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Thursday
June 12, 1980

Highlights

39884 **Grants—Housing** CSA proposes to fund State grants and one national grant for low-income rural housing initiatives; apply by 7–30–80

39856 **Grants—Energy Conservation** DOE corrects notice of Technical Assistance and Energy Conservation Measures: Grants programs for schools, hospitals, buildings owned by units of local government and public care institutions

39849 **Grants—Community Services** CSA files final rule governing funding of grantees; effective 7–14–80

40050 **Health Care Regulation Plan** HHS/HCFA adopts regulation management system which includes process for developing plan at beginning of each fiscal year (Part III of this issue)

39872 **Handicapped** DOT/FHWA invites comments, statistical data, and supporting information for exclusions on the ineligibility of handicapped drivers of buses and vehicles carrying hazardous materials; comments by 10–10–80

39789 **Construction and Repair** USDA/FmHA redesignates and amends regulations for planning, performing construction or other development; effective 6–12–80

CONTINUED INSIDE

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

Highlights

39846 **Veterans** VA issues final regulations providing for readjustment counseling for Vietnam era veterans; effective 10–1–79

39872 **Medicaid** HHS/HCFA proposes overpayment reporting requirements

40062 **Traffic Control Devices** DOT/FHA solicits comments on proposed revision of Railroad-Highway traffic control projects; comments by 9–10–80 (Part IV of this issue)

39871 **Improving Government Regulations** NSF publishes Semiannual Agenda of Regulations

40030, 40031 **Motor Vehicle Pollution** EPA revises motor vehicle exhaust emission standards for carbon monoxide for 1981 light-duty vehicles and publishes applications for waiver of effective date; standards effective 7–14–80 (2 documents) (Part II of this issue)

40078 **Gasoline** DOE/ERA proposes to revise motor gasoline allocation program; written comments by 8–19–80; requests to speak at hearings by 7–14–80; hearings at various dates and locations (Part V of this issue)

39857 **Land Airports** DOT/FAA proposes to amend rules governing certification and operation to ensure safety level; comments by 8–11–80

39956 **Oil and Gas Leasing** Interior/BLM issues notice of filing period for over-the-counter applications

40001 **Sunshine Act Meetings**

Separate Parts of This Issue

40030 **Part II, EPA**
40050 **Part III, HHS/HCFA**
40062 **Part IV, DOT/FHWA**
40078 **Part V, DOE/ERA**

Contents

Federal Register

Vol. 45, No. 115

Thursday, June 12, 1980

Agricultural Marketing Service
RULES
39854 Limes grown in Fla.
39789 Oranges (Valencia) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

Air Force Department
NOTICES
Meetings:
39885 Scientific Advisory Board

Alcohol, Tobacco and Firearms Bureau
NOTICES
39998 Firearms, granting of relief

Bonneville Power Administration
NOTICES
39885 Power rates, wholesale; inquiry

Civil Aeronautics Board
NOTICES
Hearings, etc.:
39877 Hughes Airwest Denver-Houston Subpart Q proceeding
39878 Palm Beach environmental study
Meetings; Sunshine Act (Editorial note: In the **Federal Register** for June 4, 1980, a CAB document appearing at page 37800 was mistakenly listed in the table of contents as a Civil Rights Commission document).

Civil Rights Commission
NOTICES
40001 Meetings; Sunshine Act

Coast Guard
RULES
Drawbridge operations:
39845 California
39846 Ohio
PROPOSED RULES
Drawbridge operations:
39871 Mississippi; correction

Commerce Department
See also National Oceanic and Atmospheric Administration; Travel Service.
NOTICES
Committees; establishment, renewals, termination, etc.:
39883 Asian and Pacific Americans Population and Black Population 1980 Census Advisory Committees

Commodity Futures Trading Commission
NOTICES
40001 Meetings; Sunshine Act (2 documents)

Community Services Administration
RULES
Grantees, funding:
39849 Grant funds used as venture capital
NOTICES
Grants; availability, etc.:
39884 Low-income rural housing initiatives; funding proposals

Conservation and Solar Energy Office
PROPOSED RULES
39856 Schools, hospitals, and buildings owned by local government, etc.; possible changes in future grant program cycles; correction

Defense Department
See Air Force Department.

Economic Regulatory Administration
PROPOSED RULES
Petroleum allocation and price regulations:
40078 Motor gasoline allocation program
NOTICES
Consent orders:
39886 Abell Oil Co., Inc.
Natural gas exportation and importation petitions:
39886 Northern Natural Gas Co.

Energy Department
See also Bonneville Power Administration; Conservation and Solar Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission; Southwestern Power Administration.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
39954 European Atomic Energy Community

Environmental Protection Agency
RULES
Air pollution control, new motor vehicles and engines:
40030 Carbon monoxide exhaust standards; light-duty vehicles, 1981 model year
Pesticide programs:
39848 Classification of uses of active ingredients for restricted use; notification to Agriculture Secretary
NOTICES
Air pollution control, new motor vehicles and engines:
40031 Carbon monoxide emission standards, light duty vehicles; 1981 model year; applications for waiver of effective date

Farmers Home Administration
RULES
39789 Construction and repair; planning, performance, and other development

Federal Aviation Administration
RULES
Airworthiness directives:
39829 Avco Lycoming
39830 British Aerospace
39831 Government Aircraft Factories
39832 Short Brothers
39833 Sikorsky
39837 Standard instrument approach procedures
39836 Transition areas
39836, 39837 Transition areas; corrections (2 documents)
39835 VOR Federal airways; correction
PROPOSED RULES
Air carriers certification and operations:
39857 Land airports serving CAB-certificated air carriers; expansion of applicability
39857 Control zones and transition areas
NOTICES
Meetings
39994 Aeronautics Radio Technical Commission

Federal Communications Commission
RULES
Conduct standards and organization and functions:
39850 Nomenclature changes; Personnel Management Office substituted for Civil Service Commission

Federal Deposit Insurance Corporation
NOTICES
40001, 40002 Meetings; Sunshine Act (3 documents)

Federal Election Commission
NOTICES
40002 Meetings; Sunshine Act

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
39887 Arizona Public Service Co. (2 documents)
39888 Arkansas Louisiana Gas Co.
39889 Black Hills Power & Light Co.
39889 Boston Edison Co.
39889 Buckeye-Tennessee Gas Gathering Co.
39890 Central Vermont Public Service Corp.
39890 Cleveland Electric Illuminating Co.
39890, 39891 Columbia Gas Transmission Corp. (2 documents)
39892 Columbia Gas Transmission Co. et al.
39892 Consolidated Gas Supply Corp. et al.
39893 El Paso Natural Gas Co.
39894 Florida Power & Light Co.
39950 Georgia Power Co.
39953 Ginther, N. C., et al.
39951 Granite State Gas Transmission, Inc.
39951 Green Mountain Power Corp.
39952 Gulf States Utilities Co.
39952 Indiana & Michigan Electric Co. (2 documents)
39952, 39953 Kansas City Power & Light Co. (2 documents)
39894, 39896 Kansas Gas & Electric Co. (2 documents)
39896 Long Island Lighting Co.
39896, 39898 Michigan Wisconsin Pipe Line Co. (2 documents)
39899 Montana-Dakota Utilities Co.
39900 National Fuel Gas Supply Corp.
39901 New York State Electric & Gas Corp.
39901 Northern Natural Gas Co.
39902 Ohio Power Co.
39902 Oklahoma Gas & Electric Co.
39902 Oroville-Wyandotte Irrigation District
39934 Pennzoil Oil & Gas, Inc., et al.
39902 Peoples Natural Gas Co.
39894 Peter Cooper Corp.
39934 Public Service Co. of New Mexico
39936 Sohio Petroleum Co.
39937 Southern California LNG Terminal Co.
39938 Southern Indiana Gas & Electric Co.
39938 Southern Natural Gas Co.
39939 Southwestern Electric Power Co.
39941 Steele's Pond Associates, Inc.
39942 Tennessee Gas Pipeline Co.
39943 Texas Eastern Transmission Corp. (2 documents)
39943, 39944 Texas Gas Transmission Corp. (2 documents)
39945 Upper Peninsula Power Co.
39945 Utah Power & Light Co.
39946 Valley Gas Transmission, Inc.
39947 Washington Water Power Co.
39947 Westbrook, Dr. and Mrs. Bill R.
39948 Wisconsin Power & Light Co.
39949 Wisconsin River Power Co.
Natural Gas Policy Act of 1978:
39898, 39902, 39903, 39916 Jurisdiction agency determinations (4 documents)

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
40062 Railroad-highway crossings; traffic control devices, etc.; advance notice
Motor carrier safety regulations:
39872 Qualifications of drivers; buses and vehicles carrying hazardous materials; handicapped driver waiver program
NOTICES
Environmental statements; availability, etc.:
39995 Birmingham, Ala.; intent to prepare
39996 Jefferson County, Ala.; intent to prepare
39994 Kenai Peninsula Borough, Alaska; intent to prepare
39996 Lapeer and Macomb Counties, Mich.; intent to prepare
39997 Mobile, Ala.; intent to prepare
39995 Morris County, N.J.: intent to prepare

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
39955 Lord's Proprietors Freight Forwarders
40002 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
40003 Meetings; Sunshine Act

Federal Railroad Administration
RULES
Locomotive safety standards and inspection:
39851 Initial periodic inspection; determination of date

NOTICES
Loan guarantee applications:
39997 Apache Railway Co.

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
39864 Midland-Ross Corp. et al.

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
39957 Big Boggy Marsh, Matagorda County, Tex.
Pipeline applications:
39957 Sea Rim National Wildlife Refuge, Tex.

Forest Service
NOTICES
Environmental statements; availability, etc.:
39877 Boise National Forest, land and resource management plan, Idaho
Meetings:
39877 Malheur National Forest Grazing Advisory Board

General Services Administration
RULES
Procurement:
39848 Educational institutions; cost principles; correction

Health and Human Services Department
See Health Care Financing Administration.

Health Care Financing Administration
PROPOSED RULES
Improving Government regulations:
40050 Regulatory agenda; supplemental plan
Medicaid:
39872 Overpayment reporting requirements; decision to develop regulations

Interior Department
See Fish and Wildlife Service; Land Management Bureau.

Internal Revenue Service
PROPOSED RULES
Income taxes:
39869 Employee retirement plans; coordination of vesting and discrimination requirements

Interstate Commerce Commission
RULES
Motor carriers:
39853 Air terminal zones expansion; specified major air cargo centers in Calif., District of Columbia, Fla., Ill., Md., N.J., and N.Y.
Railroad car service orders; various companies:
39852 Illinois Regional Transportation Authority
PROPOSED RULES
Motor carriers:
39874 Air terminal zones expansion; Lambert-St. Louis International Airport, Ill. and Mo.
NOTICES
39979 Hearing assignments
Motor carriers:
39984 Fuel costs recovery, expedited procedures
39960 Permanent authority applications
Petitions filed:
39984 Consolidated Rail Corp.; class rate prescription elimination
39981–39983 Railroad car service rules, mandatory; exemptions (3 documents)
Railroad operation, acquisition, construction, etc.:
39983 Chesapeake & Ohio Railway Co.
Rerouting of traffic:
39984 All railroads (2 documents)

Justice Department
See Also Prisons Bureau
RULES
39841 Hospital and medical care and treatment; recovery of cost; access to medical records
Organization, functions, and authority delegations:
39841 Assistant Attorney General, Civil Rights Division; litigation in pattern or practice suits

Land Management Bureau
NOTICES
Management framework plans:
39955 Chaco-San Juan Planning Unit, N. Mex.; coal leasing update, public participation plan
Meetings:
39956 Multiple Use Advisory Council
39955 Rock Springs District Grazing Advisory Board
39956 Oil and gas lease applications, over-the-counter; filing dates

Legal Services Corporation
NOTICES
39986 Grants and contracts; applications

Management and Budget Office
NOTICES
39992 Agency forms under review

National Aeronautics and Space Administration
NOTICES
Meetings:
39986 Wage Committee

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
39997 Ford Motor Co.; lamps, reflective devices, etc.

National Oceanic and Atmospheric Administration
PROPOSED RULES
Endangered and threatened species:
39875 Green, loggerhead, and olive Ridley sea turtles; draft environmental supplement and scoping meeting
Fishery conservation and management:
39876 Foreign fishing; assessment of fees; advance notice; extension of time
NOTICES
Meetings:
39882 Mid-Atlantic Fishery Management Council
39883 South Atlantic Fishery Management Council
Procurement:
39883 Photographic products for Imagery Processing Laboratory; cost comparison study of government versus contract operation

National Science Foundation
PROPOSED RULES
Improving Government regulations:
39871 Regulatory agenda

National Transportation Safety Board
NOTICES
39986 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
RULES
Byproduct material, human uses:
39829 Misadministration reporting requirements; correction
PROPOSED RULES
Radiography and radiation safety requirements for radiographic operations; licenses:
39856 Records of pocket dosimeter readings; disposal
NOTICES
Applications, etc.:
39991 Metropolitan Edison Co. et al.
39991 Northeast Nuclear Energy Co. et al.
39991 Regulatory guides; issuance and availability

Prisons Bureau
NOTICES
Meetings:
39986 Corrections Advisory Council

Securities and Exchange Commission
RULES
39838 National securities exchanges and associations; broker-dealer reports filing requirements
NOTICES
40003 Meetings; Sunshine Act

Southwestern Power Administration
NOTICES
Power rates and changes:
39954 Narrows Dam

Trade Representative, Office of United States
NOTICES
Meetings:
39994 Services Policy Advisory Committee

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

Travel Service
NOTICES
Meetings:
39884 Travel Advisory Board

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.
RULES
Ethics in Government:
39841 Post employment conflict of interest

Veterans Administration
RULES
Medical benefits:
39846 Readjustment counseling for Vietnam era veterans

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
39877 Malheur National Forest Grazing Advisory Board, 7–10–80

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
39882 Mid-Atlantic Fishery Management Council, 6–27–80
39875 National Marine Fisheries Service, EIS on Regulations to reduce Sea Turtle mortality in Southeastern U.S. waters 7–17–80
39883 South Atlantic Fishery Management Council, 7–2–80, comments by 7–11–80
United States Travel Service—
39884 Travel Advisory Board, 7–24–80

DEFENSE DEPARTMENT
Air Force Department—
39885 Scientific Advisory Board, Ad Hoc Committee to review the C–5A wing modification program, 7–1 and 7–2–80

INTERIOR DEPARTMENT
Land Management Bureau—
39955 Rock Springs District Grazing Advisory Board, 7–22–80
39956 Salmon District Multiple Use Advisory Council, 7–29–80

JUSTICE DEPARTMENT
Prisons Bureau—
39986 Advisory Corrections Council, 6–16–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
39986 NASA Wage Committee, 7–1–80

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
39994 Radio Technical Commission for Aeronautics, Special Committee 137, Airborne Area Navigation Systems, 7–8, 7–9, and 7–10–80

UNITED STATES TRADE REPRESENTATIVE
39994 Services Policy Advisory Committee, 6–24–80

HEARING

TREASURY DEPARTMENT
Internal Revenue Service—
39869 Coordination of vesting and discrimination requirements for qualified plans, 7–10–80, comments by 8–11–80

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.

7 CFR
908 39789
911 39854
944 39854
1804 39789
1821 39789
1822 39789
1872 39789
1901 39789
1924 39789
1933 39789
1942 39789
1943 39789
1944 39789
1945 39789

10 CFR
35 39829
Proposed Rules:
34 39856
211 40078
455 39856

14 CFR
39 (5 documents) 39829–39833
71 (4 documents) 39835–39837
97 39837
Proposed Rules:
71 39857
139 39857

16 CFR
Proposed Rules:
13 39865

17 CFR
240 39838
249 39838

23 CFR
Proposed Rules:
625 40062
646 40062
655 40062

26 CFR
Proposed Rules:
1 39869

28 CFR
0 39841
43 39841

31 CFR
15 39841

33 CFR
117 (2 documents) 39845, 39846
Proposed Rules:
117 39871

38 CFR
17 39846

40 CFR
86 40030
162 39848

41 CFR
1–15 39848
Proposed Rules:
Ch. 25 39871

42 CFR
Proposed Rules:
Ch. IV 40050
447 39872

45 CFR
1063 39849
1067 39849
Proposed Rules:
Ch. VI 39871

47 CFR
0 39850
19 39850

49 CFR
229 39851
1033 39852
1047 39853
Proposed Rules:
391 39872
1047 39874

50 CFR
Proposed Rules:
222 39875
223 39875
224 39875
225 39875
226 39875
227 39875
611 39876

Rules and Regulations

Federal Register
Vol. 45, No. 115
Thursday, June 12, 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.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 650; Valencia Orange Regulation 649, Amendment 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 13–June 19, 1980, and increases the quantity of such oranges that may be so shipped during the period June 6–June 12, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective June 13, 1980 and the amendment is effective for the period June 6–June 12, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 10, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues to be steady.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 908.950 is added as follows:

§ 908.950 Valencia Orange Regulation 650.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 13, 1980 through June 19, 1980, are established as follows:

(1) District 1: 353,000 cartons;

(2) District 2: 397,000 cartons;

(3) District 3: Open Movement.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

§ 908.949 [amended]

2. Paragraph (a) in § 908.949 Valencia Orange Regulation 649 (45 FR 37801), is hereby amended to read:

(a) * * *

(1) District 1: 423,000 cartons;

(2) District 2: 477,000 cartons;

(3) District 3: Open Movement.

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

Dated: June 11, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-18008 Filed 6-11-80; 11:57am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1804, 1821, 1822, 1872, 1901, 1924, 1933, 1942, 1943, 1944, and 1945

Construction and Repair, Planning and Performing Construction and Other Development Amendment-Redesignation

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration redesignates and amends its regulations for planning and performing construction and other development. The action is taken to conform with general administrative restructuring of the Agency regulations and to comply with requirements of Executive Order 12044. The action clarifies and updates the regulations and provides uniformity between the numbering of FmHA regulations and the Code of Federal Regulations.

EFFECTIVE DATE: June 12, 1980.

FOR FURTHER INFORMATION CONTACT: The following persons at the Farmers Home Administration, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, Frank Colon, Room 5345, Single Family Housing, (202–447–4808), Larry Hammond, Room 5325, Multiple Family Housing, (202–447–7207), Dan Ball, Room 6309, Environmental and Technology Staff, (202–447–3394).

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available

on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant". On July 6, 1979, the Farmers Home Administration published a notice of proposed rulemaking (44 FR 39432 through 39467) to amend and redesignate Subpart A, "Planning and Performing Development Work," Part 1804 of Chapter XVIII, Title 7 in the Code of Federal Regulations, as Subpart A, "Planning and Performing Construction and Other Development," under Part 1924, Chapter XVIII, Title 7 of the Code of Federal Regulations. Interested persons were invited to submit comments concerning the proposed rule by September 4, 1979. Because the address for submission of comments was inadvertently omitted, the period for public comment was extended to October 12, 1979. In response to the notice of proposed rulemaking, written comments from 18 organizations and individuals were received by FmHA. This final rule contains revisions to the proposed rule which reflect FmHA's consideration of the comments received as well as other information available to FmHA. Following is a discussion of the comments received:

1. It was suggested that the FmHA regulations for planning and performing site development work be consolidated with this subpart to reduce confusion and eliminate duplication.

FmHA has determined that the two regulations should not be consolidated as the resulting regulations would be bulky and complex. FmHA's experience is that major items such as site development and structure development should be maintained in separate regulations.

2. It was suggested that definitions of terms such as "construction," "building development," and "Land development" should be the same in both the site development regulations and this subpart.

To correct this deficiency, FmHA has expanded the definition for "land development" in the final rule. The definitions for the terms "building development," and "construction" remain as they were published in the proposed rule. These terms will be redefined in Subpart D, "Planning and Performing Site Development Work" of Part 1804 in this chapter, which is now in the process of revision. The term "land development" was expanded to include the term "site development" in this subpart.

3. It was suggested that FmHA Construction Inspectors be given authorities in the regulations.

Section 1924.3 indicates that Construction Inspectors are authorized to perform duties as authorized in their job descriptions. Consideration is now being given to broadening their job descriptions.

4. It was suggested that the regulations be clarified to identify the users of the insured 10-year warranty plan.

Section 1924.4(j) of this subpart was revised to limit the use of the insured 10-year warranty plan to single family housing only.

5. It was suggested that the scope of identity of interest not be extended to officers, director, stockholders or partners.

FmHA was unable to adopt the suggestion as it would tend to weaken the Agency's effort to avoid conflict of interest situations.

6. It was suggested that the definition of "mechanic's and materialmen's liens," be revised to "a lien on real property for persons presuming to have supplied labor or materials."

Section 1924.4(k) of this subpart was expanded by adding between the phrases "a lien on real property" and "in favor of persons" the phrase, "legally filed" to clarify the definition.

7. It was suggested that the full-time project representative required in Section 1924.4(m) of this subpart, be paid with FmHA funds.

The services performed by the project representative are a part of the architectural services and can, therefore, be paid with FmHA loan funds, under the borrower/architect agreement. Purposes for which loans can be used are covered in Subpart D of Part 1822 of this chapter.

8. It was suggested that the limitation for completion of development to 9 months be revised to exempt mutual self-help organizations from the requirement.

Section 1924.5(c)(1) was revised to allow a period of 15 months for completion of self-help projects.

9. It was suggested that exceptions be made from the 9 months limitation for completion of development work, to allow more time for completion in cases such as delays due to inclement weather.

Exceptions in the 9-month requirement for delays in completion of development due to circumstances beyond the contractor's control such as inclement weather or material shortages are contained in § 1924.6(a)(12)(vi)(A) of this subpart.

10. One organization indicated that the proposed rule does not provide construction standards for farm labor housing and that the guidelines provided are designed for rudimentary health and safety protections and should not be used for any farm labor construction whether for dormitories or for family units. It also suggested that the Agency require construction to full Minimum Property Standards (MPS) for all units designed for use for more than 6 months and they should be so designed that conversion to MPS housing will be possible without major alterations to the work in place.

The new § 1924.5(d)(iv) in the final rule complies mostly with this request.

11. It was suggested that the discretionary wording used in § 1924.5(d)(3) of the proposed rule concerning payment for technical services, may be interpreted by some field personnel as disallowing technical services prior to construction as an eligible development expense for inclusion in the loan.

FmHA does not believe that the statement should be further clarified. FmHA loan and grant making regulations prescribe the purposes for which loans and grants can be used.

12. It was indicated in one of the comments that requiring the approval of the District Director on all sheets of the drawings appears to be excessive. FmHA has determined that the action is needed as drawings and specifications will be the only documents that will be available to check compliance in the development of the project. Therefore, the signature of the District Director on all sheets of the drawings is necessary to assure that the original drawings are used until completion of the project. Section 1924.5(f)(2)(viii) was revised to require date and initials on only one set of drawings, specifications and contract documents.

13. It was indicated that the proposed rule establishes a clear procedure for reviewing preliminary proposals and inspecting sites, only it appears not to be consistent with the three step submission process found in Subpart D, Part 1804 of this chapter.

Subpart D is now in the process of revision and appropriate changes will be made in that Subpart to conform with the requirements of this Subpart in what pertains to review of preliminary proposals and inspection of sites.

14. It was suggested that the FmHA approved form should be more specific with respect to the type of financing as

no provision has been made for the conventional (interim) loan, and the FmHA "take-out" letter clearly places the liability on the lender and the developer. However, should government money be used for construction (direct draw-downs), the government (lender) advancing funds is at risk for the amounts advanced and it would appear that some liability must exist from FmHA even though "* * * FmHA will not become a party to a construction contract, or incur any liability under it."

FmHA has determined that information concerning interim financing should not be included in the contract form as interim financing is a transaction between the lender and the contractor with no participation on the part of the borrower or FmHA. Therefore, § 1924.13(e)(1)(vi) of this subpart remains as it was published in the proposed rule.

15. It was suggested that the Agency use a single FmHA approved contract form.

FmHA has determined that the Agency should also provide for the use of other contract forms provided they comply with the program and other legal requirements except that FmHA agrees that for Multiple Family Housing a single FmHA contract form should be used. FmHA is now in the process of developing such form.

16. It was suggested that State Directors be given the authority to waive surety bond requirements for experienced and reliable builders in small and medium-sized multi-family projects (up to 25 units) and allow for partial payment of 75 percent of work and materials in place because letters of credit, bonding and cash deposits are not readily available for small and medium-sized contractors and a partial payment of 60 percent of work and materials in place is too much retainage on a well supervised job.

FmHA has determined that the authorities contained in § 1924.6(a)(3) of this subpart, will suffice as guidance for the State Director in handling waivers for surety requirement. For example, "a $100,000" figure permits more definite guidance than "a number of units developed" figure, as suggested in the comment. Also, FmHA's experience is that payment for 60 percent of the work and materials in place is the most adequate payment to assure completion of the project and payment of bills for labor and materials procured.

17. It was suggested that the ceiling of $60,000 for requiring surety bonds not be increased, as an increase to $100,000 would remove all "prequalification checks" and "performance guarantee" on contractors undertaking contracts of less than $40,000.

FmHA has determined that the increase from $60,000 to $100,000 limitation for requiring surety bonds is necessary as the cost of construction has also increased at a fast rate during the last few years. The increase eliminates the extra cost of providing surety bonds which now may not be needed in projects under $100,000. The extra cost, although originally paid by the contractor, would eventually be borne by the borrower as part of the cost of construction.

