment Order issued to Agawam Bus Company by the Economic Regulatory Administration Region I, regarding Gulf Oil Company's supply obligations to Agawam Bus Company would be rescinded.
Mar. 25, 1980	Colorado Gasohol, Inc., Walsh, Col	BEE-1009	Allocation Exception. If granted: Colorado Gasohol, Inc. would receive an exception from the provisions of 10 CFR 211, which would permit the firm to receive an allocation of gasohol.
Mar. 25, 1980	Gulf States Oil & Refining Company, Washington, D.C.	BEA-0293	Appeal. If granted: The February 15, 1980 Decision & Order issued to Gulf States Oil & Refining Company by the Economic Regulatory Administration which denied Gulf States' participation in the crude oil Buy/Sell program would be rescinded.
Mar. 25, 1980	Jako Distributors, Great Falls, Mont	BEE-1004	Allocation Exception. If granted: Jako Distributors would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 25, 1980	McMahan Shoes, Inc., Atlanta, Ga	BEE-1008	Exception from the Emergency Building Temperature Restrictions. If granted: McMahan Shoes, Inc. would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Mar. 25, 1980	U.S. Virgin Islands Energy Office, St. Thomas, U.S. Virgin Islands.	BEE-1014	Exception from the Emergency Building Temperature Restrictions. If granted: U.S. Virgin Islands Energy Office would receive an exception from the provisions of 10 CFR 490, the Emergency Building Temperature Restrictions.
Mar. 25, 1980	Whitewater Petroleum Terminals, Inc., Chicago, Ill	BEN-0021	Request for Interim Order. If granted: Whitewater Petroleum Terminals, Inc. would receive an Interim Order which would make effective immediately the relief granted in the March 7, 1980 Proposed Decision and Order issued to Whitewater Petroleum Terminals, Inc. (Case No. BEE-0403).
Mar. 26, 1980	Amoco Oil Company, Chicago, Ill	BEL-0045	Request for Temporary Exception. If granted: Amoco Oil Company would receive a temporary exception from the provisions of 10 CFR 210.62 and 210.83 which would permit the firm to change some of its May 15, 1973, credit practices.
Mar. 26, 1980	Ashland Oil, Inc. *et al.*, Washington, D.C	BEJ-0065, BEJ-0067-0073.	Request for Protective Order. If granted: Protective Orders would be issued with respect to two Applications for Exception filed by Ashland Oil, Inc. (Case Nos. BEE-0373, BEE-0927) to Ashland Oil, Inc., Gulf Oil Corporation, Marathon Oil Company, Standard Oil Company of Indiana, Atlantic Richfield Company, Shell Oil Company and Chevron USA, Inc.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Mar. 21 through 28, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 26, 1980	Atlantic Richfield Co. (U.S. Oil), Los Angeles, Calif, 1980.	BEA-0303	Appeal of an Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to U.S. Oil Co. by the Economic Regulatory Administration, Region V, regarding Atlantic Richfield Co.'s supply obligations to U.S. Oil Co. would be rescinded.
Mar. 26, 1980	Cities Service Co. (U.S. Oil), Tulsa, Okla	BEA-0304	Appeal of an Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to U.S. Oil Co. by the Economic Regulatory Administration, Region V, regarding Cities Service Co.'s supply obligations to U.S. Oil would be rescinded.
Mar. 26, 1980	Exxon Co., U.S.A., Houston, Tex	BFA-0295	Appeal of an Information Request Denial. If granted: The February 20, 1980 Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded and Exxon Co., USA would receive access to information regarding the Department of Energy's Case No. 630R00035.
Mar. 26, 1980	Exxon Co., U.S.A. (U.S. Oil), Houston, Tex	BEA-0305	Appeal of an Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to U.S. Oil Co. by the Economic Regulatory Administration, Region V, regarding Exxon Co., U.S.A.'s supply obligations would be rescinded.
Mar. 26, 1980	Midwest Solvents Company, Atchison, Kans	BEX-0037	Supplemental Order. If granted: Midwest Solvents Company would receive a supplemental order which would permit the firm to receive an increased allocation of unleaded motor gasoline to permit denaturing of alcohol for production of gasohol.
Mar. 26, 1980	Mobil Oil Corporation, Valley Forge, Pa	BEA-0298	Appeal of an Assignment Order. If granted: The December 4, 1979 Assignment Order issued to Mobil Oil Corporation (Mobil) by the Economic Regulatory Administration, Region IV, regarding Mobil's supply obligations to Philip Sloan Oil Co. would be rescinded.
Mar. 26, 1980	Mobil Oil Corp. (U.S. Oil), Schaumburg, Ill	BEA-0306	Appeal of an Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to U.S. Oil Co. by the Economic Regulatory Administration, Region V, regarding Mobil Oil Corp.'s supply obligations to U.S. Oil Co. would be rescinded.
Mar. 26, 1980	Ohio Independents for Survival, State of Ohio	BSG-0018	Request for Special Redress. If granted: The Office of Hearings and Appeals would order the Economic Regulatory Administration to amend the Entitlements Program with regard to the treatment of Alaska North Slope crude oil to reduce the benefits afforded those refiners which market motor gasoline in the State of Ohio.
Mar. 26, 1980	Texaco, Inc., White Plains, N.Y	BEA-0307	Appeal of Revised Assignment Order. If granted: The February 11, 1980 Revised Assignment Order issued to U.S. Oil Company by the Economic Regulatory Administration, Region V, regarding Texaco's supply obligations to U.S. Oil Company, would be rescinded.
Mar. 26, 1980	Zollicker Oil Company, Clinton, Miss	BEE-1011	Allocation Exception. If granted: Zollicker Oil Company would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.
Mar. 27, 1980	Amoco Oil Company, Chicago, Ill	BED, BEH-0043.	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted to Amoco Oil Co. and an Evidentiary Hearing would be convened in connection with the Statement of Objections submitted to the Proposed Decision and Order issued to Big D & W Refining & Solvents Co. (Case No. DEE-7895).
Mar. 27, 1980	S & W Enterprises, Inc., Wink, Tex	BEE-1019	Price Exception. If granted: S & W Enterprises would be permitted to sell the crude oil produced from their Salt Water Disposal Well at market prices.
Mar. 27, 1980	Sun Oil Co. of Pennsylvania, Philadelphia, Pa	BED-0540, BEJ-0074.	Motion for Discovery and Protective Order. If granted: Discovery would be granted to Sun Oil Co. of Pennsylvania (Sun) and Sun and I. V. Cole Petroleum Co., Inc (Cole) would enter into a Protective Order in connection with I. V. Cole Petroleum's Application for Exception (Case No. BEE-0540).
Mar. 27, 1980	The Crude Company, Casper, Wyo	BEE-1015	Exception from the Reporting Requirements. If granted: The Crude Company would be granted an extension of time in which to file Forms FEA-P-124-M-O and FEA-P-124-M-1 ("Domestic Crude Oil Purchaser's Reports").
Mar. 28, 1980	Central Texas Energy Suppliers, Inc., Comanche, Tex.	BEE-1018	Allocation Exception. If granted: Central Texas Energy Suppliers, Inc. would receive an exception from the provisions of 10 CFR 211 which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Week of March 21 through March 28, 1980

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline:

Name, State, Case No., and Date

Bowers & Burrows, Inc., North Carolina—BEE-1013, Mar. 24, 1980.
Columbus Public Schools, Ohio—BEE-1012, Mar. 24, 1980.
Ellsie M. Sullivan, New York—BEE-1002, Mar. 24, 1980.
Hinkle Tire Company, Alabama—BEE-1007, Mar. 25, 1980.
Hornbeck Chevrolet, Pennsylvania—BEE-1006, Mar. 25, 1980.
Zanowic's Sunoco, New Jersey—BEE-1005, Mar. 25, 1980.
Shell Oil Company, California—BEE-1016, Mar. 27, 1980.
Stop-N-Go Foods, Inc., Pennsylvania—BEE-0957, Mar. 27, 1980.
Duncan Oil Company, Washington, D.C.—BEN-0020, Mar. 28, 1980.
Malibu Petroleum, California—BEE-1020, Mar. 28, 1980.
South Side Texaco, Pennsylvania—BEE-1017, Mar. 28, 1980.

Notices of Objection Received

Week of March 21 through March 28, 1980

Date, Name and Location of Applicant, and Case No.

Mar 25, 1980, Mutual Oil Company, White Plains, N.Y.—DEE-2576.
Mar 25, 1980, Beard Oil Company, Camden, S.C.—DEE-6281.
Mar 25, 1980, Lemoine Petroleum Products, Mansura, La.—DEE-6663.
Mar 25, 1980, Scullin Oil Company, Sunbury, Pa.—BEE-9474.
Mar 25, 1980, Canepa's Car Wash, Stockton, Calif.—DEE-6694.
Mar 25, 1980, C & C Oil Company, La., Calif.—BEE-0401.
Mar 24, 1980, Forgotson, James M., Sr., Washington, D.C.—BEE-0012.
Mar 25, 1980, Urbano Service Station, Sunnymead, Calif.—BEE-0613.
Mar 25, 1980, Jubilee Oil Company, Chicago, Ill.—DEE-2625.
Mar 27, 1980, Big K Oil Company, Rockingham, N.C.—DEE-5009.

Mar 28, 1980, Big Wheel, Chatom, Ala.—BEE–0219.

[FR Doc. 80–13041 Filed 4–28–80; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of March 10 through March 14, 1980

Notice is hereby given that during the week of March 10 through March 14, 1980, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Bassman, Mitchell and Levy, Washington, D.C.; BFA–0192, freedom of information

Bassman, Mitchell & Levy filed an Appeal from a partial denial by the District Manager, Central Enforcement District of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act. The DOE upheld the District Manager's determination to withhold an investigative report under Exemption 5.

Bracewell & Patterson, Washington, D.C.; BFA–0145, freedom of information

Bracewell & Patterson filed an Appeal from a partial denial by the ERA Director, Division of Petroleum Price Regulations, Office of Regulations and Emergency Planning, of a Freedom of Information Act request for documents related to a new regulation. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 5 should be released to the public. Moreover, certain of the documents which were withheld under Exemptions 4 and 5 were remanded to the Division Director with instructions to segregate nonexempt portions of those documents and release them.

Exxon Nuclear Company, Inc., Bellevue, Washington; DFA–0659, freedom of information

Exxon Nuclear Company, Inc., filed an Appeal from a partial denial by the Authorizing Official of the DOE Oak Ridge Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that portions of a Source Evaluation Board file which were initially withheld under Exemption 5 contained segregable factual information that should be released to the public.

Fuel Oil Supply and Terminaling, Inc., Houston, Texas; BFA–0142, freedom of information

Fuel Oil Supply and Terminaling, Inc. filed an Appeal from a partial denial by the District Manager of the Southwest District of Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that one of the documents that was initially withheld under Exemption 5 and portions of another document that was initially withheld under Exemption 5, 7A and 7E should be released to the public.

The Standard Oil Company of Ohio, Cleveland, Ohio; DEA–0658, motor gasoline

The Standard Oil Company of Ohio (Sohio) filed an Appeal of an Order issued on August 30, 1979 by OPO Region I. In that Order, the OPO terminated the base period relationship between Good Hope Industries, Inc. and F. L. Roberts & Co., Inc. and assigned Roberts as the new base period supplier of motor gasoline to retail outlets which the firm had purchased from Good Hope. Sohio appealed because it is Roberts' supplier and the Order would cause it to incur increased supply obligations. In considering the Appeal, the DOE determined that the OPO had failed to adequately consider the manner in which the supply obligations could most equitably be distributed. Accordingly, the Sohio Appeal was granted and the matter remanded to OPO Region I for further consideration. Among the important issues discussed in this Decision and Order was the type of review that should be made by the OPO in determining whether to approve a three-party agreement.

United Steelworkers of America, Lackawanna, New York; BFA–0188, Freedom of Information

The United Steelworkers of America filed an Appeal from a determination by the Assistant to the Manager of DOE Oak Ridge Operations regarding a Request for Information which the union had submitted under the Freedom of Information Act. The Steelworkers requested that the Office of Hearings and Appeals direct a more comprehensive search of DOE records. In considering the request, the Office of Hearings and Appeals uncovered two additional documents that may be responsive to the Steelworker's request. The matter was therefore remanded for an additional search.

Requests for Exception

A & T Marathon, Chili, Indiana; BEO–1121, motor gasoline

A & T Marathon filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that any operating difficulties which the firm was experiencing were the result of its own discretionary business decisions and were not attributable to DOE regulations. Accordingly, exception relief was denied.

American Air Filter Company, Inc., Louisville, Kentucky; DEE–7839, emergency building temperature restrictions

The American Air Filter Company, Inc. (AAF) filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to set its thermostats at a uniform temperature during periods of the year when the firm's building is both heated and cooled in the course of a single day. In considering the request, the DOE found that AAF had not demonstrated that the obligation to readjust its thermostats would impose a special hardship, inequity, or unfair distribution of the burdens of the DOE Temperature Restrictions upon the firm. Accordingly, exception relief was denied.

Amoco Oil Company, Madison, Wisconsin; BEO–0625, motor gasoline

Amoco Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in the base period allocation of a retail sales outlet owned by the firm. In considering the request, the DOE found that any operating difficulties being experienced by Amoco were the result of its discretionary business decision to purchase the retail outlet and were not attributable to DOE regulations. Accordingly, exception relief was denied.

Apollo Oil Company, Peoria, Illinois; DEE–2427, gasohol

Apollo Oil Company requested an increase in the firm's allocation of unleaded motor gasoline so that it could increase the scope of its gasohol blending and marketing operatings. In a Proposed Decision and Order which it issued, the DOE found that Apollo had already committed substantial resources to the blending and marketing of gasohol, that the firm could purchase unlimited amounts of ethyl alcohol, and that Apollo was in an advantageous position to further the production and use of gasohol. The DOE therefore proposed to direct the Marathon Oil Company to supply Apollo with 300,000 gallons of unleaded gasoline per month. Subsequent to the issuance of the Proposed Decision and Order, Marathon filed a Statement of Objections. However, after a hearing was held, Marathon withdrew its Objection. The Proposed Decision and Order was therefore issued as a final Order.

Beene's Exxon, Melbourne, Arkansas; BEO–0231, motor gasoline

Beene's Exxon filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to alleviate a serious financial hardship which the firm was experiencing. Accordingly, exception relief was granted.

County of Santa Clara, California, Santa Clara, California; BEO–0758, motor gasoline

The County of Santa Clara, California filed a Statement of Objections to the Proposed Decision and Order issued by the Office of Hearings and Appeals Western Regional Center. In its initial exception application the County had requested an increase in its base period allocation of motor gasoline. In considering the County's objections to the proposed denial of exception relief, the DOE found that a situation in which a county government must obtain a portion of its gasoline requirements directly from retail outlets does not constitute a gross inequity or

unfair burden. The DOE further concluded that the County had failed to show either that the application of the base period in its case is unrepresentative of its historical practices or that the County was being treated differently from other similarly stituated firms or government entities. Accordingly, exception relief was denied.

Crume-Hundley Oil Company, Inc., Shelbyville, Kentucky, BEO–0243, motor gasoline

Crume-Hundley Oil Company, Inc. filed a Statement of Objections to a Proposed Decision and Order issued by the Southeast Regional Center of the Office of Hearings and Appeals. In its initial exception application the firm had requested an increase in its base period allocation of motor gasoline. After reconsidering its position, Crume-Hundley informed the Office of Hearings and Appeals that it no longer wished to seek exception relief at this time and that it was withdrawing its Statement of Objections. Accordingly the proposed decision was issued in final form.

Economy Oil Company, Springdale, Arkansas; DEE–3745, motor gasoline

Economy Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE determined that an exception was necessary in order to alleviate a gross inequity and serious hardship which the DOE found that the applicant would incur in the absence of such relief. Accordingly, exception relief was granted.

Greenhaven Auto Care, Sacramento, California; BEO–0528, motor gasoline

Greenhaven Auto Care filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that an increase in its motor gasoline sales volume was attributable to a significant alteration in ongoing business practice and that failure to grant an exception would jeopardize its viability as an independent marketer of motor gasoline. The DOE also rejected applicant's contention that the citizens in its service area are sustaining a disproportionate burden resulting from the application of DOE regulations.

Gulf Oil Corporation, Tulsa, Oklahoma; BXE–0536, crude oil

Gulf Oil Corporation (Gulf) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Gulf to sell at upper tier ceiling prices 81.30 percent of the crude oil produced from the South Stanley Lease.

Kings Point Housing Corporation, Delray Beach, Florida; DEE–7740, emergency building temperature restrictions

The Kings Point Housing Corporation filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought to be permitted to lower the temperature in its recreational facilities below 78° F. In considering the request, the DOE found that the firm failed to demonstrate that the Kings Point residents were experiencing a serious health hazard as a result of the Emergency Building Temperature Restrictions. Accordingly, exception relief was denied.

Kansas-Nebraska Natural Gas Company, Washington, D.C.; DEE–4485, natural gas

Kansas-Nebraska Natural Gas Company, Inc. filed an Application for Exception from the provisions of 10 CFR 212.162 in which the firm sought permission to calculate its increased cost of natural gas shrinkage on the basis of reduction in the BTU content of its residue gas. In considering the request, the DOE found that exception relief was necessary to relieve Kansas-Nebraska of the inequity of continuing to measure the shrinkage cost of the firm's natural gas products extraction operations on the basis of its loss of natural gas sales. Accordingly, exception relief was granted. The relief enables Kansas-Nebraska to adjust the volumetric measurement by a specified amount of the shrinkage loss for propane, butane, and natural gas liquids thereby enabling Kansas-Nebraska to continue to sue the per MCF price terms of its present and future natural gas contracts. Kansas-Nebraska also requested that the relief be retroactive to October 18, 1976, the date that Kansas-Nebraska filed its Request for Interpretation wth the DOE. The retroactive relief was denied since the firm failed to either provide compelling reasons or demonstrate financial hardship if such relief was denied.

Lantern Lane Shell, Houston, Texas; DEE–7192, motor gasoline

Lantern Lane Shell filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious financial hardship as a result of DOE regulations. Accordingly, exception relief was denied.

Midwest Solvents Co., Atchison, Kans.; DEE–7741, motor gasoline

Midwest Solvents Company filed an Application for Exception in which the firm sought an order assigning a base period volume and supplier of unleaded motor gasoline to the firm for the purpose of producing denatured anhydrous alcohol to be used in blending gasohol. In considering the request, the DOE found that exception relief was necessary to foster an important national energy objective, the production and marketing of gasohol. Accordingly, exception relief was granted.

Pennzoil Producing Co., Houston, Tex.; BXE–0607, crude oil

Pennzoil Producing Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Pennzoil to sell 18.03 percent of the crude oil produced from the McGraw-Stevens Waterflood Unit at market price levels not to exceed $29.00 per barrel and the remaining 81.97 percent of the crude oil produced from that Unit at upper tier ceiling price levels.

Proficient Engineering Industries, Inc., Madison Heights, Mich.; BEO–0503, emergency, building temperature restrictions

Proficient Engineering Industries, Inc. filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to raise the maximum heating temperature above 65°F and to lower the minimum cooling temperature below 78°F in its engineering room. In considering the request, the DOE found that the firm had not shown that it is unhealthy for its employees to work in a room with a temperature level of 78°F or 65°F or that the employees' productivity has decreased since the Temperature Restrictions were issued. Accordingly, exception relief was denied.

S&W Engine Supply Co., Oklahoma City, Okla.; DXE–7167, crude oil

The S&W Engine Supply Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought permission to sell certain quantities of crude oil which it produces from the Baker Townsend Lease located in Oklahoma County, Oklahoma at upper tier ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide the firm with an economic incentive to continue producing crude oil from the Townsend Lease. Accordingly, exception relief was granted.

Schley & Keller, Inc., Denver, Colo.; BEO–0705, emergency building temperature restrictions

Schley & Keller, Inc. filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to lower the minimum cooling temperature below 78°F in its jewelry store. In considering the request, the DOE found that the firm had not demonstrated that its employees were facing a health risk at a temperature level of 78°F. Accordingly, exception relief was denied.

T&M Auto Service, Inc., Miami, Fla.; BEO–0006, motor gasoline

T&M Auto Service, Inc., filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that because anomalous events occurring during the base period distorted the intended use of the base period as a period of measurement. Accordingly, exception relief was granted.

Union Oil Co. of California, Schaumburg, Ill.; DEE–8000, DEE–8021, motor gasoline

On August 28, 1979, the Union Oil Company of California (Union) filed two Applications for Exception from the provisions of 20 CFR 211.9 in which the firm sought on behalf of its wholesale and end-user customers in the firm's Eastern Region to substitute the period November 1, 1978 through April 30, 1979 for the Period November 1, 1977 through April 30, 1978 in determining the base period use of its motor gasoline customers. In its second application

Union requested that it be relieved of its obligation to supply motor gasoline to firms in the Eastern Region which made spot purchases of motor gasoline from it during the period November 1, 1977 through April 30, 1978. In considering the request, the DOE found that the period November 1, 1977 through April 30, 1978 did not represent a normal period of business for branded Union jobbers; but that the firm failed to prove that its obligation to supply those firms which made spot purchases from it during that period constituted a serious hardship, gross inequity or unfair distribution of burdens. Exception relief was therefore granted to the extent that the period November 1, 1978 through April 1, 1979 was substituted for the corresponding period 1977–1978 for brand Union jobbers only. The firm was not, however, relieved of its obligation to supply spot purchasers.

Request for Temporary Exception

Farmland Industries, Kansas City, Mo.; BEL–0899, gasohol

Farmland Industries filed an Application for Temporary Exception from the provisions of 10 CFR 212.83 in which the firm sought to treat gasohol as a separate category of gasoline. In considering the request, the DOE found that temporary exception relief was necessary to enable Farmland to proceed with a test marketing program for gasohol. Accordingly, exception relief was granted.

Request for Stay

Dalco Petroleum Corp., Washington, D.C.; BES–0068, crude oil

Dalco Petroleum Corporation filed an Application for Stay from the requirement that it file certain crude oil reseller reporting forms with the Economic Regulatory Administration (10 CFR 212.126(b), 212.187(b)). In considering the Application, the DOE determined that Dalco had failed to establish that it would bear an irreparable injury in the absence of stay relief that it would succeed on the merits of a request for exception relief, or that it would be desirable to grant the requested stay relief for public policy reasons. The Dalco stay request was therefore denied.

Remedial Orders

In the following cases involving Proposed Remedial Orders and/or Interim Remedial Orders for Immediate Compliance, no Statements of Objections were filed. The DOE therefore issued the orders in final form:

Company Name, Case No., and Location

Hilliard Chevron, BRW–0021, Washington, DC.
James Pickens d.b.a. Jim's Marathon, BRW–0001, Palatine, Il.

Interim Orders

The following firm was granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Big Wheel, BEN–0219, Millry, Al.

Protective Orders

The following firms filed Application for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name, Case No., and Location

Chevron USA, Inc., BEJ–0046, BEJ–0059, Stamford, CT.
Chevron USA, Inc., BEJ–0044, San Francisco, CA.
Chevron USA, Inc., Pride Refining, Inc., BEJ–0050, San Francisco, CA.
Gulf Ref. & Mktg Co./Union Oil of California, BEJ–0047, Washington, DC.
Midland Energy Corp., Pester Refining Co., BEJ–0032, Washington, DC.
Quaker State Oil Refining Corp., Washington, DC.
Marathon Oil Company, BEJ–0048, Findlay, OH.
Gulf Oil Corporation, BEJ–0052, Houston, TX.
Texaco, Inc., BEJ–0046, BEJ–0059, Stamford, CT.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

Callan & Company, DEE–7157, Blythe, CA.
Long Creek Exxon, DEE–7182, Monroe, NC.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Arnold Shell Service Station, DEE–7478, Arnold, CA.
Brookside Store, DEE–7628, Orford, NH.
Leonard's Standard, BEO–0321, Jacksonville, IL.
M–B Food Corporation, BEO–0156, Knoxville, TN.
Shadow Mountain Texaco, Texaco et al., BEO–0814, Dallas, TX.
Al Muzny, BEO–0792.
Ralph Pfenninger, BEO–0812.
Paul Friday, BEO–0784.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name and Case No.

Smith Brothers Pet., DST–2887.
Southern Truck Terminal, DEE–6891; DST–6891.
Strickland Oil Company, DST–3167.
Texas Gulf Gas Corporation, DEE–6466.
White Oil Distributors, Inc., DES–3853.
Budget Rent-a-Car of Louisiville, DES–6992.
Carroll Oil Company, Inc., DEE–2379; DES–2379; DST–2379.
Edison Exxon, DES–2881.
Fannon Petroleum Services, DST–3884.
Gaithersburg Exxon, DES–3187.
Joe's 66 Service, DES–4033.
Ladurini Oil Company, DES–2650.
Quality Oil Company, DES–7435.
Monte Rio Service, DEE–6459.
Potomac Oil, Inc., DEE–4391.
Rain Tree Car Wash, DES–2745; DST–2745.
Service Oil Company, DEL–8286; DST–8286.
Tom Cary Chevron, DEE–4293; DES–4293.
Town & Country Texaco, DST–3865.
W. G. Roberts Oil, Inc., DEE–5940.
Wagoner Gas & Oil, DST–4837.
B–B–F and B–b Oil Companies, DEE–6547; DEE–6548.
Gasway, Inc., DEE–2304; DES–2304.
H. H. Weinert Estate, BEE–0728.
Henry Engineering, BXE–0834.
Jerry's Gulf, DES–7030; DST–7030.
Jubilee Oil Company, DES–2625; DST–2625.
Mobil Bulk Plant, DST–2825.
Petroleum Energy Producing Company, BEE–0497.
Weaver Oil Company, BEE–0410; BEL–0410.
Charles Gallup, DEE–6317.
Citgo Mini Mart, DEA–0619.
Consum Energy Council, BFA–0189.
Highway Oil, Inc., DEN–0005.
Highway Oil, Inc., DEE–3076.
I. B. Lemoine, DST–6663; DES–6663.
James Travers, DEE–3898.
Jim Smith, BEE–0880.
M&S Family Services, DEE–7686.
Mohawk Petroleum Corporation, BRO–0037.
Canepa's Car Wash, DES–6694; DST–6694.
Exxon Company, USA, BES–0124.
Lido Company of New England, Inc., BEE–0517; BES–0517.
Mobil Oil Corporation, BES–0110; BES–0031.
New Jersey Highway Authority, BXE–0043.
Tupper's Exxon, DEE–6435.
Alcot, Inc., BFA–0136.
Boardwalk Regency Texaco, DST–6673.
Dennisport Car Care, Inc., DEE–6824.
Herbst Supply Company, DST–2740; DST–2740.
Hicks Oils & Hicks Gas, Inc., DEE–4653; DES–4653.
Isaacs' Chevron Service, DEE–2741; DES–2741; DST–2741.
J. C. Penney Company, Inc., Store 1241–9, DEE–8264.
Johnston's Gulf Service Inc., DEE–7125; DES–7125.
Ken's Service, DEE–7140.
Lone Star Gas Company, DES–8285.
M & M Fuel Company, DEE–7273.
Payne's Oil Company, Inc., DST–2431.
Petro-Wash, Inc., DST–2318.
Staggers Oil Company, DES–7104; DST–7104.
Standard Oil Company of Ohio, DES–0658.
Tidmore Oil Company, DES–6022.
Will-Mart Shell, DES–4367; DST–4367.
Wood Oil Company, DEE–2933.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of

Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

April 22, 1980.

[FR Doc. 80–13040 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; March 24 through March 28, 1980

Notice is hereby given that during the period March 24 through March 28, 1980, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

April 22, 1980.

Atlantic Richfield Co., Houston, Tex.; BXE–0890, crude oil

Atlantic Richfield Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Arco to continue to sell a portion of the crude oil produced from Platform Spark at upper tier ceiling prices. On March 24, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

Baxter Meadows, Oil Co., Hendersonville, N.C.; BEE–0379, gasohol

Baxter-Meadows Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit Baxter-Meadows to purchase 217,000 gallons of unleaded gasoline per month over and above its base period allocation in order to expand its gasohol marketing program. On March 28, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part, and that Baxter-Meadows' base period allocation of unleaded gasoline be increased by 91,000 gallons per month.

C. F. Lawrence & Associates, Inc., Midland, Tex.; DXE–0892, crude oil

C. F. Lawrence & Assoc., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Childress M. I. Masterson Lease for the benefit of the working interest owners at upper tier ceiling prices. On March 27, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted.

Frankfort, Fuels, Inc., Frankfort, Ill.; DEE–8306, motor gasoline

Frankfort Fuels, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Frankfort to receive an increased allocation of unleaded motor gasoline for the purpose of blending gasohol. On March 28, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Grace Petroleum Corp., Oklahoma City, Okla.; BEE–0938, crude oil

Grace Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil which it produces from the Star Misener Hunton Unit for the benefit of the working interest owners at upper tier ceiling prices. On March 25, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Priest Explorations, Inc., Oklahoma City, Okla.; BEE–0816, crude oil

Priest Explorations, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Barnes Well 3A located in Seminole County, Oklahoma, at market price levels. On March 25, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied.

North Side Services, Hutchinson, Kans.; DEE–7601, gasohol

North Side Services filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart F. The exception request, if granted, would permit North Side to receive an increased allocation of unleaded motor gasoline for the express purpose of blending gasohol. On March 28, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

Como Oil Co., Duluth, Minn.; BEE–0584, gasohol

Como Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Como to receive an increased allocation of unleaded motor gasoline for gasohol blending. On March 28, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Red Rock Petroleum Co., Oklahoma City, Okla.; BEE–0337, gasohol

Red Rock Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Red Rock to purchase 433,333 gallons of unleaded gasoline per month over and above its base period allocation in order to expand its gasohol marketing program. On March 28, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part, and that Red Rock's base period allocation of unleaded gasoline be increased by 119,500 gallons per month.

Southern Colorado Agri-Fuel Co., Pueblo, Colo.; DEE–7079, gasohol

Southern Colorado Agri-Fuel Company filed an Application for Exception from the provisions of 10 CFR, Part 212. The exception request, if granted, would result in an order assigning a base period volume and supplier of unleaded motor gasoline to the firm for the purpose of blending and marketing gasohol. On March 25, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

List of Petitions Involving the Motor Gasoline Allocation Regulations

Week of March 24 through March 28, 1980

The following firms filed Applications for Exception from the provisions of the Motor

Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Connecticut General Life Insurance Co., DEE–7699, Bloomfield, CT.
Great Lakes Dev. Co., Inc., DEE–6465, Foster City, CA.
Warner Hot Springs Resort, DEE–8016, Warner Springs, CA.

List of Petitions Involving the Motor Gasoline Allocation Regulations

Week of March 24 through March 28, 1980

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that exception requests be denied.

Company Name, Case No., and Location

Bailey Brothers Bait and Tackle, DEE–8332, Alexander City, AL.
Budget Rent-A-Car, DEE–7033, Boulder, CO.
Champion Oil Service, BEE–0619, Wash., D.C.
General Stations, Inc., DEE–5090, Beckley, WV.
Gloenco-Newport, Inc., DEE–7722, Newport, NH.
Rice-Lindquist, Inc., DEE–5312, Minot, ND.

[FR Doc. 80–13039 Filed 4–28–80; 8:45 am]
BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed Week of March 3 through March 7, 1980

Notice is hereby given that during the week of March 3, 1980 through March 7, 1980, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before May 19, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before May 29, 1980, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C., April 22, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Glover's Texaco, Muskogee, Oklahoma; motor gasoline, BRO–1137

On March 4, 1980, Glover's Texaco, 901 West Okmulgee, Muskogee, Oklahoma 74401, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on January 31, 1980. In the PRO the Southwest District found that during August 1, 1979 to December 31, 1979, Glover's Texaco had been charging prices for its motor gasoline in excess of the maximum lawful selling price allowed by 10 CFR Part 212. According to the PRO the Glover's Texaco violation resulted in $2,549.75 of overcharges.

Energy Reserves Group, Inc., Houston, Texas; crude oil, BRO–1144

On March 6, 1980, Energy Reserves Group, Inc., Houston, Texas filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on February 19, 1980. In the PRO the Central District found that during September 1, 1973 to September 30, 1974, Energy Reserves Group, Inc. sold "old" domestic oil as either "new" crude oil or "stripper well" crude oil in violation of DOE [FEA] Price Regulations. According to the PRO the Energy Reserves Group, Inc. violation resulted in $863,781.00 of overcharges.

[FR Doc. 80–13036 Filed 4–28–80; 8:45 am]
BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed March 24 through March 28, 1980

Notice is hereby given that during the week of March 24 through March 28, 1980, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before May 19, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before May 29, 1980, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C., April 22, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Remedial Orders

Hilton, William R., West Chester, Pennsylvania; BRO–1152, motor gasoline

On March 27, 1980, William R. Hilton, RD 5 Wilmington Pike, West Chester, Pa., filed a Notice of Objection to a proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the Firm on November 6, 1979. In the PRO the Northeast District found that during August 1, 1979 to August 28, 1979, William R. Hilton had been charging prices in excess of the maximum lawful selling price allowed by 10 CFR Part 212 and had engaged in practices in violation of other applicable DOE regulations. According to the PRO, the William Hilton violation resulted in $444 of overcharges.

Jerry's Chevron Station, Los Angeles, California; BRO–1147, motor gasoline

On March 28, 1980, Jerry Hatter d.b.a. Jerry's Chevron Station, 4401 Eagle Rock Blvd., Los Angeles, California filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the Firm on March 18, 1980. In the PRO the Western District found that during August 1, 1979 to November 30, 1979, Jerry's Chevron Station sold motor gasoline at prices in excess of the maximum lawful selling price allowed by 10 CFR Part 212. According to the PRO, the Jerry's Chevron Station violation resulted in $2,592.02 of overcharges.

[FR Doc. 80–13037 Filed 4–28–80; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; Week of March 31 through April 4, 1980

Notice is hereby given that during the period March 31 through April 4, 1980, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of

publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the part will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals

April, 22, 1980.

Proposed Decisions and Orders

By-Rite Oil Company, Dearborn Heights, Michigan; BEE-0631, gasohol

By-Rite Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit By-Rite to receive an increased allocation of unleaded motor gasoline for the express purpose of blending and marketing gasohol. On April 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Koch Industries, Inc., Wichita, Kansas; BXE-0687, crude oil

Koch Industries, Inc. filed and Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Sink Draw #1 Lease located in Duchesne County, Utah, at upper tier ceiling prices. On April 3, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Long Island Lighting Company, Mineola, New York; BEE-0929, reporting requirements

The Long Island Lighting Company (LILCO) filed an Application for Exception from the reporting requirements set forth in Form EIA-149 ("Natural Gas Supply, Requirements, and Usage") in which the firm requested an extension of time until April 30, 1980 in which to file its report. On April 3, 1980, the DOE issued a Proposed Decision and Order in which it tentatively determined that LILCO's exception request should be denied.

Lyte and Company, Los Angeles, California; BXE-0727, crude oil

Lyte and Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell all of the crude oil produced for the benefit of the working interest owners from the Skeeter Slaughter Lease located in Garza County, Texas, at upper tier ceiling prices. On April 3, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Wise Oil and Fuel, Inc., Cambridge, Maryland; DEE-7564, motor gasoline

Wise Oil & Fuel, Inc., filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Wise to receive an increased allocation of unleaded motor gasoline for the express purpose of blending and marketing gasohol. The DOE tentatively determined that Wise's inability to obtain additional volumes of unleaded motor gasoline to produce gasohol was frustrating a national policy objective. Accordingly, on April 3, 1980, the DOE issued a Proposed Decision and Order which determined that exception relief be granted.

List of Petitions Involving the Motor Gasoline Allocation Regulations

Week of March 31 through April 4, 1980

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Dematteo's Gulf, DEE-4685; New Haven, CT
Fuller's 66, DEE-2520; Salt Lake City, UT
Graybill & Weigold, DEE-7159; North Haven, CT
Marshfield Auto Body, DEE-7019; Marshfield, MA
Chas. F. Argon & Co., DEE-6139; Redlands, CA
Consumers Gasoline Stations, Inc., DEE-3698; Wash., DC
Denny's Exxon, DEE-6587; Phoenix, AZ
Earl's Service Stat., DEE-3355; Bennington, VT
Besto Gulf, DEE-6998; Daisetta, TX
Pismo Chevron, DEE-2639; Pismo Beach, CA
Landers Chevron, DEE-6432; Simpsonville, KY
C.B. Shell, DEE-4254; San Jose, CA
All South Rentals, Inc., DEE-7064; Kenner, LA
Watson's Chevron Service, DEE-3529; Ojai, CA
D. Hubbard & Son, DEE-6509; Marion, KY
Carl S. Levine, Esq., DEE-8062; New York, N.Y.
Bob's Standard, DEE-7136; Moorhead, MN
Chuck's Exxon, DEE-7362; Decatur, ALA
Gas 'N Groceries, DEE-7523; DEE-7524; DEE-7525; DEE-7526 Waynesville, NC
Fast Stop Marts, DEE-4995; Oroville, CA
Myers Oil Company, Inc., DEE-2265; Statesville, NC
Hurst Chevron Service, DEE-6280; Plant City, FL
Mr. William R. Bonnett, DEE-6792; Baltimore, MD
Daniel Turco, DEE-3929; Billerica, MA
Ben Page, DEE-4180; Colma, CA
Ramon Malanche, DEE-3533; Glendale, AZ
Kenny's Pioneer Trading Post, DEE-7046; LaFollette, TN
Ball Oil Company, DEE-7102; Cleveland, OK
FASGO, Inc., DXE-6697; Brookhaven, PA
M-59 Pontiac Lake Shell, DEE-6803; Pontiac, MI
Smith's Shell Service, DEE-4082; Phoeniz, AZ
Pride Oil Company, DEE-4102; Mentor, OH
Omega Oil Company, DEE-3586; Dayton, OH
Burk, Levy and Smith, DEE-3869; Washington, DC
Auburn Mini-Market Jr., DEE-6021; Auburn, WA
Phil's Gulf and Service, DEE-5806; Blue Hill, MAINE
Ed's Service Center, Inc., DEE-6665; Cable, WIS
Service Oil of Monroe, Inc., DEE-5865; Monroe, N.C.
Frazier Oil Company DEE-3838; Hazelhurst, GA
Johnny's Petroleum, DEE-5249; Newbury Park, CA
Brown's Gas Station, DEE-5813; Burnsville, WV
River Oaks Amoco, DEE-7400; Norfolk, VA
Main Street Automotive, DEE-6828; Groton, MA
Burnsed Petroleum Corporation, DEE-6074; Metaire, LA
Belmont Mobil Service, DEE-3350; Belmont, MA
Treadwell's Exxon, DEE-6434; Woodland, Maine
Oasis Trading Post, DEE-5369; Oasis, Nevada
Rory Johnson, DEE-6607; Nashville, Tenn
LaRoche Chevron, DEE-6940; Merritt Is., FLA
Mildred Strickland Service Station, DEE-6856; State Line, MS
Anaheim Car Wash, DEE-6363; Anaheim, CA
Bert's Exxon, DEE-2496; Potomac, MD
Bullard Plaza Union, DEE-5207; Fresno, CA
Burke Auto Service, Inc., DEE-7419; Ashland, MA
Expressway Arco Services, DEE-6826; Boston MA
Castle Hills Texaco, DEE-6699; San Antonio, TX
Mr. Kenneth C. Cosgrove, DEE-6182; DEE-6331; Greenville, SC
Steve Lane Sunoco, DEE-7243; Miamitown, OH
Jerry Menefee Shell Station, DEE-6977; Dallas, TX
Yarber's Marathon Service, DEE-7405; Salem, IND
Hadley Car Wash, DEE-6225; Whittier, CA
R.C. Michel Co., DEE-5808; Ambridge, PA
Ormond Mall 66 Service, DEE-4812; Ormond Beach, FL
Winver's Lug-A-Jug, DEE-7010; Pearland, TX
Bob & Al's Service Center, Inc., DEE-6623; Miami Shores, FL
McCraken Texaco, DEE-6637; Vero Beach, FL

Clark's Ferry Auto/Truck Stop, DEE–2954; Duncannon, PA
Vish Chevron Service, DXE–8114; Lexington, KY
Malibu Petroleum, BEE–1020; Malibu, CA
Tommy's Standard Service, DEE–7459; Glasgow, MT
Marlboro Sunoco, DEE–7035; Upper Marlboro, MD
Paquin's Garage, DEE–7692; Pascoag, RI
Ski's Shell Self Service, DEE–3777; San Luis Obispo, CA
Bob's Texaco, DEE–4582; Glendale, VA
Bowers & Burrows, Inc., BEE–1013; Henderson, NC
Jake's Service Station, DEE–3394; Westernport, MD
Bubber's Exxon, DEE–7241; Nashville, TN
Collins Texaco, DEE–4265; Los Alamos, CA

[FR Doc. 80–13038 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

Fossil Energy Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Title: Fossil Energy Advisory Committee (FEAC)
Date and time: May 21, 1980—8:30 a.m.—approximately 3:30 p.m.
May 22, 1980—8:30 a.m.–approximately 2:00 p.m.
Place: Twin Bridges Marriott, Commonwealth Room, U.S. 1 and I395, Arlington, Virginia
Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy—Room 8G087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–252–5187
Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.
Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.
Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.
Purpose of the committee: To provide the Department of Energy with advice in developing through research, new and more efficient methods of mining, preparing and utilizing coal.
Tentative agenda:

May 21, 1980

8:30–8:40—Welcome and Introduction by George Fumich, Jr., Assistant Secretary for Fossil Energy, of Acting Under Secretary of Energy
8:40–8:50—G. Worthington Bateman, Acting Under Secretary of Energy
8:50–10:00—Dr. Henry Linden, President, Gas Research Institute
10:00–10:15—Break
10:15–12:15—Current Status and Future Role of the Surface Coal Gasification Program
Status of the Current Program—Dr. John Wilson, Morgantown Energy Technology Center
Objectives of the Projected Program—Dr. Lowell Miller, DOE Headquarters
(a) Evaluation of Programmatic Objectives and Evaluation of a Program Strategy
(b) Future Program Emphasis
12:15–1:30—Lunch
1:30–3:30—Major DOE Surface Gasification Projects—Mr. E. A. Lloyd, DOE Headquarters

May 22, 1980

8:30–9:15—Patent Policies of the DOE—Mr. James Denny, Office of the General Counsel, DOE
9:15–10:05—Enhanced Gas Recovery—Status and Future
Introduction—Mr. Paul Wieber, DOE Headquarters Status and Future—Mr. Jeffery B. Smith, DOE Headquarters
10:05–10:20—Break
10:20–11:00—Panel Discussion, Enhanced Gas Recovery Issues
Panel Members: Jeffery Smith—DOE Headquarters, Robert Wise—Morgantown ETC, Hap Stoller—Sandia Laboratories, Alex Crawley—Bartlesville ETC, Leo Schrider—Morgantown ETC
11:00–11:45—Underground Coal Gasification—Status and Future—Mr. Douglas Stephens, Lawrence Livermore Laboratory
11:45–1:45—Lunch
1:00–1:45—Panel Discussion, Underground Coal Gasification Issues
Panel Members: Edward Burwell—DOE Headquarters, Charles Brandenberg—Laramie ETC, Al Singleton—Gulf, Dick Jiacoletti—Laramie ETC, Ken Bader—Sandia Laboratories, Doug Stephens—Lawrence Livermore Laboratory, Art Liberatore—Morgantown ETC
1:45—Public Comment (10 minute rule)

Issued at Washington, D.C. on April 23, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80–13130 Filed 4–28–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1480–3; OPP–66052A]

Deadline for Submission of Proposals for Settlement Agreements Pursuant to Intent To Cancel Certain Registrations of Pesticide Products Containing Silvex

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency issued an emergency order, dated February 28, 1979, suspending registration for certain home and garden uses of pesticide products containing silvex. Seventeen registrants of these pesticide products have entered into settlement agreements with EPA which provide for cancellation of their registrations, and which include provisions relating to the recall and disposition of the pesticides. Notice is hereby given that the Agency will not accept additional proposals for such settlement agreements after May 20, 1980.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: Ralph Colleli (TS–766), Office of Pesticide Programs, Environmental Protection Agency, Washington, DC 20460, 202–755–8030; or Alice P. Wegman (A–132), Office of General Counsel, Environmental Protection Agency, Washington, DC 20460, 202–755–4076.

SUPPLEMENTARY INFORMATION: On February 28, 1979, the Administrator of the Environmental Protection Agency issued emergency orders suspending registrations for certain pesticide products containing 2,4,5-T and silvex, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). [44 FR 15897 *et seq.*, March 15, 1979] Notices of intent to cancel such registrations were issued on the same date. [44 FR 15917 *et seq.*] Subsequent to the issuance of the suspension orders and the cancellation notices, certain manufacturers of silvex pesticides registered for home and garden uses entered into agreements with the Agency providing for cancellation of their registrations, recall and disposition of the pesticides under section 19 of FIFRA, and for the filing of claims for indemnification pursuant to section 15 of FIFRA. Seventeen such agreements have been entered into between registrants of home and garden use silvex pesticides and the Agency.

The Agency by various means informed registrants of home and garden use silvex pesticides that it would offer

terms comparable to those contained in these settlement agreements to them, and that this offer would remain open until December 3, 1979. It has come to the attention of the Agency that some registrants of home and garden use silvex pesticides were not aware of this opportunity or of the expiration date of the Agency's offer. Consequently, EPA has concluded that it is appropriate to reopen its offer for an additional three weeks from the date of this notice (*i.e.*, until May 20, 1980). Registrants of home and garden use silvex products who want to take advantage of this additional opportunity to consummate a settlement agreement with the Agency must submit proposals for such agreements to the Agency by this date. The form of agreement entered into between the Agency and the seventeen registrants referred to above can be obtained from either of the persons named above.

Dated: April 16, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-13081 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1479-8]

Fuels and Fuel Additives; Receipt of Applications for Waivers of the Prohibition Set Forth In Section 211(f) of the Clean Air Act

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Conservation Consultants of New England, Inc. has submitted three applications for waivers of the section 211(f) prohibition set forth in the Clean Air Act (Act). The applications for waivers pertain to the following:

(A) A mixture of 10 volume percent of methanol/ethanol blend into 90 volume percent unleaded gasoline. The methanol/ethanol blend consists of 80 volume percent methanol and 20 volume percent ethanol.

(B) A mixture of 10 volume percent of methanol/ethanol blend into 90 volume percent unleaded gasoline. The methanol/ethanol blend consists of 1:1 ratio of methanol to ethanol.

(C) A mixture of 15 volume percent of methanol/ethanol blend into 85 volume percent unleaded gasoline. The methanol/ethanol blend consists of 2:1 ratio of methanol to ethanol.

Pursuant to section 211(f)(4) of the Act, the Environmental Protection Agency (EPA) has until the following dates (180 days from the date of receipt) to grant or deny each application:

Fuel (A)—Application received—February 5, 1980. Termination—August 3, 1980.

Fuels (B) and (C)—Application received—February 13, 1980. Termination—August 11, 1980.

PUBLIC DOCKET: Copies of information relative to each application are available for inspection in public docket EN-80-7 at the Central Docket Section (A-130) of the Environmental Protection Agency, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket, with a copy sent to Richard G. Kozlowski, Director, Field Operations and Support Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for coping services. The EPA will only consider those comments which are received within 45 days of the date of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: James J. Kohanek, Attorney-Advisor, Field Operations and Support Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer to first introduce or increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of its receipt, the waiver shall be treated as granted.

Three applications for waivers were submitted by Conservation Consultants of New England, Inc., to blend the following:

(A) A mixture of 10 volume percent of methanol/ethanol blend into 90 volume percent unleaded gasoline. The methanol/ethanol blend consists of 80 volume percent methanol and 20 volume percent ethanol.

(B) A mixture of 10 volume percent of methanol/ethanol blend into 90 volume percent unleaded gasoline. The methanol/ethanol blend consists of 1:1 ration of methanol to ethanol.

(C) A mixture of 15 volume percent of methanol/ethanol blend into 85 volume percent unleaded gasoline. The methanol/ethanol blend consists of 2:1 ratio of methanol to ethanol.

The EPA is currently reviewing the applications and welcomes any comment on the same, including but not limited to emission test data (including evaporative emissions), materials compatibility, phase separation and durability. In Order to permit proper evaluation of such data, the EPA will only consider information received on or before June 13, 1980.

The 180 day review period terminates on the following dates:

Fuel (A)—Application received—February 5, 1980. Termination—August 3, 1980.

Fuels (B) and (C)—Application received—February 13, 1980. Termination—August 11, 1980.

The decision as to whether to hold a public hearing has not yet been made. If the EPA determines that a hearing is appropriate, a notice will be published in the **Federal Register** detailing the time and place, and the type of information desired.

Dated: April 22, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 80-13080 Filed 4-28-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-50474; FRL 1480-8]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants under the Federal Insecticide, Fungicide, and Rodenticide Act. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 241-EUP-85. American Cyanamid Company, Princeton, NJ 08540. This experimental use permit allows the use of 360 pounds of the herbicide pendimethalin on peas to evaluate the control of weeds. A total of 325 acres are involved. The program is authorized only in the States of

California, Delaware, Idaho, Maryland, Minnesota, New York, Oregon, Washington, and Wisconsin. The experimental use permit is effective from April 4, 1980 to April 4, 1981. A temporary tolerance for the residues of the active ingredient in or on the raw agricultural commodity has been established. (PM–25, Robert J. Taylor, Room: E–359, Telephone: 755–2196).

No. 618–EUP–9. Merck & Company, Inc., Rahway, NJ 07065. This experimental use permit allows for the use of 3,360 pounds of the active ingredient 2–(4-thiazolyl) benzimidazole on rice to evaluate control of rice blast, stem rot, sheath blight, and brown spot. A total of 4, 386 acres are involved. The program is authorized only in the States of Arkansas, California, Louisiana, Mississippi, Puerto Rico, and Texas. The experimental use permit is effective from April 1, 1980 to April 1, 1981. A temporary tolerance for the residues of the active ingredient in or on rice, grain, and straw has been established. (PM–21, Henry M. Jacoby, Room: E–305, Telephone: 755–2562).

Persons wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, DC 20460. Inquiries regarding these permits should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 189 as amended, (7 U.S.C. 136))

Dated: April 24, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–13084 Filed 4–28–80; 8:45 am]

BILLING CODE 6560–01–M

[PP 6G1838/T237; FRL 1480–6]

Pesticide Programs; Extension of Temporary Tolerances; Butachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been extended for residues of the herbicide butachlor in or on the raw agricultural commodities rice at 0.5 part per million (ppm) and rice straw at 3 ppm.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, PM–25, Registration Division (TS–767), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460 (202/755–7013).

SUPPLEMENTARY INFORMATION: On January 18, 1978, the EPA announced (43 FR 2664) an extension of temporary tolerances for residues of the herbicide butachlor (*N*-(butoxymethyl)-2-chloro-2′6′-diethylacetanilide) in or on the raw agricultural commodities rice at 0.5 ppm and rice straw at 3 ppm. These tolerances were established (42 FR 18424) in response to a pesticide petition (PP 6G1838) submitted by Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63116. This extension expired April 1, 1979. (A related document extending a feed additive regulation for residues of butachlor in rice bran and rice hulls appears elsewhere in today's **Federal Register.**)

Monsanto Agricultural Products Co. has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 524–EUP–30 that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are being extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the amount authorized by the experimental use permit.

2. Monsanto Agricultural Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 23, 1981. Residues not in excess of 0.5 ppm remaining in or on rice and 3 ppm remaining in or on rice straw after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

Dated: April 22, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–13083 Filed 4–28–80; 8:45 am]

BILLING CODE 6560–01–M

[OPP–66067; FRL 1480–4]

Intent To Cancel Registrations of Certain Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: List of firms who have requested voluntary cancellation of registration of their pesticide products as provided for in Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: May 29, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS–767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, 202–426–8540.

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Number	Product name	Registrant	Date registered
876–214	Vegatrol A–2D–2T Herbicide for Brush Control.	Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611.	Nov. 21, 1975.
876–231	Vegatrol A–4T Herbicide for Brush Control.	Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611.	Nov. 21, 1975.
8102–12	Cadco Kleen	Cadco, Inc., P.O. Box 3599, Des Moines, IA 50322.	July 12, 1973.
8102–14	Iodine DDS	Cadco, Inc., P.O. Box 3599, Des Moines, IA 50332.	June 26, 1974.

The Agency has agreed that such cancellation shall be effective May 29, 1980, unless within the this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP–66067]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the office of Process Coordination Branch at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136)

Dated: April 22, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–13082 Filed 4–28–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–619–DR]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration a major disaster for the State of Alabama (FEMA–619–DR), dated April 20, 1980, and related determinations.

DATED: April 20, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 20, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms, tornadoes and flooding beginning on or about April 12, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Alabama.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Thomas P. Credle of the Federal Emergency Management Agency to act as the Federal Coordinating Office for this declared major disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster.

The following Counties designated for Individual Assistance only: Lee and Mobile.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80–13055 Filed 4–28–80; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–616–DR]

Louisiana; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Louisiana (FEMA–616–DR), dated April 9, 1980, and related determinations.

DATED: April 19, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: In a letter of April 19, 1980, the President amended this major disaster as follows:

I therefore amend the April 9, 1980, declaration of a major disaster for the State of Louisiana (FEMA–616–DR), so as to provide Federal assistance under Pub. L. 93–288 as a result of severe storms and flooding beginning on March 26, 1980. The amendment permits Federal help in other flood stricken areas affected by the severe storms and flooding continuing into April.

NOTICE: The Notice of a major disaster for the State of Louisiana dated April 9, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 9, 1980.

The following Parishes have been designated for Individual Assistance only: Assumption, Jefferson, Lafourche, Orleans, St. Bernard, and St. Charles.

(The Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80–13053 Filed 4–28–80; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–618–DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–618–DR), dated April 19, 1980, and related determinations.

DATED: April 19, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–7845.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 19, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Mississippi resulting from severe storms, flooding, mudslides, tornadoes and high winds, beginning on or about March 28, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Mississippi.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster.

The following Counties designated for Individual Assistance only: Forrest, Harrison, Jackson, and Marion.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80–13054 Filed 4–28–80; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by May 19, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T–3283–3.

Filing Party. Randall V. Adams, Administrative Assistant, Port of Palm Beach, Post Office Box 9935, Riviera Beach, Florida 33404.

Summary. Agreement No. T–3283–3 between the Port of Palm Beach District (Port) and Palm Beach Steamship Agency (PBSA), modifies the parties basic agreement providing for PBSA's lease of certain premises at the Port of Palm Beach, Florida, for use as office space, together with the nonexclusive right to use the Port's lands and dock facilities for the loading and unloading of vessels for which PBSA acts as agents. The purpose of Agreement No. T–3283–3 is to provide for the renewal of the basic agreement's lease term for an additional one-year period and to increase the rental from $349.73 to $466.86.

Agreement No. T–3898.

Filing Party. R. J. Finnan, Chief Publishing, Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary. Agreement No. T–3898 between Lykes Bros. Steamship Co., Inc. (Lykes) and Pate Stevedoring Company (Pate) provides for a one-year arrangement (automatically renewed on a year-to-year basis) whereby Pate will perform stevedoring services at Mobile, Alabama for conventional cargo vessels and containers controlled by Lykes. Under this agreement, Pate will perform services as set forth in the agreement (including extra labor and overtime services) at rates and charges agreed upon by the parties. The agreement may be terminated, modified, or amended upon thirty days written notice by either party.

Agreement No. T–3900.

Filing Party. Edward D. Ransom, Esquire, Lillick, McHose an Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary. Agreement No. T–3900 between Encinal Terminals (Encinal) and Eagle Services, Ltd., (Eagle), a wholly owned subsidiary of American President Lines, Ltd., provides for the 15 year lease of a container crane and the area, together with the construction of improvements, at Encinal Terminals which are used as a container facility in Alameda, California. Encinal will charge cargo owners and vessels operators for use of facilities in the form of wharfage, dockage, wharf demurrage, storage, etc., which appear in their effective FMC tariff. Eagle will provide stevedoring and terminal services and will operate the terminal at its sole expense and shall retain all revenues therefrom as its exclusive property. Compensation is as agreed upon by the parties and filed with the Commission.

Agreements Nos. 9718–7, 9731–8, 9835–5, 9975–7, 10116–4, and 10274–1.

Filing Party. Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary. Agreements Nos. 9718–7, 9731–8, 9835–5, 9975–7, 10116–4, and 10274–1, are all proposals to extend the expiration date of the respective basic agreements from August 22, 1980, to August 22, 1983.

Agreement No. 9718 is the "Japan Line, 'K' Line, Mitsui O.S.K. and Y.S. Line Containership Service Agreement" in the California/Japan and Korea trade.

Agreement No. 9731 is the "NYK and Showa Line Containership Service Agreement" in the California, Alaska and Hawaii/Japan trade.

Agreement No. 9835 is the "Japanese Lines' Pacific Northwest Containership Service Agreement" in the Oregon and Washington/Japan trade.

Agreement No. 9975 is the "Japanese Lines' Atlantic Coast Containership Service Agreement" in the U.S. Atlantic Coast/Japan trade.

Agreement No. 10116 is the "U.S. Pacific Coast/Japan Revenue Pooling Agreement."

Agreement No. 10274 is the "U.S. Atlantic/Japan Pooling Agreement."

Agreement No. 10387.

Filing Party. F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Summary. Agreement No. 10387, between the Pacific/Australia-New Zealand Conference (Agreement No. 50, as amended) and Karlander Kangaroo Line, common carriers by water in the trade from U.S. and Canadian Pacific Coast ports, excluding Alaska, and ports in the State of Hawaii, and inland points via such ports, to ports in Australia and New Zealand, and inland points via such ports, provides for the establishment of a rate agreement whereby

the parties are authorized to confer, discuss and agree upon matters of common interest in the trade, including rates, charges, classifications, practices, brokerage, freight forwarder compensation, equalization, absorption, transshippment, and overland and/or other inland movements, and tariff matters relating and/or pertaining to any of the same subjects, and rules and regulations in connection therewith.

No party shall independently change any rate, charge, rule, regulation, term or condition, or establish any new or initial rate, charge, rule, regulation, term or condition without first giving all other parties at least two (2) working days' advance notice of its intention to do so.

Dated: April 24, 1980.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-12960 Filed 4-28-80; 8:45 am]

BILLING CODE 6730-01-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 April 18, 1980. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 19, 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 Trade Commission

The FTC requests clearance of a new, voluntary, single-time Questionnaire for Contact Lens Fitters which will be sent to ophthalmologists, optometrists, and opticians of the 500 persons who participated in a previous Contact Lens Study. The questionnaire will be used to obtain information on fitting practices and procedures. The FTC estimates respondents will number approximately 500 and that time required to fill out the questionnaire will average 30 minutes per questionnaire.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-12996 Filed 4-28-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 43]

Federal Procurement

April 16, 1980.

To: Heads of Federal agencies.

Subject: Revised Qualified Film Producers List.

1. *Purpose.* This bulletin announces the availability of the latest Qualified Film Producers List (QFPL).

2. *Expiration date.* This bulletin will remain in effect until canceled or superseded.

3. *General.* Federal Procurement Regulations (FPR) Temporary Regulation 53, March 31, 1980, implements the Office of Federal Procurement Policy (OFPP) Letter No. 79-4, November 28, 1979. The policy letter established a Government-wide system for contracting for motion picture and videotape productions. The latest Qualified Film Producers List was issued by the Executive Agent (designated by OFPP) on March 3, 1980. Revisions of the list will be issued on a quarterly basis.

4. *List of qualified concerns.* Copies of the latest QFPL and first quarterly revision (attachment A) are available to all Federal agencies without charge. Requests should be submitted in writing to:

Executive Agent, Government-wide Contracting System For Audiovisual Productions, DOD Directorate for Audiovisual Activities 1117 North 19th Street, Room 601, Arlington, VA 22209.

Note.—Attachment A, which is referenced in paragraph 4, is filed with the original document and does not appear in this volume.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

DOD Directorate for Audiovisual Activities

March 3, 1980.

Memorandum for OFPP Points of Contact: Federal Audiovisual Committee Members QFPL Points of Contact.

Subject: Revised Qualified Film Producers List (QFPL).

Reference is made to Office of Federal Procurement Policy (OFPP) Policy Letter No. 78-5, Amendment No. 1, dated March 1, 1979.

Attached is a revised Qualified Film Producers List (QFPL) which is to be inserted as Appendix 5 to the referenced OFPP Policy Letter.

The last four digits of the basic contract which we have signed with each producer appear to the right of each producer's name. The preceding digits of this contract are EOPOA-79/80-C- ——. Also beside each producer's name are the designations (S) for small businesses and (N) for non-profit organizations.

Effective March 31, 1980, this office will provide updates for the QFPL and the Qualified Videotape Producers List (QVPL) at the end of each fiscal quarter.

Questions may be referred to Major Zigler, (202) 694-4914.

Vernon L. Peterson,

Col., USAF, Directorate for Audiovisual Management Policy.

Abramowitsch Films (S)—0490, P.O. Box 9421, Berkeley, CA 94709, (415) 655-2183.

Academy Film Productions, Inc. (S)—0370, 3918 West Estes Avenue, Lincolnwood, IL 60645, (312) 674-2132.

Action Productions, Inc. (S)—0034, 16 West 46th Street, New York, NY 10036, (212) 391-2747.

Admit One (S)—0208, P.O. Box 19558, N.W., Washington, DC 20036, (202) 223-0008.

ADS Audio Visual Productions, Inc. (S)—0007, 115 Hillwood Avenue, Falls Church, VA 22046, (202) 536-9000.

Aegis Productions, Inc. (S)—0083, 144 East 39th Street, New York, NY 10016, (212) 684-0810.

Daniel Agulian & Associates, Inc. (S)—0481, 6892 Vista del Sol, Huntington Beach, CA 92647, (714) 842-4086.

Airlie Productions (N)—0511, Airlie Farm, Airlie, VA 22186, (703) 347-7151.

Allegro Film Productions, Inc. (S)—0226, 201 West 52d Street, New York, NY 10019, (212) 586-3057.

Allison/Fleck Productions (S)—0021 P.O. Box 21173 Detroit, Michigan 48221, (313) 545-1808.

Gilbert Altschul Productions, Inc. (S)—0086 930 Pitner Avenue Evanston, IL 60202, (312) 328-6700.

American Education Films, Inc. (S)—0035 132 Lasky Drive Beverly Hills, CA 90212, (213) 278-4996.

American Film Foundation (N)—0227 339 Adelaide Drive Santa Monica, CA 90402, (213) 459-2116.

American Motion Picture Company (S)—0167 7017 Fifteenth Avenue Northwest Seattle, WA 98117, (206) 789-1046

Scott Anderson Productions, Inc. (S)—0253, (Victoria Films), Heron House, Suite 103, Reston, VA 22090, (703) 437-0606.

Animation Arts Associates, Inc. (S)—0036, 2225–27 Spring Garden Street, Philadelphia, PA 19130, (215) 563–2520.
Apollo & Associates Productions Inc. (S)—0087 619 West 54th Street New York, NY 10019, (212) 489–8433.
Appalshop, Inc. (N)—0408 Box 743, (118 Main Street) Whitesburg, KY 41858, (606) 633–5708.
Apple Productions, Inc. (S)—0275 23851 Berdon Street Woodland Hills, CA 91367, (213) 884–7003.
A & R Films, Inc. (S)—0381 701 SW 77th Avenue, Suite 600 Miami, FL 33135, (305) 649–1116.
ARI-GEM Productions (S)—0246 1155 15th Street, NW—#312 Washington, DC 20005, (202) 223–2986.
Armstrong Information Services, Inc. (S)—0509, 141 East 44th Street, New York, NY 10017, (212) 986–0910.
Artemis Films (S)—0440 12340¾ Montana Avenue Los Angeles, CA 90049, (213) 826–8244.
Arztco Picture, Inc. (S)—0168 15 East 61st Street New York, NY 10021, (212) 753–1050.
Astral Films, Inc. (S)—0480 P.O. Box 203 Waterville, ME 04901, (207) 873–6224.
Pierce Atkins Productions (S)—0022 10409 Rodney Road Silver Spring, MD 20903, (301) 431–4052.
Atlantis Productions, Inc. (S)—0425 1252 La Granada, Thousand Oaks, CA 91360, (805) 495–2790.
Audio Productions—0037 708 Third Avenue, New York, NY 10017, (212) 573–8656.
Audio Visual Productions, Inc. (S)—0342, 1233 N. Ashland Avenue, Chicago, IL 60622, (312) 276–1400.
Audio Visual Specialties, Inc. (S)—0023, 2637 Connecticut Avenue, NW, Washington, DC 20008, (202) 462–6078.
Avanti Films, Inc. (S)—0323, 6855 Santa Monica Blvd., Suite 404, Los Angeles, CA 90038, (213) 651–5060.
The Avcom Corporation (S)—0024, 955 L'Enfant Plaza, SW, Suite 4030, Washington, DC 20024, (202) 554–7835.
Aviso Films (S)—0404, 361 W. Compton Blvd., Box 5, Compton, CA 90223, (213) 537–4345.
Aviva Films Ltd. (S)—0424, 2024 R. Street, NW, Washington, DC 20009, (202) 265–6746.
Avsense Productions (S)—0119, 4160 IDS Tower, Minneapolis, MN 55402, (612) 333–4581.
A–V Service Corporation —0169, P.O. Box 58425, Houston, TX 77058, (713) 483–4231.
Doug Bailey Films, Inc. (S)—0120, 140 Congressional Lane, Rockville, MD 20852, (301) 881–0200.
Barton Film Company (S)—0121, 4853 Waller Street (P.O. Box 6834), Jacksonville, FL 32205, (904) 389–4541.
Battelle Memorial Institute (N)—0426, 505 King Avenue, Columbus, OH 43201, (614) 424–7087.
Bay State Film Productions, Inc. (S)—0325, 35 Springfield Street, Agawam, MA 01001, (413) 786–4454.
Wolfgang Bayer Productions, Inc. (S)—0466, P.O. Box 915, Jackson Hole, WY 83001, (307) 733–6590.
Bean/Kahn International, Inc. (S)—0317, 418 East 71 Street, New York, NY 10021, (212) 628–0500.
Dave Bell Associates, Inc. (S)—0399, 3211 Cahuenga Blvd. West Hollywood, CA 90068, (213) 851–7801.
Berghmans & Roberts Productions (S)—0352, Suite 338, Park City, Lancaster, PA 17601 (717) 397–4869.
Dan Biggs Productions (S)—0431, 811 N.W. 20th Avenue, Portland, OR 97209, (503) 223–9312.
Bilingual Cine-Television (S)—0442, 2017 Mission Street, 2nd Floor, San Francisco, CA 94110, (415) 621–8010.
Michael Birch, Inc. (S)—0436, 2138 N. Hudson—No. 104, Chicago, IL 60614, (312) 329–9350.
Blackside, Inc. (S)—0170, 145 Dartmouth Street, Boston, MA 02116, (617) 536–6900 or (617) 442–0800.
Blanc Communications Corporation (S)—0247, Penthouse, 9454 Wilshire Blvd., Beverly Hills, CA 90212, (213) 278–2600.
Jon Bloom Productions (S)—0122, 2669 Larmar Road, Los Angeles, CA 90068, (213) 876–4639.
BNA Communications, Inc. –0038, 9401 Decoverly Hall Road, Rockville, MD 20850, (301) 948–0540.
Carl Borack Productions, Inc. (S)—0088, 48 Market Street, Venice, CA 90291, (213) 399–3261.
Borden Productions, Inc. (S)—0039, Great Meadows Road, (P.O. Box 520), Concord, MA 01742, (617) 369–5030.
Bostonia Film Productions, Inc. (S)—0384, 390 Commonwealth Avenue, Boston, MA 02215, (617) 536–8270.
Bracken Productions, Inc. (S)—0008, 955 L'Enfant Plaza, SW, Suite 4030, Washington, DC 20024, (202) 484–3121.
John Bransby Productions, Ltd. (S)—0171, 47 West 57th Street, New York, NY 10019, (212) 688–6225.
Braverman Productions, Inc. (S)—0172, 8961 Sunset Blvd., Los Angeles, CA 90069, (213) 278–5444.
Bravo Productions, Inc. (S)—0517, 3411C North Kennicott Avenue, Arlington Heights, IL 60004, (312) 870–7720.
Bray Studios, Inc. (S)—0298, 630 Ninth Avenue, New York, NY 10036, (212) 245–4582.
Brian Film Productions (S)—0228, 141 West 74th Street, New York, NY 10023, (212) 873–8168.
Bright Light Productions (S)—0040, 420 Plum Street, Cincinnati, OH 45202, (513) 721–2574.
Bronson Films (S)—0385, 1155 North Bronson Avenue, Los Angeles, CA 90038, (213) 467–1609.
C & A Films, Inc. (S)—0278, 1334 Westwood Blvd., Los Angeles, CA 90024, (213) 470–1353.
Cactus Clyde Productions (S)—0173, P.O. Box 14876, Baton Rouge, LA 70808, (504) 387–3704.
Calvin Communications, Inc. (S)—0123, 1105 Truman Road, (P.O. Box 15607) Kansas City, MO 64106, (816) 471–7800.
Camera Room, Inc. (S)—0041, 1069 Wisconsin Avenue, NW, Washington, DC 20007, (202) 338–8178.
Cameron Film Productions (S)—0124, 22 Minor Avenue, North, Seattle, WA 98109, (206) 623–4103.
Cammann Productions, Inc. (S)—0491, 15 East 91 Street, New York, NY 10028, (212) 369–4511.
Cavalcade Productions, Inc. (S)—0229, P.O. Box 801, Wheaton, IL 60187, (312) 668–6363.
The Center for Human Resources Planning and Development, Inc. (N)—0042, 519 Main Street, Suite 501, East Orange, NJ 07018, (201) 677–9800.
Centre Productions, Inc. (S)—0482, 2006 Broadway, Boulder, CO 80302, (303) 444–1166.
Centrill Media Corporation (S)—0427, 449 North Walnut Street, Springfield, IL 62702, (217) 525–3800.
Centron Corporation, Inc. (S)—0126, 1621 West Ninth Street, Lawrence, KS 66044, (913) 843–0400.
Centurion Films, Inc. (S)—0174, P.O. Box 81221, San Diego, CA 92138, (714) 224–0950.
Chapman & Olsen Film Company (S)—0438, 1724 N. Whitley Avenue, Hollywood, CA 90028, (213) 461–3294.
Charlie/Pappa Productions, Inc. (S)—0089, 5813 Wicomico Avenue, Rockville, MD 20852, (301) 881–2420.
Chesapeake Communicators (S)—0127, 2504 50th Avenue, Tuxedo, Hyattsville, MD 20781, (301) 773–0330.
Chester-Barley Films, Inc. (S)—0504, 176 Newbury Street, Boston, MA 02116, (617) 267–0391.
Chiasma Productions, Inc. (S)—0454, 1697 Broadway, New York, NY 10019, (212) 582–7095.
Chicago Educational Television Assoc. (N)—0396, 5400 North St. Louis Avenue, Chicago, IL 60625, (312) 583–500.
Cine/Design Films Inc.(S)—0432, 255 Washington Street, Denver, CO 80203, (303) 777–4222.
Cinecomm Productions (S)—0043, P.O. Box 05909, Fort Myers, FL 33905, (813) 694–4486.
Cinecraft, Inc., (S)—0026, 2515 Franklin Blvd. Cleveland, OH 44113, (216) 781–2300.
Cinectics (S)—0090, 9304 Santa Monica Blvd., Beverly Hills, CA 90210, (213) 278–5677.
Cine Light (S)—0479, 2051-3rd Street, San Francisco, CA 94107, (415) 626–8826.
Cinema Expeditions, Inc. (S)—0345, 17 Leisure Drive, Kirksville, MO 63501, (816) 665–3348.
Cinema Repertory Group Inc. (S)—0483, 127 Washington Street, Hoboken, NJ 07030, (202) 792–3667.
Cinemagraphics (S)—0423, 91 Green Street, Huntington, NY 11743, (516) 271–5072.
Cinemed Systems, Inc. (S)—0302, 909 Third Avenue, New York, NY 10022, (212) 826–3300.
Cine 16 Films (S)—0299, 2233 40th Pl., NW., Washington, DC 20007, (202) 333–3639.
Cinetudes Film Productions, Ltd. (S)—0255, 377 Broadway, New York, NY 10013, (212) 966–4600.
C/K Productions (S)—0386, 108 Woodridge Avenue, Silver Spring, MD 20901, (301) 593–4620.
The Clavey Associates (S)—0428, 1030 N. State Pkwy, Suite 7L, Chicago, IL 60610, (312) 944–5100.
Clearday Productions, Inc. (S)—0446, 4929 Stratford Road, Los Angeles, CA 90042, (213) 284–2178.
Clements Productions (S)—0340, 840 Monrovia, Shreveport, LA 71106, (318) 861–1477.

CMI (Cinemonde International, Ltd.) (S)—0492, 8414 Park Heights Avenue, Baltimore, MD 21208, (301) 484–7544.
COE Communications, Inc. (S)—0520, 5813 Wicomico Avenue, Rockville, MD 20852 (301) 881–2482.
Fred Cohen Productions, Inc. (S)—0405, 81 Clementina Street, San Francisco, CA 94105, (415) 543–0822.
Colony Productions & Studios (S)—0209, 311 W. Franklin Street, Suite 1202, Richmond, VA 23220, (804) 643–3571.
Communications Corps, Inc. (S)—0128, 711 4th Street, NW, Washington, DC 20001, (202) 638–6550.
Communications Design, Inc. (S)—0256, 855 Galloway Street, Pacific Palisades, CA 90272, (213) 495–2162.
Communications Group West (S)—0091, 6606 Sunset Blvd, Hollywood, CA 90028, (213) 462–7353.
Communications 21 (S)—0472, 150 Riverside Avenue, Jacksonville, FL 32202, (904) 354–7000.
The Communicators, Inc. (S)—0283, Route 44, Pomfret Center, CT 06259, (203) 928–7766.
Concept Associates, Inc. (S)—0376, 420 C Street, NE, Washington, DC 20002, (202) 543–1118.
Concept Viedo, Inc. (S)—0092, 233 E. Lancaster Avenue, Ardmore, PA 19003, (215) 642–9902.
Concepts Unlimited, Inc. (S)—0284, 162 West 56th Street, #403, New York, NY 10019, (212) 246–9612.
Don Connors Productions (S)—0129, 19 West 44th Street, New York, NY 10036, (212) 840–7833.
The Conservation Foundation (N)—0465, 1717 Massachusetts Avenue, NW, Washington, DC 20036, (202) 797–4300.
Consolidated Visual Center (S)—0175, 2529 Kenilworth Avenue, Tuxedo, MD 20781, (301) 772–7300.
Contact Media Inc. (S)—0493, 406 E. Capital Street, N.E. Washington, DC 20002, (202) 543–0972 or 543–0973.
Coronado Studios (S)—0130, 3550 Biscayne Blvd., Suite 600, Miami, FL 33137, (305) 573–7250.
Thomas Craven Film Corporation (S)—0176, 316 East 53 Street, New York, NY 10022, (212) 688–1585.
The Creative Works, Inc. (S)—0131, 625 N. Michigan Avenue, Chicago, IL 60611, (312) 644–1555.
Crossroads Production (S)—0523, P.O. Box 986, Jackson, MS 39205, (601) 362–6852.
CTO Productions (S)—0329, 3340 Popular Avenue, Suite 130, Memphis, TN 38111, (901) 452–3131.
Cusack Productions, Inc. (S)—0457, 645 N. Michigan Avenue, Suite 834, Chicago, IL 60611, (312) 943–2118.
Cybern Film Systems, Inc. (S)—0093, 7257 W. Touhy Avenue, Chicago, IL 60648, (312) 774–2550.
Harry Dawson & Associates (S)—0459, P.O. Box 10042, Portland, OR 97210, (503) 224–6407.
Degroot & Company (S)—0094, 708 Forestdale, Royal Oak, MI 48067, (313) 548–0636.
Laurence Deutsch Design, Inc. (S)—0373, 755 N. Highland Avenue, Los Angeles, CA 90038, (213) 937–3521.
Dimension Productions, Inc. (S)—0437, 3345 Sunnyhill Drive, Bettendorf, IA 52722, (319) 359–5771.
Direct Cinema Limited (S)—0279, P.O. Box 69589, Los Angeles, CA 90069, (213) 656–4700.
Stefan Dobert Productions (S)—0009, 5214 Wissioming Road, Washington, DC 20016, (301) 229–5083.
Drew Associates, Inc. (S)—0046, 166 E. 66th Street, New York, NY 10021, (212) 879–3430.
Kevin Duffy Productions (S)—0458, 19500 Strathern Street, Reseda, CA 91335, (213) 993–1244.
Durrin Films, Inc. (S)—0047, 4926 Sedgwick Street, NW, Washington, DC 20016, (202) 966–2626.
Dynamic Concepts, Ltd. (S)—0430, 505 N. Lake Shore Drive, #3304, Chicago, IL 60611, (312) 329–1350.
The Editors Center (S)—0388, 3030 Peachtree Road, N.W., Suite 508, Atlanta, GA 30305, (404) 261–3718.
Educational Film Center (N)—0221, 5401 Port Royal Road, Box 1444, Springfield, VA 22151, (703) 321–9410.
Effective Communication Arts, Inc. (S)—0335, 47 West 57th Street, New York, NY 10019, (212) 688–6225.
Todd Elgin (S)—0439, 840 West End Avenue, Apt. B1, New York, NY 10025, (212) 866–7280.
Eli Productions Inc. (S)—0231, 1518 P Street, N.W., Washington, DC 20005, (202) 332–1100.
Ent/Gates Films, Inc. (S)—0048, 200 Chicago Street, Buffalo, NY 14204, (716) 856–3220.
Envision Corporation (S)—0276, 51 Sleeper Street, Boston, MA 02210, (617) 482–3444.
Envision Motion Pictures, Inc. (S)—0314, 15712 Millbrook Lane, Laurel, MD 20810, (301) 776–5102.
Equinox Films, Inc. (S)—0304, 200 West 72nd Street, New York, NY 10023, (212) 799–1515.
Equinox-Boston Films (S)—0398, 50 Kearney Road, Needham, MA 02194, (617) 444–4479.
EUE/Screen Gems—0280, 222 E 44th Street, New York, NY 10017, (212) 867–4030.
EVKO Productions (S)—0460, 626 South Barton Street, Arlington, VA 22204, (703) 860–3524.
Fair American Productions (S)—0420, 2547 West Fargo, Chicago, IL 60645, (312) 465–4909.
Jerry Fairbanks Productions (S)—0178, 826 North Cole Avenue, Hollywood, CA 90038, (213) 462–1101.
Falkenberg & Sedgwick Productions, Inc. (S)—0351, 4063 Radford Avenue, Studio City, CA 91604, (213) 769–5133.
Jerry Fargo (S)—0309, 484 West 43rd Street, #42A, New York, NY 10036, (212) 564–2485.
Federal Film Productions, Inc. (S)—0210, 8653 Georgia Avenue, Silver Spring, MD 20910, (301) 585–3675.
Peter Feinstein Associates (S)—0452, 36 Shepard Street, Cambridge, MA 02138, (617) 491–1743.
Toni Ficalora Productions (S)—0132, 28 East 29th Street, New York, NY 10016, (212) 679–7700.
The Filmakers (S)—0016, 430 Oak Grove Street, Minneapolis, MN 55403, (612) 870–8691.
Film Associates (S)—0521, 419 Boylston Street, Boston, MA 02116, (617) 266–0892.
Film Documentary Institute (S)—0350, 1629 K Street, NW, Washington, DC 20006, (202) 296–6121.
Film Enterprises, Inc. (S)—0375, 516 Fifth Avenue, New York, NY 10036 (212) 840–1966.
Filmfair Communications—0382, 22 W. Hubbard Street, Chicago, IL 60610, (312) 822–9200.
Film Five Associates, Inc. (S)—0522, 122 East 42nd Street, New York, NY 10017, (212) 661–5550.
Film Flair (S)—0477, 1310 Industrial Highway, Southampton, PA 18966, (215) 322–9670.
The Film Group (S)—0327, 410 First Avenue, Pittsburgh, PA 15219 (412) 391–2906.
The Film Group Inc. (S)—0095, 2400 Massachusetts Avenue, Cambridge, MA 02140, (617) 354–5695.
Filmhouse (S)—0494, 211 East 7th Street, Suite 101, Austin, TX 78701, (512) 474–8671.
Filmhouse (S)—0049, 700 18th Avenue, South Nashville, TN 37203, (615) 385–1307.
Filmline Production Associates, Inc. (S)—0307, 1467 Tamarind Avenue, Hollywood, CA 90028, (213) 466–8667.
Film Makers of Philadelphia (S)—0516, 725 N. 24th Street, Philadelphia, PA 19130, (215) 763–3400.
Filmart Productions, Inc. (S)—0390, 199 Annapolis East, St. Paul, MN 55118, (612) 291–2563.
Film Modules Inc. (S)—0179, 172 Sullivan Street, New York, NY 10012, (212) 982–2231.
Filmspace (S)—0096, 615 Clay Lane, State College, PA 16801 (814) 237–6462.
Film Studio, Inc. (S)—0313, Box 54, Cabin John, MD 20731, (301) 229–1100.
The Film & Tape Works, Inc. (S)—0180, 233 E. Ontario, Chicago, IL 60611 (312) 280–2210.
Films for Information (S)—0181, P.O. Box 1021, Menlo Park, CA 94025, (415) 328–6516.
Filmworks Corporation (S)—0182, 1201 Tangier Street, Coral Gables, FL 33134, (305) 444–4182.
Stuart Finley, Inc. (S)—0010, 3428 Mansfield Road, Falls Church, VA 22041, (703) 820–7700.
First Image Film Productions (S)—0285, 1827 Auburndale, West Bloomfield, MI 48033, (313) 681–5435.
5 R Films (S)—0133, 6354 South St. Lawrence Avenue, Chicago, IL 60637, (312) 955–5500.
FMS Productions Inc. (S)—0183, 1040 N. Las Palmas, Los Angeles, CA 90038, (213) 461–4567.
Fordel Films, Inc. (S)—0050, 3444 Hancock Street, San Diego, CA 92110, (714) 295–0556.
Forum Ltd. (S)—0475, 6512 Jay Miller Drive, Falls Church, Va 22041, (703) 256–1421.
Forward of Illinois, Inc.—0372, 2123 S. Main Street, Morton, IL 61550, (309) 266–5324.
Mark Freeman/Claire Schoenfeld (N)—0447, 121 Downey Street, San Francisco, CA 94117, (415) 681–3470.
Freewheelin' Films, Ltd. (S)—0134, Box 599, Aspen, CO 81611, (303) 925–2640.
Frost Media Associates, Inc. (S)—0448, 6134 Chesterbrook Road, McLean, VA 22101, (703) 356–8457.
Fucci/Stone Productions, Inc. (S)—0318, 150 East 52nd Street, New York, NY 10022, (212) 688–3410.
Gallerywest Films, Ltd. (S)—0184, 630 Oakwood Avenue, West Hartford, CT 06110, (203) 246–7231.