18. It was suggested that surety requirements be solely the lenders decision when conventional funds are to be used because the lender, not the FmHA is "at risk" during construction. The conditions set forth in § 1924.6 paragraphs (a)(3)(i) (A) through (E) of this subpart should be left as a guide but not as absolute conditions.

Section 1924.6(a)(3)(i) was expanded to exempt from the surety requirements, projects where interim financing is used.

19. It was suggested that decisions regarding partial payments are the responsibility of the interim lender if conventional financing is used; however, all of the provisions in § 1924.6 of the proposed rule are written under the assumption that the government is providing all of the construction financing.

FmHA has determined that the section must not be revised to comply with the request as interim financing is only a temporary measure used for continuity of development. In this respect, the method of payments discussed in § 1924.13(e)(1)(vi)(A) of this subpart, is necessary for the protection of the Government's interest after payments are made to the interim lender.

20. Several comments concerning § 1924.8, "Development Work for Buildings Manufactured Offsite," and Exhibit B "Manufactured Structures-Housing Guidelines," of the proposed rule, were received by the FmHA. These are summarized and discussed in the following subparagraphs:

a. It was suggested that § 1924.8 and Exhibit B of the rule be replaced with an exhibit submitted by the writer to save time in processing loans for structures manufactured offsite.

FmHA considered the request and adopted most of the recommendations submitted in the comment which provide for timesaving in processing.

b. It was suggested that the requirements of § 1924.8 and Exhibit B of the proposed rule not apply to open wall and log manufactured homes.

The "NOTE" in Paragraph II B of Exhibit B of this subpart, covers structures such as open wall and log homes which are assembled entirely on the building site. These are excluded from the requirements of the Exhibit; however, they must comply with the other requirements of the Minimum Property Standards and Exhibit B of this subpart.

c. It was suggested that manufactured housing companies that sell nationwide be considered for review of the product only by the National Office of the FmHA, as local FmHA considerations at a local level are unknown to the manufacturer.

FmHA was unable to comply with this request as local considerations for construction only pertain to thermal standards which are contained in Exhibit D of this subpart. All other construction requirements are contained in the Minimum Property Standards which may be purchased by the contractor from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

21. Several comments concerning § 1924.9, "Inspection of Development Work" of this subpart, were received. Comments are summarized and discussed in the following subparagraphs:

a. It was suggested that § 1924.9(b)(3) be clarified to also include Rural Rental Housing projects in the exception of the first two inspections when an insured 10-year warranty plan is in effect.

FmHA was unable to comply with this request as its determination was that the insured 10-year warranty plan should initially apply to single family housing only. The definition of "Insured 10-year warranty plan" in § 1924.4(j) of this subpart was revised accordingly.

b. It was indicated that § 1924.9 of the proposed rule contradicts existing policy as stated in some Administrative Notices of the Agency, as persons other than County Supervisors and District Directors also provide gratis inspection services as authorized by those Notices. The final rule was expanded to also include validity of inspections conducted by qualified personnel other than County Supervisors and District Directors.

c. Several comments were received concerning the statement in § 1924.9(a) of this subpart, that "These inspections are solely to determine the adequacy of FmHA's security and not for the benefit of the borrower." It was indicated that through this rule, the Department is attempting to further immunize itself from liability caused by faulty or inadequate inspections conducted by FmHA employees. It was also requested

that the statement be deleted from the final rule.

FmHA was unable to comply with this request as existing statutes provide for these construction inspections to be conducted by FmHA personnel solely to determine adequacy of the FmHA security. Language other than that contained in the final rule may create legal problems by not properly informing the public as to the purpose of these inspections. FmHA, however, will continue its present policy of assisting borrowers in having construction defects corrected.

22. It was suggested that the language in § 1924.9(b)(3) of the proposed rule concerning the insured 10-year warranty plan may mean that homes built with this warranty may qualify for 100 percent purchase loans versus 90 percent, without a conditional commitment.

Section 1924.9(b)(3) of the final rule was expanded to clarify the item relative to exempted inspections when the property is covered by an insured 10-year warranty plan. This, we expect, will also prevent any misinterpretation relative to the percentage of the market value of the security property that FmHA may finance in accordance with § 1822.7(e) of Subpart A, Part 1822 of this chapter.

23. Several comments concerning § 1924.13(a), "Architectural Services" of this Subpart, were received. These are summarized and discussed in the following subparagraphs:

a. It was suggested that the definition of architectural services of the old regulations be retained, particularly those services that may be performed by an engineer or experienced firm licensed by the State to perform architectural services.

FmHA's determination was not to retain the old definition and, therefore, adopted the definition contained in this final rule as the Agency's objective is to require that these services be performed by personnel fully qualified to perform these architectural services. The new definition in § 1924.4(n)(2) of the final rule pertains to "Engineering services."

b. It was suggested that "multiple-family housing" be defined as it is not clear whether § 1924.13(a) of the proposed rule includes more than 4-unit subdivisions, or it applies only to rental properties, regardless of construction type. Also, § 1804.64(b)(1) of Subpart D, Part 1804 of this chapter requires that new subdivisions of 10 or fewer units do not need complete architectural services.

Section 1924.13(a) of the final rule was expanded to indicate that full architectural services apply only to projects involving LH grants and all other RRH, RCH, and LH projects consisting of more than 4 units. Therefore, other projects in subdivisions such as separate individual homes are excluded from this section. Also, § 1804.64(b)(1), Subpart D, Part 1804 of this chapter is now in the process of revision and this item will be further clarified to prevent misinterpretation.

c. It was suggested that 10 percent of the architectural fee be withheld until the project is completed.

FmHA was unable to comply with this request as the architect should be paid on a timely basis when requirements of the borrower/architect agreement have been completed. If deficiencies appear at a later date, recourse is available to the borrower through the present regulations.

d. It was suggested that because borrowers such as Housing Authorities rarely, if ever, have any funds to pay before loan closing, for work such as architectural services, the FmHA arrange some assurance to a local lender or simply advance some loan proceeds for this purpose.

Arrangements with local lenders are discussed in § 1924.13(e)(1)(vi)(A) of this final rule. Advance of FmHA funds before the loan is closed is not possible as the Agency will not be assured the security required by statute.

e. It was suggested that the architect must be paid by someone other than those whose project is being inspected, and not allow the owner/builder to have any control over the inspecting architect.

FmHA was unable to comply with the request to revise the method of payments to the architect as these payments are presently monitored by the Agency. Concerning control of the architect by the borrower, the concern mainly would be on the inspections conducted by the architect. These are validated by certification to the FmHA and the borrower by the architect and this, we believe, will suffice to prevent deficient inspections of the project.

f. It was suggested that the Agency, on a national basis, prepare supplemental conditions which can be attached to the Borrower/Architect Agreement outlining FmHA administrative requirements of the architect in the performance of services to the borrower, under the headings of: construction documents phase, bidding phase, construction phase, and warranty phase.

FmHA agreed with the problem and will finalize a set of conditions to be attached to the Borrower/Architect Agreement.

g. It was suggested that § 1924.13(a)(4), "Agreement Between Borrower and Architect" be modified to clarify that FmHA is neither endorsing nor encouraging the use of the American Institute of Architects (AIA) construction contracts. If the contract is used, it is necessary to suggest to the borrowers that they specify the architect's drawings, specifications, and documents.

FmHA has determined that it is not endorsing nor encouraging the use of AIA forms, and has outlined the mimimum required criteria for any agreement for architectural services in this Section.

h. It was indicated that the requirement in § 1924.13(a)(5)(v)(F) of the proposed rule, for the architect to "assure" the work conforms with the intent of the contract documents and that a high quality of workmanship is maintained, is not consistent with similar work for the private sector. The architect cannot guarantee work by others. The most that can be expected is to endeavor to guard the owner against defects in material and workmanship.

To clarify the requirements for architect's performance, the Section has been revised for the final rule by substituting the phrase "verify that" for the word "assure."

i. It was suggested that requiring the architect to submit a trade by trade construction cost estimate is not consistent with similar work in the private sector. Retaining a professional estimator on a reimbursable basis would be workable.

The requirement in § 1924.13(a)(5)(iii)(B) of this subpart concerning a breakdown of the estimated total cost of development and the various trades is necessary in the construction documents phase. FmHA sees no reason why the architect cannot provide this breakdown.

24. It was suggested that the provision in § 1924.13(a)(5)(v)(F) of this subpart, that the State Director may require a full-time project representative in the employ of a project with a total cost of $750,000 or more, is an open-ended requirement which may become subject to abuse and discriminatory use. It was also suggested that the full-time project representative be required only when: (a) The construction involves buildings three stories in height or greater, (b) the construction involves site and design complexities not found in the normal course of construction, (c) any construction contract having a value in excess of $1.5 million, or (d) any construction contract exceeding $500,000 wherein the contractor is unable or unwilling to provide a 100 percent payment/performance bond.

FmHA's determination was that $750,000 or more is an adequate figure for requiring a full-time project representative. However, the language in the section has been expanded to indicated that the requirement is based on a determination by the State Director, and that the State Director shall state the reason for such determination to the borrower.

25. It was indicated that property line and topographic surveys have not been included in the list of items eligible as reimbursable to the architect.

Section 1924.13(b) of the final rule was expanded to include "surveying" in the list of reimbursable items.

26. Several comments concerning § 1924.13 (e)(1)(v), "Cost Certification" and "Certified Public Accountant Audit" of this Subpart, were received. Comments are summarized and discussed in the following subparagraphs:

a. It was suggested that the cost certification requirement be met only within 90 days after loan closing and for final payment as this item requires time and will result in higher subcontractor and supplier costs, or that this determination remain optional with the State Director, or: why not just cut out cost certification and require a CPA audit report on the final cost versus builder's proposal? It was also suggested that cost certification and CPA audit requirements be deleted altogether. FmHA was unable to comply with these requests as the Cost Certification and CPA requirements are only for cases where the State Director determines it appropriate, and in situations where there is identity of interest.

b. It was suggested that § 1924.13(e)(1)(v) be expanded to be more specific on the type of audit that would be required in the CPA statement.

FmHA has determined that § 1924.13(e)(1)(v) (B) and (C) sufficiently describe the scope of the audit required.

27. It was suggested that the Agency on a national basis, prepare supplements to the contract which will meet administrative requirements such as labor standards provisions and the requirements for affirmative action to insure Equal Employment Opportunity.

FmHA has agreed with the suggestion and will prepare a supplement to be attached to contracts for more complex construction. Until this supplement is made available, the requirements provided in § 1924.6, paragraphs (a) (4) through (9) of this subpart are applicable to each contract.

28. It was suggested that interim lenders be allowed to make partial payments for materials stored offsite as it is the lender's risk.

FmHA sees no reason for deviation from the terms of the construction contract, especially to allow payment for materials stored offsite.

29. It was suggested that the provisions for reasonable rates and terms for interim financing be better defined to avoid abuse of the program. Points (service charges and discounts) could be handled by allowing a stated reasonable limit, say 2 percent, with provisions allowing an applicant to accept more expensive terms if the applicant so chooses.

FmHA was unable to comply with this request. The experience is that in obtaining interim financing, builders will seek the best terms available and with those terms they can afford. Restrictions in this respect to be set by FmHA may not reflect changing situations and would only make borrowing more difficult for the builder.

30. It was suggested that in cost certification for the owner/builder method in § 1924.13(e)(2)(vii)(B), the high level overhead costs be acknowledge by providing guidelines for overhead and profits.

FmHA has determined that such guidelines are not necessary as the amount of overhead and profit will have been previously agreed upon as specified in the cost breakdown provided in accordance with § 1924.13(e)(2)(i)(G) of this subpart.

31. It was suggested that § 1924.13(e)(2)(ix) be revised to allow payment to owner/builder where incomplete work is due to ligitimate reasons.

FmHA has determined that in order to assure the project is completed in a timely manner and that funds are not expended in excess of the value of the project, the Section should not be revised to authorize payment for incomplete work.

32. It was suggested that Exhibit D of this subpart be withdrawn and substituted with a package submitted by the writer.

Some editorial changes were also made.

Therefore, Chapter XVIII is amended as follows:

SUBCHAPTER A—GENERAL REGULATIONS

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart A—Planning and Performing Development Work [Deleted]

1. Subpart A of Part 1804 is hereby deleted from the Code of Federal Regulations.

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS [Deleted]

2. The entry for Part 1821 is hereby deleted from the Code of Federal Regulations.

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1822.9 [Amended]

3. In § 1822.9(a), line 4, change the reference from "1804" to "1924".

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.85 [Amended]

4. In § 1822.85, paragraph (o)(3), line 8, change the reference from "subpart A and D of Part 1804" to "Subpart D of Part 1804 and Subpart A of Part 1924".

§ 1822.88 [Amended]

5. In § 1822.88, paragraph (t), lines 5 and 6, change the reference from "§ 1804.5(m)(2)(iii) of this chapter" to "§ 1924.13(e)(1)(ii)(H) of Part 1924, Subpart A."

§ 1822.90 [Amended]

6. In § 1822.90, paragraph (c)(1), lines 4 and 5, change the reference from "Subpart A and D of Part 1804" to "Subpart D of Part 1804 and Subpart A of Part 1924".

7. In § 1822.90, paragraph (c)(2), line 4, change the reference from "1804" to "1924".

8. § 1822.90, paragraph (d)(1), lines 4, 5 and 6, change the reference from "Subpart A and Subpart D of Part 1804 of this chapter, except § 1804.5(h)(3)(ii)" to "Subpart D of Part 1804 and Subpart A of Part 1924.

9. In § 1822.90, paragraph (l)(1), line 2, change the reference from "1804" to "1924".

Exhibit O [Amended]

10. In Exhibit O, paragraph V. A. 1., line 5, change the reference from "FmHA Instruction 424.1" to "subpart A of Part 1924".

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

§ 1822.267 [Amended]

11. In § 1822.267, paragraph (e), line 3, change the reference from "1804" to "1924".

Subpart H—Rural Housing Conditional Commitments

§ 1822.310 [Amended]

12. In § 1822.310, line 3, change the reference from "1804" to "1924".

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

§ 1872.3 [Amended]

13. In § 1872.3, paragraph (d)(3)(iii), lines 3 and 6, change the reference from "1804" to "Part 1804 Subpart D and Part 1924 Subpart A of this chapter".

§ 1872.4 [Amended]

14. In § 1872.4, paragraph (d)(2), line 3, change the reference from "1804" to "1924".

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart O—Jointly Funded Grant Assistance to State and Local Governments and Nonprofit Organizations

§ 1901.711 [Amended]

15. In § 1901.711, paragraph (d)(2), lines 10 and 11, change the reference from "Part 1804 Subpart A (FmHA Instruction 424.1)" to "Part 1924, Subpart A".

PART 1924—CONSTRUCTION AND REPAIR

Subpart F—Complaints and Compensation for Construction Defects

§ 1924.262 [Amended]

16. In § 1924.262, lines 2 and 3, change the reference from "Part 1804 (FmHA Instruction 424.1)" to "Part 1924, Subpart A".

PART 1933—LOAN AND GRANT PROGRAMS (GROUP)

Subpart I—Self-Help Technical Assistance Grants

§ 1933.412 [Amended]

17. In § 1933.412, lines 3 and 4, change the reference from "Subparts A and D of Part 1804 (FmHA Instruction 424.1 and 424.5)" to "Subpart D of Part 1804 (FmHA Instruction 424.5) and Subpart A of Part 1924".

PART 1942—ASSOCIATIONS

Subpart A—Community Facility Loans

§ 1942.18 [Amended]

18. In § 1942.18, paragraph (c)(2), lines 8 and 9, change the reference from "Part 1804 of this Chapter (FmHA Instruction 424.1, Exhibit E)" to "Part 1924, Subpart A, Exhibit H".

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

Subpart A—Insured Farm Ownership Loan Policies, Procedures, and Authorizations

§ 1943.26 [Amended]

19. In § 1943.26, lines 3 and 4, change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)" to "Part 1924 Subpart A".

Subpart B—Insured Soil and Water Loan Policies, Procedures and Authorizations

§ 1943.76 [Amended]

20. In § 1943.76, lines 3 and 4, change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)", to "Part 1924 Subpart A".

Subpart C—Insured Recreation Loan Policies, Procedures and Authorizations

§ 1943.126 [Amended]

21. In § 1943.126, lines 3 and 4, change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)" to "Part 1924 Subpart A".

PART 1944—HOUSING

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

§ 1944.169 [Amended]

22. In § 1944.169, paragraph (b), lines 8 and 9, change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)" to "Part 1924".

23. In § 1944.169, paragraph (c)(1), lines 3 and 4, change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)" to "Part 1924" and in lines 7, 8 and 9 change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)" to "Part 1924".

24. In § 1944.169, paragraph (i)(1), lines 2 and 3, change the reference from "Part 1804 of this chapter (FmHA Instruction 424.1)" to "Part 1924".

Labor Housing Loan and Grant Application Handbook [Amended]

25. In paragraph 3. under the heading "Information to be Submitted with Application for Federal Assistance (Short Form)", lines 3 and 4, change the reference from "Part 1804 of this Chapter (FmHA Instruction 424.1)", to "Part 1924".

26. In paragraph I under the heading, "Labor Housing Construction Guidelines", lines 16 and 17, change the reference from "Part 1804 of this Chapter (FmHA Instruction 424.1)" to "Part 1924".

PART 1945—EMERGENCY

Subpart B—Emergency Loan Policies, Procedures, and Authorizations

§ 1945.75 [Amended]

27. In § 1945.75, lines 1, 2, 3 and 4, change the reference from "Subpart A of Part 1804 and Subpart A of Part 1809 of this chapter (FmHA Instructions 424.1 and 422.1, respectively)" to "Part 1924 Subpart A and Part 1809 Subpart A (FmHA Instruction 422.1)".

Subpart C—Economic Emergency Loans

§ 1945.114 [Amended]

28. In § 1945.114, lines 1, 2 and 3, change the reference from "Parts 1804 and 1809 of this chapter (FmHA Instructions 424.1 and 422.1, respectively)" to "Part 1924 Subpart A and Part 1809 Subpart A (FmHA Instruction 422.1)".

PART 1924—CONSTRUCTION AND REPAIR

Subpart A—Planning and Performing Construction and Other Development

29. As added, Subpart A of Part 1924 reads as follows:

Subpart A—Planning and Performing Construction and Other Development

Sec.

1924.1 Purpose.
1924.2 [Reserved].
1924.3 Authorities and responsibilities.
1924.4 Definitions.
1924.5 Planning development work.
1924.6 Performing development work.
1924.7 [Reserved.]
1924.8 Development work for buildings manufactured offsite.
1924.9 Inspection of development work.
1924.10 Making changes in the development plan.
1924.11 District Director's review of incomplete development.
1924.12 [Reserved].
1924.13 Supplemental requirements for more complex construction.
1924.14–1924.50 [Reserved].
Exhibit A Breakdown of dwelling cost for estimating partial payments.
Exhibit B Manufactured housing guidelines.
Exhibit C List of required drawings and specifications.

Exhibit D Thermal performance construction standards.
Exhibit E Preconstruction conference.
Exhibit F Payment bond.
Exhibit G Performance bond.
Exhibit H Prohibition of lead-based paints.

Subpart A—Planning and Performing Construction and Other Development

§ 1924.1 Purpose.

This Subpart prescribes the basic Farmers Home Administration (FmHA) policies, methods, and responsibilities in the planning and performing of construction and other development work for insured Rural Housing (RH), insured Farm Ownership (FO), Soil and Water (SW), single unit Labor Housing (LH), Recreation (RL), and Emergency (EM) loans for individuals. It also provides supplemental requirements for Rural Rental Housing (RRH) loans, Rural Cooperative Housing (RCH) loans, multiunit (LH) loans and grants, and Rural Housing Site (RHS) loans.

§ 1924.2 [Reserved]

§ 1924.3 Authorities and responsibilities.

The County Supervisor and District Director are authorized to redelegate, in writing, any authority delegated to them in this subpart to the Assistant County Supervisor and Assistant District Director, respectively, when determined to be qualified. FmHA Construction Inspectors, District Loan Assistants, and County Office Assistants are authorized to perform duties under this Subpart as authorized in their job descriptions.

§ 1924.4 Definitions.

(a) *Construction.* Such work as erecting, repairing, remodeling, relocating, adding to or salvaging any building or structure, and the installation or repair of, or addition to, heating and electrical systems, water systems, sewage disposal systems, walks, steps, driveways, and landscaping.

(b) *Contract documents.* The borrower-contractor agreement, the conditions of the contract (general, supplementary, and other), the drawings, specifications, all addenda issued before executing the contract, all approved modifications thereto, and any other items stipulated as being included in the contract documents.

(c) *Contractor.* The individual or organization with whom the borrower enters into a contract for construction or land development, or both.

(d) *County Supervisor and District Director.* For the purpose of this subpart, "County Supervisor" and "District Director" also mean "Assistant Area Loan Specialist" and "Area Loan Specialist," respectively, in Alaska.

(e) *Date of commencement of work.* The date established in a "Notice to Proceed" or, in the absence of such notice, the date of the contract or other date as may be established in it or by the parties to it.

(f) *Date of substantial completion.* The date certified by the Project Architect/Engineer or County Supervisor when it is possible in accordance with any contract documents and applicable State or local codes and ordinances, and the FmHA approved drawings and specifications, to permit safe and convenient occupancy and/or use of the buildings or development.

(g) *Development.* Construction and land development.

(h) *Identity of interest.* Identity of interest will be construed as existing between the applicant (the party of the first part) and general contractors, architects, engineers, attorneys, subcontractors, material suppliers, or equipment lessors (parties of the second part) under any of the following conditions:

(1) When there is any financial interest of the party of the first part in the party of the second part. The providing of normal professional services by architects, engineers, attorneys or accountants with a client-professional relationship shall not constitute an identity of interest.

(2) When one or more of the officers, directors, stockholders or partners of the party of the first part is also an officer, director, stockholder, or partner of the party of the second part.

(3) When any officer, director, stockholder or partner of the party of the first part has any financial interest whatsoever in the party of the second part.

(4) When the party of the second part advances any funds to the party of the first part.

(5) When the party of the second part provides and pays on behalf of the party of the first part the cost of any legal services, architectural services or engineering services other than those of a surveyor, general superintendent, or engineer employed by a general contractor in connection with obligations under the construction contract.

(6) When the party of the second part takes stock or any interest in the party of the first part as part of the consideration to be paid them.

(7) When there exist or come into being any side deals, agreements, contracts or undertakings entered into thereby altering, amending, or cancelling any of the required closing documents except as approved by FmHA.

(i) *Insured 10 year warranty plan.* Any insured 10 year warranty plan is applicable only to single family housing. The warrantor will be encouraged to provide FmHA with a copy of the inspection report. However, when a copy of the inspection report is not available, the FmHA official will be guided by the provisions of § 1924.6(a)(12)(v)(B) to make partial payments. If further assurance is deemed necessary to justify partial payment, the FmHA official may make an onsite inspection or require additional information. The plan must consist of the following:

(1) The insurance coverage backing the insured plan must be by an insurance company approved to offer that coverage by the proper regulatory agency of the State in which the property is located.

(2) The entire cost of the insurance coverage must be prepaid by the contractor and coverage automatically transferred to subsequent owners without additional cost.

(3) The insurance coverage must not be cancellable by the insurer.

(4) The protection plan must provide an insurance-backed warranty covering the following:

(i) For one year from the effective date, defects caused by faulty workmanship or defective materials.

(ii) During the second year after the effective date, the warranty must continue to cover the wiring, piping, and duct work of the electrical, plumbing, heating, and cooling systems.

(iii) During the third through the tenth years, the warranty must continue to cover structural defects which seriously affect livability.

(5) A system for complaint handling which includes conciliation, and, if necessary to resolve matters in dispute, airbitration arranged by the American Arbitration Association or a similar body.

(j) *Land development.* Includes items such as terracing, clearing, leveling, fencing, drainage and irrigation systems, ponds, forestation, permanent pastures, perennial hay crops, basic soil amendments, pollution abatement and control measures, and other items of land improvement which conserve or permanently enhance productivity. Also, land development for structures includes the applicable items above, and items such as rough and finish grading, retaining walls, water supply and waste disposal facilities, streets, curbs and gutters, sidewalks, entrancewalks, driveways, parking areas, landscaping and other related structures.

(k) *Mechanic's and materialmen's liens.* A lien on real property in favor of persons supplying labor and/or materials for the construction for the value of labor and/or materials supplied by them. In some jurisdictions, a mechanic's lien also exists for the value of professional services.

(l) *Minimum property standards.* The Department of Housing and urban Development (HUD) Minimum Property Standards (MPS) which have been adopted by the FmHA for housing financed with RH, RRH, RCH, LH, and FO loans. The MPS, available in all FmHA County Offices, supplements this Subpart with the technical requirements for minimum acceptable design, materials and construction methods. The MPS may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(m) *Project representative.* The architect's or owner's representative at the construction site who assists in the administration of the construction contract. When required by FmHA, a full-time project representative shall be employed.

(n) *Technical services.* Applicants will be responsible for providing the services necessary to plan projects including analysis of project design requirements, creation and development of the project design, preparation of drawings, specifications and bidding requirements, and general administration of the construction contract:

(1) *Architectural services.* The services of a professionally qualified person or organization, duly licensed and qualified in accordance with State law to perform architectural services.

(2) *Engineering services.* The services of a professionally qualified person or organization, duly licensed and qualified in accordance with State law to perform engineering services.

(o) *Warranty.* A legally enforceable assurance, in writing, that the work done and materials supplied conform to those specified in the contract documents and applicable regulations. For the period of the warranty, the warrantor agrees to repair defective workmanship and repair or replace any defective materials at the expense of the warrantor.

§ 1924.5 Planning development work.

(a) *Extent of development.* For an FO loan, the plans for development will include the items necessary to put the farm in a livable and operable condition consistent with the planned farm and home operations. For other types of loans, the plans will include those items essential to achieve the objectives of the loan or grant as specified in the applicable regulation.

(b) *Funds for development work.* The total cash cost of all planned development will be shown on Form FmHA 424–1, "Development Plan," except Form FmHA 424–1 may be omitted when (1) all development is to be done by the contract method, (2) adequate cost estimates are included in the docket, and (3) the work, including all landscaping, repairs, and site development work, is completely described on the drawings, in the specifications, or in the contract documents. Sufficient funds to pay for the total cash cost of all planned development must be provided at or before loan closing. Funds to be provided may include loan proceeds and any cash to be furnished by the borrower; proceeds from cost sharing programs such as Agricultural Stabilization and Conservation Service (ASCS) and Great Plains programs; or proceeds from the sale of property in accordance with paragraph (g) of this section.

(c) *Scheduling of development work.* (1) All construction work included in the development plan for RH loans will be scheduled for completion as quickly as practicable and no later than 9 months from the date of loan closing, except as provided in § 1924.6(a)(12)(vi)(A), and for Mutual Self-Help housing where work may be scheduled for completion within a period of 15 months.

(2) Development for farmer program loans will be scheduled for completion as quickly as practicable and no later than 15 months from the date of loan closing unless more time is needed to establish land development practices in the area.

(d) *Construction.* (1) All new buildings to be constructed and all alterations and repairs to buildings will be planned to conform with good construction practices. All improvements to the property will conform to applicable laws, ordinances, codes, regulations related to safety and the sanitation of buildings, and Exhibit D of this Subpart which supersedes the applicable MPS as related to thermal performance standards.

(i) In new housing, all design materials and construction will meet or exceed the requirements of the appropriate mandatory MPS.

(A) MPS for One and Two Family Dwellings No. 4900.1.

(B) MPS for Multifamily Housing No. 4910.1.

(C) The MPS Manual of Acceptable Practices (MPS–MAP) No. 4930.1 is a nonmandatory fully illustrated guidance for better understanding of the mandatory standards.

(D) MPS for solar heating and domestic hot water systems No. 4930.2.

(ii) Existing housing to be purchased with loan funds will meet or exceed the requirements of paragraph 100–3 in MPS 4900.1 or 4910.1. Housing built before 1953, when housing standards were not generally used, will be guided by HUD Handbook No. 4940.4, "Minimum Design Standards for Rehabilitation for Residential Properties." A copy of this handbook is available for review in any FmHA State Office. However, any existing housing should meet the requirements of the MPS as near as practicable, especially those dealing with security, health, fire protection, safety, and construction.

(iii) The design and construction for housing repairs made with FmHA loan or grant funds will, as near as practical, meet the requirements of the MPS as determined by the County Supervisor with assistance from the State Office as necessary.

(iv) Farm Labor housing design and construction standards for family occupancy of 6 or more months will meet or exceed the MPS for Multifamily Housing No. 4910.1. Dormitory and other type housing units for non-family occupancy of 6 months or more should be in substantial conformance with the design and construction standards of the MPS for Multifamily Housing No. 4910.1, and must be developed for use that meets or exceeds the requirements of the Department of Labor, Bureau of Employment Security. Farm Labor housing design and construction standards for occupancy of less than 6 months may be less than MPS for Multifamily Housing No. 4910.1. It shall be constructed in such manner as to be safe and weatherproof for the time occupied, be equipped with potable water and modern sanitary facilities, including kitchen sink, toilet, and bathing facilities, other reasonable amenities, and provide for the health and comfort of the tenants. Such housing shall be constructed to facilitate conversion to the requirements for housing occupied 6 or more months. The housing must be located in a safe and sanitary environment with adequate areas appropriate for recreation.

(2) Adequate drawings, specifications, and estimates will be provided to fully describe the work. Technical data, tests, or engineering evaluations may be required to support the design of the development. The "List of Required Drawings and Specifications," Exhibit C to this subpart, describes the drawings and the specifications that are required to be included in the application for

building construction, and Exhibit A of Subpart D of Part 1804 of this chapter (FmHA Instruction 424.5) describes the drawings that should be included for development of building sites. Farm service buildings should be designed and constructed for adaptation to the local area. In designing and locating farm service buildings, consideration will be given to practices recommended by Agricultural Colleges, the Extension Service (ES), Soil Conservation Service (SCS) and other reliable sources.

(3) Whenever possible, the borrower will pay with personal funds any charges made for technical services in connection with the borrower's proposed development. If this cannot be done, the cost of such services may be included on the loan.

(e) *Land development.* (1) In planning land development, consideration will be given to the practices, including energy conservation measures, recommended by Agricultural Colleges, ES, SCS, or other reliable sources. All land and water development will conform to applicable laws, ordinances, zoning and other applicable regulations including those related to soil and water conservation and pollution abatement. The County Supervisor also will encourage the applicant to use any cost-sharing and planning assistance that may be available through Agricultural Conservation Programs.

(2) Site and subdivision planning and development should also be guided by the requirements of Subpart D of Part 1804 of this chapter (FmHA Instruction 424.5).

(3) Adequate plans and descriptive material will be provided to fully describe the work.

(i) Plans for land leveling, irrigation, or drainage should include a map of the area to be improved showing the existing conditions with respect to soil, topography, elevations, depth of topsoil, kind of subsoil, and natural drainage, together with the proposed land development.

(ii) When land development consists of, or includes, the conservation and use of water for irrigation or domestic purposes, the information submitted to the County Supervisor will include a statement as to the source of the water supply, right to the use of the water, and the adequacy and quality of the supply.

(f) *Responsibilities for planning development.* Planning construction and land development and obtaining technical services in connection with drawings, specifications, and cost estimates are the responsibility of the applicant, with such assistance from the County Supervisor or District Director, (whichever is the appropriate loan processing and servicing officer for the type of loan involved), as may be necessary to be sure that the development is properly planned in order to protect FmHA's security.

(1) *Responsibility of the applicant.* (i) The applicant will arrange for obtaining any required technical services from qualified technicians, tradespeople, and recognized plan services, and the applicant will furnish the FmHA sufficient information to describe fully the planned development and the manner in which it will be accomplished.

(ii) When items of construction or land development require drawings and specifications, they will be sufficiently complete to avoid any misunderstanding as to extent, kind, and quality of work to be performed. Inadequate drawings and specifications are not acceptable. The applicant will provide the FmHA with one copy of the drawings and specifications. Approval will be indicated by the applicant and acceptance for the purposes of the loan indicated by the County Supervisor or District Director on all sheets of the drawings and at the end of the specifications, and both instruments will be a part of the loan docket. After the loan is closed, the borrower will retain a conformed copy of the approved drawings and specifications, and provide another conformed copy to the contractor. After the work is completed and materials and labor claims have been paid, the County or District Office approved copy may be returned to the borrower. Items not requiring drawings and specifications may be described in narrative form.

(2) *Responsibility of the County Supervisor or District Director.* In accordance with program regulations for loans and grants they are required to process, the County Supervisor or District Director will:

(i) Visit each farm or site on which the development is proposed. For an FO loan, the County Supervisor and the applicant will determine the items of development necessary to put the farm in a livable and operable condition at the outset. Prepare Form FmHA 424–1 when applicable in accordance with the Forms Manual Insert (FMI) for the form, after a complete understanding has been reached between the borrower and the County Supervisor regarding the development to be accomplished, including the dates each item of development will be started and completed.

(ii) Notify the applicant in writing immediately if, after reviewing the preliminary proposal and inspecting the site, the proposal is not acceptable. If the proposal is acceptable, an understanding will be reached with the applicant concerning the starting date for each item of development.

(iii) Discuss with the applicant the FmHA requirements with respect to good construction and land development practices.

(iv) Advise the applicant regarding drawings, specifications, cost estimates, and other related material which the applicant must submit to the FmHA for review before the loan can be developed. The applicant should be informed of the information necessary in the drawings, how the cost estimates should be prepared, the number of sets of drawings, specifications, and cost estimates required, and the necessity for furnishing such information promptly. The applicant should also be advised that FmHA will provide appropriate specification forms, Form FmHA 424–2, "Description of Materials," and Form FmHA 424–3, "Service Building Specifications." The applicant may, however, use other properly prepared specifications.

(v) Advise the applicant regarding publications, plans, planning aids, engineering data, and other technical advice and assistance available through local, State, and Federal agencies, and private individuals and organizations.

(vi) Review the information furnished by the applicant to determine the completeness of the plans, adequacy of the cost estimates, suitability and soundness of the proposed development and whether the proposed land development complies with applicable policy.

(vii) When appropriate, offer suggestions as to how drawings and specifications might be altered to improve the facility and better serve the needs of the borrower. The County Supervisor or District Director may assist the borrower in making revisions to the drawings. When appropriate, the contract documents will be forwarded to the State architect/engineer for review. For revisions that require technical determinations which FmHA is not able to make, the applicant will be requested to obtain additional technical assistance.

(viii) Provide the applicant with a written list of changes required in the contract documents. The applicant will submit two complete revised (as requested) sets of contract documents, for approval. On one set, the County Supervisor or District Director will indicate acceptance on each sheet of the drawings, and on the cover of the specifications and all other contract documents. At least, the date and the initials of the approval official must be

shown. On projects where a consulting architect or engineer has been retained, this acceptance will be indicated only after the State Director has given written authorization. The marked set of documents shall be available at the job site at all times for review by FmHA. The second set will become part of the loan docket.

(ix) Review the proposed method of doing the work and determine whether the work can be performed satisfactorily under the proposed method.

(x) Instruct the applicant not to incur any debts prior to loan closing for materials or labor or make any expenditures for such purposes with the expectation of being reimbursed from loan funds.

(xi) Instruct the applicant not to commence any construction nor cause any supplies or materials to be delivered to the construction site prior to loan closing.

(xii) Under certain conditions prescribed in Exhibit H of this subpart, provide the applicant with a copy of the leaflet, "Lead-Based Paint Hazards, Symptoms, Treatment, and Techniques for Eliminating Hazards," which is available in FmHA County Offices, and attach to Form FmHA 440–41, "Disclosure Statement for Loans Secured by Real Estate," the warning sheet, "Caution Note on Lead-Based Paint Hazard," which is Attachment 1 of this Exhibit.

(g) *Surplus structures and use or sale of timber, sand, or stone.* In planning the development the applicant and the County Supervisor should, when practicable, plan to use salvage from old buildings, timber, sand, gravel, or stone from the property. The borrower may sell surplus buildings, timber, sand, gravel, or stone that is not to be used in performing planned development and use net proceeds to pay costs of performing planned development work. In such a case:

(1) An agreement will be recorded in the narrative of Form FmHA 424–1 which as a minimum will:

(i) Identify the property to be sold, the estimated net proceeds to be received, and the approximate date by which the property will be sold.

(ii) Provide that the borrower will deposit the net proceeds in the supervised bank account and apply any excess net proceeds as an extra payment on the loan.

(2) The agreement will be considered by the Government as modifying the mortgage contract to the extent of authorizing and requiring the Government to release the identified property subject to the conditions stated in the agreement without payment or other consideration at the time of release, regardless of whether or not the mortgage specifically refers to Form FmHA 424–1 or the agreement to release.

(3) If the FmHA loan will be secured by a junior lien, before the loan is approved all prior lienholders must give written consent to the proposed sale and the use of the net proceeds.

(4) Releases requested by the borrower or the buyer will be processed in accordance with applicable release procedure in Subpart A of Part 1872 of this chapter (FmHA Instruction 465.1).

(h) *Review prior to performing development work.* Prior to beginning development work, the County Supervisor or District Director will review planned development with the borrower. Adequacy of the drawings and specifications as well as the estimates will be checked to make sure the work can be completed within the time limits previously agreed upon and with available funds. Items and quantities of any materials the borrower has agreed to furnish will be checked and dates by which each item of development should be started will be checked in order that the work may be completed on schedule. If any changes in the plans and specifications are proposed, they should be within the general scope of the work as originally planned. Changes must be approved and processed in accordance with § 1924.10. The appropriate procedure for performing development should be explained to the borrower. Copies of FmHA forms that will be used during the period of construction should be given to the borrower. The borrower should be advised as to the purpose of each form and at what period during construction each form will be used.

(i) *Time of starting development work.* Development work will be started as soon as feasible after the loan is closed. Except in cases in which advance commitments are made in accordance with FmHA Instruction 444.2 (available in all FmHA offices) and Subpart H of Part 1822 of this chapter (FmHA Instruction 444.9) or according to § 1924.13(e)(1)(vi)(A) or § 1924.13(e)(2)(viii)(A), no commitments with respect to performing planned development will be made by the County Supervisor, District Director, or the applicant before the loan is closed. The applicant will be instructed that before the loan is closed, debts should not be incurred for labor or materials, or expenditures made for such purposes, with the expectation of being reimbursed from loan funds except as provided in Subpart A of Part 1943 of this chapter and Subparts A and D of Part 1822 of this chapter (FmHA Instructions 444.1 and 444.5). However, with the prior approval of the National Office, a State Supplement may be issued authorizing County Supervisors to permit applicants to commence welldrilling operations prior to loan closing, provided (1) it is necessary in the area to provide the water supply prior to loan closing, (2) the applicant agrees in writing to pay with personal funds all costs incurred if a satisfactory water supply is not obtained, (3) any contractors and suppliers understand and agree that loan funds may not be available to make the payment, and (4) such action will not result under applicable State law in the giving of priority to mechanics and materialmen's liens over the later recorded FmHA mortgage.

§ 1924.6 Performing development work.

All construction work will be performed by one of, or a combination of, the following methods: Contract, borrower, mutual self-help, or owner-builder. All development work must be performed by a person, firm, or organization qualified to provide the service.

(a) *Contract method.* This method of development will be used for all major construction except in cases where it is clearly not possible to obtain a contract at a reasonable or competitive cost. Work under this method is performed in accordance with a written contract.

(1) *Forms used.* Form FmHA 424–6, "Construction Contract," should be used. However, other contract documents acceptable to the loan approval official and containing the requirements of Subpart E, Part 1901 of this chapter, may be used provided they are customarily used in the area and protect the interest of the borrower and the Government with respect to compliance with items such as the drawings, specifications, payments for work and inspections, completion, nondiscrimination in construction work, and acceptance of the work. If needed, the Office of the General Counsel will be consulted. The United States (including FmHA) will not become a party to a construction contract or incur any liability under it. Form FmHA 424–19, "Builder's Warranty," or other approved warranty as described in §§ 1924.4(i) and 1924.9(b)(3), and normal trade warranties on items of equipment will be issued to the borrower by the contractor at the completion of:

(i) New building construction,

(ii) Dwelling rehabilitation by the contract method,

(iii) All cases of newly completed and previously unoccupied dwellings, or

(iv) Construction under conditional commitments issued to builders and sellers.

(2) *Contract provisions.* Contracts will have a listing of attachments and the provisions of the contract will include:

(i) The contract sum.

(ii) The dates for starting and completing the work.

(iii) The amount of liquidated damages to be charged.

(iv) The amount, method, and frequency of payment.

(v) Whether or not surety bonds will be provided.

(vi) The requirement that changes or additions must have prior written approval of FmHA.

(3) *Surety requirements.* (i) Unless an exception is granted in accordance with paragraph (a)(3)(iii) of this section or when interim financing will be used, surety that guarantees both payment and performance in the amount of the contract will be furnished when one or more of the following conditions exist:

(A) The contract exceeds $100,000.

(B) The loan approval official determines that a surety bond appears advisable to protect the borrower against default of the contractor.

(C) The applicant requests a surety bond.

(D) The contract provides for partial payments in excess of the amount of 60 percent of the value of the work in place.

(E) The contract provides for partial payments for materials suitably stored on the site.

(ii) If surety bonds are required the construction contract must indicate that the contractor will furnish properly executed surety bonds prior to the start of any work. Exhibits F and G of this subpart will be used as the forms of payment bond and performance bond to be provided. Unless non-corporate surety is provided, the surety bonds may only be obtained from a corporate bonding company listed on the current Department of the Treasury Circular 570 (published annually in the Federal Register), as holding a certificate of authority as an acceptable surety on Federal bonds and as legally doing business in the State where the land is located. Non-corporate sureties are not recommended and the State Director will be responsible for determining the acceptability of the individual or individuals proposed as sureties on the bonds. Non-corporate sureties must provide adequate protection, and the individual or individuals proposed as sureties must collectively have cash or other liquid assets easily convertible to cash in an amount at least equal to 25 percent more than the contract amount. Fees charged for non-corporate sureties may not exceed fees charged by corporate sureties on bonds of equal amount, and in no case may surety be provided by the applicant or any person or organization with an identity of interest in the applicant's operation. The United States (including FmHA) will incur no liability related in any way to a performance or payment bond provided in connection with a construction contract. FmHA will be named as a co-obligee in the performance and payment bonds unless prohibited by State law. Bonds must comply with local statutory requirements.

(iii) When an experienced and reliable contractor cannot obtain payment and performance bonds meeting the surety requirements of paragraph (a)(3)(ii) of this section, the State Director may entertain a request from the applicant for an exception to the surety requirements. The applicant's request must specifically state why the proposed contractor is unable to obtain payment and performance bonds meeting the surety requirements, and why it is financially advantageous for the applicant to award the contract to the proposed contractor without the required bonds. If the applicant's request is reasonable and justified, and if the proposed contractor is reliable and experienced in the construction of projects of similar size, design, scope, and complexity, the State Director may grant an exception to the surety requirements for loans or grants within the State Director's approval authority and accept one or a combination of the following:

(A) An unconditional and irrevocable letter of credit issued by a lending institution which has been reviewed and approved by OGC. In such cases, the construction contract must indicate that the contractor will furnish a properly executed letter of credit from a lending institution acceptable to FmHA prior to the start of any work. In addition, the letter of credit must stipulate that the lending institution, upon written notification by FmHA of the contractor's failure to perform under the terms of the contract, will advance funds up to the amount of the contract (including all FmHA approved contract change orders) to satisfy all prior debts incurred by the contractor in performing the contract and all funds necessary to complete the work. Payments may be made to the contractor in accordance with § 1924.6(a)(12)(i)(C) as if full surety bonds were being provided.

(B) If a letter of credit satisfying the conditions of paragraph (A) cannot be obtained, the State Director may accept for deposit into an interest or non-interest bearing supervised bank account, cash, bank drafts, certified checks, and postal money orders, in the amount of the contract. In such cases the construction contract must indicate that the contractor will furnish the required deposit prior to the start of any work. Payments may be made to the contractor in accordance with § 1924.6(a)(12)(i)(C) as if full surety bonds were being provided.

(C) When the provisions of paragraphs (a)(3)(iii) (A) or (B) of this section can be met except that a surety bond, a letter of credit, and/or deposits are not obtainable in full amount of the contract, the State Director may accept an amount less than the full amount of the contract provided all of the following conditions are met:

(*1*) The contractor provides a surety bond, a letter of credit, or deposits in the greatest amount possible, and provides documentation indicating the reasons why amounts exceeding the proposed amount cannot be provided.

(*2*) The applicant agrees to the amount of the surety bond, letter of credit, or deposits proposed, and the State Director determines that the applicant has the financial capability to withstand any financial loss due to default of the contractor.

(*3*) In the opinion of the State Director, the proposed amount and the method of payment will provide adequate protection for the borrower and the Government against default of the contractor.

(*4*) The contract provides for partial payments not to exceed 90 percent of the value of the work in place for that portion of the total contract which is guaranteed by an acceptable surety bond, letter of credit, or deposits, and partial payments not to exceed 60 percent of the value of the work in place for that portion of the total contract which is not guaranteed by surety, letter of credit, or deposits.

Example:

Contractor has a surety bond which guarantees payment and performance in an amount of $150,000 which represents 75 percent of the total contract amount of $200,000. The contractor's first request for payment appears thus:

- value of work in place is $10,000
- payment for work guaranteed by surety = 75 percent × $10,000 × 90 percent = *$6,750*
- payment for work not guaranteed be surety = 25 percent × $10,000 × 60 percent = *$1,500*

Authorized payment = $8,250

(Each partial payment shall reflect values for work guaranteed by surety, letter of credit, or deposits, and work not so guaranteed).

(4) *Equal opportunity.* $1901.205 of Subpart E of Part 1901 of this chapter applies to all loans or grants involving construction contracts and subcontracts in excess of $10,000.

(5) *Labor provisions.* The provisions of Subpart D of Part 1901 of this chapter concerning wage and labor requirements will apply when the contract involves either LH grant assistance, or 9 or more units in a project being assisted under the HUD Section 8 housing assistance payment program for new construction.

(6) *Historical and archaeological preservation.* The provisions of Subpart F of Part 1901 of this chapter concerning the protection of historical and archaeological properties will apply to all construction financed in whole or in part by FmHA loans and grants. These provisions have special applicability to development in areas designated by SCS as Resource Conservation and Development (RC&D) areas. (See Part 1942, Subpart).

(7) *Air and water acts.* Under Executive Order 11738, all loans or grants involving construction contracts for more than $100,000 must meet all the requirements of Section 114 of the Clean Air Act (42 U.S.C. 7414) and Section 308 of the Water Pollution Control Act (33 U.S.C., 1813). The contract should contain provisions obligating the contractor as a condition for the award of the contract as follows:

(i) To notify the owner of the receipt of any communication from EPA indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award. .

(ii) To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities as of the date of contract award.

(iii) To include or cause to be included the above criteria and requirements of paragraphs (a) (7) (i) and (ii) of this section in every nonexempt subcontract, and that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(8) *Architectural barriers.* In accordance with the Architectural Barriers Act of 1968, Pub. L. 90–480 (42 U.S.C. 4153), as amended, all facilities financed with FmHA loans and grants and which are accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with this Act. Copies of the Act may be obtained from the Executive Director, Architectural and Transportation Barriers Compliance Board, Washington, D.C. 20201.

(9) *National Environmental Policy Act.* The provisions of Subpart G of Part 1901 of this chapter concerning Environmental Impact Assessments and Statements will apply to all loans and grants including those where 5 or more units in a project are being assisted under the HUD Section 8 housing assistance payment program for new construction.

(10) *Obtaining bids and selecting contractor.* (i) Contracts may be awarded through competitive bidding or by direct selection and negotiation .

(ii) Competitive bidding should be encouraged. The borrower should obtain bids from as many qualified contractors, dealers, or tradespeople as feasible depending on the method and type of construction.

(iii) When a price has already been negotiated by an applicant and a contractor, whether additional negotiation or bids will be required is a matter of judgment. Additional negotiation or bids will not be required if:

(A) The construction is of the size and type that can appropriately be financed with an FmHA loan; and

(B) The cost of the construction compares favorably with the cost of similar construction that has recently been completed in the area; and

(C) The applicant clearly has the ability to repay the loan and to make any downpayment that may be required; and

(D) The proposed contract is with a reliable contractor.

(iv) If the conditions of paragraph (a)(10)(iii) of this section cannot be met, additional negotiations or bids should be required, or the applicant may need to start with an entirely new plan in order to obtain adequate development within the applicant's ability to pay.

(v) If the award of the contract is by competitive bidding, Form FmHA 424–5, "Invitation for Bid (Construction Contract)," or another similar invitation bid form containing the requirements of Subpart E of Part 1901 of this chapter, may be used. All contractors from whom bids are requested should be informed of all conditions of the contract including the time and place of opening bids. Conditions shall not be established which would give preference to a specific bidder or type of bidder. When applicable, copies of Forms FmHA 424–6 and FmHA 400–6, "Compliance Statement," also should be provided to the prospective bidders.

(11) *Awarding the contract.* The borrower, with the assistance of the County Supervisor or District Director, will consider the amounts of the bids or proposals, and all conditions which were listed in the "Invitation for Bid." On the basis of these considerations, the borrower will select and notify the successful bidder.

(i) Before work commences, there will be a preconstruction conference between the borrower(s), contractor, architect/engineer (if applicable), and the County Supervisor, District Director, or other FmHA employee having a knowledge of contracts and construction practices. During this discussion a mutual understanding will be reached on the items shown in Exhibit E of this subpart.

(ii) A brief summary of the items covered should be entered in the running case record.

(iii) The contract will then be prepared and executed and copies distributed in accordance with the FMI for Form FmHA 424–6.

(iv) Within 10 days after a borrower/contractor's contract or subcontract in excess of $10,000 is received in the FmHA County or District Office, the responsible FmHA Official will send a report similar in form and content to Exhibit C of Subpart E of Part 1901 of this chapter to the Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, DC 20210. The report must contain, at least, the following information: Contractor's name, address and telephone number; employer's identification number; amount, starting date and planned completion date of the contract; contract number, and city and DOL region of the contract site. The information for this report should be obtained from the contractor when the contract is awarded.

(12) *Payments for work done by the contract method.* (i) Payments will be made in accordance with one of the following methods:

(A) The "One Lump-Sum" payment method will be used when the payment will be made in one lump-sum for the whole contract.

(B) The "Partial payments not to exceed 60 percent of the value of the work in place" payment method will be used when the contractor does not provide surety bond, a letter of credit, or deposits.