Ganymede Productions, Inc. (S)—0365, 156 East 52nd Street, New York, NY 10022, (212) 753–5010.
G.B. Enterprises, Inc. (S)—0419, 73 Albatross Road, Levittown, NY 11756, (516) 796–6611.
Gemini Films, Inc. (S)—0051, 119 West 57th Street, New York, NY 10019, (212) 757–7997.
Bill Gibson Productions (S)—0248, 2525 Ocean Park Blvd., Santa Monica, CA 90405, (213) 450–6227.
Gitdown Media, Inc. (N)—0429, 1707 Columbia Rd., NW, Washington, DC 20009, (202) 483–2756 or 466–6830.
The Glyn Group, Inc. (S)—0232, 258 West Fourth Street, New York, NY 10014, (212) 255–5156.
Coal Productions (S)—0409, 1000 North Lake Avenue, Pasadena, CA 91104, (213) 797–7668.
Golden Door Productions (S)—0233, 2748 9th Street, Berkeley, CA 94710, (415) 849–3571.
Herb Golden Organization (S)—0444, 14724 Ventura Blvd., Suite 1100, Sherman Oaks, CA 91403, (213) 995–1321.
Goldsholl Associates, Inc. (S)—0027, 420 Frontage Road, Northfield, IL 60093, (312) 446–8300.
Gordon Films (S)—0052, 603 National Press Building, Washington, DC 20045, (202) 462–5121.
Granzow Communications (S)—0414, 8614 Garfield Street, Bethesda, MD 20034, (301) 530–3702.
Graphic Films Corporation (S)—0053, 3341 Cahuenga Blvd., West Hollywood, Ca 90068, (213) 851–4100.
William Greaves Productions Inc. (S)—0258, 1776 Broadway, New York, NY 10019, (212) 586–7710.
Gregorio-Baldwin Productions (S)—0450, 2763 Reservoir Avenue, Bronx, NY 10468, (212) 549–2436.
Griffen Productions (S)—0518, Pells Road, Rhinebeck, NY 12572, (914) 758–5232.
Homer Groening Inc. (S)—0137, 1700 S.W. Fourth Avenue, Portland, OR 97201, (503) 227–1477.
Guastella/ZCM Film Producers, Inc. (S)—0138, 25 West 45 Street, New York, NY 10036, (212) 221–1811.
Robert Guenette Productions, Inc. (S)—0097, 8489 W. Third Street, Los Angeles, CA 90048, (213) 658–8450.
Guggenheim Productions, Inc. (S)—0354, 3121 South Street, NW, Washington, DC 20007, (202) 337–6900.
Nancy Hackerman Productions, Inc. (S)—0391, 1001 St. Paul Street, Baltimore, MD 21202, (301) 685–2727.
Roger Hagan Associates (S)—0434, 1019 Belmont Place E., Seattle, WA 98102, (206) 324–5034.
Hans Halberstadt (S)—0453, 240 South 13th Street, San Jose, CA 95112, (408) 286–4262.
Halcyon Films (S)—0461, 213 Oberline Road, Raleigh, NC 27605, (919) 832–4129.
Hallmark Films & Recordings Inc. (S)—0212, 51 New Plant Court, Owings Mills, MD 21117, (301) 363–4500.
Handel Film Corporation (S)—0259, 8730 Sunset Blvd., W. Hollywood, CA 90069 (213) 657–8990.
Ed Hansen & Associates (S)—0234, 1454 Seward Street, Hollywood, CA 90028, (213) 467–5085.
Hardcastle Films (S)—0235, 7319 Wise Avenue, St. Louis, MO 63117, (314) 647–4200.
Elinor Hart (S)—0139, 1651 Hobart Street, NW, Washington, DC 20009, (202) 387–2966.
Harvest Films, Inc. (S)—0286, 309 Fifth Avenue, New York, NY 10016, (212) 684–7950.
Hayden Productions, Inc. (S)—0186, 950 Battery Street, San Francisco, CA 94111, (415) 788–3077.
Hay Lake Studio (S)—0287, 2011 Cumberland, Lansing, MI 48906, (517) 321–2688.
Hearst Metrotone News—0054, 235 East 45th Street, New York, NY 10017, (212) 682–5600.
Ken Heckmann Productions (S)—0471, 7027 Twin Hills, Dallas, TX 75231, (214) 369–5529.
James Helliwell, Inc. (S)—0098, 301 Sycamore Road, Severna Park, MD 21146, (301) 647–9086.
Bill Hendricks Films (S)—0140, 4415 Jacaranda Avenue, Burbank, CA 91505, (213) 846–8890.
John J. Hennessy Motion Pictures (S)—0288, 900 Palm Avenue, South Pasadena, CA 91030, (213) 682–3611.
Alfred Hillmann Productions (S)—0260, 1941 Biltmore Street, NW, Washington, DC 20009, (212) 387–5335.
James E. Hinton Enterprises, Inc. (S)—0303, 159 West 53rd Street, New York, NY 10019, (212) 586–4196.
The Hollywood Associates, Inc. (S)—0236, 3383 Barham Blvd, Los Angeles, CA 90068, (213) 851–2367.
Fred Holmes (S)—0456, 2205 Phoenix, Garland, TX 75040 (214) 495–1666.
Hurrah Productions (S)—0261, 150 E. 52nd Street, Suite 401, New York, NY 10022, (212) 759–6946.
Image Associates (S)—0082, 352 Conejo Road, Santa Barbara, CA 93103, (805) 962–6009.
Image Associates (S)—0141, 1611 Connecticut Avenue, NW, Washington, DC 20009, (202) 265–6677.
Image Makers (S)—0506, 310 East 23rd Street, New York, NY 10010, (212) 533–4498.
Image Seven, Inc. (S)—0343, 2964 Peachtree Road, Suite 790, Atlanta, GA 30305, (404) 237–0777.
Imagery Films, Inc. (S)—0055, 4021 East Grant Road, Tucson, AZ 85712, (602) 325–3313.
Infocom Productions, Inc. (S)—0397, 4614 Prospect Avenue, Cleveland, OH 44103, (216) 431–9163.
In-Sight Into Communication, Inc. (S)—0056, 288 Fillow Street, Norwalk, CT 06850, (203) 853–1115.
Interface Video Systems, Inc. (S)—0011, 2033 M Street, NW, #506, Washington, DC 20036, (202) 857–0062.
Integrated Media (S)—0484, Box 82904, San Diego, CA 92138, (714) 753–9473.
Intermedia/Av, Inc. (S)—0485, 3259 Prospect Street, N.W., Washington, DC 20007, (202) 338–7137.
Intermedica, Inc. (S)—0353, 150 Straford Avenue, Wayne, PA 19087, (215) 687–4864.
International Media Systems (S)—0486, 107 N.W. 5th Avenue, Suite 201, Portland, OR 97209, (503) 223–1736.
International Media Systems, Inc. (S)—0289, East Bijou, Colorado Springs, CO 80903, (303) 635–1956.
International Television Productions, Inc. (S)—0099, 241 E. Commercial Blvd., Ft. Lauderdale, FL 33334, (305) 491–0333.
The Jam Handy Organization, Inc. (S)—0356, 2900 East Grand Blvd., Detroit, MI 48202, (313) 875–2450.
Jason Films (S)—0435, 2621 Palisade Ave., Riverdale, NY 10463, (212) 884–7648.
JBH Productions, Inc. (S)—0002, 2810, Adams Mill Road, NW, Washington, DC 20009, (202) 667–4911
D.B. Jones (S)—0057, 132 Kenilworth Road, Merion Station, PA 19066, (215) 667–2741.
JS Communications, Inc. (S)—0364, 11 Henhawk Lane, Huntington, NY 11743, (516) 421–4307.
Jupiter Editorial Service (S)—0237, 55 West 45th Street, New York, NY 10036, (212) 575–1066.
Willian Kayden Productions (S)—0028, 5746 Sunset Boulevard, Hollywood, CA 90028, (213) 462–7111 or ext. 1881.
Stacy Keach Productions (S)—0411, 5216 Laurel Canyon Blvd., North Hollywood, CA 91607, (213) 877–0472.
Larry Keating Productions, Inc. (S)—0262, 15 East 48th Street, Room 600, New York, NY 10017, (212) 421–6354.
David Keller Productions (S)—0508, Box 576, Athens, Ohio 45701, (614) 592–1673.
Dennis Kennedy Art Studios, Inc. (S)—0263, 4110 Leavenworth Street, Omaha, NE 68105, (402) 346–7524.
Kennedy/Lee, Inc. (S)—0187, R.D. #12, York, PA 17406, (717) 757–4666.
Kibby-Raynor Productions (S)—0441, 7714 Forest Road, Cincinnati, OH 45230, (513) 231–1599.
J. Darrell Kirkley, Inc. (S)—0445, 558 S. Central Expwy., Suite B–100, Richardson, TX 75080, (214) 231–1051.
Hal Kirn & Associates (S)—0003, 1700 Addison Street, Philadelphia, PA 19146, (215) 546–8887.
Walter J. Klein Company, LTD. (S)—0238, 6301 Carmel Road, P.O. Box 220766, Charlotte, NC 28222, (704) 542–1403.
Peter Klinge Productions, Inc. (S)—0443, 150 Giles Street, Ithaca, NY 14850, (607) 272–1373.
Dan Klugherz Productions (S)—0058, 155 W. 68th Street, New York, NY 10023, (212) 595–0058.
KM Productions (S)—0392, 1513 14th Street, Santa Monica, CA 90404, (213) 395–7855.
Dennis Knife Productions Inc. (S)—0403, 41–14 247th Street, Douglaston, NY 11363, (212) 224–7631.
Don Koonce Productions, Inc. (S)—0464, 8700 Waukegan Road, Morton Grove, IL 60053, (312) 966–5040.
Al Korn Films (S)—0059, 74 Croton Dam Road, Ossining, NY 10562, (914) 762–3587.
Kay Korwin Inc. (S)—0060, 200 W. 57th Street, Suite 308, New York, NY 10019, (212) 581–1840.
Joan Kuehl Productions (S)—0239, 47 Perry Street, New York, NY 10014, (212) 586–8734.
Ed Lang, Inc. (S)—0188, 73 Westpark Rd, Dayton, OH 45459, (513) 433–3133.
Films By Edmond Levy, Inc. (S)—0264, 135 Central Park West, New York, NY 10023, (212) 595–7666.
L. H. Productions, Inc. (S)—05114, 274 Fairhaven Mall, Suite A8, Jericho, NY 11753, (516) 935–1635.

Jack Lieb Productions, Inc. (S)—0240, 200 East Ontario Street, Chicago, IL 60611, (312) 943–1440.
Lilyan Productions, Inc. (S)—0143, 524 Ridge Road, Watchung, NJ 07060, (201) 561–5528 or 763–3987.
William Livingston Productions (S)—0213, 5766 Mallow Trail, Lorton, VA 22079, (703) 339–5032.
Ralph Lopatin Productions, Inc. (S)—0367, 1728 Cherry Street, Philadelphia, PA 19103, (215) 568–6400.
Earle Luby Films & filmscripts (S)—0189, 1444 Chestnut Street, Redding, CA 96001, (916) 241–0783.
Donald R. Lumpkin (S)—0300, 102–55 67th Drive, Apt. L.A., Forest Hills, NY 11375, (212) 275–6067.
MacDonald Productions (S)—0290, 33 West 95th Street, New York, NY 10025, (212) 850–4859
Madison Films, Inc. (S)—0319, 216 East 49 Street, New York, NY 10017, (212) 838–4856.
The Magic Lantern (S)—0265, 925 Penn Avenue, Pittsburgh, PA 15222, (412) 391-4625.
John Mahon Productions, Inc. (S)—0291, 3518 Cahuenga Blvd. West, Los Angeles, CA 90068, (213) 851–3540.
Ray Manley Film Productions, Inc. (S)—0451, 238 South Tucson Blvd., Tucson, Arizona 85716, (602) 623–0308.
March Brothers, Inc. (S)—0061, 2218 Commerce Parkway, Virginia Beach, VA 23454.
Marquee Productions, Inc. (S)—0006, 2189 Canterbury Way, Rockville, MD 20854, (301) 279–7066.
Burt Martin Associates, Inc. (S)—0062, P.O. Box 6337, Burbank, CA 91510, (213) 848–8229.
Marx/Handley Productions, Inc. (N)—0387, 18051 Hamilton Road, Detroit, Michigan 48203, (313) 862–8429.
Steve Maslowski (S)—0029, 1219 Eversole, Cincinnati, OH 45230, (513) 231–7301.
Edward A. Mason, MD (S)—0360, 58 Fenwood Road, Boston, MA 02115, (617) 566–6793.
Gene Massey Films (S)—0103, 550 South Barrington Avenue #2209, Los Angeles, CA 90049, (213) 476–3668.
Gordon Massingham (S)—0144, Box 1722, Duxbury, MA 02332, (617) 934–6156.
William W. Matthews & Co., Inc. (S)—0418, 130 Seventh Street, Pittsburgh, Pa 15222, (412) 471–2780 or 471–2781.
Harold Mayer Productions, Inc. (S)—0190, 155 West 72nd Street, New York, NY 10023, (212) 874–3034.
MCA Corporate Films—0266, 100 Universal City Plaza, Universal City, CA 91608, (213) 985–4321.
Harley McDaniel Filmproduction, Inc. (S)—0510 4444 W. Capitol Drive, Milwaukee, WI 53216, (414) 444–4240.
Media Four Productions (S)—0104, 6519 Fountain Avenue, Hollywood, CA 90028, (213) 466–2266.
Media Group (S)—0380, 111 Vallejo Street, San Francisco, CA 94111, (415) 788–3084.
Mediavisions (S)—0513, 628 Washington Street, Traverse City, MI 49684, (616) 941–0850.
Merd Corporation (Merco) (S)—0357, Merco Box "B", Somis, CA 93066, (805) 484–2213.
Keith Merrill Associates Inc. (S)—0267, 11930 Rhus Ridge Road, Los Altos Hills, CA 94022, (415) 941–8720.
M.E.T. Productions (S)—0305, 28 West 76th Street, New York, NY 10023, (212) 580–8887.
Meta-4 Productions, Inc. (S)—0105, 8727 West Third Street, Suite 203, Los Angeles, CA 90048, (213) 273–6075.
Metrocom Productions, Inc. (S)—0222, 3408 Wisconsin Ave., NW, Suite 209, Washington, D.C. 20016, (202) 363–5511.
Micom, Ltd. (S)—0268, 388 Reed Road, Broomall, PA 19008, (215) 543–7600.
Richard Roy Miller Films (S)—0191, 932 N. La Brea Avenue, Hollywood, CA 90038, (213) 271–2151.
Robert S. Mills Productions (S)—0366, 4706 Orion Avenue, Sherman Oaks, CA 91403, (213) 986–3951.
Milner-Fenwick, Inc. (S)—0063, 2125 Greenspring Drive, Timonium, MD 21093, (301) 252–1700.
The Mind's Eye (S)—0407, 1580 Crossroads of the World, Hollywood, CA 90028, (213) 466–9128 or 995–4722.
Monumental Films & Recordings, Inc. (S)—0064, 2160 Rockrose Ave., Television Hill, Baltimore, MD 21211, (301) 462–1550.
Leroy Morais Films (S)—0320, 46209 Briarclift Road, Baltimore, MD 21229, (301) 566–7612.
Morningside Films (S)—0332, 7556 Hampton Avenue, Los Angeles, CA 90046, (213) 876–9737.
Motivation Media, Inc. (S)—0106, 110 River Road, DesPlaines, IL 60016, (312) 297–4740.
Moynihan Associates, Inc. (S)—0145, 1717 S. 12th Street, Milwaukee, WI 53204, (414) 645–8200.
M&R Productions, Inc. (S)—0192, 31 E. 28th Street, New York, NY 10016, (212) 265–6724.
MRC Films (S)—0193, 71 West 23rd Street, New York, NY 10010, (212) 989–1754.
M/S Productions (S)—0402, 73 Franklin Street, New York, NY 10013, (212) 966–3199.
M.S.T.S. Music Inc. (S)—0292, 1600 Broadway, New York, NY 10019, (212) 246–4687.
MYG Productions Inc (S)—0293, 302 East 41 Street, New York, NY 10017, (212) 682–6012.
Mythic Films (S)—0463, 5235 Connecticut Avenue, NW, Washington, DC 20015, (202) 244–7348.
Frank Nardi Broadcast & Film Services (S)—0215, 240–16 51st Avenue, Douglaston, NY 11362, (212) 586–4311 or 631–0924.
National photographic Laboratories Inc. (S)—0337, 1926 West Gray, Houston, TX 77019, (713) 527–8471.
National Television News, Inc. (S)—0146, 13691 W. 11 Mile Road, Oak Park, MI 48237, (313) 541–1440.
New Age Communications (S)—0216, 6424 North 22nd Road, Arlington, VA 22205, (703) 533–2153..
New Directions Film Co. (S)—0377, 18 West 55th Street, New York, NY 10019, (212) 245–3555.
University of New Hampshire (N)—0147, Dept. of Media Services, Diamond Library, Durham, NH 03824, (603) 862–2240.
University of New Mexico Photo Service (N)—0487 1820 Los Lomas Road, NE, Albuquerque, NM 87131, (505) 277–5743
New Year Films (S)—0462, 108 W. Illinois Street, Chicago, IL 60610, (312) 329–1472.
New York Film & Videotape Communications, Inc. (S)—0107, 207 S. State Street, Upper Darby, PA 19082, (215) 352–7472.
Nguzo Saba Films, Inc. (N)—0294, 1002 Clayton Street, San Francisco, CA 94117, (415) 731–7336.
Nichols Productions (S)—0065, 6016 Hawthorne Street, Cheverly, MD 20785, (301) 773–0571.
Fred A. Niles Communications Centers Inc. (S)—0148, 1058 W. Washington Blvd., Chicago, IL 60607, (312) 738–4181
Ben Norman Productions (S)—0194, 801 Westmount Drive, Los Angeles, CA 90069, (213) 652–8330.
Amram Nowak Associates, Inc. (S)—0066, 1776 Broadway, New York, NY 10019, (212) 581–3140.
Nunzi Productions, Inc. (S)—0371, 321 West 44th Street, New York, NY 10036, (212) 541–5963.
Oaktree Films/Columbia (S)—0421, 6655 Dobbin Road, Columbia, MD 21045, (301) 596–6969.
Oakwood Educational Media (S)—0336, 5858 Hollywood Blvd., Hollywood, CA 90028, (213) 696–9450.
The Oceanics School, Inc. (N)—0321, 365 West End Avenue, New York, NY 10024, (212) 787–2700 or 580–9542.
Michael H. O'Connor & Associates (S)—0339, 914 Dauphine Street, New Orleans, LA 70116, (504) 581–7701.
O.D.N. Productions, Inc. (N)—0379, 114 Spring Street, 7th Floor, New York, NY 10012, (212) 431–8923.
Odyssey Productions, Inc. (S)—0338, 123 N.W. Second Avenue, Portland, OR 97209, (503) 223–3480.
Olive's Film Productions —0349, 651 Clutts Road, Harvest, AL 35749, (205) 837–2791.
Omnicom Productions (S)—0195, 3315 S. Pennsylvania, Lansing, MI 48910, (517) 393–7800.
Opus Films, Ltd. (S)—0324, 63 East 82nd Street, New York, NY 10028, (212) 879–1634.
Organizing Media Project (S)—0400, 1600 Twentieth Street, NW, Washington, DC 20009, (202) 462–9100.
Osmond Commercial Productions (S)—0401, 1420 East 800 North Orem, UT 84059, (801) 224–4444.
Osprey Productions, Inc. (S)—0067, 233a East 52 Street, New York, NY 10022, (212) 759–1330.
Ovation Films, Inc. (S)—0393, 33 West 46th Street, New York, NY 10036, (212) 5891–4406.
Owen Murphy Productions, Inc. (S)—0068, 1 Turkey Hill Road, South, Westport, CT 06880, (203) 226–4241 or 226–4242.
Pacificon Productions, Inc. (S)—0108, 3002 Clay Street, San Francisco, CA 94115, (415) 921–8883.
Paideia (S)—0149, 3017 Santa Monica Blvd., Suite F, Santa Monica, CA 90404, (213) 829–4871.
Paramount Pictures Corp.—0363, 5451 Marathon Street, Los Angeles, CA 90038, (213) 468–5000 ext. 1161.
Pariseau Productions (S)—0333, 1152 2nd Avenue, New York, NY 10021, (212) 751–8024.
Parker Film Associates, Inc, (S)—0301, 6 East 39th Street, Suite 300 New York, NY 10016, (212) 679–0939.

Peckham Productions Inc. (S)—0196, 9 East 48th Street, New York, NY 10017, (212) 758–0490.
Pendleton Productions, Inc. (S)—0150, Box 10–349 South Station Anchorage, AK. 99511, (907) 349–3592.
Mike Pengra & Co. (S)—0004, 1601 Connecticut Avenue, NW, Washington, DC 20009, (202) 483–5104.
H. G. Peters & Co., Inc. (S)—0152, 525 Mildred Avenue Primos, PA 19018, (215) 626–6500.
Petersen Communications, Inc. (S)—0250, 1330 North Vine Street, Hollywood, CA 90028, (213) 466–9351.
Phelan Productions, Inc. (S)—0223, 1621 York Street, Denver, CO 80206, (303) 399–4580.
Photo Art Commercial Studios, Inc. (S)—0109, 900 Southwest 13th at Taylor, Portland, OR 97205, (503) 224–5665.
Robert Pierce Films, Inc. (S)—0153, 4900 Massachusetts Avenue, NW, Washington, DC 20016, (202) 244–3410.
Pine Hill Productions, Inc. (S)—0197, 321 West 44th Street, New York, NY 10036, (212) 581–1888.
Planned Communication Services Inc. (S)—0198, 12 East 46th Street, New York, NY 10017, (212) 697–2765.
Plumridge Art Works (S)—0415, 10215 Fernwood Road, Bethesda, MD 20034, (301) 530–9624.
George Powell Productions (S)—0069, 51 Central Avenue, Hillsdale, NJ 07642, (201) 666–9347.
Michael N. Pressman Films (S)—0488, 511 Eleventh Street, Brooklyn, NY 11215, (212) 788–0963.
Producer Services, Inc. (S)—0241, 35 Groveland Terrace, Minneapolis, MN 55403, (612) 377–4242.
The Producers Incorporated (S)—0355, 112 College Place, Norfolk, VA 23510, (804) 627–5707.
Producers International Corporation (S)—0512, 128 E. 36th Street Indianapolis, IN 46205, (317) 924–5163.
Proserco, Ltd., (S)—0070, 35–11 35th Avenue, Astoria, NY 11106, (212) 729–3883.
The Public Telecommunications Center, Inc. (N)—0524, 666 Fairway Drive—Suite 100, San Bernardino, CA 92408, (714) 825–4822.
Q.E.D. Productions, Inc. (S)—0154, 21 West 46th Street, New York, NY 10036, (212) 582–4291.
Quantum Film Corporation (S)—0474, 2225 Spring Garden Street Philadelphia, PA 19130, (215) 567–0169 or 569–8978.
Carl Ragsdale Associates, Inc. (S)—0199, 4725 Stillbrooke, Houston, TX 77035, (713) 729–6530.
Ramsgate Films (S)—0295, 704 Santa Monica Blvd., Santa Monica, CA 90401, (213) 394–8819.
Charles F. Rattigan & Associates (S)—0501, 118 Colonial Village Road, Rochester, NY 14625, (716) 381–5325.
Reeder Motion Pictures, Inc. (S)—0489, 9529 Tunbridge Lane, P.O. Box 10191, Knoxville, TN 37919, (615) 693–1342.
Reel Resources, Inc. (S)—0496, 414 S. Lee Street, Alexandria, VA 22314, (703) 548–1766 or 548–2865.
Richfield Production Services, Inc. (S)—0389, 8006 Takoma Avenue, Silver Spring, MD 20910, (301) 589–8632.
Richter McBride Productions, Inc. (S)—0071, 150 East 52 Street, Suite 9R, New York, NY 10022, (212) 935–4884.
Rickers Film Productions (S)—0433, 2106 Warm Springs Road, P.O. Box 193, Sun Valley, ID 83353, (208) 726–5272.
Rico Lion Films, Inc. (S)—0469, P.O. Box 1219, Great Falls, MT 59403, (406) 454–3484.
Robe/Ackerman, Inc. (S)—0110, 6335 Homewood Avenue, Suite 200, Hollywood, CA 90028, (213) 463–2133.
The Dick Roberts Film Co., Inc. (S)—0200, 48 West 10th Street, New York, NY 10011, (212) 254–5105.
Rodgers Film, Inc. (S)—0224, 1011 Arlington Blvd., Suite 1628, Arlington, VA 22209, (703) 525–8700.
Peter Rosen Productions, Inc. (S)—0242, 19½ East 62nd Street, New York, NY 10021, (212) 751–7788.
Ross-Gaffney, Inc. (S)—0201, 21 West 46th Street, New York, NY 10036, (212) 582–3744.
Al Rossman Productions (S)—0111, 5856 Ranchito Avenue, Van Nuys, CA 91401, (213) 782–9371.
RSP Media Enterprises (S)—0497, 429 Greenbrier Drive, Silver Spring, MD 20910, (301) 588–1911.
Rudine-Whittman Production (S)—0112, 1850 W. Mockingbird Lane, Dallas, TX 75235, (214) 634–0430.
Ruiz Productions, Inc. (S)—0362, 3518 Cahuenga Blvd, West #210, Hollywood, CA 90068, (213) 851–8110.
Irving Rusinow Film Productions (S)—0012, 2224 Glasgow Road, Alexandria, VA 22307, (703) 765–4829.
SA Films, Inc. (S)—0202, 70–H Chestnut Ridge Road, Montvale, NJ 07645, (201) 391–7220.
Otto Salamon Productions, Ltd. (S)—0344, 18 Ferndale Avenue, Glen Rock, NJ 07452, (201) 652–0986.
Samatha Productions, Inc. (S)—0297, 1650 Broadway, New York, NY 10019, (212) 489–7144.
Robert J. Sann & Associates (S)—0347, 630 Ninth Avenue, Rm. 1410, New York, NY 10036, (212) 757–0702.
Sarra, Inc. (S)—0013, 16 East Ontario Street, Chicago, IL 60611, (312) 944–5151.
Saxton Communications Group, Ltd, (S)—0359, 605 Third Avenue, New York, NY 10016, (212) 953–1300.
Scene East Productions, Ltd (S)—0072, 356 East 50 Street, New York, NY 10022, (212) 688–9538.
Garrett Schenck Productions, Inc. (S)—0410, 39 Tunxis Road (Box 518), Tariffville, CT 06081, (202) 651–3687.
Walter Schenk Films (S)—0383, P.O. Box 1656, Sausalito, CA 94965, (415) 332–1150.
Art Scholl Productions (S)—0394, 1700 West Miro Way, Rialto, CA 92376, (714) 874–5800.
Phil Schultz Productions, Inc. (S)—0203, 2 Peter Cooper Road, New York, NY 10010, (212) 677–7130.
Science Program Group, Inc. (N)—0243, 1601 Connecticut Avenue, N.W., Washington, D.C. 20009, (202) 483–1490.
Screen Presentations, Inc. (S)—0073, 309 Massachusetts Avenue, N.E., Washington, D.C. 20002, (202) 546–8900.
Screescope, Inc. (S)—0005, 1022 Wilson Blvd., Suite 2000, Arlington, VA 22209, (703) 527–3555.
Secondari Productions, Ltd. (S)—0308, 1148 Fifth Avenue, New York, NY 10028, (212) 687–8411.
Yossi Segal Films (S)—0468, 30 Downing Street, New York, NY 10014, (212) 924–2056.
Jack M. Sell Associates (S)—0155, 1636 N. Wells Street, Suite 2412, Chicago, IL 60614, (312) 337–2092.
Sels Den (S)—0217, 9 East 48th Street, 5th Flr., New York, NY 10017, (212) 838–7318.
September Productions, Inc. (S)—0515, 171 Newbury Street, Boston, MA 02116, (617) 262–6090.
Seraphim Productions, Ltd. (S)—0413, 321 E. 43 Street, New York, NY 10017, (212) 697–5659.
The Shana Corporation (S)—0346, 451 N. Eton, Suite E–7, Birmingham, MI 48008, (313) 643–0919.
The Shane Communications Group, Inc. (S)—0269, 2225 Spring Garden Street, Philadelphia, PA 19130, (215) 563–6277.
Stan Siegel Films, Inc. (S)—0470, 350 West 46th Street, New York, NY 10036, (212) 541–5690.
R. W. Sigman, Inc. (S)—0503, P.O. Box 1001, Havertown, PA 19083, (215) 528–6688.
Signet Productions, Inc. (S)–0422, 200 West 58th Street, New York, NY 10019, (212) 582–7867.
Silvermine Films, Inc. (S)—0205, 16 West 61 Street, New York, NY 10023, (212) 541–5262.
Silver Pictures (N)—0156, 1621 Shell Avenue, Venice, CA 90291, (213) 821–3306.
John Simons (S)—0505, 6021 Carlton Way, Los Angeles, CA 90028, (213) 463–7446.
Jamil Simon Productions, Inc. (S)—0270, 12 Arrow Street, Cambridge, MA 02138, (617) 491–4300.
Skye Pictures, Inc. (S)—0467, 2225 Floyd Avenue, Richmond, VA 23220, (804) 359–0622.
Skyline Films, Inc. (S)—0157, 160 East 38th Street, New York, NY 10016, (212) 490–1668.
Sleeping Giant Films, Inc. (S)—0158, 3019 Dixwell Avenue, Hamden, CT 06518, (203) 248–9323.
Snazelle Films, Inc. (S)—0159, 155 Fell Street, San Francisco, CA 94102, (415) 431–5490.
Richard J. Soltys Productions (S)—0160, 1615 W. Burbank Boulevard, Burbank, CA 91506, (213) 843–0373.
Southerby Productions, Inc. (S)—0358, 1709 E. 28th Street, Long Beach, CA 90806, (213) 595–4421
Jack Spear Productions, Inc. (S)—0495, 3518 Cahuenga Boulevard West, Suite 309, Hollywood, CA 90068, (213) 851–4123.
Spectra Films, Inc. (S)—0113, 140 West 57th Street, New York, NY 10019, (212) 757–2509.
Spottswood Studios (S)—0417, 2524 Old Shell Road, Mobile, AL 36607, (205) 478–9387.
Spotworks (S)—0478, 41 Varick Hill Road, Waban, MA 02168, (617) 964–7489.
SRS Productions, Inc. (S)—0114, 4224 Ellenita Avenue, Tarzana, CA 91356, (213) 873–3171.
Starbecker, Inc. (S)—0225, 8811 Colesville Road, Silver Spring, MD 20910, (301) 587–8648.
Andrew Stein Productions, (S)—0315, 3815 Cathedral Avenue, N.W., Washington, D.C. 20016, (202) 244–024.
J. H. Steinberg Films (S)—0455, 501 East 78th Street, New York, NY 10021, (212) 737–5283.
Ann Sternberg (S)—0220, 70 West 95th Street, New York, NY 10025, (212) 662–3143.

Stockdale Corporation (S)—0161, 2211 West 2300 South, Salt Lake City, UT 84119, (801) 973–4500.
Bill Stokes Associates, Inc. (S)—0251, 5642 Dyer, Dallas, TX 75206, (214) 363–0161.
Summit Films, Inc. (S)—0310, Box 420, Gypsum, CO 81637, (303) 524–9770.
The Sun Group (S)—0498, 505 Fifth Avenue, New York, NY 10017, (212) 867–1220.
Sutherland Learning Associates, Inc. (S)—0368, 14654 Oxnard Street, Van Nuys, CA 91411, (213) 988–8030.
Synthesis Communications, Inc. (S)—0473, 119 West 57th Street, Suite 1212, New York, NY 10019, (212) 586–0622.
Tag Communications (S)—0500, 17025 Rose Avenue, Suite 210, Los Angeles, CA 90034, (213) 557–2060.
Martin Tahse Productions (S)—0361, 1119 Glendon Avenue, Los Angeles, CA 90024, (213) 478–1095.
Take One Productions (S)—0115, 79 Scripps Drive, Suite 204, Sacramento, CA 95825, (916) 929–7151.
Sargon Tamimi & Associates (S)—0162, 476 Landfair Avenue, Los Angeles, CA 90024, (213) 478–4655.
Tapper Productions, Inc. (S)—0116, 150 East 52nd Street, Suite 9R, New York, NY 10022, (212) 832–3152.
Ed Tar Associates, Inc. (S)—0378, 8622 Bellanca Avenue, Los Angeles, CA 90045, (213) 645–2703.
TCR Productions, Inc. (S)—0163, 1104 Cherokee Avenue, West St. Paul, MN 55118, (612) 457–6642.
Tecfilms, Inc. (S)—0018, 2856 Fort Worth Avenue, Dallas, TX 75211, (214) 339–2217.
Teleconvention (S)—0374, 332 Upland Blvd., Las Vegas, NV 89107, (702) 871–6754.
Texas National Productions, Inc. (S)—0412, 543 Brooklyn Avenue, San Antonio, TX 78215, (512) 822–3612.
Thirtyfive-Sixteen, Inc. (S)—0207, 3259 Prospect Street, N.W., Washington, DC 20007, (202) 337–0707.
Bob Thomas Productions (S)—0334, 55 West 42nd Street, Room 1201, New York, NY 10036, (212) 221–3602.
Francis Thompson, Inc. (S)—0218, 231 East 51st Street, New York, NY 10022, (212) 759–6926.
Tilmon Productions, Inc. (S)—0330, 589 Clavey Court, Highland Park, IL 60035, (312) 831–5757.
Roger Tilton Films, Inc. (S)—0272, 241 West "G" Street, San Diego, CA 92101, (714) 233–6513.
Zoltan Toth Productions (S)—0014, 11475 Columbia Pike, Suite B–7, Silver Spring, MD 20904, (301) 593–7017.
Trailwood Films (S)—0476, SRA 1780R, Anchorage, AK 99507, (907) 349–8723.
Trio Productions, Inc. (S)—0031, 144 East 44th Street, New York, NY 10017, (212) 986–3333.
Turtle Bay Communications, Inc. (S)—0074, 7 Windward Avenue, White Plains, NY 10605, (914) 761–2270.
TVG Productions, Inc. (S)—0449, 1697 Broadway, New York, NY 10019, (212) 581–0649.
Thom Tyson/Tujunga Pictures (S)—0416, 10555 Samoa Avenue, Tujunga, CA 91042, (213) 352–4509.
Uniworld Group, Inc. (S)—0316, 4733 Bethesda Avenue, Suite 725, Bethesda, MD 20014, (301) 652–5600.
Upitin, Inc. (S)—0019, 1017 New Jersey Avenue, S.E., Washington, DC 20003, (202) 488–7313.
Urbanimage Corporation (S)—0273, 253 Summer Street, Boston, MA 02210, (617) 426–4266.
Vanguard Productions (S)—0499, 16946 Burbank Blvd. #108, Encino, CA 91316, (213) 986–9910.
George Van Valkenburg Productions, Inc., (S)—0328, 6253 Hollywood Boulevard, Hollywood, CA 90028, (213) 461–4643.
David Vassar Films (S)—0520, P.O. Box 43 Venice, CA 90291, (213) 399–5474
Vebo Productions, Inc. (S)—0075, 701 West Willow Street, Chicago, IL 60614, (312) 664–9212.
Jim Veilleux Film Operations (S)—0281, 28 Duce Court, Fairfax, CA 94930, (415–0220).
Vibrant Films, Inc. (S)—0519, 730 Hennepin Avenue, Minneapolis, MN 55403, (612) 335–7659.
Norm Virag Productions (S)—0406, 3415 N. East Street, Lansing, MI 48906, (517) 374–8193.
Viscount Communications, Inc. (S)—0032, Lenox Towers, Suite 831, 3400 Peachtree Road, N.E., Atlanta, GA 30326, (404) 261–6240.
Vision Associates, Inc. (S)—0322, 665 5th Avenue, New York, NY 10022, (212) 935–1830.
Peter Vogt & Associates, Inc. (S)—0164, 1000 Wisconsin Avenue, N.W. Washigton, D.C. 20007, (202) 333–4080.
Von Spaeth Productions (S)—0369, 1032 33rd Street, N.W., Washington, D.C 20007, (202) 333–7684.
Dorian Walker Productions, Inc. (S)—0219, 2000 P Street, NW, Suite 608, Washington, DC 20036, (202) 452–1776.
Warren Wallace Film (S)—0338, 21 West 46th Street, New York, NY 10036, (212) 354–4783 or 582–3744.
Jerry Warner & Associates (S)—0252, 8455 Fountain Avenue #309, Los Angeles, CA 90069, (213) 650–0600.
Washington Media Associates, Inc. (S)—0507, 1065 31st Street, N.W., Washington, DC 20007, (202) 333–7316.
Grady Watts Jr. Film Productions (S)—0033, 318 Eleventh Street, N.E., Washington, DC 20002, (202) 547–7873.
Welebit Productions Inc. (S)—0076, 101 Park Avenue, 1602 Southwing, New York, NY 10017, (212) 686–6601.
West Glen Communications, Inc. (S)—0312, 565 Fifth Avenue, New York, NY 10017, (212) 986–5330.
Weston Communications, Inc. (S)—0077, 1 Old Colony Lane, St. Louis, MO 63131, (314) 822–3353.
Whitman Productions, Inc. (S)—0341, 1776 Broadway, Suite 1810, New York, NY 10019, (212) 245–0790.
Wilding Division (Bell & Howell)—0326, 4925 Cadieux Road, Detroit, MI 48224, (313) 882–9166.
W.G. Williams & Associates (S)—0079, 1100 Seventeenth Street, N.W., Suite 1000, Washington, DC 20036, (202) 241–8931.
Daniel Wilson Productions, Inc. (S)—0165, 300 West 55th Street, New York, NY 10019, (212) 765–7148.
The Windmill Group (N)—0331, 141 West Upsal Street, Phladelphia, PA 19119, (215) 894–3737.
Wing Productions (S)—0078, 1600 Broadway, Suite 306, New York, NY 10019, (212) 265–5179.
Wingstar Film Productions, Inc. (S)—0020, 114 East 32nd Street, New York, NY 10016, (212) 685–5031.
Winterscreen (S)—0080, 214 West 85th Street, New York, NY 10024, (212) 887–7404.
University of Wisconsin-Extension (N)—0395, 45 North Charter Street, Madison, WI 53706, (608) 262–2944 or 263–4455.
WJCT–TV, Community Televsion Inc. (N)—0244, 2037 North Main Street, Jacksonville, FL 32206, (904) 354–2806.
The Works (S)—0274, 1659 18th Street, Santa Monica, CA 90404, (213) 828–8643.
Dick Young Productions Ltd. (S)—0245, 118 Riverside Drive, New York, NY 10024, (212 787–8954.
Zachry Associates, Inc. (S)—0118, 709 North Second Street, P.O. box 1739, Abilene, TX 79604, (915) 677–1342.
Seymour Zolotareff (S)—0081, 3540 W. Rosemont Avenue, Chicago, IL 60659, (312) 463–2322.

Quarterly Update for the Qualified Film Producers List (QFPL)

Terry Bailey Media Productions (S)—0530, 321 18th Avenue, San Francisco, CA 94121, (415) 387–3207.
Filmadelphia (S)—0532, 2400 Chestnut Street, Suite 1906, Philadelphia, PA 19103, (215) 567–7226.
Fine Photography (S)—0525, 9923 Indian Queen Pt. Road, Oxon Hill, MD 20022, (301) 567–3072 or (202) 686–3196.
Hill Film (S)—0529, 1211 1st Avenue South, Seattle, WA 98134, (206) 682–2209.
Kudzu Productions Inc. (S)—0534, P.O. Box 4523, Huntsville, AL 35802, (205) 536–1208.
Don Lane Pictures, Inc. (S)—0527, 35 West 45th Street, New York, NY 10036, (212) 840–6355.
LFS Productions, Inc. (S)—0531, 210 East 68th Street, New York, NY 10021, (212) 249–5689.
Lies Bros. Film Productions (S)—0526, 3371 Beechwood Blvd., Pittsburgh, PA 15217, (412) 421–4492.
MPA (S)—0535, 200 W 79th Street, New York, NY 10024, (212) 580–0133.
Promotional Marketing Services (S)—0533, 1425 Quincy-in-Butchertown, Louisville, KY 40206, (502) 585–2664.

[FR Doc. 80–12997 Filed 4–28–80; 8:45 am]
BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Law-Related Education Program; Closing Date for Transmittal of Applications for Law-Related Education Program for Fiscal Year 1980

Applications are invited for new projects under the Law-Related Education Program.

Authority for this program is contained in Title III, Part G of the Elementary and Secondary Education

Act, as amended by Pub. L. 95–561. (20 U.S.C. 3001).

This program issues awards to State educational agencies, local educational agencies, and other public and nonprofit private agencies, organizations, and institutions.

The purpose of the awards is to assist these institutions in carrying out projects in law-related education, in helping others develop programs, and in promoting research and development.

Closing date for transmittal of Applications: An application for a grant must be mailed or hand delivered on or before June 27, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center, Attention: 13.693, Law-Related Education Program, Washington, D.C. 20202.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Commissioner of Education.

If an application is sent through the U.S., Postal Service, the Commissioner does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: The President has proposed budget rescissions to the Congress that may eliminate funds for this program. If the Congress approves the proposed rescissions, a notice to the public will be published in the **Federal Register** stating that the rescissions have been approved. However, the deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to the Application Control Center at the address included in this notice.

Congress has appropirated $1.0 million for the Law-Related Education Program. If these funds are not rescinded it is estimated that they could support approximately 30 to 35 projects. The projects would include two categories of activities designed to support elementary and secondary education and a third that addresses needs of all levels:

(1) *Program Implementation (§ 161g.13 of the Regulations).* Approximately 18 grants to strengthen or expand existing law-related education programs that serve elementary or secondary schools or both, and to help them assist other agencies or organizations in their State or regional areas in identifying and using available resources for law-related education in elementary or secondary schools. $630,000 are initailly reserved for these grants.

(2) *Technical Assistance (§ 161g.14 of the Regulations).* Approximately 3 to 4 grants to permit organizations experienced in law-related education to provide multi-state technical assistance to other organizations conducting or initiating law-related education. In Fiscal Year 1980, the Commissioner will only fund technical assistance to law-related education programs serving elementary or secondary education. $200,000 are initially reserved for these grants.

(3) *Innovation (§ 161g.15 of the Regulations),* will provide approximately 8 to 10 grants to address critical emerging needs in law-related education at any level of eduction. This grant category might include such educational activities as research, evaluation, methodology, unique approaches to particular student populations or age groups, and linkages with other areas of the curriculum. $120,000 are initially reserved for these grants.

The remaining $50,000 are reserved for a possible contract to initiate activities to evaluate the federal program

Projects will be approved for a period of up to two years.

These are only estimates and do not bind the U.S. Office of Education to a specific number of grants or to the amount of any grant.

Application Forms: Application forms and program information packages are expected to be ready for mailing by May 14, 1980. They may be obtained by writing to the Bureau of School Improvement, U.S. Office of Education (Room 3700, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Commissioner strongly urges that the narrative portion of the application not exceed 20 double-spaced pages in length. The Commissioner further urges that applicants not submit lengthy appendices and other information that is not required.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Law-Related Education Program (45 CFR Part 161g). These regulations were published on April 24, 1980 in the **Federal Register.**

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

The final Education Division General Administrative Regulations (EDGAR) were published in the **Federal Register** on April 3, 1980 (44 FR 22494). EDGAR supersedes the General Provisions Regulations for Office of Education Programs.

Further Information: For further information, contact Elizabeth Farquhar, Telephone: 202–426–9303, Law-Related Education Program, Bureau of School Improvement, U.S. Office of Education, 400 Maryland Avenue, S.W., (Room 3700, Donohoe Building), Washington, D.C. 20202. Attention: Law-Related Education Program.

Dated: April 17, 1980.

(Catalog of Federal Domestic Assistance No. 13.693, Law-Related Education Program)

William L. Smith,

U.S. Commissioner of Education.

[FR Doc. 80–12972 Filed 4–28–80; 8:45 am]

BILLING CODE 4410–02–M

Office of the Assistant Secretary for Health

March List of Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, March list of qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and

date of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, service area revisions are reported at the end of the list of two previously qualified HMOs.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register.** The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

Qualified Health Maintenance Organization

Name, address, service area, and date of qualification

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Independent Health Association, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 4511 Harlem Road, Buffalo, New York 14226. Service area: Erie and Niagara Counties, New York. Date of qualification: February 15, 1980. (Achieved preoperational qualification on February 9, 1980.)

2. Health Plan of the Redwoods, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 3033 Cleveland Avenue, Santa Rosa, California 95401. Service area: Sonoma County, California. Date of qualification: March 7, 1980. (Achieved preoperational qualification on February 7, 1980.)

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Greater San Diego Health Plan, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 3702 Ruffin Road, San Diego, California 92123. Service area: 30 miles or 30 minutes travel time from El Cajon, Escondido, or Poway in San Diego County, California. Date of qualification: March 11, 1980.

Service Area Revisions

1. Pacificare, Inc., 1423 South Grand Avenue, Los Angeles, California 90015. Add the following zip code to the service area published on March 3, 1980, in the **Federal Register,** 45 FR 13899: *Los Angeles County,* California-90612. Effective date: March 19, 1980.

2. The Northern California Institute for Medical Service, Inc., d.b.a. Rockridge Health Care Plan, 420 40th Street, Oakland, California 94609. Add the following cities to the service area published on March 3, 1980, in the **Federal Register,** 45 FR 13899: Canyon, Castro Valley, El Sobrante, Lafayette, Moraga, Orinda, Pinole, San Leandro, San Lorenzo, and San Pablo, California. Effective date: March 18, 1980.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m., and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Park Building, 3rd Floor, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified HMOs should be sent to the same office.

Dated: April 21, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 80–12998 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–85–M

Food and Drug Administration

[Docket No. 80F–0122]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *N,N'*hexamethylbis (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamamide) as an antioxidant and thermal stabilizer for nylon resins used in articles intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB3499) has been filed by Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of *N,N'*hexamethylbis (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamamide) as an antioxidant and thermal stabilizer for nylon resins used in articles intended for food-contact use.

The potential environmental impact of this action is being reviewed. If this petition results in a regulation and the agency concludes that an environmental impact statement is not required, notice of availability of the environmental impact analysis report, statement of exemption, and environmental assessment will be published in the **Federal Register** regulation as permitted by 21 CFR 25.25(b).

Dated: April 21, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80–13014 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80F–0126]

Velsicol Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Velsicol Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a plasticizer in polymeric substances to be used as components of paper and paperboard in contact with dry food.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF–334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3009) has been filed by the Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611, proposing that § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) and § 178.3740 *Plasticizers in polymeric substances* (21 CFR 178.3740) be amended to provide for the safe use of dipropylene glycol dibenzoate as a plasticizer in ploymeric substances to be used as components of paper and paperboard in contact with dry food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant envoronmental impact. Copies of the environmental impact analysis report and the environmental assessment report may be seen in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 21, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-13015 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0142]

Monitor Science Corp.; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is publishing for public comment the recommendation of the Clinical Toxicology Section of the Clinical Chemistry and Hematology Devices Panel that the Vancomycin Radioimmunoassay be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review of a reclassification petition filed by Monitor Science Corp., Newport Beach, CA 92663. After reviewing the Panel recommendation and any public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the **Federal Register.**

DATE: Comments by May 29, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene W. Rice, Bureau of Medical Devices (HFK-440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On February 1, 1979, Monitor Science Corp., Newport Beach, CA 92663, submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) (the act) stating that it intended to market a device the manufacturer calls "Vancomycin Radioimmunoassay." After reviewing the information in the premarket notification, FDA determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976, nor is the device substantially equivalent to a device that has been place in commercial distribution since that date and subsequently reclassified. Accordingly, the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III because of section 513(f)(1) can be marketed, it must either be reclassified under section 513(f)(2) or have an approval of an application for premarket approval under section 515 of the act (21 U.S.C. 360(e), unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360(g)).

On September 10, 1979, Monitor Science Corp. submitted to FDA a reclassification petition for the device under section 513(f)(2) of the act, which requires FDA to refer a reclassification petition to the appropriate classification panel and to receive a recommendation on whether to approve or deny a petition. On October 19, 1979, the Clinical Toxicology Section of the Clinical Chemistry and Hematology Devices Panel (the Panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Panel considered the criteria specified in section 513(a)(1) of the act. For the purpose of classification, the Panel assigned to this generic type of device the name "Radioimmunaossay, Vancomycin" and described this type of device as an in vitro diagnostic test kit used to detect and quantitate levels of vancomycin, an antibiotic drug, in human serum.

Summary of the Reasons for the Recommendation

The Panel gave the following reasons in support of its recommendation on reclassification:

1. The device is not an implant, is neither life-sustaining nor life-supporting, and does not present a potential unreasonable risk of illness or injury.

2. Although general controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance by prescribing for this device acceptable ranges of accuracy, precision, sensitivity, and specificity.

3. The labeling for the device needs to include a step-by-step protocol for the analyst and a statement that the test may be performed only by persons well-trained in its methodology or under the immediate supervision of well-qualified personnel.

Summary of Data on Which the Recommendation Is Based

The Panel based its recommendation on the performance characteristics of the device.

An independent clinical study was conducted on 137 specimens from patients receiving vancomycin. Eighty-four of these samples were analyzed by Monitor Science Radioimmunoassay (RIA) methodology and a microbiological technique. The correlation coefficient of this study was 0.99. Recovery studies were run by the manufacturer. Vancomycin reference powder was added to human sera samples. The recoveries for these three sets of samples ranged from 98.4 percent to 101.1 percent. To establish the precision of the methodology, three human serum pools with theoretical vancomycin levels at the low, medium, and high therapeutic range were assayed 10 times. The coefficients of variation for this study were 5.2 percent, 5.2 percent, and 5.1 percent, respectively. The sensitivity of the test kit is 1 microgram per milliliter. The assay is specific for vancomycin and does not cross-react with other antibiotics such as the aminoglycosides and rifampin. On occasion these drugs are given in combination with vancomycin.

Risks to Health

The Panel noted that failure of the device to perform satisfactorily may result in erroneous measurement of levels of serum vancomycin. Inappropriate therapy based on inaccurate diagnostic data may place the patient at risk. A false-positive could result in a patient becoming ill from excessive medication. A false-negative could result in the patient being unprotected from gram-positive infections because of lack of sufficient medication. Therefore, the Panel recommended that a standard be developed to address these risks and that development of this standard be a low priority.

References

The petition, the transcript of the Panel meeting and the following material are on public file in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons, between 9 a.m. and 4 p.m., Monday through Friday.

1. Cook, F. V., and W. E. Farrar, "Vancomycin Revisited," *Annals of Internal Medicine*, 88:813-818, 1978.

2. Waisbren, B. A., L. Kleinerman, J. Skemp, and G. Bratcher, "Comparative Clinical Effectiveness and Toxicity of Vancomycin, Ristocetin and Kanamycin," *Archives of Internal Medicine*, 106:179–193, 1960.

3. Uhl, J. R. and J. P. Anhalt, "High Performance Liquid Chromatographic Assay of Vancomycin in Serum," *Therapeutic Drug Monitoring*, 1:75–83, 1979.

4. Walker, C. A. and B. Kopp, "Sensitive Bioassay for Vancomycin," *Antimicrobial Agents and Chemotherapy*, 13(1)30–33, 1978.

Interested persons may, on or before May 29, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this recommendation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–12839 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80N–0083]

Suggested State Regulations for Control of Radiation; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a publication entitled "Ionizing Radiation Category of the Suggested State Regulations for Control of Radiation October 1978". Copies have been distributed to the State radiation control agencies by the Conference of Radiation Control Program Directors.

ADDRESSES: The suggested regulations are available for public examination in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests for single copies of these suggested State regulations should be made in writing to the Bureau of Radiological Health (HFX–28), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles P. Froom, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: The Suggested State Regulations for Control of Radiation (SSRCR) were initially published in 1962 by the Council of State Governments with the advice and assistance of the U.S. Atomic Energy Commission (now the U.S. Nuclear Regulatory Commission) and the U.S. Public Health Service. The initial suggested regulations were updated and revised in 1964, 1966, 1970, and 1974. A notice of availability and invitation to comment on the last version of the SSRCR was published in the **Federal Register** of July 15, 1975 (40 FR 29749). The October 1978 revision was prepared by a Task Force of the Conference of Radiation Control Program Directors representing the State and local agencies, with the support and assistance of the Nuclear Regulatory Commission (NRC); the Bureau of Radiological Health, Food and Drug Administration (FDA); and the Environmental Protection Agency (EPA).

The Atomic Energy Act of 1954, as amended, in section 274 (42 U.S.C. 2021), authorizes the NRC to cooperate with the States in formulating standards for protection against hazards of radiation. FDA, under the broad responsibility conferred by the Public Health Service Act (42 U.S.C. 241 and 243), advises and promotes cooperation between the States on matters relating to protecting the public against specified radiation hazards. The Radiation Control for Health and Safety Act of 1968 further provides for the establishment by FDA of an electronic product radiation control program designed to protect the public health and safety (42 U.S.C. 263d and 263e). In implementing this program, the agency is authorized to make such recommendations relating to such hazards and control as it considers appropriate. Acting on these authorities and responsibilities, the NRC and FDA's Bureau of Radiological Health cooperated with the Conference of Radiation Control Program Directors and EPA in the preparation of these model State regulations.

This and previous editions of the SSRCR have been prepared to be consistent with Federal radiation regulations issued by Federal agencies to carry out responsibilities vested in them by law. These suggested regulations are, therefore, compatible with existing Federal radiation guidance developed by the Federal Radiation Council for use by Federal agencies in developing standards for their various regulatory programs. Responsibility for establishment of Federal radiation guidance is now vested in the Administrator of EPA (42 U.S.C. 2021(h)). Changes in Federal regulations, Federal radiation guidance, or appropriate guidelines or recommended standards, and the experience and suggestions of the State radiation control agencies and others provide a basis for revision of the SSRCR. The latest version reflects certain recommendations of the National Council on Radiation Protection and Measurements (NCRP), new amendments to the NRC regulations (10 CFR Chapter I), and the electronic product radiation safety performance standards issued by FDA (21 CFR Chapter I, Subchapter J).

Purpose of Suggested State Regulations for Control of Radiation

The purpose of SSRCR is to assist States in developing their radiation control regulations by providing a guide or model to encourage uniform regulations among the States; complement Federal regulations; and help States maintain regulations compatible with, identical to, or as effective as, Federal regulations. Because of requirements placed on State regulatory agencies in promulgating regulations consistent with the standards of a number of Federal agencies, it is especially important that Federal and State agencies cooperate in their development. These model regulations can serve as a means of assisting the States in developing regulations that are consistent with Federal radiation control standards to the extent required, for example:

1. The Atomic Energy Act of 1954, as amended by Pub. L. 86–373 (73 Stat. 688), specifies in section 274 (42 U.S.C. 2021), as a condition for a State to enter into an agreement with the NRC to assume regulatory responsibility for byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass, that the State program be compatible with the NRC's program for regulation of such material, and that the State program be adequate to protect the public health and safety with respect to the materials covered by the agreement.

2. The Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968, specifies in section 360F (42 U.S.C. 263n) that no State or political subdivision of a State may either establish or continue in effect any standard that applies to the same aspect of performance of an electronic product for which a Federal standard is in effect and which is not identical to the Federal standard.

3. Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) indicates that, for a State plan to be approved, the State regulations must be at least as effective as the Federal

standards issued under section 6 of that act which relate to the same issues.

These statutory requirements emphasize the importance of cooperation among the Federal agencies, and with the State representatives, to ensure consistency in radiation control regulations.

Scope and Content

The previous revision of the SSRCR included three new parts: Part H, Radiation Safety Requirements for Analytical X-Ray Equipment; Part I, Radiation Safety Requirements for Particle Accelerators; and Part J, Notices, Instructions and Reports to Workers; Inspections. Part J incorporates provisions of 10 CFR Part 19 of the NRC regulations. These provisions are comparable to those of the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970, under 29 CFR Part 1903. The present revision of the "Ionizing Radiation Category" of the SSRCR consists of the following parts:

Ionizing Radiation

Part A—General Provisions.
Part B—Registration of Radiation Machine Facilities and Services.
Part C—Licensing of Radioactive Material.
Part D—Standards for Protection Against Radiation.
Part E—Radiation Safety Requirements for Industrial Radiographic Operations.
Part F—X-Rays in the Healing Arts.
Part G—Use of Sealed Radioactive Sources in the Healing Arts.
Part H—Radiation Safety Requirements for Analytical X-Ray Equipment.
Part I—Radiation Safety Requirements for Particle Accelerators.
Part J—Notices, Instructions and Reports to Workers; Inspections.

A rationale report has been prepared for, and included with, each of the revised parts of the SSRCR to provide the States and others using and reviewing the model regulations with background information on the bases and approaches of the working groups that prepared each part.

Use of Suggested State Regulations

The suggested State regulations provide a comprehensive set of ionizing radiation regulations covering a number of sources, including performance requirements applicable to equipment, safe use of radiation sources, and requirements on the facility wherein the sources are used. Thus, they provide a comprehensive code of radiation control provisions to ensure, at the State level, protection of the public health from radiation. In addition, these model regulations could be used as a resource document by Federal agencies using radiation sources in instituting a total radiation safety program for Federal facilities. For those States that have or are entering into an agreement with the NRC, the model regulations include provisions for the control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass; however, these materials when used within Federal agencies are under the direct regulatory control of the NRC. This model could serve as a basis for meeting the requirements of Section 19 of the Occupational Safety and Health Act of 1970 and Executive Order 11807 (Occupational Safety and Health Programs for Federal Employees), as they relate to radiation control, for the head of each Federal department and agency to establish an occupational safety and health program.

In essence these suggested radiation control regulations could be used as (1) an aid in revising current State codes, (2) an aid in developing comprehensive codes at the State level when no regulations are in force, (3) an aid to Federal installations, or (4) an aid to manufacturers to know what type of controls may exist at the State level. It is recommended that applicable Federal or State agency regulations also be consulted directly.

Review and Comments

The July 15, 1975 notice invited interested persons to submit written comments and suggestions for use in preparation of the current revision. In addition, SSRCR copies and drafts were provided to standards-setting groups, professional organizations, industrial associations, international organizations, and State and Federal agencies for their review. Comments and suggestions were received on all parts of the SSRCR. FDA plans a continued review and updating of each of the parts of the SSRCR, as needed.

Interested persons are invited to submit written comments and recommendations at any time regarding this document to the Hearing Clerk, Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Comments should be identified with the docket number appearing in the heading of this notice. Each recommendation should be supported by appropriate rationale and background data that clearly establishes the scientific, technical, and public health bases for the recommendation. Such comments will be provided to the appropriate working groups and kept on file for consideration by those individuals given responsibility for review and development of their part of the SSRCR.

Dated: April 17, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–12838 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–03–M

Health Resources Administration

National Advisory Council on Health Professions Education; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body schedule to meet during the month of May 1980:

Name: National Advisory Council on Health Professions Education.
Date and Time: May 12–14, 1980, 8:30 a.m.
Place: Conference Room 7–32, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782.
Closed May 12, 8:30 a.m.–1:30 p.m.
Open May 12, 1:30 p.m.–5:00 p.m.
Open May 13, 9:00 a.m.–1:30 p.m.
Closed remainder of meeting.

Purpose. The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda. Agenda items for the open portion of the meeting will include, Introduction and Announcements, Discussion with Administrator, Report—Regarding Prevention and Implications on "Healthy People", Bureau Update, Budget Update, General Discussion, Future Agenda Items, Health Planning Liaison, consideration of minutes of previous meeting, and discussion of future meeting dates. The remainder of the meeting will be closed to the public for the review of applications for grants for Health Careers Opportunity Program, General Internal Medicine and General Pediatrics, Emergency Medical Services, and Capitation. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to our contact Mr. Robert L. Belsey, Bureau of Health Professions, Health Resources Administration, Room 4–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6564.

Agenda items are subject to change as priorities dictate.

Dated: April 24, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80-13070 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-83-M

Office of Human Development Services

1981 White House Conference on Aging Technical Advisory Committee; Establishment

AGENCY: Office of Human Development Services, DHEW.

ACTION: Notice of Advisory Committee Establishment.

PURPOSE: The 1981 White House Conference on Aging Technical Advisory Committee shall provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in development of issues to be considered and technical documents to be used by the Conference.

DATES: The charter for this committee was signed by the Secretary of Health, Education, and Welfare on April 18, 1980. It will terminate when the committee has completed its work or on December 31, 1981, whichever comes first, unless renewed by appropriate action prior to the end of the first two-year period.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome Waldie, Executive Director, White House Conference on Aging, Room 4063, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245-1914.

Dated: April 24, 1980.

Arnold Sampson,

HDS Committee Management Officer.

[FR Doc. 80-13028 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Meeting of National Advisory Allergy and Infectious Diseases Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, May 22 and 23, 1980 at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland.

The meeting will be open to the public on May 22 from approximately 9 to 9:30 a.m., and from 1:30 until 5 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meetings of the NAAIDC Bacterial and Viral Diseases Subcommittee and of the NAAIDC Molecular Microbiology and Parasitology Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on May 22, 1980. The meeting of the full Council will be closed from 8:30 a.m. until adjournment on May 23. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

Dated: April 14, 1980.

Suzanne F. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-12990 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Allergy and Infectious Diseases; Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, June 12, 1980 in Building 5, Conference Room 216, and on June 13, 1980 the meeting will convene in Conference Room 7A24, in Building 31 at the National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on June 12 from 8:30 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Microbial Immunity and the Laboratory of Immunogenetics will present and discuss their immediate past, and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Board will be closed to the public on June 13 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: April 18, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health

[FR Doc. 80-12994 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

Meeting of the Animal Resources Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, on June 4, 1980, in Conference Rooms 4 and 8, Building 31, National Institutes of Health, Bethesda, Maryland 20205, from 8:30 a.m. to adjournment.

The meeting will be open to the public from approximately 1 p.m. to adjournment in Conference Room 8, during which time there will be a brief staff presentation on the current status of the Animal Resources Program, and the Committee will select future meeting

dates. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately four hours, from 8:30 a.m. to approximately 12:30 p.m., for the review, discussion, and evaluation of individual grant applications. Applications submitted relating to the Laboratory Animal Sciences Program will be reviewed in Conference Room 8 by the Subcommittee on Animal Resources of the Animal Resources Review Committee, and applications submitted relating to the Primate Research Centers Program will be reviewed in Conference Room 4 by the Subcommittee on Primate Centers of the Animal Resources Review Committee. The full Committee will then meet in Conference Room 8 for review of the Subcommittee recommendations. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health)

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12991 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

National Institute of Arthritis, Metabolism, and Digestive Diseases; Meeting of Community Programs and Rehabilitation Work Group; National Arthritis Advisory Board

Pursuant to Pub. L. 92463, notice is hereby given of a meeting of the Community Programs and Rehabilitation Work Group of the National Arthritis Advisory Board on May 22, 1980, 9:00 a.m. to 5:00 p.m. The location of the meeting in Bethesda, Maryland is the Landow Building, Conference Room B. Further information concerning the meeting may be obtained by contacting Mr. William Plunkett, Executive Director of the Board, Post Office Box 30286, Bethesda, Maryland 20014, telephone 301 496–1991.

The meeting, which will be open to the public, is being held to examine State initiative in relation to health planning systems. Attendance by the public will be limited to space available.

Mr. William Plunkett, address above, will provide a summary of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12993 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Amended Notice of Meeting; Cancellation of Cancer Research Manpower Review Committee

Notice is hereby given of the cancellation of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute; National Institutes of Health, May 8–10, 1980, which was published in the **Federal Register** on March 11, 1980 (45 FR 15679). For further information, please contact Dr. Leon J. Niemiec, Executive Secretary, Westwood Building, Room 1018, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7803).

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12992 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Meeting of the Communicative Disorders Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 2–3, 1980, in Conference Room 8, Building 31–C, Bethesda, MD 20205.

The meeting will be open to the public from 6:00 p.m. to 8:00 p.m. on June 2nd, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 3rd from 9:00 a.m. to adjournment on that day, for the review, discussion, and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office, Office of Scientific and Health Reports, Building 31, Room 8A02, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Ernest J. Moore, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MA 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12988 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Meeting of the Neurological Disorders Program-Project Review A Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institutes of Health, June 5–7, 1980, in the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, MD 20014.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on June 5th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 6th from 8:30 a.m. to adjournment on June 7th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commrcial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12989 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Allergy and Clinical Immunology Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases, June 9 and 10, 1980 at the National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Conference Room 740, Bethesda, Maryland.

The meeting will be open to the public on June 9 from 9:00 a.m. to approximately 12:30 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public on June 9 for approximately three to four hours from 1:30 p.m. until adjournment and from 9:00 a.m. until adjournment on June 10 for review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Insitutute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Allergy and Clinical Immunololgy Research Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496–7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12983 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

National Arthritis, Metabolism, and Digestive Diseases Advisory Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council and its subcommittees on June 2–4, 1980, in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on June 3 from 8:30 a.m. to about mid-day to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, on June 2 the Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases; and Kidney, Urologic and Blood Diseases subcommittees will meet in closed session for the review, discussion and evaluation of individual grant applications. The meeting of the full Council will be closed on June 3 from approximately 1:30 p.m. to closing, and on June 4 from 8:30 a.m. to adjournment. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Metabolism, and Digestive Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496–7277.

A summary of the meeting and roster of the members may be obtained from the office of the Committee Management Assistant, NIAMDD, Building 31, Room 9A46, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5765.

(Catalog of Federal Domestic Assistance Program No. 13.846–850, National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12984 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Pharmacology-Toxicology Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pharmacology-Toxicology Review Committee, National Institute of General Medical Sciences, June 19–20, 1980, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on June 19 from 8:30 a.m. to 10:00 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on June 19, from approximately 10:00 a.m. to adjournment on June 20. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Paul Deming, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone: 301, 496–7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Martha Panitch, Executive Secretary, Pharmacology-Toxicology Review Committee, Westwood Building, Room 950, Bethesda, Maryland, Telephone: 301, 496–7125.

(Catalog of Federal Domestic Assistant Program 13–859, Pharmacological Sciences Program, National Institute of General Medical Sciences, National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-12985 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-12976 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-12980 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

Institute of General Medical Sciences; Cellular and Molecular Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences, on June 9, 1980 at the National Institutes of Health, Building 31A, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on June 9, 1980 from 11:00 a.m. until 12:00 noon for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award Training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately five hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on June 9, from approximately 12:00 noon until adjournment. These applications and discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Paul Deming, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Carl D. Rhodes, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, General Medical Sciences)

Division of Research Resources; General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, May 27, 1980, from 9:00 a.m. to adjournment. The meeting will be held in Conference Room 6, Bldg. 31-C, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on May 27, 1980, from approximately 9:30 a.m. to adjournment, to develop advice and recommendations to the Division of Research Resources on the issue of the distribution of Biomedical Research Support Grant funds to eligible institutions. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 27, 1980, at 9:00 a.m. for approximately one-half hour for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Michael A Oxman, Executive Secretary of the General Research Support Review Committee, Bldg. 31, Rm. 5B-23, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health)

National Institute of Allergy and Infectious Diseases; Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, June 5 and 6, 1980, at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland.

The meeting will be open to the public on June 5 from 8:30 a.m. to approximately 9:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public on June 5 for approximately six hours from 9:30 a.m. until recess, and from 8:30 a.m. until adjournment on June 6, 1980 for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Thelma N. Fisher, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-12977 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board Subcommittees; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees, May 18-21, 1980, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Some of these meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(4) and Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: *National Cancer Advisory Board.*

Dates of Meeting: May 19-21, 1980.

Place of Meeting: May 19 and 21, Building 31C, Conference Room 10, National Institutes of Health; May 20, Frederick Cancer Research Center, Frederick, Maryland.

Open: May 19, 8:30 a.m.-3:00 p.m.; May 20, 9:00 a.m.-adjournment.

Agenda: May 19, Report on activities within the National Cancer Program and the National Toxicology Program; reports on cancer center support guidelines, needs in cancer pathology, the fiscal year 1982 budget of the National Cancer Institute, and the Subcommittee on Environmental Carcinogenesis; May 20, Site visit to the Frederick Cancer Research Center, Frederick, Maryland.

Closed Session: May 21, 9:00 a.m.-adjournment.

Closure Reason: To review research grant applications.

Name of Committee: *Subcommittee on Special Actions for Grants.*

Date and Place of Meeting: May 19, 1980, 3:30 p.m.-adjournment, Building 31C, Conference Room 10.

Closed for the Entire Meeting.

Agenda: To review research grant applications.

Name of Committee: *Subcommittee on Environmental Carcinogenesis.*

Date and Place of Meeting: May 18, 1980, 7:00 p.m.-adjournment, Building 31C, Conference Room 10.

Open for the Entire Meeting.

Agenda: Discussion of guidelines for the safe use of laboratory carcinogens and related matters.

Name of Committee: *Subcommittee on Construction.*

Date and Place of Meeting: May 19, 1980, 8:00 p.m.-adjournment, Building 31C, Conference Room 10.

Closed for the Entire Meeting.

Agenda: To review research grant applications.

(Catalog of Federal Domestic Assistance Program Nos. 13.392-13.399 National Institutes of Health)

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Office, National Institutes of Health.

[FR Doc. 80-12987 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

Neurological Disorders Program-Project Review B Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institutes of Health, June 5-7, 1980, in the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, MD 20014.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on June 5th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 6th from 8:30 a.m. to adjournment on June 7th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Herbert Yellin, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health)

Dated: April 17, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-12986 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, on June 18, 1980, in Conference Room 7, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on June 18, 1980, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment on June 18, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496-7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-840 through 13-845, and 13-878, National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-12981 Filed 4-28-80; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases, June 3, 1980 at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland.

The meeting will be open to the public on June 3 from 9:00 a.m. to approximately 12:30 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public on June 3 for approximately three to four hours from 1:30 p.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496–7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12982 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Meetings of the Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on June 4–5, 1980, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on June 5, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on June 6 from 9 a.m. to 12 noon in the 5th floor Conference Room of the Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on June 4 will be open to the public from 8:30 to 11 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: June 4 from 11 a.m. to 5 p.m., June 5 from 8:30 a.m. to adjournment; and June 6 for the subcommittee meeting from 9 a.m. to 12 noon. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12979 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

Meeting of the National Advisory Research Resources Council

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), May 29–30, 1980, in Conference Room 10, Bldg. 31–C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The meeting will be open to the public from 9:00 to recess on May 29, for the conduct of Council business, including: a report by the Director, DRR, a report by the Deputy Director, DRR, a review of the revised Council operating procedures, reports by the program directors, DRR, a report on NIH Women's Initiatives by the Special Programs Officer, Office of Extramural Research and Training, NIH, individual sessions of the Council Program Work Groups in Rooms 5B03, 5B35, 5B39, 5B59, and Conference Room 10, and a discussion of the Biomedical Research Support, Biotechnology Resources Support, and Minority Biomedical Support position papers. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 30, 1980, from approximately 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301–496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B03, Bldg. 31, Bethesda, Maryland 20205, 301–496–6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health)

Dated: April 22, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–12978 Filed 4–28–80; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N-80-995]

National Mobile Home Advisory Council Meeting

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Notice of biannual meeting of National Mobile Home Advisory Council.

SUMMARY: This Notice announces a biannual meeting of the National Mobile Home Advisory Council.

FOR FURTHER INFORMATION CONTACT: Janice Ligon, Coordinator, National Mobile Home Advisory Council, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development (Attention: Office of Mobile Home Standards, Room 3248), 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-5440.

SUPPLEMENTARY INFORMATION: The National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of the Housing and Community Development Act of 1974) authorizes the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for mobile homes. It provides for the appointment by the Secretary of a National Mobile Home Advisory Council composed of 24 members. The membership of the Council is selected equally from each of the following categories: (a) Consumer organizations, community organizations, and recognized consumer leaders; (b) the mobile home industry and related groups, including at least one representative of small business; and (c) government agencies including Federal, State, and local governments. The purpose of the National Mobile Home Advisory Council is to advise the Department to the extent feasible prior to the establishment, amendment or revocation of any mobile home construction and safety standard.

Sections 6 (a) and (b) of the Charter of the National Mobile Home Advisory Council enacted pursuant to Section 9(c) of the Federal Advisory Committee Act stipulates that members are appointed to serve two-year terms which expire on August 21 of the second year of the member's appointment.

In accordance with Section 605 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and Section 10(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) announcement is made of the following meeting:

The National Home Advisory Council will meet on May 28, 29, and 30, 1980. The meetings are open to the public and will convene at 9 a.m. on Wednesday, May 28, 1980, at the Century Center Hotel, 2000 Century Boulevard NE., Atlanta, Georgia.

Among other items, the Department plans to discuss and seek recommendations concerning: (a) Updates on research studies, (b) Status report on Building Energy Performance Standards (BEPS) and appliance efficiency standards, and (c) Progress report on U.S. Fire Administration Study. The final agenda will be available prior to the meeting. Inquiries concerning the agenda may be made after May 1, 1980, by contacting the Office of Mobile Home Standards at (202) 755-6920 (not a toll free number).

(Sec. 7(d), Department of Housing and Urban Development Act (42 USC 3535(d)), and sec. 605, National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 5404))

Issued at Washington, D.C., April 23, 1980.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 80-13087 Filed 4-28-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Las Vegas District Grazing Advisory Board; Meeting

The Las Vegas District Grazing Advisory Board will meet May 16 at 9 a.m. in the Las Vegas District Office Conference Room at 4765 W. Vegas Drive, Las Vegas, NV.

The agenda is as follows:

(1) Discussion of the board's functions; (2) Election of officers; (3) Approval of minutes; (4) Review of draft Delamar Allotment Management Plan; (5) Discussion of the Mustang AMP; (6) Implementation of the Caliente Range Management Program; (7) Review of District Range Betterment Project program; (8) Public Comment Period.

The meeting is open to the public. Interested persons may make oral comments to the board during the public comment period on the day of the meeting or they may submit written comments before or during the meeting for the board's consideration. Anyone wishing to make an oral statement to the board must notify the District Manager, Bureau of Land Management, 4765 W. Vegas Dr. (P.O. Box 5400, 89102) Las Vegas, NV 89108 by May 15, 1980. Depending on the number of persons wishing to address the board, the District Manager may establish a per-person time limit.

Summary minutes of the board meeting will be maintained at the district office. They will be available for inspection during regular business hours (7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

Frank E. Bingham,

District Manager.

April 21, 1980.

[FR Doc. 80-13065 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-84-M

Snake River Rim Area; Off-Road Vehicle Use Designations; Shoshone District, Idaho

April 29, 1980.

Notice is hereby given that a decision regarding off-road vehicle use designations for the Snake River Rim Area has been made pursuant to the provisions of 43 CFR 8342.1, 8342.2, and 8343.3.

The closure decision was appealed on November 1, 1979. The Interior Board of Land Appeals has ruled the closure may be temporarily put into effect pending their ruling on the appeal.

Accordingly, the closure becomes effective upon this publication date (April 29, 1980). The decision on the open areas and trails designation became effective November 8, 1979.

The off-road vehicle use designation decision will apply to the 4950 areas of contiguous public land south of Interstate 80N, East of U.S. Highway 93, and north of the Snake River in Jerome County, Idaho. The decision is that 470 acres of public land located in the Devil's Corral and Vineyard Lake area is designated as Closed Areas and Trails where the use of off-road vehicles is permanently prohibited, and that the remaining 4,480 acres of public land is designated as Open Areas and Trails where off-road vehicles may be operated subject to the operating regulations and vehicle standards set forth in 43 CFR Parts 8341 and 8343.

Maps and additional information regarding the designation decision can be obtained from the Shoshone District Office, Bureau of Land Management, Idaho, Charles J. Haszier, District

Manager, P.O. Box 2B, Shoshone, Idaho 83352.

Robert O. Buffington,

State Director.

[FR Doc. 80-13167 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement on the Proposed Preservation of Fish and Wildlife Habitat (Bottomland Hardwood Wetlands) in an Area of Lonoke County, Ark., Known as Holland Bottoms

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Fish and Wildlife Service (FWS) intends to gather information necessary to prepare an Environmental Impact Statement (EIS) on a proposal to preserve approximately 6,000 acres of fish and wildlife habitat (bottomland hardwood wetlands) in Holland Bottoms, Lonoke County, Arkansas, near Jacksonville. This area has been identified by the FWS in the Lower Mississippi River Delta (Habitat Category 7) Concept Plan of April 1978, as one of the most important bottomland hardwood areas remaining in Arkansas. This Notice is being furnished as required by the National Environmental Policy Act (NEPA) regulation (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received on or before May 28, 1980. A public meeting to discuss the scope of the EIS will be held on June 4, 1980, at 7:00 p.m. at the City Council Chambers in Jacksonville, Arkansas. Interested agencies, organizations, and individuals are urged to attend.

ADDRESS: Comments should be addressed to: Area Manager, U.S. Fish and Wildlife Service, Jackson Area Office, 200 E. Pascagoula St., Suite 300, Jackson, MS 39201.

FOR FURTHER INFORMATION CONTACT: R. M. Dawson, Land Acquisition Supervisor, U.S. Fish and Wildlife Service, Jackson Area Office, 200 E. Pascagoula St., Suite 300, Jackson, MS 39201, telephone: (601) 969-4900; FTS 490-4900.

SUPPLEMENTAL INFORMATION: Bottomland hardwoods of the Lower Mississippi River Delta provide some of the most important natural migratory waterfowl habitat in the United States. Since World War II, a significant loss of this habitat has occurred due to land clearing for agricultural purposes. The Lower Mississippi River Delta (Habitat Category 7) Concept Plan of April 1978, identifies by state, remaining bottomland hardwood areas which are significantly important to migratory waterfowl. Holland Bottoms is identified in this concept plan and described as being imminently threatened by land use changes. Preservation of Holland Bottoms would ensure that habitat for migratory water fowl and other species of wildlife including the endangered American alligator would be protected.

Alternatives to be explored in the EIS include, but are not limited to:

(1) Fee acquisition of Holland Bottoms by the FWS and establishment of a National Wildlife Refuge.

(2) No action, including reliance on existing zoning, legislation, and other regulations to protect the area.

(3) Preservation by easment and/or lease.

(4) Protection by other agencies or organizations.

The purpose of the scoping process in EIS preparation is to determine the scope of issues to be addressed and to identify the significant issues related to the preservation of Holland Bottoms. The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and other appropriate Federal regulations and FWS procedures. The estimated completion date for the draft EIS is September 30, 1980.

April 21, 1980.

Kenneth E. Black,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-13006 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-55-M

Public Meetings on Proposed Preservation of Reeves Bottoms, Missouri

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meetings.

SUMMARY: On February 20, 1980, the Fish and Wildlife Service (FWS) published in the **Federal Register** a "Notice of Intent" to prepare an Environmental Impact Statement (EIS) on the proposed preservation of approximately 2,000 acres of bottomland hardwood habitat located in Dunklin County, Missouri known as Reeves Bottoms. The FWS Lower Mississippi River Delta (Habitat Category 7) Concept Plan of April 1978, identifies Reeves Bottoms as an area having high natural waterfowl habitat values.

This Notice of public meetings is being furnished in accordance with National Environmental Policy Act (NEPA) regulations (40 CFR 1501.7). The purpose of the public meetings will be to obtain suggestions and information from agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Public meetings will be held at 7:00 P.M. on June 2, 1980, at the Community Center in Hornersville, Missouri and at 7:00 P.M. on June 3, 1980, at the City Hall in Manila, Arkansas. Written comments must be received by the FWS within 30 days after the meeting dates.

ADDRESS: Written comments should be addressed to: Area Manager, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201.

FURTHER INFORMATION, CONTACT: Robert M. Dawson, Land Acquisition Supervisor, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Suite 300, Jackson, Mississippi 39201.

April 21, 1980.

Kenneth E. Black,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-13005 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil & Gas Co.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that *ARCO Oil and Gas Company*, has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3499, Block 249, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and

that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 21, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-13067 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-31-M

Earthquake Studies Advisory Panel; Public Meeting

Pursuant to Pub. L. 92–463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Friday, June 6, 1980, and continuing through Saturday, June 7, 1980. The Advisory Panel will meet in Building 8, Room 8111, 275 Middlefield Road, Menlo Park, California 94025.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Professor Nathan M. Newmark and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socioeconomics, primarily from the academic community.

(3) *Agenda.* Review of the program activities for Fiscal Year 1980 and plans for Fiscal Year 1981.

For more detailed information about the meeting, please call Dr. John R. Filson, Acting Chief, Office of Earthquake Studies, Reston, Virginia 22092 (703) 860–6472.

H. William Menard,

Director, Geological Survey.

[FR Doc. 80-13056 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 18, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 14, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

COLORADO

Jefferson County

Lakewood, *Jewish Consumptives' Relief Society*, 6401 W. Colfax Ave.

Park County

Bailey vicinity, *Estabrook Historic District*, NE of Bailey.

ILLINOIS

Madison County

Edwardsville, *Madison County Sheriff's House and Jail*, 210 N. Main St.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Old Post Office*, 355 North Blvd.
Zachary vicinity, *Hickey House, The*, W of Zachary.

West Baton Rouge Parish

Port Allen vicinity, *Monte Vista Plantation House*, N of Port Allen.

Winn Parish

Winnfield, *Winnfield Hotel*, 302 E. Main St.

MASSACHUSETTS

Suffolk County

Boston, *Exchange Building*, 53 State St.

MICHIGAN

Wayne County

Detroit, *Griswold Building*, 1214 Griswold St.
Detroit, *Michigan State Fair Riding Coliseum, Dairy Cattle Building, and Agricultural Building*, Michigan State Fairgrounds.
Detroit, *Sacred Heart Roman Catholic Church, Convent and Rectory*, 100 Eliot St.

MINNESOTA

Cass County

Bena, *Winnibigoshish Resort*, U.S. 2.
Cass Lake, *Neils, Julius, House*, N. 3rd St.
Remer, *Minneapolis, St. Paul, and Sault Ste. Marie Railway Company Depot*, Off MN 200.
Walker, *New Hotel Chase*, 329 Cleveland Ave.
Walker, *Sixth Street Commercial Building*, 525 6th St.

Chisago County

Franconia, *Franconia Historic District*, Off MN 95.

Crow Wing County

Brainerd, *Brainerd Public Library*, 206 N. 7th St.
Brainerd, *Crow Wing County Courthouse and Jail*, Laurel St.
Brainerd, *Hemstead, Werner, House*, 303 N. 4th St.
Brainerd, *Parker Building (Citizens State Bank)* 222–224 S. 7th St.
Ironton, *Spina Hotel*, Curtis Ave. and 4th St.
Lake Hubert, *Minnesota and International Railroad Freight House and Shelter Shed*, SR13.
Nisswa, *Grand View Lodge*, Off SR 77.
Pequot Lakes, *Shawano House*, Pequot Blvd.
Pequot Lakes vicinity, *Fawcett, Wilford, H., House*, SE of Pequot Lakes at Breezy point.

Goodhue County

Red Wing, *Chicago Great Western Depot*, W. Main and Fulton Sts.

Wilkin County

Wilkin, *Wilkin County Multiple Resource Area (Partial Inventory)*. This area includes: Breckenridge, *Wilkin County Courthouse*, 316 S. 5th St.; Doran vicinity, *Stiklestad Church*, SR 17; Kent vicinity, *Femco Farm No. 2*, Off SR 153.
Rothsay, *IOOF Hall*, 1st Ave., SW. and 1st St.; Tenney, *Tenney Fire Hall*, Concord Ave.; Wolverton, *Wolverton Public School*, N. 1st St.; Wolverton vicinity, *Peet, David N., Farm*, SR 32.

NEBRASKA

Burt County

Tekamah vicinity, *Stork, John Henry, Log House.*

NORTH CAROLINA

Hyde County

Swanquarter vincinity, *Lake Mattamuskett Pump Station*, E of Swanquarter.

OHIO

Ashland County

Loudonville, *Black, Philip J., House*, 303 N. Water St.

Butler County

Fairfield, *Symmes Mission Chapel*, 5139 Pleasant Ave.

Clark County

Springfield, *Mast, P. P., Historic Group,* 836–910 W. High St.

Columbiana County

East Liverpool, *Ikirt House,* 200 6th St.

Cuyahoga County

Cleveland, *Hippodrome Building and Theater,* 720 Euclid Ave.
Gates Mills, *Wilson's Mills Settlement District,* Chagrin River Rd.

Darke County

Union City, *Lambert-Parent House,* 631 E. Elm St.
Versailles vicinity, *St. Peter Evangelical Lutheran Church,* S of Versailles on St. Peter Rd.

Delaware County

Delaware, *St. Mary's Church and Rectory,* 82 E. William St.

Franklin County

Columbus, *Huntington, Franz, House,* 81 N. Drexel Ave.

Hamilton County

Cincinnati, *Rattermann, Heinrich A., House,* 510 York St.

Lake County

Madison Multiple Resource Area. (Partial Inventory). This area includes: Madison, *Brick Vernacular House No. 1,* 98 Lake St. *Brick Vernacular House No. 2,* 120 N. Lake St.; *Cheese-vat Factory,* 16 Eagle St.; *Childs, Alpha Charles, House (Quayle Sanatorium)* 319 W. Main St.; *Childs, Robertus W., House,* 307 W. Main St.; *Damon, George, House,* 841 W. Main St.; *Dayton, James, House* 939 W. Main St.; *Dayton, James, House, II,* 417 W. Main St.; *DeHeck, Albert, House,* 431 W. Main St.; *Fuller, Frances Ensign, House,* 790 W. Main St.; *Gilbert, Jane, House,* 189–195 W. Main St.; *Gill, H., House,* 232 River St.; *Hendry, Francis, House,* 239–243 W. Main St.; *Ingersoll, Cyrus J., House,* 249 W. Main St.; *Jones, John J., House,* 298 Lake St.; *Kellogg, John, House and Barn,* 30 E. Main St.; *Kimball, Addison, House,* 390 W. Main St. (previously listed in the National Register); *Kimball, Lemuel, House II,* 467 W. Main St. (previously listed in the National Register); *Kimball, Solomon, House,* 391 W. Main St.; *Lyman, William, House,* 734 W. Main St.; *Metcalf, Rev. Harlan, House,* 275 W. Main St.; *Norfolk and Western Freight Station,* Lake St.; *Pease, George, House,* 553 W. Main St.; *Selby, Orland, House,* 564 E. Main St.; *Smead, David, House,* 269 E. Main St.; *Talcott, Joseph, House,* 354 River St.; *Ware, Edwin L., House,* 293 W. Main St.; *Wilson, George D., House,* 367 River St.; *Winans, Dr. J. C., House,* 143 River St. (previously listed in the National Register).

Licking County

Newark, *Oakwood,* 64–70 Penney Ave.

Montgomery County

Centerville, *Pease Homestead,* 2123 Alexander-Bellbrook Rd.
Dayton, *Dayton Fire Department Station No. 16,* 31 S. Jersey St.
Dayton, *Mumma, Jacob H., W., House,* 2239 Kipling Dr.

Morrow County

Mount Gilead, *Levering Hall,* 12 S. Main St.

Putnam County

Ottawa, *Huber, Dr. H., Block,* Main St. and Taft Ave.

Richland County

Mansfield, *Soldiers and Sailors Memorial Building and Madison Theater,* 36 Park Ave. West.

Warren County

Springboro, *Stanton Farm,* N of Springboro on Lytle-Five Points Rd.

Wyandot County

Upper Sandusky, *South Sandusky Avenue Historic District,* S. Sandusky Ave.

PENNSYLVANIA

Lebanon County

Lebanon, *Tabor Reformed Church (United Church of Christ)* 10th and Walnut Sts.
Schaefferstown, *Schaefferstown Historic District,* Main and Market Sts.

Luzerne County

Wilkes-Barre, *Guthrie, George W., School,* 643 N. Washington St.

TEXAS

El Paso County

El Paso, *Manhattan Heights Historic District,* Off U.S. 180.

Henderson County

Athens, *Faulk and Gauntt Building,* 217 N. Prairieville St.

Travis County

Austin, *Gilfillan House,* 603 W. 8th St.

UTAH

Sevier County

Monroe, *Monroe Methodist Episcopal Church,* 55 S. 100 West St.

VERMONT

Addison County

Addison vicinity, *Strong, John, House,* SW of Addison on VT A.

Caledonia County

South Walden, *Christian Union Society Meetinghouse,* Bayley-Hazen Military Rd.

Windham County

Wilmington, *Wilmington Village Historic District,* VT 9 and VT 100.

WISCONSIN

Rock County

Beloit, *Blodgett, Selvy, House,* 417 Bluff St.

[FR Doc. 80-12674 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Availability of Studies and Notice of Public Hearing; Alexandria Waterfront Joint Planning Process by the City of Alexandria and the National Park Service

The city of Alexandria, Virginia, and the National Park Service are conducting a joint planning effort aimed at reaching agreement on land use and management of the waterfront lands within the city of Alexandria. As part of this process two documents have been produced; a draft "Alexandria Waterfront Plan" by the city and an "Alexandria Waterfront Study of Alternatives" by the National Park Service.

The city and the National Park Service alternatives have been summarized and compared in a brochure which is being mailed to local residents and others who have expressed an interest in the development of the waterfront. Additional copies of the summary brochure will be available at all Alexandria public libraries, as well as at the following offices. The basic planning documents will be available for review at the same locations.

Alexandria Department of Planning and Community Development, Room 201, 320 King Street, Alexandria, Virginia 22314, telephone: (703) 750–6311.
National Park Service, National Capital Region, Room 201, 1100 Ohio Drive, SW., Washington, D.C. 20242, telephone: (202) 426–6715.

Hearings on the joint planning effort will be conducted on Wednesday, May 28 at 7:30 p.m. and Saturday, May 31 at 10:00 a.m. in the auditorium of the Jefferson Houston Elementary School, 1501 Cameron Street, Alexandria, Virginia.

Written comments on the waterfront alternatives are invited and will be accepted for a period of 30 days following the last public hearing. Written comments should be addressed to city of Alexandria/National Park Service in care of the Alexandria Department of Planning and Community Development at the address provided above.

Dated: April 24, 1980.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 80-13128 Filed 4-28-80; 8:45 am]

BILLING CODE 4310-70-M

Water and Power Resources Service

Contract Negotiations With Shoshone Irrigation District, Shoshone Project, Wyoming; Intent To Negotiate Contract for Repayment of Small Reclamation Projects Act Loan

In accorance with procedures established by the Department of the Interior concerning public participation in water service and repayment contract negotiations, the Water and Power Resources Service intends to begin negotiating a contract with the Shoshone Irrigation District, Shoshone Project, Wyoming, for repayment of a loan pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended.

The Shoshone Irrigation District, formed in 1925, operates the Garland Division of the Shoshone Project. At the Ralston Chute on the Garland Canal, a site within the Shoshone Project under operational control of the district, a small hydroelectric plant of 2.4 megawatt capacity has been shown to be economically feasible. The proposed project, known as Garland Canal Power Project, is located in Park County, Wyoming, approximately 5 miles west of Powell, 15 miles northeast of Cody, and one-half mile north of Ralston. The district has made application to the Service for loan funds to construct the project under provisions of the1956 Act.

The proposed program would include installing a penstock and low-head hydropower plant at the Ralston Chute. Use of the penstock to pass irrigation water will reduce maintenance costs at the existing chute and also extend the useful life of the chute. The total loan obligation, including interest during construction, will amount to about $3,263,000.

All meeting scheduled by the Water and Power Resources Service with the district for the purpose of discussing terms and conditions of the proposed repayment contract will be open to the general public as observers. Advance notice of meetings will be furnished to those parties having submitted a written request for a meeting schedule at least 1 week prior to any meeting. Requests should be addressed to Regional Director, Water and Power Resources Service, Attention Code 440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

A proposed draft contract will be made available for public review following completion of contract negotiations. Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public. Unless significant public interest in the proposed contract negotiations is demonstrated in response to this notice, announcement of the availability of the draft contract will be limited to those parties who have expressed an interest therein.

The terms and conditions of the proposed contract are ultimately dependent upon the Secretary of the Interior's approval of the district's application for the loan and his approved of the form of the proposed contract. In addition, the approval loan application must be submitted to Congress for its review at least 60 days prior to the appropriation of funds by the Congress for the project.

For further information on schedule contract negotiation sessions and copies of the proposed contract form, please contact William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the address stated above or by telephone (406) 657–6413.

Dated: April 21, 1980.

Clifford I. Barrett,

Commissioner of Water and Power Resources.

[FR Doc. 80–12837 Filed 4–28–80; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the thirty-sixth meeting of the Board for International Food and Agricultural Development (BIFAD) on May 22, 1980.

The purpose of the meeting is to receive and discuss the progress reports of the Joint Research Committee (JRC) and the Joint Committee for Agricultural Development (JCAD); receive and discuss the Recommendations on Women in Development; discuss the World Food Deficits and AID Policy; and meet with the BIFAD/Support Staff to discuss staff assignments and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:30 p.m.; and will be held in Room 1107 New State Department Building, 22nd and C Streets N.W., Washington, D.C. The meeting with the BIFAD/Support Staff will begin at 1:30 p.m. and adjourn at 4:00 p.m.; and will be held in Room 2248 New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Erven J. Long, Coordinator Title XII Strengthening Grants and University Relations, Development Support Bureau, A.I.D., is designated as A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235–8929.

Dated: April 24, 1980.

Dr. Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 80–13086 Filed 4–28–80; 8:45 am]

BILLING CODE 4710–02–M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–7933, appearing on page 16590, in the issue of Friday, March 14, 1980, make the following corrections:

On page 16599, first column, second complete paragraph, "MC 147386 (Sub-2F)," the last word in the thirteenth line now reading "Raer's" should read "Baer's".

On page 16629, third column, third complete paragraph, "MC 11207 (Sub-505F)," in the twelfth line correct "NS" to read "MS".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–9285, appearing at page 20175, in the issue of Thursday, March 27, 1980, make the following corrections:

On page 20222, in the third column, the second complete paragraph, in the

fourteenth line "Hwy 28 and the junction of US Hwy 81" should read "Hwy 28 and the junction of US Hwy 31".

Also, on page 20227, in the second column, the fourth complete paragraph, the first line "MC 9368 (Sub. 110F)" should read "MC 49368 (Sub. 110F)".

BILLING CODE 1505-01-M

[Vol. No. 127]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-10502, appearing on page 23751, in the issue of Tuesday, April 8, 1980, at page 23827, in the last column, the second full paragraph, the first line, correct "MC 145219 (Sub-112F)" to read "MC 145219 (Sub-12F)".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-6793 appearing on page 14270 in the issue of Wednesday, March 5, 1980, in the third column of page 14294, in the fourteenth line of MC 121626 (Sub-20F), correct "Ohama" to read "Omaha".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-7430, appearing on page 15689 in the issue of Tuesday, March 11, 1980, on page 15714, the last complete paragraph of the center column, "MC 119968 (Sub-14F)" should have read "MC 119968 (Sub-15F)."

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-7933 appearing on page 16590 in the issue of Friday, March 14, 1980, on page 16634, for MC 134467 (Sub-53F), in the eighth line from the top of the center column, ". . . WI, NM, IA. . ." should have read ". . .WI, MN, IA. . .".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-10502, published at page 23751, on Tuesday, April 8, 1980, make the following corrections:

1. On page 23807, in the first column, in the third paragraph, in the first line "MC 100449 (Sub-18F)" should be corrected to read "MC 100449 (Sub-118F)";

2. On page 23826, in the third column, in the third paragraph "MC 14089 (Sub-349F)" should be corrected to read "MC 140829 (Sub-349F)".

BILLING CODE 1505-01-M

[Volume No. 10]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Petitions for Modification, Interpretation, or Reinstatement of Motor Carrier Operating Rights Authority; Notice

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission on or before May 29, 1980, with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 7860 (MIF) (notice of filing of petition to modify certificate), filed February 5, 1980. Petitioner: PERRY TRANSPORTATION, INC., 400 Amboy Ave., Metuchen, NJ 08840. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common carrier* Certificate in MC-7860, issued November 1, 1978, authorizing transportation, over irregular routes, as pertinent, of *building and construction materials and equipment,* between points within 150 miles of the City Hall, New York, NY, in NY, CT, NJ, and PA. By the instant petition, petitioner seeks to modify the territorial description so as to read: between points in NY, CT, NJ, and PA.

MC 12850 (Sub-1 MIF) (notice of filing of petition to modify license), filed January 25, 1980. Petitioner: DOMENICO TOURS, INC., 707 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Petitioner holds license, in MC 12850 Sub 1, issued March 1, 1973, engaging in operations of, (1) *passengers and their baggage,* between points in the United States (except AK and HI), applicant is authorized to engage in the above-specified operations as a broker at New York, NY, and (2) *passengers and their baggage,* in special and charter operations, between points in the United States (except AK and HI). Applicant is authorized to engage in the immediately above-specified operations as a broker at Bayonne, NJ. By the instant petition, petitioner seeks to modify the authority in (2) above, to read as follows: (2)

passengers and their baggage, in special and charter operations, between points in the United States (except AK and HI). Applicant is authorized to engage in the immediately above-specified operations as a broker at Bayonne and Atlantic City, NJ.

MC 14314 (Sub-20M1F), filed May 22, 1979, republication of the notice of filing of petition to modify the certificate, previously noticed in the Federal Register issues of October 31, 1979, as MC 14214 (Sub-20M1F) and April 1, 1980 as MC 14314 (M1F). Petitioner: DUFF TRUCK LINE, INC., Boardway and Vine Streets, P.O. Box 359, Lima, OH 45802. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215.

Note.—This republication indicates the correct docket and Sub number, which is MC 14314 (Sub-20M1F).

MC 14751 (Sub-4M1F) (notice of filing of petition to modify certificate), filed September 28, 1979. Petitioner: NELSON TRANSFER & STORAGE, a corporation, P.O. Box 708, Charleston, WV. 25323. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV. 25526. Petitioner holds motor *common carrier* certificate in MC 14751 (Sub-4), issued July 14, 1977, authorizing operations over irregular routes, of *commodities* which because of size or weight require the use of special equipment, and *mine machinery, equipment, and supplies,* between Charleston, WV, on the one hand, and, on the other, points in KY, OH, VA, WV, and those in that part of PA west of U.S. Hwy 15. By the instant petition, petitioner seeks to modify the origin area as follows: Between points in WV, on the one hand, and, on the other, the named destination states.

MC 16831 (Sub-20M1F) (notice of filing of petition to modify territorial description), filed February 22, 1980. Petitioner: MID SEVEN TRANSPORTATION COMPANY, a corporation, 2323 Delaware Ave., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Petitioner holds motor *common carrier* authority in Certificate MC 16831 (Sub-20), issued June 14, 1976, authorizing transportation, over irregular routes, of *iron and steel articles,* from the plant site of Nucor Steel Division of Nucor Corporation, at or near Norfolk, NE, to points in IL, IN, MO, WI, and those in that part of IA on and east of U.S. Hwy 169. By the instant petition, petitioner seeks to modify the territorial description so as to read: from the facilities of Nucor Corporation, at or near Norfolk, NE, to points in IL, IN, MO, WI, and those in that part of IA on and east of U.S. Hwy 169.

MC 40270 (Sub-14FM1F) (notice of filing of petition to delete exception), filed October 5, 1979. Petitioner: CRABBS TRANSPORT, INC., P.O. Box 3486, 3101 South Van Buren, Enid, OK 73701. Representative: Rufus H. Lawson, 2753 Northwest 22nd St., Oklahoma City, OK 73107. Petitioner holds a motor *common carrier* certificate in MC–40270 Sub 14F, issued September 6, 1979, authorizing transportation, over irregular routes, of *salt and salt products* (except in bulk), from Lyons, KS, to points in OK. By the instant, petition, petitioner seeks to modify the above authority by deleting the "except in bulk" restriction.

MC 44913 (M1F) (notice of filing of petition to modify certificate), filed March 14, 1980. Petitioner: E. ROSCOE WILLEY, INC., P.O. Box 116, Secretary, MD 21664. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Petitioner holds a motor *common carrier* certificate in MC 44913 issued July 25, 1962, to transport in interstate or foreign commerce, over irregular routes, in part, *Canned goods,* from Newark, DE, and points in Dorchester, Caroline, and Talbot Counties, MD to Greensboro, Raleigh, and Wilmington, NC, DC, points in NY on and south of NY Highway 7, MA, RI, CT, NJ, DE, and MD, those in PA on and east of a line beginning at the PA–MD State line and extending along unnumbered Hwy (formerly portion U.S. Hwy 111) through Shrewsbury and Jacobus, PA, to junction U.S. Hwy 111, then along U.S. Hwy 111 to Harrisburg, PA, then along U.S. Hwy 15 to the PA–NY State line and points in VA on and east of U.S. Hwy 1, with no transportation for compensation on return except as otherwise authorized. By this petition, petitioner seeks to modify the authority, in part, by adding Sussex County, DE and Cheriton, VA as origin points, and to include the entire states of NC, NY, PA and VA, in lieu of specific points, as destination points.

MC 55822 (Sub-8 M5F) (Notice of filing of petition to modify permit), filed February 8, 1980. Petitioner: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Petitioner holds a *contract carrier* permit in MC 55822 (Sub-8), issued May 18, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting (1) *General commodities* (except classes A and B explosives, those of unusal value, household goods as defined by the Commission, commodities in bulk, and commodities which, because of their size and weight, require the use of special equipment), between points in the United States (except AK and HI), restricted to the transportation of shipments, orignating at, or destined to the facilities of ((a) NCR Corporation, (b) the Allied-Egry Business Systems Division, and (c) the Allied Paper Division of SCM Corporation, under a continuing contract(s) with the (a) NCR Corporation, of Dayton, OH, (b) the Allied/Egry Business Systems Division of SCM Corporation of Dayton, OH, and (c) Allied Paper, Inc., of Kalamazoo, MI: (2) *Magazines, periodicals, prepared food products, and condiments,* from Dayton, OH, to Detroit, MI; and (3) *magazines, advertising matter, paper patterns, and empty roller cases,* from Dayton, OH, to Chicago, IL, restricted in (2) and (3) above to a transportation service to be performed under a continuing contract(s) with McCalls Publishing Company, of Dayton, OH. By the instant petition, petitioner seeks to modify the authority by adding a shipper to the restrictive portion of (1) above as follows: (d) Georgia-Pacific Corporation of Portland, OR.

MC 55822 (Sub-14M1F) (notice of filing of petition to modify permit), filed February 4, 1980. Petitioner: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard Schaefer (same address as applicant). Petitioner holds motor *contract carrier* permit in MC 55822 (Sub-14), issued September 28, 1976, authorizing transportation, in interstate or foreign commerce over irregular routes, *Advertising matter, magazine periodicals, and equipment, materials, and supplies* used in the publishing business, between Dayton, OH, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: The operation authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Dayton Press, Inc., of Dayton, OH. By the instant petition, the petitioner seeks to modify the authority as follows: change the authority to read: Between points in the United States (except AK and HI).

MC 59150 (Sub-117 M1F) (notice of filing of petition to modify certifcate), filed April 18, 1979. Petitioner: PLOOF TRUCK LINES, INC., 1414 Lindrose St., P.O. Box 3277, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Petitioner holds motor *common carrier* Certificate in MC 59150 (Sub-117), issued January 25, 1979, authorizing transportation, over irregular routes, of *pavement marking compounds,* from Marietta, GA, to points in AL, FL, SC,

NC, and VA. By the instant petition, petitioner seeks to modify the territorial description so as to read: from Smyrna, GA, to points in AL, FL, SC, NC, and VA.

MC 61502 (M1F) (notice of filing of petition to modify certificate), filed September 17, 1979. Petitioner: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway No. 1, Elizabeth, NJ 07201. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10001. Petitioner holds a motor *common carrier* certificate in MC–61502, issued May 21, 1969, to operate over regular and irregular routes, in interstate or foreign commerce, transporting: *Regular routes: General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Newark, NJ, and Johnstown, PA, serving the intermediate points of Trenton, NJ, all intermediate points in PA, and serving the intermediate point of junction U.S. Highways 1 and 130 for purposes of joinder only: From Newark over U.S. Hwy 1 to Philadelphia, PA, then over U.S. Hwy 30 to Bedford, PA, then over PA Hwy 56 to Johnstown, and return over the same route. Between Newark, NJ, and Johnstown, PA, serving all intermediate points in PA: From Newark over U.S. Hwy 22 to Ebensburg, PA, then over U.S. Hwy 219 to Johnstown, and return over the same route. Between junction U.S. Hwy 1 and 130, and Bedford, PA, serving the intermediate points of Camden, NJ, and Philadelphia, PA, and serving junction U.S. Hwys 1 and 130 for purposes of joinder only: From junction U.S. Hwys 1 and 130 over U.S. Hwy 130 to Camden, NJ, then over NJ Hwy 70 to the Delaware River, and then across the Delaware River to Philadelphia, PA, then over Interstate Hwy 76 to Bedford, and return over the same route. Between Newark, NJ, and Philadelphia, PA, serving no intermediate points and serving Camden, NJ, Interchange of New Jersey Turnpike for purposes of joinder only: From Newark over the New Jersey Turnpike to Woodbury, NJ, Interchange, then over NJ Hwy 168 to junction Interstate Hwy 676, then over Interstate Hwy 676 to Philadelphia, and return over the same route. Between Camden, NJ, Interchange of New Jersey Turnpike, and Philadelphia, PA, serving the intermediate point of junction NJ hwys 73 and 38 for purposes of joinder only, and serving Camden, NJ, Interchange of New Jersey Turnpike for purposes of joinder only: From Camden, NJ, Interchange of New Jersey Turnpike over NJ Hwy 73 to the Delaware River, and then across the Delaware River to Philadelphia, and return over the same route. Between Harrisburg, PA, and junction U.S. Hwys 15 and 22, serving all intermediate points: From Harrisburg over U.S. Hwy 15 to junction U.S. Hwy 22, and return over the same route. Between Bedford, PA, and Johnstown, PA, serving all intermediate points: From Bedford over U.S. Hwy 30 to junction U.S. Hwy 219, then over U.S. Hwy 219 to Johnstown, and return over the same route. Between Bedford, PA, and junction U.S. hwys 30 and 219, serving all intermediate points, except those on Interstate Hwy 76. From Bedford over Interstate Hwy 76 to Somerset, PA, then over U.S. Hwy 219 to junction U.S. Hwy 30, and return over the same route. Serving as off-route points in connection with the regular-routes specified above, Pottstown, Reading, Myerstown, Richland, Lebanon, Hershey, New Cumberland, Marietta, Elizabethtown, Mount Joy, Landisville, Manheim, Lititz, Ephrata, Mt. Holly Springs, Hanover, Kutztown, and Hamburg, PA. Between Newark, NJ, and Altoona, PA, serving all intermediate points in PA: From Newark over NJ Hwy 3 to junction U.S. Hwy 46, then over U.S. Hwy 46 to Stroudsburg, PA, then over U.S. Hwy 611 to Scranton, PA, then over U.S. Hwy 11 to Factoryville, PA, then over U.S. Hwy 6 to Tunkhannock, PA, then over U.S. Hwy 309 to Bowman Creek, PA, then over PA Hwy 29 to junction PA Hwy 118, then over PA Hwy 118 to Hughesville, PA, then over U.S. Hwy 220 to Altoona, and return over the same route. Between Stroudsburg, PA, and junction Interstate Hwy 80 and U.S. Hwy 220, serving no intermediate points: From Stroudsburg over Interstate Hwy 80 to junction U.S. Hwy 220, and return over the same route. Serving as off-route points in connection with the regular-routes specified in the two paragraphs next above, Bellefonte, College Station, Milroy, Milton, Danville, Hazelton, Lansford, Nanticoke, Kingston, Blakely, Olyphant, Throop, Dunmore, Old Forge, Pittston, Clarks, Summit, Clarks Green, Mossic, Carbondale, Honesdale, Slatington, Lehighton, Jim Thorpe, Palmerton, Penn Argyl, Dickson City, Taylor, Duryea, Arroca, Ransom, and Milwaukee, PA, and Binghamton, NY. Between Philadelphia, PA, and Scranton, PA, serving the intermediate point of junction U.S. Hwy 22 and Northeast Extension of PA Turnpike for purposes of joinder only: From Philadelphia over Northeast Extension of PA Turnpike to Scranton, and return over the same route. Between junction U.S. Hwy 22 and PA Hwy 61, and Sunbury, PA, serving all intermediate points, and the off-route points of Mahoney City, Shenandoah, Catawissa, Danville, and Selinsgrove, PA: From junction U.S. Hwy 22 and PA Hwy 61, over PA Hwy 61 to Sunbury, and return over the same route. Between Camp Hill, PA, and Williamsport, PA, serving all intermediate points. From Camp Hill over U.S. Hwy 15 to Williamsport, and return over the same route. Between Camden, NJ, and Philadelphia, PA, serving no intermediate points: From Camden over Benjamin Franklin Bridge to Philadelphia, and return over the same route. From Camden over Interstate Hwy 676 to Philadelphia, and return over the same route. Between junction NJ Hwys 73 and 38, and Camden, NJ, serving no intermediate points: From junction NJ Hwys 73 and 38 over NJ Hwy 38 to Camden, and return over the same route. Between Newark, NJ, and New York, NY, serving no intermediate points: From Newark over U.S. Hwy 9 to Fort Lee, NJ, then over George Washington Bridge to NY, and return over the same route. From Newark over U.S. Hwy 9 to Elizabeth, NJ, then over NJ Hwy 439 to Goethals Bridge, then over Geothals Bridge to NY, and return over the same route. Between Jersey City, NJ and New York, NY, serving no intermediate points: From Jersey City through the Holland Tunnel to NY, and return over the same route. Between North Bergen, NJ, and New York, NY, serving no intermediate points: From North Bergen through the Lincoln Tunnel to NY, and return over the same route. Between Newark, NJ, and Albany, NY, serving all intermediate points in NY (except those on Interstate Hwy 87), the off-route points of Schenectady and Troy, NY, and serving junction U.S. Hwy 46 and NJ Hwy 17 for purposes of joinder only, junction NY and NJ Hwys 17 for purposes of joinder only, and junction Interstate Hwys 87 and 90 for purposes of joinder only: From Newark over NJ Turnpike to George Washington Bridge Interchange of NJ Turnpike, then over U.S. Hwy 46 to junction NJ Hwy 17, then over NJ Hwy 17 to the NJ–NY State line, then over NY Hwy 17 to junction Interstate Hwy 87, then over Interstate Hwy 87 to Albany, and return over the same route. Between junction U.S. Hwys 9 and 9W, and Albany, NY, serving all intermediate points in NY, the off-route points of Schenectady and Troy, NY, and serving junction U.S. Hwys 9 and 9W for purposes of joinder only: From junction U.S. Hwys 9 and 9W over U.S. Hwy 9W to Albany, and return over the

same route. Between George Washington Bridge, and Albany, NY, serving all intermediate points, and the off-route points of Schenectady and Troy, NY, and serving George Washington Bridge for purposes of joinder only: From George Washington Bridge over U.S. Hwy 9 to Albany, and return over the same route. Between Tappan Zee Bridge, and junction U.S. Hwy 9 and Tappan Zee Bridge, serving no intermediate points: From Tappan Zee Bridge, over Tappan Zee Bridge to junction U.S. Hwy 9, and return over the same route. Between junction NY and NJ Hwys 17, and Binghamton, NY, serving all intermediate points, and serving junction NY and NJ Hwys 17 for purposes of joinder only: From junction NY and NJ Hwys 17 over NY Hwy 17 to Binghamton, and return over the same route. Between junction NJ Hwy 17 and U.S. Hwy 46, and Port Jervis, NY, serving all intermediate points, and serving junction NJ Hwy 17 and U.S. Hwy 46 for purposes of joinder only: From junction NJ Hwy 17 and U.S. Hwy 46 over U.S. Hwy 46 to junction NJ Hwy 23, then over NJ Hwy 23 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Port Jervis, and return over the same route. Between Port Jervis, NY, and Hancock, NY, serving all intermediate points: From Port Jervis over NY Hwy 97 to Hancock, and return over the same route. Between Port Jervis, NY, and Monticello, NY, serving all intermediate points: From Port Jervis over NY Hwy 42 to Monticello, and return over the same route. Between Monticello, NY, and Narrowsburg, NY, serving no intermediate points: From Monticello over NY Hwy 17B to Fosterdale, NY, then over NY Hwy 52 to Narrowsburg, and return over the same route. Between Port Jervis, NY, and Newburgh, NY, serving all intermediate points: From Port Jervis over U.S. Hwy 6 to Goshen, NY, then over NY Hwy 207 to Newburgh, and return over the same route. Between junction U.S. Hwy 6 and NY Hwy 17M, and Newburgh, NY, serving all intermediate points: From junction U.S. Hwy 6 and NY Hwy 17M, over NY Hwy 17M to Chester, NY, then over NY Hwy 94 to Newburgh, and return over the same route. Between Newburgh, NY, and Bloomingburg, NY, serving no intermediate points: From Newburgh over NY Hwy 17K to Bloomingburg, and return over the same route. Between Port Jervis, NY, and Kingston, NY, serving all intermediate points: From Port Jervis over U.S. Hwy 209 to Kingston, and return over the same route. Between Binghamton, NY, and Albany, NY, serving all intermediate points: From Binghamton over NY Hwy 7 to Schenectady, NY, then over NY Hwy 5 to Albany, and return over the same route. Between Deposit, NY, and Sidney, NY, serving no intermediate points: From Deposit over NY Hwy 8 to Sidney, and return over the same route. Between Deposit, NY, and Delhi, NY, and Stamford, NY, serving no intermediate points: From Deposit over NY Hwy 10 to Delhi, and return over the same route. Between Delhi, NY, and Oneonta, NY, serving no intermediate points: From Delhi over NY Hwy 28 to Oneonta, and return over the same route. Between Delhi, NY, serving no intermediate points: From Delhi over NY Hwy 10 to Stamford, and return over the same route. Between Stamford, NY, and Oneonta, NY, serving no intermediate points: From Stamford over NY Hwy to Oneonta, and return over the same route. Between Stamford, NY, and Richmondville, NY, serving no intermediate points: From Stamford over NY Hwy 10 to Richmondville, and return over the same route. Between Hancock, NY, and Margaretville, NY, serving no intermediate points: From Hancock over NY Hwy 17 to junction NY Hwy 30, then over NY Hwy 30 to Margaretville, and return over the same route. Between Margaretville, NY, and Phoenicia, NY, serving no intermediate points: From Margaretville, over NY Hwy 28 to Phoenicia, and return over the same route. Between Margaretville, NY, and Delhi, NY, serving no intermediate points: From Margaretville over NY Hwy 28 to Delhi, and return over the same route. Between Margaretville, NY, and Middleburg, NY, serving no intermediate points: From Margaretville over NY Hwy 30 to Middleburg, and return over the same route. Between Phoenicia, NY, and Boiceville, NY, serving no intermediate points: From Phoenicia over NY Hwy 28 to Boiceville, and return over the same route. Between Boiceville, NY, and Kingston, NY, serving the intermediate points of junction NY Hwys 28 and 28A for purposes of joinder only: From Boiceville, over NY Hwy 28 to Kingston, and return over the same route. Between Boiceville, NY, and junction NY Hwys 28 and 28A serving no intermediate points, and serving junction NY Hwys 28 and 28A for purposes of joinder only: From Boiceville over NY Hwy 28A to junction NY Hwy 28, and return over the same route. Between Liberty, NY, and Woodbourne, NY, serving no intermediate points: From Liberty over NY Hwy 52 to Woodbourne, and return over the same route. Between Liberty, NY, and Narrowsburg, NY, serving the intermediate points of junction NY Hwys 52 and 52A for purposes of joinder only: From Liberty over NY Hwy 52 to Narrowsburg, and return over the same route. Between junction NY Hwys 52 and 52A, and Callicoon, NY, serving no intermediate points and serving junction NY Hwys 52 and 52A for purposes of joinder only: From junction NY Hwys 52 and 52A over NY Hwys 52A to Callicoon, and return over the same route. Between Newburgh, NY, and Ellenville, NY, serving all intermediate points: From Newburgh over NY Hwy 52 to Ellenville, and return over the same route. Between Woodbourne, NY, and Ellenville, NY, serving no intermediate points: From Woodbourne over NY Hwys 52 to Ellenville, and return over the same route. Between Woodbourne, NY, and Monticello, NY, serving no intermediate points: From Woodbourne over NY Hwy 42 to Monticello, and return over the same route. Between Phoenicia, NY, and Albany, NY, serving the intermediate point of Cairo, NY, and serving the intermediate point of junction NY Hwys 32 and 43 for purposes of joinder only: From Phoenicia over NY Hwy 214 to junction NY Hwy 32A, then over NY Hwy 23A to junction NY Hwy 32, then over NY Hwy 32 to Albany, and return over the same route. Between Saugerties, NY, and Stamford, NY, serving the intermediate point of junction NY Hwys 23 and 23A for purposes of joinder only: From Saugerties over NY Hwy 32A to junction NY Hwy 23A, then over NY Hwy 23A to junction NY Hwy 23, then over NY Hwy 23 to Stamford, and return over the same route. Between Catskill, NY, and Cairo, NY, serving no intermediate points: From Catskill over NY Hwy 23 to Cairo and return over the same route. Between Cairo, NY, and junction NY Hwys 23 and 23A, serving no intermediate points, and serving junction NY Hwys 23 and 23A for purposes of joinder only: From Cairo over NY Hwy 23 to junction NY Hwy 23A, and return over the same route. Between Cairo, NY, and Cobleskill, NY, serving the intermediate point of Middlebury, NY: From Cairo over NY Hwy 145 to Cobleskill, and return over the same route. Between Middleburg, NY, and junction NY Hwys 43 and 32, serving no intermediate points, and serving junction NY Hwys 43 and 32 for purposes of joinder only: From Middleburg over NY Hwy 30 to junction NY Hwy 43, then over NY Hwy 43 to junction NY Hwy 32, and return over the same route. Between Catskill, NY, and Great Barrington, MA, serving no intermediate points: From Catskill across Rip Van Winkle Bridge to NY Hwy 23, then over NY Hwy 23 to the NY-MA State line, then over MA Hwy 23 to Great Barrington, and return over

the same route. Between junction Interstate Hwys 87 and 90, and Lee, MA, Interchange of Interstate Hwy 90, serving no intermediate points: From junction Interstate Hwys 87 and 90 over Interstate Hwy 90 to Lee, MA, Interchange, and return over the same route. Between Albany, NY and Springfield, MA, serving the intermediate points of Pittsfield, MA, junction U.S. Hwy 20 and MA Hwy 8 near Becket Center, MA, and junction U.S. Hwys 7 and 20 for purpose of joinder only: From Albany over U.S. Hwy 20 to Springfield, and return over the same route. Between Pittsfield, MA, and junction U.S. Hwy 20 and MA Hwy 8, serving no intermediate points, and serving Pittsfield and junction MA Hwy 8 and U.S. Hwy 20 for purposes of joinder only: From Pittsfield over MA Hwy 8 to junction U.S. Hwy 20, and return over the same route. Between Factoryville, PA, and Binghamton, NY, serving all intermediate points: From Factoryville over U.S. Hwy 11 to Binghamton, and return over the same route. Between Scranton, PA, and Narrowsburg, NY, serving the intermediate point of junction U.S. Hwys 6 and 106 for purposes of joinder only: From Scranton over U.S. Hwy 6 to junction U.S. Hwy 106, then over U.S. Hwy 106 to Narrowsburg, and return over the same route. Between junction U.S. Hwys 6 and 106, and Port Jervis, NY, serving all intermediate points, and serving junction U.S. Hwys 6 and 106 for purposes of joinder only: From junction U.S. Hwys 6 and 106 over U.S. Hwy 6 to Milford, PA, then over U.S. Hwy 209 to Port Jervis, and return over the same route. Between Stroudsburg, PA, and Milford, PA, serving no intermediate points: From Stroudsburg over U.S. Hwy 209 to Milford, and return over the same route. Between New York, NY, and Boston, MA, serving all the intermediate points: From New York over U.S. Hwy 1 to Boston, and return over the same route. Between Tappan Zee Bridge, and Providence, RI, serving no intermediate points: From Tappan Zee Bridge over Interstate Hwy 287 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Providence, and return over the same route. Between New London, CT, and Boston, MA, serving all intermediate points (except those on the CT Turnpike): From New London over CT Turnpike to South Killingly, CT, then over U.S. Hwy 6 to Fall River, MA, then over MA Hwy 24 to Boston, and return over the same route. Between New Haven, CT, and junction MA Hwy 15 and U.S. Hwy 20, serving all intermediate points: From New Haven over U.S. Hwy 5 to Hartford, CT, then over U.S. Hwy 6 to junction U.S. Hwy 44, then over U.S. Hwy 44 to junction CT Hwy 15, then over CT Hwy 15 to the CT-MA State line, then over MA Hwy 15 to junction U.S. Hwy 20, and return over the same route. Between Hartford, CT, and Boston, MA, serving all intermediate points: From Hartford over U.S. Hwy 5 to Springfield, MA, then over U.S. Hwy 20 to Boston, and return over the same route. Between Springfield, MA, and Boston, MA, serving all intermediate points: From Springfield over U.S. Hwy 5 to Northhampton, MA, then over MA Hwy 9 to Boston, and return over the same route. Between Norwalk, CT, and junction U.S. Hwys 7 and 20, serving all intermediate points: From Norwalk over U.S. Hwy 7 to junction U.S. Hwy 20, and return over the same route. Between Danbury, CT, and junction U.S. Hwys 5 and 5A, serving all intermediate points: From Danbury over U.S. Hwy 6 to junction U.S. Hwy 6A, then over U.S. Hwy 6A to Meriden, CT, then over U.S. Hwy 5A to junction U.S. Hwy 5, and return over the same route. Between junction U.S. Hwys 6 and 6A, and Hartford, CT, serving all intermediate points: From junction U.S. Hwys 6 and 6A over U.S. Hwy 6 to Hartford, and return over the same route. Between East Hartford, CT, and New London, CT, serving all intermediate points: From East Hartford over CT Hwy 2 to junction CT Hwy 85, then over CT Hwy 85 to New London, and return over the same route. Between junction CT Hwys 2 and 85, and Jewett City, CT, serving all intermediate points: From junction CT Hwys 2 and 85 over CT Hwy 2 to Norwich, CT, then over CT Hwy 12 to Jewett City, and return over the same route. Between junction U.S. Hwy 5 and CT Hwy 190, and Providence, RI, serving all intermediate points: From junction U.S. Hwy 5 and CT Hwy 90, over CT Hwy 190 to junction CT Hwy 32, then over CT Hwy 32 to junction U.S. Hwy 44, then over U.S. Hwy 44 to Providence, and return over the same route. Between junction CT Hwys 190 and 32 and Putnam, CT, serving all intermediate points: From junction CT Hwys 190 and 32 over CT Hwy 190 to junction CT Hwy 171, then over CT Hwy 171 to junction CT Hwy 197, then over CT Hwy 197 to junction CT Hwy 171, then over CT Hwy 171 to Putnam, and return over the same route. Between Worcester, MA, and Providence, RI, serving all intermediate points: From Worcester over MA Hwy 122A to junction MA Hwy 146, then over MA Hwy 146 to the MA–RI State line, then over RI Hwy 146 to Providence, and return over the same route. Between Lee, MA, Interchange, and Weston, MA, Interchange of Interstate Hwy 90, serving no intermediate points: From Lee Interchange over Interstate Hwy 90 to Weston Interchange, and return over the same route. Between Stockbridge, MA, and Lee, MA, serving no intermediate points: From Stockbridge over MA Hwy 102 to Lee, and return over the same route. Restriction: The service authorized above is subject to the following conditions: The operations authorized above are restricted to the transportation of traffic moving from and to New York, NY, and points in Nassau and Westchester Counties, Newark, NJ, and points in NJ within 25 miles of Newark, except that traffic moving to or from the above authorized points in PA, MA, and RI may move to or from points in CT, the above authorized points in NY State, and Camden and Trenton, NJ. The authority granted above shall not be severable by sale or otherwise from the underlying irregular-route authority authorized herein. *Irregular routes: General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, NY, and points in Nassau and Westchester Counties, NY, Newark, NJ, and points in NJ within 25 miles of Newark. Between New York, NY, points in Nassau and Westchester Counties, NY, Newark, NJ, and points within 25 miles of Newark, on the one hand, and, on the other, points in CT, points in that part of NY on and east of a line beginning at the PA–NY State line, and extending along NY Hwy 7 to junction NY Hwy 30, then over NY Hwy 30 to Amsterdam, NY, and on and south of a line beginning at Amsterdam, and extending along NY Hwy 5 to Schenectady, NY, then over NY Hwy 7 to Troy, NY, and then over NY Hwy 2 to the NY–MA State line (except New York, NY and points in Westchester and Nassau Counties, NY), Camden, NJ, and Trenton, NJ. Between Newark, NJ, and points in NJ within 25 miles of Newark, on the one hand, and, on the other, points in MA and RI, and points in that part of PA on and east of a line beginning at the PA–MD State Line, and extending along U.S. Hwy 219 to Wilcox, PA, then over unnumbered Hwy to Kane, PA, then over U.S. Hwy 6 to Lantz Corners, PA, then over U.S. Hwy 219 to the PA–NY State line. Between Stratford, CT, on the one hand, and, on the other, Red Bank, NJ. Restriction: Carrier shall not, pursuant to the underlying irregular route authority contained herein, transport shipments moving between any points authorized

herein to be served by it in regular-route operations. By the instant petition petitioner seeks to remove the restrictions on pages 14 and 15 of his lead certificate.

MC 78332(M1F) (notice of filing of petition to modify certificate), filed January 2, 1980. Petitioner: NYLANTIC FREIGHT LINES, INC., 1415 Boston Post Rd., Larchmont, NY 10538. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *common carrier* certificate in MC–78332, issued September 5, 1974, to operate in interstate or foreign commerce, over irregular routes, transporting *household goods* as defined by the Commission, and *loft and factory equipment and stock,* between New York, NY, on the one hand, and, on the other, points in CT and NJ. By the instant petition, petitioner seeks to modify the certificate as follows: to authorize service between all points in NY, on the one hand, and, on the other, points in CT and NJ.

MC 80653 Sub 9(M1F) (notice of filing of petition to modify certificate), filed January 3, 1980. Petitioner: DAVID GRAHAM COMPANY, a corporation, P.O. Box 254, Levittown, PA 19059. Representative: Richard C. McGinnis, 711 Washington, Bldg., Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in MC–80653 Sub 9, issued September 27, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *machinery requiring the use of special equipment,* between New York, NY, points in Nassau, Suffolk, Westchester, and Rockland Counties, NY, and points in Passaic, Bergen, Essex, Morris, Union, Middlesex, Monmouth, Mercer, and Camden Counties, NJ, on the one hand, and, on the other, points in NY, NJ, PA, WV, DE, MD, NC, VA, and DC. By the instant petition, petitioner seeks to modify the certificate as follows: conform the commodity description to the current Commission terminology for heavy-hauling authority.

MC 90373 (Sub-12) (M2F) (notice of filing of petition to modify permit), filed February 25, 1980. Petitioner: RLS TRUCKING CORP., Inman Ave., Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Petitioner holds a motor *contract carrier* permit in MC–90373 Sub 12, issued January 26, 1959 in the name of C. & R. Trucking Co., reintitled RLS TRUCKING CORP. by letter dated July 24, 1978, to operate in interstate or foreign commerce, over irregular routes, transporting *asphalt,* in bulk, in tank vehicles, from the plant facilities of Cities Service Oil Company, at Linden, NJ, to points in CT, that part of NY on and south of U.S. Hwy 20 and on and east of U.S. Hwy 11, and that part of PA on and east of U.S. Hwy 15. RESTRICTION: The above-described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Cities Service Oil Company, of New York, NY. By the instant petition, petitioner seeks to modify the permit as follows: (1) by deleting the facilities reference; (2) by adding Kearny and Petty's Island, NJ to the origin territory; and (3) change the name of the contracting shipper to West Bank Oil Inc., of Pennsauken, NJ.

MC 95540 (Sub-733) (M1F) (notice of filing of petition to modify certificate), filed October 1, 1979. Petitioner: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 W. Griffen Road, Lakeland, FL 33802. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Petitioner holds motor *common carrier* certificate in MC–95540 Sub 733 F, issued September 18, 1979, authorizing transportation over regular routes, as pertinent, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, motor vehicles and boats), between Mobile, AL and Jackson, MS, from Mobile over U.S. Hwy 98 to junction U.S. Hwy 49 near Hattiesburg, MS, then over U.S. Hwy 49 to Jackson, and return over the same route, serving Mobile, AL, and Jackson, MS, for the purpose of joinder only, serving all intermediate points on the above routes in GA, FL, and CA, and serving all other points in FL, CA, and those points in CA on and south of U.S. Hwy 80, as off-route points. Service at Reno, NV and points in FL, CA, and points in CA is restricted to the transportation of traffic originating at or destined to those points in the United States on and east of U.S. Hwy 61. By the instant petition, petitioner seeks to modify the authority as follows: Delete the limitation that this route can be operated for purposes of joinder only, delete the limitation that service can be performed only at intermediate points in GA, FL, and CA, and delete the restriction that service at Reno, NV and points in CA must originate at or be destined to those points in the United States on and east of U.S. Hwy 61.

MC 95540 (Sub-1111) (M1F) (notice of filing of petition to modify certificate), filed February 19, 1980. Petitioner: WATKINS MOTOR LINES, INC. P.O. Box 1636, 1144 W. Griffen Road, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). Petitioner holds a motor *common carrier* certificate in MC 95540 Sub-1111F, issued January 15, 1980, authorizing transportation, over irregular routes, of *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk), in vehicle equipped with mechanical refrigeration, between points in AL, AR, FL, GA, IA, IL, IN, KS, MI, MN, MS, NC, NE, NY, NJ, PA, SC, TN, TX, VA, WI, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. By the instant petition, petitioner seeks to modify the authority by deleting the facility restriction.

MC 111231 (Sub-22) (M1F) (notice of filing of petition to modify certificate), filed January 19, 1980. Petitioner: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Petitioner holds a motor *common carrier* certificate in MC 111231 Sub-222, issued June 4, 1979, to operate in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, GA and Livingston, AL, serving Birmingham, AL as an intermediate point, from Atlanta via U.S. Hwy 78 and I–20 to Birmingham, thence via U.S. Hwy 11, I–20 and I–59 to Livingston, and return over the same route, restricted against the transportation of traffic moving between Atlanta, GA and Birmingham, AL and points in their respective commercial zones; (2) between Atlanta, GA and New Orleans, LA, serving Mobile and Montgomery, AL and all intermediate points in MS and LA, from Atlanta via U.S. Hwy 29 and I–85 to Montgomery, thence via U.S. Hwy 31 and I–65 to Mobile, thence via U.S. Hwy 90 and I–10 to New Orleans, and return over the same route, restricted against the transportation of traffic which originates at one of the following points and is destined to another of the following points: Atlanta, GA, Birmingham, AL, Mobile, AL and Montgomery, AL, and points within their respective commercial zones; (3) between Birmingham and Montgomery, AL, as an alternate route for operating convenience only, serving Montgomery, AL as a point of joinder only, from Birmingham, via U.S. Hwy 31 and I–65 to Montgomery, and return over the same route; and (4) between Montgomery, AL

and the intersection of U.S. Hwys 80, 11, and I–20–/59 at or near Cuba, AL, serving said intersections as points of joinder only, and serving no intermediate points, from Montgomery via U.S. Hwy 80 to its interstate with U.S. Hwy 11 and I–20/59 at or near Cuba, AL, and return over the same route, restricted in (1) through (4) above against the transportation of traffic moving between Atlanta, GA and Birmingham, AL, and points within their respective commercial zones, on the one hand, and, on the other, Chicago, IL, Dallas, TX, and Fort Worth, TX, and points within their respective commercial zones. By the instant petition, petitioner seeks to modify the certificate as follows: (a) by deleting "Mobile, AL" from the restriction in route (2); and (b) by deleting in its entirety the restriction following route (4), applicable to routes (1) through (4) above.

MC 115311 (Sub-336) (M1F), (notice of filing of petition to modify restriction), filed January 28, 1980. Petitioner: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Petitioner holds motor *common carrier authority in* Certificate MC 115311 Sub-336F, issued November 2, 1979, authorizing transportation, over irregular routes, of *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, in tank vehicle, and those requiring special equipment), between those points in the United States in and east of ND, SD, NE, CO, and NM, restricted to the transpotation of traffic orignating at or destined to the facilities of the United States Gypsum Company. By the instant petition, petitioner seeks to modify the restriction so as to read: restricted to the transportation of traffic originating at or destined to the facilities of the United States Gypsum Company, or A. P. Green Refractories Company.

MC 115331 (M1F) (notice of filing of petition to modify certificate), filed January 25, 1980. Petitioner: TRUCK TRANSPORT INCORPORATED, 11040 Manchester Ave., St. Louis, MO 63122. Representative: Edward J. Kiley, 1730 M St. N.W., Washington, DC 20036. Petitioner holds motor *common carrier* authority certificated in MC 115331, issued September 6, 1977, authorizing transportation, as pertinent, over irregular routes, of *lime* and *limestone,* and *limestone products,* in bags, from Mosher and Ste. Genevieve, MO to Chicago, IL and points in AR, IN, IA, KY, and TN (except Memphis, TN). By the instant petition, petitioner seeks to modify the authority by deleting the territorial exception.

MC 115331 (Sub-126M1F) (notice of filing of petition to modify certificate), filed January 25, 1979. Petitioner: TRUCK TRANSPORT INCORPORATED, 11040 Manchester Avenue, St. Louis, MO 63122. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 22036. Petitioner holds motor *common carrier* certificate in MC 115331 (Sub-126), issued January 12, 1969, authorizing as pertinent the transportation of *lime, limestone products, and dolomite* in bulk, in dump vehicles, and in bags when moving in mixed shipments with bulk, from points in Ste. Genevieve and St. Francis Counties, MO., to points in that part of Illinois in the St. Louis, MO.-East St. Louis, IL, Commercial Zone as defined by the Commission. By the instant petition, petitioner seeks to modify the authority by adding the commodity "limestone" and to delete the service and equipment restrictions "in dump vehicles, and in bags when moving in mixed shipments with bulk."

MC 115331 (Sub-274M1F) (notice of filing of petition to modify certificate), filed January 25, 1980. Petitioner: TRUCK TRANSPORT INCORPORATED, 11040 Manchester Road, St. Louis, MO 63122. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 22036. Petitioner holds motor *common carrier* Certificate in MC 115331 (Sub-274F), issued October 8, 1971, authorizing transportation, over irregular routes, of *lime and limestone products,* from Ste. Genevieve, MO, to points in AR, KY, IL (except points in Madison County) and LA, restricted to the transportation of traffic originating at the facilities of Mississippi Line Company, at Ste. Genevieve, MO, and destined to the indicated destintions. By the instant petition, petitioner seeks to modify the authority as follows: add limestone to the commodity description, delete the restrictive phrase, except points in Madison County, and delete the plansite restriction.

MC 115331 (Sub-369GM2F) (notice of filing of petition to modify certificate), filed January 25, 1980. Petitioner: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Ave., St. Louis, MO 63122. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036. Petitioner holds motor *common carrier* certificate in MC 115331 (Sub-3690), issued January 23, 1979, authorizing operations over irregular routes, as pertinent (12) *lime,* in bulk (except that used for agricultural purposes, from Mosher and Ste. Genevieve, MO, to points in OK, MS, AZ, NM, LA, AL, and TX (except Houston and points in TX within 50 miles thereof); (13) *lime* and *lime products,* in bulk, from Mosher and Ste. Genevieve, MO, to points in MI and WI (except points in Iowa, Lafayette, Green, Dane, Jefferson, Rock, Walworth, Waukesha, Milwaukee, Racine and Kenosha Counties, WI); (21) *lime and limestone products* defined as chemicals, in bulk, in dump vehicles, from points in Ste. Genevieve and St. Francois Counties, MO, to points in IA, IL, KS, OH, OK, MN, WI, SD, MI, and NE (except to sites of glass manufacturing plants in IL, OH and that part of IA within 10 miles of the Iowa-Illinois State Boundary line); (22) *lime* and *limestone products,* defined as chemicals, in bulk, in dump vehicles, from points to Ste. Genevieve and St. Francois Counties, MO, to points in CO, MT, ND and WY; (68) *lime and lime products,* in bags, from Mosher and Ste. Genevieve, MO, to points in MN, WI, SD, NE, MI, IL and OH. By the instant petition, petitioner seeks to modify the certificate by adding to the commodities and removing certain restrictions as follows: (12) *lime, limestone, and limestone products,* in bulk, from Mosher and Ste. Genevieve, MO to points in OK, MS, AZ, NM, LA, AL and TX; (13) *lime, limestone and limestone products,* in bulk, from Mosher and Ste. Genevieve, MO to points in MI and WI; *(21) lime, limestone and limestone products,* in bulk, from points in Ste. Genevieve and St. Francois Counties, MO to points in IA, IL, KS, OH, OK, MN, WI, SD, MI and NE; (22) *lime, limestone, and limestone products,* in bulk, from points in Ste. Genevieve and St. Francois Counties, MO to points in CO, MT, ND, WY: and (68) *lime, limestone, and limestone products,* in bags, from Mosher and Ste. Genevieve, MO to points in MN, WI, SD, NE, MI, IL, and OH.

MC 121060 (Sub-58M1F) (notice of filing of petition for modification), filed January 17, 1980. Petitioner: ARROW TRUCK LINES, INC., 1220 W. 3rd St., P.O. Box 1416, Birmingham, AL 35207. Representative: Ronald F. Harris (same as applicant). Petitioner holds motor *common carrier* certificate in MC 121060 (Sub-58), issued May 23, 1979, authorizing transportation, over irregular routes of *(1) iron and steel articles,* (a) between Greenville, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KY, LA, NC, OK, SC, TN, and TX; and (b) between Peoria, IL, on the one hand, and, on the other, points in AR, LA, and TX; and *(2)*

materials, equipment and supplies, used in the manufacture, distribution, and installation of the commodities in (1) above (except in bulk), (a) from points in AL, AR, FL, GA, IL, KY, LA, NC, OK, SC, TN, and TX, to Greenville, MS; and (b) from points in AL, MS, MO and TN, to Peoria, IL, restricted in (1) and (2) above to the transportation of shipments originating at or destined to the facilities of Keystone Consolidated Industries, Inc. By the instant petition, petitioner seeks to modify the authority by deleting the plantsite restriction.

MC 124211 (Sub-213M1F) (notice of filing of petition to modify territorial description), filed April 16, 1979. Petitioner: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Petitioner holds motor *common carrier* certificate in MC 124211 (Sub-213), issued November 23, 1973, authorizing transportation, over irregular routes, of *plumbing fixtures,* from Hondo and Corsicana, TX, to points in that part of the United States lying in and west of MI, IN, KY, TN, and MS (except AK, CO, HI, IA, KS, MO, NE, and OK). By the instant petition, petitioner seeks to modify the exception to read (except AK and HI).

MC 135991 (Sub-1M1F) (notice of filing of petition to modify certificate), filed August 17, 1979. Petitioner: COLETTA'S DOWNTOWN AUTO SERVICE, INC., 425 Richmond St., Providence, RI 02903. Representative: Antonio Coletta (same address as petitioner). Petitioner holds motor *common carrier* certificate in MC 135991 (Sub-1), issued November 26, 1975, authorizing transportation, over irregular routes, of *wrecked, disabled, repossessed, and replacement motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles, in initial movements), requiring the use of wrecker equipment, between points in RI, on the one hand, and, on the other, points in MA, CT, ME, NH, VT, NY, NJ, and PA. By the same petition, petitioner seeks to modify the above authority by deleting the language "requiring the use of wrecker equipment."

MC 136363 (Sub-1M1F) (notice of filing of petition to modify certificate), filed January 23, 1980. Petitioner: J & P PROPERTIES, INC., P.O. Box 1146, Apopka, FL 32703. Representative: James Anton, 923 National Press Bldg., Washington, DC 20045. Petitioner holds a motor *common carrier* certificate in MC 136363 (Sub-1), issued April 25, 1973, to operate in interstate or foreign commerce, over irregular routes, authorizing, in part (3) transportation of *commodities* as are used and dealt in by nurseries (except commodities in bulk), when moving in the same vehicle with commodities otherwise exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act, between points in the US (except AK and HI, and except from Roseville, Zanesville, Scio, and Logan, OH, and points within 5 miles of each, and South Rockwood, MI). By the instant petition, petitioner seeks to modify the certificate as follows: by deleting the restriction "when moving in the same vehicle with commodities otherwise exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act," and by deleting "and except from Roseville, Zanesville, Scio, and Logan, OH, and points within 5 miles of each, and South Rockwood, MI"; and by retaining the restriction as to points from FL, so as to read: (3) *commodities* as are used and dealt in by nurseries (except in bulk), between points in the US (except AK and HI); and (4) *commodities* as are used and dealt in by nurseries (except commodities in bulk) when moving in the same vehicles with commodities otherwise exempt under the provisions of Section 10526(a)(6) of the Interstate Commerce Act, between points in FL, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 71452 (Sub-12M1F), (notice of filing of petition to modify certificate), filed February 13, 1980. Petitioner: INDIANA TRANSIT SERVICE, INC., 4300 West Morris St., Indianapolis, IN 46241. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TX 38137. Petitioner holds a motor *common carrier* certificate in MC 71452 (Sub-12), issued April 17, 1978, to operate in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), which are at the time moving on bills of lading of freight forwarders under part IV of the Interstate Commerce Act, betwen points in IN, and points in Henderson, Davies, Jefferson, Boone, Kenton, and Campbell Counties, KY, Hamilton, Butler, Preble, Montgomery, Paulding, Defiance, and Williams Counties, OH, Branch County, MI, and Iroquois, Vermilion, and Clark Counties, IL. Restriction: The operations authorized herein are restricted to the transportation of individual articles, not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day. By the instant petition, petitioner seeks to modify the certificate as follows: by deletion of the restriction limiting service to commodities "which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act."

MC 52323 (Sub-1MIF) (notice of filing of petition to modify certificate), filed January 28, 1980. Petitioner: E. I. BRANDT TRUCKING CO., INC., P.O. Box 125, Yuba City, CA 95991. Representative: Peter A. Greene, 900 17th St., NW., Washington, DC 20006. Petitioner holds a motor *common carrier* certificate in MC 52323 (Sub-1), issued July 3, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *canned goods and preserved fruit products,* when transported in mixed loads with commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Yuba City, CA, to Roseville, Sacramento, Stockton, Okland, and San Francisco, CA. By the instant petition, petitioner seeks to modify the certificate as follows: by removing the restriction requiring the regulated commodities to be transported in mixed loads with commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act.

MC 61993 (MIF) ((notice of filing of petition to modify certificate), filed February 19, 1980. Petitioner: KEYSTONE TOURS, INC., R.D. No. 2, Bath, Northhampton County, PA 18014. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Petitioner holds a motor *common carrier* certificate in MC 61993, issued December 23, 1960, authorizing, in part, authority to operate in interstate or foreign commerce, over regular routes, *passengers and their baggage, and express, main, and newspapers,* in the same vehicle with passengers, between Bangor, PA, and Atlantic City, NJ, serving all intermediate points between Bangor and Easton, PA, inclusive: from Bangor over PA Hwy 702 to Windgap, PA, thence over PA Hwy 12 to Nazareth, PA, thence over unnumbered Hwy to Easton, PA, thence over U.S. Hwy 22 to Phillipsburg, NJ, thence over NJ Hwy 24 to Washington, NJ, thence over NJ Hwy 69 (formerly NJ Hwy 30) to Trenton, NJ, thence over U.S. Hwy 206 to junction U.S. Hwy 30, and thence over Hwy 30 to Atlantic City, and return over the same route. Restriction: The authority described in the route above is restricted to service during the season extending from the 1st day of July to the 30th day of September, inclusive, on Sundays only. By the

instant petition, petitioner seeks to modify the certificate as follows: by deleting the restriction.

MC 124813 (Sub-136MIF) (notice of filing of petition to modify certificate), filed February 15, 1980. Petitioner: UMTHUN TRUCKING CO., P.O. Box 166, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Petitioner holds a motor *common carrier* certificate in MC 124813 (Sub-136), issued February 10, 1978, to operate in interstate or foreign commerce, over irregular routes, transporting *limestone and gypsum feed ingredients and limestone and gypsum soil conditioners,* (a) from points in Marion County, IA, to points in AR, CO, ID, IL, IN, KS, MI, MN, MO, MT, NE, ND, OH, OR, SD, TN, WA, WI, and WY, and (b) from points in Breckinridge County, KY, to points in AR, IL, IN, IA, MI, MN, MO, OH, and WI. Restricition: Said operations are restricted against service to the facilities of the United Sypsum Company. By the instant petition, petitioner seeks to modify the certificate as follows: by adding "decorative stone" to the commodity description.

MC 136640 (Subs-4 and 11 MIF) (Notice of filing of petition to modify permits), filed July 9, 1979. Petitioner: ROBERT L. ALLEN, d.b.a. R. ALLEN TRANSPORT, P.O. Box 456 Pocomoke City, MD 21851. Representative: S. Michael Richards P.O. Box 225, Webster, NY 14580. Petitioner holds motor *contract carrier* permits in MC 136640 (Subs-4 and 11), issued June 23, 1978, and October 12, 1977, respectively. MC 136640 (Sub-4), authorizes transportation, over irregular routes, as pertinent, of (a) *frozen onion rings,* when moving in mixed loads with the commodities named in (a), and (b) commodities otherwise exempt from economic regulations under section 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with onion rings, from Boston, MA, to points in AL, AR, DE, FL, GA, IN, KY, LA, MD, MI, NC, NY, OH, PA, SC, TN, TX, VA, WV, IL, MS, MO, and NJ, under continuing contract(s) with Boston Bonnie, Inc., of Boston, MA. MC 136640 Sub 11 authorizes transportation, over irregular routes, of (1)(a) *frozen bakery products* when moving in mixed loads with commodities named in (b), and (b) *commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with frozen bakery products, from Boston, MA, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, NJ, NY, OH, PA, SC, TN, TX, VA, ands WV, and (2) *carton and boxes,* from Chambersburg, PA, to Boston, MA, under continuing contract(s) with Boston Bonnie, Inc., of Boston, MA. By the instant petition, petitioner seeks to modify the above authority by (1) changing the origin in (Sub-4) from Boston, MA to points in MA (as pertinent), (2) changing the contracting shipper from Boston Bonnie, Inc., to Caribou Food Industries, in (Sub-4) also, (3) modifying the commodity and shipper in (Sub-11) part (1) (a) and (b) to read frozen bakery products under contract with Boston Bonnie Bakers, Inc., of Boston, MA, (4) modifying the territorial description in (Sub-11), part (2) to reflect points in MA as the destination, and (5) changing the contracting shipper for part (2) to read Boston Bonnie Bakers, Inc., of Boston, MA, and Caribou Food Industries, Inc.

MC 136981 (Sub-11 M1F) (notice of filing of petition to modify permit), filed March 17, 1980. Petitioner: BLAIR CARTAGE, INC., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. Petitioner holds motor *contract carrier* permit in MC 136981 (Sub-11), issued September 28, 1979, authorizing operations over irregular routes, transporting (1) *litharge, nepheline, synenite, soda ash, glass bulbs, glass rods, glass tubing, glassware, metal racks, cullet, electric lamps, batteries, battery chargers, lighting fixtures, holiday decorations, packaging materials, steel nestainers, lamp ballast, sand, potash, metal displays, borax, borax products, paints, dolomites, lamp bases, compressed gases in cylinders, and nitrate and* (2) *materials and supplies* used in the manufacture and distribution of the commodities in part (1) above, between points in AL, CT, DE, IN, IL, IA, KS, LA, ME, MD, MA, MI, MS, NE, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, and WV, and DC, restricted against the transportation of commodities in bulk, and further restricted against the transportation of sand, gravel, clay, pitch, and cullet from points in Cumberland, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, NJ, under a continuing contract(s) with General Electric Company of Cleveland, OH. By the instant petition, petitioner seeks to modify the permit by removing the commodity restrictions.

MC 144821F (M1F) (notice of filing of petition to modify certificate), filed October 8, 1979. Petitioner: FREEDOM FREIGHTWAYS, INC., 9060 Latty Ave., St. Louis, MO 63134. Representative: Ernest A. Brooks II, 1301–02 Ambassador Bldg., 411 North Seventh St., St. Louis, MO 63101. Petitioner holds a motor *common carrier* certificate in MC 144821F, issued May 31, 1979, authorizing transportation, over irregular routes, of *such commodities* as are dealt in or used by retail filling stations and automobile service centers (except commodities in bulk), from Compton, CA, Grand Prairie, TX, Ferndale, MI, Hazelwood, MO, Bedford Heights, OH, Mt. Laurel, NJ, Tampa, FL, Denver, CO, Minneapolis, MN, Jackson, MS, Des Moines, IA, Madison, WI, New Orleans, LA, Atlanta, GA, Dothan and Birmingham, AL, Florence and Rock Hill, SC, to points in the United States (except AK and HI), retricted to traffic originating at the facilities of Texstar Automotive Distribution Group, Inc., located at the named origin points. By the instant petition, petitioner seeks to modify the above authority by deleting the facility restriction.

MC 138213 (M1F) (notice of filing of petition to modify permit), filed December 7, 1979. Petitioner: ROADHOUND TRUCK COMPANY, INC., 811 W. Hale St., Osceola, AR 72370. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Petitioner holds a motor *contract carrier* permit in MC 138213, issued August 31, 1977, to operate in interstate or foreign commerce, over irregular routes, transporting in parts (1) and (15) *plastic articles, paper, paper products and such other articles* as are dealt in by paper manufacturers or distributors, in (1) between the facilities of Gramham Paper Company, at or near St. Louis, MO, Atlanta, GA, Chattanooga, Knoxville, Nashville, and Memphis, TN, Louisville, KY, Maywood, IL, Minneapolis, MN, North Kansas City, MO, Wichita, KS, Oklahoma City, OK, Fort Smith, AR, Dallas, Houston, Lubbock, San Antonio, and El Paso, TX, New Orleans, LA, Jackson, MS, Birmingham, AL, Albuquerque, NM, Phoenix and Tucson, AR, and Denver, CO; and in (15) from the facilities of International Paper Co., at or near Springhill and Bastrop, LA, Mobile, AL, and Moss Point, MS, the facilities of Champion Paper Co., at or near Cortland, AL, and the Facilities of Southern Metal Products Corp., at or near Memphis, TN, to the facilities of Benton Paper Products Co., at or near Osceola, AR, the facilities of Osceola Envelope Co., at or near Osceola, AR, and points indicated in (1) above, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the permit as follows: (I) add

from the facilities of Champion Paper Co., at (a) Canton, NC and (b) Pasadena, TX, to Osceola, AR and St. Louis, MO; and (II) add Jim Walters Paper Company as an additional contract shipper.

MC 138297 (Sub-4 M2F) (notice of filing of petition to modify territorial description), filed October 15, 1979. Petitioner: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Joseph F. Hoary, 121 So. Main St., Taylor, PA 18517. Petitioner holds motor *common carrier*, authority in Certificate MC 138297 (Sub-4), issued September 5, 1978, authorizing transportation, over irregular routes, of passengers and their baggage, in the same vehicle with passengers, in special and charter operations, between the following named points as well as points within 10 miles thereof: Cocoa Beach, Orlando, St. Augustine, and Tallahassee, FL, Cartersville and Savannah, GA, Lexington, KY, Chicago, IL, New Orleans, LA, Worcester, MA, Minneapolis, MN, St. Louis, MO, Somerville, NJ, Lumberton, NC, Boston Heights, Lima, and Perrysburg, OH, Buck Horn, Dillsburg, Hazelton, Philadelphia, and White Haven, PA, and Fredericksburg, VA. Restriction: The authority granted herein above is restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation on separate automobile transporters pursuant to the authority set forth in MC 142317 (Sub-1). By the instant petition, petitioner seeks to modify the territorial description by substituting Atlantic City, NJ, in lieu of Somerville, NJ.

MC 138882 (Subs-4M1F and 9M1F) (notice of filing of petition to modify certificates), filed December 6, 1979. Petitioner: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 621, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds a motor *common carrier* certificate in MC 138882 Subs 4 and 9, issued November 10, 1975 and September 10, 1976, respectively, authorizing transportation, in interstate or foreign commerce, over irregular routes, in MC 138881 Sub 4, in part, of *materials and supplies, used and consumed in the processing of lead scrap,* from points in that part of the US east of MT, WY, CO, and NM, to the plant site of Sanders Lead Company, Inc., at or near Troy, AL; and *processed lead scrap, lead and lead alloys, in pigs, hogs, and ingots,* from the plant site of Sanders Lead Company, Inc., at or near Troy, AL, to points in that part of the US east of MT, WY, CO, and NM. MC 138882 Sub 9 authorizes transportation of *materials and supplies, used and consumed in the processing of lead scrap,* from those points in that part of the US in and west of MT, WY, CO, and NM, to the plant site of Sanders Lead Co., Inc. located at or near Troy, AL; and *processed lead scrap, lead and lead alloys;* from the plant site of Sanders Lead Company, Inc., located at or near Troy, AL, to those points in that part of the US in and west of MT, WY, CO, and NM. By the instant petition, petitioner seeks to modify the certificates as follows: authorize in that portion of sub 4, *such commodities as are dealt in, used by, or manufactured by a lead processor* (except in bulk), between the facilities of Sanders Lead Company, Inc., at or near Troy, AL, on the one hand, and, on the other, points in the US east of MT, WY, CO, and NM; and in Sub 9, authorize transportation of *such commodities as are dealt in, used by, or manufactured by a lead processor,* (except in bulk), between the facilities of Sanders Lead Company, Inc., at or near Troy, AL, on the one hand, and, on the other, points in the US in and west of MT, WY, CO, and NM (except AK and HI).

MC 138882 (Sub-14 M1F) (notice of filing of petition to modify certificate), filed February 4, 1980. Petitioner: WILEY SANDERS TRUCK LINES, INC., Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a *motor common carrier* certificate in MC 138882 Sub 14, issued November 15, 1978, to transport in interstate or foreign commerce, over irregular routes, (1) *Wheel weights and materials equipment and supplies used in the manufacture and sale of wheel weights* (except commodities in bulk), between the facilities of Bada Company, Inc., Division of Hennessy Industries, Co., at Bowling Green, KY, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) *Tire changers, jacks, tire balancers, and materials, equipment and supplies used in the manufacture and sale of tire changers,* between the facilities of Coats Company, Inc., Division of Hennessy Industries Co., at Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: The authority granted herein is restricted to shipments originating at or destined to the described facilities. By the instant petition, petitioner seeks to modify the authority as follows: delete the facilities, in part (1) and (2), to read (1) Between Bowling Green, KY, and (2) Between Nashville, TN.

MC 138882 (Sub-133 M1F) (notice of filing of petition to modify certificate), filed February 4, 1980. Petitioner: WILEY SANDERS TRUCK LINES, INC., Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *common carrier* certificate in MC 138882 Sub 133, issued September 20, 1979, to transport in interstate or foreign commerce, over irregular routes, *rotary cut lumber,* from Murphy, NC, Burkeville, Norfolk, and Danville, VA, Montgomery, Mobile, Selma, and Brewton, AL, Chatham, New Orleans, and Baton Rouge, LA, Lucedale and Collins, MS, Blountstown and Jacksonville, FL, Jackson, TN, Savannah, GA, and Charleston and Olar, SC, to points in NC, NY, VA, WV, TX, IL, VT, PA, MI, MS, LA, KY, TN, IN, IA, AR, CA, UT, OH, AL, SC, FL, GA, and NH. By the instant petition, petitioner seeks to modify the authority as follows: delete *rotary cut* in commodity description, leaving commodity as *lumber.*

MC 138891 (Sub-6 M1F) (notice of filing of petition to modify territorial description), filed January 30, 1980. Petitioner: FRANK TRANSFER & STORAGE, INC., 324 E. 8th St., Sioux Falls, SD 57102. Representative: A. J. Swanson, 226 N. Phillips Ave., Sioux Falls, SD 57102. Petitioner holds motor *common carrier* certificate in MC–138891 Sub 6 issued August 15, 1979, authorizing transportation, over irregular routes, of *malt beverages,* from St. Paul, MN, Milwaukee, WI, and Peoria, IL, to Sioux Falls, SD, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. By the instant petition, petitioner seeks to modify the authority by adding the remainder of SD to the destination portion of the territorial description.

MC 140581 (Sub-19 M1F) (notice of filing of petition to modify certificate), filed October 16, 1979. Petitioner: HAGWOOD ENTERPRISES, INC., 2472 Pinson Hwy., Birmingham, AL 35217. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier* certificate in MC–140581 Sub 19 issued May 3, 1979, authorizing transportation, over irregular routes, of *used motor vehicles* (except trailers), in truckaway service, between Houston and San Antonio, TX, on the one hand, and, on the other, points in the United States (except AK, HI, and TX). By the instant petition, petitioner seeks to modify the commodity description by eliminating the word "used" and the territorial description by eliminating TX from the exception.

MC 141571 (M1F) (notice of filing of petition to modify certificate), filed November 5, 1979. Petitioner: BATTELINI'S GARAGE, INC., 351 Harding Hwy., Landisville, NJ 08326. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common carrier* authority certificated in MC–141571 issued November 8, 1978, authorizing transportation, over irregular routes, of (1) *wrecked and disabled motor vehicles* (except trailers designed to be drawn by passenger automobiles), by use of wrecker equipment only, and (2) *replacements* for the vehicles named in (1), by use of wrecker equipment only, between Newfield, Vineland, and points in Atlantic County, NJ, on the one hand, and, on the other, points in PA, MD, DE, NY, VA, WV, OH, CT, MA, and DC. By the instant petition, petitioner seeks to modify the authority (a) by deleting the exception "by use of wrecker equipment only" in (1) and (2) above, or (b) by substituting the language "in truckaway service" for each exception.

MC 141601 (M1F) (notice of filing of petition to modify territorial description), filed November 9, 1979. Petitioner: ARROW DRIVEAWAY, INC., 100 Pavonia Ave., Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common carrier* certificate in MC–141601 issued December 27, 1977, authorizing transportation, over irregular routes, of *trucks, chassis, and tractors*, in secondary movements, in driveaway service, between New York, NY, points in Westchester, Nassau, and Suffolk Counties, NY, and points in NJ, on the one hand, and, on the other, Wilmington, DE, Baltimore, MD, and DC, points in NY (except Albany and Sturgis), NJ, and CT, and those in Alleghany, York, (except York), Dauphin, Berks (except Boyertown), Montgomery, Delaware, Philadelphia and Lackawanna (except Mayfield) Counties, PA, restricted against the transportation of traffic moving on United States Government bills of lading, and further restricted against the transportation of traffic having a prior or subsequent movement by rail. By the instant petition, petitioner seeks to modify the authority by adding the remainder of DE and MD to the destination portion of the territorial description.

MC 143121 (M1F) (notice of filing of petition to modify permit), filed August 2, 1979. Petitioner: TILLAMOOK CARRIERS, INC., P.O. Box 15, Downey, CA 90241. Representative: Stuart R. Mandel, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Petitioner holds motor *contract carrier* permit in MC–143121 Sub 4 issued February 7, 1979 authorizing transportation, over irregular routes, of *such commodities* as are dealt in by retail and chain grocery, hardware and drugstores, and (2) materials and supplies (except commodities in bulk), used in the manufacture and distribution of such commodities, (1) between the facilities of Boyle-Midway Division of American Home Products in Chicago, IL and Los Angeles, CA, and points in IA, Kansas City, MO, Denver, CO, Salt Lake City, UT, and Phoenix, AZ; (2) from the facilities of Boyle-Midway Division of American Home Products in Chicago, IL to Fargo, ND; (3) from the facilities of Boyle-Midway Division of American Home Products in Los Angeles, CA, and in Chicago, IL, to points in MT, ID, OR, and WA; (4) from Portland, OR, to points in MT, WY, ID, WA, and OR; (5) from the facilities of Peterson-Puritan and Aerosol Techniques in Danville, IL, to the facilities of Boyle-Midway Division of American Home Products in Chicago, IL and Los Angeles, CA; (6) between the facilities of Boyle-Midway in Canton, OH, Chicago, IL, and Cranford, NJ. RESTRICTION: The authority granted herein is limited to a transportation service to be performed, under a continuing contract(s) with Boyle-Midway Division of American Home Products. By the instant petition, petitioner seeks to modify the above authority by (A) adding variety and merchandising stores to the commodity description, (B) changing the facility reference in (1) and (6) above to read "of American Home Products and its suppliers", and (C) adding Los Angeles, CA as a service point in (6) above, and (d) deleting all references of Boyle-Midway.

MC 144122 (Sub-30 M1F) (notice of filing of petition to modify certificate), filed December 11, 1979. Petitioner: CARRETTA TRUCKING, INC., Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Petitioner holds a motor *common carrier* certificate in MC 144122 Sub-30, issued August 30, 1979, to operate in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by producers and distributors of paper and plastic products (except commodities in bulk), from the facilities of Continental Group, Inc., (1) at Ft. Worth, TX, to points in IL, IN, and WI, and (2) at Chicago and Shelbyville, IL, to points in VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, and DC, restricted to the transportation of traffic originating at the named origins. By the instant petition, petitioner seeks to modify the certificate as follows: by removal of the facilities reference and the restriction, only insofar as they apply to part (2).

MC 1756 (Sub-32 M2F) (notice of petition to modify a certificate), filed December 7, 1979. Petitioner: PEOPLES EXPRESS CO., a corporation, 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Petitioner holds motor *common carrier* authority in Certificate MC 1756 Sub-32, issued April 10, 1980, as modified, authorizing transportation, over irregular routes, of (1) *containers*, and (2) *materials and supplies* used in the manufacture, distribution or sale of containers (except in bulk, and steel in coil form), between points in CT, DE, ME, NC, MD, MA, NH, NJ, NY, PA, RI, VT, and VA, restricted as follows: (a) to the transportation of shipments originating at or destined to the facilities of American Can Company, Continental Can Corporation, Kaiser Aluminum and Chemical Corporation, and National Can Corporation, (b) against the transportation of traffic from Oil City, PA, (c) to the transportation of traffic originating at and destined to points in the named states, and (d) against the transportation of traffic from Edison, NJ, to points in the Johnstown, PA commercial zone, and from points in the Harrisburg, PA commercial zone, to Hillside, NJ. By the instant petition, petitioner seeks to delete restriction (a) which reads as follows: "(a) to the transportation of shipments originating at or destined to the facilities of American Can Company, Continental Can Corporation, Kaiser Aluminum and Chemical Corporation, and National Can Corporation".

MC 26396 (Sub-216 M1F) (notice of filing of petition to modify a certificate), filed October 15, 1979. Petitioner: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Petitioner holds motor *common carrier* Certificate No. MC 26396 Sub-216, issued August 23, 1979, authorizing the transportation over irregular routes of *building materials* (except lumber, lumber products, and commodities in bulk, in tank vehicles), (a) from ports of entry on the international boundary line between the United States and Canada in ID, MT and ND to points in AR, CO, IA, IL, KS, MN, MO, ND, NE, NM, SD, UT and WI; (b) between points in ID, MT, ND, OR, WA and WY, restricted against the transportation of iron and steel articles from Seattle and Tacoma,

WA, and Portland, OR; and (c) from Livingston, MT to points in CO, MN, NE, NM, ND, SD, UT and WY. By the instant petition, petitioner seeks to modify the commodity description by deleting the restriction against lumber and lumber products and by adding iron and steel articles as specifically authorized commodities; to modify the territorial description to read as follows: between ports of entry on the international boundary line between the United States and Canada in ID, MT and ND, on the one hand, and, on the other, points in AR, IA, KS, MN, MO, ND, NE, NM, SD and WI; between points in CO, ID, IL, MT, ND, OR, UT, WA and WY; and from Livingston, MT to points in MN, NE, NM, SD and WY; and to delete the restriction in the second clause of the territorial description against the transportation of iron and steel articles from Seattle and Tacoma, WA and Portland, OR.

MC 140557 (Sub-1 M1F) (notice of filing of petition to modify a permit), filed October 15, 1979. Petitioner: CALEX EXPRESS, INC., 149 Warden Ave., Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Petitioner holds *contract carrier* authority in MC 140557 Sub-1, issued May 16, 1978, authorizing transportation, over irregular routes, of (1) *brass castings and fittings,* from Edwardsville, PA, to Orlando, FL, and (2) *collapsible steel containers,* from Orlando, FL, to Reading, PA, under continuing contract(s) with R & H Manufacturing, Inc., of Edwardsville, PA. By the instant petition, petitioner seeks to modify the territorial description so as to read: in (1) "from Edwardsville, PA, to Orlando and Miami, FL", and in (2) "from Orlando and Miami, FL, to Reading, PA".

Motor Carrier Operating Rights Applications

Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission on or before May 29, 1980, with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 2860 (sub-189F), filed October 15, 1979. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Peter J. Nickles, 888 16th St., N.W., Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities,* between points in CT, DE, FL, GA, MA, MD, NC, NJ, NY, PA, RI, SC, VA, and DC. (Hearing site: Washington, DC.)

Permanent Ex-Water Authority Decision-Notices

Decided: April 14, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission on or before May 29, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

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 April 29, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of

publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Joyce, and Jones.

MC 96604 (Sub-1F), filed January 17, 1980. Applicant: NELSON TRUCKING CO., INC., 1220 Occidental Ave., S., Seattle, WA 98134. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (a) Seattle, WA, and (b) Tacoma, WA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Seattle, WA, or Portland, OR.)

MC 149104F, filed December 10, 1979. Applicant: MARC DANA LARGENT d.b.a. M.D. LARGENT COMPANY, 841 Solano Ave. No. 6, Albany, CA, 94706. Representative: (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between point in the commercial zones of (1) Oakland, CA, and (2) Richmond, CA, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: San Francisco, CA.)

MC 149354F, filed February 12, 1980. Applicant: F&T TRANSIT CO., INC., 530 Randolph Ave., Cape Charles, VA 23310. Representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Norfolk, VA, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Norfolk, VA.)

Motor Carrier Alternate Route Deviations

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 29, 1980.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 921 (Deviation No. 7), DEAN TRUCK LINE, INC., Fulton Dr., Corinth, MS 38834, filed March 17, 1980. Carrier's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Birmingham, AL, over U.S. Hwy 31 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Nashville, TN, (2) From Nashville, TN, over Interstate Hwy 65 to Louisville, KY, and (3) From Birmingham, AL, over U.S. Hwy 31 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Louisville, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Birmingham, AL, over U.S. Hwy 78 to Tupelo, MS, then over U.S. Hwy 45 to Corinth, MS, then over U.S. Hwy 45 to Selmer, TN, then over U.S. Hwy 45 to Henderson, TN, then over Tennessee Hwy 100 to Nashville, TN, (2) From Nashville, TN, over U.S. Hwy 31–W to Upton, KY, then over the Kentucky Turnpike (Interstate Hwy 65) to Louisville, KY, and (3) From Birmingham, AL, over U.S. Hwy 78 to Tupelo, MS, then over U.S. Hwy 45 to Corinth, MS, then over U.S. Hwy 45 to Selmer, TN, then over U.S. Hwy 45 to Henderson, TN, then over Tennessee Hwy 100, via Parsons, TN, to Nashville, TN, then over U.S. Hwy 31–W to Upton, KY, then over the Kentucky Turnpike (Interstate Hwy 65) to Louisville, KY.

MC 29910 (Deviation No. 46), ARKANSAS–BEST FREIGHT SYSTEM, INC., P.O. Box 48, Fort Smith, AR 72902, filed March 31, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, MO over Interstate Hwy 70 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 136, then over U.S. Hwy 136 to junction Missouri Hwy 81, then over Missouri Hwy 81 to the Missouri-Iowa State line, then over Iowa Hwy 81 to junction Iowa Hwy 2, then over Iowa Hwy 2 to junction U.S. Hwy 63, then over U.S. Hwy 63 to Oskaloosa, IA, then over Iowa Hwy 163 to Des Moines, IA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, MO over U.S. Hwy 66 to Lincoln, MO, then over Illinois Hwy 121 to Morton, IL, then over Illinois Hwy 150 via Peoria to Davenport, IA, then over U.S. Hwy 6 to Des Moines, IA.

MC 35320 (Deviation No. 28), T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79423, filed March 24, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, MO over Interstate Hwy 44 to junction U.S. Hwy 60 near Springfield, MO, then over U.S. Hwy 60 to junction Missouri Hwy 37 near Monett, MO, then over Missouri Hwy 37 to junction U.S. Hwy 62 near Gateway, AR, then over U.S. Hwy 62 to Rogers, AR and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From St. Louis, MO, over U.S. Hwy 66 to Tulsa, OK, and (2) From Kansas City, KS over U.S. Hwy 71 to Rogers, AR.

MC 35320 (Deviation No. 29), T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79423, filed March 24, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Oklahoma City, OK, over Interstate Hwy 44 to Fair Oaks, OK, then over Oklahoma Hwy 33 to the Oklahoma/Arkansas State line, then over Arkansas Hwy 68 to junction Arkansas Hwy 59 to junction Arkansas Hwy 102, then over Arkansas Hwy 102 to Rogers, AR, and (2) From Oklahoma City, OK over Interstate Hwy 40 to junction U.S. Hwy 69, then over U.S.

Hwy 69 to Muskogee, OK, then over U.S. Hwy 62 to Fayetteville, AR, then over U.S. Hwy 71 to Rogers, AR and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service routes as follows: From Oklahoma City, OK over Oklahoma Hwy 77 to Edmond, OK, then over Unnumbered Hwy to junction U.S. Hwy 66, then over U.S. Hwy 66 to Joplin, MO, then over U.S. Hwy 71 to Rogers, AR.

MC 35320 (Deviation No. 30), T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79423, filed March 27, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Memphis, TN over U.S. Hwy 64 to Conway, AR, then U.S. Hwy 65 to Bear Creek Springs, AR, then over U.S. Hwy 62 to Rogers, AR, and (2) From Memphis, TN over U.S. Hwy 64 to Conway, AR, then over over Interstate Hwy 40 to Alma, AR, then over U.S. Hwy 71 to Rogers, AR, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, TN over U.S. Hwy 70 to Little Rock, AR, then over U.S. Hwy 65 to Springfield, MO, then over U.S. Hwy 66 to Joplin, MO, then over U.S. Hwy 71 to Rogers, AR.

Motor Carrier Alternate Route Deviations

Notice

The following letter-notices to operate over deviation routes for operating convenience only has been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 29, 1980.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 74761 (Deviation No. 14), TRAILWAYS TAMIAMI, INC., 315 Continental Avenue, Dallas, TX 75207, filed March 25, 1980. Carrier's representative: George W. Hanthorn, Suite 422, 1500 Jackson Street, Dallas, Tx 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and *their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Macon, GA over Interstate Hwy 16 to Savannah, GA with the following access routes: (1) From the junction of Interstate Hwy 16 and Georgia Hwy 257, over Georgia Hwy 257 to Dublin, GA, and (2) From the junction of Interstate Hwy 16 and Georgia Hwy 19, over Georgia Hwy 19 to Dublin, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Macon, GA over Georgia Hwy 57 to junction Georgia Hwy 18, then over Georgia Hwy 18 to Gordon, GA then return over Georgia Hwy 18 to junction Georgia Hwy 57, then over Georgia Hwy 57 to Irwinton, GA, then over Georgia Hwy 29 via Dublin and Soperton, GA, to Higgston, GA, then over U.S. Hwy 280 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Savannah, GA, and return over the same route.

Note.—This cancels Deviation 1 and 2 of Continental Atlantic Lines, Inc.—MC-2186, which was merged into Trailways Tamiami, Inc.

MC 74761 (Deviation No. 15), TRAILWAYS TAMIAMI, INC., 315 Continental Avenue, Dallas, TX 75207, filed March 25, 1980. Carrier's representative: George W. Hanthorn, Suite 422, 1500 Jackson Street, Dallas, TX 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers* and their *baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Atlanta, GA over Interstate Hwy 75 to Georgia Hwy 85, then over Georgia Hwy 85 to Fayetteville and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Atlanta, GA over Georgia Hwy 54 to Fayetteville, GA, and return over the same route.

MC 74761 (Deviation No. 16), TRAILWAYS TAMIAMI, INC., 315 Continental Avenue, Dallas, TX 75207, filed March 25, 1980. Carrier's representative: George W. Hanthorn, Suite 422, 1500 Jackson Street, Dallas, TX 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* and their *baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Atlanta, GA over Interstate Hwy 85 to junction Interstate Hwy 185, then over Interstate Hwy 185 to Columbus, GA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Atlanta, GA over Georgia Hwy 54 to Fayetteville, GA, then over Georgia Hwy to Woodbury, GA, then over Georgia Hwy 18 to junction unnumbered hwy, then over Georgia Hwy 41 to Talbotton, GA and return over the same route.

Motor Carrier Interstate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the interstate Commerce Commission.

New York Docket No. T-2958, filed October 19, 1979. Applicant: RED ARROW EXPRESS, INC., 264 North Street, Arcade, NY 14009. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* between all points in Cattaraugus, Erie and Wyoming Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedureal information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg. #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-3954, filed April 1, 1980. Applicant: ROOT'S EXPRESS, INC., 11 Karlada Drive, Box 970, Binghamton, NY 13905.

Representative: Martin Werner, 888 Seventh Avenue (15th Floor), New York, NY 10019. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Between all points in Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Erie, Genesee, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Otsego, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Wayne and Yates Counties and in connection therewith to engage in such transportation in interstate or foreign commerce between all points in Broome, Chenango, Cortland, Delaware, Erie, Livingston, Monroe, Oneida, Onondaga, Otsego, Sullivan, Tioga and Tompkins Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Ave., State Campus Bldg. #4, Room, G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC 6985 (Sub-5), filed December 4, 1979. Applicant: TENNESSEE MOTOR LINES, INC., 402 Maplewood Avenue, Nashville, TN 37201. Representative: Edward C. Blank II, P.O. Box 1004, 805 S. Garden St., Columbia, TN 38401. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* except Class A and B explosives, household goods as defined by the Commission and commodities in bulk and commodities requiring special handling or equipment. 1. Between La Follette, Tenn. and Knoxville, Tenn. from La Follette via U.S. Hwy. 25 West to Knoxville and return over the same route serving all intermediate points (restricted against service at Clinton, Tenn.), alternate route for service convenience only from La Follette via I–75 to Knoxville and return over same route. 2. Between La Follette, Tenn. and Nashville, Tenn. from La Follette via U.S. Hwy. 25 West to its junction with State Route 61, thence over State Route 61 to its junction with I–40, thence over I–40 to Nashville and return over the same route serving all intermediate points North of Clinton, Tenn. on U.S. 25 West and all points in Morgan and Roane Counties as intermediate or off route points over all highways in said Counties. 3. Between Oneida, Tenn. and Knoxville, Tenn. from Oneida via U.S. Hwy. 27 to its junction with State Route 62, thence over State Route 62 to Knoxville and return over the same route serving all intermediate points (restricted against service at Oak Ridge, Tenn.) and all points in Morgan and Roane Counties as intermediate or off route points over all highways in said Counties. 4. Between Oneida, Tenn. and Nashville, Tenn. from Oneida via U.S. Hwy. 27 to its junction with I–40, thence over I–40 to Nashville and return over the same route serving all intermediate points on U.S. Hwy. 27 and all points in Morgan and Roane Counties as intermediate or off route points over all highways in said Counties. 5. Service to be operated in connection with all of carrier's existing authority as issued by the Tennessee Public Service Commission and registered with the Interstate Commerce Commission (restricted against service in Interstate Commerce between Nashville, Tenn. and Knoxville, Tenn.) and co-extensive authority in interstate and foreign commerce pursuant to the Interstate Commerce Act. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, Cl–110 Cordell Hull Building, Nashville, TN, and should not be directed to the Interstate Commerce Commission.

Arkansas Docket No. M–13522, filed April 8, 1980. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (with the usual exception). 1. Between Gateway, Arkansas and the Arkansas-Oklahoma State Line. From Gateway over U.S. Highway 62 to the Arkansas-Oklahoma State Line, and return over the same route, serving all intermediate points. 2. Between Summers, Arkansas and Sulphur Springs, Arkansas. From Summers over Arkansas Highway 59 to Sulphur Springs, and return over the same route, serving all intermediate points. 3. Between Gravette, Arkansas and the Junction of Arkansas Highway 72 and U.S. Highway 62. From Gravette over Arkansas Highway 72 to its junction with U.S. Highway 62, and return over the same route, serving all intermediate points, and serving the highway junction for purposes of joinder only. 4. Between Siloam Springs, Arkansas and Huntsville, Arkansas. From Siloam Springs over Arkansas Highway 68 to Huntsville, and return over the same route, serving all intermediate points. 5. Between Gentry, Arkansas and the Junction of Arkansas Highway 264 and U.S. Highway 71. From Gentry over Arkansas Highway 12 to its junction with Arkansas Highway 264, then over Arkansas Highway 264 to its junction with U.S. Highway 71, and return over the same route, serving all intermediate points, and serving the highway junction for purposes of joinder only. 6. Between Fayetteville, Arkansas and the Junction of Arkansas Highway 68 and U.S. Highway 62. From Fayetteville over Arkansas Highway 16 to its junction with Arkansas Highway 74, then over Arkansas Highway 74 to Huntsville, Arkansas, then over Arkansas Highway 68 to its junction with U.S. Highway 62, and return over the same route, serving all intermediate points, and serving the highway junction for purposes of joinder only. 7. Between Siloam Springs, Arkansas and Fayetteville, Arkansas. From Siloam Springs over Arkansas Highway 16 to Fayetteville, and return over the same route, serving all intermediate points. 8. Between Fort Smith, Arkansas and the Arkansas-Missouri State line. From Fort Smith over Interstate Highway 540 to its junction with Interstate Highway 40, then over Interstate 40 to its junction with U.S. Highway 71, then over U.S. Highway 71 to the Arkansas-Missouri State Line, and return over the same route, serving all intermediate points. 9. Between the Junction of Arkansas Highway 102 and U.S. Highway 71 and the Arkansas-Oklahoma State Line. From the junction of Arkansas Highway 102 and U.S. Highway 71, over Arkansas Highway 102 to the Arkansas-Oklahoma State Line, and return over the same route, serving all intermediate points, and serving the highway junction for purposes of joinder only. All routes to be tacked at common points of joinder and with existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Arkansas Transportation Commission, Justice Building, Little Rock, AR 72201, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 800247–CCT, filed March 14, 1980. Applicant: MIAMI TRANSFER CO., INC., 10340 N.W. 37th Avenue, Miami, FL 33147. Representative John T. Bond, Suite 410, Hollywood Fed. Bldg., 909 South State Road 7, Hollywood, FL 33023. Certificate of Public Convenience and Necessity

sought to operate a freight service, as follows: Transportation of: *Building and construction materials and supplies, and iron and steel articles and concrete forming systems composed of iron, steel, aluminum and/or wooden parts* (excluding cement in bulk and bagged cement), to, from and between all points and places in the State of Florida, over irregular routes and on irregular schedules. No duplicating authority is sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 800300–CCT, filed March 27, 1980. Applicant: GEE EL TRANSPORTATION, INCL., 2500 South Harbor City Blvd., P.O. Box 309, Melbourne, FL 32901. Representative John A. Sutton, Sutton & Snyder, P.O. Box 367, Orlanda, FL 32802. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: In common carriage, *freight having a prior origin or destination by rail or ship* at points in Brevard County, FL, on the one hand, to and from points and places within the State of Florida, on the other hand. Restricted against the transportation of household goods, class A or B explosives, commodities in bulk or liquid, also commodities which by size or weight require use of special equipment. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Building 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Permanent Authority Decisions; Decision-Notice; Substitution Applications: Single-Line Service for Existing Joint-Line Service

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 29, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occured within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition; i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

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 April 29, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before May 29, 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 grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick and Fisher, Felder not participating.

MC 136782 (Sub-24F), filed August 14, 1979. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). Between points in PA in and west of Fulton, Huntingdon, Mifflin, Centre, Clinton, and Potter Counties, PA and those in OH, east of a line beginning at Cleveland, OH, and extending along U.S. Hwy 21 to junction unnumbered hwy. (formerly portion of U.S. Hwy 21), then along unnumbered hwy. through Montrose, Clinton, and Canal Fulton, OH to junction U.S. Hwy 21 at or near

Massillon, OH then along U.S. Hwy 21 to junction U.S. Hwy 40 at or near Cambridge, OH, and north of U.S. Hwy 40 from Cambridge to the OH–WV State line, including points on the indicated portions of the hwys. specified, on the one hand, and, on the other, Chicago and Joliet, IL. (Hearing site: Chicago, IL.)

Note.—The sole purpose of this application is to substitute single lines for joint-line operations.