(C) The "Partial payments in the amount of 90 percent of the value of the work in place and of the value of the materials suitably stored at the site" payment method will be used when the contractor provides a surety bond equal to the total contract amount.

(D) The "Partial paymetns which reflect the portions of the contract amount which is guaranteed" method

will be used when the contractor provides surety bonds, a letter of credit, or deposits less than the total amount of the contract in accordance with the provisions of § 1924.6(a)(3)(iii)(C).

(ii) When Form FmHA 424.6 is used, the appropriate payment clause will be checked and the other payment clauses not used will be effectively crossed out.

(iii) When a contract form other than Form FmHA 424–6 is used, the payment clause must conform with § 1924.6(a)(12)(i) and the appropriate clause as set forth in Form FmHA 424–6.

(iv) The borrower and FmHA must take precautionary measures to see that all payments made to the contractor are properly applied against bills for materials and labor procured under the contract. Prior to making any partial payment on any contract where a surety bond is not used, the contractor will be required to furnish the borrower and the FmHA with a statement showing the total amount owed to date for materials and labor procured under the contract. The contractor also may be required to submit evidence showing that previous partial payments were applied properly. When the borrower and the County Supervisor or District Director have reason to believe that partial payments may not be applied properly, checks may be made jointly to the contractor and persons who furnished materials and labor in connection with the contract.

(v) When partial payments are requested by the contractor and approved by the owner, the amount of the partial payment will be determined by either of the following methods:

(A) Based upon the percentage completed as shown on a recently completed and properly executed Form FmHA 424–12, "Inspection Report," or

(B) Based upon an application for payment containing an estimate of the value of work in place which has been prepared by the contractor and accepted by the borrower and FmHA. When the contract provides for partial payments for materials satisfactorily stored as the site, the application for payment may include these items. Prior to receiving the first partial payment, the contractor should be required to submit a list of major subcontractors and suppliers and a schedule of prices or values of the various phases of the work aggregating the total sum of the contract such as excavation, foundations, framing, roofing, siding, mill work, painting, plumbing, heating, electric wiring, etc., made out in such form as agreed upon by the borrower, FmHA, and the contractor. In applying for payments, the contractor should submit a statement based upon this schedule. See Exhibit A, "Breakdown of Dwelling Cost for Estimating Partial Payments," for guidance in reviewing the contractor's schedule of prices, and also guidance in computing the value of the work in place.

(vi) Final payment.

(A) Final payment of the amount due on the contract or disbursal of the FmHA loan funds where an interim loans was used will be made only upon completion of the entire contract, acceptance of the work by FmHA and the borrower, issuance of any and all final permits and approvals for the use and occupancy of the structure by any applicable state and local governmental authorities, and compliance by the contractor with all terms and conditions of the contract. In the event the work of construction is delayed or interrupted by reason of fire, flood, unusually stormy weather, war, riot, strike, and order, requisition or regulation of any governmental body (excluding delays related to possible defects in the contractor's performance and excluding delays caused by the necessity of securing building permits or any required inspection procedures connected therewith) or other contingencies unforeseen, reasonably unforeseeable and beyond the reasonable control of the contractor, then with the written consent of FmHA the date of completion of the work may be extended by the period of such delay or interruption provided that the contractor shall give the owner and FmHA written notice within seventy-two hours of the occurrence of the event causing the delay or interruption.

(B) Prior to making final payment on the contract when a surety bond is not used or disbursing the FmHA loan funds when an interim loan was used, FmHA will be provided with a Form FmHA 424–9, "Certificate of Contractor's Release", and Form FmHA 424–10, "Release by Claimants," executed by all persons who furnished materials or labor in connection with the contract. The borrower should furnish the contractor with a copy of the "Release by Claimants" form at the beginning of the work in order that the contractor may obtain these releases as the work progresses.

(*1*) If such statements cannot be obtained, the loan may be closed provided all the following can be met:

(*i*) Statements to the extent possible are obtained;

(*ii*) The interests of FmHA can be adequately protected and its security position is not impaired;

(*iii*) Adequate provisions are made for handling the unpaid accounts by withholding or escrowing sufficient funds to pay such claims or obtaining a release bond;

(*2*) The State Director may issue a State Supplement which will:

(*i*) Not require the use of Form FmHA 424–10, if, under existing State statutes, the furnishing of labor and materials gives no right to a lien against the property, or

(*ii*) Provide an alternative method to protect against mechanic's and materialmen's liens. In this case, the use of Form FmHA 424–10 is optional.

(b) *Borrower method.* The borrower method means performance of work by or under the direction of the borrower, using one or more of the ways specified in this subsection. Development work may be performed by the borrower method only when; it is not practicable to do the work by the contract method; the borrower possesses or arranges through an approved self-help plan for the necessary skill and managerial ability to complete the work satisfactorily; such work will not interfere seriously with the borrower's farming operation or work schedule, and the County Office caseload will permit a County Supervisor to properly advise the borrower and inspect the work.

(1) *Ways of performing the work.* The borrower will:

(i) Purchase the material and equipment and do the work.

(ii) Utilize lump-sum agreements for (A) minor items or minor portions of items of development, the total cost of which does not exceed $5,000 per agreement, such as labor, material, or labor and material for small service buildings, repair jobs, or land development, or (B) material and equipment which involve a single trade and will be installed by the seller, such as the purchase and installation of heating facilities, electric wiring, wells, painting, liming, or sodding. All agreements will be in writing, however, the County Supervisor may make an exception to this requirement when the agreement involves a relatively small amount.

(2) *Acceptance and storage of material on site.* The County Supervisor will advise the borrower that the acceptance of material as delivered to the site and the proper storage of material will be the borrower's responsibility.

(3) *Payment for work done by the borrower method*—(i) *Payments for labor.* Before the County Supervisor countersigns checks for payment of labor, the borrower must submit a completed Form FmHA 424–11, "Statement of Labor Performed," for each hired worker performing labor during the pay period. Ordinarily,

checks drawn in payment for labor will be made payable to the workers involved. However, under justifiable circumstances, when the borrower has made payment for labor with personal funds and has obtained signatures of the workers on Form FmHA 424–11 as having received payment, the County Supervisor may countersign a check made payable to the borrower for reimbursement for these expenditures. Under no circumstances will the County Supervisor permit loan funds or funds withdrawn from the supervised bank account to be used to pay the borrower for the borrower's own labor or labor performed by any member of the borrower's household.

(ii) *Payments for equipment, materials or lump-sum agreements.* (A) Before the County Supervisor countersigns checks in payment for equipment or materials, the County Supervisor must normally possess an invoice from the seller covering the equipment or materials to be purchased. In case an invoice from the seller is not available at the time the check is issued, an itemized statement of the equipment or materials to be purchased may be substituted for such an invoice until a paid invoice from the seller is furnished the County Supervisor, at which time the itemized statement may be destroyed.

(B) When an invoice from the seller is available at the time the check is drawn, there will be indicated on the check the invoice number and, if necessary, the purpose of the expenditure may also be shown. If the invoice is unnumbered, the invoice date will be inserted on the check.

(C) The check number and date of payment will be indicated on each paid Form FmHA 424–11, invoice, itemized statement for materials, and written lump-sum agreement.

(D) Ordinarily, checks drawn in payment for equipment or materials will be made payable to the seller. Under justifiable circumstances, when the borrower has made payment for equipment or materials with personal funds and furnished a paid invoice from the seller, the County Supervisor may countersign a check made payable to the borrower, for reimbursement for these expenses.

(E) When an invoice includes equipment or materials for more than one item of development, the appropriate part of the cost to be charged against each item of development will be indicated on the invoice by the borrower, with the assistance of the County Supervisor.

(F) Payment made under lump-sum agreements will be made only when all items of equipment and materials have been furnished, labor has been performed as agreed upon, and the work has been accepted by the borrower and FmHA.

(G) Each paid Form FmHA 424–11, invoice, itemized statement for material, and written lump-sum agreement will be given to the borrower as provided in Exhibit A to FmHA Instruction 2033–A (available in any FmHA Office).

(c) *Mutual self-help method.* The mutual self-help method is performance of work by a group of families by mutual labor under the direction of a construction supervisor, as described in Exhibit A of FmHA Instruction 444.1, (available in any FmHA office). The ways of doing the work, buying materials, and contracting method for special services are like those used for the borrower method. Materials can be bought jointly by the group of families, but payments will be made individually by each family. In the case of RH loans to families being assisted by self-help technical assistance (TA) grants in accordance with Subpart I of Part 1933 of this chapter, the County Supervisor may make payment for material and necessary contract work from the RH individual loan accounts directly to the TA grantee, provided the District Director determines that:

(1) The grantee acts in the same capacity as would a construction manager in the group purchase of material and services.

(2) The grantee has an adequate bookkeeping system approved by the District Director to assure that funds of each RH account are properly distributed and maintained.

(3) The grantee receives no compensation in the way of profit or overhead for this service, and all discounts and rebates received in connection with the purchase of materials or services are passed on to the participating families.

(4) The TA grantee must have records showing that the cost of the materials and services were prorated to each borrower's account in relation to the actual material and service usage of each borrower.

(d) *Owner-builder method.* This method of construction applies only to RRH loans made under Subpart D of Part 1822 of this Chapter (FmHA Instruction 444.5). Regulations governing this method are found at § 1924.13(e)(2).

§ 1924.7 [Reserved]

§ 1924.8 Development work for buildings manufactured offsite.

(a) Exhibit B of this subpart applies to all loans involving dwelling units manufactured offsite.

(b) Complete drawings and specifications will be required as prescribed in Exhibit C of this Subpart. Each set of drawings will contain the design of the foundation system required for the soil and slope conditions of the particular site on which the manufactured house is to be placed.

(c) The manufacturer will provide a certification (Exhibit B of this Subpart), stating that the building has been built substantially in accordance with the drawings and specifications. The builder will also certify on this same certification that the offsite work is to comply with drawings, specifications, and HUD Minimum Property Standards (See Exhibit B, Attachment 3).

(d) In every case, the County Supervisor or District Director will make field inspections of the foundation, (Stage 1) of the building when it is erected or placed on the foundation, (Stage 2) and of the final completed onsite development (Stage 3). The second stage inspection should be made during the time and in no case later than 2 working days after the crews are on the site and the house is being erected or placed on the foundation. This second stage field inspection will be made to determine compliance with the accepted drawings and specifications.

(e) Periodic plant inspections may be performed by the FmHA employee responsible for such inspections in the area in which the manufacturing plant or material supply yard is located.

(1) Inspections will be made in the plants if the type construction method used could restrict adequate inspections on the building site.

(2) Plant inspections will be made as often as necessary. However, after initial inspection and acceptance of the building submitted, inspection should be made only when it appears advisable to ascertain the performance and continuing stability of accepted materials and construction.

(f) Only one contract will be accepted for the completed house on the site owned or to be bought by the borrower. The manufacturer of the house or the manufacturer's agent may be the prime contractor for delivery and erection of the house on the site or a builder may contract with the borrower for the complete house in place on the site. Such contracts should provide that payments will be made only for work in place of the borrower's site.

(g) Payments for structures manufactured offsite will be made in accordance with the terms of the contract and in compliance with § 1924.6(a)(12) of this Subpart.

§ 1924.9 Inspection of development work.

The following policies will govern the inspection of all development work.

(a) *Responsibility for inspection.* The County Supervisor or District Director, accompanied by the borrower when practicable, will make final inspection of all development work and periodic inspections as appropriate to protect the security interest of the government. In this respect, inspections other than final inspections, may be conducted by other qualified personnel as authorized under agreements executed by or authorized by the National Office. The borrower will be responsible for making inspections necessary to protect the borrower's interest. FmHA's inspections are not to assure the borrower that the house is built in accordance with the plans and specifications. The inspections create or imply no duty or obligation to the particular borrower but are, rather, for the dual purposes of determining that FmHA has adequate security for its loan and enabling FmHA to determine that FmHA is working toward achieving the statutory goal of providing adequate housing. On jobs involving difficult technical problems, the County Supervisor may request the assistance of the State Office. Qualified technicians from SCS or the State University Cooperative Extension Service may be requested to assist on any such jobs.

(b) *Frequency of inspections.* The County Supervisor or District Director will inspect development work as frequently as necessary to assure that construction and land development conforms with the drawings and specifications. The final inspection will be made at the earliest possible date after completion of the planned development. When several major items of development are involved, final inspection will be made upon completion of each item.

(1) For new buildings and additions to existing buildings, inspections will be made at the following stages of construction and at such other stages of construction as determined by the County Supervisor or District Director except as modified by paragraph (b)(3) of this section.

(i) *Stage 1.* Customarily, the initial inspection in construction cases is made just prior to or during the placement of concrete footings or monolithic footings and floor slabs. At this point, foundation excavations are complete, forms or trenches and steel are ready for concrete placement and the subsurface installation is roughed in. However, when it is not practicable to make the initial inspection prior to or during the placement of concrete, the County Supervisor or District Director will make the initial inspection as soon as possible after the placement of concrete and before any backfill is in place.

(ii) *Stage 2.* The Stage 2 inspection will be made when the building is enclosed, structural members are still exposed, roughing in for heating, plumbing and electrical work is in place and visible, and wall insulation and vapor barriers are installed. Customarily, this is prior to installation of brick veneer or any interior finish which would include lath, wallboard and finish flooring.

(iii) *Stage 3.* The final inspection will be made when all on-site and off-site development of the structure has been completed and the structure is ready for occupancy or its intended use.

(2) For rehabilitation of existing buildings, inspections will be made in accordance with paragraphs (b)(1)(ii) and (iii) of this section, and at such other stages of construction to assure that construction is being performed in a professional manner and in accordance with the FmHA approved drawings and specifications.

(3) For cases when the County Supervisor determines that the property will be covered by an insured 10 year warranty plan, only the final inspection is required. However, for this inspection exception to apply:

(i) If the dwelling is to be build by contract for an FmHA borrower, or an FmHA conditional commitment has been issued, a copy of the warranty plan must be submitted to the County Supervisor before construction begins.

(ii) If the dwelling was built without a contract for an FmHA borrower or an FmHA conditional commitment, a copy of the dwelling plans and specifications and a copy of the warranty plan must be submitted to the County Supervisor before the property is appraised by FmHA.

(4) Arrangements should be made to have the borrower join the County Supervisor or the District Director in making periodic inspections as often as necessary to provide a mutual understanding with regard to the progress and performance of the work.

(5) The borrower should make enough periodic visits to the site to be familiar with the progress and performance of the work, in order to protect the borrower's interest. If the borrower observes or otherwise becomes aware of any fault or defect in the work or nonconformance with the contract documents, the borrower should give prompt written notice thereof to the contractor with a copy to the County Supervisor or District Director responsible for servicing the type of loan or grant involved.

(6) The borrower should, when practical, join the County Supervisor or District Director in making all final inspections.

(7) When irrigation equipment and materials are to be purchased and installed, a performance test under actual operating conditions by the person or firm making the installation should be required before final acceptance is made. The test should be conducted in the presence of the borrower, a qualified technician, and, when practicable, the County Supervisor. If the County Supervisor is not present at the performance test, the County Supervisor should request the technician to furnish a report as to whether or not the installation meets the requirements of the plans and specifications.

(8) For irrigation and drainage construction or any dwelling construction where part or all of the work will be buried or backfilled, interim inspections should be made at such stages of construction that compliance with plans and specifications can be determined.

(c) *Recording inspections and correction of deficiencies.* All periodic and final inspections made by the County Supervisor or District Director will be recorded on Form FmHA 424–12 in accordance with the FMI for the form. The County Supervisor or District Director will be responsible for following up on the correction of deficiencies reported on Form FmHA 424–12. When an architect/engineer is providing services on a project, the Dictrict Director should notify the architect/engineer immediately of any fault or defect observed in the work or of any nonconformance with the contract document. If the borrower or the contractor refuses to correct the deficiencies, the District Director will report the facts to the State Director who will determine the action to be taken. No inspection will be recorded as a final inspection until all deficiencies or nonconforming conditions have been corrected.

(d) *Warranty period.* Form FmHA 424–19 or an acceptable insured 10-year warranty plan on RH loans for new construction will be provided by the contractor or warrantor. When an acceptable insured 10-year warranty has been provided, the County Supervisor will assist the borrower to the extent necessary under the provisions of the warranty and Subpart F of Part 1924 of this chapter. When the contractor provides the warranty on Form FmHA 424–19, the County Supervisor or the

District Director will take the following action prior to the expiration of the first year of the warranty period:

(1) As soon as the warranty has been executed, the follow-up date for sending Form FmHA 424–21, "Notice of Expiration of Builder's Warranty," will be posted to the "Servicing and Supervision" section of the Management System card.

(2) Form FmHA 424–21 is provided for use in notifying the borrower of the expiration date of the Builder's Warranty. This letter will be mailed to the borrower early in the second month preceding the expiration date of the warranty period.

(3) If the County Supervisor or District Director does not hear from the borrower within 30 days, it can reasonably be assumed that no complaint exists or that any complaint has been satisfied, unless information to the contrary has been received.

(4) If the borrower notifies FmHA that any complaint has not been satisfied, an on-site inspection shall be made as early as possible, but not later than one month preceding the expiration date of the warranty period. The results of the inspection visit will be recorded on Form FmHA 424–12. If the borrower's complaints are justified, the case should be handled in accordance with Subpart F of Part 1924 of this chapter.

(e) *Acceptance by responsible public authority.* When local (city, county, State, or other public authority) codes and ordinances require inspections, final acceptance by the local authority having jurisdiction will be required prior to final inspection or acceptance by FmHA.

(f) *Acceptance by project architect.* If architectural services pursuant to § 1924.13(a) have been obtained, final acceptance by the project architect pursuant to § 1924.13(a)(5)(v) will be required prior to acceptance by FmHA.

§ 1924.10 Making changes in the development plan.

Changes in the planned development may be made at the request of the borrower in accordance with this section.

(a) *Authority of the County Supervisor.* The County Supervisor is authorized to approve changes in the planned development involving loans and grants within the County Supervisor's approval authority provided:

(1) The change is for a purpose for which loan funds for the type of loan involved can be used.

(2) Sufficient funds are deposited in the borrower's supervised bank account or with the interim lender, as appropriate, to cover the contemplated changes when the change involves additional funds to be furnished by the borrower.

(3) The change will not adversely affect the soundness of the operation or FmHA's security. If uncertain as to the probable effect the change would have on the soundness of the operation or FmHA security, the County Supervisor will obtain advice from the District Director on whether to approve the change.

(4) If a surety bond has been provided on the full amount of the construction contract, the aggregate amount of all contract change orders on Form FmHA 424–7 or other acceptable form will not exceed 20 percent of the original contract amount. Change orders for contracts on which a surety bond has been provided which increases the original contract amount by more than 20 percent may only be approved if additional surety is provided in the full revised amount of the contract. For purposes of this paragraph, letters of credit and deposits are not considered surety.

(5) Change orders for contracts on which letters of credit or deposits have been provided on the full amount of the contract which will increase the original contract amount are approved only if additional letters of credit or deposits are provided in the full revised amount of the contract.

(b) *Authority of the District Director.* The District Director is authorized to approve changes in the development planned with RRH, RCH, and RHS loans and LH loans and grants within the District Director's approval authority, provided the conditions in § 1924.10(a) have been met. For such loans in excess of the District Director's approval authority, the borrower's request with the District Director's recommendation will be forwarded to the State Director for consideration.

(c) *Recording changes in the planned development.* (1) Changes should be accomplished only after FmHA approval. Changes will not be included in payment requests until approved by the borrower; the contractor, if applicable; the architect/engineer, if applicable; and the FmHA loan approval official. Examples of changes requiring documentation are:

(i) Any changes in labor and materials and their respective costs.

(ii) Changes in facility design.

(iii) Any decrease or increase in unit-price quantities based on final measurements that are different from those shown in the bidding schedule.

(iv) Any increase or decrease in the time to complete the project.

(2) All changes shall be recorded in chronological order as follows:

(i) Contract method. Changes shall be numbered in sequence as they occur using Form FmHA 424–7 with necessary attachments.

(ii) Borrower method. An increase or decrease in the cash cost, extensions of time, transfer of funds between items, or an addition or deletion of items of development, will be summarized on the front of Form FmHA 424–1 by striking through the original figures on items and writing in the changes. Changes made in the "Development Plan," in the working drawings, or in the plans and specifications will be dated and initialed by all parties.

(iii) Mutual self-help method. (See paragraph (c)(2)(ii) of this section)

(iv) Owner-builder method. (see paragraph (c)(2) (i) of this section)

§ 1924.11 District Director's review of incomplete development.

During monthly District Office work organization meetings and during regular visits to the County Office, the District Director will review the progress that is being made in completing development financed with loans within the District Director's and County Supervisor's responsibility.

(a) Once each year the District Director will make a comprehensive review of all development work not completed within the time scheduled. For incomplete development financed with loan or grant funds within the responsibility of the District Director, the District Director will take the necessary actions to assure that the borrower or grantee completes the planned development. For incomplete development financed with loan or grant funds within the responsibility of the County Supervisor, the District Director will give the necessary direction to the County Supervisor to assure completion of the work. In connection with these responsibilities, the District Director will consider:

(1) The current farm and home operations with respect to the need for the development as originally planned.

(2) Revisions to the development plan.

(3) Funds remaining in the supervised bank account.

(4) Need for additional funds.

(5) Personal funds that could be furnished by the borrower.

(6) Estimated completion dates.

(7) The borrower's attitude with respect to completing the development.

(b) After a complete review of the status of development in both the District and County Offices has been made, the District Director will make a written report to the State Director

which will include observations and recommendations regarding incomplete development. The report may be included in the District Director's regular report, and will include:

(1) The number of cases in which borrowers have not completed their development within 9, 15 or 24 months when authorized, and also the number of cases in which funds have been exhausted and the work is incomplete.

(2) The number of borrowers who have not completed their development within three years from the loan closing, and indicate the action that was taken in each such case.

(c) If the borrower has not completed development work within three years after the date of loan closing and the District Director has determined that the borrower cannot or will not complete the development, the District Director will so indicate on Form FmHA 424–1, "Development Plan", and request the State Director to withdraw, for application on the loan, any unused development funds remaining in the borrower's supervised bank account, if the borrower will not sign a check for a refund to the loan account.

§1924.12 [Reserved]

§1924.13 Supplemental requirements for more complex construction.

This Section includes additional provisions that apply to planning and conduct of construction work on all multiple family housing projects and other projects that are more extensive in scope and more complex in nature than individual housing units or farm buildings. This section will apply in addition to all non-inconsistent requirements contained elsewhere in this Subpart.

(a) *Architectural services.* Complete architectural services, as defined in § 1924.4(n)(1) are recommended on all projects. They are required for projects involving an LH grant and for all loans for RRH, RCH, and LH projects consisting of more than 4 units unless prior consent to making an exception to the requirements for complete architectural services is obtained from the National Office. If the applicant or contractor is an architect or organization with architectural capability, the applicant must, nevertheless, hire an independent qualified architect or architectural firm to inspect the construction work and perform other needed services during the construction and warranty phases.

(1) *Exceptions.* Any request for National Office consent to an exception being made for complete architectural services should include the proposed drawings and specifications, method of providing specific services, the comments and recommendations of the FmHA State Architect, and any other pertinent information. The State Director must determine that any services for which an exception is requested can be performed by qualified State or District Office staff members.

(2) *Selecting the architect.* The applicant is responsible for selecting the architect. The District Director with the advice of the State Architect/Engineer (a/e) should discuss with the applicant the selection of the architect for the job as early as possible to assist in the site selection and participate in early consultations regarding project scope and design.

(3) *Architectural fees.* Fees for architectural services shall not exceed the fee ordinarily charged by the profession for similar work when FmHA financing is not involved. The fee should cover only the architectural services rendered by the architect. Fees for special services rendered by architects, such as the packaging of the loan application or additional non-architectural services, will not be authorized to be paid with loan funds.

(4) *Agreement between borrower and architect.* The borrower and the architect will execute a written agreement. The agreement must provide:

(i) The services listed in paragraph (a)(5) of this section.

(ii) The amount of the fee and how it will be determined and paid.

(iii) That the agreement and any amendments to the agreement shall not be in full force and effect until approved in writing by the State Director or the State Director's delegate, and it will contain the following provision:

The Farmers Home Administration as potential lender or insurer of funds to defray the costs of this agreement and without liability for any payments thereunder, hereby approves the form, content and the execution of this agreement.

Date _____

_____

FmHA Approval Official

_____

Title

(5) *Specific services.* Architectural services will include six consecutive phases as follows:

(i) *Schematic design phase.* The architect will:

(A) Consult with the applicant to obtain available information pertinent to the project requirements.

(B) Consult with FmHA State Architect/Engineer about FmHA requirements and procedures.

(C) Assist in preparing the project design after analyzing engineering and survey data on the site selected by the applicant.

(D) Prepare schematic design studies consisting of drawings and other documents illustrating the scale and relationship of project components for the applicant's approval.

(E) Submit estimates of current development costs based on current area, volume, or other unit costs.

(F) When the applicant and FmHA have accepted the schematic design studies and estimated development costs, the project architect may be authorized to proceed with the next phase.

(ii) *Design development phase.* The architect will:

(A) Prepare the design development exhibits from the accepted schematic design studies for approval by the applicant. These exhibits should consist of drawings and other documents to fix and describe the size and character of the entire project as to structural, mechanical, and electrical systems, materials, and other essentials as appropriate.