Permanent Authority Decisions; Decision-Notice; Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: April, 11, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before May 29, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

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 April 29, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

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 applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before May 29, 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 grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 3252 (Sub-112F), filed February 8, 1980. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Ave., Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Higham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *contractors equipment, building and construction equipment and materials, steel, tanks, factory equipment, machinery and machine parts, and commodities* requiring specialized handling or rigging because of size and weight, and, (2) *material, equipment and supplies* used in the installation and distribution of the commodities in (1) above, between points in ME and NH, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Portland, ME, or Boston, MA.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 29079 (Sub-169F), filed February 15, 1980. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 554 37th St. North, Birmingham, AL 35202. Representative: Richard H. Streeter, 1729 H St., NW., Washington, DC 20006. Services sought as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Huntington, WV, on the one hand, and, on the other, St. Louis, MO, and points in IL, IN, and MI; (2) between St. Louis, MO, on the one hand, and, on the other, points in IL and IN; (3) between points in NY, PA, WV, and OH, on the one hand, and, on the other, Milwaukee, WI, and points in IN; (4) between points in IL north of U.S. Hwy 80 and points in MI; and (5) between points in MI and IN. (Hearing site: Washington, DC, or Birmingham, AL.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 97394 (Sub-25F), filed January 31, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303,

Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flat glass,* from Nashville, TN, to Detroit, MI. The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Louisville, KY.)

MC 123375 (Sub-20F), filed October 30, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Murrysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, iron and steel articles, machinery,* and *machinery parts:* (1) between points in OH, PA, and WV, on the one hand, and, on the other, points in CT, and (2) between points in OH, on the one hand, and, on the other, New York, NY, and those in Suffolk and Nassau Counties, NY., and points in NJ. (Hearing site: Washington, DC.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 127974 (Sub-21F), filed November 12, 1979. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from Baltimore, MD, Buffalo, NY, Steelton, Philadelphia, and points in Bucks, Chester, Delaware, Lehigh, Montgomery and Northampton Counties, PA, to points in NH and VT. The sole purpose of this application is to substitute applicant's single-line service for its existing joint-line operations. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 135865 (Sub-8F), filed January 11, 1980. Applicant: APPLEGATE DRAYAGE COMPANY, a corporation, 325 North Fifth St., Sacramento, CA 95812. Representative: Michael J. Stecher, 256 Montgomery St., San Francisco, CA 94104. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Reno and Carson City, NV over U.S. Hwy 395, serving all intermediate points. The sole purpose of this application is to substitute single-line for joint-line operations. (Hearing site: Sacramento, CA.)

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* 49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 9, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in indentification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier,* by motor vehicles, over irregular routes.

MC 113666 (Sub-E33) (correction) filed December 31, 1979, published in the **Federal Register** March 21, 1980. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, DC 20036. *Refractory products* (except in bulk), from points in or west of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Clahoun, Roane, Kanawha, Boone, Logan, and Mingo Counties, WV, to points in NY in or north of Erie, Wyoming, Livingston, Yates, Schuyler, Tompkins, Cortland, Broome, Delaware, Greene, and Columbia Counties and points in that part of Steuben County on and north of NY Hwy 17. (Gateway eliminated: Buffalo, NY.)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13018 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-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 April 29, 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 demostrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed on or before May 29, 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 contrued as conferrring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before May 29, 1980 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 iregular routes, except as otherwise noted.

Volume No. 83

Decided: March 29, 1980.

By the Commission, Review Board Number #1, Members Carleton, Joyce, and Jones.

MC 1515 (Sub-279F), filed October 22, 1979. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Over regular routes, transporting *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, (1) between junction Interstate Hwy 80 and Marconi Ave. in Sacramento, CA and junction Marconi Ave. and Fulton Ave. also in Sacramento, CA, over Marconi Ave., serving all intermediate points, and (2) between the junction Interstate Hwy 80 and Fulton Ave. in Sacramento, CA and junction Watt Ave. and U.S. Hwy 50, also in Sacramento, CA, from junction Interstate Hwy 80 and Fulton Ave. to junction Fair Oaks Blvd., then over Fair Oaks Blvd. to junction Watt Ave. then over Watt Ave. to junction U.S. Hwy 50, and return over the same route, serving all intermediate points. (Hearing site: Sacramento, CA.)

MC 4405 (Sub-623F), filed February 5, 1980. Applicant: DEALERS TRANSIT, INC., P.O. Box 236, Tulsa, OK, 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *trailers* and *trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, from Tavares, FL, to points in the United States (except AK, and HI). (Hearing site: Orlando, FL.)

MC 8515 (Sub-38F), filed February 4, 1980. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and IL 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting (1) *metal couplings, rubber hose, and pipe fittings*, and (2) *materials* and *supplies* used in the manufacture and distribution of commodities in (1) above, between points in CO, IL, KS, and MO. (Hearing site: Denver, CO, or Chicago, IL.)

MC 14215 (Sub-42F), filed May 31, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting (1) *steel coils*, from the facilities of Wheeling-Pittsburgh Steel Company, at (a) Follansbee, WV, and (b) Steubenville, OH, to Monaca, PA; and (2) *steel tubing*, (a) from Monaca and Aliquippa, PA and Benwood, WV, to Jane Lew, WV, and (b) from Jane Lew, WV, to points in AL, GA, IL, IN, MI, NC, NJ, NY, OH, PA, and SC. (Hearing site: Columbus, OH, or Washington, DC.)

MC 30844 (Sub-680F), filed February 4, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222 (4616 E. 67th St.), Tulsa, OK, 74121. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *small arms ammunition* and *related components thereof, electrical switch boxes, conduit outlet boxes, junction boxes and covers, related electrical apparatus* (except electrical appliances), and *materials, equipment and supplies* used in the manufacture of the above named commodities, between Anoka, MN, on the one hand, and, on the other, points in the United States (except AK, and HI). (Hearing site: St. Paul, MN.)

MC 83835 (Sub-168F), filed February 8, 1980. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas TX 75237. Transporting *nonferrous metals* and *materials, equipment, and supplies* used in the manufacture and distribution of nonferrous metals (except in bulk), between the facilities of ASARCO Incorporated and Federated Metals Corporation, a subsidiary of ASARCO Incorporated, at or near Corpus Christi and Houston, TX, Omaha, NE, Glover, MO, Sand Springs, OK, Whiting, IN, Newark and Trenton, NJ, San Francisco, CA, Hillsboro, IL, and Columbus, OH, on the one hand, and, on the other, points in the United States (except AK, and

HI), restricted to the transportation of traffic originating at or destined to the above-named facilities. (Hearing site: St. Louis, MO, or Dallas, TX.)

MC 106195 (Sub-28F), filed February 4, 1980. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106.Transporting *such commodities* as are dealt in by grocery stores, chain stores, and food businesshouses (except commodities in bulk, in tank vehicles) from points in IL, IA, KS, and MO, to the facilities of Affiliated Foods Cooperative, Inc., at Norfolk, NE. (Hearing site: Omaha, NE.)

MC 106674 (Sub-463F), filed February 7, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *zinc oxide,* from the facilities of Eagle Picher Industries, Inc., at or near Hillsboro, IL, to those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of zinc oxide, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of Eagle Picher Industries, Inc., at Hillsboro, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-464F), filed February 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *reinforced concrete products,* from the facilities of Price Brothers-Mid West Inc., at or near Rochelle, IL, to points in IN, KY, MI, MO, NY, OH, PA, and WI. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-467F), filed February 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bay City Warehouse, Inc., in Baltimore, MD, on the one hand, and, on the other, those points in the U.S. east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at or destined to Bay City Warehouse, Inc., in Baltimore, MD. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-967F), filed February 6, 1980. Applicant: PRE–FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as above). Transporting (1) *conduit, raceways, wireways, trays, channels, junction boxes, pipe hangers, parts and accessories,* from Norcross, GA, to points in the U.S. (except AK, and HI), and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the commodities in (1) in the reverse direction. (Hearing site: St. Louis, MO.)

MC 107295 (Sub-970F), filed February 6, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as above). Transporting (1) *composition board and water repellant materials* (except commodities in bulk, from Kalamazoo, MI, and Macon, GA, to points in the U.S. (except AK, and HI), and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture or distribution of commodities named in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 107515 (Sub-1340F), filed February 13, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *frozen foods,* from Fairmont, MN, to points in IL, IN, KY, MI, and OH. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 113855 (Sub-500F), filed September 24, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural equipment and industrial equipment (except commodities in bulk), from points in AZ, to points in the United States (except AK and HI). (Hearing site: Phoenix, AZ.)

MC 114284 (Sub-91F), filed February 4, 1980. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, P.O. Box 82307, Oklahoma City, OK 73148. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *foodstuffs* (except in bulk), from the facilities of Sanna Division of Beatrice Foods Co., at Menomonie, Cameron, Vesper, Wisconsin Rapids and Eau Claire, WI, to points in AZ, AR, CA, CO, IA, KS, NM, NE, MO, OK and TX. (Hearing site: Milwaukee, WI or Oklahoma, OK.)

MC 114604 (Sub-109F), filed February 8, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd, N.E., Atlanta, GA 30326. Transporting *foodstuffs* (except frozen or in bulk), from the facilities of Golden State Foods Corporation, in Rockdale County, GA, to points in FL. (Hearing site: Atlanta, GA.)

MC 114604 (Sub-112F), filed February 8, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *canned foodstuffs* (except in bulk or frozen), (1) between Hoopeston and Princeville, IL, and New Belledeau and St. Francisville, LA, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX (except ME, VT, NH, CT, and RI), (2) between Hoopeston and Princeville, IL, and New Belledeau and St. Francisville, LA, and Turkey, NC, (3) from Turkey, NC, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX (except SC, FL, GA, AL, TN, ME, VT, NH, CT, and RI), and (4) from those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX (except ME, VT, NH, CT, and RI) to Turkey, NC, restricted to the transportation of traffic from, to, or between the facilities of Joan of Arc Company. (Hearing site: Atlanta, GA.)

MC 117384 (Sub-5F), filed February 2, 1980. Applicant: DAVIDSON BROTHERS, R.D. No. 3, Bellefonte, PA 16823. Representative: J. Bruce Walter, 410 North Third St., Harrisburg, PA 17108. Transporting *zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet and metallic cadium, and materials, equipment and supplies used in the production, storage and distribution of such commodities,* between the facilities of St. Joe Zinc Company, at Josephtown, PA, on the one, and, on the other, those points in the United States in and east of WI, IL, KY, TN, MS, and LA. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 117384 (Sub-6F), filed February 4, 1980. Applicant: DAVIDSON BROTHERS, R.D. No. 3, Bellefonte, PA 16823. Representative: J. Bruce Walter, 410 North Third St., Harrisburg, PA 17108. Transporting *roofing, roofing materials, and materials used in the manufacture of such commodities,* between points in IN, KY, MI, NY, PA, WV, VA, OH, DE, MD, NJ, CT, RI, MA, VT, NH, ME, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Koppers

Company, Inc. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 117574 (Sub-349F), filed February 4, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Transporting *rubber and rubber products, accessories and materials* used in the manufacture and installation of rubber products, between the facilities of Carlisle Tire & Rubber Co., Division of Carlisle, Corp., Greenville, IL, on the one hand, and, on the other, points in the United States (except HI), restricted to the transportation of traffic originating at or destined to the above named facility. (Hearing site: Washington, DC.)

MC 117765 (Sub-289F), filed February 4, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *concrete crypts and vaults,* from Tulsa, OK, to points in AR, KS, MO, and TX. (Hearing site: Oklahoma City, OK.)

MC 117815 (Sub-335F), filed February 4, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by business and office supply companies, (except comodities in bulk), between points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MD, Lower Peninsula of MI, MN, MO, NE, ND, NY, OH, OK, PA, SD, TN, TX, WI, WV, VA, and DC, restricted to the transportation of traffic originating at or destined to the facilities of United Stationers. (Hearing site: Chicago, IL.)

MC 119834 (Sub-7F), filed February 7, 1980. Applicant: ROBERT N. TOOMEY TRUCKING CO., 1516 South George St., York, PA 17403. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *biological soil innoculant and diesel based fuel extender,* from Dallas, TX, to Dillsburg, PA. (Hearing site: York, PA.)

Note.—Dual operations may be involved.

MC 119974 (Sub-93F), filed February 4, 1980. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting *pineapple juice,* in bulk, in tank vehicles, from San Antonio, TX, to Geneva, IN. (Hearing site: Dallas, TX.)

MC 123285 (Sub-11F), filed February 8, 1980. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *calcium carbonate, in bulk,* from points in TX, to points in LA, AR, OK, NM, MS, and AZ. (Hearing site: Dallas, TX, or Washington, DC.)

MC 124774 (Sub-126F), filed February 8, 1980. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *toilet preparations,* from the facilities of the Mennen Company, at Morristown, NJ, to Chicago, IL, Detroit, MI, and Cleveland and Columbus, OH. (Hearing site: Newark, NJ, or Omaha, NE.)

MC 124774 (Sub-127F), filed February 8, 1980. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. Transporting *canned and cooked fish, and exempt commodities when moving in mixed loads with canned and cooked fish,* from the facilities of Stinson Canning Company, at Bath, Belfast, Prospect Harbor, Rockland, and Southwest Harbor, ME, to points in AR, CO, IL, IN, KS, KY, MA, MI, MN, MO, NE, ND, OH, OK, PA, SD, TN, TX, and WI. (Hearing site: Boston, MA, or Omaha, NE.)

MC 126305 (Sub-141F), filed February 4, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *paper and paper products,* and *materials, equipment, and supplies* used in the manufacture and sale of paper and paper products (except in bulk), between the facilties of Ronnie Packaging Co., at or near South Plainfield, NJ, and City of Industry, CA, on the one hand, and, on the other, points in the US (except AK, and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 126305 (Sub-142F), filed February 4, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *gypsum, gypsum products, and building materials,* and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of gypsum, gypsum products, and building materials (except in bulk in tank vehicles), between points in the US in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Georgia-Pacific Corporation, Gypsum Division. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 126305 (Sub-143F), filed February 4, 1980. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except commodities in bulk), between points in the US (except AK, and HI), restricted to the transportation of traffic originating at or destined to the facilities of Union Camp Corporation, Wayne, NJ. (Hearing site: New York, NY, or Washington, DC.)

Note.—The authority granted here to the extent it authorizes the transportation of classes A and B explosives is limited in point of time to a period of five(5) years from the date of issuance.

MC 133095 (Sub-299F), filed February 4, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *alcoholic beverages* (except in bulk), from Lynchburg, TN, to points in NV. (Hearing site: Dallas, TX.)

MC 134035 (Sub-41F), filed February 8, 1980. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, Highway 75 South, P.O. Box 698, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *flat glass,* and *materials, equipment, and supplies* (except in bulk) used in the manufacture or distribution of flat glass, between Corisicana, TX, on the one hand, and on the other, points in the United States (except AK, and HI.) (Hearing site: Dallas or Fort Worth, TX.)

MC 134405 (Sub-96F), filed February 4, 1980. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *dry fertilizer,* in bulk, from Plainview, TX, to points in CO, KS, NM, and OK. (Hearing site: Dallas, TX.)

MC 135524 (Sub-111F), filed February 4, 1980. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin (same address as applicant). Transporting *grain products,* in bags, from Omaha, NE, and Fergus Falls, MN,

to points in IL, MI, and OH. (Hearing site: Columbus, OH, or Omaha, NE.)

MC 135524 (Sub-112F), filed February 4, 1980. Applicant: G. F. TRUCKING CO., a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin (same address as applicant). Transporting *composition board,* from Houston, Beaumont and Galveston, TX, to points in the United States (except AK and HI). (Hearing site: Columbus, OH, or Houston, TX.)

MC 136605 (Sub-146F) filed February 8, 1980. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting *iron and steel articles,* from Chicago, IL to points in WA, OR, and CA. (Hearing site: Chicago, IL.)

MC 135895 (Sub-84F), filed February 5, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. box 1295, Greenville, MS 38701. Transporting *such commodities* as are dealt in or used by *regional farm supply, manufacturing and marketing cooperatives* (except commodities in bulk and those requiring special equipment), between points in the United States and east of ND, SD, NB, CO and NM. (Hearing site: Jackson, MS.)

MC 138194 (Sub-1F), filed February 4, 1980. Applicant: KUHNLE BROTHERS, INC., P.O. 375, Newbury, OH 44065. Representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, NY 14701. *Contract carrier,* transporting *sand,* from Geauga County, OH, to points in NJ, DE, MD, VA, NC, SC, KY, TN, AR, MO, IA, MN, and WI under continuing contract(s) with Walter C. Best, Inc., and its subsidiary, Bestone, Inc., both of Chardon, OH. (Hearing site: Cleveland, OH.)

MC 138635 (Sub-104F), filed February 4, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same address as applicant). Transporting *meat, meat products, meat byproducts and articles distributed by meat packing houses* as described in Section A and C of Appendix I to the report in *Descriptions on Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Walla Walla County, WA, to those points in that part of the United States west of LA, AR, MO, IA, and MN (except AK and HI, restricted to the transportation of traffic originating at the facilities of Iowa Beef Processors, Inc. (Hearing site: Omaha, NE, or Kansas City, KS.)

MC 140024 (Sub-176F), filed February 8, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as Applicant).Transporting *iron and steel articles,* (1) from Syracuse, NY, to Marietta, OH, and (2) from Marietta, OH, to points in McKinley County, NM. (Hearing site: Denver, CO, or Syracuse, NY.)

MC 140205 (Sub-10F), filed August 20, 1979, previously noticed in FR on February 26, 1979. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, IA 51249. Representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, MN 55403. Transporting *meats, meat products, meat byproducts and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of (1) Lauridsen Foods, Inc., at or near Britt, IA, and (2) Armour and Co., at Mason City, IA, on the one hand, and on the other, those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI), restricted to the transportation of traffic originating at and destined to the above described points. The purpose of this republication is to correct the docket number, should read MC–140205 Sub 10F, instead of MC–138621 Sub 8F, and also to include the origin of Mason City, IA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 140484 (Sub-74F), filed February 12, 1980. Applicant: LESTER COGGINGS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. N.W., Washington, D.C. 20005. Transporting *meat, meat products, and meat byproducts,* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Miami, West Palm Beach, and Tampa, FL, New York, NY, Port Newark, NJ, Savannah, GA, and Charleston, SC, on the one hand, and, on the other, points in IA, MN, AR, MS, TN, KY, IL, WI, MI, IN, OH, MC, SC, and AL. (Hearing site: Washington, DC.)

MC 141245 (Sub-18F), filed February 4, 1980. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Dr., Burlington, VT 05401. Representative: Brian L. Troiano, 918, 16th St., N.W., Washington, D.C. 20006. Transporting *swimming pools,* from Fort Wayne, IN, to Burlington, VT. (Hearing site: Burlington, VT, or Washington, DC.)

MC 141804 (Sub-338F), filed January 3, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (address same as applicant). Transporting *office filing equipment and office filing supplies* from Mayville, WI, to points in CA, CO, OR, and WA. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-373F), filed February 11, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *light fixtures and accessories,* from Conyers and Cochran, GA, and Crawfordsville, IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, WY, NE, KS, OK, and TX, (2) *parts* for lighting fixtures, and (3) *materials, equipment, and supplies* used in the manufacturing of lighting fixtures, from points in the U.S. (except AK, and HI), to Conyers and Cochran, GA, and Crawfordsville, IN. (Hearing site: Los Angeles, CA.)

MC 144345 (Sub-17F), filed February 8, 1980. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Avenue, Caldwell, ID 83605. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *meats, meats products, meat byproducts,* and *articles distributed by meat packinghouses,* as described in Sections A & C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 706 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at Boise, ID, and Wallula, WA, to points in ID, WA, OR, CA, AZ and NV. (Hearing site: Omaha, NE, or Kansas City, KS.)

MC 145204 (Sub-3F), filed October 11, 1979. Applicant: TVF SECURITY CO., INC., P.O. Box 815, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract carrier,* transporting (1) *castings,* from the facilities of Dalton Foundries, Inc., at Warsaw, IN, to points in IL, OH, MI, NY, KY, TN, NC, OH, and PA, and (2) *materials, equipment and supplies* used in the manufacture and distribution of castings, in the reverse direction, under continuing contract(s) with The Dalton Foundries, Inc., of Warsaw, IN. (Hearing site: Indianapolis, IN.)

MC 145734 (Sub-12F), filed February 2, 1980. Applicant: B. D. TRUCKING CO., a

corporation, P.O. Box 817, Ripon, CA 95366. Representative: Edward J. Hargarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *lumber, lumber mill products, particleboard, and fiberboard,* from points in WA, to points in OR. (Hearing site: San Francisco CA.)

MC 145715 (Sub-15F), filed February 11, 1980. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Rd., Van Buren, AR 72956. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60610. Transporting *meat, meat products, meat by products and articles distributed by meat packing houses,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides, skins and commodities in bulk), (1) from Ft. Smith, AR, to points in AL, IA, KS, LA, MD, NE, NC, OK, SC, SD, TX, VA, WV and DC, (2) from Amarillo, Lubbock, and El Paso, TX, Shreveport, LA, Montomery, AL, and Memphis, TN, to points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MS, NJ, NY, NC, OK, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Chicago, IL.)

MC 145904 (Sub-28F), filed February 11, 1980. Applicant: SOUTH WEST LEASING, INC., 170 W. 18th St., P.O. Box 152, Waterloo, IA 50704. Representative: Roger D. Herman (same address as applicant). Transporting *such commodities* as are dealt in by wholesale and retail merchandising outlets (except in bulk), in vehicles equipped with mechancial refrigeration and heating, from the facilities of Procter & Gamble Company, at Chicago, IL to points in IA, MN, and NE, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146595 (Sub-4F), filed February 11, 1980. Applicant: SELCO CORPORATION, P.O. Box 628, Provo, UT 84601. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by agricultural supply houses (except in bulk), from the facilities of Custom Services, Inc., at Carson City, NV, to points in the United States (except AK, and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: Salt Lake City, UT, or San Francisco, CA.)

MC 147335 (Sub-1F), filed February 4, 1980. Applicant: JACK METZGER, d.b.a. SANTIAM TRUCKING, Route 2, Box 238, Albany, OR 97321. Representative: Phillip G. Skofstad, 1525 N. E. Weidler St., Portland, OR 97232. *Contract carrier,* transporting (1) *materials, equipment and supplies* used or dealt in by manufacturers of mobile homes from points in CA, to Albany and Pendleton, OR, and Phoenix, AZ, (2) *lumber* from Lyons, Springfield, Eugene, Independence, Lebanon, Portland, and Roseburg, OR, to Santa Ana, CA, and Phoenix, AZ, (3) *matches* from Oxnard, CA, to points in AZ, CO, NV, NM, OR, TX, UT and WA, and (4) *paper,* in rolls, from Lewiston, ID, and Portland, OR, to Oxnard, CA, under continuing contracts in (1) and (2) with Golden West Mobile Homes, Inc. of Albany, OR, and in (3) and (4) D. D. Bean & Sons (California), Inc., of Oxnard, CA. (Hearing site: Portland, OR.)

MC 147655 (Sub-1F), filed February 12, 1980. Applicant: PAYNE, INC., P.O. Box 112, Brady Station, VA 22714. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *fly ash,* in bulk, from the facilities of National Minerals Corporation, in Indiana, Westmoreland, and Armstrong Counties, PA, to points in DE, MD, NJ, NY, OH, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 147815 (Sub-2F), filed February 5, 1980. Applicant: CARGO TRANSPORT, INC., 918 West Fifth St., Dayton, OH 45407. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting *iron or steel articles,* from Chicago, IL, to the facilities of Dow Chemical U.S.A., at Bay City, and Midland, MI. (Hearing site: Lansing or Detroit, MI.)

MC 148185 (Sub-1F), filed September 13, 1979. Applicant: WINFRIED P. BARTZ d.b.a. WINN BARTZ TRUCKING, LaValle, WI 53941. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract carrier,* transporting *recyclable materials, and materials, equipment and supplies* used in the manufacture and distribution of foundry products, between Reedsburg, WI, on the one hand, and, on the other, points in IL, IN, and IA, under continuing contracts(s) with Grede Foundries, Inc., of Reedsburg, WI. (Hearing site: Madison, WI.)

MC 148564 (Sub-4F), filed February 4, 1980. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *wastepaper,* from points in NE, and IA, to the facilities of Packaging Corporation of American, at or near Hutchinson, KS, and (2) *malt beverages* (except commodities in bulk), from Omaha, NE, Milwaukee, WI, and Memphis, TN, to Hutchinson, KS. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 148655F, filed November 8, 1979. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44114. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001 Transporting: (1) *glass products, metal products, plastic products, clay, clay products, feldspar, and talc* except in bulk), (2) *bottle coating systems* (except in bulk), (3) *parts and accessories for the commodities in (2) above* (except in bulk) and (4) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1), (2), and (3), above* (except in bulk), between the facilities of Flat River Glass Co., at or near Flat River, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 149375F, filed February 4, 1980. Applicant: F. W. NEWCOMB, SR. AND F. W. NEWCOMB, JR. d.b.a. F. W. NEWCOMB TRUCKING, 2716 Isette Ave., Muscatine, IA 52761. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *corn products,* in bags, from the facilities of Grain Processing Corporation at Muscatine, IA, to points in IL, IN, KS, MN, MI, MO, NE, OH, SD, and WI. (Hearing site: Chicago, IL.)

Volume No. 128

Decided: March 28, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 730 (Sub-492F), filed February 25, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 No. Via Monte, Walnut Creek, CA 94596. Representative: E. E. Reddick (same address as applicant). Transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), between the facilities of MBPXL Corporation, at or near Dodge City, KS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Kansas City, KS, or Des Moines, IA.)

MC 3581 (Sub-25F), filed February 19, 1980. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive,

N.E., Suite 107, Atlanta, GA 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting *automobiles and trucks*, in driveaway and truckaway service, in initial and secondary movements, from Ft. Wayne, IN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 3581 (Sub-26F), filed February 19, 1980. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE, Suite 107, Atlanta, GA. 30345. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Transporting *trucks*, in driveway and truckaway service, in initial and secondary movements, from Buffalo, NY, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 11220 (Sub-200F), filed February 25, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of All Steel, Inc., at or near Warrensburg, MO, on the one hand, and, on the other, Fort Smith, AR, Dallas, TX, points in AL, IN, MS, OH, those in GA on and west of U.S. Hwy 441, those in LA on and east of the Mississippi River, and those in TN on and west of U.S. Hwy 41. (Hearing site: Chicago, IL.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 47171 (Sub-146F), filed September 26, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Richmond County, GA, on the one hand, and, on the other, North Augusta, SC. (Hearing site: Washington, DC.)

Note.—Applicant intends to tack its existing authority at North Augusta, SC, to perform a through service to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC.

MC 64600 (Sub-56F), filed February 5, 1980. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) over regular routes, (1) between Richmond, VA, and Anderson, SC, (a) from Richmond over U.S. Hwy 360 to its junction with VA Hwy 304, then over VA Hwy 304 to its junction with U.S. Hwy 58, then over U.S. Hwy 58 to its junction with U.S. Hwy 29, then over U.S. Hwy 29 to Anderson, and return over the same route, and (b) from Richmond over U.S. Hwy 360 to its junction with U.S. Hwy 29, then over U.S. Hwy 29 to Anderson, and return over the same route, (2) between Richmond, VA, and Columbia, SC, (a) over U.S. Hwy 1, and (b) from Richmond over Interstate Hwy 95 to its junction with Interstate Hwy 85, then over Interstate Hwy 85 to its junction with U.S. Hwy 1, then over U.S. Hwy 1 to Columbia and return over the same route, (3) between Richmond, VA, and Greenville, SC, (a) from Richmond over U.S. Hwy 301 to its junction with U.S. Hwy 76, then over U.S. Hwy 76 to its junction with SC Hwy 14, then over SC Hwy 14 to its junction with U.S. Hwy 276, then over U.S. Hwy 276 to Greenville and return over the same route, and (b) from Richmond over Interstate Hwy 95 to its junction with Interstate Hwy 20, then over Interstate Hwy 20 to its junction with Interstate Hwy 26, then over Interstate Hwy 26 to its junction with U.S. Hwy 276, then over U.S. Hwy 276 to Greenville and return over the same route, (4) between the junction of U.S. Hwys 301 and 64 and the junction of U.S. Hwys 70 and 29, (a) from the junction of U.S. Hwys 301 and 64 over U.S. Hwy 64 to its junction with NC Hwy 98, then over NC Hwy 98 to its junction with U.S. Hwy 70, then over U.S. Hwy 70 to its junction with U.S. Hwy 29 and return over the same route, and (b) from the junction of U.S. Hwys 301 and 64 over U.S. Hwy 64 to its junction with U.S. Hwy 70, then over U.S. Hwy 70 to its junction with U.S. Hwy 29 and return over the same route, (5) between the junction of U.S. Hwys 301 and 264 and the junction of U.S. Hwys 264 and 64, over U.S. Hwy 264, (6) between the junction of U.S. Hwys 15 and 70 and the junction of U.S. Hwys 15 and 1, over U.S. Hwy 15, (7) between the junction of U.S. Hwys 29 and 74 and the junction of U.S. Hwys 52 and 301, (a) from the junction of U.S. Hwys 29 and 74 over U.S. Hwy 74 to its junction with U.S. Hwy 52, then over U.S. Hwy 52 to its junction with U.S. Hwy 301 and return over the same route, and (b) from the junction of U.S. Hwys 29 and 74 over U.S. Hwy 74 to its junction with U.S. Hwy 601, then over U.S. Hwy 601 to its junction with SC Hwy 151, then over SC Hwy 151 to its junction with U.S. Hwy 52, then over U.S. Hwy 52 to its junction with U.S. Hwy 301 and return over the same route, serving all intermediate points in (1) through (7) above and serving Farmville and Chase City, VA, points in the NC Counties of Caswell, Chatham, Cumberland, Durham, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Lee, Lenior, Martin, Orange, Person, Pitt, Randolph, Robeson, Sampson, Vance, Wake, Warren, Wayne and Wilson, and points in the SC Counties of Anderson, Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, Greenville, Kershaw, Lancaster, Lee, Lexington, Marlboro, Marion, Pickens, Richland, Spartanburg, Sumter, Union and York as off-route points in connection with the routes described above, and (8) between Lynchburg and Roanoke, VA, over U.S. Hwy 460, serving all intermediate points, and (B) over alternate routes for operating convenience only, serving no intermediate points, (1) between Hickory, NC, and Roanoke, VA, from Hickory over Interstate Hwy 40 to its junction with Interstate Hwy 77, then over Interstate Hwy 77 to its junction with Interstate Hwy 81, then over Interstate Hwy 81 to Roanoke and return over the same route, (2) between Danville, VA, and the junction of NC Hwy 86 and U.S. Hwy 70, from Danville over VA Hwy 86 to the VA–NC State line, then over NC Hwy 86 to its junction with U.S. Hwy 70 and return over the same route, (3) between Glasgow, VA, and the junction of VA Hwy 130 and Interstate Hwy 81, over VA Hwy 130, and (4) between Richmond and Roanoke, VA, from Richmond over U.S. Hwy 360 to its junction with VA Hwy 307, then over VA Hwy 307 to its junction with U.S. Hwy 460, then over U.S. Hwy 460 to Roanoke and return over the same route. (Hearing site: Charlotte or Greensboro, NC.)

MC 108341 (Sub-183F), filed February 1, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125. Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *electric circuit breakers, electric controllers, and electric instruments*, (2) *parts, attachments and accessories* for the commodities in (1) above, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of Westinghouse Electric Corporation, at or near Greenwood, SC,

on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 111231 (Sub-298F), filed February 22, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan P.O. Box A, Prairie Grove, AR 72753. Transporting (1) *electric motors and electrical equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Franklin Electric Co., at or near Wilberton, OK, on the one hand, and, on the other, Jacksonville and Siloam Springs, AR; Bluffton and Indianapolis, IN, Chicago, IL, Birmingham, AL, Toledo, OH, Pittsburgh, PA, and points in Putman County, IL, and Hot Spring County, AR. (Hearing site: Siloam Springs or Little Rock, AR.)

MC 113651 (Sub-332F), filed February 4, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from Green Bay, WI, to points in FL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 113651 (Sub-333F), filed February 4, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *foodstuffs,* from San Antonio, TX, to Atlanta, GA, Tampa, FL, Denver, CO, Kansas City, KS, Chicago, IL, and Secaucus, NJ. (Hearing site: Washington, DC.)

MC 113651 (Sub-334F), filed February 22, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, IN 47305. Representative: Henry Higgs (same address as applicant). Transporting *bananas,* and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) (formerly Section 203(b)(6) of the Interstate Commerce Act), in mixed loads with bananas, from Wilmington, DE, to points in IL, IN, MI, OH, PA, VA, WI, and WV. (Hearing site: Miami, FL, or Washington, DC.)

MC 115331 (Sub-534F), filed February 4, 1980. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road. St. Louis, MO 63122. Transporting *flour, prepared mixes, bases for prepared mixes, and croutons,* in containers, from Alton, IL, to those points in the United States in and east of MN, IA, MO, OK, and TN. (Hearing site: Minneapolis, MN, or St. Louis, MO.)

MC 115331 (Sub-535F), filed February 4, 1980. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Rd., St. Louis, MO 63122. Transporting (1) *charcoal, charcoal briquettes, hickory chips, vermiculite, lighter fluid, fireplace logs, and accessories used in outdoor cooking,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities used by the Cupples Company Manufacturers, at points in the United States (except AK and HI) on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO, and Washington, DC.)

MC115651 (Sub-84F), filed February 25, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 666 11th St., Washington, DC 20001. Transporting *petroleum products* in bulk, in tank vehicles, from Madison, WI, to points in IL. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 115841 (Sub-756F), filed February 19, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). Transporting *aluminum and aluminum articles,* between the facilities of Norandal USA, Inc., at or near Huntington, TN, on the one hand, and, on the other, points in AZ and CA. (Hearing site: Nashville, TN, or Washington, DC.)

MC 121470 (Sub-27F), filed June 18, 1979, and previously noticed in **Federal Register** issue of February 14, 1980. Applicant: TANKSLEY TRANSFER CO., a corporation, 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *iron and steel articles,* between the facilities of (a) Volunteer Structures, Inc., at or near Nashville, TN, and (b) Boyce Steel, Inc., at or near Kingston Springs, TN, on the one hand, and, on the other, points in the United States (except AK and HI). restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Nashville, TN.)

Note.—This republication shows Boyce Steel, Inc., at or near Kingston Springs, TN, as an origin or destination point.

MC 125551 (Sub-18F), filed February 19, 1980. Applicant: K & W TRUCKING CO., INC., 101 Cooper Ave., North P.O. Box 1415, St. Cloud, MN 56301. Representative: William L. Libby, 203 Cooper Ave., North St. Cloud, MN 56301. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers, having an immediately prior or subsequent movement by water, and (2) *empty containers, trailers,* and *trailer chassis,* between points in AZ, CA, ID, MT, NV, OR, UT, WA, and AK. (Hearing site: Seattle, WA, or San Francisco, CA.)

MC 128371 (Sub-10F), filed February 19, 1979. Applicant: BELLEVUE AGGREGATE HAULERS, INC., 9410 Airport Highway, P.O. Box 296, Holland, OH 43528. Representative: Kevin R. Reichley, 50 West Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers of metal containers, in dump vehicles, between the facilities of American Can Co., at or near Whitehouse, OH, on the one hand, and, on the other, East Chicago and Gary, IN, and Weirton, WV. (Hearing site: Washington, DC, or Columbus, OH.)

MC 133841 (Sub-18F), filed February 22, 1980. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 Transporting (1) *industrial ovens, washing machines, heat and air exchangers, and thermal incinerators,* and (2) *materials, equipments, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between Boonton, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 135070 (Sub-151F), filed February 19, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amirillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *confectionery,* in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Division of Mars, Inc., at or near Chicago, IL, to points in AZ, AR, CA, CO, ID, IL, IN, KS, KY, LA, ME, MI, MO, MT, NV, NH, NM, OH, OK, OR, TX, UT,

VT, WA, WV, and WY. (Hearing site: New York, NY, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-154F), filed February 22, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln; NE 68501. Transporting (1) *chemicals, plastic, plastic articles,* and rubber articles, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Scholle Corporation and Camfield Chemical Co., Inc., at points in CA, GA, IL, MN, MO, NJ, TX, and WA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, IL, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-156F), filed February 19, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln; NE 68501. Transporting (1) *Tape and tape products,* (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (a) from Carbondale, IL, to points in CA, GA, MO, NJ, NY, OH, and TX, and (b) from Beacon, NY, and Passaic, NJ, to points in AZ, CA, GA, IL, MO, NV, and TX, and (3) *petroleum products,* from Beaumont and Cheek, TX, and Baton Rouge, LA, to points in IL, NJ, and NY. (Hearing site: New York City, NY, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 135070 (Sub-158F), filed February 29, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, 720 N. Grand St., Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *metal articles,* from Carthage, MO, to points in CA, CO, IA, IL, IN, KS, NE, NY, OH, PA, and WI. (Hearing site: New York City, NY, or Dallas, TX.)

Note.—Dual operations may be involved.

MC 138000 (Sub-65F), filed February 20, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting (1) *automobile parts,* and (2) *materials, equipment, and supplies* used in the manufacture of motor vehicles, (except commodities in bulk), from Indianapolis, IN, to Detroit, MI. (Hearing site: Detroit, MI)

Note.—Dual operations may be involved.

MC 143701 (Sub-23F), filed February 1, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73–I, Metairie, LA 70033. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting (1) *paper bags,* from New Orleans, LA, to points in ID, MA, NH, NV, NY, OR, PA, WV, and WY, and (2) *materials* used in the manufacture of paper bags, in the reverse direction. (Hearing site: New Orleans, LA, or Kansas City, MO.)

MC 144190 (Sub-13F), filed February 25, 1980. Applicant: STORY, INC., Route No. 1, Box 122, Henager, AL 35978. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8)(1978), (formerly Section 402(a)(5) of the Interstate Commerce Act), from Los Angeles, CA, to points in AL, AR, FL, GA, IA, LA, MN, MS, NC, SC, TN, VA, and WI. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 144270 (Sub-2F), filed February 25, 1980. Applicant: DOUBLE-B TRUCKING CO., LTD., 18855 60th Ave., Surrey, British Columbia CD V3S 4N9. Representative: Carl Bonneycastle (same address as applicant). *Contract carrier,* in foreign commerce only, transporting *gypsum wallboard,* from ports of entry on the international boundary line between the United States and Canada in WA, to points in WA (except Whatcom, Skagit, Snohomish, King, Pierce and Thurston Counties), under continuing contract(s) with Truroc Gypsum Products, of New Westminster, British Columbia, Canada. (Hearing site: Seattle, WA.)

MC 145441 (Sub-104F), filed February 1, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting (1) *stoves,* (2) *parts for stoves,* and (3) *materials, equipment and supplies* used in the manufacture, distribution, and installation of stoves (a) from Sanford, NC, and Parral, OH, to points in AR and TX, and (b) from Memphis, TN, to Sanford, NC. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—Dual operations may be involved.

MC 145441 (Sub-105F), filed February 1, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *foodstuffs* (except in bulk) from points in NY to those points in the United States in and east of TX, OK, KS, MO, IA, and WI. (Hearing site: Little Rock, AR, or New York, NY.)

Note.—Dual operations may be involved.

MC 145441 (Sub-106F), filed February 4, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant). Transporting *paper and paper products,* from points in AL, IL, ME, and WI to Little Rock, AR. (Hearing site: Little Rock, AR, or Chicago, IL.)

Note. Dual operations may be involved.

MC 145610 (Sub-4F), filed February 21, 1980. Applicant: TRUCK AIR OF GEORGIA, INC., 576 Lake Mirror Road, College Park, GA 30349. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309. Transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hartsfield International Airport, at Atlanta, GA, Birmingham Municipal Airport, at Birmingham, AL, and Huntsville-Madison County Airport, at Huntsville, AL, on the one hand, and, on the other, John F. Kennedy International Airport, at Jamaica, NY, La Guardia Airport, at New York, NY, Newark International Airport, at Newark, NJ, Logan International Airport, at Boston, MA, O'Hare International Airport, at Chicago, IL, Lambert International Airport, at St. Louis, MO, Kansas City International Airport, at Kansas City, KS, Dayton International Airport, at Vandalia, OH, New Orleans International Airport, at New Orleans, LA, Knoxville Municipal Airport, at Knoxville, TN, Lovell Field Airport, at Chattanooga, TN, Nashville Metropolitan Airport, at Nashville, TN, Memphis International Airport, at Memphis, TN, and Tri-Cities Airport, at Bristol, Kingsport, and Johnson City, TN, and points in AL and GA, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. (Hearing site: Atlanta, GA, or Birmingham, AL.)

MC 146701 (Sub-8F), filed February 4, 1980. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45 Eton, GA 30724. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract Carrier,* transporting *resins* (except in bulk) from the facilities of Pacific Resins & Chemicals, Inc., at or near Peachtree City, GA, to those points in the United States in and east of NM, CO, NE, ND, SD, and under continuing contract(s) with Pacific Resins & Chemicals, Inc., of

Tacoma, WA. (Hearing site: Atlanta, GA.)

MC 148281 (Sub-10F), filed February 4, 1980. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting (1) *ceramic tile* and (2) *equipment, materials, and supplies* used in the installation of ceramic tile (except commodities in bulk) (a) between points in CA, on the one hand, and, on the other, points in OR and WA, and (b) from points in WA to points in ID, MT, OR, and WA, restricted to the transportation of traffic originating at or destined to the facilities of Unique Distributing Co., Inc. (Hearing site: Seattle, WA, or Los Angeles, CA.)

MC 149421 (Sub-1F), filed February 25, 1980. Applicant: WINKLER DISTRIBUTING, INC., 2822 S.W. Washington St., Peoria, IL 61602. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (1) Cedar Rapids, IA, to points in IL, and (2) Monmouth, IL, to points in IA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, KS.)

Volume No. 148

Decided: March 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 30844 (Sub-681F), filed February 15, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representatives: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting (1) *pipe covering, pipe line coating, binding tape, bandages and dressings, adhesive tape, and plastic articles,* from Franklin, KY to points in LA and TX, and (2) *such materials and supplies* as are used in the manufacturing of the commodities named in (1) above (except commodities in bulk) from points in LA and TX to Franklin, KY, restricted in (1) and (2) above to shipments originating at or destined to the facilities utilized by the Kendall Company at the named origins and destinations. (Hearing site: Boston, MA, or Washington, DC.)

MC 31675 (Sub-28F), filed February 14, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representatives: Garland V. Moore (same address as applicant). Transporting *building boards, wallboards, and insulating boards and materials and supplies* used in the installation thereof (except commodities in bulk), (1) from the facilities of Armstrong Cork Company, at or near Marietta, PA, to points in AL, FL, GA, KY, LA, MS, and TN; (2) from the facilities of Armstrong Cork Company, at or near Marietta, PA, to points in AR, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, OK, SD, TX and WI. (Hearing site: Washington, DC.)

MC 56244 (Sub-103F), filed February 15, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *automotive steering assemblies and parts* and (2) *materials, supplies and equipment* used in the manufacturing or distribution of commodities named in (1) above (except commodities in bulk), between the facilities of R. H. Sheppard Co., Inc., at or near Hanover, PA on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, TN, VA, VT, and WV, restricted to shipments originating at the indicated origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 106674 (Sub-471F), filed February 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *paper and paper articles, woodpulp, plastic and plastic products,* and (2) *materials and supplies* used in the manufacture and distribution of the products named in (1) above (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to facilities utilized by Georgia-Pacific Corporation. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-472F), filed February 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *processed sawdust and wood shavings,* in bags, from the facilities of Robert L. Ciuferi Sawdust Milling, Inc., in Chattanooga, TN to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, OK, SC, TX, VA, and WV. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-47F), filed February 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *tires, tubes, and rims* between points in IL, IN, and KS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107515 (Sub-1342F), filed February 29, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, Ga 30326. Transporting *foodstuffs* (except in bulk) from the facilities of The Pillsbury Company, Frozen Foods Division, at Minneapolis, MN, to points in CT, DE, IL, IN, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, WV and DC. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1343F), filed February 29, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *such merchandise* as is dealth in by wholesale and retail drug, grocery and food business houses, between the facilities utilized by Warner-Lambert Company, at points in the United States (except AK and HI). (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 108835 (Sub-49F), filed February 4, 1980. Applicant: HYMAN FREIGHTWAYS, INC., 2380 Wycliff, St. Paul, MN 55164. Representative: Rodney L. Trocke, 2690 N. Prior Ave., Roseville, MN 55113. Transporting *paper and paper products* (except commodities in bulk), between points in IA, KS, MN, MO, and NE, restricted to the transportation of traffic originating at or destined to the facilities of Boise Cascade Corporation. (Hearing site: St. Paul, MN.)

MC 111214 (Sub-23F), filed February 8, 1980. Applicant: GREENWOOD STORAGE & TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting *iron and steel articles and materials, equipment, and supplies* (except in bulk) *used in the manufacture and distribution of iron and steel and iron and steel articles* between the

facilities of Atlas Steel and Wire Corporation at or near Harahan, LA, on the one hand, and, on the other, points in AL, AR, KY, LA, MS, OK, TN and TX, under a continuing contract(s) with Atlas Steel and Wire Corp. (Hearing site: New Orleans, LA.)

MC 112814 (Sub-1F), filed November 6, 1979. Applicant: TURLEY'S TRANSFER COMPANY, INC., 100 Whitmer St., Central City, KY 42330. Representative: L. J. Turley (same address as applicant). Transporting *used household goods,* as defined by the Commission between points in KY, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KS, MI, MO, NC, OH, SC, TN, VA, and WV. (Hearing site: Louisville, KY, or Washington, DC.)

MC 113974 (Sub-70F), filed January 28, 1980. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO. a corporation, 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). Transporting *pre-cut log buildings* and *such commodities* as are used in the construction of pre-cut log buildings, from Penobscot County, ME, to those points in the United States in and east of IL, KY, MS, TN, and WI. (Hearing site: Washington, DC.)

MC 114045 (Sub-560F), filed January 29, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Transporting *foodstuffs* (except in bulk) from the facilities of Continental Coffee, at or near Houston, TX, to points in IA, IL, MN, and WI. (Hearing site: Chicago, IL.)

MC 114604 (Sub-95F), filed November 16, 1979, noticed in FR on March 27, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Memphis, TN, to points, in AR, AL, OH, DC, FL, GA, IL, IN, KY, LA, MO, MS, MD, NC, SC, TX, VA, and WV, restricted to the transportation of traffic originating at the named origin facilities. This republication corrects the territorial description adding OH to the destination points. (Hearing site: Atlanta, GA.)

MC 115654 (Sub-193F), filed January 31, 1980. Applicant: TENNESSE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses between Humboldt, TN, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MS, MO, OH, TN, Kansas City, KS, and that part of MI on and south of Michigan Hwy 21. (Hearing site: Nashville, TN.)

MC 121195 (Sub-3F), filed February 11, 1980. Applicant: WARREN CLARK d.b.a. COLORADO MOTOR EXPRESS, 3770 Holland St., Wheat Ridge, CO 80033. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. Transporting *general commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Denver, CO, and points in Mesa County, CO. (Hearing site: Denver, CO.)

MC 123294 (Sub-78F), filed February 8, 1980. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, RT. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., (same address as applicant). Transporting *insulation and materials used in the manufacture and installation of insulation,* between St. Louis, MO, on the one hand, and, on the other, points in IA, MN, WI, IN, IL, MI, OH, WV, and PA. (Hearing site: St. Louis, MO.)

MC 124004 (Sub-57F), filed February 8, 1980. Applicant: RICHARD DAHN, INC., 620 West Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *lime and limestone products,* from the facilities of The J. E. Baker Company, W. Manchester Township, York County, PA, to points in DE, MD, NJ, NY, VA, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 124554 (Sub-42F), filed February 8, 1980. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract* transporting (1) *such merchandise* as is manufactured, sold or distributed by manufacturers of household products, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from La Crosse, WI, to points in Aitkin, Benton, Big Stone, Carlton, Chippewa, Chisago, Crow Wing, Douglas, Hennepin, Isanti, Kanabec, Lac Qui Parle, Lincoln, Lyon, Mille Lacs, Morrison, Murray, Nobles, Pine, Pipestone, Ramsey, Rock, Sherburne, St. Louis, Stevens, Swift, Todd, Washington, and Yellow Medicine Counties, MN, and (3) *industrial and institutional cleaning and building maintenance products,* from Schaumburg, IL, to points in WI, the Upper Peninsula of MI, and points in and south of Big Stone, Stevens, Douglas, Todd, Morrison, Crow Wing, Aitkin, and St. Louis Counties, MN, under continuing contract(s) with Fuller Brush Co., of Great Bend, KS. (Hearing site: Chicago, IL.)

MC 125335 (Sub-100F), filed February 11, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *frozen vegetables,* from the facilities of Southland Frozen Foods, Inc., at or near Plant City, FL, to points in IL, IN, IA, KS, MI, MN, NE, OH, and WI. (Hearing site: Tampa, FL, or Dallas, TX.)

MC 126824 (Sub-2F), filed January 28, 1980. Applicant: JOHN TINNEY, d.b.a. JOHN TINNEY DELIVERY SERVICE, 802 Connell Ave., Yeadon, PA 19050. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman St., Jenkintown, PA 19046. Transporting *general commodities* (except commodities in bulk, and classes A and B explosives) from Philadelphia, PA, to points in PA, on and south and east of U.S. Hwy 22 starting at the PA–NJ border, then Interstate Hwy 78 and then Interstate Hwy 81 to the PA–MD border including Easton and Allentown, PA, to points in DE north of DE State Hwy 8, including Dover, DE, to points in NJ in and south of Mercer, Middlesex, and Monmouth Counties, NJ. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 133095 (Sub-300F), filed February 12, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *coated wire housewares articles and display racks* from Wooster, OH to points in the United States, (except AK and HI). (Hearing site: Dallas, TX.)

MC 133095 (Sub-301F), filed February 12, 1980. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan (same address as applicant). Transporting *coated wire housewares articles and display racks* from Greenville, TX to

points in the United States, (except AK and HI). (Hearing site: Dallas, TX.)

MC 133655 (Sub-198F), filed December 17, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *table sauce* from the facilities of Lea & Perrins, Inc., at or near Fair Lawn, NJ to points in OK, MO, FL, KY, WI, IL, OH, GA, LA, TX, TN, and AL. (Hearing site: Chicago, IL.)

MC 135895 (Sub-85F), filed February 15, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *general commodities,* (except commodities in bulk and those requiring special equipment) between the facilities of Kimberly-Clark Corporation, Richmond County, GA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to traffic originating at or destined to the named facilities in Richmond County, GA, and to the extent the authority embraces classes A and B explosives, or other dangerous commodities, it is limited in point of time to 5 years from date the certificate is issued. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 138875 (Sub-275F), filed February 15, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). Transporting (1) *chemicals;* and (2) *prepared food and beverages mixes* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the traffic originating at or destined to the facilities of McKesson Chemical Co. (Hearing site: San Francisco, CA or Boise, ID.)

MC 140484 (Sub-66F), filed November 14, 1979. Noticed in FR on March 27, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Meyers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Reliance Electric Company and its subsidiaries. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—The purpose of this republication is to add the restriction.

MC 140665 (Sub-98F), filed February 11, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *such commoditites* as are dealt in or used by department, hardware, drug, and food stores (except foodstuffs and commodities in bulk), from points in CA to points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: San Francisco, CA or Washington, DC.)

MC 140665 (Sub-99F), filed February 11, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *plastic materials and chemicals,* (except commodities in bulk), from Oxnard, CA to points in KS, and OK. (Hearing site: Los Angeles, CA or Washington, DC.)

MC 141804 (Sub-376F), filed February 11, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *plastic lids, dishes, tumblers, styrofoam bevettes and articles* used in the manufacture and distribution thereof, between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Thompson Industries, Co. (Hearing site: Los Angeles, CA.)

MC 142135 (Sub-2F), filed December 3, 1979. Applicant: PRIORITY DISPATCH, INC., 123 East Liberty St., Cincinnati, OH 45210. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215. Transporting *Passengers and their baggage,* between the Dayton, Ohio Municipal Airport, at or near Dayton, OH, on the one hand, and, on the other, points in Union, Franklin, Fayette and Wayne Counties, IN. (Hearing site: Columbus, OH.)

MC 143794 (Sub-16F), filed February 8, 1980. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 525, Selmer, TN 38375. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Contract carrier,* transporting *automotive parts,* from facilities of Mack Trucks, Inc. Bridgewater, NJ, to facilities of Mack Trucks, Inc. in Atlanta, GA and Arlington, TX. (Hearing site: Atlanta, GA. or Washington, DC.)

Note.—Dual operations may be involved.

MC 146595 (Sub-5F), filed February 11, 1980. Applicant: SELCO CORPORATION, P.O. Box 628, Provo, UT 84601. Representative: Daniel O. Hands Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of E. J. Brach & Sons at Chicago, IL to CO, NM, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the named destination. (Hearing site: Chicago, IL.)

MC 146644 (Sub-2F), filed February 8, 1980. Applicant: GERALD KILFOYL, d.b.a. J. KILFOYL TRUCKING, Argusville, ND 58005. Representative: William J. Gambucci, Suite, M–20, 400 Marquette Ave., Minneapolis, MN 55402. Transporting (1) *steel buildings, knocked down or in sections, parts and attachments therefor,* from Taylorville, IL to points in MT, ND and SD; and (2) *steel grain bins, knocked down or in sections, parts and attachments therefor,* from Falls City, NE, to points in MT, ND and SD. (Hearing site: Fargo, ND.)

MC 148485 (Sub-2F), filed February 12, 1980. Applicant: EARL P. SMITH, d.b.a. SMITH CARTAGE COMPANY, 104 South Vine Ave., Marshfield, WI 54449. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract carrier,* transporting (a) *agricultural and cattle barn and silo equipment and implements, and materials and supplies used in agricultural and cattle barns and silos,* (b) *materials, equipment and supplies used in the manufacture and distribution of the commodities mentioned in (a) above* between Manawa and Marshfield, WI and points in IL, IA, MI, MN, ND, and SD, under a continuing contract(s) with Berg Equipment Company of Marshfield, WI, and Farmway Co., Inc., of Manawa, WI. (Hearing site: Madison, WI.)

MC 149164 (Sub-3F), filed February 8, 1980. Applicant: GENE'S, INC., 6975 Brookville-Salem Rd., Brookville, OH 45309. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting *ice cream, ice products, milk products, yogurts and deserts, frozen and/or refrigerated,* from Fort Wayne and Indianapolis, IN, Canton, OH, and Pittsburgh, PA to CT, IL, IA, KY, MA, MD, MI, MO, NJ, NY, OH, RI, WI, restricted to traffic originating at or destined to the facilities of Borden, Inc. (Hearing site: Columbus, OH, or Washington, DC.)

MC 149384F, filed January 28, 1980. Applicant: CHARLES GAJDA AND CHESTER GAJDA, copartners, d.b.a. GAJDA TRUCKING COMPANY, R.D.

No. 3, Volant, PA 16156. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *coal*, in bulk, in dump vehicles, from the facilities of Amerikohl Management Corp. in Beaver, Butler, Lawrence, Mercer and Venango Counties, PA, to points in OH and NY. (Hearing site: Pittsburgh, PA, or Cleveland, OH.)

Note.—Dual operations may be involved.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13017 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Dockets Nos. 29036; 29228]

Atchison, Topeka & Santa Fe Railway Co.—Operating Agreement—Star Lake Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: In Finance Docket No. 28272 the Star Lake Railroad Company (Star Lake), a non-operating subsidiary of The Atchison, Topeka and Santa Fe Railway Company (AT&SF), seeks authority to construct 82 miles of railroad. This matter has been set for handling under modified procedure.

AT&SF and Star Lake seek exemption from Commission jurisdiction for the operating agreement and construction notes that are ancilliary to the construction application. In Finance Docket No. 29036, AT&SF proposes to enter into an exclusive agreement with Star Lake for rights to operate over the line to be constructed. AT&SF's payment will amortize the construction notes and provide for miscellaneous overhead expenses. In Finance Docket No. 29228, AT&SF proposes to advance construction funds to Star Lake in return for long term construction notes that are a matter of corporate housekeeping with little outside effect.

The parties filed a petition for exemption on December 31, 1979, from 49 U.S.C. 11301 and 11344–11347 for the two ancilliary transactions. The exemption from 49 U.S.C. 11301 would permit Star Lake to issue notes to AT&SF in return for the advancement of capital for the construction of railroad without Commission approval. The exemption from 49 U.S.C. §§ 11343–11347 would permit AT&SF to operate over Star Lake's line without Commission approval. This type of arrangement is specifically within the scope of 49 U.S.C. 11343 which makes it lawful, with the approval of the Commission, "for a carrier by railroad to acquire trackage rights over * * * any railroad line or lines owned * * * by any such carrier."

AT&SF and Star Lake are seeking exemption on the basis that Commission review of the transaction is unnecessary.

DATES: Comments must be received on or before May 29, 1980.

ADDRESS: Send comments to: Interstate Commerce Commission, 12th & Constitution Ave. N.W., Washington, DC 20423, Attn: SECF Room 5414.

All written submissions will be available for public inspection during regular business at the same address. Written submission must refer to the docket number of these proceedings.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg 202–275–7245.

SUPPLEMENTARY INFORMATION: AT&SF and Star Lake filed a joint petition for exemption under 49 U.S.C. 10505 on December 31, 1979, of two transactions which are related to the planned rail line construction from the formal requirements of obtaining prior Commission approval under 49 U.S.C. 11301 and 11343–11347. In the alternative, petitioners request that we decide the line construction (Finance Docket No. 28272) in advance of disposition of the related transactions.

Petitioners claim that the proposed operating agreement and issuance of construction notes will not bring about any change in the competitive balance or in existing operations, and state that the Commission has so found.[1] The transactions are argued to be *de minimis* in the sense that they are transactions within a corporate family and do not result in operating changes. Petitioners state that the operating agreement between Star Lake and AT&SF, and proposed issuance of construction notes by Star Lake to AT&SF are intra-corporate transactions having no effects warranting exercise of Commission jurisdiction. It is claimed that neither any carrier, shipper, or the public, nor the present operation of the operating railroads will be affected. Further, it is contended that the transaction's effect on the national transportation policy (49 U.S.C. § 10101) will be neutral. It is these assertions that should be addressed in any comments.

The Transaction

Star Lake is a wholly owned subsidiary of AT&SF. Presently, it is a non-carrier affiliate. If the application in Finance Docket No. 28272 is approved, Star Lake will become a carrier by virtue of its construction and ownership of a line of railroad extending from AT&SF's main transcontinental line near Prewitt, NM to Star Lake Junction NM, with one branch line extending from Star Lake, NM, and a second branch line extending from Star Lake Junction to Star Lake Junction to Gallo Wash, NM.

Star Lake does not have the ability to operate the proposed line of railroad. AT&SF plans to operate the line as part of its general railroad transportation system. This will extend AT&SF's service to various points on Star Lake's proposed railroad line.

The line will serve areas containing large quantities of bituminous coal. It would be economically impracticable to transport this coal except by a direct rail link connecting the mine sites with AT&SF's main line. Presently, the closest railroad station to the site of the mines is over 75 miles away. This distance would have to be traversed over dirt roads.

AT&SF has delayed prosecution of the subject applications in an attempt to convince prospective shippers to share in the investment and risk of constructing the line. The 1979 estimate of the cost of building the line is $81.1 million. To date no agreement has been reached between petitioners and potential shippers, and AT&SF now proposes to finance the line by advancing general corporate funds to Star Lake in return for construction notes. The notes will be retired out through AT&SF's payments to Star Lake under the operating agreement for use of the line.

AT&SF states that it will continue to solict agreements with potential shippers to participate in investment in the line. This may be in the form of long term coal transportation contracts with those shippers. Petitioners note that if different financing is developed, AT&F would bring this to the Commission's attention.

Petitioners estimate that it will take 21 months to complete construction of the line. Coal shipments are likely to be available before construction can be completed. It is anticipated that annual traffic could reach about 9 million tons by calendar year 1986.

Petitoners argue that there is clear public interest in the construction transaction which will maximize utilization of domestic energy sources as well as develop the economic and natural resources of the State of New Mexico.

They contend that exemption of the two ancilliary transactions is warranted due to their limited scope since Star Lake is a member of AT&SF's corporate

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[1] Finance Docket No. 29036F, *Atchison, Topeka and Santa Fe Railway Company and The Star Lake Railroad Company, Petition for Waiver* (not printed) decided June 14, 1979, sheet 4.

family. Also, requiring the filing and approval of applications for these ancillary transactions is not necessary to carry out the national transportation policy. It is contended that it would be wasteful and create a useless burden on AT&SF and Star Lake to prepare applications, exhibits, and other material since the actual terms of the construction notes and payment under the operating agreement are uncertain. These figures would be speculative since the cost of construction and the timing and volume of coal movements will not be known to any degree of precision until after construction is completed.

The Statute

Acquisition by a rail carrier of trackage rights over, or a joint ownership in, or joint use of, a railroad line owned or operated by another rail carrier is a transaction that requires the approval and authority of the Commission under 49 U.S.C. 11343–11347. To seek Commission approval, an application must be filed in compliance with the ICC *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures* (49 CFR Part 1111 (1978)) (Consolidation Procedures). AT&SF and Star Lake seek exemption from 49 U.S.C. 11343–11347 so that they will not have to file an application under the Consolidation Procedures.

We have exclusive jurisdiction to approve the issuance of securities by a carrier and the assumption of an obligation or liability related to the securities of another person by a carrier. A carrier may not issue securities or assume obligations or liabilities without the approval of the Commission under 49 U.S.C. 11301. AT&SF and Star Lake have requested exemption from 49 U.S.C. 11301 so that Star Lake can issue construction notes to AT&SF without our approval.

We can exempt a matter related to a rail carrier under 49 U.S.C. 10505 if it: (1) Is of limited scope; (2) is not necessary to carry out the transportation policy of 49 U.S.C. 10101; (3) would be an unreasonable burden; and (4) would serve little or no useful public purpose.

Petitioners believe that these transactions are the type Congress intended the Commission to exempt when it adopted 49 U.S.C. 10505. Before considering an exemption, we are required to provide the opportunity for a proceeding. This request for comments on the proposed exemption of the proposed transaction is that opportunity. All comments filed in response to this notice, along with the petition, will be used to determine whether or not the exemptions under 49 U.S.C. 10505 should be granted.

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553, and 559.

This is not a major action significantly affecting either energy consumption or the quality of the human environment.

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

Dated: April 9, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13023 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-9996]

CF Tank Lines, Inc. et al. versus Zirbel Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of tentative decision.

SUMMARY: The Commission has tentatively determined that authority to transport a commodity in containers shall now be construed as encompassing authority to transport the commodity in premounted collapsible containers. (No change is proposed in the construction placed on authority to perform transportation in bulk or by the use of special equipment.) The noted change in the interpretation of certificates is in furtherance of the national transportation policy's objective of fostering improved shipping methods. It is expected to increase the use of these containers.

DATE: Comments are due by June 30, 1980.

ADDRESS: Send an original and 15 copies, if possible, to: MC–C–9996, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: David Gaynor (202) 275–7904.

SUPPLEMENTARY INFORMATION: In this proceeding, complainants contend, among other things, that defendant's authority to transport petroleum products in containers does not authorize service involving the use of premounted collapsible containers. Complainants rely on the rule established in *Western Exp. Co. Extension—Sealdtanks, 84 M.C.C. 585 (1961).* We believe the *Western* case should be reversed to the extent that authority to transport a commodity in containers would be construed as encompassing service in premounted collapsible containers. This form of transportation is a hybrid which really fits neither the traditional definition of in-container nor in-bulk service. The construction of certificates restricted to movements in containers which we propose should lead to service in the most efficient possible manner and free of unnecessary regulatory constraints.

Because the effect of this decision goes beyond the immediate parties, public comments are being invited for a period of 60 days after the date of publication of this notice (June 30, 1980) to give all affected parties an opportunity to be heard. Copies of the decision can be obtained through the Secretary's office.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, and Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford concurring in part and dissenting in part with a separate expression.

Decided: April 3, 1980.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford (Concurring in Part, Dissenting in Part)

I am in accord with the majority to the extent that the public will be invited to comment on the proposal to reverse *Western.* I will reserve my decision on that aspect after reviewing the comments.

The majority would also affirm the decision of the joint board that defendant Zirbel was conducting unauthorized operations in transporting phenol-formaldehyde resins. I join in that decision. But the majority would now go one step further. It would sanction the continued unlawful activities of a persistent and defiant violator of its regulations and policies by inviting the filing of a petition to temporarily continue the unlawful operations and/or an application for permanent authority. My position as to unauthorized operations needs no further elaboration. A reward for such unlawful activities is not in accord with the law.

[FR Doc. 80-13022 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10567]

Philboro Coach Corp. Incidental Charter Operations; Petition for Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for declaratory order.

SUMMARY: By petition filed December 18, 1979, Philboro Coach Corp. seeks a definitive interpretation outlining the scope of the origin territory it may serve in incidental charter operations (under the provisions of 49 U.S.C. 10932(c) and 49 CFR 1054 *et seq.*) in connection with its operation over regular routes between (a) Glassboro, NJ, and

Philadelphia, PA, (b) Pitman and Wenonah, NJ, (c) Woodbury and Westville, NJ, and (d) Philadelphia, PA, and Brooklawn, NJ.

DATES: Comments must be received on or before May 29, 1980.

ADDRESSES:

Send an original and six copies of comments to: MC–C–10567, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of comments to petitioner's representative: William P. Jackson, 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210.

FOR FURTHER INFORMATION CONTACT:

Kenneth H. Schwartz (202) 275–7956, or Donald J. Shaw, Jr. (202) 275–7292.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of 49 U.S.C. 10932(c) and 49 CFR 1054 *et seq.*, as an incident to its authorized transportation of passengers over a regular route or routes, a carrier may transport to any place or point in the United States charter groups "(a) which originate at any point or points on the regular route or routes * * * authorized to be served by such carrier, or (b) which originate at any point or points within the territory served by its regular route or routes." 49 CFR 1054.3–1054.4.

In its lead certificate, petitioner holds authority to transport passengers, over specified regular routes, between (a) Glassboro, NJ, and Philadelphia, PA, (b) Pitman and Wenonah, NJ, (c) Woodbury and Westville, NJ, and (d) Brooklawn, NJ, and Philadelphia. Petitioner seeks a definitive interpretation of the scope of "the territory served by its regular route or routes." Petitioner does not contend that such territory encompasses the entire commercial zone of Philadelphia. It asserts, however, that it should be permitted to originate charter trips at numerous localities in the vicinity of Philadelphia and at a reasonable distance from points it is authorized to serve in New Jersey. Points at which petitioner asserts an ability to originate incidential charter trips include, but are not limited to, West Point, Conshohocken, Swarthmore, Bryn Mawr, Haverford, Ardmore, Bala-Cynwyd, Darby, Upper Darby, Lansdowne, Broomall, Willow Grove, Hatboro, Jenkintown, Abington, Elkins Park, Blue Bell, Bridgeport, King of Prussia, Wayne, Norristown, Levittown, and Chester, PA, and Pennsauken, Collingswood, Woodlynne, Audubon, Haddonfield, Barrington, Bellmawr, National Park, Thorofare, Hilltop, and Blackwood, NJ.

Petitioner wishes the Commission to reach findings in a manner consistent with the approach taken in such proceedings as *West Fordham Transp. Corp.* v. *County Bus Lines, Inc.*, 103 M.C.C. 475 (1967), and *Mohawk Coach Lines, Inc., Interpretation*, 103 M.C.C. 758 (1967). Petitioner asserts that a grant of the relief sought will not constitute a major Federal action significantly affecting the quality of the human environment.

No oral hearing is contemplated. Any person (including petitioner) desiring to participate in this proceeding shall file with the Commission an original and six copies of written representations, views, or arguments. A copy of each representation also must be filed on petitioner's representative.

Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, D.C., during regular business hours.

Notice to the general public of these matters will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

Decided: April 11, 1980.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Trantum.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–13024 Filed 4–28–80; 8:45 am]

BILLING CODE 7035–01–M

[No. 37326]

Southern Railway Co.; Petition for Declaratory Order—Charges for Guaranteed Annual Supply of Grain Cars

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of declaratory order proceeding.

SUMMARY: A declaratory order proceeding is being instituted to determine the lawfulness of a proposed (but yet unpublished) tariff in which the Southern Railway Company would hold itself out to contract with a limited number of shippers. The shippers would be insured a guaranteed supply of cars in return for payment of an extra charge. The carrier would pay a penalty to the shipper if the carrier fails to live up to its bargain.

DATES: Comments are due by June 13, 1980.

ADDRESS: An original and 15 copies of comments should be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall (202) 275–7693.

SUPPLEMENTAL INFORMATION: This proceeding was requested by the Southern Railway System (Southern), Cargill, Inc., and the Pillsbury Company [1] filed replies to Southern's request.

The controversy involves a yet to be published proposal by the Southern to hold itself out through tariff publication to contract with any shipper of whole grain for the guaranteed supply of covered hopper cars in return for an additional annual charge published in the tariff.

The charges (as set forth in item 150 of the proposed tariff) would be as follows:

Col. 1 guaranteed cars per week	Col. 2 maximum cars per weekday (see item 155)	Col. 3 annual charge
10	3	$20,000
20	6	40,000
30	9	60,000
40	12	80,000
50	15	100,000

Southern would pay a per-car penalty if it failed to supply the agreed-upon number of cars.

Southern proposed to limit its offer to the first 500 cars contracted for under the tariff. It believes that this number represents the greatest number of cars it can remove from its general grain fleet (3,400 covered hoppers) and still meet its normal common carrier obligations.

The proposal is suggested as a means to define and stabilize its peak as well as year-round equipment needs and, thus, justify new equipment purchases. In addition, Southern proposes an alternative which would allow this type of contract only for new purchases. This way, all customers would continue to share the existing fleet. It also offers to use the revenue from the additional charges to purchase new equipment.

In discussing the proposal informally with its shippers, Southern found that the demand for it greatly exceeded the proposed 500 car limit.

The Commission's contract rules, 49 CFR 1039.1, read as follows:

A "contract rate" is a railroad freight rate arrived at through mutual agreement between a railroad (or two or more railroads participating in a through route) and a shipper in which the railroad agrees to provide service for a given price and the

[1] Pillsbury supports Southern's request for institution of a proceeding.

shipper agrees to tender a given amount of freight during a fixed period * * *

Cargill contends that the proposed rates would not be arrived at by mutual agreement as required by the contract rule. Also, it argues that, contrary to the proposed item 150, the carrier has not agreed to transport, nor has the shipper to tender, any stated amount of freight for the stated charge. And, finally, Cargill contends that the proposal is defective because it involves the transportation of grain at line-haul rates contained in other tariffs, which rates may change during the car-supply contract year.

The petition and replies disclose the existence of a controversy warranting issuance of a declaratory order under section 5(e) of the Administrative Procedure Act, 5 U.S.C. 554(e). We direct interested persons attention to the Notice of Proposed Rulemaking issued today in No. 358–F (Sub-No. 1), Change of Policy, Railroad Contract Rates. Many, if not all of the issues raised in Southern's petition are discussed in that notice and we hope to resolve them in that proceeding. Comments should also address the best means of handling this proceeding, i.e., whether it should be consolidated with the rulemaking, held in abeyance, or continued concurrently.

All issues regarding the lawfulness of the proposed tariff may be addressed in this proceeding, including:

(1) Its potential for discrimination,

(2) Its conformity with the Commission's rules and policies regarding contract rates,

(3) Its consistency with the Railroad Revitalization and Regulatory Reform Act of 1976 regarding special charges for distinct services and

(4) The reasonableness of the proposed charges in addition to the line-haul rates.

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

Dated: April 2, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13020 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1462; Supplemental Order No. 8]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided April 17, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. § 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. *See* Directed Service Order No. 1462, *Various Railroads—Directed Service—Chicago, R.I. & P.*—I.C.C.—(1980), 45 FR 22945 (1980).

This decision is being issued to modify the terms and conditions of DSO No. 1462 by amending the "Operations" provisions. Operating experience has shown that the one-week period for notifying the trustee of which facilities the DRCs believe to be necessary or reasonably related to the authorized operations is not adequate. Not all DRCs have been able to determine what facilities will be necessary for their operations within the time provided. We will therefore, amend the "Operations" section of DSO No. 1462 to read as follows:

Operations—The DRCs are authorized to operate over the RI tracks designated in the appendix to this decision. The DRCs, further, may operate under continuation of trackage rights agreements between the RI and other carriers to the extent necessary in order to perform the services authorized in this decision. Operation over the designated tracks includes use of facilities and appurtenances thereto that are necessary or reasonably related to train operations, including but not limited to: yards; yard facilities; maintenance facilities; communication, electrical, and signal facilities; locomotive and car repair facilities; scales; etc.; subject, however, to the following notification requirements. The DRCs shall, within 30 days of commencing operations, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations, provided that prior to the required notification, each DRC shall protect all RI facilities within the vicinity of the track over which it is authorized to operate. Any facilities or appurtenances not so identified in the notification shall not be deemed to be part of the operations authorized by this decision, unless contested. Disagreements concerning the scope of operations and use of facilities shall be resolved by appropriate Commission orders.

Operation over the designated RI tracks includes entry and exit to those tracks, for the purpose of handling traffic to or from stations on the lines, as well as for the purpose of handling traffic that neither originates nor terminates at any station on any such line.

We find:

(1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

It is ordered:

(1) Directed Service Order No. 1462 (served March 28, 1980) is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13010 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1462; Supplemental Order No. 7]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided April 16, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. § 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. *See* Directed Service Order No. 1462, *Various Railroads—Directed Service—Chicago, R.I. & P.* — I.C.C. — (1980), 45 FR 22945 (1980). In Supplemental Order No. 1 [contained in the original order] thereto, we added the Missouri-Kansas-Texas Railroad Company (MKT) as an authorized DRC.

This decision is being issued to modify the appendix to DSO No. 1462 by extending the line authorized to be served by the MKT.

The MKT has requested the extension of the line authorized to be served under the terms and conditions of DSO No. 1462, as amended by Supplemental Order No. 1, so that it may serve a shipper near Oklahoma City, OK and a shipper near McAlester, OK. The

shippers along the extended line require immediate rail service. Accordingly, we will amend paragraph 18[1] to the appendix to DSO No. 1462 ("RI Lines Authorized To Be Operated by DRCS") to read as follows:

18. *Missouri-Kansas-Texas Railroad Company (MKT):* From McAlester, OK (milepost 365.0) to Oklahoma City, OK (milepost 496.4) including switching at Oklahoma City. This provision also includes authority to operate over the tracks of the Oklahoma Railway Company.

We find:

(1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered:

(1) Directed Service Order No. 1462 (served March 28, 1980), as amended by Supplemental Order No. 1 thereto, is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-13026 Filed 4-28-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 19249b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW, Washington, D.C. 20013.

Signed at Washington, D.C., this 24th day of April 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending Apr. 26, 1980

Name of applicant and location of enterprise	Principal product or activity
North Iowa Food & Energy Corp., St. Charles, Floyd County, Iowa.	Processing of corn products.
S. W. Jack Drilling Company, Buckhannon, West Virginia.	Drilling of natural gas wells.

[FR Doc. 80-13057 Filed 4-28-80; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment of business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

The overall employment and unemployment situation in the local

[1] Due to a typographical error, there is no "paragraph 17" between paragraphs 16 and 18.

area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street NW., Washington, D.C. 20013.

Signed at Washington, D.C. this 23rd day of April 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending April 26, 1980

Name of applicant and location of enterprise	Principal product or activity
Snelson Anvil, Inc., Anacortes, Wash.	Heavy industrial construction and modulized oil and gas process plants.
Alsynol, Inc., Moundville, Ala...	Operation of an alcohol and animal feed plant.
W. Linton Howard, Inc., Villa Rica Ga.	Manufacture and sales of mop yarns.
MAPCO Inc. Subsidiary, Moore County, Tex.	A power alcohol plant.

[FR Doc. 80-12907 Filed 4-28-80; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefit Programs

Class Exemption for Certain Interest Free Loans to Employee Benefit Plans

AGENCY: Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This class exemption permits parties in interest with respect to employee benefit plans to make interest free loans to such plans. Such loans would be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The exemption affects all employee benefit plans, their participants and beneficiaries, and parties in interest with respect to those plans.

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Jane M. Kheel: Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor (202) 523-9141. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 8, 1980, notice was published in the **Federal Register** (45 FR 8761) of the pendency before the Department of Labor (the Department) of a proposed class exemption from the restrictions of section 406(a)(1) (B) and (D) and section 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (B) and (D) of the Code [1] in connection with certain interest free loans to employee benefit plans. The class exemption was proposed in response to an application filed by the National Coordinating Committee for Multiemployer Plans. The notice set forth a summary of facts and representations contained in the application, and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice invited interested persons to submit written comments or requests for a hearing on the proposed exemption to the Department. The exemption was proposed and comments received in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). No requests for a public hearing were received by the Department.

Discussion of Comments

All of the comments received by the Department in response to the notice favor the proposed exemption.

One comment concerns the second condition of the proposed exemption, which requires that the proceeds of a covered loan or other extension of credit be used only for ordinary operating expenses of the plan. The commentator requests that the exemption be expanded to cover certain transactions that might constitute interest free loans but which might not be considered to be made for the purpose of paying ordinary operating expenses.

The commentator gives two examples of such transactions. One involves temporary overdrafts incurred by a plan trustee to pay for securities purchased for the plan. It explains that cash to cover the purchase might be invested in Treasury bills or commercial paper that could not be liquidated until the following day. Under ordinary circumstances, the commentator asserts, the bank trustee would simply advance the purchase price and obtain reimbursement in a day or two when cash becomes available.

The other example of such a transaction involves the crediting, by a bank trustee, of dividends or interest to a plan on the due date, even though the dividend or interest has not in fact been received by the bank.

The Department agrees that such extensions of credit, although incidental to the operation of a plan and beneficial to a plan, may not be covered by the exemption as proposed. Therefore, the second condition has been modified in order to cover the transactions discussed above and similar incidental extensions of credit.

Another commentator suggested that the proposed exemption may cause confusion concerning the permissibility of maintaining unallocated suspense accounts in defined contribution plans. He noted that, under certain circumstances, the maintenance of an unallocated suspense account in a defined contribution plan is prohibited by the Internal Revenue Service.[2] According to the commentator, some plan sponsors may be misled into thinking that the proposed exemption permits such unallocated suspense accounts. The Department notes that the exemption has no effect on any such prohibitions.

Two commentators suggested that the second condition of the proposed exemption, which requires that the proceeds of the loan or extension of credit be used only for the payment of ordinary operating expenses, including the payment of benefits and periodic premiums under an insurance or annuity contract, be expanded to permit the proceeds of the loan to be used by an employee stock ownership plan (ESOP) to purchase employer securities from beneficiaries of the ESOP who have received the securities as plan distributions. One of the commentators stated that, although the employer sponsoring an ESOP is required to repurchase the securities from a distributee, in actual operation, many ESOPs repurchase the securities. The Department notes, however, that the requirement that an employer repurchase employer securities

[1] The authority of the Secretary of Labor to issue exemptions under section 4975(c)(2) of the Code is set forth in section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978.

[2] *See* Revenue Ruling 70-125, 1970-1 CB 87.

distributed by an ESOP relates only to certain securities that are purchased by an ESOP with the proceeds of a loan from a party in interest or a loan that is guaranteed by a party in interest. Such a loan is permitted by sections 408(b)(3) of the Act and 4975(d)(3) of the Code if the conditions of those sections and the regulations issued thereunder are met.[3] Since those sections permit a party in interest to make a loan to an ESOP for the purpose of purchasing employer securities from any person (including participants and beneficiaries of the ESOP), the Department does not believe that the requested expansion of the proposed exemption is either necessary or appropriate.

Another commentator suggested that the proposed exemption be broadened to include arrangements under which employee benefit plans could receive valuable services or facilities, at no cost, from parties in interest. The Department has considered this comment and has decided that such arrangements, if prohibited at all, are not within the scope of the application for exemption and are not properly included within this exemption. In this regard, the Department notes that section 408(b)(2) of the Act and section 4975(d)(2) of the Code, and regulations thereunder, provide statutory exemptions from the prohibitions of sections 406(a) of the Act and 4975(c)(1)(A) through (D) of the Code, respectively, for contracting or making reasonable arrangements with a party in interest (or disqualified person) for the leasing of office space to a plan, or the provision of legal, accounting, or other services necessary for the establishment or operation of a plan, and for the provision of goods incidental to such services, if no more than reasonable compensation is paid therefor.[4]

One commentator also requested that the exemption make it clear that an interest free loan to a plan covered by the exemption would not give rise to an indirect contribution to the plan for tax purposes.[5] The Department notes that this issue is outside the scope of the exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interests of participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of employees of employers maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(1) and (3) of the Act or section 4975 (c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) This class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record including the written comments submitted in response to the notice of February 8, 1980, the Department makes the following determinations:

(a) The class exemption set forth herein is administratively feasible;

(b) It is in the interests of plans and of their participants and beneficiaries; and

(c) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

Effective January 1, 1975, the restrictions of section 406(a)(1)(B) and (D) and section 406(b)(2) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(B) and (D) of the Code, shall not apply to the lending of money or other extension of credit from party in interest or disqualified person to an employee benefit plan, nor to the repayment of such loan or other extension of credit in accordance with its terms or written modifications thereof, if:

(a) No interest or other fee is charged to the plan, and no discount for payment in cash is relinquished by the plan, in connection with the loan or extension of credit;

(b) The proceeds of the loan or extension of credit are used only:

(1) For the payment of ordinary operating expenses of the plan, including the payment of benefits in accordance with the terms of the plan and periodic premiums under an insurance or annuity contract; or

(2) For a period of no more than three days, for a purpose incidental to the ordinary operation of the plan;

(c) The loan or extension of credit is unsecured; and

(d) The loan or extension of credit is not directly or indirectly made by an employee benefit plan.

Signed at Washington, D.C., this 22nd day of April 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-12872 Filed 4-28-80; 8:45 am]

BILLING CODE 4510-29-M

[3] *See* 29 CFR § 2550.408b-3 and 26 CFR § 54.4975-7(b).

[4] See, as to the leasing of office space and the provision of services, 29 CFR § 2550.408b-2 and 26 CFR § 54.4975-6(a); See, as to the meaning of "reasonable compensation", 29 CFR § 2550.408c-2 and 26 CFR § 54.4975-6(e).

[5] Such an extension of credit might constitute an excess contribution under section 415 of the Code.

Office of the Secretary

[TA-W-7165, and 7166]

General Electric Co., Wiring Device Department; Termination of Investigations

Pursuant to section 221 of the Trade Act of 1974, investigations were initiated on February 19, 1980 in response to petitions received on December 21, 1980 which were filed by the United Electrical, Radio and Machine Workers on behalf of workers at General Electric Company, Wiring Device Department, Providence, Rhode Island. The workers produced electrical wiring devices.

On December 10, 1979, a petition filed on behalf of the same group of workers was received (TA–W–7167).

Since the identical group of workers is the subject of the ongoing investigation TA–W–7167, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 22nd day of April 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-13088 Filed 4-28-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6377]

Kaiser Steel Corp., Steel Manufacturing Division; Amended Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance on February 15, 1980, applicable to all workers and former workers producing plate, hot and cold-rolled sheet and strip, galvanized sheet, continuous weld pipe, electric weld pipe and basic steel at the Steel Manufacturing Division of the Kaiser Steel Corporation in Fontana, California. The Notice of Determinations was published in the **Federal Register** on February 29, 1980, (45 FR 13554).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the Notice of Determinations. The additional information revealed that some layoffs of workers producing continuous weld pipe occurred after the January 31, 1980, termination date. Several more workers will be laid off before August 15, 1980, as they prepare this operation for shutdown.

The intent of the notice is to cover all workers who were affected by the decline in the production of continuous weld pipe at the Steel Manufacturing Division of Kaiser Steel at Fontana, California, related to import competition. The Notice of Determinations, therefore, is amended to include a new termination date of August 1, 1980.

The amended notice applicable to TA-W-6377 is hereby issued as follows:

All workers of the Steel Manufacturing Division of the Kaiser Steel Corporation in Fontana, California, engaged in employment related to the production of continuous weld pipe who became totally or partially separated from employment on or after May 12, 1979, and on or before August 15, 1980, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of April 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-13089 Filed 4-28-80; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 1-3, 1980, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published on March 19, 1980 (45 FR 17702).

The agenda for the subject meeting will be as follows:

Thursday, May 1, 1980

8:30 A.M.-9:00 A.M.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

The Committee will hear and discuss the report of its Subcommittee on the Shippingport Atomic Power Station regarding the proposal to extend the operating life of the LWBR core.

9:00 A.M.-10:30 P.M.: Shippingport Atomic Power Station (Open)—The Committee will hear and discuss presentations by representatives of the NRC Staff and the Department of Energy, Division of Naval Reactors, regarding extending the operational life of the Shippingport Atomic Power Station LWBR core.

10:30 A.M.-12:30 P.M.: Executive Session (Open)—The Committee will discuss proposed comments to clarify its report of December 11, 1979 on the pause in licensing nuclear facilities.

1:30 P.M.-2:00 P.M.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the proposed NRC rule (10 CFR Part 50) regarding emergency planning.

2:00 P.M.-4:00 P.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss presentations from members of the NRC Staff and representatives of the nuclear industry regarding the proposed NRC rule (10 CFR Part 50) on emerency planning.

The Committee will hear and discuss reports by members of the NRC Staff regarding recent nuclear power plant operating experience including turbine disc cracking in pressurized water reactors and failure of jet pumps in boiling water reactors.

Portions of this session will be closed to discuss Proprietary Information applicable to matters being discussed.

4:00 P.M.-6:00 P.M.: Executive Session (Open)—The Committee will discuss topics to be discussed with the NRC Chairman and other Commissioners who may be present including implementation of NRC Action Plans (NUREG-0660) and the recommendations of the NRC Task Force on Bulletins and Orders (NUREG-0645).

The Committee will also discuss proposed recommendations to the NRC regarding the proposed NRC rule on emergency planning.

The Committee will also discuss proposed ACRS comments to clarify its reports dated March 11, 1980 on the NRC Action Plans Near-Term Operating Licenses and the Recommendations of the NRC Task Force on Bulletins and Orders.

Friday, May 2, 1980

8:30 A.M.-9:00 A.M.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding proposed application of NRC Action Plans to near-term construction licenses. The Committee will also discuss the need for ACRS reevaluation of nuclear power plants for which the operating license review has recently been completed.

9:00 A.M.-11:00 A.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff and comments from representatives of the nuclear industry who may be present regarding proposed application of NRC Action Plans to near-term construction permits.

11:00 A.M.-11:30 A.M.: Executive Session (Open)—The Committee will hear and discuss reports of its Subcommittees and consultants who may be present regarding Regulatory Activities, including proposed revision of NRC Regulatory Guides, evaluation of Licensee Event Reports, and alternate decay heat removal systems.

11:30 A.M.-12:30 P.M.: Meeting with NRC Chairman (Open)—The Committee will meet with NRC Chairman John F. Ahearne and other NRC Commissioners who may be present to discuss proposed implementation of NRC Action Plans and other matters related to the regulatory process.

1:30 P.M.-2:00 P.M.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee

and consultants who may be present regarding NUREG–0667, Transient Response of Babcock and Wilcox Designed Reactors.

Portions of this session will be closed as required to discuss Proprietary Information applicable to this matter.

2:00 P.M.–4:30 P.M.: Meeting with NRC Staff (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff and representatives of the nuclear industry who may be present regarding proposed NUREG–0667, Transient Response of Babcock and Wilcox Designed Recators.

Portions of this session will be closed as required to discuss Proprietary Information applicable to this matter.

4:30 P.M.–6:00 P.M.: Executive Session (Open)—The Committee members and representatives of the NRC Staff who may be present will discuss future agenda items for ACRS consideration.

The Committee will discuss proposed ACRS reports to the NRC regarding the feasibility and practicability of containing a molten reactor core and the installation and use of a nuclear data link system to monitor nuclear power plant performance.

The Committee will discuss proposed comments to NRC regarding other matters discussed during this meeting.

Saturday, May 3, 1980

8:30 A.M.–3:30 P.M.: Executive Session (Open)—The Committee will complete discussion of and prepare its reports to the NRC regarding matters considered during this meeting. In addition the Committee will discuss proposed ACRS activities regarding a number of safety related items identified by individual Committee members including systematic evaluation of operating information, interaction of non-seismic systems and components with safety grade systems during seismic events, and the NRC safety research program regarding alternate methods of decay heat removal.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1979 (44 FR 56408). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: April 23, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–12962 Filed 4–28–80; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses for the period March 28 through April 14, 1980. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H St., N.W., Washington, D.C.

Dated at Bethesda, MD, this 18th day of April 1980.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Atomic, 03/24/80, 03/28/80, XSNM01669	93 percent enriched uranium	7.4	6.6	For use in TRIGA Mark II research reactor.	Bangladesh.
	19.9 percent enriched uranium	55.4	11.0		
U.S. DOE, 03/26/80, 04/04/80, XSNM01672	19.79 percent enriched uranium	27.1	5.37	For fabrication of fuel elements for University of Michigan reactor.	West Germany.
U.S. DOE, 03/26/80, 04/04/80, XSNM01673	19.79 percent enriched uranium	32.6	6.45	For fabrication of fuel elements for University of Michigan reactor.	France.
Mitsubishi International, 03/28/80, 04/07/80, XSNM01674	2.85 percent enriched uranium	13,980	399	Reload fuel for Mihama 3	Japan.
Transnuclear, Inc., 04/11,80, 04/14,80, XSNM01675	3.55 percent enriched uranium	10,450,000	370.936	Reload for Beznau II	Switzerland.
Transnuclear, Inc., 04/11/80, 04/14/80, XSNM01676	3.35 percent enriched uranium	17,991,000	602,734	Reload fuel for Borssele	Netherlands.

[FR Doc. 80–12967 Filed 4–28–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Provisional Operating License No. DPR-19, and Amendment No. 43 to Facility Operating License No. DPR-25 issued to Commonwealth Edison Company (licensee) which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Units Nos. 2 and 3, located in Grundy County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Provisions in the Technical Specifications to list two new valves in Table 3.7.1, to decrease the probability of an inadvertent release of radioactive materials following an accident.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 7, 1980, (2) Amendment No. 48 to License No. DPR-19, and Amendment No. 43 to License No. DPR-25, and (3) the Commission's related letter to the licensee dated April 17, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. 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 Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of April 1980.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-12965 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee) which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the limiting condition for operation and surveillance requirements for the auxiliary feedwater system, including pumps, piping and water sources.

The application complies with the standards and requirements of the Atomic Energy Act of 1957, 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 the 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 1, 1979, (2) Amendment No. 34 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. 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 Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April, 1980.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 80-12968 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Availability of Final Environmental Statement Related To Full-Term Operating License for the La Crosse Boiling Water Reactor

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (NUREG-0191) prepared by the Commission's Office of Nuclear Reactor Regulation has been issued related to the conversion from a provisional operating license to a full-term operating license for the La Crosse Boiling Water Reactor located in Vernon County, Wisconsin. The Final Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin. The Final Statement is also being made available at the Bureau of Planning and Budget Department of Administration, 1 West Wilson Street, Madison, Wisconsin and the Mississippi River Regional Planning Commission, 3115 S. Front Street, La Crosse, Wisconsin.

The notice of availability of the Draft Environmental Statement for the conversion of a full-term license and request for comments from interested persons was published in the **Federal Register** (41 FR 27436) on July 2, 1976. The comments received from Federal, State, and local officials and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of NUREG-0191 may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161 (703) 557-4650.

Final unclassified NUREG-series documents are also available directly from NRC to those with deposit accounts with the Superintendent of Documents, U.S. Government Printing Office. To place orders call (301) 492-7333 or write: Publications Sales Manager, Division of Technical Information and Document Control, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 21st day of April 1980.

For the Nuclear Regulatory Commission.

Richard Cleveland,

Acting Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc. 80-12969 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp. et al.; Notice of Issuance of Amendment to Facility Operating License

In the matter of Florida Power Corp., City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., City of Tallahassee.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License no. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City Of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment modifies the Technical Specifications to delete the requirement that a modulating valve be fully open when measuring Controlled Leakage.

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 the 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 March 17, 1978, (2) Amendment No. 30 to License No. DPR-72, and (3) the Commission's Related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Crystal River Public Library, Crystal River, Florida. 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 Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of April, 1980.

For the Nuclear Regulatory Commission.

Guy S. Vissing,

Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 80-12970 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-321 and 50-366]

Georgia Power Co.; Issuance of Amendment to Facility Operating License Nos. DPR-57 and NPF-5 and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commision) has issued Amendment No. 74 to Facility Operating License No. DPR-57 and Amendment No. 15 to Faclity Operating License No. NPF-5 to Georgia Power Company, Oglethorpe Power Corporation, the Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensee), which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Units 1 and 2 (the facility) located in Appling County, Georgia. The amendments are effective as of the date of issuance.

The amendments authorize the installation and use of new high density storage racks for the storage of spent fuel assemblies in the spent fuel storage pool.

The application for the amendments 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 amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with the amendments was published in the **Federal Register** on August 15, 1979 (44 FR 47820). A petition for leave to intervene was filed by Georgians Against Nuclear Energy (GANE) on September 14, 1979. GANE withdrew its Petition for Leave to Intervene by letter dated November 2, 1979. An Order Dismissing the Proceeding was issued on November 16, 1979.

The Commission has prepared an Environmental Impact Appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has been predicted and described in the Commissioner's Final Enviornmental Statement for the facility dated October 1972 and March 1978.

For further details with respect to this action, see (1) the application for amendments dated July 9, 1979 and supplements thereto dated July 27, September 21, October 29, November 30, December 31, 1979 and February 18, 1980, (2) Amendment No. 74 to License No. DPR-57, (3) Amendment No. 15 to License No. NPF-5, (4) the Commission's concurrently issued Safety Evaluation, and (5) the Commission's concurrently issued Environmental Impact Appraisal. 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 Appling County Public Library, Parker Street, Baxley, Georgia. A single copy of items (2), (3), (4) and (5) may be obtained upon request addressed to the U.S. Nuclear Reglatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 21st day of April 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 80-12966 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric & Gas Co., Philadelphia Electric Co., Delmarva Power & Light Co., Atlantic City Electric Co., Salem Nuclear Generating Station, Unit No. 2; Issuance of License No. DPR-75

Notice is hereby given that the Nuclear Regulatory Commission (the

Commission) has issued License No. DPR-75 to the Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and the Atlantic City Electric Company authorizing fuel loading and low power testing of the Salem Nuclear Generating Station, Unit No. 2. The Salem Nuclear Generating Station, Unit No. 2 is a pressurized water reactor located in Salem County, New Jersey.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's regulations.

The license is effective as of its date of issuance and shall expire one year after that date, unless extended for good cause shown, or upon earlier issuance or denial of a subsequent licensing action.

A copy of: (1) Authorization No. DPR-75, complete with Technical Specifications; (2) the report of the Advisory Committee on Reactor Safeguards, dated February 15, 1979, and Errata issued February 22, 1979; (3) the Commission's staff Safety Evaluation Report, dated October 11, 1974 and Supplements 1 through 4 thereto; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicants' Environmental Report, dated June 30, 1970, and supplements thereto; and (6) the Final Environmental Statement, dated April 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the local public document room at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. A copy of items, 1, 3 and 6 may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 18th day of April, 1980.

For the Nuclear Regulatory Commission.

Olan D. Parr,

Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 80-12964 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment, License No. DPR-77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to License No. DPR-77, issued to Tennessee Valley Authority (licensee) which revised Technical Specifications Appendix A issued with License No. DPR-77 for the Sequoyah Nuclear Plant, Unit 1. These changes deal with the auxiliary feedwater system, the rod position indicating system, divider barrier surveillance, and the correction of typographical errors. The amendment is effective as of its date of issuance.

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 the amendment does not involve a significant hazards consideration.

The Commission has determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, it has further been concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter, dated March 29, 1980, (2) Amendment No. 1 to License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland this 22nd day of April, 1980.

For the Nuclear Regulatory Commission.

L. S. Rubenstein,

Acting Chief, Light Water Reactors, Branch No. 4, Division of Project Management.

[FR Doc. 80-12963 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Power Station, Unit No. 1); Confirmatory Order

I

The Toledo Edison Company (TECo) and The Cleveland Electric Illuminating Company (the Licensees) are the holders of Facility Operating License No. NPF-3 which authorizes the operation of the Davis-Basse Nuclear Power Station, Unit No. 1 (the facility) at power levels not in excess of 2,772 megawatts thermal. The facility is a pressurized water reactor located at the licensees' site in Ottawa County, Ohio.

II

Following the incident of February 26, 1980, at the Crystal River facility, the NRC staff held meetings with the Licensees, other operating licensees with Babcock and Wilcox (B&W) reactor systems, and B&W. The meetings were held in Bethesda, Maryland on March 4, 17 and 18, 1980. These meetings resulted in the development of three licensee commitments.

1. Actions which will allow the operator to cope with various combinations of loss of instrumentation and control functions. This includes changes in (A) equipment and control systems to give clear indications of functions which are lost or unreliable; (B) procedures and training to assure positive and safe manual response by the operator in the event that competent instruments are unavailable.

2. Determination of the effects of various combinations of loss of instrumentation and control functions by design review analysis and verification by test.

3. Correction of electrical deficiencies which may allow the power operated relief valve and pressurizer spray valve to open on non-nuclear instrumentation power failures, such as, the event which occurred at Crystal River, Unit 3 on February 26, 1980.

TECo confirmed by letter dated March 24, 1980, that it would implement all three actions at its facility within 90

days, or prior to the restart of Davis-Besse, Unit No. 1 which was scheduled for shutdown for maintenance and refueling on Aprl 10, 1980. The plant subsequently commenced the outage on April 7, 1980. The March 24 letter, as supplemented by letter of April 16, 1980, provided the detailed listing of various combinations of loss of instrumentation which constitutes the commitment in Item 1, and also provided the specific list of tests which constitutes the commitment in Item 2. I have concluded that timely implementation of these three short term actions, at operating B&W system power plants is necessary to provide continued assurance of public health and safety.

III

The Office of Inspection and Enforcement (IE) issued Bulletin 79–27 following an event at the Oconee Nuclear Station, Unit No. 3, on November 10, 1979 which was similar to the Crystal River incident. This event was described in Information Notice 79–29, dated November 16, 1979, which was sent to these Licensees. These Licensees were requested by IE Bulletin 79–27, dated November 30, 1979, Loss of Non Class I–E Instrumentation and Control Power Bus During Operation, to review, among other things, busses supplying power to certain instrument and control systems, emerency procedures related to loss of power to such busses and failure to certain power supplies. In accordance with Bulletin 79–27 the Licensees were requested to submit to the Commission the results of their review by February 28, 1980. The Licensees have not met this date.

The responses to IE Bulletin 79–27 must be submitted in order that NRC can determine whether this license should be modified to protect the health and safety of the public. TECo's letter of April 16, 1980 committed to respond to the Bulletin by May 6, 1980.

IV

In view of the importance of this matter I have determined that these commitments be formalized by order and that the public health, safety and interest require that this Order be made immediately effective. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered, effective immediately, that:

(1) The Licensees, within 90 days or prior to restart after the current refueling outage will implement all three actions provided in Part II of this Order or in the alternative, place and maintain its facility in a cold shutdown or refueling mode of operation.

(2) The licensees shall submit by May 6, 1980 the written responses to IE Bulletin 79–27 to the NRC.

V

Any person who has an interest affected by this Order may request a hearing within twenty-five days of the date of the Order. Any request for a hearing will not stay the effectiveness of this Order. Any request for a hearing shall be submitted to the Director, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Exective Legal Director at the above address. If a hearing is requested by a person who has an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In the event any person who has an interest affected by this Order requests a hearing as provided above and a hearing is held, the issues to be considered at such a hearing shall be:

(1) Whether the facts set forth in Parts II and III of this Order provide an adequate basis for the actions ordered, and

(2) Whether the Licensees should perform the actions required by Part IV of this Order in accordance with the schedule stated therein.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

Dated at Bethesda, Maryland this 21st day of April 1980.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 80-12971 Filed 4-28-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee

Request for Comments on U.S. Export Trade Policy

The Trade Policy Staff Committee (TPSC) in accordance with Section 1110 of the Trade Act of 1979 (PL 96–39) is conducting a comprehensive study of the export trade policy of the United States. Interested parties are encouraged to submit written comments to the TPSC by May 30, 1980.

The study is being prepared in two parts, in accordance with Section 1110. Part (a) of Section 1110 calls for a review and report on export promotion programs and disincentives and is discussed extensively in a **Federal Register** Notice entered by the Department of Commerce in today's edition.

Part (b) of the study examines

The factors bearing on the competitive posture of United States producers and the policies and programs required to strengthen the relative competitive position of the United States in world markets.

(19 U.S.C. 2111(b)).

With respect to Part (b), interested parties are invited to comment on factors that have an important bearing on the competitiveness of U.S. exports in foreign markets. They are also encouraged to express their views with regard to policies and programs that might improve the competitive position of U.S. export products. Factors that may be considered important and about which policy and program suggestions might be made include: investment, productivity, tax policy, domestic research and development, tariff and non-tariff barriers to trade and exchange rates. The foregoing list is only intended to be illustrative of the possible range of factors on which comments might be made.

It is recognized that Parts (a) and (b) of the export trade policy study are closely related and interested parties therefore may have comments that overlap both parts of the study. Written comments made before May 30, 1980 will be considered by the TPSC in preparing its reports to the Congress. Comments should be addressed to:

Ms. Carolyn Frank, Secretary of the Trade Policy Staff Committee, Room 735, Office of the U.S. Trade Representative, 1800 G Street, N.W., Washington, D.C. 20506.

For further information regarding Part (b), contact Michael Aho (202) 523–7507 or Harvey Bale (202) 395–3510.

Ann H. Hughes,

Acting Chairman, Trade Policy Staff Committee.

[FR Doc. 80-13012 Filed 4-28-80; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Order No. 332; Docket No. R80-1]

Postal Rate and Fee Changes, 1980; Filing of Proposed Changes in Postal Rates and Fees and Order Designating Officer of the Commission, Fixing Date for Prehearing Conference, and Establishing Procedures

Issued April 23, 1980.

Notice is hereby given that on April 21, 1980, the United States Postal Sevice (hereinafter Postal Service or Service),

pursuant to § 3622 of the Postal Reorganization Act (39 U.S.C. 3622), filed a request with the Postal Rate Commission for a recommended decision on certain proposed changes in fees and rates of postage for postal services and certain related changes to the Domestic Mail Classification Schedule. This filing has been assigned Docket No. R80–1.

The Postal Service states that its filing is in accordance with the Commission's rules of practice applicable to requests for changes in postage rates and fees (39 CFR 3001.51–3001.55). It further states that for the year ending March 20, 1982, gross revenues at current rates are estimated at approximately $19.2 billion while costs will reach $24.1 billion, leaving a revenue deficiency of $4.9 billion.[1] The proposed rate and fee increases, which the Service states are necessary so that total estimated income and appropriations will equal as nearly as practicable total estimated costs as required by 39 U.S.C. 3621, are designed to recoup most of the estimated deficiency by increasing revenues $3.75 billion and decreasing costs by $1.14 billion.

The percentage rate increases proposed for the various major categories of mail service are approximately as follows:[2]

	Percent
First-class	33.1
Second-class (regular)	1.9
Third-class bulk rate (regular)	17.7
Fourth-class:	
Parcel post	8.4
Special rate parcels	0.6

Included with the Postal Service's request are various proposals affecting mailing practices. The proposed rate structure includes a three-cent discount for eligible volume mailers who presort their first-class mail to destination ZIP codes and a four cent discount for eligible volume mailers who presort to carrier route. Eligible mailers who presort postal cards to destination ZIP codes or carrier routes will receive discounts of one and two cents respectively.

Other highlights of the proposed rate structure include a merger, for rate purposes, of the controlled circulation category of publications with regular second-class mail; establishment of a new parcel post rate for items mailed within the delivery area of the originating bulk mail center; and a reduction of rates for lockbox rentals in small post offices where neither rural nor city delivery services is provided.

Additionally, the proposed rate structure and associated classification changes would eliminate some presort fees for bulk first-class mailings, create an additional zone and an adjunct special service for express mail; establish a secondary category of special handling service; and make some indemnity per class for registered mail optional. The specific changes in the rates and fees, both as now existing and as proposed, are contained in Attachment A to this notice and order.

The request of the Postal Service for a recommended decision on changes in rates of postage and fees for postal services is on file with the Commission and is available for public inspection during regular business hours. Also on file with the Commission and available for public inspection is a pending motion of the Postal Service filed on April 7, 1980 to disqualify a Commission employee from participation in these proceedings. With the institution of these proceedings, this matter is hereby incoporated into this Docket No. R80–1.

I. Intervention

Hearings will be held on the proposal submitted by the Postal Service in Docket R80–1. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before May 12, 1980, and must be accordance with § 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to § 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in a hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before May 12, 1980, file a written request for leave to be heard as a "limited participator," pursuant to § 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 19b of the Commission's rules, 39 CFR 3001.19b. The Commission's adoption of this rule, permitting statements by "commenters," will permit the widest possible public participation in this proceeding.

The Commission has determined that this case must be conducted with the utmost expedition consistent with procedural fairness. To help achieve this objective, we shall require that answers to petitions to intervene or appear as a limited participator, as permitted under 39 CFR 3001.20(d), be filed on or before May 19, 1980. All persons filing a petition for leave to intervene, whether generally or on a limited basis, will be permitted to participate in the proceeding pending a final ruling by the Commission on the petition.

Parties submitting petitions for leave to intervene are requested to identify therein any issues, legal or otherwise, which in their opinion are or may be raised in the Postal Service's request in connection with any proposed new subclasses and related rates.

II. Date of Initial Prehearing Conference

In furtherance of the Commission's desire for expeditions consideration and pursuant to § 30(b) of the Commission's rules of practice [39 CFR 30(b)], the Commission will conduct all prehearing conferences and hearings en banc. An initial prehearing conference will be held on May 7, 1980 and, thereafter, on such further dates as may be designated by the presiding officer, who will be designated by the Chairman of the Commission. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

III. Appointment of the Officer of the Commission

The Officer of the Commission (OOC), who is designated to represent the general public,[3] in this proceeding is Stephen L. Sharfman. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participates in nor advise as to any Commission decision in the case.[4] The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by § 10(c) of the rules of practice [39 CFR 3001.10(c)].

[1] By Order No. 324, March 31, 1980, the Commission granted the Postal Service a waiver of Rule 54(f)(2), thereby allowing the Postal Service to use a hybrid test year for the purpose of projecting its revenue requirement.

[2] The percentage calculations are those supplied by the Postal Service.

[3] *See* 39 U.S.C. § 3624(a).

[4] *See* 39 CFR 3001.8.

IV. Procedures for Expedition

Section 3624(c)(1) of the Postal Reorganization Act [39 U.S.C. § 3624(c)(1)] provides that the Commission is to render its recommended decision within 10 months after receiving a request for change in rates of postage. In order to expedite the proceedings and still be consistent with procedural fairness, we are issuing the present detailed order so that all those who contemplate participating in this case (even though not yet admitted) will have ample time to prepare for the prehearing conference.

In this regard, the Commission directs the attention of the parties, and of petitioners for leave to intervene or be heard as limited participators, to § 24(d) of the Commission's rules of practice which sets forth the matters which the presiding officer and the participants shall consider and resolve at the prehearing conference. All interested persons are expected to appear at the prehearing conference fully prepared to discuss in detail and resolve these matters. Additionally, such persons will have an opportunity to comment on a list of suggested procedural guidelines and proposed special rules of practice and should be authorized to make commitments with respect thereto. This list of suggested proecedural guidelines and proposed special rules of practice will be issues by the Commission at least seven days prior to the prehearing conference. Before the close of the prehearing conference, such persons will also have the opportunity to make opening statements, if they so desire.

As the statute requires and consistent with our conduct of recent major rate cases, we are determined to expedite the conduct of this case. The trial and decision of our previous rate cases have given us a body of useful experience from which we will draw to conduct these proceedings expeditiously. We plan to adhere as strictly as possible to the procedural requirements and filing deadlines set out in our rules of practice. The parties should therefore make certain, from the outset of this proceeding, that they have provided adequate resources for the prompt preparation of and response to all discovery requests.

In furtherance of this objective, we have decided on a procedure to be followed in case answers to discovery requests are not forthcoming within the prescribed time. This procedure is the same as that provided for in the proceedings in Docket No. R77–1. If a motion to compel responses is not answered by a demonstration of cogent and convincing reasons for delay, the presiding officer will prescribe a time at which the witness to whom the discovery requests were addressed will be produced for oral examination on the subject matter of such requests. This examination will be conducted in parallel with the main hearings, before a special presiding officer [5] to be designated by the Chairman for that purpose. The special presiding officer will record any objections made, together with his proposed disposition thereof, and transmit both to the presiding officer of the main hearing. A transcript will be made of any such examination, and the responding witness may be represented by counsel. We expect that such ancillary proceedings will accelerate the obtaining of responses (which would otherwise have to be pursued by written pleadings and motions), while not requiring the main proceedings to be halted.

While we are not at this time specifying any procedures for the taking of depositions in parallel with the principal hearing, the parties and the presiding officer will consider their use when appropriate to hasten responses to discovery requests and where attendance of a special presiding officer may not be required.

All participants should give careful consideration to expediting this proceeding and, in connection therewith, should review the partial proposed schedule of procedural stages. *See* Attachment B. A complete proposed schedule of procedural stages will be available at the prehearing conference May 7, 1980. As indicated, we tentatively plan to close the record in these proceedings by November 14, 1980. The requrements of the Act demand expedited proceedings, coupled with procedural fairness. We must respond accordingly. We also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy.

V. Prehearing Conference Statements

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before May 2, 1980, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)

2. A statement of the participant's tentative position on each of the proposed issues.

3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.

4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.

5. Any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.

VI. Discovery

The Commission directs the attention of all participants to the provisions of §§ 25, 26 and 27 of the rules of practice (39 CFR 3001.25, 3001.26, 3001.27) establishing the availability of, and the rules for, discovery procedures. The discovery process is one aspect of rate proceedings which we particularly wish to expedite. Interrogatories must be answered promptly so that the expedited hearing program we are adopting here can function effectively.

In an effort to reduce or obviate certain peripheral discovery by the parties, the Commission will entertain oral motions requesting an opportunity to engage in a limited amount of "preliminary cross examination" of Postal Service witnesses during prehearing conferences. In this regard, the Service is requested to have its witnesses present and be able to provide for the record the requested clarifications or any other relevant information which might be requested at the prehearing conference.[6] A similar "preliminary cross examination" session for clarification of the presentations of the participants will be held following the filing of other participants' cases.

We believe this type of clarifying questioning will help reduce the length of the formal discovery period by

[5] Analogous procedures are found in the judiciary where Special Masters sometimes are appointed by a court for the hearing of particular matters. *See* F.R.C.P. Rule 53.

[6] Such requests might, for example, be for workpapers, sources of numbers used, explanations or demonstrations of mathematical processes employed, etc. We contemplate that any extensive responses would be provided in writing, but any inquiry which can be answered immediately by a witness should be so disposed of.

disposing of purely informational requests on the record during prehearing conferences. Preliminary cross examination, however, should be requested only where a party is of the view (and can persuasively demonstrate) that the expected responses are an essential part of the hearing record. Normally, participants should use informal off-the-record conference techniques to the maximum extent possible. In this connection, we request the Postal Service to file periodically, *e.g.*, every two weeks, (1) a listing of information given to parties in response to informal requests and (2) a copy of the information to be lodged in the dockets section of the Postal Rate Commission. This procedure will avoid duplicative requests from participants for identical information. It will be optional for other participants to follow this procedure because, unlike the Service, they are not usually the source of "data base" information.

The Commission orders: (A) The Commission will sit en banc in the above-captioned proceeding.

(B) A prehearing conference in this proceeding will be held on May 7, 1980, commencing at 9:30 a.m. in the Postal Rate Commission hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268. The Conference will be held for the purposes specified in § 24 of the Commission's rules of practice (39 C.F.R. § 3001.24) and in this Order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be following in expeditiously determining the issues to be resolved in Docket No. R80–1. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(C) Stephen L. Sharfman, the Officer of the Commission, is designated to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

(D) The Secretary shall cause this Notice and Order to be published in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

BILLING CODE 7715-01-M

Attachment A

PRESENT AND PROPOSED RATES OF
POSTAGE AND FEES FOR POSTAL SERVICES

SCHEDULE A-1

First Class and Business Reply

Mail Type	Postage Rate Unit	Current Rates		Proposed Rates	
		Regular (cents)	Presorted (cents) 1/	Regular (cents)	Presorted (cents) 2/
(1)	(2)	(3)	(4)	(5)	(6)
First-class:					
Letters					
	1st ounce.....	15	13	20	17/16
	Each add'l. ounce 3/..	13	13	17	17/16
Cards	Piece.....	10	9	13	12/11
Business Reply 4/	With advance deposit account.....	3.5	3.5	5	5
	Without advance deposit account.....	12	12	18	18
Nonstandard Surcharge.....		7	7	9	9

1/ Presorted first-class mail must be presented in a single mailing of 500 pieces or more properly prepared and presorted. The rates below apply only to each piece of a group of ten or more pieces destined for the same five-digit ZIP Code or each piece of a group of fifty or more pieces destined for the same three-digit ZIP Code. A mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails presorted first-class mail.

2/ Presorted first-class mail must be presented in a single mailing of 500 pieces or more properly prepared and presorted. The higher rate in this column applies to mail presorted to five-digit ZIP Code as described in footnote number one. The lower rate in this column applies to mail presorted to carrier route, with a minimum of 10 pieces per route. The $40 annual fee for mailers allows usage of either or both of these rates.

3/ Rates applicable through 12 ounces. Heavier pieces are subject to priority mail rates.

4/ Rates are applied on a per-piece basis in addition to regular postage. A fee of $40 must be paid once each calendar year for each business-reply permit. An accounting charge must be paid once each calendar year for each business-reply advance deposit account.

SCHEDULE A-2

Current Priority Mail Rates

Postage Rate Unit (Pounds)	Rate 1/ (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1.....	1.71	1.81	1.88	1.97	2.06	2.25
1.5.....	1.86	1.96	2.07	2.21	2.34	2.50
2.....	1.99	2.12	2.27	2.44	2.61	2.83
2.5.....	2.11	2.27	2.46	2.68	2.89	3.16
3.....	2.23	2.42	2.65	2.91	3.17	3.50
3.5.....	2.35	2.56	2.84	3.15	3.45	3.83
4.....	2.47	2.73	3.03	3.38	3.73	4.16
4.5.....	2.59	2.89	3.22	3.62	4.01	4.50
5.....	2.72	3.04	3.42	3.85	4.29	4.83
Each add'l. pound..	.243	.308	.383	.470	.557	.666

1/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE A-3

Proposed Priority Mail Rates

Postage Rate Unit (Pounds)	Rate [1] (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
	[2]	[2]	[2]			
1.....	2.24	2.24	2.24	2.34	2.45	2.58
1.5.....	2.30	2.42	2.56	2.72	2.87	3.07
2.....	2.54	2.70	2.88	3.09	3.30	3.57
2.5.....	2.78	2.98	3.21	3.47	3.73	4.06
3.....	3.01	3.25	3.53	3.84	4.16	4.56
3.5.....	3.25	3.53	3.85	4.22	4.59	5.05
4.....	3.49	3.81	4.18	4.60	5.02	5.55
4.5.....	3.73	4.09	4.50	4.97	5.45	6.05
5.....	3.97	4.37	4.83	5.35	5.88	6.54
Per Piece.....	1.586	1.586	1.586	1.586	1.586	1.586
Per Pound.....	.476	.556	.648	.753	.859	.991

1/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

2/ Based on proposed first-class rate for 13 ounces.

SCHEDULE B-1

Second-Class Mail: In-County

	Full Rate 1/	
	Current (cents)	Proposed (cents)
Per Pound	5.4	4.5
Per Piece	3.4	2.9

SCHEDULE B-2

Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Full Rate 1/ Current (cents)	Full Rate 1/ Proposed (cents)
Per pound:			
Non-advertising portion	Pound	11.2	8.8
Advertising portion: 2/			
Zone: 1 & 2	Pound	15.8	11.7
3	Pound	16.5	12.4
4	Pound	17.6	13.6
5	Pound	19.7	15.5
6	Pound	22.5	17.4
7	Pound	25.1	19.8
8	Pound	27.6	21.8
Per Piece	Piece	5.6	5.6

1/ Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

2/ Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3

Second-Class Mail: Classroom Publications, Outside County

	Postage Rate Unit	Full Rate 1/ Current (cents)	Full Rate 1/ Proposed (cents)
Per Pound:			
Non-advertising portion	Pound	5.4	4.9
Advertising portion:			
Zone: 1 & 2	Pound	7.2	6.5
3	Pound	7.6	7.2
4	Pound	8.9	8.5
5	Pound	11.2	10.4
6	Pound	14.2	12.5
7	Pound	17.0	14.9
8	Pound	18.9	17.0
Per Piece	Piece	3.0	3.0

1/ Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B-4

Second-Class Mail: Regular Rate Publications, Outside County

	Postage Rate Unit	Full Rate 1/ Current (cents)	Full Rate 1/ Proposed (cents)
Per Pound:			
Non-advertising portion:	Pound	13.1	12.8
Advertising portion:			2/
Zone: 1 & 2	Pound	17.5	17.1
3	Pound	18.4	18.4
4	Pound	19.9	20.8
5	Pound	22.7	24.6
6	Pound	26.0	29.1
7	Pound	29.4	33.4
8	Pound	31.8	38.3
Per Piece: 3/			
A -- Prepared 5/.....	Piece	7.0	7.0
B -- Presorted to 3-digit city/5-digit	Piece	5.4	5.4
C -- Carrier route presort	Piece	4.4	4.4
Per Piece: 4/			
D -- Prepared 5/.....	Piece	5.9	5.9
E -- Presorted to 3-digit city/5-digit	Piece	4.3	4.3

1/ Charges for second-class regular rate mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.

2/ Per-pound advertising portion full rate for science-of-agriculture publications mailed to Zones 1 and 2 is currently 15.8 cents per pound. The proposed full rate is 11.7 cents per pound.

3/ Publications mailing 5,000 or more copies per issue outside county of publication.

4/ Publications mailing fewer than 5,000 copies per issue outside county of publication.

5/ Presorted to SCF, States, Mixed States.

SCHEDULE B-5

Second-Class Mail: Transient

	Postage Rate Unit	Rates Current (cents)	Rates 1/ Proposed (cents)
Weight up to and including:			
1 ounce.....	Piece	10	19
2 ounces.....	Piece	10	35
Each additional ounce:			
Up to and including 8 ounces.....	Ounce	6	10
Over 8 ounces.....	Ounce	6	--
Each additional 2 ounces:			
Over 8 ounces.....	2 Ounces	--	10

1/ Transient mail is charged the lower of these rates or the fourth class rates for parcel post or bound printed matter, as applicable.

SCHEDULE B-6

Second-Class Mail: Commingled Non-Subscriber and Non-Requester 1/

	Postage Rate Unit	Rates Current (cents)	Rates Proposed 2/ (cents)
Per pound:			
Non-advertising portion:	Pound	15.3	12.8
Advertising portion:			
Zone: 1 & 2.....	Pound	15.3	17.1
3.....	Pound	15.3	18.4
4.....	Pound	15.3	20.8
5.....	Pound	15.3	24.6
6.....	Pound	15.3	29.1
7.....	Pound	15.3	33.4
8.....	Pound	15.3	38.3
Per Piece			
A -- Prepared 3/.....	Piece	5.8	7.0
B -- Presorted to 3-digit city/5-digit	Piece	5.8	5.4
C -- Carrier route presort.....	Piece	5.8	4.4

1/ Includes sample copies in excess of the 10 percent allowance and complimentary copies.

2/ Charges for second-class Alternative I and Alternative II commingled copies are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.

3/ Presorted to SCF, States, Mixed States.

SCHEDULE C

Controlled Circulation Mail

	Rates	
	Current (cents)	Proposed (cents)
Per pound.....	15.3	1/
Per piece.....	5.8	1/

1/ See Schedules B-4, B-5, and B-6.

SCHEDULE D-1A

Third-Class Mail
Single Piece

	Full Rate	
	Current (cents)	Proposed (cents)
Single-Piece		
One ounce	20	20
Two ounces	20	37
Three ounces	40	54
Four ounces	40	71
Next 2 ounces	53	85
Each additional 2 ounces	13	10
Nonstandard Surcharge 1/	7	9
Keys and Identification Devices		
First 2 ounces	32	55
Each additional 2 ounces	18	30

1/ Applies only to pieces weighing 2 ounces or less.

SCHEDULE D-1B

Third-Class Mail
Regular Bulk

	Full Rate	
	Current (cents)	Proposed (cents)
Alternative Two-Tier Bulk Rate Structure 1/		
Per-Pound, required presortation.....		
Ordinary matter 2/.....	41	51
Books, catalogs, etc. 3/.....	36	45
Per-Pound, presorted to carrier route..		
Ordinary matter.....	4/	51 less 2.6¢/piece
Books, catalogs, etc.....	4/	45 less 2.6¢/piece
Minimum-per-piece, required presortation	8.4	10.5
Minimum-per-piece, presorted to carrier-route.....	4/	7.9
Three-Tier Bulk Rate Structure 1/		
Per-Pound, required presortation.....		
Ordinary matter 2/.....	41	51
Books, catalogs, etc. 3/.....	36	45
Per-Pound, presorted to 5-digits.....		
Ordinary matter.....	--	51 less 1.6¢/piece
Books, catalogs, etc.....	--	45 less 1.6¢/piece
Per-pound, presorted to carrier route..		
Ordinary matter.....	4/	51 less 3.0¢/piece
Books, catalogs, etc.....	4/	45 less 3.0¢/piece
Minimum-per-piece, required presortation	8.4	10.9
Minimum-per-piece, presorted to 5-digits	--	9.3
Minimum-per-piece, presorted to carrier-route.....	4/	7.9

1/ A fee of $40.00 must be paid once each calendar year for each bulk mailing permit.

2/ "Ordinary matter" includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

3/ Books and catalogs of 24 bound pages or more, seeds, cutting, bulbs, roots, scions, and plants.

4/ Temporary rates now in effect are 1.5¢/piece below per-pound rates with a minimum-per-piece charge of 6.9¢.

SCHEDULE D-2

Third-Class Nonprofit-Bulk Mail

	Full Rate	
	Current (cents)	Proposed (cents)
Alternative Two-Tier Nonprofit Bulk Rate Structure		
Per-pound, required presortation		
Ordinary matter 2/.....	34	32
Books, catalogs, etc. 3/.....	29	27
Per-pound, presorted to carrier route		
Ordinary matter.....	--	32 less 1.9¢/piece
Books, catalogs, etc.....	--	27 less 1.9¢/piece
Minimum-per-piece, required presortation	6.1	5.9
Minimum-per-piece, presorted to carrier route.....	--	4.0
Three-Tier Nonprofit Bulk Rate Structure 1/		
Per-pound, required presortation		
Ordinary matter 2/.....	34	32
Books, catalogs, etc. 3/.....	29	27
Per-pound, presorted to 5-digits		
Ordinary matter.....	--	32 less .9¢/piece
Books, catalogs, etc.....	--	27 less .9¢/piece
Per-pound, presorted to carrier route		
Ordinary matter.....	--	32 less 1.9¢/piece
Books, catalogs, etc.....	--	27 less 1.9¢/piece
Minimum-per-piece, required presortation	6.1	5.9
Minimum-per-piece, presorted to 5-digits.....	--	5.0
Minimum-per-piece, presorted to carrier route.....	--	4.0

1/ A fee of $40.00 must be paid once each calendar year for each bulk mailing permit.

2/ "Ordinary matter" includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

3/ Books and catalogs of 24 bound pages or more, seeds, cutting, bulbs, roots, scions, and plants.

SCHEDULE E-1

Fourth-Class Mail: Special and Library Rates

	Full Rate	
	Current (cents)	Proposed (cents)
Special:		
First Pound		
Not presorted	59	61
Presorted to 5-digits 1/ 2/	52	42
Presorted to 3-digits 1/ 3/	55	--
Presorted to BMC 1/ 4/	--	54
Each additional pound through 7 pounds	22	22
Each additional pound over 7 pounds	13	13
Library:		
First Pound	38	41
Each additional pound through 7 pounds	13	14
Each additional pound over 7 pounds	7	7.5

1/ A fee of $30.00 must be paid once each calendar year for each permit. The proposed fee level is $40.

2/ For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes.

3/ For mailings of 2,000 or more pieces properly prepared and presorted to five-digit and three-digit destination ZIP Codes.

4/ For mailings of 500 or more pieces properly prepared and presorted to Bulk Mail Centers.

SCHEDULE E-2

Fourth-Class Mail: Single-Piece Bound Printed Matter 1/
(Dollars)

Current

Rates for Pieces Weighing Up To (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	.69	.92	.94	.97	1.02	1.08	1.16	1.19
2	.69	.93	.95	.99	1.06	1.14	1.25	1.28
2.5	.69	.93	.96	1.01	1.10	1.20	1.33	1.38
3	.69	.94	.97	1.03	1.14	1.25	1.41	1.47
3.5	.69	.94	.98	1.05	1.17	1.31	1.50	1.56
4	.69	.95	.99	1.07	1.21	1.37	1.58	1.66
4.5	.69	.95	1.00	1.09	1.25	1.42	1.67	1.75
5	.70	.96	1.02	1.12	1.29	1.48	1.75	1.85
6	.70	.96	1.04	1.16	1.36	1.59	1.92	2.03
7	.70	.97	1.06	1.20	1.44	1.71	2.09	2.22
8	.70	.98	1.08	1.24	1.51	1.82	2.25	2.41
9	.70	.99	1.10	1.28	1.59	1.94	2.42	2.59
10	.70	1.00	1.12	1.32	1.66	2.05	2.59	2.78
Per piece (dollars)	.69	.91	.91	.91	.91	.91	.91	.91
Per pound (cents)	.1	.9	2.1	4.1	7.5	11.4	16.8	18.7

Proposed

Rates for Pieces Weighing Up To (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5								
2								
2.5								
3								
3.5								
4								
4.5								
5	NO CHANGES PROPOSED.							
6								
7								
8								
9								
10								
Per piece (dollars)								
Per pound (cents)								

1/ Includes both catalogs and similar bound printed matter (§ 400.41 of the Clasification Schedule effective July 6, 1976.)

SCHEDULE E-3

Fourth-Class Mail: Bulk Bound Printed Matter 1/

Zones	Current Per-Piece (cents)	Current Per Pound (cents)	Proposed Per-Piece (cents)	Proposed Per Pound (cents)
Local	35	.1		
1 & 2	46	.9		
3	46	2.1		
4	46	4.1	NO CHANGES PROPOSED.	
5	46	7.5		
6	46	11.4		
7	46	16.8		
8	46	18.7		

1/ Includes both catalogs and similar bound printed matter.

SCHEDULE E-4

Fourth-Class Mail: Parcel Post 1/ 2/

PRESENT AND PROPOSED RATES ARE

SHOWN ON SCHEDULES E-4a and E-4b

RESPECTIVELY.

1/ Exceptions: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

2/ Bulk parcel post: Consists of parcel post presented in a single mailing of 300 or more pieces properly prepared and separated by destination postage zone. The per-piece rate is the single-piece parcel post rate for a piece having a weight equal to the average weight per piece for each zone and weight grouping. (§400.22 of the Classification Schedule effective July 6, 1976.)

SCHEDULE E-4a

Current Parcel Post Rates

Not Exceeding (Pounds)	Local	Zones 1, 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
2	$1.15	$1.35	$1.39	$1.56	$1.72	$1.84	$1.98	$2.22
3	1.23	1.45	1.53	1.73	1.86	2.04	2.24	2.61
4	1.29	1.56	1.65	1.82	2.00	2.23	2.50	3.00
5	1.36	1.66	1.77	1.92	2.14	2.43	2.77	3.39
6	1.42	1.71	1.84	2.01	2.28	2.62	3.03	3.78
7	1.47	1.76	1.90	2.11	2.41	2.82	3.29	4.17
8	1.51	1.80	1.97	2.20	2.55	3.02	3.56	4.56
9	1.54	1.85	2.03	2.29	2.69	3.21	3.82	4.95
10	1.57	1.89	2.10	2.39	2.83	3.41	4.08	5.34
11	1.60	1.94	2.17	2.50	3.00	3.65	4.42	5.73
12	1.64	1.98	2.22	2.56	3.09	3.77	4.57	6.12
13	1.67	2.02	2.27	2.63	3.17	3.89	4.72	6.41
14	1.70	2.05	2.32	2.69	3.25	3.99	4.86	6.62
15	1.73	2.09	2.36	2.74	3.33	4.09	4.99	6.80
16	1.76	2.13	2.41	2.80	3.40	4.19	5.11	6.98
17	1.79	2.16	2.45	2.85	3.47	4.28	5.23	7.15
18	1.82	2.20	2.49	2.91	3.54	4.37	5.34	7.31
19	1.86	2.23	2.53	2.96	3.61	4.46	5.45	7.47
20	1.89	2.27	2.58	3.01	3.67	4.54	5.55	7.62
21	1.92	2.30	2.62	3.06	3.74	4.62	5.66	7.76
22	1.95	2.34	2.66	3.14	3.85	4.78	5.80	7.90
23	1.98	2.37	2.72	3.25	3.99	4.96	6.02	8.03
24	2.01	2.44	2.80	3.35	4.12	5.13	6.24	8.16
25	2.04	2.51	2.89	3.46	4.26	5.31	6.46	8.28
26	2.07	2.58	2.97	3.56	4.39	5.48	6.68	8.40
27	2.11	2.65	3.06	3.67	4.53	5.66	6.90	8.52
28	2.14	2.72	3.14	3.77	4.66	5.83	7.12	8.63
29	2.17	2.79	3.23	3.88	4.80	6.01	7.34	8.75
30	2.20	2.86	3.31	3.98	4.93	6.18	7.56	8.85
31	2.68	3.09	3.46	4.09	5.07	6.36	7.78	9.41
32	2.71	3.12	3.49	4.19	5.20	6.53	8.00	9.51
33	2.74	3.16	3.57	4.30	5.34	6.71	8.22	9.61
34	2.77	3.19	3.65	4.40	5.47	6.88	8.44	9.80
35	2.80	3.22	3.74	4.51	5.61	7.06	8.66	10.06
36	2.83	3.28	3.82	4.61	5.74	7.23	8.89	10.32
37	2.86	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.89	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.93	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.96	3.56	4.16	5.03	6.28	7.93	9.76	11.36
41	2.99	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	3.02	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	3.05	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	3.08	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	3.11	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	3.14	3.98	4.67	5.66	7.09	8.98	11.08	12.92
47	3.17	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	3.20	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	3.23	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	3.27	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	3.30	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	3.33	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	3.36	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	3.39	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.42	4.61	5.44	6.61	8.31	10.56	13.06	15.26
56	3.45	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.48	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.51	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.54	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	3.57	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.60	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.64	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.67	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.70	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.73	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.76	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.79	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	3.82	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.85	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.88	5.66	6.71	8.18	10.33	13.18	16.36	19.16

SCHEDULE E-4b

PROPOSED PARCEL POST RATES

LBS	LOCAL	INTRA-BMC	INTER-BMC ZONE 1-2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8
2	1.44	1.53	1.71	1.75	1.81	1.88	1.97	2.18	2.39
3	1.47	1.58	1.76	1.82	1.90	2.02	2.15	2.47	2.79
4	1.51	1.63	1.80	1.89	2.00	2.16	2.33	2.76	3.18
5	1.55	1.68	1.86	1.96	2.10	2.30	2.51	3.05	3.57
6	1.59	1.73	1.90	2.03	2.20	2.43	2.69	3.33	3.96
7	1.63	1.78	1.95	2.10	2.30	2.57	2.87	3.62	4.35
8	1.66	1.83	2.00	2.17	2.39	2.71	3.05	3.91	4.75
9	1.70	1.88	2.05	2.24	2.49	2.84	3.23	4.19	5.14
10	1.74	1.93	2.10	2.31	2.59	2.98	3.41	4.48	5.53
11	1.78	1.98	2.15	2.38	2.69	3.12	3.65	4.77	5.92
12	1.82	2.03	2.20	2.45	2.79	3.25	3.77	5.05	6.31
13	1.85	2.08	2.25	2.52	2.88	3.39	3.95	5.34	6.71
14	1.89	2.13	2.30	2.59	2.98	3.53	4.13	5.63	7.10
15	1.93	2.18	2.35	2.66	3.08	3.67	4.31	5.92	7.49
16	1.97	2.22	2.39	2.70	3.12	3.71	4.36	5.97	7.55
17	2.01	2.26	2.43	2.74	3.16	3.76	4.40	6.02	7.60
18	2.04	2.30	2.47	2.78	3.20	3.80	4.45	6.07	7.66
19	2.08	2.34	2.51	2.82	3.24	3.84	4.49	6.12	7.71
20	2.12	2.37	2.55	2.86	3.29	3.89	4.54	6.18	7.77
21	2.16	2.41	2.58	2.90	3.33	3.93	4.62	6.23	7.83
22	2.20	2.45	2.62	2.94	3.37	3.97	4.78	6.28	7.90
23	2.23	2.49	2.66	2.98	3.41	4.01	4.96	6.33	8.03
24	2.27	2.53	2.70	3.02	3.45	4.12	5.13	6.38	8.16
25	2.31	2.57	2.74	3.06	3.49	4.26	5.31	6.46	8.28
26	2.35	2.61	2.78	3.10	3.56	4.39	5.48	6.68	8.40
27	2.39	2.65	2.82	3.14	3.67	4.53	5.66	6.90	8.52
28	2.42	2.69	2.86	3.18	3.77	4.66	5.83	7.12	8.63
29	2.46	2.73	2.90	3.23	3.88	4.80	6.01	7.34	8.75
30	2.50	2.77	2.94	3.31	3.98	4.93	6.18	7.56	8.85
31	2.68	2.92	3.09	3.46	4.09	5.07	6.36	7.78	9.41
32	2.71	2.95	3.12	3.49	4.19	5.20	6.53	8.00	9.51
33	2.74	2.99	3.16	3.57	4.30	5.34	6.71	8.22	9.61
34	2.77	3.02	3.19	3.65	4.40	5.47	6.88	8.44	9.80
35	2.80	3.05	3.22	3.74	4.51	5.61	7.06	8.66	10.06
36	2.83	3.11	3.28	3.82	4.61	5.74	7.23	8.88	10.32
37	2.86	3.18	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.89	3.27	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.93	3.32	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.96	3.39	3.56	4.16	5.03	6.28	7.93	9.76	11.36
41	2.99	3.46	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	3.02	3.53	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	3.05	3.60	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	3.08	3.67	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	3.11	3.74	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	3.14	3.81	3.98	4.67	5.66	7.09	8.98	11.08	12.92
47	3.17	3.88	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	3.20	3.95	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	3.23	4.02	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	3.27	4.09	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	3.30	4.16	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	3.33	4.23	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	3.36	4.30	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	3.39	4.37	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.42	4.44	4.61	5.44	6.61	8.31	10.56	13.06	15.26
56	3.45	4.51	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.48	4.58	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.51	4.65	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.54	4.72	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	3.57	4.79	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.60	4.86	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.64	4.93	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.67	5.00	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.70	5.07	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.73	5.14	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.76	5.21	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.79	5.28	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	3.82	5.35	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.85	5.42	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.88	5.49	5.66	6.71	8.18	10.33	13.18	16.36	19.16

SCHEDULE F-1a
Express Mail - Same Day Airport Service
Current Rates

POUNDS (up to and including)	ZONES*						
	3	4	5	6	7	8	9
1	$ 6 55	$ 6 60	$ 6 65	$ 6 75	$ 6 85	$ 6 95	$ 7 05
2	6 95	7 00	7 15	7 25	7 40	7 55	7 70
3	7 35	7 45	7 60	7 75	7 95	8 15	8 35
4	7 75	7 90	8 10	8 30	8 50	8 75	9 00
5	8 15	8 30	8 55	8 80	9 05	9 35	9 65
6	8 55	8 75	9 00	9 30	9 60	9 95	10 30
7	8 95	9 15	9 50	9 80	10 15	10 55	10 95
8	9 35	9 60	9 95	10 30	10 70	11 15	11 60
9	9 75	10 05	10 45	10 85	11 25	11 75	12 25
10	10 15	10 45	10 90	11 35	11 80	12 35	12 90
11	10 55	10 90	11 35	11 85	12 35	12 95	13 55
12	10 95	11 30	11 85	12 35	12 90	13 55	14 20
13	11 35	11 75	12 30	12 85	13 45	14 15	14 85
14	11 75	12 20	12 80	13 40	14 00	14 75	15 50
15	12 15	12 60	13 25	13 90	14 55	15 35	16 15
16	12 55	13 05	13 70	14 40	15 10	15 95	16 80
17	12 95	13 50	14 20	14 90	15 65	16 55	17 45
18	13 35	13 90	14 65	15 40	16 20	17 15	18 10
19	13 75	14 35	15 15	15 95	16 75	17 75	18 75
20	14 15	14 75	15 60	16 45	17 30	18 35	19 40
21	14 55	15 20	16 05	16 95	17 85	18 95	20 05
22	14 95	15 60	16 55	17 45	18 40	19 55	20 70
23	15 35	16 05	17 00	17 95	18 95	20 15	21 35
24	15 75	16 50	17 50	18 50	19 50	20 75	22 00
25	16 15	16 90	17 95	19 00	20 05	21 35	22 65
26	16 55	17 35	18 40	19 50	20 60	21 95	23 30
27	16 95	17 75	18 90	20 00	21 15	22 55	23 95
28	17 35	18 20	19 35	20 50	21 70	23 15	24 60
29	17 75	18 65	19 85	21 05	22 25	23 75	25 25
30	18 15	19 05	20 30	21 55	22 80	24 35	25 90
31	18 55	19 50	20 75	22 05	23 35	24 95	26 55
32	18 95	19 90	21 25	22 55	23 90	25 55	27 20
33	19 35	20 35	21 70	23 05	24 45	26 15	27 85
34	19 75	20 80	22 20	23 60	25 00	26 75	28 50
35	20 15	21 20	22 65	24 10	25 55	27 35	29 15

POUNDS (up to and including)	ZONES*						
	3	4	5	6	7	8	9
36	20 55	21 65	23 10	24 60	26 10	27 95	29 80
37	20 95	22 05	23 60	25 10	26 65	28 55	30 45
38	21 35	22 50	24 05	25 60	27 20	29 15	31 10
39	21 75	22 95	24 55	26 15	27 75	29 75	31 75
40	22 15	23 35	25 00	26 65	28 30	30 35	32 40
41	22 55	23 80	25 45	27 15	28 85	30 95	33 05
42	22 95	24 20	25 95	27 65	29 40	31 55	33 70
43	23 35	24 65	26 40	28 15	29 95	32 15	34 35
44	23 75	25 10	26 90	28 70	30 50	32 75	35 00
45	24 15	25 50	27 35	29 20	31 05	33 35	35 65
46	24 55	25 95	27 80	29 70	31 60	33 95	36 30
47	24 95	26 35	28 30	30 20	32 15	34 55	36 95
48	25 35	26 80	28 75	30 70	32 70	35 15	37 60
49	25 75	27 25	29 25	31 25	33 25	35 75	38 25
50	26 15	27 65	29 70	31 75	33 80	36 35	38 90
51	26 55	28 10	30 15	32 25	34 35	36 95	39 55
52	26 95	28 50	30 65	32 75	34 90	37 55	40 20
53	27 35	28 95	31 10	33 25	35 45	38 15	40 85
54	27 75	29 40	31 60	33 80	36 00	38 75	41 50
55	28 15	29 80	32 05	34 30	36 55	39 35	42 15
56	28 55	30 25	32 50	34 80	37 10	39 95	42 80
57	28 95	30 65	33 00	35 30	37 65	40 55	43 45
58	29 35	31 10	33 45	35 80	38 20	41 15	44 10
59	29 75	31 55	33 95	36 35	38 75	41 75	44 75
60	30 15	31 95	34 40	36 85	39 30	42 35	45 40
61	30 55	32 40	34 85	37 35	39 85	42 95	46 05
62	30 95	32 80	35 35	37 85	40 40	43 55	46 70
63	31 35	33 25	35 80	38 35	40 95	44 15	47 35
64	31 75	33 70	36 30	38 90	41 50	44 75	48 00
65	32 15	34 10	36 75	39 40	42 05	45 35	48 65
66	32 55	34 55	37 20	39 90	42 60	45 95	49 30
67	32 95	34 95	37 70	40 40	43 15	46 55	49 95
68	33 35	35 40	38 15	40 90	43 70	47 15	50 60
69	33 75	35 85	38 65	41 45	44 25	47 75	51 25
70	$34 15	$36 25	$39 10	$41 95	$44 80	$48 35	$51 90

SCHEDULE F-1b

SAME DAY AIRPORT SERVICE

Proposed Rates

LBS	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	6.15	6.15	6.15	6.15	6.15	6.15	6.15	6.15
2	6.15	6.15	6.15	6.15	6.15	6.15	6.15	6.15
3	6.55	6.70	6.90	7.15	7.50	7.80	8.25	8.60
4	7.00	7.20	7.45	7.85	8.30	8.70	9.30	9.75
5	7.50	7.75	8.05	8.55	9.10	9.60	10.35	10.95
6	7.95	8.25	8.65	9.20	9.85	10.50	11.40	12.10
7	8.45	8.80	9.25	9.90	10.65	11.40	12.45	13.30
8	8.90	9.30	9.85	10.60	11.45	12.30	13.50	14.45
9	9.40	9.85	10.45	11.30	12.25	13.20	14.55	15.60
10	9.85	10.35	11.00	11.95	13.05	14.10	15.60	16.80
11	10.35	10.90	11.60	12.65	13.85	15.00	16.65	17.95
12	10.80	11.40	12.20	13.35	14.55	15.90	17.70	19.10
13	11 30	11.95	12.80	14.00	15.45	16.80	18.75	20.30
14	11.75	12.45	13.40	14.70	16.20	17.70	19.80	21.45
15	12.25	13.00	14.00	15.40	17.00	18.60	20.85	22.60
16	12.70	13.50	14.55	16.10	17.80	19.50	21.90	23.80
17	13.20	14.05	15.15	16.75	18.60	20.40	22.95	24.95
18	13.65	14.55	15.75	17.45	19.40	21.30	24.00	26.10
19	14.15	15.10	16.35	18.15	20.20	22.20	25.05	27.30
20	14.60	15.60	16.95	18.30	21.00	23.10	26.15	28.45
21	15.10	16.15	17.55	19.50	21.80	24.00	27.20	29.60
22	15.55	16.65	18.10	20.20	22.60	24.90	28.25	30.80
23	16.05	17.20	18.70	20.90	23.35	25.80	29.30	31.95
24	16.50	17.70	19.30	21.55	24.15	26.70	30.35	33.10
25	17.00	18.25	19.90	22.25	24.95	27.60	31.40	34.30
26	17.45	18.75	20.50	22.95	25.75	28.50	32.45	35.45
27	17.95	19.30	21.10	23.65	26.55	29.40	33.50	36.65
28	18.40	19.80	21.65	24.30	27.35	30.30	34.55	37.80
29	18.90	20.35	22.25	25.00	28.15	31.20	35.60	38.95
30	19.35	20.85	22.85	25.70	29.95	32.10	36.65	40.15
31	19.85	21.40	23.45	26.35	29.75	33.00	37.70	41.30
32	20.30	21.90	24.05	27.05	30.50	33.95	38.75	42.45
33	20.80	22.45	24.65	27.75	31.30	34.85	39.80	43.65
34	21.25	22.95	25.20	28.45	32.10	35.75	40.85	44.80
35	21.75	23.50	25.80	29.10	32.90	36.65	41.90	45.95
36	22.20	24.00	26.40	29.80	33.70	37.55	42.95	47.15
37	22.70	24.55	27.00	30.50	34.50	38.45	44.00	48.30
38	23.15	25.05	27.60	31.15	35.30	39.35	45.05	49.45
39	23.65	25.60	28.20	31.85	36.10	40.25	46.10	50.65
40	24.10	26.15	28.75	32.55	36.90	41.15	47.15	51.80
41	24.60	25.65	29.35	33.25	37.65	42.05	48.20	52.95
42	25.05	27.20	29.95	33.90	38.45	42.95	49.25	54.15
43	25.55	27.70	30.55	34.60	39.25	43.85	50.30	55.30
44	26.00	28.25	31.15	35.30	40.05	44.75	51.35	56.45
45	26.50	28.75	31.75	36 00	40.85	45.65	52.40	57.65
46	26.95	29.30	32.30	36.55	41.65	46.55	53.45	58.80
47	27.45	29.80	32.90	37.35	42.45	47.45	54.50	60.00
48	27.90	30.35	33.50	38.05	43.25	48.35	55.55	61.15
49	28.40	30.85	34.10	38.70	44.05	49.25	56.60	62.30
50	28.85	31.40	34.70	39.40	44.80	50.15	57.65	63.50
51	29.35	31.90	35.30	40.10	45.60	51.05	58.70	64.65
52	29.85	32.45	35.90	40.80	46.40	51.95	59.75	65.80
53	30.30	32.95	36.45	41.45	47.20	52.85	60.80	67.00
54	30.80	33.50	37.05	42.15	48.00	53.75	61.85	68.15
55	31.25	34.00	37.65	42.85	48.80	54.65	62.90	69.30
56	31.75	34.55	38.25	43.50	49.60	55.55	63.95	70.50
57	32.20	35.05	38.85	44.20	50.40	56.45	65.00	71.65
58	32.70	35.60	39.45	44.90	51.20	57.35	66.05	72.80
59	33.15	36.10	40.00	45.50	51.95	58.25	67.10	74.00
60	33.65	36.65	40.60	46.25	52.75	59.15	68.15	75.15
61	34.10	37.15	41.20	46.95	53.55	60.05	69.20	76.30
62	34.60	37.70	41.80	47.65	54.35	60.95	70.25	77.50
63	35.05	38.20	42.40	48.30	55.15	61.85	71.35	78.65
64	35.55	38.75	43.00	49.00	55.95	62.75	72.40	79.80
65	36.00	39.25	43.55	49.70	56.75	63.65	73.45	81.00
66	36.50	39.80	44.15	50.40	57.55	64.55	74.50	82.15
67	36.95	40.30	44.75	51.05	58.35	65.45	75.55	83.35
68	37.45	40.85	45.35	51.75	59.10	66.35	76.60	84.50
69	37.90	41.35	45.95	52.45	59.90	67.25	77.65	85.65
70	38.40	41.90	46.55	53.15	60.70	68.15	78.70	86.85

SCHEDULE F-2a
Custom Designed Service - Current Rates

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$12.55	$12.60	$12.65	$12.75	$12.85	$12.95	$13.05
2	12.95	13.00	13.15	13.25	13.40	13.55	13.70
3	13.35	13.45	13.60	13.75	13.95	14.15	14.35
4	13.75	13.90	14.10	14.30	14.50	14.75	15.00
5	14.15	14.30	14.55	14.80	15.05	15.35	15.65
6	14.55	14.75	15.00	15.30	15.60	15.95	16.30
7	14.95	15.15	15.50	15.80	16.15	16.55	16.95
8	15.35	15.60	15.95	16.30	16.70	17.15	17.60
9	15.75	16.05	16.45	16.85	17.25	17.75	18.25
10	16.15	16.45	16.90	17.35	17.80	18.35	18.90
11	16.55	16.90	17.35	17.85	18.35	18.95	19.55
12	16.95	17.30	17.85	18.35	18.90	19.55	20.20
13	17.35	17.75	18.30	18.85	19.45	20.15	20.85
14	17.75	18.20	18.80	19.40	20.00	20.75	21.50
15	18.15	18.60	19.25	19.90	20.55	21.35	22.15
16	18.55	19.05	19.70	20.40	21.10	21.95	22.80
17	18.95	19.45	20.20	20.90	21.65	22.55	23.45
18	19.35	19.90	20.65	21.40	22.20	23.15	24.10
19	19.75	20.35	21.15	21.95	22.75	23.75	24.75
20	20.15	20.75	21.60	22.45	23.30	24.35	25.40
21	20.55	21.20	22.05	22.95	23.85	24.95	26.05
22	20.95	21.60	22.55	23.45	24.40	25.55	26.70
23	21.35	22.05	23.00	23.95	24.95	26.15	27.35
24	21.75	22.50	23.50	24.50	25.50	26.75	28.00
25	22.15	22.90	23.95	25.00	26.05	27.35	28.65
26	22.55	23.35	24.40	25.50	26.60	27.95	29.30
27	22.95	23.75	24.90	26.00	27.15	28.55	29.95
28	23.35	24.20	25.35	26.50	27.70	29.15	30.60
29	23.75	24.65	25.85	27.05	28.25	29.75	31.25
30	24.15	25.05	26.30	27.55	28.80	30.35	31.90
31	24.55	25.50	26.75	28.05	29.35	30.95	32.55
32	24.95	25.90	27.25	28.55	29.90	31.55	33.20
33	25.35	26.35	27.70	29.05	30.45	32.15	33.85
34	25.75	26.80	28.20	29.60	31.00	32.75	34.50
35	26.15	27.20	28.65	30.10	31.55	33.35	35.15

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	26.55	27.65	29.10	30.60	32.10	33.95	35.80
37	26.95	28.05	29.60	31.10	32.65	34.55	36.45
38	27.35	28.50	30.05	31.60	33.20	35.15	37.10
39	27.75	28.95	30.55	32.15	33.75	35.75	37.75
40	28.15	29.35	31.00	32.65	34.30	36.35	38.40
41	28.55	29.80	31.45	33.15	34.85	36.95	39.05
42	28.95	30.20	31.95	33.65	35.40	37.55	39.70
43	29.35	30.65	32.40	34.15	35.95	38.15	40.35
44	29.75	31.10	32.90	34.70	36.50	38.75	41.00
45	30.15	31.50	33.35	35.20	37.05	39.35	41.65
46	30.55	31.95	33.80	35.70	37.60	39.95	42.30
47	30.95	32.35	34.30	36.20	38.15	40.55	42.95
48	31.35	32.80	34.75	36.70	38.70	41.15	43.60
49	31.75	33.25	35.25	37.25	39.25	41.75	44.25
50	32.15	33.65	35.70	37.75	39.80	42.35	44.90
51	32.55	34.10	36.15	38.25	40.35	42.95	45.55
52	32.95	34.50	36.65	38.75	40.90	43.55	46.20
53	33.35	34.95	37.10	39.25	41.45	44.15	46.85
54	33.75	35.40	37.60	39.80	42.00	44.75	47.50
55	34.15	35.80	38.05	40.30	42.55	45.35	48.15
56	34.55	36.25	38.50	40.80	43.10	45.95	48.80
57	34.95	36.65	39.00	41.30	43.65	46.55	49.45
58	35.35	37.10	39.45	41.80	44.20	47.15	50.10
59	35.75	37.55	39.95	42.35	44.75	47.75	50.75
60	36.15	37.95	40.40	42.85	45.30	48.35	51.40
61	36.55	38.40	40.85	43.35	45.85	48.95	52.05
62	36.95	38.80	41.35	43.85	46.40	49.55	52.70
63	37.35	39.25	41.80	44.35	46.95	50.15	53.35
64	37.75	39.70	42.30	44.90	47.50	50.75	54.00
65	38.15	40.10	42.75	45.40	48.05	51.35	54.65
66	38.55	40.55	43.20	45.90	48.60	51.95	55.30
67	38.95	40.95	43.70	46.40	49.15	52.55	55.95
68	39.35	41.40	44.15	46.90	49.70	53.15	56.60
69	39.75	41.85	44.65	47.45	50.25	53.75	57.25
70	$40.15	$42.25	$45.10	$47.95	$50.80	$54.35	$57.90

DEDUCTION FOR PARTIAL SERVICE. If tendered at origin airport mail facility, deduct $3.00 from these rates. If tendered for claim by addressee at destination airport mail facility, deduct $3.00. If tendered at origin airport mail facility for claim by addressee at destination airport mail facility, deduct $6.00.

Add: $5.25 for each pickup or delivery stop.

SCHEDULE F-2b

CUSTOM DESIGNED SERVICE

Proposed Rates

LBS	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	9.35	9.35	9.35	9.35	9.35	9.35	9.35	9.35
2	9.35	9.35	9.35	9.35	9.35	9.35	9.35	9.35
3	9.40	9.90	10.10	10.35	10.70	11.00	11.45	11.80
4	9.65	10.45	10.70	11.10	11.55	11.95	12.55	13.00
5	10.00	11.00	11.35	11.80	12.35	12.90	13.65	14.20
6	10.35	11.55	11.95	12.55	13.20	13.85	14.75	15.45
7	10.70	12.15	12.60	13.25	14.05	14.75	15.85	16.65
8	11.10	12.70	13.25	14.00	14.85	15.70	16.95	17.85
9	11.45	13.25	13.85	14.70	15.70	16.65	18.00	19.05
10	11.80	13.85	14.50	15.45	16.55	17.60	19.10	20.25
11	12.15	14.40	15.15	16.15	17.40	18.55	20.20	21.45
12	12.55	14.95	15.75	16.90	18.20	19.45	21.30	22.65
13	12.90	15.55	16.40	17.60	19.05	20.40	22.40	23.90
14	13.25	16.10	17.05	18.35	19.90	21.35	23.50	25.10
15	13.65	16.65	17.65	19.05	20.75	22.30	24.60	26.30
16	14.00	17.25	18.30	19.80	21.55	23.25	25.65	27.50
17	14.35	17.80	18.90	20.55	22.40	24.15	26.75	28.70
18	14.70	18.35	19.55	21.25	23.25	25.10	27.85	29.90
19	15.10	18.95	20.20	22.00	24.05	25.95	29.05	31.15
20	15.45	19.50	20.80	22.70	24.90	27.00	30.05	32.35
21	15.80	20.05	21.45	23.45	25.75	27.95	31.15	33.55
22	16.15	20.65	22.10	24.15	26.60	28.90	32.25	34.75
23	16.55	21.20	22.70	24.90	27.40	29.80	33.35	35.95
24	16.90	21.75	23.35	25.60	28.25	30.75	34.40	37.15
25	17.25	22.30	24.00	26.35	29.10	31.70	35.50	38.35
26	17.60	22.90	24.60	27.05	29.95	32.65	36.60	39.60
27	18.00	23.45	25.25	27.80	30.75	33.60	37.70	40.80
28	18.35	24.00	25.85	28.50	31.60	34.50	39.80	42.00
29	18.70	24.60	26.50	29.25	32.45	35.45	39.90	43.20
30	19.05	25.15	27.15	29.95	33.30	36.40	41.00	44.40
31	19.45	25.70	27.75	30.70	34.10	37.35	42.05	45.60
32	19.80	26.30	28.40	31.40	34.95	38.30	43.15	46.80
33	20.15	26.85	29.05	32.15	35.80	39.25	44.25	48.05
34	20.55	27.40	29.65	32.85	36.60	40.15	45.35	49.25
35	20.90	28.00	30.30	33.60	37.45	41.10	46.45	50.45
36	21.25	28.55	30.95	34.30	38.30	42.05	47.55	51.65
37	21.60	29.10	31.55	35.05	39.15	43.00	48.65	52.85
38	22.00	29.70	32.20	35.75	39.95	43.95	49.70	54.05
39	22.35	30.25	32.80	36.50	40.80	44.85	50.80	55.30
40	22.70	30.80	33.45	37.25	41.65	45.80	51.90	56.50
41	23.05	31.35	34.10	37.95	42.50	46.75	53.00	57.70
42	23.45	31.95	34.70	38.70	43.30	47.70	54.10	58.90
43	23.80	32.50	35.35	39.40	44.15	48.65	55.20	60.10
44	24.15	33.05	36.00	40.15	45.00	49.60	56.30	61.30
45	24.50	33.65	36.60	40.85	45.80	50.50	57.40	62.50
46	24.90	34.20	37.25	41.60	46.65	51.45	58.45	63.75
47	25.25	34.75	37.90	42.30	47.50	52.40	59.55	64.95
48	25.60	35.35	38.50	43.05	48.35	53.35	60.65	66.15
49	25.95	35.90	39.15	43.75	49.15	54.30	61.75	67.35
50	26.35	36.45	39.75	44.50	50.00	55.20	62.85	68.55
51	26.70	37.05	40.40	45.20	50.85	56.15	63.95	69.75
52	27.05	37.60	41.05	45.95	51.70	57.10	65.05	71.00
53	27.40	38.15	41.65	46.65	52.50	58.05	66.10	72.20
54	27.80	38.75	42.30	47.40	53.35	59.00	67.20	73.40
55	28.15	39.30	42.95	48.10	54.20	59.95	68.30	74.60
56	28.50	39.85	43.55	48.85	55.00	60.85	69.40	75.80
57	28.90	40.40	44.20	49.55	55.85	61.80	70.50	77.00
58	29.25	41.00	44.85	50.30	56.70	62.75	71.60	78.20
59	29.60	41.55	45.45	51.00	57.55	63.70	72.70	79.45
60	29.95	42.10	46.10	51.75	58.35	64.65	73.80	80.65
61	30.35	42.70	46.75	52.50	59.20	65.55	74.85	81.85
62	30.70	43.25	47.35	53.20	60.05	66.50	75.95	83.05
63	31.05	43.80	48.00	53.95	60.90	67.45	77.05	84.25
64	31.40	44.40	48.60	54.65	61.70	68.40	78.15	85.45
65	31.80	44.95	49.25	55.40	62.55	69.35	79.25	86.70
66	32.15	45.50	49.90	56.10	63.40	70.25	80.35	87.90
67	32.50	46.10	50.50	56.85	64.25	71.20	81.45	89.10
68	32.85	46.65	51.15	57.55	65.05	72.15	82.50	90.30
69	33.25	47.20	51.80	58.30	65.90	73.10	83.60	91.50
70	33.60	47.80	52.40	59.00	66.75	74.05	84.70	92.70

Add: $5.60 for each pickup or delivery stop.

SCHEDULE F-3a
Next Day Service - Current Rates
Post Office to Addressee

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$ 7 50	$ 7 55	$ 7 65	$ 7 70	$ 7 80	$ 7 90	$ 8 00
2	7 90	8 00	8 10	8 25	8 35	8 50	8 65
3	8 30	8 40	8 60	8 75	8 90	9 10	9 30
4	8 70	8 85	9 05	9 25	9 45	9 70	9 95
5	9 10	9 30	9 50	9 75	10 00	10 30	10 60
6	9 50	9 70	10 00	10 25	10 55	10 90	11 25
7	9 90	10 15	10 45	10 80	11 10	11 50	11 90
8	10 30	10 55	10 95	11 30	11 65	12 10	12 55
9	10 70	11 00	11 40	11 80	12 20	12 70	13 20
10	11 10	11 45	11 85	12 30	12 75	13 30	13 85
11	11 50	11 85	12 35	12 80	13 30	13 90	14 50
12	11 90	12 30	12 80	13 35	13 85	14 50	15 15
13	12 30	12 70	13 30	13 85	14 40	15 10	15 80
14	12 70	13 15	13 75	14 35	14 95	15 70	16 45
15	13 10	13 60	14 20	14 85	15 50	16 30	17 10
16	13 50	14 00	14 70	15 35	16 05	16 90	17 75
17	13 90	14 45	15 15	15 90	16 60	17 50	18 40
18	14 30	14 85	15 65	16 40	17 15	18 10	19 05
19	14 70	15 30	16 10	16 90	17 70	18 70	19 70
20	15 10	15 75	16 55	17 40	18 25	19 30	20 35
21	15 50	16 15	17 05	17 90	18 80	19 90	21 00
22	15 90	16 60	17 50	18 45	19 35	20 50	21 65
23	16 30	17 00	18 00	18 95	19 90	21 10	22 30
24	16 70	17 45	18 45	19 45	20 45	21 70	22 95
25	17 10	17 90	18 90	19 95	21 00	22 30	23 60
26	17 50	18 30	19 40	20 45	21 55	22 90	24 25
27	17 90	18 75	19 85	21 00	22 10	23 50	24 90
28	18 30	19 15	20 35	21 50	22 65	24 10	25 55
29	18 70	19 60	20 80	22 00	23 20	24 70	26 20
30	19 10	20 05	21 25	22 50	23 75	25 30	26 85
31	19 50	20 45	21 75	23 00	24 30	25 90	27 50
32	19 90	20 90	22 20	23 55	24 85	26 50	28 15
33	20 30	21 30	22 70	24 05	25 40	27 10	28 80
34	20 70	21 75	23 15	24 55	25 95	27 70	29 45
35	21 10	22 20	23 60	25 05	26 50	28 30	30 10

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	21 50	22 60	24 10	25 55	27 05	28 90	30 75
37	21 90	23 05	24 55	26 10	27 60	29 50	31 40
38	22 30	23 45	25 05	26 60	28 15	30 10	32 05
39	22 70	23 90	25 50	27 10	28 70	30 70	32 70
40	23 10	24 35	25 95	27 60	29 25	31 30	33 35
41	23 50	24 75	26 45	28 10	29 80	31 90	34 00
42	23 90	25 20	26 90	28 65	30 35	32 50	34 65
43	24 30	25 60	27 40	29 15	30 90	33 10	35 30
44	24 70	26 05	27 85	29 65	31 45	33 70	35 95
45	25 10	26 50	28 30	30 15	32 00	34 30	36 60
46	25 50	26 90	28 80	30 65	32 55	34 90	37 25
47	25 90	27 35	29 25	31 20	33 10	35 50	37 90
48	26 30	27 75	29 75	31 70	33 65	36 10	38 55
49	26 70	28 20	30 20	32 20	34 20	36 70	39 20
50	27 10	28 65	30 65	32 70	34 75	37 30	39 85
51	27 50	29 05	31 15	33 20	35 30	37 90	40 50
52	27 90	29 50	31 60	33 75	35 85	38 50	41 15
53	28 30	29 90	32 10	34 25	36 40	39 10	41 80
54	28 70	30 35	32 55	34 75	36 95	39 70	42 45
55	29 10	30 80	33 00	35 25	37 50	40 30	43 10
56	29 50	31 20	33 50	35 75	38 05	40 90	43 75
57	29 90	31 65	33 95	36 30	38 60	41 50	44 40
58	30 30	32 05	34 45	36 80	39 15	42 10	45 05
59	30 70	32 50	34 90	37 30	39 70	42 70	45 70
60	31 10	32 95	35 35	37 80	40 25	43 30	46 35
61	31 50	33 35	35 85	38 30	40 80	43 90	47 00
62	31 90	33 80	36 30	38 85	41 35	44 50	47 65
63	32 30	34 20	36 80	39 35	41 90	45 10	48 30
64	32 70	34 65	37 25	39 85	42 45	45 70	48 95
65	33 10	35 10	37 70	40 35	43 00	46 30	49 60
66	33 50	35 50	38 20	40 85	43 55	46 90	50 25
67	33 90	35 95	38 65	41 40	44 10	47 50	50 90
68	34 30	36 35	39 15	41 90	44 65	48 10	51 55
69	34 70	36 80	39 60	42 40	45 20	48 70	52 20
70	$35 10	$37 25	$40 05	$42 90	$45 75	$49 30	$52 85

Add: $5.25 for each pickup stop.

SCHEDULE F-3b

NEXT DAY SERVICE

Proposed Rates

POST OFFICE-TO-ADDRESSEE

LBS	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	9.35	9.35	9.35	9.35	9.35	9.35	9.35	9.35
2	9.35	9.35	9.35	9.35	9.35	9.35	9.35	9.35
3	9.55	10.15	10.35	10.65	11.00	11.30	11.75	12.10
4	9.90	10.75	11.00	11.40	11.80	12.25	12.85	13.30
5	10.30	11.30	11.65	12.10	12.65	13.20	13.95	14.50
6	10.65	11.85	12.25	12.85	13.50	14.10	15.05	15.70
7	11.00	12.45	12.90	13.55	14.35	15.05	16.10	16.90
8	11.40	13.00	13.55	14.30	15.15	16.00	17.20	18.15
9	11.75	13.55	14.15	15.00	16.00	16.95	18.30	19.35
10	12.10	14.15	14.80	15.75	16.85	17.90	19.40	20.55
11	12.45	14.70	15.40	16.45	17.65	18.80	20.50	21.75
12	12.85	15.25	16.05	17.20	18.50	19.75	21.60	22.95
13	13.20	15.85	16.70	17.90	19.35	20.70	22.70	24.15
14	13.55	16.40	17.30	18.65	20.20	21.65	23.80	25.40
15	13.90	16.95	17.95	19.35	21.00	22.60	24.85	26.60
16	14.30	17.50	18.60	20.10	21.85	23.50	25.95	27.80
17	14.65	18.10	19.20	20.80	22.70	24.45	27.05	29.00
18	15.00	18.65	19.85	21.55	23.55	25.40	28.15	30.20
19	15.35	19.20	20.50	22.25	24.35	26.35	29.25	31.40
20	15.75	19.80	21.10	23.00	25.20	27.30	30.35	32.60
21	16.10	20.35	21.75	23.70	26.05	28.25	31.45	33.85
22	16.45	20.90	22.35	24.45	26.85	29.15	32.50	35.05
23	16.80	21.50	23.00	25.15	27.70	30.10	33.60	36.25
24	17.20	22.05	23.65	25.90	28.55	31.05	34.70	37.45
25	17.55	22.60	24.25	26.65	29.40	32.00	35.80	38.65
26	17.90	23.20	24.90	27.35	30.20	32.95	36.90	39.85
27	18.25	23.75	25.55	28.10	31.05	33.85	38.00	41.10
28	18.65	24.30	26.15	28.80	31.90	34.80	39.10	42 30
29	19.00	24.90	25.80	29.55	32.75	35.75	40.20	43.50
30	19.35	25.45	27.45	30.25	33.55	36.70	41.25	44.70
31	19.75	26.00	28.05	31.00	34.40	37.65	42.35	45.90
32	20.10	26.55	28.70	31.70	35.25	38.60	43.45	47.10
33	20.45	27.15	29.30	32.45	36.10	39.50	44.55	48.30
34	20.80	27.70	29.95	33.15	36.90	40.45	45.65	49.55
35	21.20	28.25	30.60	33.90	37.75	41.40	46.75	50.75
36	21.55	28.85	31.20	34.60	38.60	42.35	47.85	51.95
37	21.90	29.40	31.85	35.35	39.40	43.30	48.90	53.15
38	22.25	29.95	32.50	36.05	40.25	44.20	50.00	54.35
39	22.65	30.55	33.10	36.80	41.10	45.15	51.10	55.55
40	23.00	31.10	33.75	37.50	41.95	46.10	52.20	56.80
41	23.35	31.65	34.40	38.25	42.75	47.05	53.30	58.00
42	23.70	32.25	35.00	38.95	43.60	48.00	54.40	59.20
43	24.10	32.80	35.65	39.70	44.45	48.95	55.50	60.40
44	24.45	33.35	36.25	40.40	45.30	49.85	56.60	61.60
45	24.80	33 95	36.90	41.15	46.10	50.80	57.65	62.80
46	25.15	34.50	37.55	41.90	46.95	51.75	58.75	64.00
47	25.55	35.05	38.15	42.60	47.80	52.70	59.85	65.25
48	25.90	35.60	38.80	43.35	48.60	53.65	60.95	66.45
49	26.25	36.20	39.45	44.05	49.45	54.55	62.05	67.65
50	26.65	36.75	40.05	44.80	50.30	55.50	63.15	68.85
51	27.00	37.30	40.70	45.50	51.15	56.45	64.25	70.05
52	27.35	37.90	41.35	46.25	51.95	57.40	65.30	71.25
53	27.70	38.45	41.95	46.95	52.80	58.35	66.40	72.45
54	28.10	39.00	42.60	47.70	53.65	59.30	67.50	73.70
55	28.45	39.60	43.25	48.40	54.50	60.20	68.60	74.90
56	28.80	40.15	43.85	49.15	55.30	61.15	69.70	76.10
57	29.15	40.70	44.50	49.85	56.15	62.10	70.80	77.30
58	29.55	41.30	45.10	50.60	57.00	63.05	71.90	78.50
59	29.90	41.85	45.75	51.30	57.80	64.00	72.95	79.70
60	30.25	42.40	46.40	52.05	58.65	64.90	74.05	80.95
61	30.60	43.00	47.00	52.75	59.50	65.85	75.15	82.15
62	31.00	43.55	47.65	53.50	60.35	66.80	76.25	83.35
63	31.35	44.10	48.30	54.20	61.15	67.75	77.35	84.55
64	31.70	44.70	48.90	54.95	62.00	68.70	78.45	85.75
65	32.05	45.25	49.55	55.65	62.85	69.60	79.55	86.95
66	32.45	45.80	50.20	56.40	63.70	70.55	80.65	88.15
67	32.80	46.35	50.80	57.10	64.50	71.50	81.70	89.40
68	33.15	46.95	51.45	57.85	65.35	72.45	82.80	90.60
69	33.50	47.50	52.05	58.60	66.20	73.40	83.90	91.80
70	33.90	48.05	52.70	59.30	67.05	74.35	85.00	93.00

Add: $5.60 for each pickup stop.

SCHEDULE F-4a
Next Day Service - Current Rates
Post Office-to-Post Office

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$ 5 40	$ 5 45	$ 5 55	$ 5 60	$ 5 70	$ 5 80	$ 5 90
2	5 80	5 90	6 00	6 15	6 25	6 40	6 55
3	6 20	6 30	6 50	6 65	6 80	7 00	7 20
4	6 60	6 75	6 95	7 15	7 35	7 60	7 85
5	7 00	7 20	7 40	7 65	7 90	8 20	8 50
6	7 40	7 60	7 90	8 15	8 45	8 80	9 15
7	7 80	8 05	8 35	8 70	9 00	9 40	9 80
8	8 20	8 45	8 85	9 20	9 55	10 00	10 45
9	8 60	8 90	9 30	9 70	10 10	10 60	11 10
10	9 00	9 35	9 75	10 20	10 65	11 20	11 75
11	9 40	9 75	10 25	10 70	11 20	11 80	12 40
12	9 80	10 20	10 70	11 25	11 75	12 40	13 05
13	10 20	10 60	11 20	11 75	12 30	13 00	13 70
14	10 60	11 05	11 65	12 25	12 85	13 60	14 35
15	11 00	11 50	12 10	12 75	13 40	14 20	15 00
16	11 40	11 90	12 60	13 25	13 95	14 80	15 65
17	11 80	12 35	13 05	13 80	14 50	15 40	16 30
18	12 20	12 75	13 55	14 30	15 05	16 00	16 95
19	12 60	13 20	14 00	14 80	15 60	16 60	17 60
20	13 00	13 65	14 45	15 30	16 15	17 20	18 25
21	13 40	14 05	14 95	15 80	16 70	17 80	18 90
22	13 80	14 50	15 40	16 35	17 25	18 40	19 55
23	14 20	14 90	15 90	16 85	17 80	19 00	20 20
24	14 60	15 35	16 35	17 35	18 35	19 60	20 85
25	15 00	15 80	16 80	17 85	18 90	20 20	21 50
26	15 40	16 20	17 30	18 35	19 45	20 80	22 15
27	15 80	16 65	17 75	18 90	20 00	21 40	22 80
28	16 20	17 10	18 35	19 40	20 55	22 00	23 45
29	16 60	17 50	18 70	19 90	21 10	22 60	24 10
30	17 00	17 95	19 15	20 40	21 65	23 20	24 75
31	17 40	18 35	19 65	20 90	22 20	23 80	25 40
32	17 80	18 80	20 10	21 45	22 75	24 40	26 05
33	18 20	19 20	20 60	21 95	23 30	25 00	26 70
34	18 60	19 65	21 05	22 45	23 85	25 60	27 35
35	19 00	20 10	21 50	22 95	24 40	25 20	28 00

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	19 40	20 50	22 00	23 45	24 95	26 80	28 65
37	19 80	20 95	22 45	24 00	25 50	27 40	29 30
38	20 20	21 40	22 95	24 50	26 05	28 00	29 95
39	20 60	21 80	23 40	25 00	26 60	28 60	30 60
40	21 00	22 25	23 85	25 50	27 15	29 20	31 25
41	21 40	22 65	24 35	26 00	27 70	29 80	31 90
42	21 80	23 10	24 80	26 55	28 25	30 40	32 55
43	22 20	23 50	25 30	27 05	28 80	31 00	33 20
44	22 60	23 95	25 75	27 55	29 35	31 60	33 85
45	23 00	24 40	26 20	28 05	29 90	32 20	34 50
46	23 40	24 80	26 70	28 55	30 45	32 80	35 15
47	23 80	25 25	27 15	29 10	31 00	33 40	35 80
48	24 20	25 65	27 65	29 60	31 55	34 00	36 45
49	24 60	26 10	28 10	30 10	32 10	34 60	37 10
50	25 00	26 55	28 55	30 60	32 65	35 20	37 75
51	25 40	26 95	29 05	31 10	33 20	35 80	38 40
52	25 80	27 40	29 50	31 65	33 75	36 40	39 05
53	26 20	27 80	30 00	32 15	34 30	37 00	39 70
54	26 60	28 25	30 45	32 65	34 85	37 60	40 35
55	27 00	28 70	30 90	33 15	35 40	38 20	41 00
56	27 40	29 10	31 40	33 65	35 95	38 80	41 65
57	27 80	29 55	31 85	34 20	36 50	39 40	42 30
58	28 20	30 00	32 35	34 70	37 05	40 00	42 95
59	28 60	30 40	32 80	35 20	37 60	40 60	43 60
60	29 00	30 85	33 25	35 70	38 15	41 20	44 25
61	29 40	31 25	33 75	36 20	38 70	41 80	44 90
62	29 80	31 70	34 20	36 75	39 25	42 40	45 55
63	30 20	32 10	34 70	37 25	39 80	43 00	46 20
64	30 60	32 55	35 15	37 75	40 35	43 60	46 85
65	31 00	33 00	35 60	38 25	40 90	44 20	47 50
66	31 40	33 40	36 10	38 75	41 45	44 80	48 15
67	31 80	33 85	36 55	39 30	42 00	45 40	48 80
68	32 20	34 25	37 05	39 80	42 55	46 00	49 45
69	32 60	34 70	37 50	40 30	43 10	46 60	50 10
70	$33 00	$35 15	$37 95	$40 80	$43 65	$47 20	$50 75

Add: $5.25 for each pickup stop.