(B) Submit a further statement of probable construction cost.

(C) Obtain applicant and FmHA approval of drawings, specifications, and authorization to proceed with next phase.

(iii) *Construction documents phase.* The architect will:

(A) Prepare the working drawings and specifications from the approved design development drawings and set forth in detail the requirements for the construction of the entire project in accordance with the applicable regulations and codes; for example, necessary bidding information, assistance in preparing bidding forms, conditions of the construction contract, and the form of agreement between applicant/owner and contractor.

(B) Submit a final and more comprehensive statement of probable development cost. It should show a breakdown of the estimated total development cost of the project and the various trades in enough detail for an adequate review.

(C) Obtain the acceptance of FmHA and the applicant for contract documents, including approval of the final drawings and specifications and authorization to proceed.

(D) Discuss with the applicant various items as they develop.

(iv) *Bidding or negotiation phase.* The architect will, as appropriate, for a bidded or negotiated contract:

(A) Assist in review and selection of bidders and submission of contract documents to selected bidders.

(B) Assist in the interpretation of drawings and specifications, and other contract documents.

(C) Receive and tabulate all bids.

(D) Review the bids and the negotiated proposals and assist in the award and preparation of construction contracts.

(v) *Construction phase.* This phase includes the administration of the construction contract. It will commence with the award of the construction contract and end when the borrower makes final payment to the contractor. The architect will:

(A) Advise and consult with the borrower (or the borrower's representative) and issue the borrower's instructions to the contractor.

(B) Prepare change orders.

(C) Keep construction accounts and work as the general administrator of the project during construction.

(D) Interpret the contract documents and have the authority to reject all work and materials which do not comply.

(E) Review and approve shop drawings, samples, and other submissions of the contractor for conformance with the design concept and for compliance with the contract documents.

(F) Conduct periodic inspections of all phases of construction to determine compliance with the contract documents and certify as to the amount of work that is in place and materials suitably stored on site for partial payment estimates. These inspections will be augmented, when necessary, by inspections performed by structural, mechanical, and electrical representatives. Periodic inspections should be made as frequently as is necessary to verify that the work conforms with the intent of the contract documents and that a high quality of workmanship is maintained. The State Director may require a full-time project representative on projects with a total development cost of $750,000 or more, when in the opinion of the State Director there is a need for such representative, and the State Director states the reasons for such need to the borrower.

(G) Determine, based on the inspections, the dates of substantial completion and final completion; receive on the borrower's behalf all written guarantees and related documents assembled by the contractor; and issue a final certificate for payment.

(vi) *Warranty phase.* The architect will advise and consult with the borrower, as the borrower's representative, about items to be corrected within the warranty period. The architect will accompany the FmHA representative during the inspection required one month prior to expiration of the warranty period.

(b) *Other professional services.* The State Director, on the recommendation of the State Architect/Engineer, may request that additional professional services be provided.

(1) Professional services would typically include soils engineering, structural engineering, civil engineering, surveying, land planning, or professional cost estimation or certification. Fees for these services may be paid directly by the borrower or by the architect as reimbursable expenses.

(2) When a project representative is utilized, unless otherwise agreed, the representative will be provided by the consulting architect/engineer. Prior to the preconstruction conference, the architect/engineer will submit a resume of qualifications of the project representative to the applicant and to FmHA for acceptance in writing. If the applicant provided the project representative, the applicant must submit a resume of the representative's qualifications to the project architect/engineer and FmHA for acceptance in writing, prior to the preconstruction conference. In those cases where the State Director, with concurrence of the National Office, determines that the interest of the government will not be adequately protected by the above selection process, FmHA reserves the right to select a project representative to be paid by the owner. The project representative will attend the preconstruction conference where duties and responsibilites will be fully discussed. The project representative will work under the general supervision of the architect/engineer. The project representative will maintain a daily diary in accordance with the following:

(i) The diary shall be maintained in a hard-bound book.

(ii) The diary book shall have all pages numbered and all entries in ink.

(iii) All entries shall be on a daily basis, beginning with the date and weather conditions.

(iv) Daily entries shall include daily work performed, number of men and equipment used in the performance of the work, and all significant happenings during the day.

(v) The daily diary shall be made available to FmHA personnel and will be reviewed during project inspections.

(vi) The project representative's daily diary will become the property of the owner after the project is accepted and final payments are made.

(c) *Drawings.* The types and kinds of drawings should be in accordance with Exhibit C of this subpart and Subpart D of Part 1822 of this chapter (FmHA Instruction 444.5).

(1) The drawings must be clear, accurate, and with adequate dimensions and should be of sufficient scale for estimating purposes.

(2) Construction sections and large-scale details sufficient for accurate bidding and for the purpose of correlating all parts of the work should be a part of the general drawings. This is particularly important where the size of a project makes necessary the preparation of the general drawings at a scale of ⅛ inch equals 1 foot or less.

(3) Mechanical and electrical work should be shown on separate plans.

(4) Schedules should be provided for doors, windows, finishes, electrical fixtures, finish hardware, and any other specialty items necessary to clarify drawings.

(d) *Specifications.* Trade-type specifications (specifications divided into sections for various trades) should be used. The specifications should be complete, clear, and concise, with adequate description of the various classes of work shown under the proper sections and headings.

(e) *Methods of administering construction.* Projects involving a total development cost of less than $100,000 which do not include an LH grant may, with the approval of the State Director, follow the contract procedure stated in § 1924.6(a) without modification. Construction of all other projects, however, will be administered by the contract method or owner-builder method as set forth in this section.

(1) *Contract method.* This method of development will be used for all complex construction except in cases where owner-builder method is authorized. Development under this method is done in accordance with § 1924.6(a) except as modified by this paragraph. All construction work will be completed under one written construction contract.

(i) *Competitive bidding methods.* (A) All construction contracts must be awarded on the basis of competitive bidding unless an exception is granted in accordance with paragraph (e)(1)(vii) of this section thereby permitting contract negotiation. The applicant's architect should prepare the bidding documents. Public notice must be given inviting all interested bidders to submit a bid. Prospective bidders may be contacted asking for their bids; however, public notice is necessary so that all local contractors have the opportunity to submit bids.

(B) A bid bond is required from each bidder in the amount of five percent of the bid price as assurance that the

bidder will, upon acceptance of the bid, execute the required contract documents within the time specified.

(C) The construction contract will be awarded based on the contract cost, and all conditions listed in the "Invitation to Bid."

(D) If advertising does not provide a satisfactory bid in the opinion of the applicant and FmHA, the applicant shall reject all bids and will then be free to negotiate with bidders or anyone else to obtain a satisfactory contract.

(ii) *Contract documents.* Contract documents will conform with recognized professional practices as prescribed in this paragraph. Such contract documents will contain substantially the following:

Item I—Invitation for Bids (Form FmHA 424–5).
Item II—Information for Bidders.
Item III—Bid.
Item IV—Bid Bond.
Item V—Agreement (Construction Contract).
Item VI—Compliance Statement (Form FmHA 400–6).
Item VII—General Conditions.
Item VIII—Supplemental General Conditions.
Item IX—Payment Bond (Exhibit F of this subpart).
Item X—Performance Bond (Exhibit G of this subpart).
Item XI—Notice of Award.
Item XII—Notice to Proceed.
Item XIII—Drawings and Specifications.
Item XIV—Addenda.
Item XV—Contract Change Order (Form FmHA 424–7).
Item XVI—Labor Standards Provisions (Exhibit A to Subpart D of Part 1901 of this chapter, where applicable).
Item XVII—Monthly Employment Utilization Report (Standard Form 257).
Item XVIII—Partial Payment Estimate (Form FmHA 424–18).
Item XIX—Builder's Warranty (Form FmHA 424–19).

(A) Substitution of the term "architect" for "engineer" will be necessary on some of the forms. Other modifications may be necessary in some cases to conform with the nature and extent of the project. All such contract documents and related items will be approved by the State Director, with the assistance of Office of the General Counsel, (OGC) prior to the release of invitations to bid.

(B) Items listed as I through IV and item XI above may be omitted when an exception of the competitive bidding requirement is granted in accordance with paragraph 1924.13(e)(1)(vii), thereby permitting a negotiated contract.

(C) All negotiated contracts shall include a provision to the effect that the borrower, USDA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific Federal loan program for the purpose of making audit, examination, excerpts, and transcriptions.

(D) Liquidated damages will be included in all contracts. The liquidated damage amount must be reasonable and represent the best estimate possible of how much interest or other costs will accrue on the loan, and also represent any loss of rent or other income which would result from a delay in the completion of the project beyond the estimated completion date.

(E) All contracts shall include a provision for compliance with the Copeland "Anti-kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act prohibits anyone from inducing any person in connection with the construction to give up any part of the compensation to which the person is otherwise entitled.

(F) All contracts will contain a certification by both the applicant and the contractor indicating that there is not now nor will there be an identity of interest between or among the contractor, applicant, architect, engineer, attorney, subcontractors, material suppliers, equipment lessors, or any of their members, directors, officers, stockholders, partners, or beneficiaries unless specifically identified to FmHA in writing prior to the award of the contract. All contracts must also indicate that when any identity of interest exists or comes into being, the contractor agrees to provide certification as to the actual cost of the work performed under the construction contract and to have all construction records audited by an independent Certified Public Accountant (CPA) or Licensed Public Accountant (LPA) (licensed prior to December 31, 1970) who will provide an unqualified opinion as to the actual cost of construction.

(G) All contracts on any form other than Form FmHA 424–6, must contain the language of clause (D) of Form FmHA 424–6, which is available in all FmHA offices. The language of clause (D) of Form FmHA 424–6 sets forth the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity required by Executive Order 11246, the Equal Opportunity clause published at 41 CFR 60–1.4(a) and (b), and the Standard Federal Equal Employment Opportunity Construction Contract Specifications required by Executive Order 11246. For contract forms other than Form FmHA 424–6, Form AD 767, "Equal Employment Opportunity Contract Compliance Notices," which can be obtained from the Finance Office, should be attached and made a part of the contract.

(H) All contracts will contain a provision that they are not in full force and effect until they have been approved by the State Director or the State Director's delegate, in writing. Therefore, before loan closing or before the start of construction, whichever occurs first, the State Director or the State Director's delegate will approve the contract form, content, and execution by including the following paragraph at the end of the contract:

The Farmers Home Administration, as potential lender or insurer of funds to defray the costs of this contract, and without liability for any payments thereunder, hereby approves the form, content, and execution of this contract.

Date _____

_____

FmHA Approval Official

_____

Title

(I) The requirements of § 1924.6 (a)(11)(iv) apply to all contracts or subcontracts in excess of $10,000.

(iii) *Surety.* When multiple advances of loan or grant funds are utilized, surety that guarantees both payment and performance in the full amount of the contract will be provided in accordance with § 1924.6(a)(3)(ii). Exceptions to the surety requirements shall be governed by the following:

(A) In accordance with the guidance and recommendations of OMB Circulars A–102 and A–110, exceptions to the surety requirements of § 1924.6(a)(3)(ii) will not be granted for nonprofit organization or public body applicants.

(B) For loans or grants to applicants other than nonprofit organizations or public bodies that are within the State Director's approval authority, the State Director may, with the approval of the developer, grant exceptions to the surety requirements in accordance with the provisions of § 1924.6(a)(3)(iii). Before granting such an exception, however, the State Director should obtain the following information from the proposed contractor in order to fully evaluate the experience and capabilities of the contractor:

(*1*) A resume indicating the contractor's history, ability, and experience.

(*2*) A current, dated, and signed financial statement indicating the payment status of the contractor's accounts and any contingent liabilities that may exist.

(*3*) A credit report (obtained at no expense to FmHA) attesting to the contractor's credit standing.

(4) A listing of trade references that could be contacted to substantiate the contractor's experience and good standing.

(5) Statements from owners for whom the contractor has done similar work, indicating the scope of the work and the owner's evaluation of the contractor's performance.

(C) For loans or grants to applicants other than nonprofit organizations or public bodies that are in excess of the State Director's approval authority, the State Director may request National Office authorization to grant one of the exceptions to the surety requirements as indicated in § 1924.6(a)(3)(iii). The following information must be submitted with the request to the National Office:

(1) An explanation of why interim financing is not available.

(2) An explanation of why the proposed contractor cannot obtain surety bonds meeting the requirements of § 1924.6(a)(3)(ii).

(3) The information listed in paragraph (e)(1)(iii)(B) of this section.

(4) The drawings and specifications for the proposed project, together with the comments of the State architect/engineer.

(5) The applicant's written request for an exception.

(6) An explanation of why the requirements of § 1924.6(a)(3)(iii) (A) or (B) cannot be met in those cases where the State Director requests authorization to grant an exception as indicated in § 1924.6(a)(3)(iii)(C). When such a request is made, the documentation required of the contractor under that provision must also be forwarded.

(7) The State Director's recommendation.

(D) Adequate steps will be taken to protect the interests of the borrower and the government in accordance with the payment provisions of § 1924.6(a)(12)(i) of this Subpart and any alternative as outlined in § 1924.6(a)(3)(iii)(C).

(iv) *Contract cost breakdown.* In any case where the loan approval official feels it appropriate, and prior to the award or approval of any contract in which there is an identity of interest as defined in § 1924.4(h), the contractor and any subcontractor, material supplier, or equipment lessor sharing an identity of interest must provide the applicant and FmHA with a trade-item cost breakdown of the proposed contract amount for evaluation. The cost of any surety or cost certification fee will be included in the proposed contract amount. Form FmHA 1924–13, "Estimate and Certificate of Actual Cost" which is available in all FmHA offices, may be used for this purpose.

(v) *Cost certification.* Whenever the State Director determines it appropriate, and in all situations where there is an identity of interest as defined in § 1924.4(h), the contractor and any subcontractor, material supplier, or equipment lessor sharing that identity must provide certification as to the actual cost of the work performed in connection with the construction contract and all construction records must also be audited by an independent CPA or LPA who will provide an unqualified opinion as to the actual cost of construction, except as provided in § 1924.13(e)(2)(vii).

(A) Prior to the start of construction, the contractor and any subcontractor, material supplier, or equipment lessor sharing an identity of interest must submit the ledger-type accounting system that the contractor, subcontractor, material supplier, or equipment lessor and/or the CPA or LPA proposes to set up and use in maintaining a running record of the actual cost. In order to be acceptable, it must allow for a trade-item basis comparison of the actual cost as compared to the estimated cost submitted in accordance with paragraph (e)(1)(iv) of this section.

(B) The CPA or LPA will audit the books, accounts, and records of the contractor (and any subcontractor, material supplier, or equipment lessor sharing an identity of interest) concerning the work performed, services rendered, and materials supplied in connection with the construction contract. Upon completion of construction and prior to final payment, the CPA or LPA will provide an unqualified opinion concerning the actual cost. The CPA or LPA must also certify that the audit has been completed in accordance with generally accepted auditing standards, that to the best of the CPA or LPA's knowledge and belief the actual cost of construction performed under the contract is accurate and correct as represented, and that the CPA or LPA has no identity of interest in the applicant, contractor, architect, engineer, attorney, subcontractors, material suppliers, or equipment lessors. The following format is suggested for this certification and it contains the minimum representations acceptable to FmHA:

We have examined the books and records of (Contractor) related to the development of the (project name and case number).

Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying documents and Form FmHA 1924–13 which is available in all FmHA offices, present fairly the actual cost, in the amount of $—, of the (project name). It conforms with generally accepted accounting principles and gives effect to the instructions issued by FmHA for the recognition of such costs.

Amounts paid and to be paid are shown as of the close of business ———, 19—.

We certify that we have no financial interest in the Contractor or borrower other than in the practice of our profession.

FmHA reserves the right to determine, upon receipt, whether or not the certified statement of cost is satisfactory to FmHA.

(C) Prior to final payment to anyone required to cost certify, a trade-item breakdown showing the actual cost compared to the estimated cost must be provided to the owner and FmHA. Form FmHA 1924–13 is the form of comparative breakdown that should be used, and contains the certifications required of the applicant and contractor prior to final payment. Fees for overhead (general requirements and overhead) and profit exceeding the amounts shown on the contract cost breakdown(s) provided in accordance with paragraph (e)(1)(iv) of this section may not be paid to any contractor, subcontractor, material supplier, or equipment lessor having or sharing an identity of interest with the applicant. Contract change orders will be processed to adjust the contract amount downward prior to final payment to the contractor if necessary to assure that the fees shown in the certificate of actual cost do not exceed those shown in the contract cost breakdown.

(vi) *Method of payments.* Partial payments may be requested in accordance with the terms of the FmHA approved construction contract on Form FmHA 424–18, "Partial Payment Estimate," or other professionally recognized form that contains the architect's certification, approval of the owner, and conditional acceptance of FmHA as shown on the reverse of Form FmHA 424–18.

(A) If interim financing is available at reasonable rates and terms for the construction period, such financing shall be obtained. Exhibit I to Subpart D of Part 1822 of this chapter (FmHA Instruction 444.5) shall be used to inform the interim lender that FmHA will not close its loan until the project is substantially complete, ready for occupancy, evidence is furnished indicating that all bills have been paid or will be paid at loan closing for work completed on the project, all inspections have been completed and all required approvals have been obtained from municipal and governmental authorities

having jurisdiction over the project. Upon presentation of proper partial payment estimates approved by the applicant and accepted by FmHA, the interim lender may advance construction funds in accordance with the payment terms of the contract. It is suggested that partial payments not exceed 90 percent of the value of work in place and materials suitably stored on site.

(B) When interim financing is not available, payments will be made in accordance with § 1924.6(a)(12).

(vii) *Exception of competitive bidding.*—(A) *For nonprofit organizations.* All construction contracts for projects to be owned by nonprofit organizations should be awarded on the basis of competitive bidding. However, in exceptional cases and only when justified, the State Director may make an exception to competitive bidding for nonprofit organization applicants, providing all of the following conditions are met:

(*1*) The applicant provides a copy of a duly authorized resolution by its governing body requesting FmHA to permit awarding the construction contract without formal bidding. The reasons for such a request must be fully documented.

(*2*) The State Director determines that the proposed cost of the development compares favorably with the cost of similar projects that have been financed in the area and that the State Director is assured that competitive bidding would not result in a lower price.

(*3*) The proposed contractor must provide surety bonds meeting the requirements of § 1924.6(a)(3)(ii) and must be experienced in construction of similar size, scope, and complexity, and must be recognized as a reliable builder. The State Director must determine that there is no conflict of interest in the award of the contract to the proposed contractor.

(*4*) The development work meets all requirements of this Subpart.

(*5*) The requirements of paragraph (e)(1) (ii), (iii), (iv), and (v) of this section are met.

(B) *For public bodies.* While the construction contract should be awarded on the basis of competitive bidding, in exceptional cases, and only when justified, the State Director may make an exception to the competitive bidding for a public body applicant provided:

(*1*) Public bodies are permitted by State and local law to negotiate a construction contract.

(*2*) The conditions stated in § 1924.13(e)(1)(vii)(A) are met.

(C) *For applicants other than nonprofit organizations and public bodies.* When State and local laws permit, an applicant other than a nonprofit organization or public body may negotitate a construction contract provided the State Director or loan approval official determines and documentation shows that:

(*1*) The contract price is competitive with other projects similar in construction and design being built in the area.

(*2*) The proposed contractor is experienced in construction of similar size, scope, and complexity, and is recognized as a reliable builder.

(*3*) The development work meets all requirements of this Subpart.

(*4*) The requirements of paragraphs (e)(1) (ii), (iii), (iv), and (v) of this section are met.

(viii) *Exception to contract method—Public Body.* With the approval of the National Office, an exception to the requirement for using contract method construction may be granted to a public body under the following circumstances:

(A) The loan or grant is for repair or rehabilitation of existing facilities and it is not practicable to perform all work by the contract method.

(B) The applicant has the managerial ability and qualified employees necessary to complete the work successfully.

(C) The applicant submits a written request to the District Director indicating:

(*1*) The scope of work and construction timetable;

(*2*) What phases of work can be contracted and which cannot;

(*3*) Why is it not practicable to contract all phases;

(*4*) Management ability and employee qualifications for performing the work;

(*5*) Proposed method of fund control and frequency of payments;

(*6*) How changes in scope of work and construction timetable will be approved; and

(*7*) Method for certifying progress and requesting payment.

The request, recommendations of the District Director and State Office officials, and the application file will be sent to the National Office.

(2) *Owner-builder method.* This method of development is used only when requested by profit or limited profit RRH applicants when the applicant or any of its controlling principals (such as stockholders, members, partners other than limited partners, directors, or officers), are general contractors by profession, and will serve as the builder of the project without a written construction contract. The State Director may make an exception to the contract method of construction and authorize proceeding by the owner-builder method of construction in accordance with the provisions of this section if the amount of the loan(s) does not exceed the State Director's approval authority. For projects over the State Director's authority, prior written consent of the National Office is required. In such cases, the drawings, specifications, cost estimates, copy of the State Architect/Engineer's review and detailed information on the applicant's qualifications will be submitted to the National Office along with the State Director's recommendations.

(i) The applicant's request to construct a project by the owner-builder method of construction shall be in the form of a letter giving specific and detailed information concerning the owner-builder's proposal, and the qualifications and past experience of the owner-builder. The following information must be included with the request:

(A) A resume indicating the owner-builder's history, ability, and experience.

(B) Dated and signed financial statements (including balance sheets and statements of income and expense) from current and prior years indicating the payment status of the owner-builder's accounts and any contingent liabilities that may exist.

(C) A written, dated, and signed statement agreeing to provide any funds necessary in excess of the applicant's contribution and the loan amount to complete the project.

(D) A credit report (obtained at no expense to FmHA) attesting to the owner-builder's credit standing.

(E) A listing of trade references that could be contacted to substantiate the owner-builder's experience and good standing.

(F) Statements from other persons for whom the owner-builder has done similar work, indicating the scope of the work and that person's evaluation of the owner-builder's performance.

(G) A current, dated, and signed trade-item cost breakdown of the estimated total development cost of the project which has been prepared by the owner-builder. Form FmHA 1924–13 will be used for this purpose. If cost certification or cost estimation services are required by FmHA, the cost of such services may be included in the total development cost of the project. Any subcontractor, material supplier, or equipment lessor sharing an identity of interest with the applicant/owner-

builder as defined in § 1924.4(h) must also provide a trade-item cost breakdown of the proposed amount.

(H) An example of the ledger-type accounting system that the owner-builder and/or the owner-builder's CPA or LPA proposes to set up and use in maintaining a running record of the actual cost of the project. In order to be acceptable, it must allow for a trade item basis comparison of the actual cost as compared to the estimated cost submitted in accordance with paragraph (e)(2)(i)(G) of this section.

(I) A written, dated, and signed statement agreeing to permit U.S. Department of Agriculture, the Comptroller General of the United States, or any of their duly authorized representatives, to have access to any books, documents, papers, and records which are directly pertinent to the specific Federal program for the purpose of making audit, examination, exerpts, and transcriptions.

(ii) In order to waive the contract method of construction and proceed with the owner-builder method of construction, the State Director must determine that the following conditions exist:

(A) The applicant or at least one of its principals is a fully qualified and licensed (if necessary under applicable local law) builder by profession, has adequate experience in constructing the type of units proposed as well as projects of similar size, scope, and complexity, and will be able to complete the work in accordance with the FmHA approved drawings and specifications.

(B) Based upon the information presented in the applicant's financial statements, the applicant is presently able and is likely to continue to be able to provide any funds necessary in excess of the applicant's contribution and the loan amount to complete the project.

(C) The total development cost of the project does not exceed that which is typical for similar type projects in the area. When the State Director determines it advisable, the State Director may require independent cost estimation by a professionally recognized cost estimation firm to help substantiate the total development cost of this project. The total development cost recognized by FmHA for each individual case will be determined by the Multiple Family Housing Coordinator with the advice of the State Architect.

(D) The owner-builder has provided sufficient information on all contracts or subcontracts in excess of $10,000 to permit compliance with § 1924.6(a)(11)(iv).

(iii) The development cost of the project may include a typical builder's fee for overhead (general requirements and builder's overhead) and for builder's profit. A typical builder's fee for these purposes may be determined by local investigation and also from HUD data for the area. The applicant/owner-builder and any subcontractors, material suppliers, and equipment lessors having or sharing an identity of interest with the applicant/owner-builder may not be permitted a builder's fee or other fees for overhead and profit which exceed the amounts shown on their cost breakdown.

(iv) Under no circumstances will loan funds be used to pay the applicant or its stockholders, members, directors, or officers, directly or indirectly, any profits from the construction of the project except a typical builder's fee for performing the services that would normally be performed by a general contractor under the contract method of construction. Discounts and rebates given the owner-builder in advance must be deducted before the invoices are paid. If discounts or rebates are given after the invoices are paid, the funds must be returned to the supervised bank account or applied on the interim construction loan, as appropriate.

(v) The plans and specifications must be specific and complete so that there is a clear understanding as to how the facility will be constructed and the materials that will be used.

(vi) When architectural services are required by § 1924.13(a) during the construction and warranty phases they must be provided by an architect who has no identity of interest with the applicant/owner-builder. The services to be rendered during the construction and warranty phases include, but are not limited to inspections, changes in the scope of the project or work to be done, administration of construction accounts, rejection of work and materials not conforming to the FmHA approved drawings and specifications, and other appropriate services listed in § 1924.13(a)(5) (v) and (vi).