SCHEDULE F-4b

NEXT DAY SERVICE

Proposed Rates

POST OFFICE-TO-POST OFFICE

LBS	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9
1	5.85	5.85	5.85	5.85	5.85	5.85	5.85	5.85
2	5.85	5.85	5.85	5.85	5.85	5.85	5.85	5.85
3	6.05	6.65	6.85	7.15	7.45	7.80	8.25	8.60
4	6.40	7.20	7.50	7.35	8.30	8.70	9.35	9.80
5	6.75	7.80	8.10	8.60	9.15	9.65	10.45	11.00
6	7.15	8.35	8.75	9.30	10.00	10.60	11.50	12.20
7	7.50	8.90	9.40	10.05	10.80	11.55	12.60	13.40
8	7.85	9.50	10.00	10.75	11.65	12.50	13.70	14.60
9	8.25	10.05	10.65	11.50	12.50	13.45	14.80	15.85
10	8.60	10.60	11.30	12.20	13.30	14.35	15.90	17.05
11	8.95	11.20	11.90	12.95	14.15	15.30	17.00	18.25
12	9.30	11.75	12.55	13.65	15.00	16.25	18.10	19.45
13	9.70	12.30	13.15	14.40	15.85	17.20	19.15	20.65
14	10.05	12.90	13.80	15 15	16.65	18.15	20.25	21.85
15	10.40	13.45	14.45	15.85	17.50	19.05	21.35	23.05
16	10.75	14.00	15.05	16.60	18.35	20.00	22.45	24.30
17	11.15	14.60	15.70	17.30	19.20	20.95	23.55	25.50
18	11.50	15.15	16.35	18.05	20.00	21.90	24.65	26.70
19	11.85	15.70	16.95	18.75	20.85	22.85	25.75	27.90
20	12.20	16.25	17.60	19.50	21.70	23.80	26.80	29.10
21	12.60	16.85	18.25	20.20	22.55	24.70	27.90	30.30
22	12.95	17.40	18.85	20.95	23.35	25.65	29.00	31.55
23	13.30	17.95	19.50	21.65	24.20	26.60	30.10	32.75
24	13.65	18.55	20.10	22.40	25.05	27.55	31.20	33.95
25	14.05	19.10	20.75	23.10	25.85	28.50	32.30	35.15
26	14.40	19.65	21.40	23.85	26.70	29.40	33.40	36.35
27	14.75	20.25	22.00	24.55	27.55	30.35	34.50	37.55
28	15.15	20.80	22.65	25.30	28.40	31.30	35.55	38.75
29	15.50	21.35	23.30	26.00	29.20	32.25	36.65	40.00
30	15.85	21.95	23.90	26.75	30.05	33.20	37.75	41.20
31	16.20	22.50	24.55	27.45	30.90	34.10	38.85	42.40
32	16.60	23.05	25.20	28.20	31.75	35.05	39.95	43.50
33	16.95	23.65	25.80	28.90	32.55	36.00	41.05	44.80
34	17.30	24.20	26.45	29.65	33.40	36.95	42.15	46.00
35	17.65	24.75	27.05	30.35	34.25	37.90	43.20	47.25
36	18.05	25.30	27.70	31.10	35.05	38.85	44.30	48.45
37	18.40	25.90	28.35	31.85	35.90	39.75	45.40	49.65
38	18.75	26.45	28.95	32.55	36.75	40.70	46.50	50.85
39	19.10	27.00	29.60	33.30	37.60	41.65	47.60	52.05
40	19.50	27.60	30.25	34.00	38.40	42.60	48.70	53.25
41	19.85	28.15	30.85	34.75	39.25	43.55	49.80	54.45
42	20.20	28.70	31.50	35.45	40.10	44.45	50.90	55.70
43	20.55	29.30	32.15	36.20	40.95	45.40	51.95	56.90
44	20.95	29.85	32.75	36.90	41.75	46.35	53.05	58.10
45	21.30	30.40	33.40	37.65	42.60	47.30	54.15	59.30
46	21.65	31.00	34.05	38.35	43.45	48.25	55.25	60.50
47	22.00	31.55	34.65	39.10	44.25	49.20	56.35	61.70
48	22.40	32.10	35.30	39.80	45.10	50.10	57.45	62.90
49	22.75	32.70	35.90	40.55	45.95	51.05	58.55	64.15
50	23.10	33.25	36.55	41.25	46.80	52.00	59.60	65.35
51	23.50	33.80	37.20	42.00	47.60	52.95	60.70	66.55
52	23.85	34.35	37.80	42.70	48.45	53.90	61.80	67.75
53	24.20	34.95	38.45	43.45	49.30	54.80	62.90	68.95
54	24.55	35.50	39.10	44.15	50.15	55.75	64.00	70.15
55	24.95	36.05	39.70	44.90	50.95	56.70	65.10	71.40
56	25.30	36.65	40.35	45.60	51.80	57.65	66.20	72.60
57	25.65	37.20	41.00	46.35	52.65	58.60	67.30	73.80
58	26.00	37.75	41.60	47.10	53.50	59.55	68.35	75.00
59	26.40	38.35	42.25	47.80	54.30	60.45	69.45	76.20
60	26.75	38.90	42.85	48.55	55.15	61.40	70.55	77.40
61	27.10	39.45	43.50	49.25	56.00	62.35	71.65	78.60
62	27.45	40.05	44.15	50.00	56.80	63.30	72.75	79.85
63	27.85	40.60	44.75	50.70	57.65	64.25	73.85	81.05
64	28.20	41.15	45.40	51.45	58.50	65.15	74.95	82.25
65	28.55	41.75	46.05	52.15	59.35	66.10	76.00	83.45
66	28.90	42.30	46.65	52.90	60.15	67.05	77.10	84.65
67	29.30	42.85	47.30	53.60	61.00	68.00	78.20	85.85
68	29.65	43.45	47.95	54.35	61.85	68.95	79.30	87.10
69	30.00	44.00	48.55	55.05	62.70	69.85	80.40	88.30
70	30.35	44.55	49.20	55.80	63.50	70.80	81.50	89.50

Add: $5.60 for each pickup stop.

SCHEDULE G-1

Lockbox and Caller Services 1/

Description	Fees (Semiannual)				
Lockbox Type	Box Size				
	1	2	3	4	5
Group I:					
A and B	$14.00	$20.00	$28.00	$40.00	$55.00
	10.00	13.50	24.50	37.50	59.00
C	10.00	14.00	20.00	30.00	40.00
	10.00	13.50	24.50	37.50	59.00
D and E	8.00	11.00	15.00	24.00	30.00
	10.00	13.50	24.50	37.50	59.00
Group II:					
F and G	2.50	4.00	5.00	7.50	10.00
	2.50	3.50	6.00	9.50	15.00
H	2.00	3.00	4.00	6.00	8.00
	2.50	3.50	6.00	9.50	15.00
Group III:					
I	1.50	1.50	1.50	1.50	1.50
	1.00	1.00	1.00	1.00	1.00

	Current	Proposed
Call Service	$ 60.00	$ 95.00
Reserved Number (annual)	10.00	10.00

1/ In each case the current fee appears above the proposed fee. The Postal Service proposes no subgroups for Groups 1 and 2.

SCHEDULE G-2

Registered Mail

Value	Fees (in addition to postage) For Articles Not Covered By Commercial Or Other Insurance		For Articles Also Covered By Commercial Or Other Insurance	
	Current	Proposed 1/	Current	Proposed
$ 0.00 to $ 100	$ 3.00	$ 3.40	$ 3.00	$ 3.35
$ 100.01 to $ 200	3.30	3.40	3.30	3.35
$ 200.01 to $ 400	3.70	3.40	3.70	3.35
$ 400.01 to $ 600	4.10	3.40	4.10	3.35
$ 600.01 to $ 800	4.50	3.40	4.50	3.35
$ 800.01 to $ 1,000	4.90	3.40	4.90	3.35
$ 1,000.01 to $ 2,000	5.30	3.60	$* plus handling charge	
$ 2,000.01 to $ 3,000	5.70	3.80	of ** cents per $1,000	
$ 3,000.01 to $ 4,000	6.10	4.00	or fraction over first	
$ 4,000.01 to $ 5,000	6.50	4.20	$1,000.	
$ 5,000.01 to $ 6,000	6.90	4.40	*4.90	*3.35
$ 6,000.01 to $ 7,000	7.30	4.60	**0.35	**0.15
$ 7,000.01 to $ 8,000	7.70	4.80		
$ 8,000.01 to $ 9,000	8.10	5.00		
$ 9,000.01 to $10,000	8.50	5.20		
$10,000.01 to $11,000	8.90	5.40		
$11,000.01 to $12,000	9.30	5.60		
$12,000.01 to $13,000	9.70	5.80		
$13,000.01 to $14,000	10.10	6.00		
$14,000.01 to $15,000	10.50	6.20		
$15,000.01 to $16,000	10.90	6.40		
$16,000.01 to $17,000	11.30	6.60		
$17,000.01 to $18,000	11.70	6.80		
$18,000.01 to $19,000	12.10	7.00		
$19,000.01 to $20,000	12.50	7.20		
$20,000.01 to $21,000	12.90	7.40		
$21,000.01 to $22,000	13.30	7.60		
$22,000.01 to $23,000	13.70	7.80		
$23,000.01 to $24,000	14.10	8.00		
$24,000.01 to $25,000	14.50	8.20		
$25,000 to $1,000,000	$* plus handling charge of ** cents per $1,000 or fraction over first $10,000 at current fees — over first $25,000 at proposed fees. *14.50 * 8.20 ** 0.35 ** 0.15		$* plus handling charge of ** cents per $1,000 or fraction over first $10,000 at current fees — over first $25,000 at proposed fees. *13.30 * 6.95 ** 0.35 ** 0.15	
$ 1,000,000 to $15,000,000	$* plus handling charge of ** cents per $1,000 or fraction over first $1,000,000. *355.75 *154.45 ** 0.30 ** 0.10		$* plus handling charge of ** cents per $1,000 or fraction over first $1,000.000. *354.55 *153.20 ** 0.30 ** 0.10	
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.			

1/ For comparison purposes, proposed fee includes $0.05 per thousand for insurance charges.

SCHEDULE G-3

Money Orders

Amount	Fees (Domestic) Current	Proposed
$ 0.01 to $ 10	$ 0.55	$ 0.80
10.01 to 50	0.80	1.15
50.01 to 400 [1/]	1.10	1.60
APO-FPO		
$ 0.01 to $ 400 [1/]	0.20	0.25

1/ Proposed change in maximum value to $500.

SCHEDULE G-4

Special Delivery

Class/Weight	Fees (in addition to postage) Current	Proposed
First-Class and Priority Mail		
Not more than 2 pounds	$ 2.00	$ 2.10
More than 2 pounds but not more than 10 pounds	2.25	2.35
More than 10 pounds	2.85	3.00
All Other Classes		
Not more than 2 pounds	$ 2.25	$ 2.35
More than 2 pounds but not more than 10 pounds	2.85	3.00
More than 10 pounds	3.25	3.40

SCHEDULE G-5

Certified Mail

Description	Fees (in addition to postage) Current	Proposed
Per Piece	$ 0.80	$ 0.80

Insured Mail

Liability	Fees (Domestic) (in addition to postage) Current	Proposed
$ 0.01 to $ 15 [1/]	$ 0.50	$ 0.45
15.01 to $ 50	0.85	0.75
50.01 to $ 100	1.10	1.25
100.01 to $ 150	1.40	1.65
150.01 to $ 200	1.75	2.00
200.01 to $ 300	2.25	3.40
300.01 to $ 400	2.75	4.55

1/ Proposed change in liability category to: $ 0.01 to $ 20.00.

SCHEDULE G-6

Return Receipts

Description	Fees (in addition to postage) Current	Proposed
Requested at time of mailing:		
Showing to whom (signature) and date delivered	$ 0.45	$ 0.60
Showing to whom (signature) and date and address where delivered	0.55	0.70
Requested after mailing:		
Showing to whom and date delivered	2.10	3.75

SCHEDULE G-7

Collect On Delivery Mail

Amount to be Collected or Insurance Coverage Desired	Fees (in addition to postage) Current	Proposed
$ 0.01 to $ 10	$ 1.10	$ 1.20
10.01 to 25	1.35	1.50
25.01 to 50	1.65	1.80
50.01 to 100	1.95	2.15
100.01 to 200	2.30	2.55
200.01 to 300	2.75	3.00
300.01 to 400	3.25	3.60
Notice of nondelivery of C.O.D.	1.00	1.10
Alteration of C.O.D. charges or designation of new addressee	1.00	1.10
Registered C.O.D.	1.40	1.20

SCHEDULE G-8

Stamped Envelopes

Type	Fees (in addition to postage) Current	Proposed
Single Sale	$ 0.03	$ 0.04
Bulk (500) #6-3/4 size		
Regular	7.00	8.85
Window	7.50	9.35
Precanceled	7.00	8.85
Bulk (500) #10 size		
Regular	8.00	9.85
Window	8.50	10.35
Precanceled	8.00	9.85
Printing Charge Per 500 Envelopes		
Minimum Order (500 envelopes)	2.50	3.00
Orders for 1,000 or more Envelopes	2.50	3.00

SCHEDULE G-9

Special Handling

Weight	Fees (in addition to postage) Current	Proposed
Category A:		
Not more than 10 pounds	$ 0.70	$ 0.75
More than 10 pounds	1.25	1.30
Category B:		
Intra-BMC	—	0.20
Inter-BMC	—	0.60

Address Correction

Description	Fees Current	Proposed
Per Piece	$ 0.25	$ 0.25

SCHEDULE G-10

On-Site Meter Setting

Description	Fees Current	Fees Proposed
Meter Company Adjustments	$ 5.00	$ 8.50
All Other Meter Settings		
First meter		
By appointment	7.00	14.00
Unscheduled request	12.00	16.00
Additional meters	3.50	4.00

Permit-Imprint Fee

Description	Fees Current	Fees Proposed
Per permit (one time only)	$ 30.00	$ 40.00

SCHEDULE G-11

Certificates of Mailing

Description	Fees (in addition to postage) Current	Proposed
Individual Pieces		
Original certificate of mailing for individually listed pieces of all classes of ordinary mail	$ 0.15 each	$ 0.40 each
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and c.o.d. mail	0.15 each	0.40 each
Bulk Pieces		
Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:		
Up to 1,000 pieces (1 certificate for total number)	0.75	1.35
Each additional 1,000 pieces or fraction	0.15	0.15
Duplicate copy	0.15	0.40

SCHEDULE G-12

Restricted Delivery

Description	Fees (in addition to postage) Current	Proposed
Per Piece	$ 0.80	$ 1.00

Parcel Airlift Mail

Description	Fees (in addition to postage) Current	Proposed
Up to 2 pounds	$ 0.25	$ 0.30
Over 2 but not exceeding 3 pounds	0.50	0.60
Over 3 but not exceeding 4 pounds	0.75	0.90
Over 4 pounds	1.00	1.20

SCHEDULE G-13

Second-Class Mailing Applications

Type	Fee (one time only) Current	Proposed
Original Entry	$ 120.00	$ 160.00
News Agent	30.00	30.00
Reentry	30.00	30.00
Additional Entry	50.00	50.00

SCHEDULE G-14

Dead Letter Return

Description	Fee	
	Current	Proposed
Per piece	$ 0.40	$ 0.70

ZIP Coding of Mailing Lists

Description	Fee	
	Current	Proposed
Per 1,000 addresses	$23.00	$33.00

Correction of Mailing Lists

Description	Fee	
	Current	Proposed
Per correction of address	$ 0.10	$ 0.13

Address Changes for Election Boards and Registration Commissions

Description	Fee	
	Current	Proposed
Per change of address	$ 0.05	$ 0.13

ATTACHMENT B

TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS--DOCKET R80-1

Month/Date/Year	Procedural Stage
05-07-80	First Prehearing Conference
06-23-80	Completion of all discovery directed to the Postal Service. (Answers due 7-10-80 or 20 days after filing of the interrogatory, whichever is earlier.)
07-21-80	Filing of the case-in-chief of each participant (including that of OOC).
08-01-80	Conferences for the purpose of clarification of each participant's case.
To be issued	Beginning of hearings, i.e., cross-examination on the Postal Service's case-in-chief.
"	Completion of all discovery directed to the intervenors. (Answers due _____ or 20 days after filing of the interrogatory, whichever is earlier.)
"	Completion of evidentiary hearings as to the Service's case-in-chief.
"	Beginning of evidentiary hearings as to the case-in-chief of each participant.
"	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
"	Completion of the evidentiary hearings as to the case-in-chief of each participant.
"	Beginning of evidentiary hearing on rebuttal evidence.
11-14-80	Close of the evidentiary record.
To be issued	Initial briefs filed.
"	Reply briefs filed.
"	Oral argument.

[FR Doc. 80-12952 Filed 4-25-80; 8:45 am]
BILLING CODE 7715-01-C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21534; 70-6241]

National Fuel Gas Co. and Seneca Resources Corp.; Post-Effective Amendment Regarding Proposed Issuance and Sale of Short-Term Notes to Bank by Subsidiary Company and Guaranty Thereof by Holding Company

April 23, 1980.

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and one of its wholly-owned subsidiary companies, Seneca Resources Corporation ("Seneca"), 10 Layfayette Square, Buffalo, New York 14203, have filed with this Commission a further post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated February 2, 1979, and January 30, 1980 (HCAR Nos. 20911 and 21415), Seneca was authorized to issue and sell not to exceed $20,000,000 of short-term notes outstanding at any one time to Houston National Bank, such notes to be unconditionally guaranteed by National. In accordance therewith Seneca currently has $19,100,000 of short-term borrowings outstanding pursuant to a note issued under a loan agreement, which note becomes due on October 31, 1980. Payment of principal and interest on the note is unconditionally guaranteed by National.

Seneca and National now request that the amount of the proposed notes be increased to $25,000,000 and that authorization for the issuance and sale of the notes, and the guarantee by National, be extended for a period of 7½ months. Any new note issued, or any outstanding note of which the maturity date is extended, shall mature not later than June 15, 1981. The other terms and conditions with respect to the increased line of credit will remain the same, except as the loan agreement is amended as proposed below. The interest rate on any note issued pursuant to the loan agreement will continue to be the prime rate of interest at the bank, and National will continue to unconditionally guarantee payment of principal and interest on any such notes issued.

Effective as of March 1, 1980, the bank has agreed to amend the loan agreement so that Seneca will be required to maintain an Average Daily Available Balance equal to 10% of the amount of funds available under the loan agreement. The change will reduce the effective cost of borrowing for Seneca. Seneca also intends to amend the loan agreement so that any outstanding note, plus any new notes issued pursuant to the loan agreement would be secured with a portion of Seneca's hardwood timber acreage located in the State of Pennsylvania. The reason for this change relates to Seneca's 20% unsecured borrowing limitation. Finally, the loan agreement is to be amended to change the procedure for calculating the interest rate because of the maximum allowable interest rate under Texas law.

It is stated that the increase in the line of credit to $25,000,000 is needed to provide working capital for Seneca and that the extension of the period of borrowings is necessary because the issuance of long-term notes under present market conditions would not be in Seneca's or National's best interest.

It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 21, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exception from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-13009 Filed 4-28-80; 8:45 am]

BILLING CODE 8010-01-M

VETERANS ADMINISTRATION

Advisory Committee on Cemeteries and Memorials; Meeting

The Veterans Administration gives notice that a meeting of the Administrator of Veterans Affairs' Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held in the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, on May 13 and 14, 1980 in the Omar Bradley Conference Room, 10th floor. The opening day session will begin at 1:30 p.m.

The meeting will be open to the public. However, because of extensive changes recently made in the membership of this Committee, the majority of the members will be meeting for the first time. Consequently, this meeting will be devoted mainly to administrative matters and background briefings necessary for the proper orientation of the new members in relation to the purpose of the Committee and the scope of its functions. It is not contemplated that any issues or substantive matters will be considered by the Committee at this meeting

Those wishing to attend should contact Ms. Kathleen Kightlinger in the Office of the Chief Memorial Affairs Director (phone 202-389-5202) not later than 12:00 noon, EDT May 12, 1980. Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this in a letter to the Chief Memorial Affairs Director (40) at the address furnished above. In any such letters, the writers must fully identify themselves and state the organization or

association or person they represent. Also, to the extent practicable, the letter should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver, them to the Chief Memorial Affairs Director. Letters and written statements as discussed above must be mailed or delivered in time to reach the Chief Memorial Affairs Director by 12:00 noon, EDT May 12, 1980. Oral statements will be heard only between 12:00 and 1:00 p.m. on May 14, 1980.

Dated: April 22, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-13008 Filed 4-28-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 84
Tuesday, April 29, 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

	Items
Federal Communications Commission	1-5
Federal Deposit Insurance Corporation	6
Federal Trade Commission	7-9
Nuclear Regulatory Commission	10
Tennessee Valley Authority	11

1

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, April 24, 1980.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: Delete the following item:

Agenda, Item No. and Subject

General—3—*Title:* Further Notice of Inquiry and Notice of Proposed Rule Making in Docket 20817, An Inquiry Relating to the Commission's Radio Operator Licensing Program. *Summary:* This action proposes to eliminate the requirement that all installation, maintenance and repair of transmitting equipment in the AM, FM, and TV broadcast services be accomplished only by the holder of a First Class Radiotelephone Opeator License. Many persons believe that as station licensees are ultimately responsible for the technical performance of their stations, they should not be required to employ technicians who have been examined and licensed by the Commission, but should be able to employ any qualified person.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 23, 1980.

[S-838-80 Filed 4-25-80; 11:01 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, April 24, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: Additional item to be considered:

Agenda, Item Number, and Subject

Broadcast—2—Public Notice not accepting further experimental broadcast proposals using low power TV Technology. *Summary:* The Commission will consider whether or not to issue a *Public Notice* stating that it will not accept future broadcast experimental applications proposing the use of low-power TV or TV translator technology.

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 24, 1980.

[S-839-80 Filed 4-25-80; 11:01 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday April 24, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: Additional item to be considered:

Agenda, Item Number, and Subject

Aural—2—*Title:* Memorandum Opinion and Order in re application of San Francisco Wireless Talking Machine Company, Inc. (BP-20,398) to modify the facilities of station KIQI. *Summary:* The Commission considers a petition to deny this application, filed by the licensee of station KNIA, Santa Clara, California.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 23, 1980.

[S-840-80 Filed 4-25-80; 11:01 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, April 24, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting which commences at 9:30 a.m.

CHANGES IN THE MEETING: Additional item to be considered:

Agenda, Item Number, and Subject

Hearing—4—*Request for distress sale relief in the Windsor, Connecticut, renewal proceeding (BC Docket No. 79-102).*

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 24, 1980.

[S-841-80 Filed 4-25-80; 11:01 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Monday, April 28, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS; Special closed Commission meeting to follow the special open meeting which is scheduled to commence at 2 p.m.

MATTERS TO BE CONSIDERED:

Agenda, Item number, and Subject

Common Carrier—1—Consider schedule required by court in MCI Telecommunications Corp. v. FCC, No. 79-1119 (May 2, 1980) (WATS Tariff).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this item.

Additional information concerning this item may be obtained from Edward Dooley, FCC Public Affairs Office, telephone (202) 254-7674.

Issued: April 24, 1980.

[S-842-80 Filed 4-25-80; 2:36 pm]

BILLING CODE 6712-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting. Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at its open meeting to be held at 2:00 p.m. on Monday, April 28, 1980, the Board of Directors of the Fedeal Deposit Insurance Corporation will consider a recommendation regarding the purchase of a building located at 1776 F Street, Washington, D.C.

In adding the proposed item to the agenda, the Board of Directors determined that Corporation business requires consideration of this matter on less than seven days' notice to the public and that no earlier notice of this change in the subject was practicable.

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

Dated: April 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–845–80 Filed 4–25–80; 2:38 pm]

BILLING CODE 6714–01–M

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, May 5, 1980.

PLACE: Room 532, (open); room 540 (closed) Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C 20580.

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

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Horizon Corporation, Docket 9017.

Portions closed to the Public:

(2) Executive Session to discuss Oral Argument in Horizon Corporation, Docket 9017.

CONTACT PERSON FOR MORE INFORMATION: Pamela F. Richard, Office of Public Information (202) 523–3830; Recorded Message (202) 523–3806.

[S–835–80 Filed 4–25–10:04 am]

BILLING CODE 6750–01–M

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 9:00 a.m., Wednesday, May 7, 1980.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Oral presentation by interested parties concerning proposed TRR on Food Advertising (phase I).

CONTACT PERSON FOR MORE INFORMATION: Pamela F. Richard, Office of Public Information (202) 523–3830; Recorded Message (202) 523–3806.

[S–836–80 Filed 4–25–80; 10:04 am]

BILLING CODE 6750–01–M

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 21, 1980.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Proposed TRR on Food Advertising (phase I).

CONTACT PERSON FOR MORE INFORMATION: Pamela F. Richard, Office of Public Information (202) 523–3830; Recorded Message (202) 523–3806.

[S–837–80 Filed 4–25–80; 10:04 am]

BILLING CODE 6750–01–M

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, April 25, 1980.

PLACE: Room 550,4350 East West Highway, Bethesda, Maryland.

STATUS: Open.

MATTERS TO BE CONSIDERED:

3:15 p.m.

Briefing on Selective Absorption Process as an Alternate in Dealing with Krypton in TMI–2 Containment (approximately 1 hour, public meeting).

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

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634–1498. Those planning to attend a meeting should verify the status whenever possible.

Dated: April 24, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–843–80 Filed 4–25–80; 2:36 pm]

BILLING CODE 7590–01–M

11

[Meeting No. 1241]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:15 a.m., e.d.t., Friday, May 2, 1980.

PLACE: Conference room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Old Business

1. Req. No. 824669 (Reissue)—Standby diesel engine-driven generating units for Yellow Creek Nuclear Plant.
2. Employee Health and Safety Incentive Program in the Division of Chemical Operations.
3. Reconsideration of the Board's reservation of authority to approve all expenditures of $100,000 or more.
4. Revised TVA Policy Code relating to personal services contracts.

New Business

A. Project Authorization

1. No. 3510—Construction of a 500-kV transmission line from Phipps Bend Nuclear Plant to the Tennessee-Virginia state line.

B. Purchase Awards

1. Rejection of bids received in response to Invitation No. 170183 for a load management control system for the Load Management Air-Conditioning Cycling Program.
*2. Req. No. 609163 (Reissue)—Subcompact sedans for Transportation Services garages.
3. Req. No. 609142—Light and medium duty vehicles for Transportation Services garages.
*4. Req. No. 595584—Minicomputer systems for Computing Operations Branch.
5. Req. No. 57630—Indefinite quantity term contract for repair parts and assemblies for Paradise Steam Plant.
6. Amendment to Contract No. 74C63–83090 with Power Systems, A Morrison-Knudsen Division, for diesel engine-driven emergency generator sets for Sequoyah and Watts Bar Nuclear Plants.
7. Amendment to Contract No. 78K36–822842 with Envirotech Corporation for structural baghouses and auxiliary equipment for Shawnee Steam Plant, Units 1–10.
*8. Req. No. 76—Spot Coal for Widows Creek Steam Plant, Units 1–6.

C. Power Items

1. Letter Agreement with Olin Corporation covering TVA's installation of a circuit breaker and metering impulse equipment in the Charleston, Tennessee, 161-kV Substation; relocation of 13-kV revenue metering facilities; and sale of portion of TVA's substation property.
2. Letter Agreement with North East Mississippi Electric Power Association covering arrangements for power supply in the Thaxton and Lafayette Springs, Mississippi, area.
3. Letter Agreement with Tuscumbia Water Management District of Alcorn and Prentiss Counties, Mississippi, covering arrangements

for relocation of a 0.5 mile section of TVA's Burnsville-Booneville 46-kV Line.

4. Deed and Bill of Sale conveying to the Marshall-DeKalb Electric Cooperative TVA's Boaz 46-kV Substation located in Marshall County, Alabama.

5. Bill of Sale and Quitclaim Deed conveying certain 13-kV switching facilities and the associated site portion at TVA's Maben 46-kV Substation located in Webster County, Mississippi, to 4-County Electric Power Association.

6. Bill of Sale and Quitclaim Deed covering conveyance of certain substation and transmission facilities to the City of Bristol, Virginia.

7. Form Agreement covering certain distributors' participation in TVA's Load Management Residential Energy Use Display Meters Field Test.

D. Personnel Items

*1. Change of status for Charlesetta Woodard-Thompson from Acting Director of Equal Employment Opportunity to Director of Equal Employment Opportunity, Office of the General Manager, Knoxville, Tennessee.

*2. Change of status for Conley L. Ballinger from Acting Assistant Director of Personnel, Office of Management Services, to Assistant to the Manager of Management Services, Knoxville, Tennessee.

3. Amendment to consulting contract with Dr. Menachem Luria, Jerusalem, Israel, for technical advice and counseling concerning atmospheric chemical transformation in coal-fired power plant plumes, requested by the Office of Natural Resources.

4. Renewal of consulting contract with Dr. Carl H. Riedel, Hamden, Connecticut, for consulting and advisory services on the uses of wood biomass as an alternate energy resource, requested by the Office of Natural Resources.

5. Personal services contract with United Technologies Corporation, South Windsor, Connecticut, for a definitive study on fuel cell technology, requested by the Office of Power.

6. Personal services contract with Bell & Howell Company, Chicago, Illinois, for the conversion of personal history records of TVA employees to microfilm, requested by the Office of Management Services.

E. Real Property Transactions

1. Filing of condemnation suits.

F. Unclassified

1. New TVA Policy Code relating to regional arts.

2. New TVA Policy Code relating to nuclear power plant security.

3. New TVA Policy Code relating to radiological emergency planning.

4. New TVA Policy Code relating to community impact mitigation.

5. Changes in designation of officers to certify vouchers.

CONTACT PERSON FOR MORE INFORMATION: Craven Crowell, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: April 25, 1980.

[S-844-80 Filed 4-25-80; 2:36 pm]

BILLING CODE 8120-01-M

*Approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Tuesday
April 29, 1980

Part II

Department of Health, Education, and Welfare

Public Health Service

Information Regarding Requirements for Qualified Health Maintenance Organizations

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Information Regarding Requirements for Health Maintenance Organizations

AGENCY: Public Health Service, HEW.

ACTION: Notice, information regarding requirements for qualified health maintenance organizations.

SUMMARY: This notice contains information relating to the requirements for federally qualified health maintenance organizations (HMOs) as set out in Title XIII of the Public Health Service Act (the Act), as amended, and its implementing regulations at 42 CFR Part 110. This information, which includes a number of interpretive rulings, is being published in response to significant questions that have been raised regarding those requirements.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Title XIII of the Act, "Health Maintenance Organizations," was enacted by the HMO Act of 1973 (Pub. L. 93–222) and was amended in 1976 (by Pub. L. 94–460) and in 1978 (by Pub. L. 95–559). During the course of the administration of Title XIII, HMOs and others have identified questions relating to the requirements for federally qualified HMOs as set out in the statute and in the regulations implementing Title XIII at 42 CFR Part 110, Subpart A. The purpose of the materials set forth below is to respond to the significant questions which have been raised. The Department's Office of Health Maintenance Organizations (OHMO) will use the materials in this Notice in performing its administrative and regulatory duties under Title XIII and its implementing regulations.

OHMO notes that these materials are a mixture of (a) interpretations of the regulations and (b) informational restatements of the current regulatory language. OHMO also points out that some of the materials below are incorporations of policies set forth in the Notice of Proposed Rulemaking (NPRM) on the "Relationships Between Federally Qualified HMOs and Other Parties," published on July 18, 1979, at 44 FR 41838–41. In that NPRM, the Secretary stated that, after receiving public comment on the proposed policies governing those issues, the policies would be finalized and either set forth as interpretive rulings or incorporated into regulations, as appropriate. The policies discussed in the NPRM which are not set forth in this document will be incorporated (subject to revision based on the public comments received) into Subpart A in the near future.

While the materials set forth here relate only to Subpart A of the HMO regulations, OHMO may issue further information and interpretive rulings, as appropriate, which relate to other subparts of these regulations, as well as update the materials below regarding Subpart A.

The materials issued in this Notice, as well as any subsequent rulings, will be contained in an HMO Policy Manual which will be available for distribution to the public in the near future. In addition to the information and interpretive rulings published in Notices such as this one, the manual will contain copies of Title XIII, the current regulations, and technical assistance guidance papers. The manual will be made available to anyone making a request to the address listed above.

The information and interpretive rulings are set forth below in the following format: The citation to the relevant section of the regulations; the general topic covered; the specific question that has been asked; and the response of OHMO.

Dated: April 21, 1980.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

Definitions

§ 110.101 Health maintenance organization.

Q. Is it permissible for an HMO to be a cost center or separate line of business of a sponsoring organization (i.e., the organization which provides initial financing or in-kind contributions or controls the policies and the operations of the HMO)?

A. No. The HMO must be a separate legal entity with its own policymaking body. Therefore, it is not permissible for an HMO to be a cost center or separate line of business of sponsoring organization. However, administration of the HMO may be through a designated unit or cost center of a legal entity, if the legal entity is the HMO.

Q. Is it permisslble for an HMO to be a subsidiary of a sponsoring organization?

A. Yes. An HMO may be a subsidiary if the HMO itself is a legal entity meeting the requirements of Title XIII.

Q. Is it permissible for an HMO to share a license to operate with a sponsoring organization?

A. No. The HMO must be a separate legal entity holding its own license to operate, if such a license is required by State law.

§ 110.101 Individual practice association.

Q. Are there any limitations on the IPA's activities with respect to its non-HMO patients?

A. Not under Title XIII.

§ 110.101 Medical group.

Q. Is the principal professional activity requirement (over 50 percent individually) limited to direct patient care?

A. No. The over 50 percent requirement applicable to each individual refers to his or her commitment to the medical group and may include related activities, such as teaching or research.

Q. Within the first four years after qualification, may a health professional who devotes 50 percent or less of his professional activity to the coordinated practice of his professional activity to the coordinated practice of his profession be a member of the medical group with which an HMO contracts?

A. Yes.

Q. Four years after the HMO's qualification, may a health professional who devotes 50 percent or less of his professional activity to the coordinated practice of his profession be a member of the medical group with which an HMO contracts?

A. No. Section 110.104(a)(2) requires that four years after qualification the HMO not contract with a medical group unless each member of the medical group devotes at least 50 percent of his principal professional activity to the coordinated practice of his profession.

Q. Must the professional activities in which the coordinated practice of a health professional takes place be for a single medical group?

A. Yes. This definition of medical group applies to a single medical group affiliated with an HMO.

Q. Must the substantial responsibility requirement of the group relate to a single HMO?

A. Yes. The requirement that the group have substantial responsibility for the delivery of health services to members of an HMO refers to members of a single HMO.

Q. Does the principal professional activity requirement apply to health professionals associated with an IPA or staff model HMO?

A. No. The requirement is applicable only to the medical group model HMO.

Q. Are there any limitations on the medical group's activities with respect to its non-HMO patients?

A. Not under Title XIII.

§ 110.101 Medical group member.

Q. May a health professional associated with a medical group be exempt from the principal professional activity requirement?

A. Yes. A health professional who is neither a partner, associate, or shareholder in a medical group, nor designated "a medical group member" by the partners, associates, or shareholders, is exempt from the principal professional activity requirement.

Q. May a health professional associated with a medical group be exempt from the calculations regarding the 35 percent of the group's responsibilities toward HMO members?

A. Yes. A health professional who is not a "member" as defined above is excluded from the calculations regarding the 35 percent responsibilities toward HMO members.

§ 110.101 Medically underserved populations.

Q. What are the criteria which the Secretary uses to determine if an area is medically underserved?

A. As described in § 110.203(d), medically underserved areas are designated by the Secretary taking into consideration at least the following factors:

1. Ratio of primary care physicians to population;
2. Infant mortality rate;
3. Percentage of the population which is age 65 or over; and
4. Percentage of the population with family income below the poverty level.

A list of medically underserved areas already designated may be obtained by writing the Regional Health Administrator in the appropriate Regional Office of the Department of Health, Education, and Welfare at the addresses set forth at 45 CFR 5.31(b).

It should be noted that for the purposes of determining whether an HMO is required to have representation of a medically underserved population on the policymaking body (§ 110.108(h)(1)(ii)), such determination shall be made on the basis of the percentage of the HMO's enrollment residing in areas which have been designated as medically underserved areas.

§ 110.101 Subscriber.

Q. May an HMO contract with another party which issues to the subscriber, on behalf of the HMO, a contract for HMO membership?

A. Yes.

Q. Are there conditions governing an other party-subscriber contract?

A. Yes. the subscriber contract issued by an other party must:

1. Conform with the benefit and payment requirements of the Act;
2. Specify that the HMO has the ultimate responsibility to provide or arrange for and be responsible for the delivery of all contracted for services; and
3. Specify that in the event the HMO's contract with the other party terminates, the HMO is obligated to continue to provide or arrange for services to which members are entitled under the subscriber contract.

Health benefits plan: Basic health services

§ 110.102(a) Basic health services.

Q. Who determines whether basic health services are medically necessary?

A. The HMO, through its providers, makes the determination on a case-by-case basis as to which basic (and supplemental services, if offered) are medically necessary services to be provided to members.

Q. If a member is hospitalized on the effective date of group coverage, is the HMO responsible for the provision of medically necessary basic health services for that member?

A. Yes. So long as the member agrees to come under the care of the HMO, the HMO is responsible for providing health services to that member.

Q. Are ambulance services a basic health service?

A. Yes. Ambulance services determined to be medically necessary are required basic health services. (See § 110.102(d)(5) for the exclusion of non-medically necessary ambulance services.)

Q. Is it allowable for a multi-site HMO to require a member to designate one specific site of the HMO within the service area from which the member is to receive most basic health services?

A. Yes. However, an HMO may not deny a member a medically necessary service sought at a different site of the HMO than the one the member designated, if its provision is immediately required. Further, the HMO may not insure or make other arrangements for the costs of providing medically necessary emergency care to members at sites of the HMO other than the one designated (except to the extent that the cost is insurable under § 110.108(b)(1)).

§ 110.102(a)(2) Outpatient and inpatient services.

Q. Is it allowable for an other party to enter into contract with hospitals, on behalf of an HMO, for the provision of hospital services?

A. Yes. An other party may contract with a hospital on behalf of an HMO.

Q. Is a contract *required* between an HMO or other party and a hospital for the provision of hospital services?

A. No. A contract by or on behalf of an HMO with a hospital is not required; however, an HMO must demonstrate that HMO covered services will be available and accessible to HMO members as needed.

§ 110.102(a)(3) Medically necessary emergency services.

Q. May an HMO impose a dollar limit other than allowable copayments on medically necessary emergency services provided out of the service area?

A. No. Since it is a basic health service, a medically necessary emergency service may not be limited as to time or cost (except for allowable copayments).

§ 110.102(a)(4) Mental health services.

Q. Is short-term outpatient therapy in support of evaluative or crisis intervention mental health services a required basic health service?

A. Yes. In addition to evaluative and crisis intervention, short-term outpatient therapy for mental conditions in support of evaluative or crisis intervention is a basic health service.

Q. To what period of time does "20 outpatient visits per year" apply?

A. The 12 month period may be the HMO's fiscal year, a calendar year, or contract year, provided the standard applied is consistent for all members. To assure full and fair disclosure to members, the HMO must identify, in advance, the 12 month period which will apply.

Q. When an HMO provides inpatient mental health services, is it allowable for the HMO to count the inpatient physician services for mental health against the basic health benefit for outpatient mental health services?

A. No. The 20 outpatient visits for mental health are a required basic health service. All other mental health services are considered supplemental health services, including professional services provided in the hospital. Supplemental inpatient mental health services may not be provided in lieu of the required basic outpatient health services for mental health.

§ 110.102(a)(5) Abuse of or addiction to alcohol and drugs.

Q. Are basic health services for the abuse of or addiction to alcohol and drugs separate from the basic health services for mental health services?

A. Yes. Basic health services for the abuse of or addiction to alcohol and drugs are separate from mental health services; therefore, the provision of such services may not be counted against the requirement for at least 20 outpatient visits as may be necessary for mental health. If, however, outpatient mental health services are rendered in conjunction with services for the abuse of or addiction to alcohol and drugs, such mental health services may be chargeable to the 20 outpatient visit requirement.

§ 110.102(a)(7) Home health services?

Q. Are house calls within the HMO's service area a required basic health service?

A. Yes. Services provided in the home are considered home health services and are therefore required basic health services. A house call, which is one form of home health care, is a required basic health service. It should be noted that house calls may be provided by physicians *or* health professionals consistent with State laws, and need be provided only when, in the judgment of the HMO's providers, such services are medically necessary.

§ 110.102(a)(8) Preventive health services.

Q. Do pediatric and adult immunizations include biologicals and their administration?

A. Yes. Biologicals and their administration are integral components of medically necessary immunizations.

§ 110.102(b) Supplemental health service included in the basic health service package.

Q. Is it allowable for the HMO to place limits of time or cost on supplemental benefits which are included in the basic benefits package?

A. Yes. Neither the Act nor the regulations place restrictions on supplemental services with respect to time or cost. In addition, the requirement that copayments be nominal does not apply to supplemental health services. However, all supplemental services offered on a prepaid basis must be community rated (See § 110.106(b) for two exceptions to this rule).

§ 110.102(c) HMO good-faith effort to provide services.

Q. Are strikes or labor disorders within an HMO considered events outside the HMO's control with regard to its ability to provide health services to the membership?

A. No. An event not within the control of an HMO is defined as one where the HMO cannot exercise influence or dominion over its occurrence. Accordingly, labor disputes within the HMO are not considered events outside the control of the HMO.

§ 110.102(d) Exclusions from basic health services.

Q. Is it allowable for an HMO to exclude health services which are not specifically authorized as exclusions in the regulations?

A. No. The only permissible exclusions are listed in § 110.102(d). However, an HMO may seek the Secretary's approval for additional exclusions under § 110.102(d)(16), as discussed below.

Q. When must application be made to the Secretary for a determination that a service may be excluded because it is unusual and infrequently provided and not necessary for the protection of individual health?

A. An application to exclude services considered "unusual and infrequently provided" may be made either in anticipation of service demands or after a particular service has been requested by a member. The application should cite the HMO's justification for requesting the exclusion, including appropriate medical evidence to support its view. The application for exclusion is to be submitted to the Director, Office of Health Maintenance Organizations. Notices of exclusions approved will be published in the **Federal Register** and the Secretary will indicate in the notice whether all HMO's may exclude the service without further application. Consistent with requirements for full disclosure, such information must be made known to members and prospective members by the HMO.

Q. What are examples of services which would be considered by the Secretary as unusual and infrequently provided and not necessary for the protection of individual health?

A. Transsexual surgery and reversal of voluntary sterilization are services which the Secretary has approved as exclusions. The Secretary has indicated the general applicability of the exclusions for these services.

Q. Are blood derivaties allowable exclusions from basic health services?

A. Yes. However, the administration of blood derivaties is a basic service under § 110.102(a)(2)(ii).

Health Benefits Plan: Supplemental Health Services

§ 110.103(a) Supplemental health services.

Q. Must an HMO obtain the approval of the Secretary before it offers "other health services which are not included as basic health services?"

A. No. Specific approval is not required for including a service which is not a basic health service among the supplemental health services which an HMO may offer. However, the discretion to add supplemental health services to the basic health service package does not extend to eliminating a basic health service in exchange for adding a supplemental service. An HMO must provide at least basic health services to all its members unless otherwise permitted under the Act.

Providers of Basic and Supplemental Health Services

§ 110.104(a)(1) Arrangements for HMO providers.

Q. Must an HMO be designated as one of the "models" described, that is, as a staff, medical group, or IPA, or can an HMO be designated as more than one model category?

A. For purposes of Section 1310, an HMO must be designated as either a staff, medical group, or IPA model. Where there is a combination of staff and medical group, the HMO is designated as a medical group; where there is an IPA and a medical group, the HMO is designated as an IPA.

Q. For an IPA model HMO to obtain Federal qualification, when must the IPA entity be established?

A. When Title XIII grant or loan guarantee assistance is involved, the IPA entity must be established prior to the award of funds for initial development. An entity seeking qualification as an IPA model HMO which did not receive such assistance must have an IPA entity in operation when the HMO becomes operational. In order for the Secretary to be assured that the IPA will be operating as required, the HMO must be able to document, at the time of the qualification site visit, that the IPA with which it is to be affiliated has made sufficient progress toward becoming operational.

§ 110.104(a)(2) Waiver of the medical group coordinated practice of medicine requirement.

Q. Can an HMO receive a waiver of the requirement that 50 percent of the professional activity of each medical

group member be the coordinated practice of medicine?

A. No. As of four years after qualification, the HMO can obtain a waiver only of the "substantial responsibility" requirement. However, it need not have a medical group which complies with the "principal professional activity" requirement for the four year period following qualification.

Payment for Basic Health Services

§ 110.105(a)(1) Periodic payment for basic health services.

Q. Are there Federal statutory or regulatory restrictions regarding the frequency of HMO rate changes?

A. No. The HMO determines the frequency of rate changes subject to State law and to any agreed upon arrangements with employing entities or subscribers.

§ 110.105(a)(4) Copayment requirements.

Q. Must a copayment imposed on medically necessary health services obtained other than through the HMO be the same as the copayment the HMO would have charged for the same service obtained through the HMO?

A. No. An HMO is permitted to impose different copayment charges so long as these charges do not exceed the limitations of § 110.105(a)(4).

Q. In addition to or in lieu of copayments, may the HMO impose deductibles?

A. No. Premiums may be supplemented only by nominal copayments in accordance with § 110.105(a)(4).

Q. What is the effect of the amendments to Title VII of the Civil Rights Act known as the Pregnancy Discrimination Act (Pub. L. 95–555) on HMO copayments for maternity services and on an HMO's inclusion in an employer's health benefits plan under Section 1310 of the Public Health Service Act (dual choice)?

A. The Pregnancy Discrimination Act applies only to employers, not to HMOs except insofar as they are employers. To be in compliance with the provisions of the Pregnancy Discrimination Act, an employer may not offer a plan which contains copayments applicable to maternity, but not to other inpatient services. Further, any copayment amounts for inpatient hospital services must be the same regardless of whether the admission is for maternity or non-maternity services. If an HMO does not comply with an employer's request to bring its maternity practices into compliance with the Pregnancy Discrimination Act, the Secretary will not initiate proceedings to assess a civil penalty against the employer if the employer refuses to include the HMO in its health benefits plan.

§ 110.105(b)(1) and (2) Community rating system.

Q. What are the allowable methods for establishing prepaid rates for basic and supplemental services under a community rating system?

A. The OHMO paper "Establishing Prepaid Rates for Federally Qualified Health Maintenance Organizations Under a Community Rating System", May 29, 1979, responds to this question and is reproduced below:

Introduction

The purpose of this paper is to set forth the basis for determining whether an HMO establishes its prepaid rates for basic and supplemental health services under a community rating system as required by the Health Maintenance Organization Act.

The general outline of the paper is as follows. Section I describes community rating as it has been defined historically distinguishes community rating from experience rating, and gives reasons why HMOs and their prototypes have preferred to use community rating. Section II describes the community rating requirements of the HMO Act and includes a discussion of the legislative intent in amending the Act to take into account a variety of group rating practices used by HMOs. Section III provides a list of general principles for determining whether an HMO's prepaid rates are in conformity with the Act's requirements. Finally, Section IV describes and illustrates rate making practices which are permissible under a community rating system.

I. The Community Rating Concept

A. Community Rating Contrasted With Experience Rating

Both community rating and experience rating are applications of the insurance principle of spreading risk to minimize the likelihood of individual financial catastrophe. However, unlike experience rating, community rating encourages the widest participation of various population segments by averaging the cost of the total population to reduce high rates for high risk groups.

A fundamental distinction between community rating and experience rating relates to the nature and size of the population that is used as the base for rate-setting. In a community rated plan, the "community" is generally understood to mean the plan's entire membership. Alternatively, under experience rating, each large group is a separate population base and very small groups are pooled to make one or more large groups.

One author has distinguished between community rating and experience rating as follows:

> "When an insuring agency charges the same premium for the same benefits to all individuals or groups regardless of age and sex composition and cost experience of the insured, it is said to employ a community rate. If the agency uses an experience rate, it varies premiums according to the cost experience of each group covered; members of some groups then pay higher average premiums than members of other groups. Under this arrangement, therefore, the cost of health insurance is not spread equally among groups." [1]

Community rating was widely used by Blue Cross Plans, beginning in the 1930's, based on the perception that resulting premiums would be most attractive to a broad cross section of the population and that enrollment would thus be maximized. However, stiff competition from commercial insurance plans forced Blue Cross to reconsider and in the 1950's, it began to abandon community rating.[2] Today, Blue Cross, Blue Shield, and commercial insurers all use experience rate.

B. Reasons for Community Rating

Historically, there have been compelling reasons for group practice prepayment plans and for other HMO prototypes to community rate.

First, maximum stability and predictability of rate revenues can be achieved under community rating. Wide year-to-year fluctuations in the utilization and cost of services by individuals or groups do not result in wide fluctuations in their rates under community rating. However, such fluctuations do occur under experience rating, in part because of shifting utilization and costs and in part because of the practice of rebating premium revenue to groups which have better than projected experience for a particular period.[3]

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[1] Odin W. Anderson, *The Uneasy Equilibrium*, College and University Press, New Haven, Conn., 1968, Page 202.

[2] Commercial insurers were able to offer healthy groups lower rates under experience rating than Blue Cross could under community rating. To the extent that commercial insures were successful in attracting healthy groups from Blue Cross, the residual population of higher risk Blue Cross enrollees had ever increasing community rates leading to competitive disadvantages.

[3] The practice of rebating premium revenue creates inflationary pressures. In order to provide for rebate requirements, experience rated plans must establish sufficient reserves. Premium rates must be higher to maintain such reserves and in this respect experience rating is inflationary.

Revenue stability and predictability make planning easier, both from the standpoint of the HMO and of the individual or group. Of most importance, the stability achieved under community rating is crucial for essentially fixed cost plans which must maintain professional staffs, equipment, and facilities to meet their responsibilities to provide or arrange services for enrolled members.

Second, community rating is less costly to administer than is experience rating. It is not necessary under this rate making method to keep track of the costs and utilization of specific services provided to specific individuals or to groups. Of course, the maintenance of records of such costs and utilization is required under experience rating.

Third, community rating is simple and easy to understand. Also, the basis for prepaid rates can be easily explained and justified to individuals or to representatives of enrolled groups.

Fourth, community rating makes plans more accessible for high risk individuals and groups. It permits plans to serve a broad cross section of the general community. This was one of the key reasons for requiring community rating under the HMO Act. The following is an excerpt from the report on the HMO Act by the House Committee on Interstate and Foreign Commerce.

"The use of experience rating has in practice tended to make health services most expensive for groups which are at highest risk, and thus usually least able to afford services. It has also encouraged HMOs to seek out groups of enrollees who will be the least expensive for that HMO to take care of. The Committee has chosen to require community rating so that prices for services will be uniform for all of the members enrolled in an HMO and, thus, so that individuals who have the highest risk will not also be required to pay the highest prices. This will limit somewhat, the HMO's incentive to seek out and care for only the healthiest members of the population." [4]

The Senate Committee on Labor and Public Welfare gave a similar reason as follows:

"Another closely related and equally widespread practice, known as experience rating, enables health insurers to charge premium rates based upon the actual claims experience of a particular group of subscribers. This has the practical impact of lowering the cost of health insurance for 'low risk' or relatively healthy population groups, while at the same time raising costs and diminishing the availability of health insurance for those suffering from costly illnesses. The aged and chronically ill, who are least able to afford health insurance, end up paying the highest costs for premiums. Mindful of these facts, the Committee has included provisions requiring that Federally funded HMOs and HSOs charge a uniform rate (with the exception of family rates) to all its enrollees." [5]

II. HMO Act Community Rating Requirements

Subsection 1301(b)(1) of the Health Maintenance Organization Act requires qualified HMOs to provide basic health services for a basic health services payment which is fixed under a community rating system. Subsection 1301(b)(2) requires qualified HMOs which provide supplemental health services on a prepayment basis to fix payment for such services under a community rating system.[6]

Subsection 1301(8) in part provides:

"The term 'community rating system' means a system of payments for health services. Under such a system rates of payments may be determined on a per person or per family basis and may vary with the number of persons in a family, but except as otherwise authorized in the next sentence, such rates must be equivalent for all individuals and for all families of similar composition."

This subsection then goes on to describe the authorized exceptions.[7]

Subsequent to the passage of the Act and based on a review of the community rating system of prototype HMOs, it became apparent that the Act did not define community rating in a manner that was consistent with some group purchasers' existing practices in making payments to HMOs, even though such practices did not involve experience rating. This problem was brought to the attention of Congress which then amended the Act as follows:

"Nominal differentials in such rates may be established to reflect the compositing of the rates of payment in a systematic manner to accommodate group purchasing practices of the various employers."

The Senate Committee on Labor and Public Welfare explained the reason for this amendment:

"Section 6(c) amends the Community Rating requirement in Pub. L. 93-222 to recognize existing practices for the determination of rates by employers and other purchasers of health care. Further, many HMOs and existing prototypes of HMOs have variations in their determination of rates which are precluded by the existing language. Because of these practices, employers and HMOs would have difficulty in complying with the rigidly stated community rating provisions of the present Act.

Many employers for example follow a composite rating system whereby individual rates are increased somewhat so that family rates can be lowered. In the case of HMOs and HMO type plans some have a two step rate, individual and family, a three step rate, individual, coupled, and family, while still others may have a rate for a family which varies according to the number of individuals in a family. In all such cases, the rates are based upon a basic per individual rate.

It is not the intent of the Committee to change the obligation of the HMO to operate under a community rating system. The Language amendment simply authorized the Secretary to take into account the varying ways in which the community rating is determined under existing practices." [8]

Although the amendment authorized the continuation of existing practices there was still an absence of a basis for determining which deviations from the strict requirements of the original Act were covered by the amended Act. The following principles were developed to achieve this objective.

III. General Community Rating Principles

This section sets forth principles which provide the basis for determining whether an HMO's prepaid rates are established under a community rating system.

Principle 1—Rates for an individual, family, or group cannot be based on the specific utilization or cost experience of that individual, family, or group. (This principle specifically forbids experience rating.)

Principal 2—For non-group enrollees, prepaid rates must be equivalent for all individuals and for all families of similar composition if their benefits are equivalent (unless otherwise excepted by the Act and Regulations). For group enrollees, prepaid rates for all individuals and for all families of similar composition must be equivalent to those of non-group enrollees if benefits are equivalent unless the conditions set

[4] House of Representatives, Report by the Committee on Interstate and Foreign Commerce on the Health Maintenance Organization Act of 1973, Report No. 93-451, pp. 23 and 24.

[5] U.S. Senate, Report of the Committee on Labor and Public Welfare on the Health Maintenance Organization and Resources Act of 1973, Report No. 93-129, pp. 29 and 30.

[6] The HMO amendments of 1976 allow entities which provide comprehensive health services on a prepaid basis to become qualified without fixing rates under a community rating system for 48 months following their qualification.

[7] The subsection provides that there may be nominal differentials in rates to reflect differences in administrative costs of collecting payments, differences in marketing costs, and compositing. Moreover, the subsection exempts from community rating persons who are entitled to health benefits under certain government programs *(e.g.,* Medicare and Medicaid).

[8] U.S. Senate, Report from the Committee on Labor and Public Welfare on S. 1928, Health Maintenance Organization Amendments of 1976, Report No. 94-844, p. 16.

forth in other principles are met or unless otherwise excepted by the Act and Regulations. (Under this principle, the rates of non-group members become the benchmark. If the rates of group members are the same as those of non-group members the community rating test is met.)

Principle 3—Each plan must have a defined community rate standard, applicable to all plan enrollees, that provides the basis for deriving prepaid rates. The standard may be a rate structure, an average per member per month revenue requirement, or an average per subscriber per month revenue requirement. It is permissible under a community rating system for an HMO to establish prepaid rates which vary from group to group provided that each group's rates are derived from the standard and that the total projected rate revenue from each group is substantially equivalent to what would be generated under the application of the standard.

(Illustrative examples of how this principle is applied are given in Section IV.)

Principle 4—Variations in rates are permissible if they reflect differences in benefits (including differences in copayment levels), differences in administrative and marketing costs within defined group categories, and differences in groups' contract effective dates.

Although the Act requires that rates must be equivalent for all individuals and families of similar composition, it does not address how differences in benefits, copayment levels and contract effective dates should be taken into account. Many HMOs offer a variety of plans with different benefits and various copayment levels. In addition an HMO may enter into annual contracts with groups at different times during the HMO's fiscal year. When this happens, groups with earlier contract renewal dates pay rate increases before groups with later contract renewal dates resulting in rate differentials.

In determining whether a community rating system meets the requirements of the Act, differences must be allowed for groups with different benefits, copayments and contract effective dates. Otherwise, members with fewer benefits would subsidize those with more benefits, those with larger copayments would subsidize those with smaller or no copayments, and all rates changes would have to occur at the same time regardless of the effective dates of contract renewals.

If it can be shown that prepaid rates for a group are established in a manner consistent with the above principles, the rates are in conformity with the community rating requirements of the Act and Regulations.

The following section gives illustrative examples of how these principles are applied. Part A describes alternative methods that may be used to establish a community rate standard. Part B illustrates a variety of group rating practices which meet the test of what is permissible under a community rating system.

IV. Applications of the Community Rating Principles

A. Alternative Methods for Establishing a Community Rate Standard

Principle 3 requires that each HMO should have a defined standard, applicable to all plan enrollees, that provides the basis for deriving each group's rates. Illustrations of alternative methods for deriving such a standard are given below.

1. *The HMO employs a standard rate structure.* Under this approach, an HMO may establish a standard rate structure (*e.g.*, a three-tiered structure[9] having a fixed relationship between rate-steps[10] for each of its coverages. Under the standard structure, the premium rate should be the same for all families of the same sizing having the same benefits and the same contract effective date, irrespective of group affiliation (unless otherwise excepted by the Act).

The following is an example of how an HMO might translate its projected annual revenue requirement into a standard rate structure.

Average number of members for year	30,000
Total projected members months for year	360,000
Total revenue needed	$10,800,000

If it is assumed for purpose of simplication that all 30,000 members have the same contract period (effective January 1st), and that there is no copayment revenue, then it follows that the average rate revenue requirement is $30 per member per month (*i.e.*, $10,800,000 ÷ 360,000 member months).

The HMO may desire that its standard rate structure be a three-tiered structure having a fixed ratio relationhip (*i.e.*, 1:2:3) between rate steps.[11] Assuming for the entire HMO community that 30% of all subscribers are single subscribers, 20% are 2 party families (*i.e.*, subscribers with one dependent), 50% are 3+ party families (*i.e.* subscribers with two or more dependents), and there are on the average 2.45 members per contract (*i.e.*, per subscriber), the $30 requirement would translate into standard rates of: Single subscriber, $33.41;[12] 2 party subscriber, 66.82;[12] 3+ party subscriber, 100.23.[12]

A reconciliation of these standard rates and the $30 requirement is provided below for the entire HMO community:

(1) Type of contract	(2) Percent distribution of contracts	(3) Average contract size	(4) Weighted average contract size	(5) Prepaid rate	(6) Weighted average rate
			(Col. 2×Col. 5)		(Col. 2×Col. 3)
Single	30	1	.30	$33.41	$10.023
2 party	20	2	.40	66.82	13.364
3+ party	50	3.5	1.75	100.23	40.115
Total	100		02.45		73.502

[9] A structure under which a subscriber pays one rate, a subscriber with one dependent pays another rate, and all subscribers with two or more dependents pay a third rate.

[10] "Step" refers to an individual rate in the rate structure. (For example, the rate for a subscriber only is referred to as the first-step rate, the rate for a subscriber and one dependent is referred to as the second-step rate, etc.)

[11] The HMO standard rate structure may be other than a three-tiered structure. Moreover, the ration relationship between steps may be whatever the HMO deems to be appropriate.

[12] In this illustrative example, the premium rates are derived as follows:

(a) A first-step conversion factor is computed according to the following formula:

$$\frac{2.45 \text{ (members per subscriber)}}{(.30 \times 1) + (.20 \times 2) + (.50 \times 3)} = \frac{2.45}{*2.20} = 1.1136$$

* The denominator represents the family composition weighted by the desired step relationships.

(b) The first-step conversion factor (1.1136) times the $30 requirement equals the single subscriber rate ($33.41).

(c) The 2 party and 3+ party rates are, respectively, twice and three times the single subscriber rate.

The average rate per subscriber ($73.502) divided by the average number of members per subscriber (2.45) yields the $30 requirement. Thus, if all single subscribers were charged $33.41, if all 2 party subscribers were charged $66.82, and if all 3+ party subscribers were charged $100.23, the HMO's revenue requirement would be met.

The HMO's standard rate structure would be composed of these 3-tiered rates. However, as will be illustrated below, it is permissible under a community rating system for groups (or clusters of groups) to have rates which vary from the standard structure. The test of whether such varying rates are permissible is that the projected total revenue derived from the group (or clusters of groups) should be substantially equivalent to what would be paid were rates based on the standard rate structure.

2. *The HMO uses a standard per member per month amount as the basis for determining each group's rates.* Under this alternative, an HMO may establish prepaid rates which vary from group to group (or among clusters of groups), provided that the average per member per month revenue yield from all groups having the same benefits and the same contract effective dates is substantially equivalent to a community per member per month standard (unless otherwise excepted by the Act). The rates would be the same for all families of the same size in each group (or cluster of groups) but would be different for families of the same size in different groups.

To illustrate, assume that the HMO's standard rate revenue requirement is $30 per member per month. Assume, moreover, that the HMO has two groups with the following three-tiered rates:

	Group A	Group B
Single	$32.50	$40.00
2 party	61.70	80.00
3+ party	93.47	100.00

As shown below, both groups would generate the same per member per month standard revenue:

Type of contract	Percent Distribution of contracts	Average contract size	Weighted average contract size	Prepaid rate	Weighted average rate
Group A:					
Single	25	1	.25	$32.50	$8.125
2 party	30	2	.60	61.70	18.510
3+ party	45	3.2	1.44	93.47	42.065
Total	100		2.29		68.700
Group B:					
Single	35	1	.35	$40.00	14.00
2 party	20	2	.40	80.00	16.00
3+ party	45	3.89	1.75	100.00	45.00
Total	100		2.50		75.00

Dividing the weighted average rate for each group by the average number of members per subscriber in that group yields the standard requirement of $30 per member per month.

Group A $68.70 per subscriber ÷ 2.29 members per subscriber = $30.00.
Group B $75.00 per subscriber ÷ 2.50 members per subscriber = $30.00.

3. *The HMO uses a standard per subscriber per month amount as the basis for determining each group's rates.* The use of this approach would require that the rates for each group (or cluster of groups) yield an amount substantially equivalent to an average per subscriber per month standard (unless otherwise excepted by the Act). The rates would be the same for all families of the same size in each group (or cluster of groups) but would be different for families of the same size in different groups.

Groups A and B, with the characteristics given in Section A–2, would each yield $72.60 per subscriber per month, based on the following three-tiered rates:

	Group A	Group B
Single	$33.00	$38.72
2 party	66.00	77.44
3+ party	99.00	96.80

B. Illustrative Examples of Group Rating Practices Which Are Permissible Under Community Rating

In this section, illustrative examples are given of permissible methods for establishing prepaid rates for individual groups. To ascertain whether a group's prepaid rates meet community rating requirements, it must be shown that the method for establishing rates is consistent with the principles described in Section III, unless otherwise excepted by the Act and Regulations.

1. *Compositing.* Compositing involves the restructing of the HMO's rates in order to meet the needs of individual group purchasers or to conform to the existing rate structures of competing health benefit plans. A commonly used approach is to collapse a 3-tiered structure to a 2-tiered structure or to a single composite. Whether a group pays on a 3-tiered, 2-tiered, single composite, or some other rate structure basis, the total revenue derived from the group should be substantially equivalent.

The following examples show how compositing is accomplished.

Example a—Establishing a single composite:

Assume the HMO has a standard three-tiered rate structure with the following rates: (Refer to the data given in Section A–1, which illustrates the computation of three-tiered rates under a standard rate structure).

Single subscriber	$33.41
2 party subscriber	66.82
3+ party subscriber	100.23

The following table shows how much total revenue would derived from a hypothetical group C, given the application of the standard structure:

Type of contract	Number of subscriber units	Prepaid rate	Total revenue
Single	38	$33.40	$1,269.58
2 party	18	66.82	1,202.76
3+ party	44	100.23	4,410.12
Total	100		6,882.46

Suppose, in order to conform with the needs of group C, that the HMO must charge a single composite. This would be achieved by dividing the total revenue required from the group by its total number of subscribers. For group C, the single composite would be $68.82.

If, alternatively, the HMO fixes its rates for each group on the basis of a defined per member per month standard (*e.g.*, $30), a single composite would be achieved by mulitplying the standard by each group's average contract size. Thus, if the average number of members per contract in group B is projected to be 2.50, the single composite would be $75.00.

For plant which use a per subscriber per month amount as the community rate standard, the single composite for each group would be the per subscriber per month standard.

Example b—Establishing a two-tiered rate:

Assume group C (refer to the above example) desires to maintain the standard single subscriber rate and have a second rate applicable to all families (one form of two-step compositing). There is only one second-step rate that will satisfy the total revenue requirement of $6,882.46. This rate is computed by subtracting the revenue required on behalf of single subscribers from the total revenue requirement and dividing the difference by the number of two-or-more person subscriber units in the group, *i.e.*, ($6,882.46—$1,269.58)÷(18+44)=$90.53.

As shown below, the resulting two-tiered rate structure yields the same revenue for group C as does the standard structure:

Type of contract	Number of subscriber units	Prepaid rate	Total revenue
Single	38	$33.41	$1,269.58
2+ party	62	90.53	5,612.86
Total	100		6,882.44

2. *Altering rate step relationships.* Under community rating, it is permissible to vary the ratio relationships (*i.e.*, the loading factors) between rate steps in a group's rate structure provided that the total revenue generated from the group using the altered relationship is substantially equivalent to what would be obtained from the group if it were charged on the basis of the community rate standards.

Example a—Rate-setting which takes into account employer contributions:

Some employers only contribute to the cost of covering an employee and the additional costs of covering dependents, if any, must be borne entirely by the employee. Not uncommonly, the employer's contribution is based on the single subscriber rate of a competing indemnity carrier and is higher than the standard single rate charged by the HMO for the group's benefit package. The HMO may alter its rate structure for a given group to take maximum advantage of the employer's contribution.

For example, assume that the standard three-tiered rates and data given for group C in the compositing example apply. Suppose that the employer's contribution is 100% of the single subscriber rate for the alternate carrier (*i.e.*, $40) and that the HMO desires that its single subscriber rate of group C be fixed at this amount under a three-tiered rate structure. The following is a derivation of the HMO's rates:

Type of contract	Number of subscriber units	Average contract size	Prepaid rate	Total revenue requirement
Single	38	1	$40	$1,520
2 party	18	2	x	5,362
3+ party	44	2.5	[13]1.5	
Total	100			6,882

[13]An arbitrarily determined relationship.

The 2 party rate, x, may be solved, according to the following equation:

[38 ($40)+18 (x)+(1.5x)]=$6,882;

x=$63.83 (the 2 party rate)

1.5x=$95.75 (the 3+ party rate)

The altered rate structure produces the same total revenue as is derived from group C on the basis of the HMO's standard rate structure.

The above described approach also may be used in the case when an HMO bases its group rates on a defined per member per month rate standard (*i.e.*, $30). Assuming the $40 per employee contribution and the data given below for group D, three-tiered HMO rates may be established as follows:

Type of contract	Number of subscriber units	Average contract size	Prepaid rate
Single	30	1	$40
2 party	20	2	x
3+ party	50	3.6	[13]1.5x
Total	100	2.5	

[13]An arbitrarily determined relationships.

Given the $30 per member per month requirement, x (the 2 party rate) may be solved according to the following equation:

[.30 ($40)+.20 (x)+.50 (1.4x)÷$30.

x=$66.32

The three-tiered rates of $40 (single subscriber), $66.32 (2 party), and $99.48 (3+ party) produce an average revenue yield of $30 per member per month from group D.

An HMO which establishes rates on the basis of a defined per subscriber per month standard (*e.g.*, $72.60) also my use the approach. The rates of $40 (single subscriber), $63.79 (2 party) and $95.68 (3+ party) yield an average of $72.60 per subscriber per month from group D.

Example b—Rate-setting which takes into account the rate-step relationships (loading factors) of competing alternate carrier plans:

An HMO may want, for competitive or other reasons, to alter the ratio relationships between rate-steps to conform with those of the alternate carrier. This is permisslble under community rating.

Suppose, for example, that the HMO's standard three-tiered community rates are $33.41 (single subscriber), $66.82 (2 party), and $100.23 (3+ party). Note that the 2 party and 3+ party rates are, respectively, twice and three times the single subscriber rate.

The HMO may desire to establish rates for group C which have a step relationship of 1:2:2.5 (the rate-step relationship of the alternate carrier plan). The rates shown below, bearing this relationship, generate substantially the same total revenue on behalf of group C as do the standard rates. (Refer also to example a of Section B–1.)

Type of contract	Number of subscriber units	Premium rate	Total revenue
Single	38	$37.40	$1,421.20
2 party	18	74.80	1,346.40
3+ party	44	93.50	4,114.00
Total	100		$6,881.60

Example c—Rate-setting which takes into account difference in family composition:

An HMO may alter the ratio relationships between rate steps to take into account unique family composition characteristics of individual groups.

For example, assume that group E has a disproportionately large number of single subscribers and that the HMO wants to establish three-tiered rates that are relatively more attractive to subscribers with large families. Assume, moreover, that the HMO's standard three-tiered community rates are those given in example b, above. Group E has 60 single subscribers, 20 2 party subscribers, and 20 3+ party subscribers. The rates given below produce the same total revenue on behalf of group E as do the standard rates.

Single	$35.64
2 party	71.28
3+ party	89.10

3. *Variations based on differences in contract effective dates.* It is permissible under community rating for an HMO to apply the same increase in standard rates to all groups as their contracts renew during the calendar year. In this case, there will be times (*e.g.*, March) when some groups (*e.g.*, those with April–December renewal dates) would be charged the preceeding year's rates while other groups (*e.g.*, those with January–March renewal dates) would be charged the new rates.

Alternatively, an HMO may charge different premium rates to groups which have the same benefits but which have different contract effective dates. Such differences may be justified to account for the effects, over time, of inflation or

other factors which increase the HMO's costs. Under one approach, groups with later contract renewal dates would pay higher rates than groups with earlier contract renewal dates for the duration of their contracts. The following hypothetical schedule of rates is an example:

Type of contract	Rates, by period of contract renewal			
	1st quarter	2d quarter	3d quarter	4th quarter
Single	$25	$26	$27	$28
2 party	50	52	54	56
3+ party	75	78	81	84

There are no Federal restrictions on how frequently such rates may be changed nor on the length of the contract period for which they apply.

4. *Prepaid rate variations based on differences in the size of groups.* The subpart A regulations allow nominal differentials in rates to reflect differences in marketing costs and the different administrative costs of collecting payments from three categories of subscribers:

(1) Non-group subscribers

(2) Small groups of 100 subscribers or less

(3) Groups of over 100 subscribers

Since rates are set prospectively, an HMO may not always know at the time an offering is made to a group, whether the number of resulting subscribers will constitute a small group or a large one. If rates are set in anticipation of a small group but a large one results from the offering, the HMO may charge the offered rates for the full effective period of the subscriber contract, provided that, upon subsequent offer of re-enrollment the rates are corrected to reflect actual group characteristics.

The guidelines for nominal differentials is that, for the same effective dates, benefits and copayments, rates for small groups should not exceed 105% of large group rates, and non-group rates should not exceed 110% of large group rates, unless it can be demonstrated by the HMO that higher figures are warranted.

5. *Community rating of copayments.* The subpart A requirement that basic health services copayments be community rated will be considered met if copayments are applied uniformly as to amounts and limits to all subscribers with the same prepayment rates, service benefits, and effective dates of coverage.

§ 110.105(b)(3)(ii)(C) Community rating: Rate differentials.

Q. Must the rates established for HMO contracts for basic and supplemental health services for employees of States, political subdivisions of States, or other public entities be based on a community rating system?

A. No.

§ 110.105(c)(1) Postponement of the community rating requirement.

Q. What HMOs are entitled to postpone the requirement of community rating?

A. The legislative history concerning the postponement of the community rating requirement for 48 months indicates that its purpose was to avoid placing an unreasonable burden on existing plans which would otherwise have to deal with the complexities of altering their rating systems at the time of Federal qualification. To be eligible to postpone the application of the community rating requirement, an HMO must provide evidence to the Secretary of numbers of members and months of operation at the time of qualification, the combination of which indicates that the entity was a bona fide provider of comprehensive health services prior to qualification.

§ 110.105(d) Other insurance.

Q. Is it allowable for an HMO to refuse to provide basic health services when a member is entitled to benefits for such services under a worker's compensation law or an insurance policy?

A. No. The HMO must provide the services. However, the HMO may collect from a third party which is responsible for payment under a worker's compensation law or under an insurance policy, or from the member, if the member has been paid under the law or the insurance policy.

Organization and Operation

§ 110.108(a)(1) (i), (ii), and (iii) Fiscally sound operation.

Q. Is it allowable for an HMO to contract with another party to direct the performance of the HMO's marketing functions?

A. Yes. An HMO is allowed to enter into a contract with another party which undertakes marketing activities on the HMO's behalf; however, such contract must specify that the HMO retains the right to terminate the agreement and implement, at any time, its own marketing activities to any groups or individuals it proposes to serve. Further, the contract must assure that performance by the contractor under the contract will not be inconsistent with the HMO's compliance with its assurances and applicable requirements, such as the one for full and fair disclosure to members prior to enrollment.

Q. Is it allowable for an other party to guarantee enrollment for HMO services?

A. Yes.

§ 110.108(a)(1)(iv) Approach to the risk of insolvency.

Q. What is meant by "unaffiliated providers?"

A. For purposes of this section, an unaffiliated provider is a provider who is not (a) a member of the HMO's staff or associated with its contracting medical group(s) or IPA(s); (b) a health professional under a direct services contract with the HMO; or (c) an entity, such as a hospital, with which an HMO has an arrangement for the provision of basic health services.

Q. In § 110.108(a)(1)(iv), what services are referred to in "services rendered?"

A. "Services rendered" means basic and supplemental health services rendered which were authorized by the HMO and for which it has an obligation to pay.

Q. Are there limitations on the sources from which an HMO may secure insurance against the risk of insolvency?

A. No. The regulations do not limit the sources from which an HMO may obtain insolvency protection.

§ 110.108(a)(1)(vi) HMO liability insurance.

Q. What arrangements satisfy the requirement that the HMO be insured, or have other arrangements to protect against, losses arising from professional liability claims?

A. The following are acceptable approaches:

1. An HMO may obtain malpractice insurance in amounts adequate to protect itself against reasonably anticipated judgments.

2. An HMO may self-insure, in which case it must demonstrate sufficient unrestricted assets to pay reasonably anticipated judgments.

3. An HMO may obtain a "hold harmless" and indemnification agreement from the entities providing basic and supplemental health services, if such entities maintain adequate insurance or self-insurance to cover reasonably anticipated judgments.

4. Where State law specifically excludes an HMO from malpractice liability, no coverage is required.

§ 110.108(c) Broadly representative enrollment.

Q. Are there additional regulations regarding full and fair disclosure to coordinate with requirements under the Employee Retirement Income Security Act of 1974 (ERISA)?

A. No. The Secretary has proposed to amend the regulations regarding full and fair disclosure by an HMO to members and employers to coordinate with ERISA. Until those provisions are published as final rules, the regulations at § 110.108(c) are unchanged.

§ 110.108(d) (1), (2), (3), and (4) Open enrollment.

Q. If an HMO determines that a member falsified information on a health questionnaire prior to enrollment, is it allowable for the HMO to expel such member?

A. Neither the Act nor the regulations prohibit an HMO from expelling a member for material falsification of information of health questionnaires, e.g., relating to health status.

§ 110.108(g) Conversion of membership.

Q. If an HMO does not offer individual (non-group) enrollment except as required under open enrollment provisions, must it offer conversion to non-group status to members leaving a group?

A. Yes. The regulations require that the HMO offer each subscriber leaving a group the opportunity to convert his/her membership to non-group status. Therefore, even if the HMO does not otherwise offer enrollment to individuals, the HMO must offer membership to individuals terminating their group membership.

Q. May the HMO require that a member be enrolled for a minimum period of time before (s)he is eligible to convert to non-group membership?

A. No. An HMO may not impose a minimum length of time of membership before permitting group members to convert to a non-group status.

Q. For purposes of § 110.108(g), what is the definition of "group?"

A. For the purposes of this section, a group consists of members who enroll in the HMO through a contract or other arrangement which provides for the enrollment of two or more subscribers.

§ 110.108(h)(1) (i) and (ii) Policymaking body.

Q. May the non-member portion of the policymaking body consist of individuals who are appointed by, employed by, serve on the board of, or serve as representatives of an organization which sponsors the HMO or is an insuring organization which competes with the HMO for enrollment?

A. Yes.

Q. Is the requirement that the medically underserved population be represented satisfied if the membership of the policymaking body of the HMO is elected at large by the enrolled population?

A. Not necessarily. If the HMO's approved service area encompasses areas which the Secretary has designated as medically underserved areas (MUAs), and if at least five percent of the HMO's total enrollment resides in such MUAs, then HMO "members from medically underserved populations" must be represented on the HMO's policymaking body by persons specifically identifiable as representatives of that class.

§ 110.108(i) Grievance procedures.

Q. Must grievance procedures be in writing and readily accessible to HMO members?

A. Yes. Written and readily accessible grievance procedures are required to assure their full and fair disclosure to members (See also § 110,109(c) for a reference to requirements regarding Medicare and Medicaid enrollees).

§ 110.108 (m) and (n) Health education and medical social services.

Q. Must the HMO provide health education and medical social services through its staff, medical group(s), or IPA?

A. No. Health education and medical social services need not be provided by staff, medical group, or IPA providers. An HMO may provide or arrange for these services through agreements with appropriate personnel.

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April 29, 1980

Part III

Department of Health, Education, and Welfare

Office of Education

Financial Assistance for Construction, Reconstruction, or Renovation of Higher Education Facilities

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 170

Financial Assistance for Construction, Reconstruction, or Renovation of Higher Education Facilities

AGENCY: Office of Education, HEW.

ACTION: Final and Interim Final Regulations.

SUMMARY: The Commissioner of Education issues final and interim final regulations governing programs of Financial Assistance for Construction, Reconstruction, or Renovation of Higher Education Facilities. The final regulations implement amendments to the statute made by Pub. L. 94–482 and Pub. L. 95–43. The interim final regulations contain criteria and other provisions governing the award of grants for removal of architectural barriers to the handicapped who have mobility impairments.

DATES: Effective date: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the **Federal Register.** The effective date is changed if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

Comment closing date on interim final regulations: June 30, 1980.

ADDRESSES: Any comments or questions concerning these regulations should be addressed to Mr. Thomas F. McAnallen, U.S. Office of Education (Room 3716, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas F. McAnallen. Telephone: (202) 245–3253.

SUPPLEMENTARY INFORMATION:

Waiver of Proposed Rulemaking Procedures

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), it has been the practice of the Office of Education to offer interested parties the opportunity to comment on proposed regulations. The Office of Education then reviews these comments and makes appropriate changes before republishing the regulations in final form. For the reasons described in the following paragraphs, the use of that practice in connection with the provisions of these regulations dealing with grants for the removal of architectural barriers to the handicapped is impracticable and contrary to the public interest under 5 U.S.C. 553(b).

On August 12, 1977, the Office of Education published a notice of proposed rulemaking (NPRM) in the **Federal Register** (42 FR 40926) proposing to amend the regulations governing grant and loan assistance programs for the construction, reconstruction, and renovation of academic facilities under Title VII of the Higher Education Act (HEA) of 1965, as amended. This notice of proposed rulemaking was primarily for the purpose of amending the regulations to reflect the provisions of the Education Amendments of 1976, including establishment of a new authority for reconstruction and renovation assistance under Title VII, Part E of HEA.

The Congress appropriated $25 million for the fiscal year ending September 30, 1980, for renovation grants for the removal of architectural barriers. Subsequently, the President has proposed that the entire $25 million be rescinded as part of the effort to balance the budget. If the Congress denies that request, however, it is necessary to have these regulations to establish criteria and other provisions for administration of this special program. If the Congress approves the President's proposal that it rescind the $25 million for the removal of architectural barriers to the handicapped, a notice to the public will be published in the **Federal Register.**

The renovation grant program is administered under the authority established in Title VII, Part A of HEA, which is a State formula grant program. For a State to participate in the program, it must develop a State plan that will be used for ranking applications and recommending grants within the State. This State plan must be approved by the Commissioner of Education before the State may notify prospective applicants of closing dates for filing applications. Since these steps are contingent upon publication of regulations, there is not sufficient time to follow proposed rulemaking procedures that are normally required and still award all grants before the end of fiscal year 1980, as the Office of Education is currently obligated to do.

To provide sufficient time to award renovation grants by the end of fiscal year 1980, the Commissioner is issuing regulations governing all of the Title VII construction assistance programs.

Interested parties are invited to submit comments and suggestions, but only on those provisions governing the award of funds to remove architectural barriers to the handicapped. All comments and suggestions must be received no later than June 30, 1980.

Summary of Changes

The original NPRM published in August, 1977 has been modified by these regulations for four basic reasons:

(1) The regulations have been rewritten for the purpose of simplification and clarification.

(2) Changes were made to reflect the technical amendments under Pub. L. 95–43 enacted June 15, 1977.

(3) The regulations have been amended as a result of comments and suggestions received in response to the NPRM.

(4) Amendments have been made to provide additional rules specifically for the program of renovation grants for removal of architectural barriers to the handicapped.

For a project proposing to remove architectural barriers, the regulations require that the proposed project advance program accessibility for the handicapped as required by regulations (45 CFR Part 84) issued under Section 504 of the Rehabilitation Act of 1973 (see House Report 96–244, page 85). In addition the regulations in this part (45 CFR Part 170) specify a threshold cost requirement for participation. The regulations include specific criteria and other provisions for the ranking of applications. These provisions (1) limit eligibility to applicants with the greatest cost burdens, and (2) assure that the Federal funds will be used for projects having the greatest impact in meeting the requirements of Section 504.

A. Summary of Changes Required by the Technical Amendments (Pub. L. 95–43).

§ 170.1 Definitions.

The technical amendments require the Commissioner to determine the period of Federal interest in facilities reconstructed or renovated under the authority of Title VII E. In the case of a grant, this period is defined as 10 years. In the case of a loan, it is defined as the period during which the loan is outstanding.

§ 170.8 Grants and loans for reconstruction and renovation projects authorized under Title VII E of the Act.

The technical amendments further provide that the Commissioner may recover, for any unauthorized use of an assisted facility during the period of Federal interest, an amount representing the depreciated value of the improvements made with a grant or loan under Title VII E. The regulations provide that for this purpose the

Commissioner computes the depreciated value of the improvement by the straight-line method over the requisite period of years from the date of completion of the improvement.

§ 170.14 Criteria for determining relative priorities of eligible projects; and § 170.15 Conditions for grant approval.

The technical amendments provide that funds appropriated under Title VII A for purposes authorized by Title VII E may be used without regard to whether the awards would increase or create enrollment capacity, health care capacity, or capacity to carry out extension and continuing education programs. Appropriate amendments have been made in § 170.14 and § 170.15 to indicate this.

Title VII B Grants for Construction, Reconstruction, or Renovation of Graduate Academic Facilities.

The technical amendments require that all grants for reconstruction or renovation of undergraduate or graduate facilities, if made for any of the purposes authorized by Title VII E, must be made from funds appropriated under Title VII A. Accordingly, all references to Title VII E have been deleted from § 170.42(b) (Submission of application) and § 170.43 (Facilities panel).

B. Summary of Comments and Responses Relating to the NPRM.

The following is a summary of comments and suggestions regarding the NPRM and the Commissioner's responses to them. The section numbers and titles correspond to those used in these final regulations.

§ 170.6 Determination of costs eligible for Federal assistance.

Comment. One commenter favored the deletion in § 170.6(b)(6) of the provisions specifying the ineligibility of any project cost relating to contracts entered into before the date an application is filed and before the concurrence of the Commissioner in the award of the contracts.

Because some institutions have already undertaken projects to bring facilities into conformance with Section 504 of the Rehabilitation Act of 1973, as required under Department of Health, Education, and Welfare regulations, the commenter stated that it would be unfair to exclude projects from Federal funding because they were undertaken prior to the Commissioner's review and concurrence in the application and contract award.

Response. No change has been made in § 170.6(b)(6). These are long-standing provisions derived from many years of experience under the construction programs.

In addition, funding of already completed projects could have the effect of exhausting scarce program funds at the expense of other projects that cannot commence without Federal assistance.

However, the Commissioner is aware that there are institutions that have already undertaken projects to bring facilities into conformance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. The Commissioner recognizes these efforts, not by declaring these past costs eligible for Federal assistance, but by including in State plan selection criteria a criterion that requires a State to award extra points based on costs already incurred by applicants that have completed projects for the removal of architectural barriers in compliance with Section 504.

In addition, in determining an institution's eligibility for participation in the program, the insttiution includes costs incurred for the removal of architectural barriers to the mobility impaired after June 3, 1977 but prior to the date on which the institution filed an application.

§ 170.8 Grants and loans for reconstruction and renovation projects authorized by Title VII E of the Act.

Comment. One commenter noted that § 170.8(b)(2) (i) and (ii) contain no specific method for determining costs directly or indirectly related to energy conservation projects authorized under Title VII E.

Response. No change has been made. Not only energy conservation projects, but combinations of projects within the three types of projects authorized by Title VII E may be approved for funding depending on the purpose for which Congress appropriates funds in a given year. This potential variety of projects makes it extremely difficult, if not impossible, to include a specific definition of related costs in the basic regulations.

Accordingly, cost eligibility determinations will be on a case-by-case basis, as part of the application review process, with a reliance on engineering expertise to ascertain that costs are not excessive and are generally required for the project. However, depending on the purpose for which funds may be appropriated in any given year, these regulations may be amended to include cost eligibility guidelines as necessary.

Comment. One commenter noted that, while § 170.8(c)(1)(i) provides that an institution must accomplish certain energy conservation measures before filing an application, the specific measures to be taken are not spelled out in the regulations.

Response. No change has been made. The Commissioner does not consider it appropriate to include in the regulations the list of energy conservation measures that a prospective applicant may be expected to take prior to filing an application. Were the Commissioner to prescribe these measures, problems could arise because some measures may be appropriate for one applicant and completely inappropriate or not applicable to another applicant. Instead, a list of suggested measures to conserve energy will be part of the application package. These suggestions will be in the nature of a check list to which an applicant will have considerable flexibility in responding.

Comment. One commenter noted that § 170.8(c)(1)(ii) requires energy conservation projects to result in significant savings in energy consumption and related costs but does not provide criteria for determining what constitutes significant savings.

Response. No change has been made. No attempt was made in the regulations to provide minimum technical standards with which to evaluate projected energy savings. Basically, this is a result of the difficulty of accurately projecting savings and the problems arising when actual savings fall below the predictions on which a project was approved. Also adding to the complication of defining minimum standards for energy savings is the very likely possibility of combination projects, in which the energy component may be only a small portion of the overall project purpose.

For these reasons—and the negative reaction to setting minimum energy savings standards in response to the notice of intent to issue regulations, published in the **Federal Register** on November 29, 1976—the Commissioner has left the assessment of energy savings open for case-by-case engineering evaluation.

Comment. One commenter urged that energy conservation projects be given higher priority then other reconstruction and renovation projects. The commenter suggested that funding of energy conservation projects be based on a system favoring projects having a fast "pay-back" and a high rate of return on the investment of the funds expended on the improvement.

Response. No change has been made. After the publication in the **Federal Register** on November 29, 1976 of the notice of intent to issue regulations (40 FR 52410), the Office of Education received a number of comments that did

not favor the establishment of priorities among the three types of projects authorized under Title VII E. The Commissioner then determined that the regulations would not establish priorities among the three types of projects. When Congress appropriates funds for one type of project only, financial assistance may be awarded for that purpose only.

With regard to funding criteria for energy conservation projects, the Commissioner determined, after comments were received on the NPRM, that because of the difficulty in setting minimum technical standards for this type of project—for which results are not easily predictable—it would not be practicable to rank proposed projects solely on factors related to projected accomplishments. This is especially true when one considers the real possiblity of multiple-purpose types of projects under Title VII E.

§ 170.16 Application closing dates.

Comment. One commenter suggested that, under § 170.16, dealing with closing dates for submission of applications under Title VII A of the Act, State commissions should be authorized to waive a given closing date if the Commissioner determines that unusual circumstances warrant a waiver. This would give the State commissions needed start-up time in the event of an unexpected appropriation of funds for the program.

Response. The regulations have been amended. The Commissioner believes that this suggested change in the regulations is needed in view of (1) the uncertainty of funding for the program from year to year, and (2) the fact that the State commissions, in accordance with these regulations, will need time to make required changes in their State plans in order to administer the renovation grant program with funds appropriated for fiscal year 1980.

C. Summary of Amendments to These Regulations to Govern Awards for Removal of Architectural Barriers to the Handicapped.

These regulations contain specific criteria that State commissions must apply in ranking and recommending proposed projects for grants to remove architectural barriers to handicapped persons who have mobility impairments. These criteria represent 85 percent of an applicant's total possible point score.

In order to enable funds to be targeted to applicants with the greatest need, the regulations contain a threshold cost eligibility requirement.

In order to fulfill this threshold cost eligibility requirement, an applicant must demonstrate that its costs for compliance with Section 504 of the Rehabilitation Act of 1973 meet the definition of either "financial hardship" or "high absolute costs."

"Financial hardship" means that an institution's costs required by Section 504 exceed five percent of that institution's latest three-year average annual educational and general expenditures.

"High absolute cost" means that an institution's costs required by Section 504 exceed $500,000.

Only costs that are in excess of those necessary to meet the definition of financial hardship or the definition of high absolute cost will be considered eligible for Federal assistance in a proposed project.

The concepts of financial hardship and high absolute cost are based mainly on the results of the National Center for Educational Statistics (NCES) study "The Impact of Section 504 of the Rehabilitation Act of 1973 on American Colleges and Universities."

This study estimated that the total cost of removing architectural barriers to the handicapped would be approximately $561 million. In view of the fact that the appropriation currently available for FY 1980 is $25 million, the Commissioner has found it necessary to limit eligibility both of applicants and of costs to make the most effective use of available funds.

The following amendments have been made to the regulations to reflect these considerations:

§ 170.1 Definitions.

The following specific definitions were added to this section to aid in the administration of the program of renovation grants for removal of architectural barriers to the handicapped:

(a) "Section 504," which refers to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (45 CFR Part 84).

(b) "Costs required by Section 504," which establishes the costs that are considered in determining whether an applicant meets the threshold requirement for participation in the program for removal of architectural barriers to the mobility impaired.

(c) "Financial hardship" and "high absolute cost," which establish two threshold cost criteria for participtionin the program.

§ 170.6 Determination of costs eligible for Federal assistance.

With respect to grants for the removal of architectural barriers to the handicapped, this provision is modified—

(a) To include as eligible only those Section 504 compliance costs in excess of the threshold eligibility costs defined under "financial hardship" or "high absolute cost";

(b) To exclude costs related to facilities that do not meet the Act's definition of "academic facility," unless the facility is a combination of "academic facilities" and non-academic facilities. In this latter case, the primary use of the facility will determine the overall eligibility of the costs involved in connection with the facility; and

(c) To exclude costs required by Section 504 in connection with any facility acquired subsequent to June 3, 1977.

§ 170.8 Grants and loans for reconstruction and renovation projects authorized under Title VII E of the Act.

With respect to projects to remove architectural barriers to the handicapped, this section is amended to require the applicant to demonstrate that the proposed project—

(a) Is necessary to provide program accessibility under Section 504;

(b) Meets the most recently published standards of the American National Standards Institute (ANSI Standards); and

(c) Is required by Federal law.

§ 170.12 Eligible applicants under section 771(a)(2)(A) of the Act.

This new provision in the regulations describes the basis on which an applicant for a grant to remove architectural barriers to the handicapped meets the threshold qualification for an award. An applicant must be an eligible institution of higher education and must demonstrate to the State commission that its "costs required by Section 504" fall within the definition of "financial hardship" or "high absolute cost." If an applicant's costs required by Section 504" qualify it under both definitions, its application shall be considered under the definition that is more advantageous to it.

§ 170.14 Criteria for determining relative priorities of eligible projects.

With respect to proposed projects to remove architectural barriers to the handicapped, this section is revised by establishing special criteria by which the State commissions rank these projects and by assigning 85 percent of the total possible point score to these criteria. These criteria are intended to target awards to those projects that have the greatest need or impact in making academic facilities—and, thus, academic programs—accessible to the mobility impaired.

§ 170.15 Conditions for grant approval.

This section is amended by adding a provision to require State commissions to determine that costs claimed as qualifying for "financial hardship" or a "high absolute cost" are costs required by Section 504 as specified in the regulations.

§ 170.16 Closing dates.

This section has been amended to allow a State to set closing dates in its State plan for Title VII E applications, as well as for Title VII A applications.

§ 170.28 Standards for determinating Federal share of eligible projects.

This section has been amended to include a provision limiting the Federal grant in connection with a project to remove architectural barriers that has qualified under the definition of "high absolute cost." The Federal grant is limited to 25 percent of the eligible project cost. The 50 percent maximum Federal share provision has not been changed for any institution qualifying under the definition of "financial hardship."

D. Other changes.

§ 170.81 of the NPRM Priority considerations: closing dates.

This provision—which dealt with priority considerations employed by the Commissioner in making annual interest grants and with closing dates for applications for annual interest grants—has been modified.

45 CFR 100a.1 Programs to which Part 100a applies; and 45 CFR 100a.170 *Clearinghouse procedures: purpose of § 100a.170–100a.173.*

The manner in which Financial Assistance for Construction, Reconstruction, or Renovation of Higher Education Facilities is listed in the Education Division General Administrative Regulations (EDGAR) references its former regulations.

Therefore, technical amendments have been made to EDGAR, §§ 100a.1 and 100a.170(c), to reflect the part number of the regulations for this program in the Code of Federal Regulations, all applicable parts of its authorizing statute, and the numbers assigned to its components in the Catalog of Federal Domestic Assistance Programs (CFDA numbers).

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance number 13.459, Grants for Construction of Undergraduate Academic Facilities at Public Community Colleges and Public Technical Institutes; number 13.458, Grants for Construction of Undergraduate Academic Facilities at other Institutions of Higher Education; number 13.593, Grants for Construction of Graduate Academic Facilities; number 13.594, Loans for Construction of Academic Facilities (Undergraduate and Graduate); number 13.457, Annual Interest Grants for Construction of Academic Facilities (Undergraduate and Graduate))

Dated: April 24, 1980.

William L. Smith,

U.S. Commissioner of Education.

Title 45 of the Code of Federal Regulations is amended as follows:

PART 100A—DIRECT GRANT PROGRAMS

§ 100a.1 [Amended]

1. The table in § 100a.1, Item IV.E (Higher Education Programs) is amended by deleting the entry entitled "Financial Assistance for Construction of Higher Education Facilities (except Loans for Construction of Academic Facilities and Annual Interest Grants for Construction of Academic Facilities.) Parts A and B of Title VII of the Higher Education Act. See 43 FR 57254 (December 7, 1978) (20 U.S.C. 1132a–1132b–1)" and inserting in its place the following:

Financial Assistance for Construction of Higher Education Facilities (except Loans for Construction of Academic Facilities and Annual Interest Grants for Construction of Academic Facilities.).	Parts A, B, and E, of Title VII of the Higher Education Act (20 U.S.C. 1132a–1132b–1 and 1132d–11).	Part 170	13.459, 13.458, and 13.593.

§ 100a.170 [Amended]

2. The table in paragraph (c) of § 100a.170 is amended by deleting the entry entitled "Financial Assistance for Construction of Higher Education Facilities (except Loans for Construction of Academic Facilities and Annual Interest Grants for Construction of Academic Facilities) (20 U.S.C. 1221e–3(a)(1)). Parts A and B of Title VII of the Higher Education Act (20 U.S.C. 1132a–1132b–1). See 43 FR 57254 (December 7, 1978)" and inserting in its place the following:

Financial Assistance for Construction of Higher Education Facilities (except Loans for Construction of Academic Facilities and Annual Interest Grants for Construction of Academic Facilities.).	Parts A and B of Title VII of the Higher Education Act (20 U.S.C. 1132a–1132b–1).	Part 170	13.459, 13.458, and 13.593.

3. A new Part 170 is added to read as follows:

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER EDUCATION FACILITIES

Subpart A—General Provisions

Sec.

170.1 Definitions.
170.2 Regulations that apply to the Title VII program.
170.3 [Reserved]
170.4 Fiscal control and fund accounting procedures by State commissions.
170.5 Retention of records by State commissions.
170.6 Determination of costs eligible for Federal assistance.
170.7 Urgency of need for projects of public institutions.
170.8 Grants and loans for reconstruction and renovation projects authorized under Title VII E of the Act.

Subpart B—Grants for Construction, Reconstruction, or Renovation of Academic Facilities Under Title VII A of the Act

170.11 Institutional eligibility.
170.12 Eligible applicants under section 771(a)(2)(A) of the Act.
170.13 State plans.

170.14 Criteria for determining relative priorities of eligible projects.
170.15 Conditions for grant approval.
170.16 Application closing dates.
170.17 Submission of application to State commission.
170.18 Verification of application data and institutional and project eligibility.
170.19 Determination of relative priorities and Federal shares.
170.20 Procedures if funds are insufficient.
170.21 Recommendations by State commission.
170.22 Notification to applicants.
170.23 Disposition of applications not recommended for grants.
170.24 Grant award.
170.25 Amendments.
170.26 Project changes.
170.27 Supplemental applications.
170.28 Standards for determining Federal share of eligible projects.
170.29 Adjustments in the amount of Federal share.

Subpart C—Grants for Construction, Reconstruction, or Renovation of Graduate Academic Facilities Under Title VII B of the Act

170.41 Purpose and eligibility.
170.42 Submission of application.
170.43 Facilities panel.
170.44 Criteria for evaluating application.

Subpart D—Loans for Construction, Reconstruction, or Renovation of Academic Facilities Under Title VII C of the Act

170.51 Purpose and eligibility.
170.52 Submission of applications.
170.53 Special terms and conditions.
170.54 Determination of non-availability of equally-as-favorable terms and conditions.
170.55 Forms of evidence of indebtedness.
170.56 Security for loans.
170.57 Length and maturity of loans.
170.58 Opinion of bond counsel.
170.59 Determination of priorities for loan approvals.
170.60 Loan agreement.
170.61 Loan closing.
170.62 Interim financing.
170.63 Construction fund.
170.64 Investment of idle construction funds.
170.65 Disposal of balance remaining in the construction fund.
170.66 Moratorium on principal or interest payments on loans.

Subpart E—Annual Interest Grants for Construction, Reconstruction, or Renovation of Academic Facilities Under Section 745 of Title VII C of the Act

170.71 Purpose and eligibility.
170.72 Amount of annual interest grants.
170.73 Submission of applications.
170.74 Conditions for approval of annual interest grants.
170.75 Limits of Federal assistance.
170.76 Approval of financing plans.
170.77 Evidence of lowest possible cost of loan.
170.78 Annual interest grant agreement.
170.79 Payment of annual interest grants.
170.80 Reduction of grants if refinancing produces lower costs.
170.81 Application closing dates.
170.82 Preceding provisions not exhaustive of authority of the Commissioner.

Authority: Secs. 701–782 of Pub. L. 89–329, Title VII, as amended, 86 Stat. 288–303 (20 U.S.C. 1132a—1132e–1), unless otherwise noted.

Subpart A—General Provisions

§ 170.1 Definitions.

"Academic facilities," as defined in section 782(1)(A) of the Act, are further defined and subdivided into the following categories:

(a) "Instructional and library facilities" means—

(1) All rooms or areas used regularly for instruction of students, for faculty offices, or for library purposes; and

(2) Service areas that adjoin and are used in connection with the rooms or areas referred to in paragraph (a)(1) of this section.

(b) "Instruction-related facilities" means—

(1) All rooms or areas—other than instructional and library facilities—used for purposes related to the instruction of students or for research or for the general administration of the educational or research programs of an institution of higher education; and

(2) Service areas that adjoin and are used in conjunction with the rooms or areas referred to in paragraph (b)(1) of this section.

(c) "Health-care facilities," as authorized under Titles VII A and C, means—

(1) Infirmaries and all other rooms or areas used for medical examination or treatment of students and institutional personnel; and

(2) Service areas that directly serve the rooms or areas referred to in paragraph (c)(1) of this section.

(d) "Related supporting facilities" means all other areas and facilities necessary for the use, operation, and maintenance of instructional and library facilities, instruction-related facilities, or health care facilities. This term includes building service and circulation areas and central maintenance and utility facilities that serve more than one building, to the degree that these central facilities are used to serve academic facilities eligible under Title VII of the Act.

(e) "Public health type facilities" means facilities as defined in section 782(1)(B)(v) of the Act (Definitions), if these facilities are owned, operated, and maintained by the institution of higher education requesting the approval of a Title VII E project and if—

(1) Funds available for the project are used solely for conversion or modernization to economize on the use of energy resources; and

(2) The project is not limited to facilities described in section 782(1)(B)(v) of the Act.

(20 U.S.C. 1132e–1(1)(B)(v))

"Act" means the Higher Education Act of 1965 (Pub. L. 89–329), as amended. Unless otherwise indicated, title references are to titles of the Act.

"Assignable areas"—

(a) Means square footage of floor space in facilities designed and available for assignment to specific functional purposes—such as instruction, research, and administration—and including purposes that are ineligible for assistance under Title VII—such as students' sleeping rooms, apartments, or chapel rooms.

(b) Does not mean—

(1) Areas used for general circulation within a building;

(2) Areas for public washrooms;

(3) Areas for building maintenance or custodial services; or

(4) Areas in central maintenance and utility facilities that exist only to support the operation and use of other structures on the campus and that are not available for assignment to specific functional purposes as illustrated in paragraph (a) of this section.

(20 U.S.C. 1132e–1 (1) and (2))

"Branch campus" means, within an institution of higher education, a unit that—

(a) Is separately organized;

(b) Is located apart from the parent institution; and

(c) Meets in its own right the definition of an institution of higher education as defined in the Act.

(20 U.S.C. 1132e–1(6))

"Capacity/enrollment ratio" means the ratio of (a) the square feet of assignable area of instructional and library facilities to (b) the total student clock-hour enrollment at the campus of an institution. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students—i.e., students enrolled for credit courses on the campus—are enrolled as of a particular date. A campus having a formally established independent study program or programs may include systematically determined equivalents of class or laboratory hours.

(20 U.S.C. 1132a–4)

"Costs required by Section 504."

(a) This term refers to costs for determining eligibility for participation in the program of Federal assistance for the removal of architectural barriers to the handicapped. The term means the costs of reconstruction, renovation, or modification of facilities to remove architectural barriers or otherwise make facilities usable—in whole or in part—by persons with mobility impairments.

(b) However, the amount may not exceed costs necessary to meet the program accessibility standards of 45 CFR Part 84, the regulations implementing Section 504 of the Rehabilitation Act of 1973.

(c) These costs may include only those reconstruction, renovation, or modification costs ascribable to Section 504 that are necessary to make programs or activities accessible and that cannot be avoided through such means as reassignment of classes or other non-structural alternatives.

(d) These costs may also include—

(1) Costs already incurred prior to the filing of an application; and

(2) Costs that are related to facilities otherwise ineligible for Federal assistance under Title VII.

(e) However, these costs may not include—

(1) Costs incurred prior to, or under contract entered into prior to, June 3, 1977;

(2) Costs required in connection with facilities used for religious worship or for a school or department of divinity; or

(3) Costs—incurred or to be incurred—for which Federal grant or loan assistance has been provided or approved under any other Federal program regardless of the percentage of those costs covered by the Federal assistance.

(20 U.S.C. 1132d–11(a)(2)(A); H. Rept. 96–244, page 85)

"Developing institution" means an eligible institution as defined in Section 302 of Title III of the Higher Education Act of 1965 (20 U.S.C. 1052) and the regulations for the Strengthening Developing Institutions Program (45 CFR Part 169).

"Equipment" means a manufactured item that has an extended useful life, is not consumed in use, and has an identity and function that are not lost through incorporation into a different or more complex unit or substance. Equipment is further subdivided into two categories—built-in equipment and initial equipment—defined as follows:

(a) "Built-in equipment" means equipment that is a permanent part of a structure.

(b) "Initial equipment" means equipment—other than built-in equipment—necessary and appropriate for the initial functioning of a particular academic facility for that facility's specific purpose.

(20 U.S.C. 1132e–1(2))

"Financial hardship," for purposes of eligibility for assistance authorized by section 771(a)(2)(A) of the Act, means that the costs required by Section 504 exceed five percent of the applicant's average annual educational and general expenditures, as reported in the annual NCES survey "Financial Statistics of Institutions of Higher Education" for the three most recent institutional fiscal years.

(20 U.S.C. 1132d–11(a)(2)(A); H. Rept. 96–244, page 85)

"Full-time equivalent number of students" means the following:

(a)(1) For purposes of determining State allotments—

(i) The number of full-time students enrolled in programs that consist wholly or principally or work normally creditable toward a bachelor's or higher degree;

(ii) One third of the number of part-time students enrolled in the programs referred to in paragraph (a)(1)(i) of this section;

(iii) Forty percent of the number of students enrolled in programs that are not chiefly transferable towards a bachelor's or higher degree; and

(iv) Twenty-eight percent of the remaining number of the students referred to in paragraph (a)(1)(iii) of this section.

(2) For the purpose of this computation, student enrollment figures for each fiscal year will be those in the most recent Office of Education survey containing data on opening fall enrollments in higher education.

(20 U.S.C. 1132a–1, 1132a–2)

(b)(1) For purposes of reporting undergraduate enrollment trends and projections in connection with an application for financial assistance for an individual institution under Title VII A of the Act, the "full-time equivalent number of students" may be defined by each State commission through a specific provision in its State plan.

(2) If a State plan does not define the term, "full-time equivalent number of students"—for application purposes—means the total number of full-time students plus one-third of the number of part-time students.

(c) For the purpose of the definition of "full-time equivalent number of students," full-time students are those carrying at least 75 percent of a normal student-hour load.

(20 U.S.C. 1132a–4)

"High absolute cost," for purposes of eligibility for assistance authorized by section 771(a)(2)(A) of the Act, means that the "costs required by Section 504" on the campus for which an application is submitted exceed $500,000.

(20 U.S.C. 1132d–11(a)(2)(A); H. Rept. 96–244, page 85)

"Institution" or "institution of higher education" means that part of an educational institution that meets the requirements in section 1201(a) of the Act. The term "educational institution" is limited to establishments at which teaching is conducted.

(20 U.S.C. 1141(a))

"Period of Federal interest," in improvements financed in whole or in part by grants or loans for Title VII E purposes, means—

(a) With respect to a grant, a period of 10 years from the completion of the reconstruction or renovation; and

(b) With respect to a loan, the period in which the loan is outstanding.

(20 U.S.C. 1132d–11(d))

"Program accessibility," for purposes of Section 504—and as applied to projects for the removal of architectural barriers under Title VII E—is defined in 45 CFR §§ 84.21 through 84.23.

"Project" means all or a portion of one or more structures—

(a) That are eligible for grant or loan assistance under a particular part of Title VII;

(b) For which grant or loan assistance is requested in a single application; and

(c) That are part of a unified construction, reconstruction, or renovation activity on the same campus.

(20 U.S.C. 1132e–1(2))

"Reconstruction or renovation project under Title VII E of the Act" means a reconstruction or renovation project designed primarily to enable an institution to—

(a) Economize on the use of energy resources;

(b) Bring its academic facilities into conformity with the requirements of the act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968; or

(c) Bring its academic facilities into conformity with environmental protection or health and safety programs mandated by Federal, State, or local law, if those requirements were not in effect at the time the facilities were constructed.

(20 U.S.C. 1132d–11(a))

"Section 504" means Section 504 of the Rehabilitation Act of 1973 (Pub. L.

93–112, as amended) and the implementing regulations (45 CFR Part 84).

"State commission" means, in each State, the designated or established agency that is broadly representative of the public and of institutions of higher education in that State.

(20 U.S.C. 1132a–3; 1142a)

"State plan" means the document—submitted by a State and approved by the Commissioner of Education—that describes the standards, methods, and administrative procedures the State commission uses to—

(a) Review each project proposed by an applicant in its State for Federal assistance under Title VII A of the Act;

(b) Determine and recommend the relative priority of that project; and

(c) Determine and recommend for that project the Federal share of the costs eligible for Federal financial assistance.

(20 U.S.C. 1132a–3(a))

§ 170.2 Regulations that apply to the Title VII program.

(a)(1) Assistance provided under Title VII of the Act, except under Part C of that title, is subject to applicable provisions in the Education Division General Administrative Regulations (EDGAR), 45 CFR Part 100a, with the following exceptions:

(i)Section 100a.107, Applications for new grants under a discretionary grant program.

(ii) Sections 100a.150 through 100a.154, regarding State approval procedures.

(iii) Sections 100a.155 through 100a.160, regarding State comment procedures.

(iv) Sections 100a.200 through 100a.206, regarding selection of new projects.

(v) Sections 100a.215 through 100a.222, regarding selection procedures.

(vi) Section 100a.232, The cost analysis; basis for grant amount.

(vii) Section 100a.233, Setting the amount of the grant.

(viii) Sections 100a.580 and 100a.581, regarding coordination.

(2) Assistance under Part C of Title VII is subject to the provisions of EDGAR relating to construction, 45 CFR 100a.600 through 100a.615.

(20 U.S.C. 1232(a)(1))

(b) Assistance provided under Title VII is also subject to the applicable provisions in this part.

(20 U.S.C. 1132a–1132e–1)

§ 170.3 [Reserved]

§ 170.4 Fiscal control and fund accounting procedures by State commissions.

To insure proper disbursement of and accounting for Federal funds paid to a State commission for the administration of its State plan, the plan must contain the fiscal control and fund accounting procedures that the Commissioner requires.

(20 U.S.C. 1132a–3; 45 CFR Part 100a–EDGAR)

§ 170.5 Retention of records by State commissions.

A State commission shall—

(a) Establish a complete file on each Title VII A application;

(b) Inform applicants of official actions and determinations by letter or similar type of correspondence;

(c) Retain records regarding each application for at least two years after final action with respect to that application; and

(d) Maintain for at least three years a full record of—

(1) All hearings on appeals under section 704(a)(5) (State plan) of the Act; and

(2) All proceedings by which it establishes priorities and recommended Federal shares for eligible projects considered as of each specified closing date.

(20 U.S.C. 1132a–3(a))

§ 170.6 Determination of costs eligible for Federal assistance.

(a) In general, if an applicant submits an application for assistance under Title VII A, VII B, VII C, or VII E of the Act, the Commissioner determines separately for each proposed project the costs eligible for Federal assistance. The Commissioner bases the determination on the following:

(1) The date on which the applicant incurred or contracted for a given cost.

(2) Whether the cost is an allowable development cost, as defined in section 782(3) of the Act (Definitions).

(3) Whether the applicant has incurred that cost in accordance with these regulations.

(4) That portion of the facility that is eligible under the type of assistance for which the applicant has submitted the application.

(5) The amount of any other Federal financial assistance the applicant has obtained or is assured of obtaining for the project.

(b) If, under the Act, an applicant files for Federal assistance for a project for the first time on or after the effective date of these regulations, the Commissioner excludes the following from eligible development costs:

(1) Any cost for land incurred more than two years before the applicant files the application.

(2) Any cost for land in connection with an application for reconstruction or renovation.

(3) Any cost for the acquisition of a structure incurred more than one year before the applicant files the application.

(4) Any cost for the acquisition of a structure in connection with an application for reconstruction or renovation.

(5) Any cost for initial equipment incurred before the date the applicant files the application.

(6) Any cost for construction, reconstruction, renovation, or built-in equipment if the contract was entered into—

(i) Before the date the applicant filed the application; and

(ii) Before the Commissioner concurred in the awarding of the contract.

(c) In order to assume the eligibility of costs, a grantee must obtain approval of those costs—

(1) Before advertising for or soliciting bids; and

(2) Before awarding any contract for construction, reconstruction, or renovation under the Act.

(d) The Commissioner approves costs only after the Commissioner or the appropriate official of another Federal agency has approved Federal assistance for the construction, reconstruction, or renovation of the facility.

(e)(1) If an applicant submits an application for Federal assistance for a project proposed under section 771(a)(2)(A) of the Act, the Commissioner bases the determination of costs eligible for assistance on—

(i) The provisions of paragraphs (a) through (d) of this section (§ 170.6); and

(ii) That portion of "costs required by section 504" which is—

(A) Otherwise eligible under this section (§ 170.6); and

(B) In excess of the minimum costs required for an applicant to qualify for assistance under the definition of "financial hardship" or the definition or "high absolute costs."

(2) In addition to costs excluded under paragraph (b) of this section, ineligible costs under paragraph (e)(1) of this section include—

(i) Any costs required under Section 504 to make accessible facilities that do not meet the definition of "academic facilities" as contained in Section 782(1) of the Higher Education Act of 1965. If a facility is a combination of academic

facilities and nonacademic facilities, the primary use of the facility determines the overall eligibility of the costs involved in connection with the facility; and

(ii) Costs required by Section 504 in connection with any facility acquired by the applicant after June 3, 1977.

(20 U.S.C. 1132a–6(a)(2)(F), 1132e–1 (3) and (4) and 1132d–11(a)(2)(A))

§ 170.7 Urgency of need for projects of public institutions.

(a) This section does not apply to projects authorized under Title VII E.

(b)(1) In addition to other eligibility requirements in the Act and these regulations, an application from a public institution of higher education must meet the requirements of urgency as described in paragraph (b)(2) of this section.

(2) Unless the Commissioner or the State commission, as appropriate, determines that the need for the project is urgent in terms of the capacity of other public institutions of higher education that enroll students from basically the same geographic areas as the applicant does—

(i) The Commissioner—in the case of an application under Part B, C, or D of Title VII—does not approve the application; and

(ii) The commission—in the case of an application under Part A—may not approve the application.

(c)(1) The commissioner or the commission, as appropriate, also bases a determination of urgency of need under paragraph (b) of this section on whether—

(i) The applicant has a history of not serving persons of a particular race, color, or national origin; or

(ii) There are within the geographic area the applicant serves one or more other public institutions of higher education that have a history of not serving persons of a particular race, color, or national origin.

(2) If either condition described in paragraph (c)(1) of this section is present, the Commissioner determines—or the commission, in the case of an application under Part A, shall determine—that urgency of need does not exist unless the applicant provides evidence satisfactory to the Commissioner—or to the commission, in case of an application under Part A—that the proposed project and the proposed use of the facilities to be constructed, reconstructed, or renovated under the project will not—

(i) Establish or increases the identifiability of any of the institutions on the basis of race, color, or national origin; or

(ii) Impede the elimination of the identifiability of any of the institutions on the basis of race, color, or national origin.

(20 U.S.C. 1132a–4, 1132b, 1132c–4, 1132d–1 and Shannon vs. HUD, 436 F.2d 809)

§ 170.8 Grants and loans for reconstruction and renovation projects authorized under Title VII E of the Act.

An application for grant or loan assistance for a reconstruction or renovation project under Title VII is subject to the following provisions:

(a) The Commissioner does not consider a project having a total eligible cost, as specified in paragraph (b) of this section of less than $10,000.

(b)(1) The Commissioner bases the determination of costs eligible for Federal assistance on a review of each application.

(2)(i) The Commissioner considers as eligible only those costs specifically related to one—or a combination—of the reconstruction or renovation purposes specified in the definition of "Reconstruction or renovation project under Title VII E of the Act" in § 170.1.

(ii) However, the Commissioner may approve costs not specifically related to the purposes in that definition to an extent not to exceed 10 percent of costs that are specifically related, if the Commissioner finds that the costs not specifically related are part of the project for which Federal assistance is requested.

(c) The Commissioner does not approve an application unless it contains sufficient information to demonstrate that the applicant's proposed project meets the following requirements:

(1) For assistance for energy conservation, the applicant—

(i) Must have accomplished minimum energy conservation measures required by the Commissioner; and

(ii) Must have demonstrated that the proposed project will result in significant savings in energy consumption or related costs.

(2) For assistance for the removal of architectural barriers for the handicapped, the project must—

(i) Be deemed necessary to provide program accessibility under Section 504; and

(ii) Meet the most recently published standards of the American National Standards Institute (ANSI Standards).

(20 U.S.C. 1132d–11(a)(2)(A); H. Rept. 96–244, page 85)

(3) For assistance in meeting environmental or health and safety requirements, the project must be required by local, State, or Federal law.

(4)(i) An application involving a combination of the purposes in paragraphs (c)(1), (2), or (3) of this section must satisfy each of the specified requirements.

(ii) Any portion of an application not meeting the applicable requirements is ineligible for assistance, except as permitted under paragraph (b)(2)(ii) of this section.

(d) The Commissioner awards a grant or loan on condition that the recipient award the contract or begin on-site work within 18 months from the date of loan approval or the date of grant approval or—in the case of a recipient having both a grant and a loan—the earlier of the date of loan approval or the date of grant approval.

(e) If, during the period of Federal interest, as defined in § 170.1, the recipient of a grant or loan ceases to use the reconstructed or renovated facilities as academic facilities, the recipient—or its successor in title or possession—shall—

(1) Immediately repay any outstanding loan balance plus interest accrued to the date of repayment; and

(2) Repay any grant in an amount whose ratio to the depreciated value of the improvement is the same as the ratio of the original grant to the original cost of the improvement. For this purpose the Commissioner computes the depreciated value of the improvement by using the straight-line method at a rate of 10 percent a year from the date of the completion of the reconstruction or renovation.

(20 U.S.C. 1132d–11)

Subpart B-Grants for Construction, Reconstruction, or Renovation of Academic Facilities under Title VII A of the Act

§ 170.11 Institutional eligibility.

(a) Two categories of institutions of higher education are eligible for assistance under Title VII:

(1) Under section 702 (Public Community Colleges and Public Technical Institutes) of the Act—

(i) Public community colleges;

(ii) Public technical institutes; and

(iii) Branch campuses of other types of public institutions of higher education, provided that—

(A) The parent institution offers four or more years of higher education;

(B) The branch campus offers the types of programs specified in section 782(6) (definition of "public community college and public technical institute") of the Act; and

(C) The branch campus is located in a community other than the community in which the parent institution is located.

(2) Under section 703 (Institutions of Higher Education other than Public Community Colleges and Public Technical Institutes) of the Act, other institutions of higher education.

(b) An institution qualifies for grants under section 702 of the Act if the Commissioner determines that—

(1) The institution meets the requirements of both of the following definitions in the Act:

(i) Section 782(6).

(ii) Section 1201(a) (definition of "institution of higher education"); and

(2) In the case of a public community college or public technical institute, the State commission has found that—

(i) The institution is organized principally to provide two-year academic programs of the types specified in section 782(6) of the Act; and

(ii) More than 50 percent of the institution's full-time equivalent student enrollment is in those types of programs.

(c) An institution qualifies for grants under section 703 of the Act if the Commissioner determines that the institution does not meet the requirements of section 702 of the Act but does meet the requirements of section 1201(a) of the Act.

(d) An otherwise eligible institution of higher education or a cooperative graduate center board (as defined in section 782(8) of the Act) is eligible for grants under Title VII A to reconstruct or renovate graduate academic facilities to meet any of the purposes of Title VII E.

(20 U.S.C. 1132a–1; 1132a–2; 1132d–11; 1132e–1(6); 1132e–1(8); 1141(a))

§ 170.12 Eligible applicants under section 771(a)(2)(A) of the Act.

(a) Eligible applicants for assistance to remove architectural barriers to the handicapped for purposes of program accessibility under Section 504 are institutions of higher education or cooperative graduate center boards that—

(1) Meet the eligibility requirements of § 170.11; and

(2) Demonstrate, to the satisfaction of the State commission, that their "costs required by Section 504" fall within the definition of "financial hardship" or the definition of "high absolute cost."

(b) If an applicant qualifies under both definitions in paragraph (a)(2), the State commission shall consider the application under the definition that is more advantageous to the applicant.

(20 U.S.C. 1132(a)(2)(A); H. Rept. 96–244, page 85)

§ 170.13 State plans.

(a)(1) For each fiscal year that it desires to participate in the Title VII A program, a State shall submit a plan to the Commissioner.

(2) The Commissioner determines the form in which the State submits its plan and specifies the type of information that the State shall supply.

(3) The plan shall specify the criteria by which the State determines relative priorities of projects (as explained in § 170.14).

(4) The Commissioner must receive the plan at least 60 days prior to the first closing date set out in the plan.

(5) The Commissioner approves the plan if the Commissioner is satisfied it meets the requirements of section 704(a) (submission and contents of State plans) of the Act.

(b) If the State intends to continue its existing plan for the following fiscal year, the Commissioner must receive notification in writing at least 60 days before the first closing date of that next fiscal year.

(c) *Amendments to State plans.*

(1) The Commissioner determines the form in which the State submits a proposed amendment to its plan.

(2) The State may at any time submit an amendment to its plan.

(3) The State shall uniformly apply any amendment to all applications received by the first closing date following the approval of that amendment.

(4) Unless otherwise specified in the State plan, an amendment becomes effective immediately when the Commissioner approves it.

(5) Paragraph (c)(4) of this section does not apply to an amendment that—

(i) Affects the standards and methods for determining priorities;

(ii) Alters the Federal share; or

(iii) Changes a closing date.

(6) The types of amendments referred to in paragraph (c)(5) of this section become effective—

(i) No sooner than 60 days after the Commissioner receives them; and

(ii) In no case, no sooner than 30 days after the Commissioner approves them.

(7) Amendments of a State plan required by legislation or new or revised regulations may be effective immediately after the Commissioner approves them.

(20 U.S.C. 1132a–3)

§ 170.14 Criteria for determining relative priorities of eligible projects.

The following requirements govern the standards and methods for determining priorities in ranking projects under a State plan:

(a) A State shall specify separately in its plan criteria and methods for determining the relative priorities of eligible projects for the construction, reconstruction, or renovation of academic facilities for—

(1) Public community colleges and public technical institutes; and

(2) Other institutions of higher education.

(b)(1) The State commission shall assign points to each criterion according to an objective method contained in the State plan.

(2) In determining relative priorites for institutions and branch campuses, the commission shall apply each criterion uniformly.

(c) The State shall develop its critiera and methods for determining relative priorities on the basis of—

(1) Information to be included by the applicant in the application form that the Commissioner prescribes;

(2) Supplemental information requested from all applicants by the State commission; and

(3) Data on file with the State commission, including public reports or publications.

(d) The State shall specify in its plan criteria and methods for determining priority between or among applications receiving identical scores.

(e) Among its criteria for determining relative priorities for institutions and branch campuses, the State shall include the following:

(1) *Increase in enrollment.*

(i) One or more criteria shall deal with the extent of the estimated numerical or percentage increase, or both, in full-time equivalent undergraduate student enrollment at the campus at which the construction, reconstruction, or renovation is to take place.

(ii) This estimated increase shall cover five fall terms separately, starting with the fall term preceding the closing date for which the application is being considered and each of the next four fall terms after that closing date.

(iii) The State commission shall assign at least five percent of the total possible point score to this criterion.

(iv) The provisions of paragraphs (e)(1)(i), (ii), and (iii) of this section shall not apply to an application under Title VII E.

(2) *Increase in capacity.*

(i) One or more criteria shall deal with the amount or percentage, or both, by which the proposed project will increase the assignable area in instructional, library, and health care facilities at that campus.

(ii) The commission shall assign at least 10 percent of the total possible point score to this criterion.

(iii) The provisions of paragraphs (e)(2)(i) and (ii) of this section shall not apply to an application under Title VII E.

(3) *Use of existing facilities.*

(i) One or more criteria shall deal with the effective use of existing academic facilities.

(ii) The commission shall assign at least five percent of the total possible point score to this criterion.

(4) *Enrollment of low-income students.*

(i) A criterion shall deal with the extent of the applicant's commitment to the enrollment of a substantial number of students from low-income families.

(ii) The commission shall assign at least five percent of the total possible point score to this criterion.

(5) *Enrollment of disabled veterans.*

(i) A criterion shall deal with the extent of the applicant's commitment to the enrollment of a substantial number of disabled veterans returning to civilian life.

(ii) The commission shall assign at least five percent of the total possible point score to this criterion.

(f) The State plan may include additional objective criteria for determining relative priorities as long as none of those criteria is inconsistent with the criteria specified in paragraph (e) of this section.

(g) The State plan may not consider adverse to the ranking of an application an institution's readiness to admit out-of-State students.

(h) The State plan may not consider any of the following as a priority either in favor of or adverse to the ranking of an application:

(1) The type of control or sponsorship of the applicant institution.

(2) The fact that the project had commenced before the date of the application.

(3) The fact that part of the cost of the project had been incurred prior to, or under a contract entered into before, the date of the application.

(i) The commission shall insure that all potential applicants are informed about the forms, definitions, and supplementary data sources that the commission uses—

(1) In applying the required and optional criteria in the State plan; and

(2) In determining relative priorities.

(20 U.S.C. 1132a-5(a))

(j) For projects authorized under section 771(a)(2)(A) of the Act—for the removal of architectural barriers for purposes of Section 504 accessibility—the State plan shall, in addition to the criteria in paragraphs (e) 3, 4, and 5 of this section, include at least the following criteria:

(1) *Amount of assignable square feet of academic facilities to be made accessible by the proposed project.*

(i) One or more criteria shall deal with the extent to which eligible academic facilities will be made accessible by the proposed project.

(ii) The commission shall assign at least 10 percent of the total possible point score to this criterion.

(2) *Percent of assignable square feet of academic facilities to be made accessible by the proposed project.*

(i) One or more criteria shall deal with the percentage of assignable square feet of eligible academic facilities that will be made accessible on that campus by the proposed project.

(ii) The commission shall assign at least 10 percent of the total possible point score to this criterion.

(3) *Percent of "costs required by Section 504" incurred by the applicant as of the application filing date.*

(i) One or more criteria shall give recognition to the extent to which an institution undertook compliance with Section 504 without Federal financial assistance.

(ii) The commission shall assign at least 10 percent of the total possible point score to this criterion.

(4) *Age of buildings.*

(i) One or more criteria shall deal with the percentage of gross square feet of structural space—on the applicant's campus—constructed before January 1, 1960 or some other uniformly applicable date that the State commission considers more appropriate.

(ii) The commission shall assign at least 10 percent of the total possible point score to this criterion.

(5) *"Costs required by Section 504" per full-time equivalent student enrollment.*

(i) One or more criteria shall deal with the extent of the Section 504 compliance cost per full-time equivalent student enrolled at the applicant institution.

(ii) The commission shall assign at least 15 percent of the total possible point score to this criterion.

(6) *"Costs required by Section 504" per square foot of total assignable areas.*

(i) One or more criteria shall deal with the extent of the Section 504 compliance costs per square foot of total assignable areas at the institution or branch campus for which application for assistance has been submitted.

(ii) The commission shall assign at least 15 percent of the total possible point score to this criterion.

(7) *Optional.*

The State commission may assign in the State plan 15 percent of the total possible point score to other criteria the commission determines appropriate, provided those criteria are approved by the Commissioner.

(20 U.S.C. 1132d-11(a)(1)(A); H. Rept. 96-244, page 85)

§ 170.15 Conditions for grant approval.

(a) With the exception of paragraphs (e) and (f), this section does not apply to an application for a project authorized under Title VII E.

(b) The Commissioner approves an application under Title VII A—other than an application under Title VII E—only if the Commissioner is satisfied, on the basis of information submitted with the application, that—

(1) The facilities included in the proposed project are intended predominantly for—

(i) Programs of undergraduate instruction or programs of extension and continuing education;

(ii) Health care to students or personnel of the institution; or

(iii) Both;

(2) The applicant meets the requirement of section 705 (Eligibility for Grants) of the Act; and

(3) The application meets all requirements of section 707(a) submission and contents of applications of the Act.

(c)(1) In order to determine that an institution of higher education is eligible for a grant in accordance with section 705 of the Act, a State commission must determine that—

(i) The project proposed by the institution will provide a substantial expansion of student enrollment capacity, health came capacity, or extension and continuing education capacity; and

(ii) A substantial expansion or creation of capacity is urgently needed.

(2)(i) To establish that a proposed project will provide a substantial expansion of student enrollment capacity, health care capacity, or extension and continuing education capacity, the State commission must determine that—

(A) The increase in any one of the three types of capacities will exceed 10 percent of current capacity; or

(B) In the case of enrollment capacity, the increase will be not less than 10,000 square feet of instructional and library space.

(ii) For purposes of paragraphs (b)(1)(i) and (b)(2)(i) of this section—

(A) "Student enrollment capacity" means instructional and library facilities;

(B) "Health care capacity" means infirmaries and all other rooms or areas designed to be used for medical examination or treatment of students and institutional personnel; and

(C) "Extension and continuing education capacity" means academic facilities used principally for extension and continuing education programs of the institution.

(3) To establish that substantial expansion or creation of capacity is urgently needed, the State commission must consider the following:

(i) The planned enrollment growth of the institution. This growth must be at least 10 percent over four years.

(ii) The use of existing space—as indicated by a low capacity/enrollment ratio or another measure of use—at the campus the applicant has proposed for expansion; and

(iii) Whether there are serious deficiencies in the quality of the applicant's programs due to inadequacies of space.

(4) As used in section 705 of the Act, "other construction, reconstruction, or renovation to be undertaken within a reasonable time" means construction, reconstruction, or renovation approved to start within one year of the date of the application.

(d) In determining whether an institution of higher education would experience a decrease in enrollement capacity if an urgently needed facility were not constructed, reconstructed, or renovated, the Commissioner gives consideration to—

(1) The age and condition of instructional and library facilities to be withdrawn from use; and

(2) Any other factors that will cause facilities to be functionally inadequate for instructional or library purposes.

(20 U.S.C. 1132a–6)

(e) The Commissioner approved an application under Title VII E only if the Commissioner is satisfied, on the basis of information submitted with the application, that—

(1) The application meets the basic provisions of paragraphs (a) and (c) of § 170.8; and

(2) The application is recommended by the State commission according to the priority system established in the State plan.

(20 U.S.C. 1132d–11(a))

(f) In the case of applications for assistance under section 771(a)(2)(A) of the Act, the State commission, prior to ranking those applications, shall review the applications to determine that—

(1) Costs claimed as qualifying for "financial hardship" or "high absolute cost" are or were "costs required by Section 504"; and

(2) The proposed projects are required for compliance with Section 504.

(20 U.S.C. 1132d–11(a)(2)(A); H. Rept. 96–244, page 85)

§ 170.16 Application closing dates.

(a) A State shall establish in its State plan closing dates for submission of applications for funds allotted under sections 702 and 703 of the Act, including projects authorized by Title VII E.

(b) The State plan shall provide at least two closing dates during a Federal fiscal year for each category of institution under § 170.11.

(c) All closing dates established in the State plan shall be between October 31 and May 15.

(d) If the Commissioner permits, after determining the presence of unusual circumstances—

(1)(i) The State commission may waive a closing date if the commission gives reasonable prior notice of waiver to the institutions that may be affected by that date.

(ii) In that case an applicant may file an application before the next closing date established by the State commission for that fiscal year;

(2) The State plan may provide for a closing date after May 15; or

(3) Both (d)(1) and (d)(2) of this section.

(20 U.S.C. 1132a–3)

§ 170.17 Submission of application to State commission.

(a) An applicant shall submit directly to its State commission—

(1) Its application; and

(2) Any supplemental information the commission may require.

(b) The commission shall officially record the date of receipt of the application.

(c) An applicant may not invite bids for construction, reconstruction or renovation under the project before submitting its initial application to the commission.

(d)(1) However, paragraph (c) of this section does not apply if an agency of the United States has already approved assistance for the project under Title VII or some other Federal construction program.

(2) In that case the commission shall consider the application at only those closing dates that occur no later than 12 months after the applicant has begun the construction, reconstruction, or renovation.

(20 U.S.C. 1132a–6(a)(2)(C))

§ 170.18 Verification of application data and institutional and project eligibility.

(a) Before determining the relative priority or Federal share for any application under Title VII A, the State commission shall determine that—

(1) The data in the application are valid; and

(2) The institution and the project meet basic eligibility requirements of the Act and the regulations governing the administration of the Act.

(b)(1) If, in the opinion of the commission, the eligibility of an institution is questionable, the commission shall promptly forward a copy of the application to the Commissioner for a clarification of that eligibility.

(2) In that case the commission shall—

(i) Continue to process and rank the application as if that application were eligible; and

(ii) Delay final action on that application until the Commissioner notifies the commission regarding the applicant's eligibility.

(20 U.S.C. 1132a–6(a)(2)(C))

§ 170.19 Determination of relative priorities and Federal shares.

A State commission shall—

(a) Consider each eligible application received by each specified closing date together with all other applications in the same category of eligible applicants (§ 170.11); and

(b) Assign to that application, in accordance with the provisions of the State plan, its—

(1) Relative priority; and

(2) Recommended Federal share.

(20 U.S.C. 1132a–6(a)(2)(D) and (E))

§ 170.20 Procedures if funds are insufficient.

(a)(1) If, under a State's allotment, funds are insufficient to cover all eligible applications that the State commission considers in a particular category as of a particular closing date, the commission shall follow the procedures in paragraph (a)(2) of this section.

(2) The commission shall determine—according to the State plan—the full Federal share for each project, in order of relative priority, until the remaining funds are insufficient to provide the full Federal share for the next project in order of priority.

(b)(1) The State plan may provide for apportionment of the State's allotment among closing dates during the same fiscal year.

(2) In that case the plan may also provide for the commission to make available immediately—from funds apportioned to later closing dates, if

any, in the same fiscal year—funds sufficient to provide a full Federal share, as initially calculated, for the first project for which only part of the Federal share would otherwise have been available.

(c) If the State plan contains the provisions described in both paragraphs (b)(1) and (b)(2) of this section, the commission shall—

(1) Make available immediately funds sufficient to provide a full Federal share, as initially calculated, for the first project for which only part of the Federal share would otherwise have been available; and

(2) Carry over to any subsequent closing dates in the same fiscal year all other eligible but unfunded applications in that category without requiring the applicants to submit new applications for those projects for that fiscal year.

(d) If the State plan contains the provision described in paragraph (b)(1) of this section but does not contain the provision described in paragraph (b)(2) of this section, the commission—

(1) Shall carry over to any subsequent closing dates in the same fiscal year all eligible applications for which a full Federal share is not available; and

(2) Is prohibited from requiring those applicants to submit new applications for those projects for the same fiscal year.

(e)(1) If the State plan does not apportion the State's allotment among closing dates or if the closing date is the last closing date in a fiscal year, the commission shall offer the remaining Federal funds as a partial Federal share for the first project—in order of relative priority—for which less than the full Federal share, as calculated, is available.

(2) The commission or the applicant may not regard the offer and acceptance of a lesser Federal share as diminishing the scope of the project for which the partial share is accepted.

(3) The commission shall give the applicant that agrees to accept a partial Federal share the option to submit a supplemental application, as provided in § 170.27.

(4) If an applicant declines to accept the commission's offer of a partial Federal share, the commission shall carry over to the next closing date, if any, in the same fiscal year—

(i) The remaining funds; and

(ii) The application for which an applicant declined the partial Federal share.

(20 U.S.C. 1132a–5(b))

§ 170.21 Recommendations by State commission.

On completing its consideration of applications for each closing date, but no later than 45 days after each closing date, a State commission shall forward the following to the Commissioner:

(a) A current application summary report, in a form prescribed by the Commissioner, for each category of applicants. The commission shall list in its report—

(1) Each application received for that closing date, including those carried over from the previous closing date;

(2) Each application returned to an applicant and the reason for the return of that application; and

(3) The priority and Federal share—determined according to the State plan—for each project recommended for Federal assistance.

(20 U.S.C. 1132a–3(a)(6))

(b) For each project to which the commission has assigned a priority high enough to enable that project to qualify for a Federal grant within the amount of funds available in the allotment for the State, the application form and exhibits in the number of copies the Commissioner requests.

(20 U.S.C. 1132a–3(a)(4)(B))

§ 170.22 Notification to applicants.

A State commission shall—

(a) Promptly notify an applicant of the results of all determinations regarding its application as of each closing date; and

(b) On request and according to procedures that the commission has established, give an applicant access to the records of official proceedings on the basis of which the commission determined relative priorities and Federal shares of all applications.

(20 U.S.C. 1132a–3(a)(2), (4), and (5))

§ 170.23 Disposition of applications not recommended for grants.

(a) A State commission shall notify unsuccessful applicants when funds are no longer available in the State allotments for that fiscal year.

(b) The commission may retain an application that it does not recommend for a grant within the fiscal year in which the applicant filed that application.

(c) The commission may reconsider for the following fiscal year an application that it has not recommended for a grant if the applicant requests the commission, in writing, to reconsider its application in that subsequent year.

(d) If the commission carries over an application from one closing date to the next, the applicant shall amend those portions of the application requiring data on enrollments and available instructional and library or health care facilities or both—as appropriate—to reflect most recent opening fall term data.

(20 U.S.C. 1132a–6(a)(1))

§ 170.24 Grant award.

For a project application that meets all eligibility requirements for an award of funds under Title VII A and has been recommended by the State commission, the Commissioner—

(a) Approves the application;

(b) Reserves Federal funds from the appropriate State allotment; and

(c) Prepares and sends to the applicant a grant award that contains the pertinent terms and conditions of the grant.

(20 U.S.C. 1132a–6(a) and (c))

§ 170.25 Amendments.

(a) Any time prior to a closing date for which an applicant asks its State commission to consider its application, the applicant may make changes in the application by informing the commission, in writing, of those changes.

(b) After the closing date the commission may not permit changes in the application except for corrections or the submission of additional data the commission requests.

(20 U.S.C. 1132a–6(a)(1))

§ 170.26 Project changes.

After a State commission has forwarded a recommended project to the Commissioner, the Commissioner does not approve any substantial changes in the nature or scope of the project until the Commissioner determines that those changes would not have affected the commission's original recommendation of the project for a grant.

(20 U.S.C. 1132a–6(a)(2)(C))

§ 170.27 Supplemental applications.

(a) If an applicant has received approval of a Title VII A grant but has not received the maximum Federal share allowable under the Act or the applicable State plan, the applicant may file a supplemental application.

(b) A supplemental application—

(1) Must be in the form of a written request to the State commission; and

(2) Must contain all amended application data necessary to enable the commission to assign a priority to the application and to calculate a revised eligible development cost of the project, if applicable.

(c) However, the commission may not consider a supplemental application for—

(1) A closing date that is more than 12 months after the applicant has started construction, reconstruction, or renovation; or

(2) A closing date that is after the date the applicant has substantially completed the project.

(20 U.S.C. 1132a–6(b))

§ 170.28 Standards for determining Federal share of eligible projects.

(a) A State plan must—

(1) Specify as a uniform percentage the Federal share of the costs eligible for Federal financial assistance; or

(2) Prescribe the standards or methods by which the State commission determines the Federal share of the costs.

(b) The Federal share of project costs may not exceed the percentage of the eligible development cost as specified in section 706(b)(2) of the Act.

(c) Standards and methods for determining the Federal share of eligible costs must—

(1) Be objective and simple to apply;

(2) Be based on the data that applicants are required to include in their applications; and

(3) Be consistent with the standards in the State plan for determining relative priorities.

(20 U.S.C. 1132a–5(b))

(d) For projects for the removal of architectural barriers authorized under Title VII E, the Federal share may—

(1) Not exceed 50 percent of the eligible project cost if the applicant qualified for assistance on the basis of "financial hardship"; or

(2) Not exceed 25 percent of the eligible project cost if the applicant qualified for assistance on the basis of "high absolute cost."

(20 U.S.C. 1132a–5(b)(2); 1132d–11(a)(2)(A))

§ 170.29 Adjustments in the amount of Federal share.

(a) If the Commissioner finds that the costs eligible for Federal assistance in a project are less than those provided for in the grant award, the Commissioner redetermines the amount of the Federal share.

(b) The Commissioner bases the amount of the revised grant on—

(1) The lesser eligible costs, using the State plan provisions that were in effect at the time the State commission recommended the project for a grant; and

(2) The assumption that sufficient funds were available in the State allotment at that time to provide the maximum Federal share.

(c)(1) If the Commissioner finds that the redetermined share is less than the maximum amount authorized by the grant, the Commissioner reduces the grant accordingly.

(2) If the Commissioner finds that there has been an overpayment of Federal funds, the grantee shall immediately remit that overpayment to the Commissioner.

(3) If the Commissioner finds that the redetermined Federal share is equal to or greater than the maximum amount authorized by the grant, the amount of the grant shall be the Federal share.

(20 U.S.C. 1132a–6(c))

Subpart C—Grants for Construction, Reconstruction, or Renovation of Graduate Academic Facilities Under Title VII B of the Act

§ 170.41 Purpose and eligibility.

(a) This subpart governs grants from funds available under Title VII B of the Act.

(b)(1) The Commissioner awards grants for the construction, reconstruction, or renovation of academic facilities dedicated to the provision of graduate education—including facilities essential to their operations—except for projects related to Title VII E (as described in section 771(a) (1) and (2) of the Act).

(2) Those eligible for grants under this paragraph are—

(i) Institutions of higher education; and

(ii) Cooperative graduate center boards (as defined in section 782(8) of the Act).

(20 U.S.C. 1132b(a)(1))

(c)(1) The Commissioner awards grants or enters into contracts for the construction of facilities for model intercultural programs designed to integrate the educational requirements of substantive knowledge and language proficiency.

(2) Those eligible for grants under paragraph (c)(1) of this section are institutions of higher education.

(20 U.S.C. 1132b(a)(2))

§ 170.42 Submission of application.

(a) An applicant shall submit its application in accordance with section 722(a)(1) of the Act at the time, in the manner, and containing the information that the Commissioner specifies.

(b) The applicant may not invite bids under the project before submitting its application to the Commissioner.

(20 U.S.C. 1132b–1 (a) and (b))

§ 170.43 Facilities panel.

(a) The Commissioner approves an application for a grant for construction, reconstruction, or renovation of graduate facilities only after obtaining the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate the application.

(b) The panel—referred to in § 170.44 as facilities panel—

(1) Reviews the application in terms of the criteria in § 170.44; and

(2) Makes a recommendation to the Commissioner for the approval or disapproval—in whole or in part—of the application.

(20 U.S.C. 1132b–1(b))

§ 170.44 Criteria for evaluating applications.

In determining relative priorities for recommending applications for grants for construction, reconstruction, or renovation of graduate facilities, a facilities panel takes into consideration at least the following unweighted factors:

(a) The extent to which the program(s) to be assisted by the proposed project are likely to contribute to—

(1) The establishment or development of a graduate school or cooperative graduate center of excellence; or

(2) The improvement of an existing graduate school or cooperative graduate center.

(b) The extent to which the proposed project is likely to increase the capacity of the applicant to supply highly qualified personnel critically needed by the community, industry, and government and for research and teaching.

(c) The extent to which the proposed project will assist in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) The capability of the applicant to give full financial support to its graduate program in general and specifically to the program(s) of graduate education that the proposed project would assist.

(e) The extent to which the program(s) that the proposed project would assist are likely to draw to the institution both graduate students and faculty of a high level of competence.

(f) The adequacy of—

(1) The applicant's existing academic facilities with respect to the present demands made on them and the demands that can reasonably be expected to be made on them in the foreseeable future; and

(2) Particularly those facilities, if any, available to conduct the program(s) that the proposed project would assist.

(g) The extent to which the proposed project is likely to contribute significantly to the quantity or quality, or both, of graduate education in a relatively wide geographic area.

(20 U.S.C. 1132b–1(a))

Subpart D—Loans for Construction, Reconstruction, or Renovation of Academic Facilities Under Title VII C of the Act

§ 170.51 Purpose and eligibility.

(a) The Commissioner makes loans—under Title VII C of the Act—for the construction, reconstruction, or renovation of academic facilities.

(b) Those eligible for loans are—

(1) Institutions of higher education; and

(2) Higher education building agencies.

(c) No loan exceeds $5 million per campus for a Federal fiscal year.

(20 U.S.C. 1132c(a)(2), 1132d–11(a))

§ 170.52 Submission of applications.

(a) An applicant for a loan shall submit its application at the time, in the manner, and containing the information that the Commissioner specifies.

(b) The applicant may not invite bids under the project before submitting its application to the Commissioner.

(c)(1) The applicant shall send a copy of its application to the State commission before submitting it to the Commissioner.

(2) The commission shall review and evaluate the application and provide comments to the Commissioner regarding—

(i) Use of space;

(ii) Enrollment data; and

(iii) The overall need for the facility—or for the reconstruction or renovation of facilities—for which the applicant has requested assistance.

(3) Following its review, the commission shall furnish its evaluation to the applicant.

(4) If the applicant does not agree with the evaluation, the applicant may include with its application to the Commissioner a statement supporting its position.

(d) The commission shall submit the application to the Commissioner together with all State clearinghouse comments required by OMB Circular A–95.

(e) If the State commission is not the agency serving as the State postsecondary education commission authorized under section 1202(a) of the Act, the State commission shall afford the latter the opportunity to review and evaluate an application filed under Title VII C.

(20 U.S.C. 1132c(a)(2), 1132d–11(a), 1142a)

§ 170.53 Special terms and conditions.

Before approving a loan the Commissioner requires the following evidence and assurances:

(a) Satisfactory evidence that the applicant has or will have a full title or interest in the site, including right of access, that is sufficient to insure the applicant's undisturbed use and possession of the facilities for not less than the useful life of the facilities or 50 years, whichever is longer.

(b) Satisfactory evidence that the applicant is able to comply with the appropriate terms and conditions for repayment of the loan.

(c) Satisfactory evidence that the applicant has the necessary legal authority to—

(1) Finance; construct, reconstruct, or renovate; and maintain the proposed facilities;

(2) Apply for and receive the proposed loan; and

(3) Pledge or mortgage any assets or revenues to be given as security for the proposed loan.

(d)(1) Satisfactory assurances that the project—

(i) Is related to a plan for development of the applicant institution, branch campus, or higher education building agency; and

(ii) Is associated with—

(A) A planned increase in student enrollment; or

(B) A planned improvement in the instructional programs offered by the applicant.

(2) However, with respect to reconstruction and renovation projects authorized under Title VII E, the Commissioner does not require the assurances specified in paragraph (d)(1) of this section.

(e)(1) Satisfactory assurance that the applicant will not, without the consent of the Commissioner, mortgage to others during the life of the loan the facility constructed, reconstructed, or renovated with the aid of the loan.

(2) However, a borrower does not require the Commissioner's consent to mortgage facilities reconstructed or renovated under Title VII E unless the Commissioner has a mortgage on the facilities as securitiy for a loan under this subpart.

(20 U.S.C. 1132c–2(b)(1))

(f)(1) Satisfactory assurance that the applicant will finance not less than 20 percent of the development cost of the facility from non-Federal sources.

(2) However, the Commissioner waives this assurance for an institution that has qualified as a developing institution under Title III of the Act.

(20 U.S.C. 1055(b), 1132c–1(a), 1132d–11)

§ 170.54 Determination of non-availability of equally-as-favorable terms and conditions.

(a) The Commissioner considers making a loan only if the Commissioner finds that the applicant is unable to secure from other sources a loan with terms and conditions equally as favorable as the terms and conditions applicable to loans under this part.

(b) In order to assist the Commissioner in making this determination, the applicant shall comply with any procedures the Commissioner may establish, including public advertising for bids.

(20 U.S.C. 1132c–1(a)(2), 1132d–11(a))

§ 170.55 Forms of evidence of indebtedness.

An applicant shall furnish to the Commissioner evidence of indebtedness in the form the Commissioner prescribes in the loan agreement and in the terms and conditions of the loan agreement.

(20 U.S.C. 1132c–2(b), 1132d–11(a))

§ 170.56 Security for loans.

(a) Except as provided in paragraph (b) of this section, an applicant shall secure a loan in a manner the Commissioner finds will reasonably assure repayment. The security may be one or a combination of the following:

(1) A first mortgage on the facilities and site of those facilities.

(2) Negotiable stocks or bonds of a quality and value acceptable to the Commissioner.

(3) A pledge of unrestricted and unencumbered income from an endowment or other trust fund acceptable to the Commissioner.

(4) A pledge of a specified portion of the applicant's annual general or special revenues acceptable to the Commissioner.

(5) General obligations to the applicant by a State or local public body.

(6) Other types of security the Commissioner may find acceptable in specific instances.

(20 U.S.C. 1132c–1(b))

(b) However, the Commissioner may make an unsecured loan, on a reconstruction or renovation project authorized under Title VII E, if the loan is for no more than seven years.

(20 U.S.C. 1132d–11(c))

§ 170.57 Length and maturity of loans.

(a) The maximum repayment period for a loan—

(1) Under Title VII C shall be 30 years, unless the Commissioner finds that a longer repayment period is required; and

(20 U.S.C. 1132c–1(b))

(2) Under Title VII E, shall be 20 years.

(20 U.S.C. 1132d–11(c))

(b) In no case, however, may a loan repayment period exceed the estimated useful life of the facilities to be constructed, reconstructed, or renovated with the aid of the loan.

(c) Unless the Commissioner authorizes otherwise, the borrower shall make repayment in substantially level total annual installments of principal and interest.

(d) The Commissioner may approve a loan that does not mature serially if that type of loan is necessary to be compatible with an applicant's total financial planning.

(20 U.S.C. 1132c–2(b)(1))

§ 170.58 Opinion of bond counsel.

(a) At appropriate stages in a loan application and development procedure, an applicant shall submit—or arrange to have submitted—to the Commissioner opinions of bond counsel—or of legal counsel, as provided in paragraph (d) of this section—with respect to—

(1) The legality of the proposed bond or note issue;

(2) The legal authority of the applicant to offer the issue and secure it by the proposed collateral; and

(3) The legality of the issue on delivery.

(b) As used in this section, "bond counsel" means a law firm or individual lawyer—

(1) Who is thoroughly experienced in the financing of construction, reconstruction, or renovation projects by the issuance of bonds;

(2) Whose approving opinions have previously been accepted by purchasers of bonds offered at public sales; and

(3) Who, if the borrower is a public institution or agency, is a recognized bond counsel in the municipal field.

(c) In each case the counsel shall present the following:

(1) A memorandum by the counsel, submitted with the loan application—

(i) Stating that the applicant has or will have authority to—

(A) Finance, construct, and maintain the project;

(B) Issue the proposed obligations; and

(C) Pledge or mortgage the assets or revenues that the applicant is offering to secure the loan; and

(ii) Citing the basis for the authority referred to in paragraph (c)(1)(i) of this section.

(2) A preliminary approving opinion of the counsel—submitted at the time the applicant proposes to advertise for bids for construction, reconstruction, or renovation—to the effect that when the bonds or notes described in the loan agreement are sold and delivered, they will—

(i) Comply with the applicable provisions of the loan agreement; and

(ii) Be valid and binding obligations of the issuer payable in accordance with their terms.

(3) A final approving opinion of the counsel—delivered at the same time as the delivery of the bonds or notes—stating that the bonds or notes—

(i) Are those described in the loan agreement and the authorizing proceedings;

(ii) Have been duly authorized, sold, and delivered to the Commissioner; and

(iii) Consititute the valid and binding obligations of the issuer payable in accordance with their terms.

(d)(1) The Commissioner may accept the opinion of legal counsel, other than a bond counsel as defined in paragraph (b) of this section, after considering such factors as—

(i) The amount, term, and security for the loan; and

(ii) The legal or financial complexity of the transaction.

(2) As used in paragraph (d)(1) of this section, "legal counsel" means a law firm or individual lawyer—

(i) Having experience in the financing of construction, reconstruction, or renovation projects; and

(ii) Whose opinions with regard to that type of financing have been previously accepted by responsible lenders or lending institutions.

(20 U.S.C. 1132c–2(b)(1), 1132d–11(a))

§ 170.59 Determination of priorities for loan approvals.

(a)(1) The Commissioner processes loan applications in the order and according to the standards and methods that the Commissioner determines.

(2) The Commissioner—

(i) Develops these standards and methods as may be necessary and appropriate to encourage distribution of the available loan funds according to actual needs; and

(ii) May—through a notice published in the **Federal Register**—establish closing dates and priorities for applications.

(b) The Commissioner may—through notice in the **Federal Register**—give priority consideration to—

(1) Applications from developing institutions (as defined in § 170.1); or

(2) The degree of efficiency with which the applicant is using its present facilities; or

(3) Both.

(c) The Commissioner does not approve a loan application for a reconstruction or renovation project authorized under Title VII E unless the application meets the conditions specified in paragraphs (a) and (c) of § 170.8.

(20 U.S.C. 1132c–2(b), 1132d–11(a))

§ 170.60 Loan agreement.

(a) The Commissioner prepares and sends a loan offer to an applicant if—

(1) The application meets all requirements of the Act and the regulations governing administration of the Act; and

(2) The Commissioner approves the project and reserves funds for it.

(b) The loan offer—

(1) Contains the terms and conditions for the loan; and

(2) Is conditioned on the fulfillment of these terms and conditions.

(c) The accepted loan offer constitutes the loan agreement between the Commissioner and the applicant for the partial financing of the construction, reconstruction, or renovation of the approved project.

(20 U.S.C. 1132c–2(b), 1132d–11(a))

170.61 Loan closing.

Loan closing occurs at the time deterimined by the Commissioner.

(20 U.S.C. 1132c–2(b), 1132d–11(a))

§ 170.62 Interim financing.

(a) If necessary, an applicant shall arrange for interim financing, subject to the approval of the Commissioner, to cover the cost of construction, reconstruction, or renovation pending the loan closing.

(b) If the Commissioner finds that the applicant is unable to secure necessary interim financing on reasonable terms, the Commissioner may provide for advances against the approved loan.

(20 U.S.C. 1132c–2(b), 1132d–11(a))

§ 170.63 Construction fund.

(a)(1) A borrower shall deposit in a separate bank account—

(i) The proceeds of the sale of the bonds or notes;

(ii) Any interim advances against the approved loans; and

(iii) All other money that the borrower will use in paying for the construction,

reconstruction, or renovation of the approved project.

(2) The separate account shall be known as the construction fund.

(3) The borrower shall keep this account in a bank of its choice.

(4) The borrower shall make all expenditures for the construction, reconstruction, or renovation from this fund.

(5) Accounting for this fund shall be in accordance with generally accepted accounting principles.

(b)(1) If necessary and appropriate, the Commissioner may approve other arrangements for—

(i) The deposit of construction funds; and

(ii) The accounting for those funds.

(2) Those other arrangements must provide adequate accountability for the total construction, reconstruction, or renovation receipts and expenditures.

(20 U.S.C. 1132c-2(b), 1132d-11(a))

§ 170.64 Investment of idle construction funds.

(a) If the money on deposit in the construction fund exceeds the estimated disbursements for the project for the next 90 days, the Commissioner encourages the borrower—if permitted by State or local law—to invest those excess funds.

(b) If the borrower chooses to invest the funds referred to in paragraph (a) of this section, the borrower—unless otherwise prohibited by State or local law—shall invest those funds in—

(1) Direct obligations of the U.S. Government; or

(2) Obligations whose principal and interest are guaranteed by the U.S. Government.

(c) An investment made in accordance with paragraph (b) of this section shall be in obligations that will mature not later than 18 months from the date of the investment.

(20 U.S.C. 1132c-2(b), 1132d-11(a))

§ 170.65 Disposal of balance remaining in the construction fund.

Upon full settlement with all contractors, suppliers, and the other parties to whom it has incurred obligations under the project, the borrower shall dispose of any money remaining in the construction fund in accordance with the provisions of the loan agreement.

(20 U.S.C. 1132c-2(b), 1132d-11(a))

§ 170.66 Moratorium on principal or interest payments on loans.

The Commissioner may approve a moratorium on the repayment of principal and interest installments on a loan if the borrower—

(a) Can demonstrate a temporary inability to make those payments without undue financial hardship; and

(b) Furnishes, in a plan acceptable to the Commissioner, a specific schedule for repayment of the amounts in arrears. However, the Commissioner may permit the borrower to defer submission of the plan if the borrower—

(1) Clearly demonstrates that it cannot reasonably project a specific repayment schedule due to circumstances beyond its control; and

(2) Satisfactorily assures the Commissioner that it will develop a schedule for consideration at a future date that the Commissioner designates.

(20 U.S.C. 1132c-2(b)(5)(A))

Subpart E—Annual Interest Grants for Construction, Reconstruction, or Renovation of Academic Facilities Under Section 745 of Title VII C of the Act

§ 170.71 Purpose and eligibility.

(a) The Commissioner may make annual interest grants to reduce the cost of borrowing funds, other than those available under this part, for the construction, reconstruction, or renovation of academic facilities.

(b) Those eligible to apply for annual interest grants are—

(1) Institutions of higher education; and

(2) Higher education building agencies.

(20 U.S.C. 1132c-4)

(b)(1) The Commissioner considers making an annual interest grant only if the applicant is unable to secure from other sources a loan—up to the amount the Commissioner may subsidize under the law—with an interst rate equally as favorable as the rate applicable to direct Federal loans under Title VII C of the Act.

(2) In order to assist the Commissioner in making this determination, the applicant shall comply with any procedures the Commissioner may establish, including public advertising for bids.

(20 U.S.C. 1132c-4(e)(2))

(c) The Commissioner does not make an annual interest grant for a loan if—

(1) A borrower is legally obligated under that loan before it has filed an application under this subpart; or

(2) The loan covers a construction, reconstruction, or renovation activity that the borrower began more than 12 months before the closing date for which it requests an interest grant.

(20 U.S.C. 1132c-4)

§ 170.72 Amount of annual interest grants.

(a) Each interest grant that the Commissioner makes is approximately equal to, but not more than, the difference between—

(1) The average annual debt service that the borrower is required to pay on the amount borrowed from private sources for the project covered by the application; and

(2) An average annual debt service on the same amount at an interest rate of three percent.

(b) The Commissioner may amend the amount of the annual interest grant stipulated in the agreement to reflects changes in the amount or terms of the loan.

(c)(1) If the borrower increases its loan, it may request of the Commissioner an increase in the amount of its annual interest grant.

(2) The borrower must make this request—

(i) Not later than 12 months after it has begun construction, reconstruction, or renovation; and

(ii) By submitting to the Commissioner an amended application.

(3) The Commissioner considers the request, subject to the ranking system applicable at the time the borrower submits the request.

(d)(1) If, at the time the borrower becomes legally obligated under a loan, there has been a change in the rate of interest or the terms of the loan, the borrower may request of the Commissioner an increase in the amount of its annual interest grant.

(2) The Commissioner considers the request apart from the ranking system.

(20 U.S.C. 1132c-4(b))

§ 170.73 Submission of applications.

(a) An applicant for annual interest grants shall submit its application at the time, in the manner, and containing the information that the Commissioner specifies.

(b) The applicant may not invite bids under the project before submitting its application to the Commissioner.

(c)(1) The applicant shall send a copy of its application to the State commission before submitting it to the Commissioner.

(2) The commission shall review and evaluate the application and provide comments to the Commissioner regarding—

(i) Use of space;

(ii) Enrollment data; and

(iii) The overall need for the facility—or for the reconstruction or renovation of the facility—for which the applicant has requested assistance.

(3) Following its review, the commission shall furnish its evaluation to the applicant.

(4) If the applicant does not agree with the evaluation, the applicant may include with its application to the Commissioner a statement supporting its position.

(d) The commission shall submit the application to the Commissioner together with all State clearinghouse comments required by OMB Circular A-95.

(e) If the State commission is not the agency serving as the State postsecondary education commission authorized under Section 1202(a) of the Act, the State commission shall afford the latter the opportunity to review and evaluate an application filed under Section 745 of the Act.

(20 U.S.C. 1132c-4, 1142a)

§ 170.74 Conditions for approval of annual interest grants.

The Commissioner approves an application for annual interest grants only if the Commissioner is satisfied that—

(a) The facilities the applicant proposes to construct, reconstruct, or renovate are urgently needed—

(1) To accommodate more students; or

(2) To replace inadequate facilities in order to prevent a decrease in student enrollment capacity;

(b) The applicant will have available, as required, funds to pay the total development cost of the facilities;

(c) The applicant has or will have a full title or interest in the site, including right of access, that is sufficient to insure the applicant's undisturbed use and possession of the facilities for not less than the useful life of the facilities or 50 years, whichever is longer.

(d) The applicant has the necessary legal authority to—

(1) Finance; construct, reconstruct, or renovate; and maintain the proposed facilities;

(2) Apply for and receive the proposed loan and annual interest grants; and

(3) Pledge or mortgage any assets or revenues to be given as security for the proposed loan; and

(e) The applicant's financing plan meets the conditions of § 170.76 and is otherwise practicable and feasible.

(20 U.S.C. 1132c-4)

§ 170.75 Limits of Federal assistance.

(a) The principal amount of a loan—or portion of a loan—on which the Commissioner approves an annual interest grant, together with the amount of any other Federal financial assistance the applicant has obtained or is assured of obtaining under any other Federal program, may not exceed 90 percent of the eligible development cost.

(b) The aggregate principal amount of loans—or portions of loans—on which the Commissioner approves annual interest grants does not exceed $5 million per campus for a Federal fiscal year.

(20 U.S.C. 1132c-4)

§ 170.76 Approval of financing plans.

(a) Except as provided in paragraph (b) of this section, in order to be acceptable to the Commissioner, a financing plan submitted under § 170.73 must—

(1) Provide that the term of the loan for which the applicant requests an annual interest grant does not exceed the lesser of—

(i) Thirty years; or

(ii) The useful life of the facilities that the applicant proposes to construct, reconstruct, or renovate with the help of the loan;

(2) Provide that the borrower is to repay the loan in substantially level annual installments of interest and principal over the term of the loan, except that the borrower may pay interest only for an initial period not exceeding five years; and

(3) Contain other provisions that will assure the Commissioner that the support provided by the Commissioner over the term of the loan is no more than is necessary to carry out the purposes of this subpart.

(b)(1) If the Commissioner finds that unusual circumstances warrant an exception, the Commissioner may accept a financing plan related to a loan for which—

(i) The term is longer than 30 years;

(ii) The annual installments of interest and principal are not substantially level; or

(iii) Both.

(2) However, the term of a loan otherwise eligible for assistance under this subpart may not exceed 40 years.

(20 U.S.C. 1132c-4)

§ 170.77 Evidence of lowest possible cost of loan.

(a) An applicant shall demonstrate to the satisfaction of the Commissioner that the loan it proposes to obtain is at the lowest possible net interest cost.

(b)(1) In the case of an applicant proposing to issue tax-exempt bonds to finance the construction, reconstruction, or renovation of academic facilities, the Commissioner considers the applicant to meet the requirement in paragraph (a) of this section if the applicant proposes to sell those securities after publicly advertising for bids for the securities in an advertising medium acceptable to the Commissioner.

(2) Before advertising these bonds for sale, the applicant shall submit for the Commissioner's approval—

(i) A draft of the notice of sale; and

(ii) A statement of essential facts concerning the sale.

(c)(1) An applicant proposing to issue securities that are not tax-exempt shall submit to the Commissioner offers from at least three lending institutions normally engaged in making long-term construction, reconstruction, or renovation loans.

(2) The applicant shall have given each of those institutions the information necessary to enable it to specify in its offer the—

(i) Amount of the loan;

(ii) Interest rate;

(iii) Maturity period;

(iv) Security provisions; and

(v) Prepayment provisions.

(d) The applicant—whether proposing to issue tax-exempt bonds or proposing to issue securities that are not tax-exempt—may not enter into a firm and binding agreement with a lender before the Commissioner has approved the loan offer.

(20 U.S.C. 1132c-4)

§ 170.78 Annual interest grant agreement.

(a)(1) After approving an application for annual interest grants, the Commissioner prepares and sends to the applicant a proposed agreement containing the terms and conditions of those grants.

(2) The Commissioner enters into this agreement for the benefit of the applicant institution only.

(b) The proposed agreement provides that if the applicant does not become legally obligated under the loan before the Commissioner puts the agreement into effect, the Commissioner does not make any grant under the agreement unless the Commissioner concurs in the rate of interest and other terms and conditions of the loan.

(c)(1) The applicant may not enter into the agreement—

(i) For the benefit of third parties; or

(ii) To induce—

(A) The making of loans by third parties; or

(B) The sale of bonds to third parties.

(2) The Commissioner does not entertain grievances or claims of third parties with respect to the agreement between the Commissioner and applicant institution.

(20 U.S.C. 1132c-4)

§ 170.79 Payment of annual interest grants.

(a) The Commissioner makes payments under an annual interest grant agreement once a year.

(b) The date of payment coincides as closely as possible with—

(1) The anniversary date of the loan or;

(2) The date when debt service requirement related to the loan is greatest.

(c) The payment date remains fixed for the duration of the loan.

(d) The Commissioner pays annual interest grants—

(1) Directly to the grantee; or

(2) To a trustee, paying agent, or lender to whom the grantee assigns the payments with the permission of the Commissioner.

(20 U.S.C. 1132c–4)

§ 170.80 Reduction of grant if refinancing produces lower costs.

If the Commissioner finds that a grantee could have accelerated repayment of an outstanding loan or obtained a new loan that would have resulted in a net savings in the cost of the loan, the Commissioner may recompute the amount of the annual interest grant as though the grantee had undertaken that refinancing.

(20 U.S.C. 1132c–4)

§ 170.81 Application closing dates.

The Commissioner may—through a notice published in the Federal Register—establish closing dates for applications for annual interest grants.

(20 U.S.C. 1132c–4)

§ 170.82 Preceding provisions not exhaustive of authority of the Commissioner.

The provisions of this subpart do not exhaust the authority of the Commissioner to impose, at any time the Commissioner considers appropriate, additional limitations with regard to—

(a) The amount of an annual interest grant; or

(b) The amount on which that grant is based.

(20 U.S.C. 1132c–4)

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federal register

Tuesday
April 29, 1980

Part IV

Department of Energy

Improving Government Regulations; Semiannual Agenda of Regulations

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Energy.

ACTION: Notice of Regulations Under Development or Review.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of regulations under development or review as of April 1, 1980.

FOR FURTHER INFORMATION CONTACT: Jeffrey D. Stoermer (Office of General Counsel), Department of Energy, Room 6A–127, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6911.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations," promulgated by the President on March 23, 1978, requires every Federal agency to publish semiannually an agenda of its significant regulations currently under development or review. One of the objectives of the Order is to encourage greater public involvement at an early stage in the regulatory process. DOE implemented Executive Order 12044 by a Departmental Order (DOE 2030.1) issued December 18, 1978 and published January 3, 1979 (43 FR 1032), which established April and October of each year as the months during which DOE would publish a semiannual agenda of regulations in the **Federal Register.**

The Departmental Order requires that the agenda include *all* regulations currently being developed or reviewed. For each regulation that is *significant* (as defined in the Departmental Order) the Departmental Order requires the agenda to state the need and legal basis for the regulation, its status, whether a regulatory analysis will be required, and the name and telephone number of a knowledgeable agency official.

Appended to this Notice is DOE's April, 1980, regulatory agenda. In an attempt to be as comprehensive as possible, the agenda includes those DOE regulations, both significant and non-significant, that are under development or review as of April 1, 1980.

Although the Agenda includes *all* regulations now under development or review by DOE, we have assigned the highest priority to the completion of those regulatory actions that will work to achieve the greatest reduction in regulatory burdens. We have a strong commitment to improving our regulations. Our goal is for our regulations to be as simple and clear as possible, to achieve legislative goals effectively and efficiently, and to reduce, to the greatest extent possible, the burdens on the economy, on individuals, on public or private organizations, and on State and local governments.

In this regard an active effort has been made to identify those regulations or areas of regulation where the need for regulatory interference in the market place is no longer necessary or where the degree of regulation can be reduced in a manner consistent with the Department's statutory responsibilities. This effort has resulted in the following proposed regulatory actions, which appear in the accompanying Agenda:

(1) Revision of Crude Oil Supplier/Purchaser Rule.
(2) Resellers and Reseller/Retailers Price Rules for Gasoline.
(3) Modification or Elimination of the Equal Application Rule.
(4) Motor Gasoline Allocation Revisions—General.
(5) Deregulation of Propane or Simplified Pricing Concept.
(6) NEA—Fuel Use Act—Administrative Procedures and New Facilities.
(7) NEA—Fuel Use Act—Existing Facilities.

In addition, in the future DOE will be assessing the existing framework of standby regulations both from the viewpoint of additional simplification and improvement and from the more fundamental position addressing the nature of the appropriate standby regime in a total decontrol environment, that is, after September 30, 1981.

The next semiannual agenda is scheduled to be published in October, 1980.

Issued in Washington, D.C., this April 23, 1980.

Charles W. Duncan, Jr.,

Secretary.

The DOE regulations under development or review as of April 1, 1980, are as follows:

I. Environment.
II. Conservation and Solar.
III. Weatherization.
IV. Equal Opportunity.
V. General Counsel.
VI. Procurement and Contracts.
VII. Consumer Affairs.
VIII. Resource Applications.
IX. Economic Regulatory Administration:
A. National Energy Act Regulations,
B. Crude Oil and Refinery Operations,
C. Refined Products,
D. Deregulation,
E. Emergency Preparedness,
F. Utility Systems.

Environment

1. DOE NEPA Implementing Procedures

DOE has published final guidelines implementing the Council on Environmental Quality regulations for compliance with the National Environment Policy Act (NEPA).

A regulatory analysis is not required.

Status: Proposed guidelines were published July 18, 1979 (44 FR 42136). Final guidelines were published March 28, 1980 (45 FR 20694). Interim special procedures to provide for NEPA compliance in the competitive procurement process were published with the March 28 final guidelines. Comments regarding the interim procedures have been solicited and will be accepted through April 27, 1980.

Authority: National Environmental Policy Act of 1969; E.O. 11514, as amended.

Contact: Robert Stern (202) 252–4600.

2. Proposed Guidelines for Implementation of Executive Order 12114

DOE will publish final guidelines to implement Executive Order 12114, concerning the Environmental Effects Abroad of Major Federal Actions.

A regulatory analysis is not required.

Status: Proposed guidelines were published on September 6, 1979 (44 FR 52146).

Authority: National Environmental Policy Act of 1969.

Contact: Robert Stern (202) 252–4600.

II. Conservation and Solar

1. Electric and Hybrid Vehicle Performance Standards for Demonstrations

DOE amended the regulations which prescribe minimum performance standards for electric or hybrid vehicles purchased or leased for use in demonstration projects conducted by DOE.

A regulatory analysis is not required.

Status: A final rule was published in the **Federal Register** February 12, 1980 (45 FR 9542).

Authority: Electric and Hybrid Vehicle Research and Demonstration Act of 1976, (Pub. L. 94–413), as amended by Pub. L. 95–238.

Contact: Charles Pax (202) 252–8040.

2. Identify Consumer Product Types Which May Be Subject to Minimum Energy Efficiency Stadnards.

DOE will publish a notice listing those types of covered products which are not specified in section 322(a) of the Act but which may be subject to energy efficiency standards. Criteria for selecting these types of covered products are specified in section 325(a)

of the Act and include considering the average annual per-household energy use and the aggregate household energy use of individual types of consumer products.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking has not yet been issued.

Deadline: Not later than November, 1980.

Authority: Energy Policy and Conservation Act, section 325(a)(2) (Pub. L. 94–163), as amended by National Energy Conservation Policy Act, section 422 (Pub. L. 95–619).

Contact: James A. Smith (202) 252–9143.

3. Amendment to Central Air Conditioner Test Procedures

DOE amended the existing central air conditioner test procedures to include heat pumps. Heat pumps were not included in the original central air conditioner test procedures because proposed test procedures for heat pumps had not yet been developed.

A regulatory analysis has been completed.

Status: A final rule was published December 27, 1979 (44 FR 76700).

Authority: Energy Policy and Conservation Act, section 323 (Pub. L. 94–163), as amended by the National Energy Conservation Policy Act (Pub. L. 95–619).

Contact: James A. Smith, (202) 252–9143.

4. Amendment to Room Air Conditioner Test Procedures

DOE intends to amend its test procedures for room air conditioners, prescribed under the Energy Conservation Program for Consumer Products, to clarify the scope of the room air conditioner test procedures as applied to packaged terminal air conditioners.

A regulatory analysis has been completed.

Status: A notice of proposed rulemaking was published in the **Federal Register** January 11, 1980 (45 FR 2632).

Authority: Section 323, Energy Policy and Conservation Act (Pub. L. 94–163).

Contact: James A. Smith, (202) 252–9143.

5. Amendment to Furnace Test Procedures

DOE plans to amend its test procedures for furnaces, prescribed under the Energy Conservation Program for Consumer Products, to include test procedures for pulse combustion furnaces and condensing furnaces.

A regulatory analysis has been completed.

Status: A notice of proposed rulemaking was published in the **Federal Register** January 4, 1980 (45 FR 1298).

Authority: Section 323, Energy Policy and Conservation Act (Pub. L. 94–163).

Contact: James A. Smith, (202) 252–9143.

6. Amendment to Test Procedures for Refrigerators, Refrigerator-Freezers and Freezers

DOE is proposing a rule to modify existing test procedures to reduce testing time and burden.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking has not yet been issued.

Authority: Energy Policy and Conservation Act, section 323(a) (Pub. L. 95–163); National Energy Conservation Policy Act, section 421(c) (Pub. L. 95–619).

Contact: James A. Smith, (202) 252–9143.

7. Energy Efficiency Standards for Nine Types of Consumer Products

DOE will establish minimum energy efficiency standards for nine product types: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, kitchen ranges and ovens, furnaces, central air conditioners, home heating equipment (not including furnaces), and clothes dryers.

A regulatory analysis will be completed.

Status: An advance notice of proposed rulemaking was published January 2, 1979 (44 FR 49). A notice of proposed rulemaking will be issued in May, 1980.

Deadline: Final rule no later than January, 1981.

Authority: Energy Policy and Conservation Act, section 325 (Pub. L. 94–163), as amended by National Energy Conservation Policy Act, section 422 (Pub. L. 95–619).

Contact: James A. Smith, (202) 252–9143.

8. Energy Efficiency Standards for Five Types of Consumer Products

DOE will establish minimum energy efficiency standards for five product types: humidifiers/dehumidifiers, clothes washers, television sets, dishwashers, and heat pumps.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking for four products was published in the **Federal Register** December 13, 1979 (44 FR 72276). The advance notice of proposed rulemaking for heat pumps (the fifth product) was published in the **Federal Register** on January 23, 1980 (43 FR 5602).

Deadline: Final rule to be issued no later than November 1981.

Authority: Energy Policy and Conservation Act, section 325 (Pub. L. 94–163), as amended by National Energy Conservation Policy Act, Section 422 (Pub. L. 95–619).

Contact: James A. Smith (202) 252–9143.

9. Federal Agency Energy Conservation Planning Guidelines and Energy Audits

DOE has promulgated guidelines containing requirements and procedures which individual Federal agencies will use in preparing energy conservation plans for Federal buildings.

A regulatory analysis is not required.

Status: A final rule was published in the **Federal Register** on November 14, 1979 (44 FR 65700).

Authority: Title III of the Energy Policy and Conservation Act, as amended (Pub. L. 94–163); Title V, National Energy Conservation Policy Act (Pub. L. 95–619).

Contact: William Rhodes (202) 252–9467.

10. Reporting Guidelines for Municipal Waste Reprocessing Demonstration Program

Section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, provides for financial assistance to establish municipal waste reprocessing demonstration facilities. Guidelines are required to obtain pertinent information about projects funded by DOE under section 20.

A regulatory analysis is not required.

Status: A notice of inquiry for these guidelines was published in the **Federal Register** on April 25, 1979 (44 FR 24298); a proposed rule is expected to be published in the **Federal Register** in April, 1980.

Authority: Section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577) as amended by Pub. L. 95–238.

Contact: Donald Walter (202) 252–9397.

11. Financial Assistance Rules for Municipal Waste Reprocessing Demonstration Program

DOE will promulgate rules setting forth the procedures and policies governing the award of financial assistance for the establishment of municipal waste reprocessing demonstration facilities.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published in the **Federal Register** on September 7, 1979 (44 FR 52642).

Authority: Section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 95–377) as amended by Pub. L. 95–238.

Contact: C. Rines (202) 252–9397.

12. Municipal and Industrial Waste Reprocessing Loan Guarantees

DOE has proposed a rule which would enable DOE to guarantee loans for municipal and industrial waste reprocessing.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published in the **Federal Register** on July 18, 1979 (44 FR 42094).

Authority: Federal Nonnuclear Energy Research and Development Act of 1974, section 19(y) (Pub. L. 93–577), as amended.
Contact: Donald Walter (202) 252–9397.