(vii) The applicant/owner-builder and any subcontractor, material supplier, or equipment lessor sharing an identity of interest as defined in § 1924.4(h) must provide certification as to the actual cost of the work performed in connection with the construction of the project on Form FmHA 1924–13 prior to final payment. For all such projects involving a total development cost of more than $350,000 and any other project where the State Director determines it appropriate, all construction records must also be audited by an independent CPA or LPA who will provide an unqualified opinion as to the actual cost of construction.

(A) When cost certification is required, the CPA or LPA will audit the books, accounts, and records of the owner-builder (and any subcontractor, material supplier, or equipment lessor sharing an identity of interest with the applicant/owner-builder) concerning the work performed, services rendered, and materials supplied in connection with the construction of the project. Upon completion of construction and prior to final payment, the CPA or LPA will provide an unqualified opinion concerning the actual cost. The CPA or LPA must also certify that the audit has been completed in accordance with generally accepted auditing standards, that to the best of the CPA or LPA's knowledge and belief the actual cost for the construction of the project is accurate and correct as represented, and that the CPA or LPA has no identity of interest in the applicant/owner-builder, architect, engineer, attorney, subcontractors, material suppliers, or equipment lessors. The following format is suggested for this certification and it contains the minimum representations acceptable to FmHA:

> We have examined the books and records of (owner-builder) related to the development of the (Project Name and Case Number).
>
> Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.
>
> In our opinion, the accompanying documentation and Form FmHA 1924–13 present fairly the actual cost, in the amount of $———, of the (Project Name). It conforms with generally accepted accounting principles and gives effect to the instructions issued by the FmHA for the recognition of such costs.
>
> Amounts paid and to be paid are shown as of the close of business ————, 19—.
>
> We certify that we have no financial interest in the owner-builder or the project other than in the practice of our profession.

FmHA reserves the right to determine, upon receipt, whether or not the certified statement of cost is satisfactory to FmHA.

(B) Prior to final payment to anyone required to cost certify, FmHA must be provided with a certification and trade-item breakdown showing the actual cost compared to the estimated cost furnished in accordance with § 1924.13(e)(2)(i)(G). Form FmHA 1924–13 is the form of comparative breakdown that must be used, and contains the certification required of the applicant/owner-builder prior to final payment. Fees for overhead (general requirements and overhead) and profit

exceeding the amounts shown on the cost breakdown provided in accordance with § 1924.13(e)(2)(i)(G) may not be paid to any owner-builder or to any contractor, subcontractor, material supplier, or equipment lessor having or sharing an identity of interest with the applicant/owner-builder. Final payment to the owner-builder will be adjusted, if necessary, to assure that the fees shown on the certificate of actual cost do not exceed those shown on the cost breakdown.

(viii) Requests for payment for work performed by the owner-builder method, shall be submitted to the FmHA District Director for review and approval prior to each advance of funds in order to insure that funds are used for authorized purposes. Requests for payment shall be made on Form FmHA 424–18 or other professionally recognized form containing the following certifications to FmHA:

I hereby certify to the Farmers Home Administration that I have carefully inspected the work and as a result of my inspection and to the best of my knowledge and belief, the quantities shown in this estimate are correct and have not been shown in previous estimates and the work has been performed in accordance with the contract documents.

(Name of Architect)
By: _____

(Title)

Approved by Owner's Representative:
By: _____

(Title)

Accepted by FmHA Representative:
By: _____

The Review and Acceptance of

(Title)

Partial Payment Estimates by FmHA does not Attest to the Correctness of the Quantities shown or that the work has been Performed in accordance with the Plans and Specifications

(A) If interim financing is available at reasonable rates and terms for the construction period, such financing shall be obtained. Exhibit I to Subpart D of Part 1822 of this chapter (FmHA Instruction 444.5) shall be used to inform the interim lender that FmHA will not close its loan until the project is complete, ready for occupancy, evidence is furnished indicating that all bills have been paid for work completed on the project, all inspections have been completed and all required approval have been obtained from municipal and governmental authorities having jurisdiction over the project. Upon presentation of proper partial payment estimates containing an estimate of the value of work in place which has been prepared and executed by the owner-builder, certified by the applicant's architect, and accepted by FmHA, the interim lender may advance construction funds in accordance with the provisions of this Section. It is suggested that the partial payment not exceed 90 percent of the value of work in place and material suitably stored on site.

(B) If interim financing is not available, partial payments not to exceed 90 percent of the value of work in place and material suitably stored on site may be made to the owner-builder if the total estimated costs of the improvements and structures are guaranteed by a letter of credit or deposits meeting the requirements of § 1924.6(a)(3)(iii) (A) or (B). Partial payments may not exceed 60 percent of the value of work in place in all other cases. The determination of the value of work in place will be based upon an application for payment containing an estimate of the value of work in place which has been prepared and executed by the owner-builder, certified by the borrower's architect, and accepted by FmHA. Prior to receiving the first partial payment, the owner-builder must submit a schedule of prices or values of the various trades or phases of the work aggregating the total development cost of the project as required in § 1924.13(e)(2)(i) (G) and (H). Each application for payment must be based upon this schedule, and show the total amount owed and paid to date for materials and labor procured in connection with the project. With each application for payment, the owner-builder must also submit evidence showing how the requested partial payment is to be applied, evidence showing that previous partial payments were properly applied, and a signed statement from the applicant's attorney, title insurance company, or local official in charge of recording documents certifying that the public records have been searched and that there are no liens of record. When the District Director has reason to believe that partial payments may not be applied properly, checks will be made payable to persons who furnish materials and labor for eligible purposes in connection with the project.

(ix) Under no circumstances shall funds be released for final payment or to pay any items of the builder's fee until the project is 100 percent complete, ready for occupancy, and the owner-builder has completed and properly executed Form FmHA 1924–13 or complied with the cost certification procedures of § 1924.13(e)(2)(vii).

§§ 1924.14–1924.50 [Reserved]

Exhibit A.—*Breakdown of Dwelling Cost for Estimating Partial Payments*

	With basement percent	Without basement percent
1. Excavation	2	*
2. Footing and foundations, columns	7	4
3. Floor joist	2	2
4. Subfloor	1	2
5. Wall framing (thru top plates)	7	7
6. Wall sheathing	4	4
7. Roof framing, ceiling joist, sheathing and felt	8	9
8. Roofing	3	3
9. Felt, siding, exterior trim, porches, etc	6	6
10. Siding, primed	1	1
11. Windows and exterior door J	8	9
12. Plumbing—roughed in	4	5
13. Sewage disposal	2	2
14. Heating—roughed in	1	1
15. Electric—roughed in	2	2
16. Insulation, walls and ceiling	1	1
17. Dry wall or plaster	6	7
18. Basement and porch floors—steps	2	1
19. Heating—finished	5	5
20. Flooring, including kitchen and bath	4	4
21. Interior carpentry, trim and doors	5	5
22. Cabinets and counter tops	4	4
23. Interior decoration	4	4
24. Exterior paint	2	2
25. Plumbing—complete fixtures, sink and water heater	4	5
26. Electric—complete fixtures	1	1
27. Finish hardware	1	1
28. Gutters and downspouts	1	1
29. Sanding and finishing floors	1	1
30. Grading, walks and landscaping.	1	1
	100	100

* Include with footings and foundations.

Exhibit B

Guidelines for Manufactured Structures and Products

This Exhibit sets forth general guidelines for establishing a coordinated and uniform evaluation, acceptance, inspection and certification procedure for manufactured housing and products proposed for use in Farmers Home Administration (FmHA) Rural Housing programs. It pertains to the proposed building project package to be provided either under contract between an FmHA borrower and a single contractor for the completed job ready for occupancy or under the conditional commitment program. In either case, the package shall also describe all onsite work that shall be provided by a local builder/dealer who represents the manufacturer. The guidelines also provide a clearer understanding of the use of background information available through the Department of Housing and Urban Developement (HUD) for analysis of manufactured products. The Exhibit also includes evaluation of manufactured farm service buildings in paragraph XII, below. For the purpose of this Exhibit, County Supervisor and County Office also mean District Director and District Office, respectively.

I. Applicable Standards and Manuals.

A. The HUD Technical Suitability of Products Program Handbook, HUD Manual 4950.1, is the official document that must be followed by housing manufacturers if they are to obtain approval of their products. Acceptance documents issued by HUD include: Structural Engineering Bulletins (SEB) on a national basis; Area Letters of Acceptance (ALA) which when accepted by all Area HUD Offices in a HUD region will, in essence, become a Regional Letter of Acceptance; Truss Connector Bulletins (TCB); and, Mechanical Engineering Bulletins (MEB). These documents as well as Material Bulletins (UM) and Materials Release Bulletins (MR) are addendums under paragraphs 513 and 613 to the HUD Minimum Property Standards (MPS).

B. All State FmHA Offices should maintain a close working relationship with each HUD office in their jurisdictional area. This will assure coordination of all Government requirements for housing. The MPS is the base, and all housing structures, design and materials with any deviations therefrom requested by a State or County Office shall only be accomplished by compliance with paragraphs 101–2, 101–3, 101–4 in the MPS. FmHA deviations from the MPS must be approved by the National Office.

II. Housing Types that Require Factory Inspections.

Only those types which cannot be completely inspected on site are required to obtain acceptance from HUD. Those that receive acceptance will be periodically factory inspected by HUD, usually about every 6 months.

III. Housing Types that Do Not Require Factory Inspections.

A. Housing completely assembled on the building site does not require HUD acceptance. This will include housing that is manufactured but is assembled on the site such as: precut pieces, log wall houses, trussed roof rafters or floor trusses, open panel walls, and other types that can be completely inspected on site.

B. Housing that may be assembled in local materials dealers' yards for moving to local sites and to be purchased by an FmHA applicant, will need to be inspected during construction in the yard by the local FmHA County representative. This type usually will be constructed according to the MPS and not transported out of the local FmHA County Office jurisdiction. The inspection must be recorded on Form FmHA 424–12, "Inspection Report."

IV. Manufacturer's Actions Required for Submissions to FmHA, are listed in this Exhibit B, Attachment 1.

V. State FmHA Office Actions when Manufacturing Facilities are in its Jurisdiction. The State Office, upon receipt of manufacturer's submission, must:

A. Determine that the house structural system has been accepted by HUD as appropriate under Manual 4950.1 requirements.

B. Review the thermal characteristics and approach of the calculations to determine actions to be taken in compliance with paragraph IV C of Exhibit D of this Subpart.

C. Review the proposal for compliance with the MPS.

D. Determine that the mandatory prerequisites for consideration of acceptance by FmHA are met. The prerequisites include all of the following:

1. A current acceptance document from HUD (SEB, RLA, LLA),

2. A current HUD Factory Inspection Report, Form No. 2051m. Each report date must be within 6 months and be made by HUD or a HUD authorized agency, and

3. A letter from the manufacturer requesting a review for acceptance for loan consideration. Enclosed with the letter shall be all the information listed in Attachment 1 to this Exhibit.

E. Issue acceptance letters to each manufacturer in its jurisdictional area stating the conditions of acceptance in the format of Attachment 2 to this Exhibit B. The letter shall have an attachment listing all models accepted in the format of Attachment 3 to this Exhibit B. A copy of the Acceptance Letter and list of models shall be sent to each County Office in the State and, when requested by the manufacturer, to each other State FmHA Office in which the product is to be marketed.

F. After initial review of a submission, maintain a Master File of Accepted Manufacturers, and review the file twice yearly to determine the currency of the factory inspection reports and HUD acceptance documents.

G. Notify manufacturers of overdue factory inspection reports, for acceptance of documents review and updating, using the format of Attachment 4 to this Exhibit B. Accompanying the notification will be a temporary acceptance sheet indicating to the manufacturer that the company models have temporary acceptance for 60 days. If the manufacturer provides evidence that a review is being processed by HUD, a maximum of an additional 90 days may be granted. Otherwise, the acceptance shall terminate on the last extension date and it will be necessary for the manufacturer to resubmit as if it is for initial acceptance.

H. Distribute a list of additional models, deleted models, or notice of deletion of any manufacturer's product to the County Offices and other State FmHA Offices as necessary to keep them current of actions.

I. Issue an initial supply of Manufacturer's and Builder's Certification forms (Attachment 5 of this Exhibit B) to each initial and newly accepted manufacturer. Manufacturers are to duplicate this form as necessary in their market areas.

J. Resolve any adverse issues reported by the County Offices with the manufacturer. Action may include coordination, FmHA plant inspections, and cancellation of Acceptance Letters when problems persist.

VI. County Office Actions:

A. When an application is received concerning any of the manufacturer's products on the Accepted List, the County Office FmHA authorized personnel will:

1. Review the Drawings and Description of Materials described in paragraphs A and B of Attachment 1 to this Exhibit B. The floor plans and elevations must be identifiable with the model listed in the Accepted List issued by the State Office.

2. Require the builder/dealer or the manufacturer to provide any drawings necessary to adapt the house to the site conditions where the house will be located.

3. Require a site plan drawing such as illustrated in Exhibit C, Attachments 1 and 2 of this subpart.

4. Inspect and identify the model delivered against the manufacturer's certification and the accepted Drawings and Description of Materials before the unit has been set on the foundation.

5. Require the builder/dealer to certify that the work for which the builder/dealer is responsible has been erected in compliance with the MPS. This certification will be completed on an copy of Attachment 5 to this Exhibit B, and filed in the County Case File.

6. Observe any noncompliance with the MPS, FmHA supplements to the MPS or with paragraphs IV and V of this Exhibit B. In this respect:

a. Minor noncompliances will be resolved by the manufacturer through the builder/dealer. In cases where there is no builder/dealer, the County Office may resolve such issues with the manufacturer directly.

b. Noncompliances that cannot be resolved at County Office level, will be reported to the State Office.

7. Inspect manufactured housing according to § 1924.8(d) of this Subpart.

8. Be aware that models on the Accepted List may include many models from which loan applicants may choose one. Therefore, no changes in model designs are permitted. The Accepted List may include larger houses for larger families. The model selected by any applicant should be judged by the needs of that particular family in accordance with FmHA Instruction 444.1, paragraph VII B 1, which is available in all FmHA offices. The fact that a model is listed does not warrant acceptance if the model is in excess to the applicant's needs and repayment ability.

VII. Noncompliance Issues:

A. When minor issues are noted, the County Office will attempt to resolve them as described above. If they cannot be resolved locally, they will be referred to the State Office. When any issues cannot be resolved at State Office level, the National Office Environmental and Technology Staff (ETS) will be contacted for guidance.

B. The National Office ETS, coordinating with HUD, will take the appropriate actions to resolve the issues reported.

C. Manufacturers and Builder/Dealers must be aware that if the FmHA inspector finds any of the following conditions, the inspector may refuse to accept the construction until corrections have been made:

1. Evidence of noncompliance with any option of the method described in the HUD—SEB, RLA, or LLA.

2. Faulty shop frabrication including surface defects.

3. Damage to shop fabricated items or materials due to transportation, improper storage, handling, or assembly operation.

4. Unsatisfactory field or site workmanship.

VIII. Actions by Other State FmHA Offices. When a State Office receives a copy of the Accepted List from the State Office in which a manufacturing plant is located, it will:

A. Maintain a file by manufacturer of each Accepted List of models.

B. Provide copies of the Accepted List of models to each County Office in the State.

C. Request a copy of the drawings, description of materials, and thermal calculations to determine compliance with the thermal requirements for the county in which the house is to be located according to Exhibit D of this Subpart.

D. Check to see that County Offices within the State will act as prescribed in paragraph VI of this Exhibit B.

IX. MPS Interpretation Actions:

A. When two or more State Offices have different interpretations of the requirements of the MPS as it relates to a specific structure, there must be an agreement between the States so that they will have the same requirements.

B. If the States cannot agree, the National Office ETS shall be consulted for guidance.

X. Subsequent Review:

FmHA will make periodic reviews of houses, both site built and houses manufactured offsite, to determine acceptability of the finished product. If, in the judgment of the FmHA, the product has failed to perform satisfactorily, acceptance may be withdrawn. Withdrawal, however, will not be effective without sufficient warning to the manufacturer and the builder/dealer. Negotiations for corrections will be initially carried out by the County Office with the assistance of the State Office or National Office, as necessary.

XI. Materials and Products Acceptance Material Release Bulletins, Use of Materials Bulletins, Manufacturer's Instructions:

A. The Materials Release and Use of Materials Bulletins provide for the national acceptance of specific nonstandard materials and products not covered in the current MPS.

B. When contractors or builders intend to use products or materials not listed as approved in Appendixes C or F in the MPS, the FmHA personnel reviewing or concerned with the approval of construction in which the product is to be used, will require the contractor or builder to furnish a Materials Release Bulletin or Use of Materials Bulletin on the materials or products. If the product has been accepted, the supplier should be able to obtain the bulletin for the contractor or builder from the manufacturer. These bulletins describe the products or materials limitations to use, method of installing or applying, approved type of fasteners, if used, etc., and will provide the contractor with instructions as to proper installation or application.

C. When FmHA personnel are unfamiliar with any materials or products which have been accepted in Appendixes C or F in the MPS, they will request the contractor or builder to furnish the manufacturer's instructions so as to be assured that the materials or products are properly installed or applied. Any questions on any product that cannot be resolved in the County Office should be referred to the State Office. When the question cannot be resolved at the State Office level, the National Office ETS should be consulted for guidance.

XII. Manufactured Farm Service Buildings:

A. When a loan application is received that involves a manufactured building or special equipment that cannot be completely inspected on the site, the local State Land Grant University recommendations should be requested.

B. When the County Office questions the advisability of making a loan on a manufactured building, the State Office should also be consulted.

C. The State Office should review and make recommendations to the County Office. If doubt still exists, the National Office ETS should be consulted for guidance.

Exhibit B

Attachment 1

List of Submission Exhibits for Manufactured Housing

The manufacturer or sponsor of manufactured housing wishing to participate in the Farmers Home Administration (FmHA) Rural Housing programs shall submit to the FmHA State Director having jurisdiction over the State in which the proposed housing is to be manufactured, two copies each of the information listed in this Exhibit for an acceptance review. Experience has shown that submissions not including all the information result in delays with the reviews necessary for determination of acceptance:

A. Statements:

1. Name and location of organization including principal officers,

2. A brief description of plant facilities,

3. Extent of intended market distribution,

4. The method of quality control during field erection,

5. A copy of the applicable current HUD Structural Engineering Bulletin (SEB), Regional Letter of Acceptance (RLA), or Local Letter of Acceptance (LLA),

6. A current inspection report made within 6 months by HUD or HUD authorized agency,

7. Any other pertinent information such as name and address of third party inspection agency and an erection manual if available for field use,

8. Location of nearest assembled product for observation and inspection,

9. List of other States in which structures will be marketed,

10. Specifications or descriptions of materials using either Form FmHA 424–2, (HUD–FHA Form 2005) "Description of Materials," including sizes, species and grade of all building and finishing materials. All blanks should be filled and additional sheets may be attached as well as equipment manufacturer's brochures. Use an asterisk (*) to denote all items of onsite construction that will be provided by the builder-dealer. The builder-dealer must complete a form for the builder-dealer's portion of the work. Use N/A in all blanks where an item is not applicable,

11. Provide names and addresses of other public and private agencies which have rendered or been asked to render a technical suitability or acceptance determination with respect to the products or structural methods employed, and

12. Provide an index of all documents submitted.

B. *Working Drawings.* For emphasis as to the details required for manufactured housing proposals, the following items are listed in addition to and in more detail than the requirements in Exhibit C of this Subpart. In some cases, the drawing presentation sheets may be required to be reduced to 200 mm by 266 mm (8 x 10½ inches) sheet size:

1. Foundation and/or Basement Plan. This plan shall include anchorage details, exterior and interior dimensions, typical footings, wall thickness, pilaster sizes and locations, columns or pier sizes and locations and girders required to support the structure. Show location of all equipment (furnance, water heater, laundry tubs, sump, etc.) floor drains, electrical outlets, electrical entrance panels, and all doors and windows or crawl space vents with all sizes indicated,

2. Floor Plans of all levels. Show square footage of each habitable room with square footage of each area of natural light and ventilation. In addition, a design sketch scaled properly to illustrate a typical furniture arrangement for all habitable levels is required to indicate intended occupancy functions of the design. A window and door schedule should also be provided indicating glazed size, sash size, and thermal conductance of each type,

3. All exterior elevations including openings and sizes; wall finish materials, flashing, finish grades intended, depth of footings when known, finish floor, ceiling heights, roof slope, location of downspouts, gutters, vents for both structural spaces and for equipment. Indicate construction joint locations and details of connections between sections, modules or components,

4. Building cross sections showing size and spaces of all framing members of lowest member (bottom of footing) to highest point of roof (ridge) plus:

a. Type of material and method of application of all covering materials, such as, subflooring, combination subflooring and underlayment, sheathing and interior and exterior finishes,

b. Complete details including computations of trussed rafter systems with the architect/engineer's stamp of those responsible for the design,

c. Details of insulation and vapor barrier installation and attic ventilation. If the thermal characteristics to be provided are determined according to the optional method for overall structure performance allowed in Exhibit D of this Subpart, the submission and complete engineering calculations with all details of construction shall be sent to Administrator, Attn. ETS, FmHA, Washington, DC 20250, for analysis as prescribed in paragraph IV C of Exhibit D of this Subpart,

d. Special details as necessary to show any special features of construction including method of fabricating, erection, joining, and finishing of all elements, and

e. Details and sections of stairways including all critical dimensions, such as, rise, run, and headroom,

5. Interior evaluations of kitchen cabinets and bathroom elevations with schedule of all shelf, counter top and drawer footage. A statement as to how kitchen cabinets are to be provided: as custom made for each model or made for any model by a cabinet manufacturing company with compliance with ANSI A 161.1 as required by paragraph 611–1.1 in the MPS,

6. Plumbing schematics including pipe materials, sizes and plumbing code compliance,

7. Heating plan including heat loss of each room and, if applicable, heat gain. For forced air systems, include supply and return duct layout and location of appropriate diffusers,

8. Electrical plan including circuit diagram, and

9. Any other pertinent facts that will better explain why and how certain unusual materials or structural methods are employed.

Attachment 2

John Dough Manufacturing Company, 3444 Residence Avenue, Elktown, IN 00051.

Dear Sirs: Although the documents submitted to this office have only received a cursory review, they appear to be in substantial compliance to qualify your firm for the type of acceptance indicated on the attached Accepted List.

The acceptance being issued is conditioned upon this letter of conditions, on the compliance with HUD Technical Suitability of Products Program 4950.1 compliance with Farmers Home Administration's Thermal Performance Standards, and compliance with the conditions set forth in the HUD acceptance document, if applicable, whose number appears on the acceptance.

The manufacturer and his/her authorized Builder-Dealer bear the responsibility of complying with the above the exhibits submitted, and HUD Minimum Property Standards.

The manufacturer and/or Builder-Dealer also shall:

1. Provide positive identification of the modular unit by model, date of manufacture and factory in which the unit was manufactured.

2. Furnish with each home to be financed by Farmers Home Administration in (State) a written certificate endorsed by the Builder-Dealer certifying that all compliances have been satisfied.

3. Furnish the County Supervisor with a complete set of drawings including site plans, description of materials, structural engineering bulletin when applicable in the State, and documentation relating to the manufacture, transportation, erection, and installation for each model of manufactured house to be financed in the county.

The basic drawings approved by HUD as listed in the Structural Engineering Bulletin as well as the floor plans and elevations must be a part of each set of drawings supplied to FmHA personnel. Electrical, plumbing and heating plans must be furnished for each model in addition to the basic drawings listed in the Structural Engineering Bulletin. Floor plans and elevation drawings may vary from those listed in the Structural Engineering Bulletins (SEB) to reflect each of the manufacturers models provided they are in compliance with HUD Minimum Property Standards and the FmHA Thermal Performance Standards and provided they have been accepted and listed in this state's approval of manufactured structures. No field alterations to the accepted models will be allowed.

4. When required by the County Supervisor, foundation drawings (including seismic considerations of the unit and foundations when a home is to be constructed in seismic zones) adapting the modular home to any unusual site conditions needing information additional to that furnished by the standard drawings.

5. Furnish the County Office with a copy of all (minimum of two yearly) HUD inspection reports of the manufacturing facilities immediately after the inspection reports have been completed.

6. Allow FmHA personnel to inspect the plant facilities at any time and furnish all FmHA State Offices, where approval has been obtained, with a copy of any Farmers Home Administration Inspection Reports of the firm's manufacturing facilities immediately after the inspection reports have been completed.

7. Furnish the County Office with HUD review of the firm's Acceptance Document no later than the review date listed on the Acceptance Documents.

8. In the event there are major changes in the drawings from those submitted, obtain approval under the HUD 4950.1 program and submit verification of this approval to the County Office for FmHA State Acceptance Listing. Any modular home shipped with major changes incorporated and not having such changes on file at the County Office may be rejected.

This acceptance may be subject to corrective action when deficiencies are noted in the product, field inspections manufacturing facilities or when there is noncompliance with the provisions of the HUD 4950.1 program.

9. (Each state can continue with state and local requirements appropriate to this letter of conditions.)

The inclusion of these models on the acceptance list is based on the materials and structural aspects of the manufactured units. Final determination of acceptability rests with FmHA personnel. Other factors relating to the property in its entirety such as appraisal, location, sustained market acceptance, architectural planning and appeal, thermal qualities, mechanical and electrical equipment, etc., must be considered in the final determination.