13. Federal Photovoltaic Utilization Program

DOE promulgated regulations for the monitoring and assessment of the performance and operation of photovoltaic systems installed under the Federal Photovoltaic Utilization Program.

A regulatory analysis is not required.
Status: A final rule was published in the **Federal Register** November 7, 1979 (44 FR 64777).
Authority: National Energy Conservation Policy Act, section 566(2) (Pub. L. 95–619).
Contact: Elaine Smith (202) 252–8121.

14. Life Cycle Costing Procedures for Federal Buildings

DOE has promulgated procedures for estimating and comparing life cycle costs for purchase and installation of energy conservation measures for Federal buildings.

A regulatory analysis is not required.
Status: A final rule was published in the **Federal Register** January 23, 1980 (45 FR 5620).
Authority: Energy Policy and Conservation Act (Pub. L 94–163), section 381(a)(2), as amended by the National Energy Conservation Policy Act (Pub. L. 95–619), section 545; Executive Order 11912, as amended by Executive Order 12003.
Contact: Jack Vitullo (202) 252–9467.

15. Industrial Energy Conservation Program

DOE has established requirements (10 CFR Part 445) and issued report forms for major energy consuming corporations and third-party sponsors of reporting programs to report to DOE on annual industrial energy consumption and progress in improving energy efficiency. DOE has also set targets for increased use of energy-saving recovered materials for specified industries, *i.e.*, metals and metal products, paper and allied products, textile mill products, and rubber, and has established requirements for reporting on progress made toward increased use of recovered materials by major energy consuming corporations in these industries.

A regulatory analysis if not required.
Status: A final rule was published in the **Federal Register** on February 14, 1980 (45 FR 10194). Final forms were published in the **Federal Register** on February 27, 1980 (45 FR 12970).
Authority: Energy Policy and Conservation Act, Title III, Part D (Pub. L. 94–163), as amended by National Energy Conservation Policy Act (Pub. L. 95–619).
Contact: Douglas Harvey (202) 252–2072.

16. Demonstration of Solar Heating and Cooling in Federal Buildings

DOE has developed criteria for evaluation of agency-submitted proposals for installing solar heating and cooling systems in Federal buildings and requirements for operating and maintenance reports.

A regulatory analysis if not required. An environmental assessment has been completed.
Status: A final rule was published in the **Federal Register** October 19, 1979 (44 FR 60665).
Authority: National Energy Conservation Policy Act, sections 521–524 (Pub. L. 95–619).
Contact: W. Lemeshewsky (202) 252–8121.

17. Building Energy Performance Standards

DOE intends to issue final performance standards for residential and commercial buildings. DOE shall establish energy goals without specifying methods, materials or processes.

A regulatory analysis will be completed.
Status: A notice of proposed rulemaking was published in the **Federal Register** November 28, 1979 (44 FR 68120).
Authority: Energy Conservation and Production Act, Title III, Pub. L. 94–385, amended by Pub. L. 95–91 and Pub. L. 95–619.
Contact: James Binkley (202) 252–9197.

18. Residential Conservation Service Program (Utility Program)

DOE has developed regulations to implement Part I of Title II of the National Energy Conservation Policy Act, which provides for programs to facilitate retrofitting of existing private residences of four dwelling units or less.

A regulatory analysis has been completed.
Status: A final rule was published in the **Federal Register** November 7, 1979 (44 FR 64602).
Authority: National Energy Conservation Policy Act, Part I, Title II (Pub. L. 95–619).
Contact: Jim Tanck (202) 252–9161.

19. Industrial Waste Loan Guarantee Program

DOE intends to propose rules for a program of loan guarantees covering up to 75% of the cost of demonstration facilities for the utilization of industrial waste materials.

A decision has not yet been made as to whether a regulatory analysis will be completed.
Status: A notice of proposed rulemaking has not yet been issued.
Authority: Section 19(y) of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577), as amended by the Department of Energy Act of 1978—Civilian Applications (Pub. L. 95–238); Department of Interior and Related Agencies Appropriations Act for Fiscal year 1980 (Pub. L. 96–126), Title II.
Contact: Tom Gross (202) 252–2384.

20. Lighting Efficiency Standards for Existing Buildings

DOE is requesting comments on possible changes to the minimum lighting standards for existing buildings under the current State Emergency Energy Conservation Plan Program (10 CFR 4.20.7(A)(4)).

A regulatory analysis is not required.
Status: A notice of inquiry was published in the **Federal Register** August 6, 1979 (44 FR 45958).
Authority: Section 362(c)(1) of the Energy Policy and Conservation Act (Pub. L. 94–163).
Contact: John Anderson (202) 252–2353.

21. Renewable Energy Resources

DOE is requesting the public to identify DOE regulations which interfere with the development of renewable resources.

A regulatory analysis decision has not been made.
Status: A notice of inquiry was published in the **Federal Register** August 29, 1979 (44 FR 50801).
Authority: Executive Order 12044.
Contact: John Schuler (202) 252–8084.

22. Guidelines for Appropriate Technology Small Grants Program

DOE has promulgated amendments to the program guidelines for the Appropriate Technology Small Grants Program (10 CFR Part 470) to reflect a change in the allocation of grant monies and other programs changes.

A regulatory analysis decision has been completed.
Status: A final rule was published in the **Federal Register** February 8, 1980 (45 FR 8926).
Authority: Section 112 of the Energy Research and Development Administration Appropriations Act of 1977 (Pub. L. 95–39).
Contact: Ann Hegnaur (202) 252–9104.

23. Identification of Hard-To-Understand Energy Conservation Regulations

DOE has requested that the public identify energy conservation regulations which are hard to understand.

A regulatory analysis is not required.
Status: A notice of inquiry was published in the **Federal Register** November 6, 1979 (44 FR 64094).

Authority: Executive Order 12044.
Contact: Herb Myers (202) 252–9338.

24. Plant Reporting Form for Industrial Energy Efficiency Progress Reporting

DOE has published and made available plant reporting forms for industrial energy efficiency progress reporting.

Status: A final plant reporting form was published in the **Federal Register** February 27, 1980 (45 FR 12970).
Authority: Section 375(c) and (d) of the Energy Policy and Conservation Act (Pub. L. 94–163), as amended by section 601 of the National Energy Conservation and Policy Act (Pub. L. 95–619).
Contact: T. Williams (202) 252–2371.

25. Guidelines for Overall Federal Energy Management Planning

By Executive direction, all Executive Agencies are required to develop plans, establish goals, and report on progress in energy conservation in all their operations. This rule provides the guidance necessary to develop these plans.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published in the **Federal Register** February 1, 1980 (45 FR 7498).
Authority: Executive Order 12003, section 10(d).
Contact: Jack Vitullo (202) 252–9467.

26. Emergency Building Temperature Restrictions

The Emergency Building Temperature Restrictions Plan places temporary restrictions on temperatures for heating, cooling and domestic hot water in commercial, industrial, government, and other non-residential buildings.

DOE has amended the Plan to permit a State, or a political subdivision within a State, to develop alternative conservation plans which are comparable to the Federal Plan.

A regulatory analysis is not required.

Status: A final amendment was published in the **Federal Register** on February 28, 1980 (45 FR 13050).
Authority: Energy Policy and Conservation Act (Pub. L. 94–163); Emergency Energy Conservation Act, section 231 (Pub. L. 96–102).
Contact: Henry G. Bartholomew (202) 252–4966.

27. Life Cycle Costing Methodology Amendment and Replacement Cost Prices

DOE intends to develop and publish for comment a proposed amendment to the Life Cycle Costing rule which would include replacement cost prices for energy.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking has not yet been published.
Authority: Executive Order 12003; Section 545 of the National Energy Conservation Policy Act (Pub. L. 95–619).
Contact: Jack Vitullo (202) 252–9467.

28. Reserved Section of the Residential Conservation Service Program Rule

DOE has published a proposed rule which would fill in the reserved sections of the final rule for the Residential Conservation Service Program, principally in the area of standards for program measures.

A regulatory analysis has been completed.

Status: A notice of proposed rulemaking was published in the **Federal Register** December 21, 1979 (44 FR 75956).
Authority: National Energy Conservation Policy Act (Pub. L. 95–619), Title II, Part I.
Contact: James Tanck (202) 252–9161.

29. Standby Federal Conservation Plan

DOE established a Standby Federal emergency energy conservation plan which may be implemented in accordance with Title II (Pub. L. 96–102) only after emergency energy conservation targets have been established by the President and the States have had reasonable opportunity to establish and implement State Conservation Plans.

A regulatory analysis is being prepared.

Status: An interim final rule was published in the **Federal Register** on February 7, 1980 (45 FR 8462).
Authority: Section 213(a) of the Emergency Energy Conservation Act (Pub. L. 95–102).
Contact: H. Bartholomew (202) 252–4966.

30. Evaluation of Industrial Electric Motors and Pumps

DOE is required to conduct a detailed classification and evaluation study of industrial electric motors and pumps, and to submit a report to Congress on electric motors and pumps after providing interested persons an opportunity to comment on the proposed report.

A regulatory analysis is not required.

Status: A notice of availability of the draft report was published in the **Federal Register** on March 17, 1980 (45 FR 17059).
Authority: Section 441 of the National Energy Conservation Policy Act (Pub. L. 95–619).
Contact: Tom Gross (202) 252–2384.

31. Inclusion of Electric Vehicles in Calculation of Average Fuel Economy Standards

The Secretary of Energy will propose equivalent petroleum-based fuel economy values within four months of enactment of the Chrysler Loan Guarantee Act (by May 7, 1980). Final promulgation of the values is required no later than six months after the proposed rule is issued. The Secretary of Energy will review these values on an annual basis and will propose revisions if necessary.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking will be issued by May 7, 1980.
Authority: Section 18 of the Chrysler Loan Guarantee Act (Pub. L. 95–185).
Contact: Robert Kirk (202) 252–8032.

32. Waiver of Consumer Product Test Procedures

DOE will establish provisions for the temporary waiver of test procedure requirements for certain consumer products. These products contain unique design characteristics which prevent testing according to DOE test procedures.

A regulatory analysis has been completed.

Status: A notice of proposed rulemaking was published in the **Federal Register** March 4, 1980 (45 FR 13188).
Authority: Section 323 of the Energy Policy and Conservation Act (Pub. L. 95–163).
Contact: James A. Smith (202) 252–9143.

III. Weatherization

1. Weatherization Assistance for Low-Income Persons

DOE has adopted, on an emergency basis, amendments to its program to ameliorate severe hardships resulting from delays in delivery of weatherization assistance to low-income persons, especially the elderly and handicapped. Specifically, the amendments seek to stimulate and increase production through the follwowing major changes: permit payments for hiring labor to install materials where volunteers and CETA workers are unavailable; increase the maximum allowable expenditure per dwelling unit from $800 to $1,000; allow the use of low cost or no cost energy conservation measures; permit a State, with the approval of the Regional Representative, to establish ceilings for materials, program support, and labor; establish greater flexibility for weatherizing multifamily buildings; and permit DOE to make tenatative allocations among the States and to make adjustments based on production.

A regulatory analysis is not required.

Status: Published as interim rule, published and effective February 27, 1980 (45 FR 13028).

Authority: Energy Conservation and Production Act (Pub. L. 94–385), Title IV, Part A, as amended.
Contact: Carolyn Martin (202) 252–2204.

IV. Equal Opportunity

1. Nondiscrimination In Federally Assisted Programs

The regulation implements Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the 1973 Rehabilitation Act. These laws prohibit discrimination on the basis of race, color, and national origin (Title VI), sex (Title IX), and handicap (Section 504) in programs and activities which receive Federal financial assistance from DOE.

A regulatory analysis is not required.

Status: The proposed rule was published November 16, 1978 in the **Federal Register** (43 FR 53658).
Authority: Title VI of the 1964 Civil Rights Act; Title IX of the 1972 Education Amendments; Section 504 of the 1973 Rehabilitation Act.
Contact: Carlos A. Ruiz, (202) 252–2244.

2. Nondiscrimination on the Basis of Age

The regulation implements the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance from DOE.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking has not been issued.
Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 610 *et seq.*
Contact: Carlos A. Ruiz, (202) 252–2244.

V. General Counsel

1. Regulations for Implementation of the Foreign Gifts and Decorations Act

DOE will propose regulations to establish procedures and policies relating to the acceptance, use and disposition of gifts and decorations from foreign governments.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published March 18, 1980 (45 FR 17560).
Authority: Foreign Gifts and Decorations Act, 5 U.S.C. 7342.
Contact: Ralph Goldenberg (202) 353–5285.

2. Privacy Act Regulations

DOE will promulgate regulations to implement DOE compliance with 5 U.S.C. 552(a), the Privacy Act of 1974. The rulemaking will provide Department-wide regulations to replace Privacy Act regulations implemented by the Federal Energy Administration and the Energy Research and Development Administration which are presently in force.

A regulatory analysis is not required.

Status: No notice concerning the regulations has yet been published.
Authority: Department of Energy Conservation Act, Pub. L. 95–91 and authorities incorporated by reference therein; the Privacy Act of 1974, 5 U.S.C. 552(a).
Contact: Ken Cohen (202) 252–8618.

3. Administration Claims Under Federal Tort Claims Act

DOE has issued regulations to implement the Federal Tort Claims Act, 28 U.S.C. 2672, *et seq.*, and to supplement the Attorney General's regulations, 28 CFR Part 14. The rule provides Department-wide regulations and procedures for the administration of tort claims against the DOE. These matters were previously implemented and processed by the Energy Research and Development Administration and Department of Justice.

A regulatory analysis is not required.

Status: A final rule was published February 4, 1980, effective March 1, 1980 (45 FR 2767).
Authority: DOE Organization Act (Pub. L. 95–91); the Federal Tort Claims Act, 28 U.S.C. 2672.
Contact: Ken Cohen (202) 252–8618.

4. DOE Patent Licensing Regulations

This regulation governs licensing of inventions owned or controlled by the Department of Energy. It is needed to provide guidance to the public on procedures for obtaining non-exclusive and exclusive licenses and on standards under which such licenses may be granted and the terms and conditions of the licenses.

A regulatory analysis is not required.

Status: No notice concerning this regulation has yet been published.
Authority: Federal Nonnuclear Energy Research and Development Act of 1974, 42 U.S.C. 5908(g); the Atomic Energy Act of 1954 as amended, 42 U.S.C. 2186; and general authorities available to the Department due to transfer of functions from other agencies under the DOE Organization Act and other Acts.
Contact: Robert Marchick (202) 353–4970.

5. DOE Administrative Patent and Copyright Infringement Claims

The regulation will provide policy and procedures for filing and processing administrative claims alleging infringement of U.S. patents or copyrights by or on behalf of the Department of Energy. The regulation is needed to provide guidance to the public as to requirements and procedures that will be followed in settling, denying, or otherwise disposing of administrative infringement claims.

A regulatory analysis was not required.

Status: A notice of proposed rulemaking was published July 11, 1979 (44 FR 40521). The final rule has been issued and will be published in the **Federal Register** April 24, 1980, effective May 1, 1980.
Authority: Department of Energy Organization Act, 42 U.S.C. 7261, Energy Reorganization Act, 42 U.S.C. 5817; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(g), 2223.
Contact: Jack Lever, (202) 353–5093.

VI. Procurement and Contracts

1. DOE Assistance Regulation in—Loans, Loan Guarantees, Price Imports, Other Incentives (Subparts D, E, F)

The regulations will provide policies and procedures concerning the use of loans, loan guarantees, price supports, and other methods to award financial assistance. The regulation is needed to provide guidance to the public as to what requirements must be met and what standards will be followed in entering into agreements.

A regulatory analysis is not required.

Status: No notice concerning this regulation has been published.
Authority: Section 644 of the Department of Energy Organization Act (Pub. L. 95–91); general authorities available to the Department due to the transfer of functions from other agencies (e.g., the Federal Nonnuclear Energy Research and Development Act of 1974).
Contact: S. R. Morgan (202) 252–8253.

2. DOE Assistance Regulation (Subpart C—Cooperative Agreements)

The regulation will provide policies and procedures concerning the use of cooperative agreements to award financial assistance. The regulation is needed to provide the administrative mechanisms necessary for DOE to enter into cooperative agreements.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued on March 29, 1979 (44 FR 20594, April 5, 1979).
Authority: Section 646 of the Department of Energy Organization Act (Pub. L. 95–91) and Section 7(a) of the Federal Grant and Cooperative Agreement Act of 1977, 41 U.S.C. 501 *et seq.*
Contact: S. R. Morgan (202) 252–8253.

3. Aid to Small and Small Disadvantaged Business

DOE has issued a rule to implement Public Law 95–507, amendments to the Small Business Act and the Small

Business Investment Act of 1958, which was designed to aid small and small disadvantaged business.

A regulatory analysis was not required.

Status: A notice of proposed rulemaking was published November 23, 1979 (44 FR 67330). The final rule was published April 9, 1980 (45 FR 24376).

Authority: DOE Organization Act (Pub. L. 95–91), section 644.

Contact: Ed Lovett (202) 252–8188.

4. Energy Conservation Clauses

DOE Is considering proposing the use of clauses requiring energy conservation for DOE prime contractors. Requirements will vary with the type and value of the contract.

A regulatory analysis decision has not been made.

Status: No notice concerning this regulation has yet been published.

Authority: Section 644 of the DOE Organization Act (Pub. L. 95–91).

Contact: Richard Wojciechowski (202) 252–8188.

5. Environmental, Safety, and Health Clauses

DOE is considering proposing the use of contract clauses which are designed to assure: (1) Compliance by DOE contractors with relevant environmental protection requirements; (2) The safety of DOE operations; and (3) A healthy working environment.

A regulatory analysis decision has not been made.

Status: No notice concerning this regulation has yet been published.

Authority: Section 644 of the DOE Organization Act (Pub. L. 95–91).

Contact: Ed Lovett (202) 252–8188.

6. Disputes Clause—Sales Contracts

DOE is considering proposing the use of a disputes clause in sales contracts. This rule would establish applicability of the Contract Disputes Act of 1978. It also would establish uniform avenues of appeal for disputes in sales contracts.

A regulatory analysis is not required.

Status: No notice concerning this regulation has yet been published.

Authority: Section 644 of the DOE Organization Act (Pub. L. 95–91).

Contact: Richard Wojciechowski (202) 252–8188.

7. Minor Corrective Amendments to DOE Procurement Regulations

These proposed amendments involve correction of minor errors in the Procurement Regulations and other changes to keep the Regulations current and consistent with Government-wide policy. The rule would also include the use of cost plus incentive and fixed price incentive clauses for DOE contracts and would adopt a suggested award fee schedule.

A regulatory analysis is not required.

Status: No notice concerning this regulation has yet been published.

Authority: Section 644 of the DOE Organization Act (Pub. L. 95–91).

Contact: Thomas O. Ruppert (202) 252–8188.

VII. Consumer Affairs

1. Intervenor Funding Regulations

These proposed regulations are designed to provide financial assistance to qualified persons who have or represent an interest which would not otherwise be adequately represented in certain DOE decision-making processes.

A regulatory analysis is not required.

Status: No notice has been published. An express prohibition against use of Economic Regulatory Administration (ERA) funds for intervenor funding is contained in Title II of Pub. L. 96–126. Although there is no express congressional prohibition against the use of other appropriated funds for this purpose, the Department has determined to stay action on these regulations pending prior congressional approval.

Authority: Department of Energy Organization Act (Pub. L. 95–91), and authorities cited therein.

Contact: Polly Craighill (202) 252–5866.

VIII. Resource applications

1. Geothermal Bidding Systems

DOE is analyzing which bidding systems will best encourage geothermal development. Pending legislation to amend the Geothermal Steam Act of 1970 may affect this regulation. Therefore, DOE has decided to suspend development of this regulation until enactment of the legislation.

A decision has not yet been made as to whether a regulatory analysis is required.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, section 302(b)(2) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

2. Geothermal Competitive Interest Regulation

DOE will publish regulations redefining "known geothermal resource area" (KGRA) to establish criteria to determine what constitutes competitive interest for leasing tracts of Federal land for geothermal exploration and development. Pending legislation to amend the Geothermal Steam Act of 1970 may affect this regulation. Therefore, DOE has decided to suspend development of the regulation until enactment of the legislation.

A decision has not yet been made as to whether a regulatory analysis is required.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, section 302(b)(1) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

3. Coal Bidding Systems Regulations

DOE is preparing proposed regulations to establish bidding systems for the sale of Federal coal leases. Bidding systems help obtain fair market value and enhance competition for Federal leases.

A regulatory analysis is being prepared.

Status: A notice of proposed rulemaking is expected to be issued shortly.

Authority: Department of Energy Organization Act (Pub. L. 95–91), sections 302(b) and 303(c).

Contact: Robert H. Lawton (202) 633–9326.

4. Coal Diligence Regulation

DOE is considering the proposal of a regulation for new, adjusted, and assigned coal leases that would establish requirements for the timely submission of exploration and mining plans. The purpose of such a regulation would be to ensure diligent development of and production from Federal coal leases.

A regulatory analysis will be prepared if required.

Status: No notice of proposed rulemaking has yet been published.

Authority: DOE Organization Act (Pub. L. 95–91) section 302(b)(3).

Contact: Robert H. Lawton (202) 633–9326.

5. Coal Loan Guarantee Program

DOE intends to simplify the Coal Loan Guarantee regulations, and to expand them to include loan guarantees for the construction of preparation plants to reduce the sulfur content of coal.

A determination as to whether a regulatory analysis will be required has not yet been made.

Status: No notice concerning the regulations has yet been published.

Authority: Section 102 of the Energy Policy and Conservation Act, as amended; section 802 of the Powerplant and Industrial Fuel Use Act of 1978.

Contact: Robert Grubenman (202) 633–8200.

6. Geothermal Loan Guaranty—Community Impact Assistance

DOE is drafting regulations to establish procedures by which municipalities, Indian Tribes and other qualified entities having geothermal development projects in their communities can obtain Federal aid for planning in order to mitigate adverse impacts.

A determination as to whether a regulatory analysis will be required has not yet been made.

Status: No notice concerning the regulation has been published.

Authority: Department of Energy Act of 1978—Civilian Applications (Pub L. 95–238.

Contact: Lachlan W. Seward (202) 633–8760.

7. OCS Bidding Systems Regulations

DOE has promulgated rules to establish three bidding systems for the sale of oil and gas leases on the Outer Continental Shelf. These bidding systems are intended to obtain fair market value and enhance competition for Federal leases.

A regulatory analysis has been completed.

Status: A final rule was published on February 12, 1980 (45 FR 9536).

Authority: Department of Energy Organization Act (Pub. L. 95–91), sections 302(b) and 303(c); Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*), as amended by Pub. L. 95–372, section 8.

Contact: Robert H. Lawton (202) 633–9326.

8. OCS Diligence Regulation

DOE is analyzing the need for a regulatory approach to Outer Continental Shelf (OCS) lease diligence in contemplation of a proposed rule. DOE would use such a proposed rule, if needed, to enforce diligence in OCS operations.

No decision has yet been made as to whether a draft regulatory analysis is required.

Status: A notice of inquiry was published May 14, 1979 (44 FR 28037). The comments received in reply to this Notice have been summarized and are being analyzed to determine if a notice of proposed rulemaking should be issued.

Authority: Department of Energy Organization Act, section 302(b)(3) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

9. OCS Profit Share Bidding Regulation

DOE has proposed a regulation which establishes a fixed profit share bidding system for the sale of oil and gas leases on the Outer Continental Shelf (OCS). The proposed regulation would also establish related accounting procedures to govern calculation of the profit share and the allocation of costs and revenues. This proposal is designed to enhance competition for Federal OCS leases.

A draft regulatory analysis has been prepared.

Status: A notice of proposed rulemaking was published December 6, 1979 (44 FR 70390).

Authority: Department of Energy Organization Act, section 302(b)(2) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

10. OCS Work Commitment Bidding System

DOE is beginning the necessary analysis to prepare a proposed regulation to establish a work commitment bidding system for the sale of oil and gas leases on the Outer Continental Shelf. This regulation would implement an alternative bidding system authorized under the Outer Continental Shelf Lands Act, as amended.

A regulatory analysis will be completed if necessary.

Status: No notice concerning the regulation has yet been published.

Authority: Department of Energy Organization Act, section 302(b)(2) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

11. Power and Transmission Rate Adjustment Procedures

Uniform procedures are being developed by the Office of Resource Applications for Federal power marketing administrations to contact their customers and encourage participation by interested parties in rate adjustment proceedings.

A regulatory analysis is not required.

Status: Proposed power and transmission rate adjustment procedures were published in the **Federal Register** on June 5, 1979 (44 FR 39184), with the invitation for written comments. In addition, oral hearings were held in Washington, D.C., on July 27 and August 17, 1979.

After review and analysis of comments, a proposed revision of the Procedures will be prepared. Final procedures as adopted will be published in the **Federal Register.**

Authority: Department of Energy Organization Act, (Pub. L. 95–91).

Contact: Jim Braxdale (202) 633–8338.

12. Royalty Oil Regulations

DOE proposed regulations governing onshore and offshore royalty oil. These regulations would continue the operation and policy of the existing Department of Interior programs, but contain certain substantive changes.

A regulatory analysis is not required.

Status: A final rule relating to offshore royalty oil was published February 12, 1980 (45 FR 9526). A further notice of proposed rulemaking will be issued for onshore royalty oil.

Authority: Department of Energy Organization Act, section 302(b)(5) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

13. Sequential Bidding Process Regulations

DOE has proposed a regulation to establish a sequential bidding process for experimental use in Outer Continental Shelf oil and gas lease sales. This proposal may enhance competition by increasing the number of participants and bids submitted.

A draft regulatory analysis has been completed.

Status: A notice of proposed rulemaking was published on September 11, 1979 (44 FR 52842). A final rule is expected to be issued shortly.

Authority: Department of Energy Organization Act, section 302(b)(1) (Pub. L. 95–91).

Contact: Robert H. Lawton (202) 633–9326.

14. OCS Joint Bidding Regulations

The purpose of this regulation is to foster competition for Outer Continental Shelf (OCS) leases by eliminating the requirement that firms chargeable with average worldwide daily production of less than 1.6 million barrels of oil file Statements of Production in order to bid jointly at an OCS lease sale. Because the purpose of the filing requirement is to identify those firms that are subject to the joint bidding ban and because the ban applies only to firms with an average daily production in excess of 1.6 million barrels, the requirement that all firms file statements of production may be an undue burden to smaller firms wishing to bid jointly.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking is expected to be issued shortly.

Authority: Section 302(b)(1) of the DOE Organization Act; Outer Continental Shelf Lands Act, as amended.

Contact: Robert H. Lawton (202) 633–9326.

15. Geothermal Loan Guaranty Regulations

DOE has promulgated a rule intented to analyze, clarify and amend the geothermal loan guarantee regulations.

A determination as to whether a regulatory analysis will be required has not yet been made.

Status: The final rule was published December 18, 1979 (44 FR 75078).
Authority: Geothermal Energy Research Development and Demonstration Act of 1974 (Pub. L. 93–410), Department of Energy Act 1978—Civilian Applications (Pub. L. 95–238) and the Department of Energy Organization Act, Pub. L. 95–91.
Contact: Lachlan W. Seward (202) 633–8760.

16. Hydroelectric Feasibility Study and Project Costs Loan Program

DOE has developed regulations governing loans for conducting feasibility studies and for constructing small hydroelectric projects.

A regulatory analysis has been completed.

Status: A final rule was published January 17, 1980 (45 FR 3538).
Authority: Public Utility Regulatory Policy Act (section 403, Pub. L. 95–817).
Contact: Farwell Smith (202) 633–8828.

IX. Economic Regulatory Administration

A. National Energy Act (NEA) Regulations

1. NEA—Fuel Use Act—Administrative Procedures and New Facilities (ERA Docket ERA–R–78–19)

These regulations implement certain provisions of the Fuel Use Act which prohibit the use of oil and gas by new facilities and establish the criteria for granting exemptions provided by law. These regulations also provide the definitions and administrative procedures necessary to implement the Act.

A regulatory analysis will be completed.

Status: Interim rule issued May 8, 1979 (44 FR 28530, May 15, 1979 and 44 FR 28950, May 17, 1979). Final rule to be issued spring 1980.
Authority: Powerplant and Industrial Fuel Use Act of 1978 (44 U.S.C. 8301 *et seq.)*
Contact: Stephen M. Stern (202) 653–3217.

2. NEA—Fuel Use Act—Existing Facilities (ERA Docket ERA–R–78–19)

These regulations implement certain provisions of the Fuel Use Act including statutory prohibitions, provide the criteria ERA will employ in issuing prohibition orders to existing facilities and establish the criteria for granting exemptions provided by law. These regulations also implement provisions of the Act which prohibit the increased use of petroleum by existing powerplants and implement the system compliance option provided in the law.

A regulatory analysis will be completed.

Status: Interm rule published July 23, 1979 (44 FR 43176). Final rule to be issued in third quarter, 1980.
Authority: Powerplant and Industrial Fuel Use Act of 1978 (44 U.S.C. 8301 *et seq.*).
Contact: Stephen M. Stern (202) 653–3217.

3. NEA—Fuel Use Act—Alternate Fuel Matrix

ERA is assessing the feasibility and commercial acceptability of various alternate fuels and associated technologies for purposes of the Fuel Use Act.

A regulatory analysis is not required.

Status: A notice of inquiry may be issued in the summer of 1980.
Authority: Powerplant and Industrial Fuel Use Act of 1978 (44 U.S.C. 8301 *et seq.*).
Contact: Stephen M. Stern (202) 653–3217.

4. NEA—Fuel Use Act—Prohibition on Use of Natural Gas For Decorative Outdoor Lighting

ERA has developed regulations prohibiting the use of natural gas for decorative lighting in certain industrial, commercial, residential, and municipal applications, including the sale of natural gas for such purposes.

A regulatory analysis was not required.

Status: A final rule was published May 10, 1979 (44 FR 27606). Proposed amendments to the final rule were published February 15, 1980 (45 FR 10746).
Authority: Powerplant and Industrial Fuel Use Act (44 U.S.C. 8301 *et seq.*).
Contact: Nancy E. Tate (202) 653–3920.

5. NEA—Public Utility Regulatory Policies Act of 1978—State Regulatory Reporting Requirements

ERA has developed reporting requirements to be followed by states and nonregulated utilities.

A regulatory analysis was not required.

Status: A notice of proposed rulemaking was issued April 10, 1979 (44 FR 22974, April 17, 1979). A final rule was published August 13, 1979 (44 FR 47264). There will be no change to the rule for this year's reporting, but revisions to the reporting form, which is found in Appendix A to the Preamble, are being considered.
Authority: Sections 116 and 309 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95–617).
Contact: Stephen S. Skjei (202) 653–3913.

6. NEA—PURPA—Grants to State Offices of Consumer Services

ERA has revised its administrative requirements for grants to State offices of consumer services for representation of consumers in proceedings before electric utility regulatory commissions.

A regulatory analysis was not required.

Status: A notice of proposed rulemaking was issued March 21, 1979 (44 FR 18448, March 27, 1979). The final rule was issued June 29, 1979 (44 FR 40044, July 6, 1979). A notice of the deadline for receiving 1980 applications will be published in the spring of 1980.
Authority: Section 205 of the Energy Conservation and Production Act (ECPA) (Pub. L. 94–385) as amended by section 142 of the Public Utility Regulatory Policies Act of 1978 (PURPA) (Pub. L. 95–617).
Contact: Nancy E. Tate (202) 653–3920.

7. NEA—PURPA—Grant Assistance to Public Utility Commissions and Innovative Utility Regulatory Projects

ERA has promulgated its administrative requirements for grant assistance to public utility commissions and non-regulated utilities in meeting their duties and reponsibilities under Titles I and II and section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) and for financial assistance to undertake innovative utility rate structure projects.

A regulatory analysis was not required.

Status: A notice of proposed rulemaking was issued on March 21, 1979 (44 FR 18856, March 29, 1979). The final rule was issued June 29, 1979 (44 FR 40262, July 9, 1979). A notice establishing the deadline for receiving 1980 PURPA grant applications will be published in the spring of 1980. Revisions to Subpart C of the rule regarding the innovative rate will be proposed in the spring of 1980, beginning a 60-day comment period.
Authority: Sections 141 and 142 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95–617); Section 204(1)(B) of the Energy Conservation and Production Act (EPCA) (Pub. L. 94–385).
Contact: M. Larry Kaseman (202) 653–3920.

8. Exemption from Natural Gas Incremental Pricing

ERA will issue a Notice of Inquiry asking for comment on the establishment of a program to provide exemptions from natural gas incremental pricing for firms converting from oil and gas to alternative fuels.

A regulatory analysis will be completed if it is decided to issue a notice of proposed rulemaking.

Status: Notice of inquiry to be issued in spring, 1980.

Authority: Natural Gas Policy Act of 1978 (Pub. L. 95–621) and DOE Act.
Contact: Stephen M. Stern (202) 653–3217.

9. NEA Natural Gas Policy Act—Review of Natural Gas Curtailment Priorities Including Industrial Process and Feedstock Use Issues (ERA Docket ERA–R–89–10)

ERA will issue a notice of proposed rulemaking (NOPR) concerning natural gas curtailment priorities. The NOPR will primarily focus on establishment and review of curtailment priorities for natural gas under authorities granted to DOE under section 402 of the Natural Gas Policy Act relating to curtailment of essential industrial process and feedstock uses.

A regulatory analysis has been completed.

Status: A notice of inquiry was issued on March 13, 1979 (44 FR 16954, March 20, 1979). A notice of proposed rulemaking will be issued in spring, 1980.
Authority: Title IV of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621); Sections 301 and 402 of the Department of Energy Organization Act (Pub. L. 95–91).
Contact: Albert F. Bass (202) 653–3296.

10. NEA Natural Gas Policy Act—Emergency Natural Gas Regulations

ERA will develop standby regulations regarding emergency authorization to purchase, and the allocation of, natural gas during a Presidentially declared natural gas supply emergency.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking will be issued in spring, 1980.
Authority: Natural Gas Policy Act of 1978, Title III (Pub. L. 95–621).
Contact: Gary Barch (202) 653–3286.

11. NEA Natural Gas Policy Act—Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations (ERA Docket ERA–R–79–24)

This rule proposes procedures for the applications for "adjustments" to the natural gas curtailment priority regulations in Subchapter G of Chapter II of 10 CFR. These procedures are applicable to the regulations established for essential agricultural uses in 10 CFR Part 580, and includes procedures governing requests for repeal of rules, modification of rules, and interpretations of rules.

A regulatory analysis is not required.

Status: A proposed rule was issued on May 7, 1979 (44 FR 27676, May 11, 1979) and hearings were held on May 30, 1979. FERC took jurisdiction over the proposed rule on June 15, 1979 under Section 404 of the DOE Organization Act, and the matter is currently at FERC.
Authority: Sections 502 and 506 of the Natural Gas Policy Act of 1978 (Pub. L. 95–621); Section 644 of the Department of Energy Organization Act (Pub. L. 95–91); and the Administrative Procedures Act (Pub. L. 89–554).
Contact: Paula Daigneault (202) 653–3286.

12. Regulations for Natural Gas Import and Export Proceedings

ERA will develop procedural regulations for considering applications to import and export natural gas. The procedures will replace the applicable Federal Power Commission regulations (18 CFR Part 1) adopted by ERA on an interim basis.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking will be issued in the summer of 1980.
Authority: Sections 3, 15 and 19 of the Natural Gas Act of 1938 (52 Stat. 821) as amended; Sections 301 and 402, DOE Organization Act (Pub. L. 95–91).
Contact: Lawrence DiRicco (202) 653–3286.

B. Crude Oil and Refinery Operations

1. Simplification of Crude Oil Price Controls

In April 1978 DOE issued a notice of inquiry to receive preliminary comment on simplifying the crude oil price controls by using a modified version of the entitlements program as the primary mechanism for regulating first sale prices of domestic crude oil (43 FR 15150, April 11, 1978). As the first phase in this program, DOE issued a notice of proposed rulemaking which proposed to shift the entitlement purchase obligation from refiners to first purchasers of price-controlled crude oil (44 FR 5246, January 25, 1979).

A regulatory analysis has been completed.

Status: DOE has determined not to adopt this proposed rule in view of the President's decontrol program and wide fluctuations in foreign and uncontrolled domestic crude oil prices. Therefore no further action on this matter is planned.
Authority: Emergency Petroleum Allocation Act of 1973 (EPAA), Pub. L. 93–159 as amended.
Contact: Daniel J. Thomas (202) 653–3202.

2. Phased Deregulation of Upper Tier Crude Oil

Amendments to the crude oil pricing regulations were adopted to implement the President's decision to gradually deregulate upper tier crude oil prices. Upper tier crude oil is being deregulated at the rate of 4.6 percent per month starting January 1980 and ending September 1981.

A regulatory analysis has been completed.

Status: The final rule was published November 19, 1979 (44 FR 66186).
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: William Carson/Doug Harnish (202) 653–3202.

3. Deregulation of Heavy Crude Oil Pursuant to Executive Order No. 12153 (ERA–R–39)

Executive Order No. 12153 exempted heavy oil (i.e. crude oil for which the gravity is 16° API or less) from DOE's price regulations. DOE conducted a public inquiry and made recommendations to the President on the inclusion of crude oil not included under the definition of heavy crude oil in Executive Order No. 12153.

A regulatory analysis was not required.

Status: Completed. Executive Order No. 12189, issued January 16, 1980 (45 FR 3559), revised the definition of heavy crude oil to include crude oil for which the gravity is 20.0° API or below. ERA issued conforming amendments to the price regulations on March 25, 1980 (45 FR 21206, April 1, 1980).
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: William Carson/Douglas Harnish (202) 653–3202.

4. Marginal Wells—Extension of One-time Certification

DOE adopted amendments to the Mandatory Petroleum Price Regulations to provide producers of lower tier crude oil with a one-time option to update the base production control level or the unit base production control level for any domestic property.

A regulatory analysis was not required.

Status: Completed. A final rule was published November 14, 1979 (44 FR 65722) extending the deadline from August to December 1980.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Douglas Harnish/William Carson (202) 653–3202.

5. Marginal Wells, Extension of Depth Brackets

DOE is planning to issue a notice of proposed rulemaking to extend depth brackets/production rate allowances for marginal properties.

A regulatory analysis will not be required.

Status: A notice concerning the regulation will be published in the near future.

Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: William Carson/Douglas Harnish (202) 653–3202.

6. Newly Discovered Crude Oil Rule Amendment and Certification Requirements

DOE will develop regulations to establish certification procedures and to clarify technical parts of the final rule on newly discovered crude oil.

A regulatory analysis is not be required.

Status: A notice of proposed rulemaking will be issued in the sping of 1980.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: William Carson/Douglas Harnish (202) 653–3202.

7. Adjustment of Alaska North Slope Crude Oil.

DOE is considering modifications to the entitlements program for Alaska North Slope crude oil to remove the current economic advantage to refiners of such crude.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking will be issued in the sping of 1980.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: William Carson (202) 653–3202.

8. Entitlements for Petroleum Substitutes

Regulations have been adopted to allow the automatic inclusion in the entitlements program of ethanol from domestic biomass; shale oil; solid municipal waste and derivatives thereof used as fuel; and methane from municipal sewage or landfills. These petroleum substitutes receive the same runs credit on a btu basis as imported crude oil.

A regulatory analysis has been completed.

Status: Final rule was adopted on November 12, 1979 (44 FR 66183). No further action is planned.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Norman V. Breckner (202) 653–3202.

9. Transfer Pricing and Ocean Transportation

The transfer pricing and ocean transportation regulations allow DOE to establish maximum lawful costs for imported crude oil which may be passed through in the prices of controlled products. DOE has been considering action which would convert these regulations to standby status, but would require continued reporting of import volumes and costs.

A regulatory analysis is not required.

Status: DOE has determined that the transfer pricing and ocean transportation rules of 10 CFR 212.83 and 212.85 need not be modified at this time.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Daniel J. Thomas (202) 653–3202.

10. Crude Oil Resellers' Pricing Rule

ERA proposed (44 FR 62848, October 3, 1979) to establish fixed, separate maximum margins for both crude oil transactions in which crude oil is transported by the reseller and those where the crude oil is not transported. (The crude oil reseller regulations currently allow resellers to average their margins for purposes of determining compliance.) Resellers generally objected to the proposed changes to existing rules, particularly with respect to the margin values proposed and to the adoption of a transaction-based rule in place of the current average margin rule. In response to public comment, ERA has agreed to prepare and issue a regulatory analysis before proceeding on this rulemaking.

A regulatory analysis will be completed.

Status: ERA issued a notice announcing that a regulatory analysis would be prepared (45 FR 3635, January 18, 1980).
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Daniel J. Thomas (202) 653–3202.

11. Amendments Concerning Processing Agreements Involving Non-Refiners

DOE is currently analyzing the recent substantial increase in the amount of crude oil being refined for the account of non-refiners (typically producers and crude oil resellers). This analysis is being conducted in an effort to determine whether regulatory action should be taken.

A decision as to whether a regulatory analysis is necessary will be made if ERA determines to issue a notice of proposed rulemaking on this subject.

Status: A notice of intent was issued on January 10, 1980 (45 FR 3060, January 16, 1980).
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Margaret A. Carroll (202) 653–3254.

12. Emergency Allocation Provisions of the Crude Oil Buy/Sell Program (ERA–R–79–212)

In April 1979, in connection with amendments to the emergency allocation provisions of the Buy/Sell Program adopted on an emergency basis, ERA proposed additional amendments which would (1) add the seven largest independent refiners (refining capacity in excess of 175,000 b/d) to the seller's list, for purposes of emergency allocations only, and (2) provide that, with respect to emergency allocations, the price of crude sold to small refiners whose refining capacity is more than 50,000 b/d would be the replacement or, alternatively, actual cost, of the crude sold, rather than the seller's adjusted weighted average landed cost of imports as currently provided.

If a decision to issue a final rule is made, then a regulatory analysis will be completed.

Status: A notice of proposed rulemaking was issued on April 27, 1979 (44 FR 26113, May 4, 1979).
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: John Glynn (202) 653–3254.

13. Revision of Crude Oil Supplier/Purchaser Rule

DOE is presently considering the extent to which operation of the supplier/purchaser rule should be limited in order to both facilitate the economic movement of domestic crude oil to refiners and minimize any disruption which might otherwise occur upon the expiration of our statutory authority to allocate crude oil.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking will be issued in the spring of 1980.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Margaret A. Carroll (202) 653–3254.

14. Revision of the Small Refiner Bias

DOE amended the small refiner bias program (44 FR 25621, May 2, 1979), based on its determination that the financial benefits to small refiners under the program were higher than warranted and that, consequently, the program overcompensated small refiners for relatively higher costs of operation vis-a-vis large refiners. Subsequently, a Federal court determined that the provision of the final rule that would have phased out these benefits in concert with the phase out of price controls on crude oil was illegally issued. The Court therefore enjoined DOE from enforcing or applying the phase out provision. In response to this court decision, ERA decided to delete the phase out provision.

A regulatory analysis was completed in conjunction with the May 2, 1979 final rule. A regulatory analysis was not required in conjunction with the decision to delete the phase out provision.

Status: A final rule deleting the phase out provision was published in the **Federal Register** on April 3, 1980 (45 FR 22012).
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Mary B. Jones (202) 653–3254.

15. Non-Refining Uses of Price Controlled Oil

DOE has proposed to include in the entitlements program crude oil not processed by a refiner.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued November 1, 1978 (43 FR 52004, November 9, 1978). After an evaluation of public hearing results and other information, DOE has decided not to proceed with a final rule at this time.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Mary B. Jones (202) 653–3254.

16. Canadian Allocation Program (CAP) Revisions

On November 17, 1978, DOE issued a Notice of Proposed Rulemaking regarding revisions to the CAP (43 FR 55735, November 28, 1978). The proposed amendments were intended to reflect the declining volumes of Canadian crude oil exports, the varying success refineries have had in obtaining non-Canadian supplies and the simplification of the administration and industry reporting requirements of the CAP. In August 1979 DOE determined that any changes in the CAP at this time might exacerbate the already fragile supply and demand balance for crude oil and petroleum products in the Northern Tier. Consequently, DOE issued a Notice deferring action until at least early 1980. DOE is currently reviewing the CAP in light of the anticipated declining Canadian exports and will issue a new Notice of Proposed Rulemaking if appropriate.

A regulatory analysis is not required.

Status: A notice of intent to defer issuance of a final rule was issued August 9, 1979 (44 FR 47951, August 16, 1979).
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: John Glynn (202) 653–3254.

17. Annual Revision of Fee-Free Licenses Under the Mandatory Oil Import Program

Annual revision of the Mandatory Oil Import Program is required to reflect the fee-free allocation levels established by Presidential Proclamation 3279 for the allocation year beginning May 1, 1980.

A regulatory analysis is not required.

Status: ERA plans no further action on this tiem at this time in view of the President's decision to impose Gasoline Conservation Fees.
Authority: Presidential Proclamation 3279.
Contact: Josette Maxwell (202) 653–3256.

18. Entitlement Exemption for Start-up Inventories

It has been the practice of the Office of Petroleum Operations to grant exemptions from entitlement obligations for price controlled crude used for start-up inventories. ERA is considering regulatory amendments to that practice, and is reviewing the need for granting such exemptions and the appropriate mechanism for implementing such exemptions.

A regulatory analysis decision has not been made.
Status: A notice of proposed rulemaking has not been issued.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Norman V. Breckner (202) 653–3202.

19. Incentives To Refine Lower Quality Crude

Maximum lawful prices for covered products such as motor gasoline are determined by adding their base period prices plus actual increases in crude oil and non-product costs. A refiner that is able to substitute a lower cost crude is required to adjust product prices to reflect that lower cost. ERA has been advised that this required price reduction is a disincentive to investing in facilities to utilize lower cost crudes. Refiners have stated that the economic justification for such investments is the saving in crude costs, and that refiners need to be able to capture that saving for their own use in order to make such investments.

ERA has considered proposing a rule to provide a rate of return on investment to encourage such investments, but has been advised through public comment that such a rule is too burdensome. However, a rule to allow the savings from using lower quality crude to be retained by refiners received general support. Such a rule would accelerate the use of these lower cost crudes, causing a reduction in the cost of imported crude, and expanding the market for low gravity/high sulfur domestic crudes. In light of the decontrol of crude oil after September 1981, ERA is considering adopting such a rule in the standby regulations or recommending legislative initiatives that could be considered for incorporation in any legislation that would be effective after the expiration of the Emergency Petroleum Allocation Act of 1973.

A regulatory analysis decision has not yet been made.

Status: A notice of inquiry on incentives for refinery investments has been published (44 FR 50847, August 30, 1979). No notice concerning amendments to the regulations has been published and no legislative initiatives have been proposed.
Authority: Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159), as amended.
Contact: Norman V. Breckner (202) 653–3202.

20. Incentives for Enhanced Crude Oil Recovery

Technical amendments to the regulations providing incentives for enhanced crude oil recovery are necessary to take into account windfall profits tax effects and to correct certain technical defects of the rule.

A regulatory analysis is not necessary.

Status: Final rule was published August 30, 1979 (44 FR 51148); technical amendments will be issued in the spring of 1980.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Douglas Harnish (202) 653–3202.

C. Refined Products

1. Gasohol Regulations

DOE is presently developing proposed allocation and pricing rules to facilitate the production and marketing of gasohol.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking will be issued in the spring of 1980.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: James Berry (202) 653–3236.

2. Puerto Rican Naphtha Entitlements Program Revisions

ERA has been petitioned by the Puerto Rican Government and the petrochemical industry to revise the naphtha entitlements program. They contend that the present program has not permitted an equilization of their naphtha feedstock costs with those of their competitors on the mainland.

A regulatory analysis will be completed if a notice of proposed rulemaking is issued.

Status: ERA is analyzing the issue and has not yet made a decision to issue a notice of proposed rulemaking.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: John Glynn (202) 653–3254.

3. Amendments to the Entitlements Program With Regard to Residual Fuel Oil Imports

DOE issued an emergency amendment June 10, 1979 (44 FR 34468, June 15, 1979) extending the Residuel Fuel Oil Entitlements Program then in effect through December 31, 1979. Importers of residual fuel into the East Coast market and Michigan receive 50% of an entitlements runs credit while domestically produced residual fuel oil shipped on foreign tankers incurs a loss of 50% of an entitlements runs credit. This amendment was later extended through September 30, 1980, to implement Congressional policy.

A regulatory analysis has been completed.

Status: Final rule issued January 25, 1980 (45 FR 6719, January 31, 1980), in which ERA asked for comments on the treatment of residual fuel oil imported in U.S. flag vessels.

Authority: EPAA of 1973 (Pub. L. 93–159), as amended; Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1980 (Pub. L. 96–126).

Contact: Josette Maxwell (202) 653–3256.

4. Propane Increased Non-Product Costs

Effective January 1, 1980, DOE amended the pricing regulations to permit small propane retailers to passthrough increased non-product costs, and increased the categories of non-product costs which may be passed through by large resellers and retailers of propane.

A regulatory analysis has been completed.

Status: Completed. Proposed rule published July 10, 1979 (44 FR 40324); final rule published December 28, 1979 (44 FR 77118).

Authority: EPAA of 1973, Pub. L. 93–159, as amended.

Contact: Roger Miller (202) 653–3205.

5. Price Rule for Product Exchanges

Interim rules were adopted for product exchanges to allow increased costs to be allocated to covered product volumes received in exchanges.

A regulatory analysis decision has not been made.

Status: Commenters have indicated concerns with the equity of these interim rules. However, DOE does not plan to revise the interim rules published December 15, 1978 (43 FR 59810, December 21, 1978).

Authority: EPAA of 1973, Pub. L. 93–159, as amended.

Contact: Daniel J. Thomas (202) 653–3202.

6. Unleaded Gasoline Price Differential

DOE considered setting a fixed price differential between regular leaded and unleaded gasoline because regular unleaded retail prices were exceeding regular leaded prices by an appreciable amount. Since ERA proposed amendments to deal with this problem, additional supplies of unleaded gasoline have reduced the price differential substantially.

A regulatory analysis is not required.

Status: Notice of proposed rulemaking published April 11, 1979 (44 FR 21651). No further action is planned.

Authority: EPAA of 1973, Pub. L. 93–159, as amended.

Contact: Maurice G. Boehl (202) 653–3202.

7. Unleaded Gasoline Octane Improvement

ERA is considering amendments to the pricing regulations for unleaded gasoline to remove current disincentives for refiners to produce new grades of unleaded gasoline. This could result in increased domestic gasoline production.

A regulatory analysis has been completed.

Status: A notice of continued rulemaking was issued November 27, 1979. A final rule may be issued in the spring of 1980.

Authority: EPAA of 1973, Pub. L. 93–159, as amended

Contact: Maurice Boehl/Ed Mampe (202) 653–3199.

8. Resellers and Reseller-Retailers Price Rules for Gasoline

DOE proposed an interim rule to increase the ceiling on cents per gallon non-product cost increases resellers and reseller-retailers could recover on reseller sales of gasoline which were actually delivered.

A regulatory analysis has been completed.

Status: Proposed interim rule was issued December 3, 1979 (44 FR 69602). Interim final rule issued December 2, 1980 (44 FR 1582, January 7, 1980).

Authority: EPAA of 1973, Pub. L. 93–159, as amended.

Contact: Maurice Boehl (202) 653–3199 or Roger Miller (202) 653–3205.

9. Resellers' and Reseller-Retailers' Price Rules for Gasoline

DOE proposes to increase the cents per gallon margins for retail and delivered reseller sales of gasoline to reflect inflation and to be consistent with the price rules for independent retailers. The proposed regulations would eliminate banked costs and permit refiners to pass through "increases" in commission paid to consignee agents.

A regulatory analysis will be completed.

Status: A proposed rule was issued (44 FR 69602, December 3, 1979). A final rule will be issued in the spring of 1980.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Contact: Maurice Boehl (202) 653–3199 or Roger Miller (202) 653–3205.

10. Equal Application Rule and Allocation of Costs at Retail Level

These regulations would remove one of the current regulatory constraints which result in refiners and reseller-retailers selling gasoline at retail prices substantially below those of independent retailers. Any increase in retail prices would be offset by reduced costs available for "banks" or for pass through to other classes of purchasers. In addition, refiners' increased non-product costs attributable to retail sales could only be recouped in prices charged in retail sales.

A regulatory analysis has been completed.

Status: A notice of proposed rulemaking was issued September 17, 1979 (44 FR 54902, September 21, 1979). A final rule on the changes to the equal application rule will be completed in the spring of 1980.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Contact: Maurice Boehl (202) 653–3199.

11. Modification or Elimination of the Equal Application Rule

ERA is considering whether to allow refiners to use increased costs to raise or lower retail prices to match their competition without penalty, or whether to eliminate the equal application rule for all sales. The proposed changes would not allow refiners to increase prices beyond what is currently allowed under the regulations.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking will be issued in the spring of 1980.

Authority: EPAA of 1973, Pub. L. 93–159, as amended.

Contact: Maurice Boehl or Ed Mampe (202) 653–3199.

12. Motor Gasoline Allocation Revisions—General

DOE is developing amendments to correct certain deficiencies in the present motor gasoline allocation regulations and to enable DOE to deal more effectively with dislocations during tight supply situations.

A regulatory analysis will be completed.

Status: ERA will issue a notice of proposed rulemaking in the spring of 1980.

Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: William E. Caldwell (202) 653–3256.

13. Motor Gasoline Allocation: Downward Certification Adjustments

DOE is considering regulations that would establish a downward certification procedure for wholesale purchaser-resellers when their supply obligations decrease.

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking was issued (44 FR 69962, December 5, 1979). ERA may take final action in the spring of 1980.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: James Berry (202) 653–3263.

14. Allocation Level for Mail Hauling; Assignments and Adjustments to Firms

The proposed rule would enable mail hauling uses of the United States Postal Service to qualify for a first priority allocation to motor gasoline without regard to the weight of the vehicle. The definition of "firm" is proposed to be amended to permit ERA to make allocation assignments and adjustments to separate facilities, rather than to an entire firm as presently required.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking has been issued (45 FR 6951, January 31, 1980). A final rule will be issued in the spring of 1980.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Eric Hager (202) 653–3263.

15. State Set-Aside Monthly Report

The ERA is considering establishing a monthly reporting requiring for states participating in the motor gasoline and distillate set-aside programs under the Mandatory Petroleum Allocation Regulations. A new report form to be administered by the ERA will solicit data by product category on total volumes available, assigned, and released by state energy offices under the program. The new reporting requirement would enable the ERA to monitor more closely the set-aside program and enhance its capability to respond to emergency supply conditions.

A regulatory analysis is not required.

Status: Notice of proposed form and opportunity for public comment may be issued in the spring of 1980.
Authority: Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93–159); Federal Energy Administration Act of 1974 (Pub. L. 93–275).
Contact: Eric Hager (202) 653–3263.

16. Assignments to Base Period Supplier: Notice to Aggrieved Parties

The DOE has proposed to adopt new procedures for notifying potentially aggrieved parties in connection with applications for new assignments or adjustments of motor gasoline to service stations.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued (44 FR 67338, November 23, 1979). A final rule may be issued later this year.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: William Caldwell (202) 653–3256.

17. Priorities for Distillate Allocations (Surface Passenger Mass Transportation) (ERA–R–79–25A)

DOE proposed Special Rule No. 9 to ensure the availability of diesel fuel for energy-efficient surface passenger mass transportation and to treat van-pooling as a first priority activity for gasoline allocation purposes. The rule would prevent disruptions of mass transportation during shortages.

A regulatory analysis is not required.

Status: On January 24, 1980, ERA issued a final rule (45 FR 6917, January 31, 1980) which extended indefinitely the effectiveness of Special Rule No. 9.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: William E. Caldwell (202) 653–3256.

18. Mandatory Production Levels for Middle Distillates

During July 1979 DOE urged refiners to build up primary distillate stocks, which at that time were below inventory levels in recent years, in order to insure adequate heating oil supplies and prevent consumer hardships in the 1979–1980 heating season. On July 30, 1979, DOE issued a proposed rule (44 FR 46244, August 6, 1979), to require high levels of distillate production in August, September, and October 1979 if refiners did not take the requested voluntary action. Refiners did act, and stock levels in October, November, and December 1979 rose above the corresponding 1978 levels. Because of these changed conditions, DOE did not issue a final rule.

A regulatory analysis is not required.

Status: On July 30, 1979, DOE issued the proposed rule (44 FR 46244, August 6, 1979) described above. ERA plans no further action on this item.
Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.
Contact: Gerald P. Emmer (202) 653–3256.

D. Deregulation

1. Deregulation of Butane and Natural Gasoline

The DOE exempted butane and natural gasoline from allocation and price controls effective on January 1, 1980.

A regulatory analysis has been completed.

Status: A proposed rule was published March 28, 1979 (44 FR 19423). The final rule was published December 6, 1979 (44 FR 70118).
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Roger Miller (202) 653–3205.

2. Deregulation of Propane or Simplified Pricing Concept

ERA is considering either exempting propane from allocation and price controls or proposing a more simplified pricing concept for propane and natural gas liquids.

A draft regulatory analysis has been completed.

Status: A notice of inquiry was published February 7, 1979 (44 FR 7934); a notice of availability of draft regulatory analysis was published August 27, 1979 (44 FR 50072). No decision has yet been made whether to issue a notice of proposed rulemaking.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Roger Miller (202) 654–3205.

3. Deregulation of SNG Feedstocks

DOE is considering whether to issue a proposal to exempt SNG feedstocks from allocation controls.

A regulatory analysis will be completed.

Status: A proposed regulation is expected to be issued in the summer of 1980.
Authority: EPAA of 1973, Pub. L. 93–159, as amended.
Contact: Bob Reinstein (202) 653–3281.

E. Emergency Preparedness

1. Standby Gasoline Rationing Plan

The Energy Policy and Conservation Act of 1975 (Pub. 94–163, EPCA) as amended by the Emergency Energy Conservation Act of 1979 (Pub. L. 96–102, EECA) requires the development and transmission to the Congress of a standby gasoline rationing plan. The Act provides that a rationing plan can only be implemented in the event of a severe energy supply interruption or to comply with obligations of the United States under the international energy program.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published on December 10, 1979

(44 FR 70799). A plan will be sent to Congress in the spring of 1980.

Authority: EPCA as amended by EECA.

Contact: Benton F. Massell (202) 653–3220.

2. Amendments to the Standby and Current Crude Oil Allocation and Refinery Yield Programs To Provide for the Distribution of SPR Crude Oil

ERA will isue regulations necessary to complement the SPR distribution plan approved by Congress.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published August 20, 1979 (44 FR 48696). DOE expects to issue a final rule in the spring of 1980.

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended.

Contact: Josette Maxwell (202) 653–3256.

3. Amendments to the Allocation Regulations To Facilitate Exchanges of NPR Crude Oil for Other Oil To Be Stored in SPR

DOE is considering amendments to the allocation regulations to provide for exchanges of Naval Petroleum Reserve (NPR) crude oil for crude oil to fill the Strategic Petroleum Reserve (SPR).

A regulatory analysis will be completed.

Status: A notice of proposed rulemaking will be issued in the spring of 1980.

Authority: Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159), as amended; Energy Policy and Conservation Act (Pub. L. 94–163); Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94–258).

Contact: Josette Maxwell (202) 653–3256.

4. Defense Production Act Regulations

The DOE published a notice of proposed rulemaking which would authorize it to issue priority rated orders to suppliers requiring them to supply petroleum products to the Defense Department for national defense needs.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was issued (44 FR 63109, November 2, 1979). Public hearings have been held and DOE expects to issue a final rule in the spring of 1980.

Authority: Defense Production Act of 1959, 50 U.S.C. 2071.

Contact: William E. Caldwell (202) 653–3256.

F. Utility Systems

1. Authorization To Transmit Electric Energy to a Foreign Country

Section 202(e) of the Federal Power Act requires that any jurisdictional electric utility obtain an authorization from the Secretary of Energy prior to exporting electric energy to a foreign country. DOE will simplify the rule and make it consistent with current authority.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking will be published in April 1980; a final rule will be issued in the spring of 1980.

Authority: Federal Power Act, section 202(e).

Contact: Jim Brown (202) 653–3825.

2. Presidential Permit To Construct Electric Power Lines Crossing International Boundaries

Executive Order 10485 as amended requires that any person obtain approval of the Secretary of Energy prior to constructing an electric power line across an international boundary. DOE will simplify the rules and make them consistent with current authority.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking will be published in April 1980; a final rule will be issued in June 1980.

Authority: Executive Order 10485 as amended by Executive Order 12038; section 202(e) of the Federal Power Act.

Contact: Jim Brown (202) 653–3825.

3. Electric Power System Outage and Incident Reporting

Electric utilities currently report certain bulk power system outages, disturbances, load reduction actions and other significant events to ERA. ERA will modify and simplify the reporting rules to meet current program needs.

A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published on March 27, 1980 (45 FR 20109); a final rule will be issued in the summer of 1980.

Authority: Section 311 of the Federal Power Act.

Contact: Jim Brown (202) 653–3825.

4. Emergency Electrical Interconnections and Transfers of Electricity

Section 202(c) of the Federal Power Act provides authority to order emergency electricity interconnections and transfers of electricity either upon application or on the Federal Energy Regulatory Commission's own initiative. DOE will revise the regulations to clarify those situations ERA will view as emergencies.

A regulatory analysis decision has not been made.

Status: A notice of proposed rulemaking has not yet been issued.

Authority: Section 202(c) of the Federal Power Act.

Contact: Jim Brown (202) 653–3825.

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Vol. 45, No. 84

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Federal Register, Daily Issue:

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523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
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523-5233	Executive Orders and Proclamations
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Public Laws:

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-5282	Statutes at Large, and Index
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523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, APRIL

21199-21606.....1
21607-22008.....2
22009-22872.....3
22873-23400.....4
23401-23630.....7
23631-24098.....8
24099-24438.....9
24439-24850.....10
24851-25036.....11
25037-25370.....14
25371-25786.....15
25787-26016.....16
26017-26310.....17
26311-26684.....18
26685-26942.....21
26943-27434.....22
27435-27738.....23
27739-27904.....24
27905-28078.....25
28079-28300.....28
28301-28700.....29

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....23703, 27451

3 CFR

Executive Orders:
11958 (Amended by EO 12210).....26313
12172 (Amended by EO 12206).....24101
12187 (Amended by EO 12209).....26311
12205.....24099
12205 (Amended by EO 12211).....26685
12206.....24101
12207.....25373
12208.....25789
12209.....26311
12210.....26313
12211.....26685

Administrative Orders:
No 80-15 of April 2, 1980.....26017
No 80-16 of April 14, 1980.....28079

Proclamations:
4667 (See Proc. 4750).....26019
4740.....21199
4741.....21201
4742.....21607
4743.....22009
4744.....22864
4744 (Amended by Proc. 4748).....25371
4744 (Amended by Proc. 4751).....27905
4745.....24851
4746.....24853
4747.....25037
4748.....25371
4749.....25787
4750.....26019
4751.....27905
4752.....27907

4 CFR

31.....22873
33.....22873
34.....22873

Proposed Rules:
418.....25067

5 CFR

213.....22873, 26315
335.....24855
351.....24855, 28301
432.....24855
531.....27909
733.....27909
752.....24855
771.....24855
831.....22953, 23631, 24856
870.....23631
871.....23631
890.....23631
891.....23631
2500.....22873

Proposed Rules:
410.....24899
2424.....25067
2502.....26714
2504.....22049

6 CFR

705.....21259, 21609
706.....21609
707.....21609

7 CFR

1.....27435
2.....21610, 25039
20.....24103, 24439
25.....23401
271.....21998, 22873, 23288
272.....21998, 22873, 27426
273.....21998, 22873, 23288, 27426
274.....21998, 22873, 23288
275.....23637, 25375
278.....23288
301.....21260, 24856
410.....25791
905.....24440, 27739
907.....22011, 24441, 26021, 27739
908.....22011, 23638, 24442, 26021, 27740
910.....22882, 24858, 26315, 27910
911.....27910
928.....23638, 26943
944.....27910
979.....24105
982.....28081
985.....25039
991.....24441
1004.....23401
1032.....23401
1050.....23401
1062.....23401
1068.....23405
1421.....26308
1446.....24442
1464.....26687
1472.....24858
1701.....22883
1943.....27911
1948.....26943
1960.....27913
2851.....27915
2858.....26944, 27435, 27916

2859.....23639
2900.....27741

Proposed Rules:

28.....26340
414.....25073
415.....25068
760.....24899
925.....26967
971.....24489
999.....24167
1036.....24167
1097.....24492
1102.....24492
1108.....24492
1124.....25407
1260.....25078
1425.....24492
1427.....23449
1446.....28148
1464.....27944
1701.....24900–24901, 26340
1951.....27453
2852.....27944
2900.....25408

8 CFR

212.....24849
214.....23641, 24859, 25791, 26015
242.....27916
244.....27916
245.....26015, 26947
248.....23641, 26015
299.....21610

9 CFR

51.....24860
75.....26316
82.....26316
92.....24860, 26317
303.....27919
309.....26947
331.....24861
381.....27917–27919

Proposed Rules:

51.....26341
73.....26341
83.....22954
92.....26342

10 CFR

0.....26022
205.....21203, 24861, 25375
211.....21204, 22012
212.....21206, 28302
782.....26950

Proposed Rules:

Ch. II.....27964, 28686
Ch. III.....27964, 28686
Ch. V.....27964
Ch. X.....28686
2.....26071
19.....21261
20.....26072, 26717
51.....24168
140.....26973
205.....25780
211.....28148
212.....27767
435.....25097, 27964
455.....26717
461.....24092
477.....24516
1000.....27948

11 CFR

Ch. I.....21209, 23642, 25378
100.....21210, 21211
101.....21211
102.....21211
103.....21211
104.....21211
106.....21211
108.....21211
109.....21211
110.....21210, 21211, 27435
111.....21211
112.....21211
113.....21211
114.....21210, 21211

12 CFR

26.....24384
204.....28305
205.....25379
207.....24106
212.....24384
220.....24106
221.....24106
224.....24106
229.....22883, 23642, 24444, 24842, 26318
265.....24447
304.....22885
328.....23645
330.....23645
331.....23645
348.....24384
523.....21211
533.....24446
545.....24108, 24446
555.....24446
561.....26024
563f.....24384
564.....26024
590.....24112, 28306
701.....22888, 26687
711.....24384

Proposed Rules:

17.....25078
308.....22955
545.....24178
701.....26073

13 CFR

101.....21611
107.....25794
121.....21262, 22950
309.....21611

Proposed Rules:

28.....21261
121.....21649, 23704, 26974
124.....22971

14 CFR

21.....25046
23.....25046
36.....25046
39.....24448–24454, 25047, 26030–26032, 26690, 28082
61.....27745
65.....27745
71.....23406, 24455, 25054, 26033, 26034, 26691, 27746–27747
73.....28084
75.....22013
91.....25046
95.....25055
97.....24456, 26692
121.....25046
135.....25046
139.....25046
159.....21211, 22014
221.....24115
302.....26034
304.....26035
315.....23646
374a.....25795
385.....21612, 26035
387.....26035
399.....24115
1241.....23406

Proposed Rules:

Ch. I.....25350, 26717, 26718
Ch. V.....23465
39.....24493, 25039, 26075, 26078, 27769–27771, 28149
71.....22052, 23457–23465, 26079–26082, 27771–27774, 28150–28152
73.....24498
75.....28153
91.....25355
121.....27775
123.....27775
127.....27775
135.....27775
152.....26091
199.....26091
207.....26083
208.....26083
211.....26084
212.....26083
214.....26083
215.....24494–24498, 25079 26084
221.....25817, 28342
250.....25817, 28342
252.....26976
255.....25817, 28342
298.....25817, 28342
374a.....25824
380.....26084
385.....26084
399.....24178

15 CFR

Ch. III.....27922
7a.....26693
7b.....26693
7c.....26693
369.....24862
371.....21612
377.....21615
379.....21612
385.....21612, 24458
399.....21612, 24458

Proposed Rules:

377.....25034, 27948

16 CFR

2.....21622
3.....21622
13.....21214, 22018, 22020, 22021, 24122
305.....26035
803.....21215
1015.....22022
1026.....27923
1205.....26334
1209.....26333

Proposed Rules:

Ch. I.....22972
13.....23466, 24901, 26344, 27777, 27949, 28154–28158, 28342
419.....24499
436.....26347, 26356
437.....23705, 24499, 27453
1307.....25409

17 CFR

145.....26952
146.....26952
147.....26952
210.....27747
239.....23651
240.....23651
249.....23651
270.....28307

Proposed Rules:

1.....22974
201.....24499
210.....24499
229.....23470, 24499
230.....23470, 24499, 26366
231.....24499
239.....24499, 26366
240.....23470, 24499, 27781
241.....24499
249.....24499
250.....23470
270.....23470
274.....24500, 26366
275.....25080

18 CFR

0.....21216
1.....21216, 27924, 28085
2.....21216
3.....21623
4.....28085
46.....23413
141.....21623
154.....28092
157.....21216
260.....21623
270.....28092
271.....24123, 28092
272.....24123, 28092
273.....28092
274.....24124, 28092
282.....22891, 22952
284.....21216
292.....23661, 26955
294.....23684
375.....21216, 26694
376.....21216
410.....22892
701.....24459
713.....24863–24864
1307.....22893

Proposed Rules:

Ch. VI.....26718
2.....22053
270.....28345
271.....28345
282.....22110, 22974, 25825
294.....28162
710.....25302
711.....25302
713.....25302
714.....25302
716.....25302

19 CFR

353.....23684, 24126–24127
355.....23685, 27749

Proposed Rules:

210.....24192

211.....24192

20 CFR

348.....28313
349.....28313
350.....28313
351.....28313
352.....28313
353.....28313
354.....28313
355.....28313
356.....28313
357.....28313
358.....28313
359.....28313
360.....28313
361.....28313
362.....28313
363.....28313
364.....28313
365.....28313
366.....28313
367.....28313
368.....28313
369.....28313
370.....28313
371.....28313
372.....28313
373.....28313
374.....28313
375.....28313
404.....22023, 25060, 25383
654.....22901

Proposed Rules:

416.....26719, 27782
655.....24902
675.....23296, 24903
676.....23296, 24903
677.....23296, 24903
678.....23296, 24903
679.....23296, 24903

21 CFR

Ch. I.....26955
Ch. II.....24128
14.....28316
2.....22901
5.....22902, 27924
14.....21225
58.....24865
81.....22904
101.....22904
172.....22914
176.....28316
177.....22915
178.....25388
182.....22914
184.....22914, 26319
186.....22914
201.....25760
207.....25760
314.....25760
436.....22921
440.....22921
442.....22918
510.....22922, 24865, 27925
520.....22920, 27925
522.....26955
540.....22923
548.....27925
558.....22922, 23686, 24865
561.....21227, 26695, 27926, 28317
573.....22920
589.....28318
640.....27926
861.....23686
1020.....27927
1308.....26696

Proposed Rules:

73.....26977
163.....28348
320.....22974
561.....25098
589.....28349
601.....25652
606.....28359
610.....22975, 27952, 28359
630.....25652
640.....22975, 27952, 28358, 28359
866.....27204–27358
1304.....24198
1306.....24199

22 CFR

41.....24849
46.....24436

23 CFR

Proposed Rules:

450.....26091
628.....24505
645.....26280
658.....26091
1204.....26091

24 CFR

115.....24866
200.....27750
201.....23686
203.....27928
205.....26697
213.....23686
234.....23686
510.....24802
570.....27380
803.....23419
880.....22923
888.....23419
3282.....26906

Proposed Rules:

111.....27454
203.....26978
204.....26978
220.....26978
221.....27784
234.....26978
235.....26978
241.....27784
279.....28298
510.....24808
570.....24044, 25827, 26979, 27785
600.....26980, 27786
868.....27786
885.....24903
3280.....26908

25 CFR

Ch. III.....22924
221.....27436
256.....28100
700.....25389

Proposed Rules:

171.....24200
177.....24200
182.....24200
251.....27952

26 CFR

1.....24128, 26319, 28319
7.....26319
31.....24128
150.....23384, 27929
301.....26324
403.....27932

Proposed Rules:

1.....24200–24207, 26092, 26981, 27454, 28360, 28365
3.....24205
14.....26092
31.....24205, 24207
51.....27953
53.....24205
301.....24207

27 CFR

13.....26956

Proposed Rules:

4.....22977
178.....26982

28 CFR

Ch. I.....28321
0.....22023, 27754
45.....26376
527.....23364
549.....23364
551.....23364

Proposed Rules:

Ch. I.....26098
552.....23367
572.....23364

29 CFR

56.....26414
207.....28322
208.....28322
209.....28322
1440.....28105
1604.....25024
1613.....24130, 25796
1910.....26366
2520.....24866, 25404, 27932
2610.....21228

Proposed Rules:

1.....21263
4.....21263
5.....21264
6.....27400
8.....27410
29.....25410
1405.....24507
1425.....21264
1910.....21265, 22977
1918.....21265
1926.....21265, 22977
1928.....21265

30 CFR

11.....23990
70.....23990
71.....23990
75.....23990
90.....23990
715.....25998
816.....25998, 26001
817.....25998, 26001
926.....21550

Proposed Rules:

Ch. VII.....24210, 26368, 27953–27955, 28164–28169, 28371, 28380
70.....24008
71.....24009
90.....24017
211.....26924
716.....25992
783.....25990
785.....25992
816.....25990
817.....25990

31 CFR

316.....21880
342.....21988
535.....24408, 24432, 26940

Proposed Rules:

Ch. II.....25827

32 CFR

169a.....22924
199.....28322
238.....21228
286.....28323
553.....27755
630.....25060
655.....26958
866.....26037
888.....26037
889.....25060
953.....23423, 26958
1700.....21634

33 CFR

147.....26697
175.....22110
207.....24460, 27755
325.....22112

Proposed Rules:

100.....23472
110.....25081, 27786
117.....23473, 24508, 25082
165.....25081
175.....24509
396.....27378

36 CFR

7.....22023
222.....24133
1202.....25796

37 CFR

302.....26958

38 CFR

3.....25391, 25392, 27436
4.....26326
14.....21242
36.....21242, 23687, 24138, 26959

Proposed Rules:

14.....22978
17.....22979
21.....21653
36.....25411

39 CFR

111.....26698, 28331

Proposed Rules:

111.....26982

40 CFR

22.....24360
52.....21634, 23424, 24139–24140, 24460, 24869, 26038, 26327, 27756–27760, 27933, 28112

60.....23374
80.....24360
81.....21244, 22929, 24469, 24869, 25063, 27761, 27935, 28337
86.....26044
100.....26046
120.....21246
122.....21635
125.....21635
168.....24360
180.....21247, 22931, 23424, 24877, 26048, 26330, 27761, 27936, 28338
192.....27366
226.....24360
775.....26331
1500.....28339
1501.....28339
1502.....28339
1503.....28339
1504.....28339
1505.....28339
1506.....28339
1507.....28339
1508.....28339

Proposed Rules:

Ch. I.....26722
30.....23706
51.....21592
52.....21266, 21271, 21282, 21290, 21292, 21297, 21592, 22981, 22982, 22987, 23473, 24509, 25087, 26101, 26368, 26721, 26983, 27454, 27787, 27957, 28170, 28371, 28380
58.....21301, 28170
59.....21592
60.....21302, 26304, 26910
61.....25828, 26660
65.....22987, 26902, 28171
81.....24510, 27957, 28171
86.....27788, 27958
122.....26984
123.....26984
124.....26984
125.....21303
162.....26370
163.....26373, 27958
169.....27790
180.....25100, 27958, 28172
192.....27380
401.....21655, 26734
419.....26721
425.....24211
446.....23707
712.....23473, 26386, 28172-28176
761.....25828
775.....26386

41 CFR

Ch. I.....23688, 27762
Ch. 101.....27436
101-26.....27764
101-42.....27764
101-43.....28113
3-1.....25393, 25394
3-2.....25393
3-3.....25393
3-7.....25394
9-1.....24376
9-3.....24376
9-7.....24376
9-16.....24376
9-50.....24376
101-20.....22932
101-21.....22932
105-61.....28340

Proposed Rules:

Ch. III.....24211
14-3.....27793

42 CFR

Subchapter C.....24878
74.....26960
110.....24352
405.....22933, 24838, 26699
442.....22933
489.....22933

Proposed Rules:

74.....25412, 26387, 27456
122.....24511
123.....24511
405.....25412, 25829, 26387, 27456
431.....22988
460.....21657

43 CFR

7.....24471

Proposed Rules:

17.....24074
3800.....27456, 28380

Public Land Orders:

2595 (Amended by PLO 5715).....21248
5653 (Revoked by PLO 5716).....24890
5654 (Revoked by PLO 5716).....24890
5712 (Corrected by PLO 5717).....25064
5715.....21248
5716.....24890
5717.....25064
5718.....25064

44 CFR

64.....22941, 26049, 26331, 28118-28120
65.....22942, 26051, 27937, 28122
67.....22024, 22027, 25798, 27937-27942, 28124
205.....26052

Proposed Rules:

67.....22114, 22116, 22988, 22994, 25831-25834, 26389, 27959-27963

45 CFR

Ch. I.....22494
Ch. XIV.....22494
Ch. XV.....22494
100b.....22648
100d.....22634
116a.....22654
116d.....22660
119.....22680
120.....22680
123.....23208
123a.....23208
123b.....23208
123c.....23208
123d.....23208
123e.....23208
123f.....23208
123g.....23208
123h.....23208
123i.....23208
134.....23602, 26960
160b.....22690
160c.....22702
160f.....22730
160g.....22742
161b.....22750
161c.....22742
161e.....22758
161f.....22764
161g.....27880
161h.....22770
161l.....27388
161m.....23200, 28341
163.....22702
163a.....22702
163b.....22702
163c.....22702
163d.....22702
166.....22776
166a.....22776
166b.....22776
166c.....22776
170.....28666
182.....22803
184.....24040
193.....26914
195.....22690
195a.....22690
195b.....22690
205.....25397
224.....27420
233.....26960
235.....25397
1050.....25064, 28136
1060.....26712
1063.....28136
1069.....28136
1501.....26705

Proposed Rules:

Ch. XI.....23473
100a.....21303
100b.....21303
104.....28288
105.....22806, 28288
121d.....22806
121e.....22806
121f.....22806
121h.....22806
121k.....22806
131.....22806
132.....22806
133.....22806
136.....22806
146.....22806
146a.....22806
148.....22806
151.....24070
154.....22806
155.....22806
157.....22806
158.....22806
159.....22806
164.....22806
169.....22806
172.....22806
173.....22806
179.....22806
182.....22806
182a.....22806
185.....25028
191.....22806
194.....22806
197.....22806
198.....22806
1076.....26102
1300.....23474, 26390
1480.....21657

46 CFR

30.....23425, 25065
33.....24471
34.....22040
35.....24471
56.....26711
71.....24471
75.....24471
76.....22040
78.....24471
91.....24471
94.....24471
95.....22040
97.....24471
160.....24471
162.....22040
167.....22040
189.....24471
192.....24471
193.....22040
196.....24471
221.....21635
308.....22041
525.....25798
530.....25798
540.....23428

Proposed Rules:

30.....23475, 25083
44.....26722
151.....23475, 25083
160.....22116
536.....23708
538.....23708
541.....27457

47 CFR

0.....22945, 25398, 25399
2.....24154
15.....24154
22.....25802
64.....26054
73.....21636-21638, 23430-23439, 25400, 25401, 25806, 25808, 26059, 26390, 26707, 28140
74.....26059, 28140
76.....23440
81.....27765

Proposed Rules:

Ch. I.....26723
2.....21306, 21661, 25412 25844
15.....23478
22.....21306
61.....24212
63.....26724
67.....24212
73.....21661, 23478-234830, 24213-24214, 25414, 27794
81.....21661, 27795
83.....21661
87.....25415
90.....25412, 25844
94.....27457
97.....25418

48 CFR

Proposed Rules:

15.....26984
49.....21306

49 CFR

1 26068
23 23441
71 25065
192 23441
215 26708
395 ..... 22042, 28142
571 22044
575 ..... 23441, 23442
635 26298
1011 28143
1014 ..... 22945, 28147
1033 ..... 21248–21255, 21639, 21641, 21643, 22945, 23444–23447, 23690–23701, 24487, 24890–24897, 25401, 25402, 25810–25812, 26331, 26962–26966, 27441–27445
1047 22948
1048 28341
1100 26069
1125 27445
1241 28143

Proposed Rules:

Ch. X 26395, 28381
172 25083
173 25083
177 25083
178 25083
179 25083
192 22118
258 26091
260 26091
325 22120
531 24511
571 24517
613 26091
640 22121
1036 28380
1041 25419
1057 ..... 26399, 27796
1100 28176
1307 21662
1310 21662

50 CFR

17 ..... 21828, 24088, 24904, 27716
21 25065
23 22848
26 ..... 21256, 22047, 25813, 27449
230 22948
285 25814
450 23354
451 23354
452 23354
453 23354
611 ..... 21256, 21845, 28146
651 ..... 22949, 25403
652 26966
655 21845
656 21256
671 25815
672 28146

Proposed Rules:

Ch. VI 25844
17 ..... 27457, 27723
23 23370
216 23002
601 26402
611 ..... 21307, 22121, 22144, 22121, 25421, 25845
656 22144
657 21307
671 25421

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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

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The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

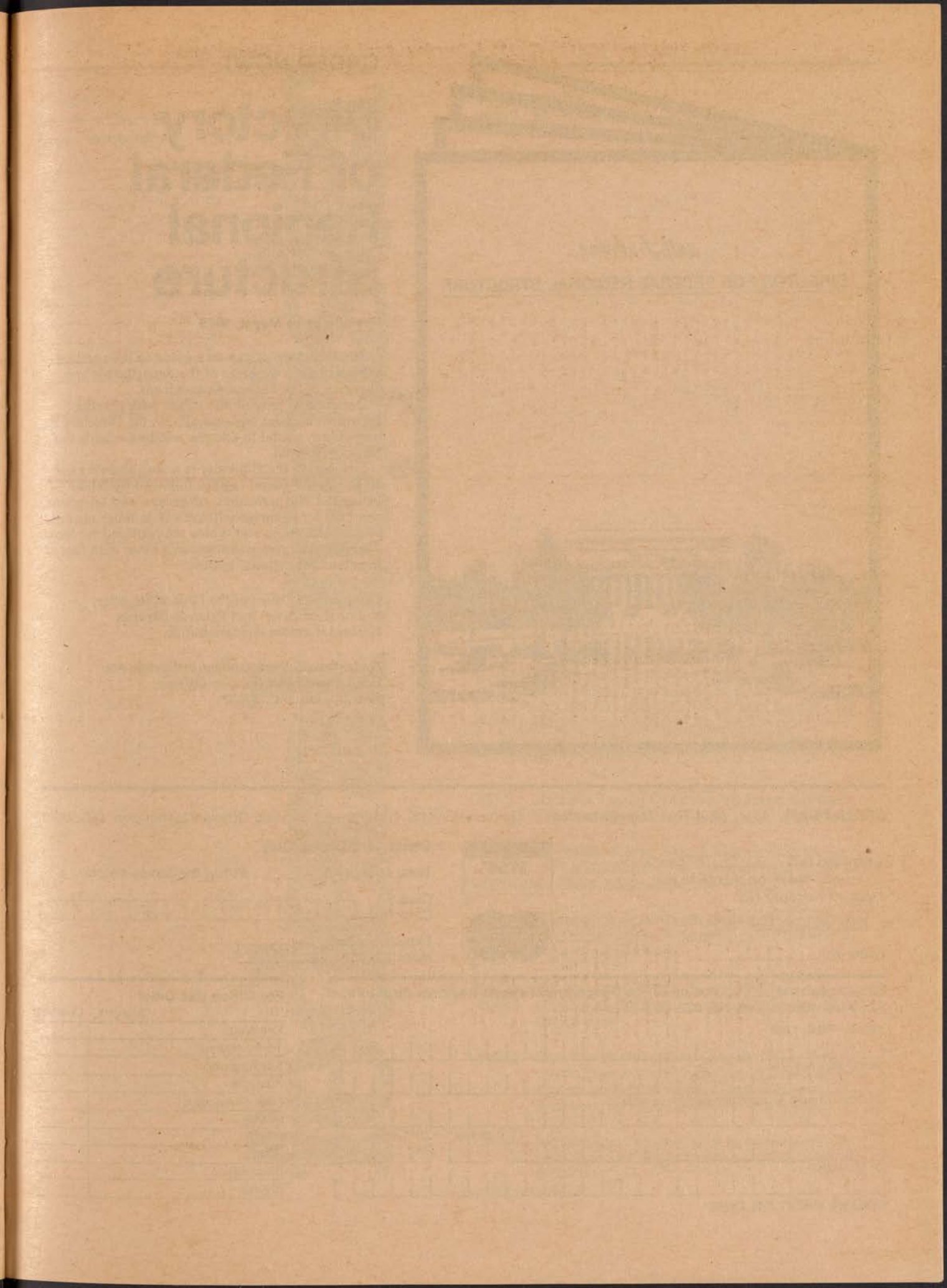
Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

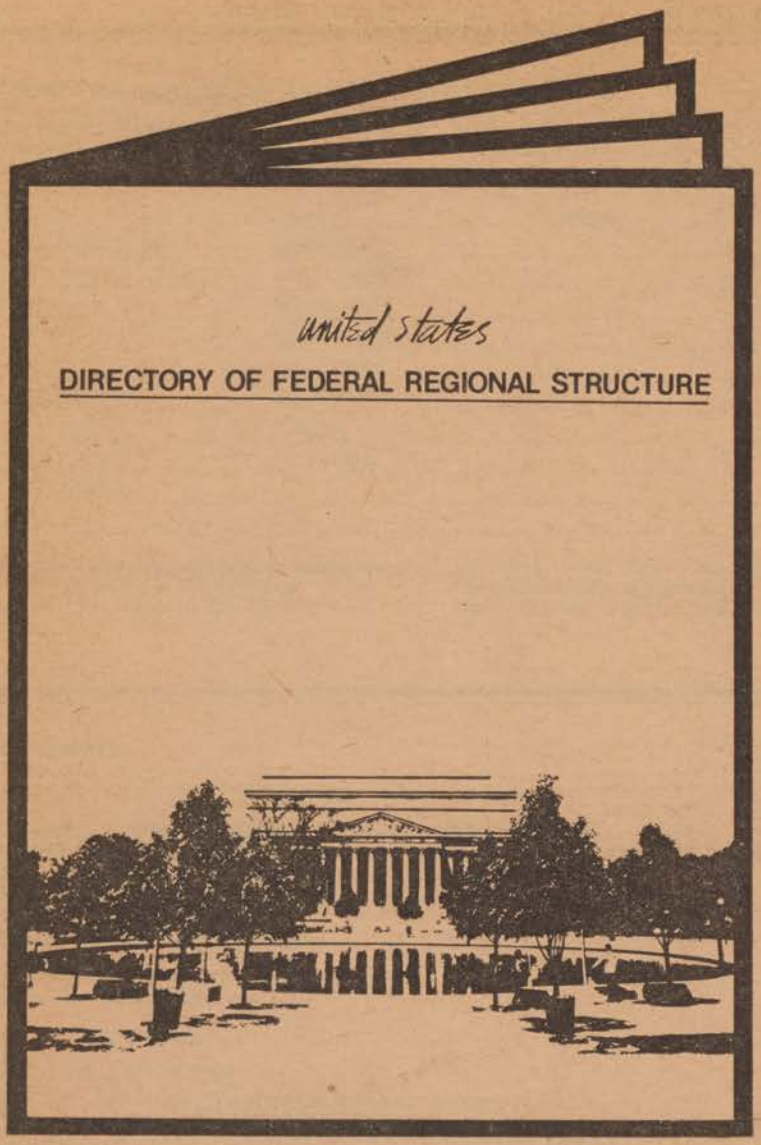
List of Public Laws

Last Listing April 28, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 6464 / Pub. L. 96–238 To authorize the Secretary of the Army to convey to the Michigan Job Development Authority the lands and improvements comprising the Michigan Army Missile Plant in Sterling Heights, Macomb County, Michigan, in return for two new office buildings at the Detroit Arsenal, Warren, Michigan. (Apr. 24, 1980; 94 Stat. 339) $1.00.





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