Your cooperation in this Acceptance Program is appreciated.

Sincerely,

_____,

State Director.

BILLING CODE 3410-07-M

Exhibit B
Attachment 3

Date_____ File No._____

APPROVAL OF MANUFACTURED STRUCTURES
(BASED ON HUD 4950.1 PROGRAM)

Manufacturer:

_____ Acceptance Document_____

_____ Type of Approval

_____ /__/ Regular

_____ /__/ Temporary, Expires_____

Plant Locations: _____

Date of Latest Plans Reviewed _____

Date of Latest Factory Inspection_____

Acceptance Document Review Date _____

FmHA THERMAL PERFORMANCE STANDARDS, EXHIBIT D, 1924 A

State (Par III A)	NATIONAL (Par III C)
	Window/Wall
Degree days for State Area_____	Walls R____Area Ratio____%
Walls R_____ Floor_____	Ceilings R_____Area Doors_____
Ceilings R_____ Glazing _____Pane(s)	Floor R_____Glazing ____pane(s)
Insulated Door _____Wood & Storm____	Insulated Door_____Wood & Storm _____

Models Approval:

BILLING CODE 3410-07-C

Attachment 4

John Dough Manufacturing Company, 3444 Residence Drive, Elktown, IN 00051.

Dear Sirs: As set forth in acceptance letters issued by this office, acceptance of Manufactured Modular Homes in this State is based on HUD's Technical Suitability of Products Program 4950.1 and the conditions stated in the acceptance letter. Your file has been reviewed and the following has been noted.

———Inspection of your plant facilities is overdue. Inspections are required twice yearly. The last inspection on file at this office dated ———.

———Your Structural Engineering Bulletin No. —— dated ——— has not been reviewed. Reviews are generally required every three years. Temporary Approval may be considered after the review date if the manufacturer can provide evidence that the review documents were submitted to HUD.

———The drawings being used for the construction of your homes are not with the drawing listed in your Structural Engineering Bulletins. Drawings used in the field should be those upon which the Structural Engineering Bulletin was issued.

———There have been —— additional revisions to the MPS since the last drawings dated ——— we have on file for your homes. It is recommended that the revisions be reviewed to ascertain whether your plans are affected by any of the changes.

It will be necessary that the above items be received within —— days, otherwise your product will be removed from this approved listing until such time that your firm can again qualify for listing. Should you have any difficulties in furnishing the above within the time stated, please contact this office.

We will be looking forward to receiving the materials indicated so that your firms listing may be continued.

Sincerley,

———,

State Director.

Attachment 5

Certification by Manufacturer

Delivery location of structure or component

———

This is to certify that Model ——— Serial Number ——— Manufactured ——— 19— in our ——— plant and being sold to ——— Builder/Dealer or Borrower has been manufactured in compliance with plans and specifications on file in the FmHA State Office and that the construction complies with the HUD Minimum Property Standards except as modified by HUD Acceptance Document (SEB, RLA, LLA) No. ——— dated ———, and in compliance with any FmHA supplements to the HUD Minimum Property Standards.

Dated ———. ———

Signature of Authorized Factory Official

Title

Certification by Builder

——— certifies that the foundations and other on-site work has been constructed in accordance with the attached revised dwelling and the on-site construction for the above borrower has been erected, installed or applied in compliance with HUD/FmHA Minimum Property Standards.

It is understood that the manufacturer's certification does not relieve the builder of his/her responsibility under the terms of the builder's warranty required by the National Housing Act.

Date ———.

Signature of Authorized Official

Title of Authorized Official

Exhibit C

List of Required Drawings and Specifications

This list applies to all new buildings to be constructed, including all single family housing and related facilities and as applicable to farm housing and farm service buildings.

I. General: The documents recommended in this Exhibit correspond with the list of Exhibits required in Chapter 3 of the Department of Housing and Urban Development (HUD) "Handbook for Building Single-Family Dwellings" No. 4145.2. However, this listing shall be used as a guide for drawings and specifications to be submitted in support of all types of housing loan and/or grant applications or any type of application involving the construction of buildings. This Exhibit may be used as a public handout. A copy of the drawings and specifications shall be provided by the applicant for a loan or conditional commitment which involves construction of major new buildings or extensive rehabilitation or alterations or additions to existing buildings. Drawings and specifications, for minor alterations or repairs, need pertain only to work to be done and may be in narrative form when accepted by the County Supervisors. Adequate and accurate Drawings and Specifications are necessary:

A. To determine compliance with the applicable standards and codes,

B. To prepare a cost estimate,

C. To determine the acceptability of the physical improvements, and

D. To provide a basis for inspections and the builder's warranty.

II. Drawings for Individual Applications: Drawings for single family individual housing shall be submitted by the applicant and provide at least the following:

A. *Plot Plan* Ratio: 1:240 (1″ = 20) (at scale, 1″ = 20′ or 1/16′ = 1′0″ minimum):

1. Lot and block number.

2. Dimensions of plot and north point.

3. Dimensions of front, rear, and side yard.

4. Location and dimensions of garage, carport, and other accessory buildings.

5. Location and sizes of walks, driveways, and approaches.

6. Location and sizes of steps, terraces, porches, fences and retaining walls.

7. Location and dimensions of easements and established setback requirements, if any.

8. Elevations at the following points: (a) First floor of dwelling and floor of garage, carport and other accessory building; (b) finish curb or crown of street at points of extension of lot lines; (c) finish grade elevation at each principal corner of structure; (d) finish grade at bottom of drainage swales at extension of each side of structure as feasible.

9. The following additional elevations, as applicable, shall be submitted if the topography or the design of the structure is such that special grading, drainage or foundations may be necessary. Examples are irregular or steeply sloping sites, filled areas on sites, or multilevel structure designs; (a) finish and existing grade elevations at each corner plot; (b) existing grade at each principal corner of dwelling; (c) finish grade at both sides of abrupt changes of grade such as retaining walls, slopes, etc.; (d) other elevations that may be necessary to show grading and drainage.

10. Indication of lot grading type and approximate location of drainage swales.

11. Example Plot Plan No. 1 attached.

12. Where an individual water supply and/or sewage system is proposed, submit drawings and specifications prescribed in Section 5 of this Exhibit and written opinion of Health Authority having jurisdiction and opinion, if available, of local USDA-Soil Conservation Service Official.

B. *Floor Plans.*

1. Scale, 1:50 (¼″ = 1′0″).

2. Floor plan of each floor and basement, if any. Recommend typical furniture locations shown to suggest intended use of each habitable space.

3. Plan of all attached terraces and porches, and of garage or carport.

4. If dwelling is of crawl space type, provide separate foundation plan. Slab-type foundation may be shown on sections.

5. Direction, size and spacing of all floor and ceiling framing members, girders, columns or piers.

6. Location of all partitions and indication of door sizes and direction door swing.

7. Location and size of all permanently installed construction and equipment such as kitchen cabinets, closets, storage shelving, plumbing fixtures, water heaters, etc. Details of kitchen cabinets may be on separate drawing.

8. Location and symbols of all electrical equipment, including switches, outlets, fixtures, etc.

9. Heating system on separate drawing, or when it may be shown clearly it may be part of the floor or basement plan showing: (a) layout of system; (b) location and size of ducts, piping, registers, radiators, etc.; (c) location of heating unit and room thermostat; (d) total calculated heat loss of dwelling including heat loss through all vertical surfaces, ceiling and floor. When a duct or piped distribution system is used, calculated heat loss of each heated space is required.

10. Cooling system, on separate drawings or, as part of heating plan, floor or basement plan showing: (a) layout of system; (b) location and size of ducts, registers, compressors, coils, etc.; (c) heat gain calculations, including estimated heat gain for each space conditioned; (d) model number and Btu capacity of equipment or unit in accordance with applicable Air Conditioning and Refrigeration Institute (ARI) or American Society of Refrigerating Engineers (ASRE)

Standard; (e) Btu capacity and total Kilowatt (KW) input at stated local design conditions; (f) if room or zone conditioners are used, provide location, size and installation details.

C. *Exterior Elevations.*

1. Scale, 1:50 (¼" = 1'0"). Elevations, other than main elevation, which contain no special details may be drawn at 1:100 (⅛" = 1'0").

2. Front, rear and both side elevations, and elevations of any interior courts.

3. Windows and door—indicate size unless separately scheduled or shown on floor plan.

4. Wall finish materials where more than one type is used.

5. Depth of wall footings, foundations, or piers, if stepped or at more than one level.

6. Finish floor lines.

7. Finish grade lines at buildings.

D. *Details and Sections.*

1. Section through exterior wall showing all details of construction from footings to highest point of road. Where more than one type of wall material is used, show each type. Scale, 1:50 (⅜" = 1'0") minimum.

2. Section through any portion of dwelling where rooms are situated at various levels or where finished attic is proposed, Scale, 1:50 (¼" = 1'0") minimum.

3. Section through stair wells, landings, and stairs, including headroom clearances and surrounding framing. Scale, 1:50 (¼" = 1'0") minimum.

4. Details of roof trusses if proposed, including connections and stress or test data with seal of architect or engineer responsible. Scale of connections, 1:50 (⅜"=1'0") minimum.

5. Elevation and section through fireplace. Scale 1:50 (⅜"=1'0") minimum.

6. Elevations and section through kitchen cabinets, indicating shelving. Scale, 1:50 (¼"=1'0") minimum.

7. Sections and details of all critical construction points, fastening systems, anchorage methods, special structural items or special millwork. Scale as necessary to provide information, 1:50 (⅜"=1'0") minimum.

III. Drawings for Group Applications. Drawings for group applications (conditional commitments) may be submitted in lieu of drawings for each individual property when a number of applications are simultaneously submitted involving repetition of a basic type dwelling.

A. *Master Plot Plan* shall include the following:

1. Scale which will provide the following information in a clear and legible manner.

2. North point.

3. Location and width of streets and rights-of-way.

4. Location and dimensions of all easements.

5. Dimensions of each lot.

6. Location of each dwelling on lot with basic dimensions.

7. Dimensions of front, rear, and side yard.

8. Location and dimensions of garages, carports, or other accessory buildings.

9. Identification of each lot by number and indication of basic plan and elevation type.

10. Location of walks, driveways, and other permanent improvements.

B. *Typical Plot Plan* for each basic type dwelling may be submitted in lieu of fully detailing each lot on Master Plot Plan, when topography and lot arrangements present no individual planning or construction problems.

1. Information not shown on Typical Plot Plan shall be included on Master Plot Plan.

2. Typical Plot Plans shall not be used for corner lots, lots with irregular boundaries, lots involving pronounced topographic variations or other lots where individual detailing is necessary.

3. Show location of dwelling on typical lot and full dimensions.

4. Provide location and dimensions of all typical improvements, such as garage, carport, accessory buildings, walks, drives, steps, porches, terraces, trees, shrubs, retaining walls, fences, etc.

C. *Grading* may be shown on separate grading plan or on the Master Plot Plan. Scale shall be sufficiently large to provide the following information in clear and legible manner:

1. Contours of existing grade at intervals of not more than 1.524 m (5 feet). Intervals less than 1.524 m (5 feet) may be required when indicated by the character of the topography.

2. Location of House and accessory buildings on each lot.

3. Identification of each lot by number.

4. Elevations in accordance with individual plot plan including bench mark and datum or, in lieu of finish grade elevations, contours of proposed finish grading may be submitted. Contour intervals selected shall be appropriate to the topography of the site.

5. Lot grading shall be shown by indicating protective slopes and approximate location of drainage swales.

6. Location of drainage outfall if any drainage is not to a street.

D. *Floor Plans, Elevations, Sections, and Details* shall be submitted for each basic plan. Alternate elevations to basic plan may be shown at scale, 1:100 (⅛"=1'0").

IV. Specifications. Form FmHA 424–2, "Description of Materials," or other acceptable and comparable descriptions of all materials forms shall be submitted with the drawings by the applicant. The forms shall be completed fully in accordance with the instructions on Form FmHA 424–2 to describe the materials to be used in the construction.

A. Submit the drawings along with each application.

B. Form FmHA 424–2 may be reproduced provided size, format and printed text are identical to current official form. When current official form is reproduced, the following deletions must be made:

1. All lines indicating FmHA form numbers or other Government agency initials and numbers, and

2. The United States Government Printing Office (GPO) imprint and reference number.

C. The material identification information shall be in sufficient detail to fully describe the material, size, grade and where applicable, manufacturers model or identification numbers.

Where necessary, additional sheets must be attached as well as manufacturers specification sheets for equipment and/or special materials, such as aluminum siding and carpeting.

V. Individual Water Supply and Sewage Disposal Systems. When an individual water and/or sewage disposal system is proposed the following additional information must be submitted:

A. *Approval and recommendations of various authorities.*

1. A written opinion by the health authority having jurisdiction that the site is suitable and acceptable for the proposed system(s) and

2. If available, a soils report from the local USDA-Soil Conservation Service Office and any recommendations they may have.

3. Approval of appropriate environmental control authority.

4. A signature of the health authority on the plot plan indicating approval of design of the proposed system.

B. *Plot Plan.*

1. Location and size of septic tank, distribution box, absorption field or bed, seepage pits and other essential parts of the sewage disposal system and distance to all individual wells and open streams or drainageways.

2. Location of well, service line and other essential parts of the water supply system and distance to other wells and/or sewage disposal systems.

3. Exact location of individual systems (water or sewage) on adjacent properties and description of system if available.

4. Example Plot Plan No. 2 attached.

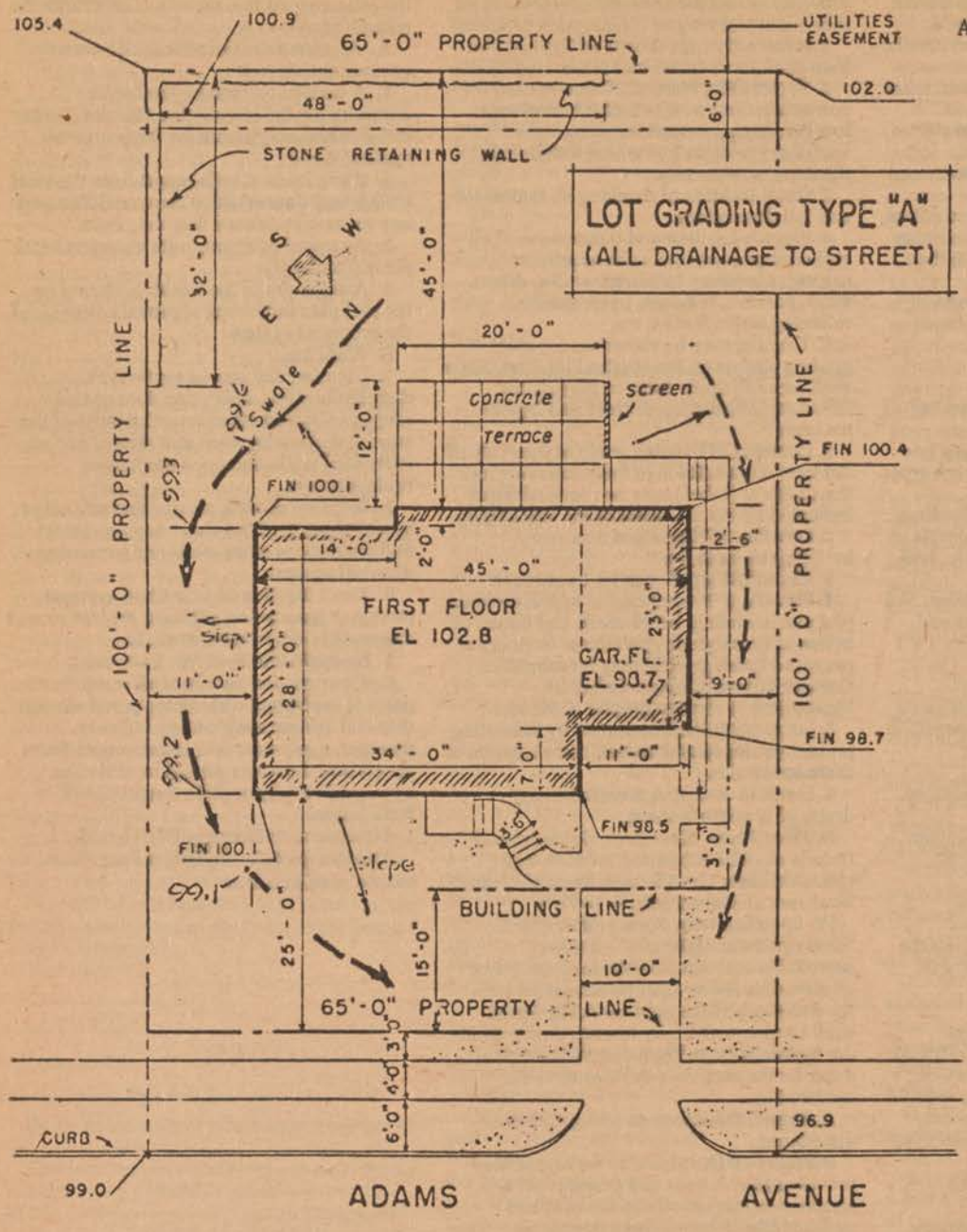
C. Construction details of all component parts of individual water supply and sewage disposal system shall clearly indicate material, equipment and construction. Extra sheets and drawings should be added as necessary to fully explain the proposed installation.

Attachment 1: Example Plot Plan No. 1.

Attachment 2: Example Plot Plan No. 2.

BILLING CODE 3410-07-M

Exhibit C
Attachment 1

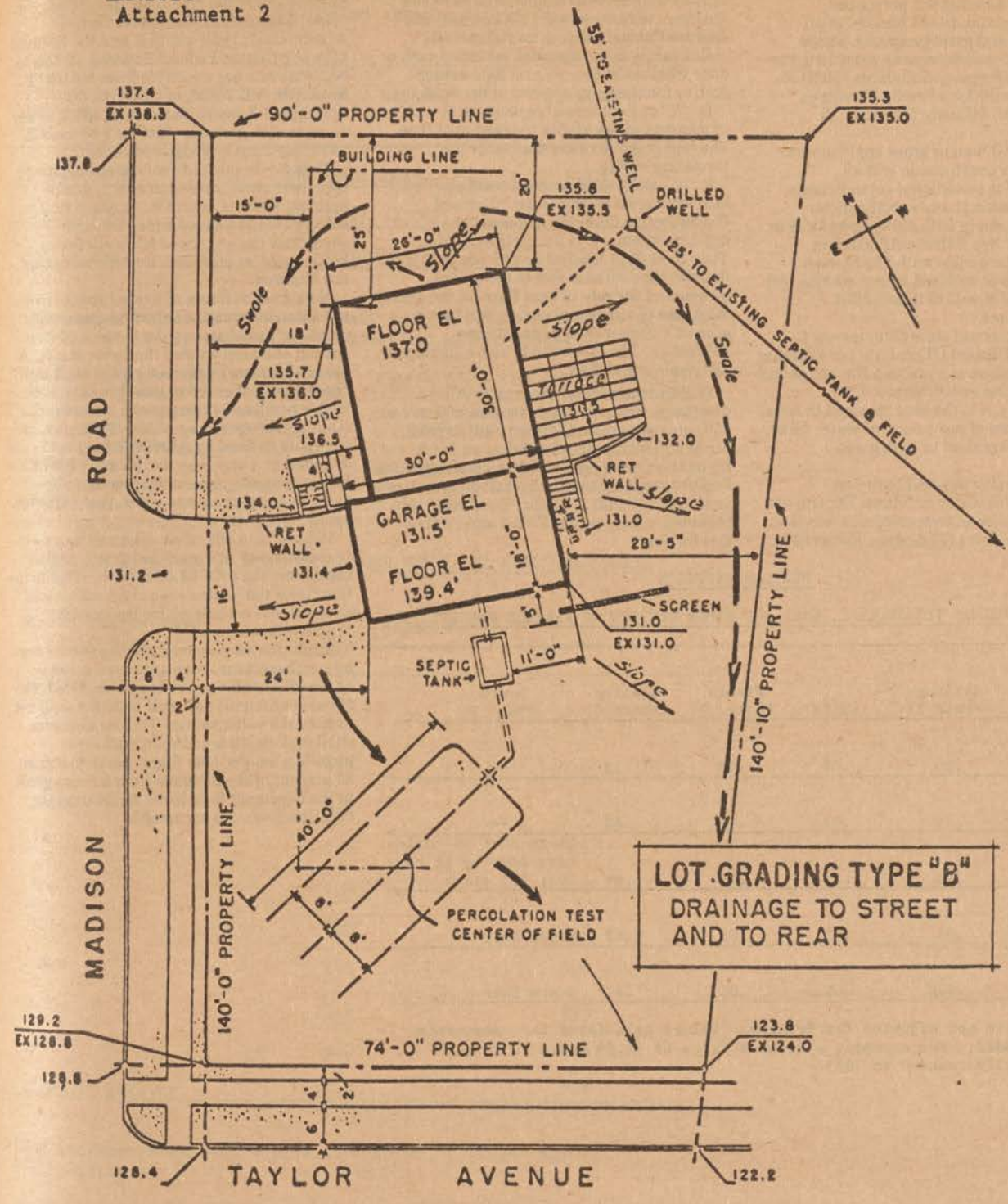


Lot 4 Block 7
CHESTNUT HILL - BRAINARD, COLUMBIA

Scale 1/16" = 1'-0"

EXAMPLE PLOT PLAN No 1

Exhibit C
Attachment 2



LOT 29. BLK. 2 HEALTH AUTHORITY ----------
HOMESTEAD ADDITION, LINCOLN COUNTY, COLUMBIA

EXAMPLE PLOT PLAN NO. 2 *Scale 1" = 20'*

BILLING CODE 3410-07-C

Thermal Performance Construction Standards

I. *Purpose.* This Exhibit prescribes construction standards to be used in all housing loan and grant programs. These requirements shall supersede those listed in the Minimum Property Standards (MPS) No. 4900.1, "One and Two Family Dwellings," and 4910.1, "Multifamily Housing," as applicable.

II. *Policy.* All loan or grant applications involving new construction and all applications for conditional commitments shall have drawings and specifications prepared to comply with paragraphs IV A or IV C and D of this Exhibit. All existing dwellings to be bought with FmHA loan funds shall be considered in accordance with paragraphs IV B or C of this Exhibit.

III. *Definitions.*

A. *British thermal units (Btu)* means 1 (International Table) (IT) calorie per kilogram per degree Celsius is equal to 1 Btu per pound of water per degree Fahrenheit. Or approximately, it is the heat required to raise the temperature of one pound of water from 59 degrees Fahrenheit to 60 degrees Fahrenheit.

B. *A degree day* is a unit based on temperature difference and time. For any one day, when the mean temperature is less than 18.3 degrees Celsius (65 degrees Fahrenheit), there are as many degree days as the degree Celsius difference in temperature between the mean temperature for the day and 18.3 degrees Celsius (65 degrees Fahrenheit).

C. *Glazing* is the material set into a sash or door when used as a natural light source and/or for occupant's views of the outdoors.

D. *"R" value,* thermal resistance, is a unit of measure of the ability to resist heat flow. The higher the R value, the higher the insulating ability.

E. *"U" value* is the overall coefficient of heat transmission and is the combined thermal value of all the materials in a building section. U is the reciprocal of R. Thus U=1/R or R=1/U or 1/C where C is the thermal conductance and is the unit of measure of the rate of heat flow for the actual thickness of a material one square foot in area at a temperature of one degree Fahrenheit. The lower the U value, the higher the insulating ability.

IV. *Minimum Requirements.* A. All dwellings, single family or multifamily, to be constructed with FmHA loan and/or grant funds and all repair, remodeling or renovation work performed on dwellings with FmHA loan/or grant funds shall be in conformance with the following, except as provided in paragraphs IV B 3 and IV D of this Exhibit:

NEW CONSTRUCTION

MAXIMUM U VALUES FOR CEILING, WALL AND FLOOR SECTION OF VARIOUS CONSTRUCTION

Winter Degree Days (Note 1)	Ceilings (Note 2)	Walls	Floors (Note 3)	Glazing (Note 4)	Doors (Note 5)
1000 or less	.05	.08	.08	1.13	--
1001 to 2500	.04	.07	.07	.69	--
2501 to 4500	.03	.05	.05	.69	Storm door if hollow core door or if over over 25% glass
4501 to 6000	.03	.05	.05	.47	Storm Door
6001 or more	.026	.05	.05	.47	Storm Door

(U values are not adjusted for framing. Values calculated for components may be rounded. For example, a total R Value of 18.88 converts to a U value of .0529 rounded to .05)

Note 1.—Winter degree days may be obtained from the ASHRAE Handbook; the "NAHB Insulation Manual for Homes Apartments"; local utilities; and the National Climatic Center, Federal Building, Asheville, NC. Manuals are available from NAHB RF, Rockville, MD 20850, or NMWIA, 382 Springfield Avenue, Summit, NJ 07901. Other sources of degree day data may be used if available from a recognized authority.

Note 2.—In pitched roof construction, compression of insulation at the outside building walls is permitted to allow for a 1 inch ventilation space under the roof sheathing. For any loose fill insulation, a baffle must be provided. Raised trusses are not required.

Note 3.—For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces the U value of floor section shall not exceed the value shown. A basement, crawl space, or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50 F. Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss attributed to the floor from the heated area shall not exceed the heat loss calculated for floors with required insulation.

Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. The U value of foundation wall sections shall not exceed the value shown. This requirement shall include all foundation wall area, including header joist (band joist), to a point 50 percent of the distance from a finish grade to the basement floor level. Equivalent Uo configurations are acceptable.

MAXIMUM U VALUES OF THE FOUNDATION WALL SECTIONS OF HEATED BASEMENT NOT CONTAINING HABITABLE LIVING AREA OR HEATED CRAWL SPACE

Winter Degree Days (65 F Base)	Maximum U Value	Glazing*
2500 or less	No requirement	1.13
2501 to 4500	0.17	1.13
4501 or more	0.10	0.69

*(Glazing in heated basement shall be limited to 5 percent of floor area unless alternative Uo combination is documented.)

Note 4.—Sliding glass doors are considered as glazing. The glazing value is for glass only. Glazing shall be limited to 15 percent of the gross area of all exterior walls enclosing heated spaces in accordance with Table 6-7.1 in the MPS 4900.1.

Note 5.—1¾ inch metal faced door systems with rigid insulation core and durable weatherstripping providing a "U" value equivalent to a wood door with storm door and an infiltration rate no greater than .50 cfm per foot of crack length tested according to ASTM E-283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All doors shall be weatherstripped. Any glazed areas must be double-glazed.

MINIMUM R VALUES OF PERIMETER INSULATION FOR SLABS-ON-GRADE

Winter Degree Days (65 F Base)	Minimum R Values *	
	Heated Slab	Unheated Slab
500 or less	2.8	--
1000	3.5	--
2000	4.0	2.5
3000	4.8	2.8
4000	5.5	3.5
5000	6.3	4.2
6000	7.0	4.8
7000	7.8	5.5
8000	8.5	6.2
9000	9.2	6.8
10000 or greater	10.0	7.5

*(For increments between degree days shown, R values may be interpolated.)

B. All existing dwellings to be purchased with RH loan and grant funds shall be insulated in accordance with the following:

EXISTING CONSTRUCTION

MAXIMUM U VALUES FOR CEILING, WALL AND FLOOR SECTION OF VARIOUS CONSTRUCTION

Winter Degree Days (Note 1)	Ceilings	Walls (Note 2)	Floors (Note 3)	Glazing	Doors (Note 5)
1000 or less	.05		.08	1.13	--
1001 to 2500	.04		.07	.69	--
2501 to 4500	.03		.05	.69	Storm door if hollow core door or if over over 25% glass
4501 to 6000	.03		.05	.69	Storm Door
6001 to 7000	.026		.05	.69	Storm Door
7001 or more	.026		.05	.69	Storm Door

(U values are not adjusted for framing. Values calculated for components may be rounded. For example, a wall section with a total R value of 18.88 converts to a U value of .0529 rounded to .05.)

Note 1.—Winter degree days may be obtained from the ASHRAE Handbook; the "NAHB Insulation Manual for Homes Apartments"; local utilities; and the National Climatic Center, Federal Building, Asheville, NC.

Manuals are available from NAHB RF, Rockville, MD 20850, or NMWIA, 382 Springfield Avenue, Summit, NJ 07901.

Other sources of degree day data may be used if available from a recognized authority.

Note 2.—Walls shall be insulated as near to new construction standards as economically feasible. Any exterior wall framing exposed during repair or rehabilitation work shall have vapor barrier installed and be fully insulated.

Note 3.—For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces the U value of floor section shall not exceed the value shown.

A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50 F. Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss attributed to the floor from the heated area shall not exceed the heat loss calculated for floors with required insulation.

Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. The U value of foundation wall sections shall not exceed the value shown. This requirement shall include all foundation wall area, including header joist (band joist), to a point 50 percent of the distance from a finish grade to the basement floor level. Equivalent Uo configurations are acceptable.

MAXIMUM U VALUES OF THE FOUNDATION WALL SECTIONS OF HEATED BASEMENT NOT CONTAINING HABITABLE LIVING AREA OR HEATED CRAWL SPACE

Winter Degree Days (65 F Base)	Maximum U Value	Glazing*
2500 or less	No requirement	1.13
2501 to 4500	0.17	1.13
4501 or more	0.10	0.69

*(Glazing in heated basement shall be limited to 5 percent of floor area unless alternative Uo combination is documented.)

Note 4.—Slab edge insulation should be provided wherever practical in areas of 2500 or more winter degree days. Rigid insulation placed on the exterior face of the slab shall be protected by a durable and weather resistant material.

Note 5.—Storm doors not required for double doors, sliding doors or others where installation would be economically infeasible. 1¾ inch metal faced door systems with rigid insulation core and durable weatherstripping providing a "U" value equivalent to a wood door with storm door and an infiltration rate no greater than .50 cfm per foot of crack length, tested according to ASTM E–283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All doors shall be weatherstripped.

C. *Optional Standards.* Housing design not in compliance with the requirements of paragraphs IV A or B of this Exhibit may be approved in accordance with the provisions of this paragraph. Requests for acceptance proposed under paragraph C 1 below, must be approved by the State Director. Requests for acceptance proposed under paragraph C 2 must be approved by the Administrator. All submissions of proposed options to the State Director or Administrator shall contain complete descriptions of materials, engineering data, test data when U values claimed are lower than the ASHRAE Handbook of Fundamentals, and calculations to document the validity of the proposal. All data and calculations will be based upon the current edition of the ASHRAE Handbook of Fundamentals or other universally accepted data sources.

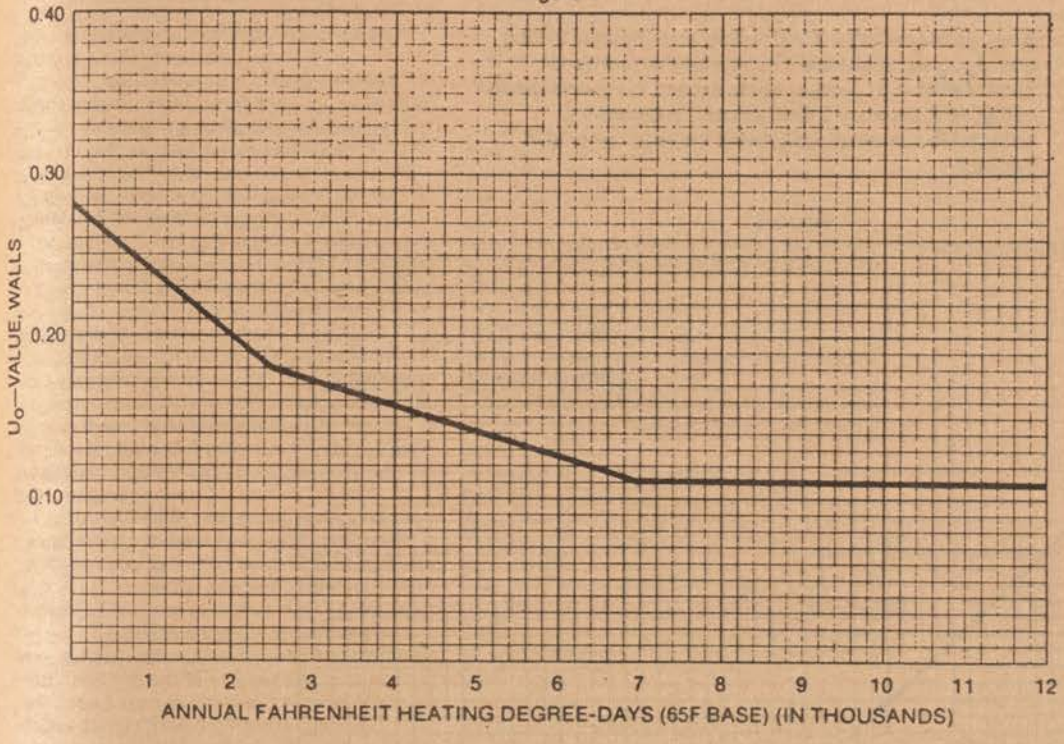
1. *Overall "U" values for envelope components.* The following requirements shall be used in determining acceptable options to the requirements of paragraphs IV A and IV B of this Exhibit.

a. Uo (gross wall)—Total exterior wall area (opaque wall and window and door) shall have a combined thermal transmittance value (Uo value) not to exceed the values shown in Figure 1. Equation 1 shall be used to determine acceptable combinations to meet the requirements of Figure 1.

BILLING CODE 3410-07-M

Exhibit-D
Page-8

Figure 1



Equation 1, formula for determining combinations (See Figure 1):

$$U_O = \frac{U_{wall}A_{wall} + U_{window}A_{window} + U_{door}A_{door}}{A_O}$$

where:

U_O = the average thermal transmittance of the gross wall area, Btu/h•ft²•F

A_O = the gross area of exterior walls, ft²

U_{wall} = the thermal transmittance of all elements of the opaque wall area, Btu/h•ft²•F

A_{wall} = opaque wall area, ft²

U_{window} = the thermal transmittance of the window area, Btu/h•ft²•F

A_{window} = window area (including sash), ft²

U_{door} = the thermal transmittance of the door area, Btu/h•ft²•F

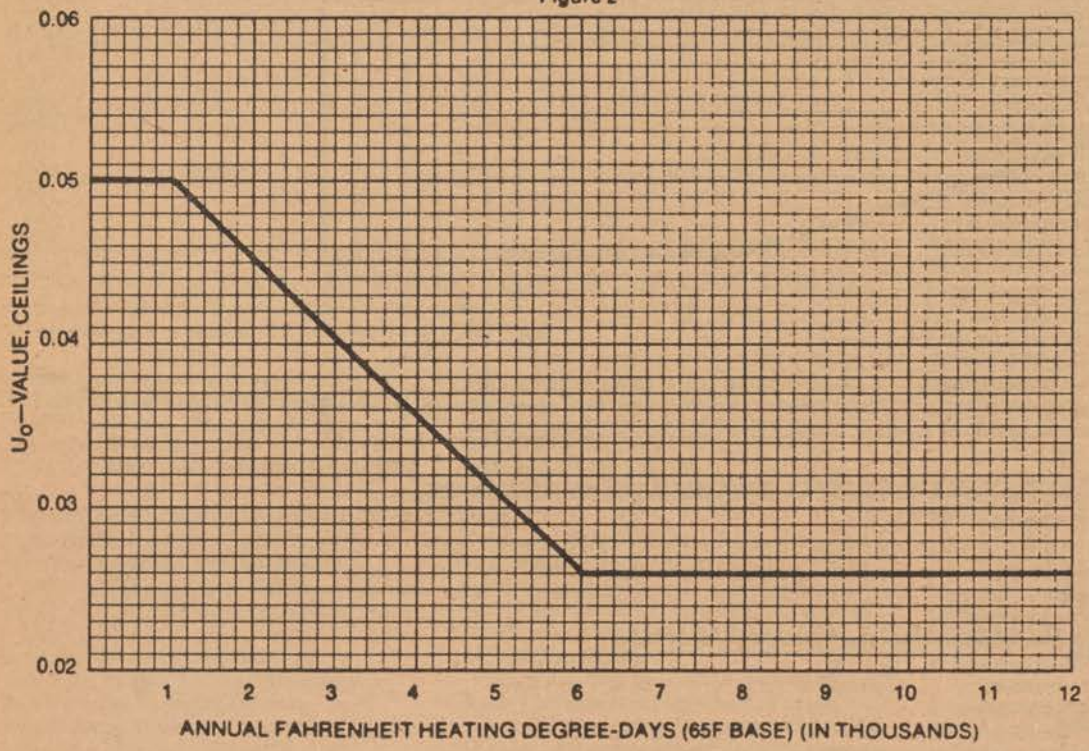
A_{door} = door area, ft²

Note: Where more than one type of wall, window and/or door is used, the U x A term for that exposure shall be expanded into its sub-elements, as:

$U_{wall_1}A_{wall_1} + U_{wall_2}A_{wall_2}$, etc.

b. U_O (gross ceiling) - Total ceiling area (opaque ceiling and skylights) shall have a combined thermal transmittance value (U_O-value) not to exceed the values shown in Figure 2. Equation 2 shall be used to determine acceptable combinations to meet the requirements of Figure 2.

Figure 2



Equation 2, formula for determining roof/ceiling combinations:

$$U_O = \frac{U_{roof}A_{roof} + U_{skylight}A_{skylight}}{A_O}$$

where:

U_O = the average thermal transmittance of the gross roof/ceiling area, Btu/h•ft²•F

A_O = the gross area of a roof/ceiling assembly, ft²

U_{roof} = the thermal transmittance of all elements of the opaque roof/ceiling area, Btu/h•ft²•F

A_{roof} = opaque roof/ceiling area, ft²

$U_{skylight}$ = the thermal transmittance of all skylight elements in the roof/ceiling assembly, Btu/h•ft²•F

$A_{skylight}$ = skylight area (including frame), ft²

Note: Where more than one type of roof/ceiling and/or skylight is used, the U x A term for that exposure shall be expanded into its sub-elements, as:

$U_{roof_1}A_{roof_1} + U_{roof_2}A_{roof_2}$, etc.

BILLING CODE 3410-07-C

2. *Overall structure performance.* The following requirements shall be used in determining acceptable options to the requirements of paragraphs IV A and B of this Exhibit.

a. The methodology must be cost effective to the energy user, and must not adversely affect the structural capacity, durability or safety aspects of the structure.

b. All data and calculations must show valid performance comparisons between the proposed option and a structure comparable in size, configuration, orientation and occupant usage designed in accordance with paragraphs IV A or B. Structures may be considered for FmHA loan consideration which can be shown by accepted engineering practice to have energy consumption equal to or less than those which would be attained in a representative structure utilizing the requirements of paragraphs IV A or B.

3. *Special consideration for seasonally occupied farm labor housing.* The following sets forth the minimum acceptable options to the requirements of paragraphs IV A or B of this Exhibit for seasonally occupied housing serving as security for farm labor housing loans and grants.

a. Where the period of occupancy does not encounter 500 or more heating degree days (HDD) as determined by an average of the previous 10 years based upon local climatological data published by the National Oceanic and Atmospheric Administration, Environmental Data Service, the standards of paragraphs IV A or B will not apply.

b. Where the period of use exceeds 500 heating degree days (HDD), the 10-year average value for the period of occupancy shall be used to determine the degree to which the thermal insulation requirements of paragraphs IV A or B shall apply.

c. If mechanical cooling is provided and the period of occupancy encounters more than 700 cooling degree days (CDD) as determined by an average of the previous 8 years based upon local climatological data published by the same source cited in paragraph IV C 3 a above, the thermal insulation requirements for 1,000 and less degree days as stated in paragraph IV A or B shall apply.

D. *Energy efficient construction practices.* This section prescribes those items of design and quality control which are necessary to guarantee the energy efficiency of homes built according to the standards of this Exhibit. Also included are recommendations for extra energy efficiency in dwellings.

1. *Infiltration:*

a. Requirements: All construction shall be performed in such a manner as to provide a building envelope free of excessive infiltration.

(1) Caulking and sealants. Exterior joints around windows and door frames, between wall cavities and window or door frames, between wall and foundation, between wall and roof, between wall panels, at penetrations of utility services through walls, floors and roofs, and all other openings in the exterior envelope shall be caulked, gasketed, weatherstripped, or otherwise sealed. Caulking shall be silicone rubber base or butyl rubber base, conforming to Federal Specifications TT–S–1543 and TT–S–1657 respectively, or materials demonstrating equivalent performance in resilience and durability.

(2) Windows shall comply with ANSI 134.1, NWMA 15–2; the air infiltration rate shall not exceed 0.5 ft^3/min per ft. of sash crack.

(3) Sliding glass doors shall comply with ANSI 134.2, NWMA 15–3; the air infiltration rate shall not exceed .5 ft^3/min per square ft. of door area.

(4) All insulation placed in open cavity walls shall be installed so that all spaces behind electrical switches and receptacles, plumbing, ductwork and other obstructions in the cavity are insulated as completely as possible. Insulation shall be omitted on the side facing the conditioned area, however, the vapor barrier in walls must not be cut or destroyed.

b. Recommendations:

(1) Wrap outside corners of wall sheathing with 15 lb. asphalt impregnated building felt before siding application.

(2) Utilize vestibules for entry doors, especially those facing into the direction of winter wind.

(3) In design of the home, place plumbing, mechanical and electrical in interior partitions as much as possible. If possible, design should comply with paragraph 615–5.3i of the MPS.

2. *Heating and/or Cooling Equipment.*

a. Requirements: All mechanical equipment for heating and/or cooling habitable space shall be designed to provide economy of operation.

(1) All space heating equipment (including fireplaces) requiring combustion air shall be sealed combustion types, or be located in a nonconditioned area (such as unheated basements) or adequate combustion air must be provided from outside the conditioned space.

(2) All ductwork shall be designed and installed so as to minimize leakage. All metal to metal connections shall be mechanically joined and taped.

b. Recommendations:

(1) Wherever possible, locate ductwork inside of conditioned areas in dropped ceilings, interior partitions or other similar areas.

(2) Locate outside cooling units in areas not subject to direct sunlight or heat buildup.

3. *Vapor Barrier:*

a. Requirements: Adequate vapor barriers must be provided adjacent to the interior finish material of the wall or other closed envelope components which do not have ventilation space on the non-conditioned side of the insulation.

(1) A vapor barrier at the inside of the wall or other closed envelope component must have a perm rating less than that of any other material in that component and in no case have a perm rating greater than one. All vapor barriers must be sealed around all openings in the interior surface. Vapor barriers are not required in ceilings and floors. Continuous vapor barriers on ceilings, walls, and floors require adequate moisture vapor control in the conditioned space.

(2) All vapor producing or exhausting equipment shall be ducted to the outside and be equipped with dampers. This equipment includes rangehoods, bathroom exhaust fans, and clothes dryers. If a dwelling design proposes the use of windows to satisfy the kitchen and/or bathroom ventilation requirements of the MPS, the incorporation of dehumidification equipment should be considered in accordance with paragraph IV D 3 b. Exhaust of any equipment shall not terminate in an attic or crawl space.

b. Recommendation: Forced air heating/cooling systems should include humidification/dehumidification systems where conditions indicate.

V. *General Design Recommendations:*

A. Orient homes with greatest glass area facing south with adequate overhangs to control solar gain during non-heating periods.

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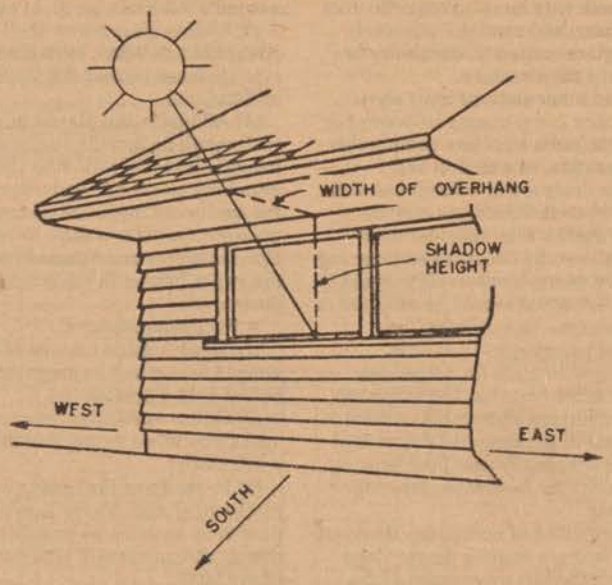
ROOF OVERHANGS

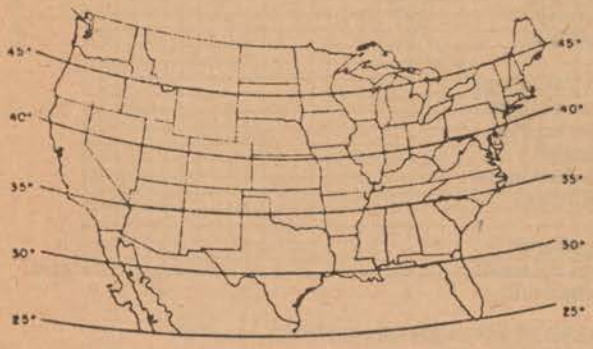
Roof overhangs, or extensions of the roof, over south walls are usually easy to incorporate into house designs. To determine the *width of overhang* needed to shade a south wall or window, follow this method:

(1) Consider the *latitude* of the geographical area in which your house is located. (See map below.) Latitude, together with season of the year, determines the angle at which the sun's rays strike the earth at different times of day.

(2) Measure on your plan or house the number of feet the south windows extend below the eave of the roof or horizontal overhang. This measurement is the *shadow height*.

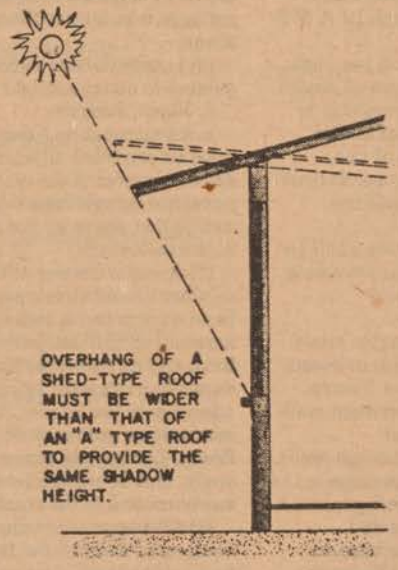
(3) Then for that specific latitude and shadow height, you will find, from the table given here, the exact width of overhang needed.





NORTH LATITUDE (DEGREES)	SHADOW HEIGHT (FEET) 3	4	5	6	7	8
	WIDTH OF OVERHANG (FEET)					
25	1.1	1.5	1.9	2.2	2.6	3.0
30	1.4	1.9	2.4	2.9	3.4	3.8
35	1.8	2.4	3.0	3.5	4.1	4.7
40	2.1	2.8	3.6	4.3	5.0	5.7
45	2.6	3.4	4.3	5.1	6.0	6.8
50	3.0	4.1	5.1	6.1	7.1	8.2

For example, in a latitude of 35° and for a shadow height of 5 feet, the width of overhang needed is 3 feet.



BILLING CODE 3410-07-C

B. Arrange plantings with evergreen wind buffers on north side and deciduous trees on south.

C. Wherever possible orient entry door away from winter winds.

D. Design house with simple shape to minimize exterior wall area.

E. Minimize glass areas within constraints of required light and ventilation, applicable safety codes and other appropriate consideration.

F. Minimize the amount of paved surface adjacent to the structure where heat gain is not desirable.

VI. *State Supplements.* State supplements or policies will not be issued or adopted to either supplement or set requirements different than those of this Exhibit without the prior written approval of the National Office.

Exhibit E—Preconstruction Conference

Prior to the signing of a construction contract, there shall be a discussion between the borrower(s), prospective contractor, architect (if applicable), and the County Supervisor or District Director, as applicable. During this discussion a mutual understanding should be reached on the following points:

1. The contract is between the borrower and the contractor and although FmHA is interested in the proper execution of the contract, it will not become a party to the contract nor incur any responsibility or liability thereunder.

2. Any changes made to the drawings and specifications will be initialed and dated on all copies by the contractor, the borrower, and the County Supervisor.

3. The contractor's obligation under the terms of the contract to do the work in accordance with the drawings and specifications.

4. Compliance with the provisions contained in Form FmHA 424–6, "Construction Contract," or other contract form being used, if authorized.

5. FmHA will be consulted prior to any changes in the contract. Changes will be made only upon approval by FmHA.

6. The Contract Change Order (Form FmHA 424–7) must be executed by the owner and contractor, and approved by FmHA. Any additional funds required must be provided by the owner.

7. The time for completion of construction and liquidated damages should be determined.

8. Consideration of the State laws regarding the rights of persons furnishing material, equipment, or labor to place a claim or lien against the property in cases in which their bills are not paid.

9. The use of Forms FmHA 424–10, "Release by Claimants," and FmHA 424–9, "Certificate of Contractor's Release," should be discussed.

10. The borrower's responsibility for making site visits as the work progresses.

11. Periodic and final inspections will be made by an authorized FmHA employee or representative to protect the security interest of the Government. The borrower is responsible for making any inspections necessary to adequately protect the interest of the borrower.

12. The contractor's responsibility of notifying FmHA that work is ready for inspection 2 working days prior to the date of the inspection.

13. The contractor's responsibility to provide a warranty upon completion of the work.

14. Any other pertinent information.

Exhibit F—Payment Bond

Know All Persons By These Presents: that

_____

(Name of Contractor)

_____

(Address of Contractor)

a _____

(Corporation, Partnership or Individual), hereinafter called Principal and

(Name of Surety) _____

hereinafter called Surety, are held and firmly bound unto

(Name of Owner) _____

(Address of Owner) _____

hereinafter called owner and the United States of America acting through the Farmers Home Administration hereinafter referred to as Government, and unto all persons, firms, and corporations who or which may furnish labor, or who furnish materials to perform as described under the contract and to their successors and assigns in the total aggregate penal sum of ——— Dollars ($——) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The Condition of this Obligation is such that whereas, the Principal entered into a certain contract with the Owner, dated the —— day of —— 19—, a copy of which is hereto attached and made a part hereof for the construction of:

_____

_____

Now, therefore, if the Principal shall promptly make payment to all persons, firms, and corporations furnishing materials for or performing labor in the prosecution of the Work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such Work, and for all labor cost incurred in such Work including that by a Subcontractor, and to any mechanic or materialman lienholder whether it acquires its lien by operation of State or Federal law; then this obligation shall be void, otherwise to remain in full force and effect.

Provided, that beneficiaries or claimants hereunder shall be limited to the Subcontractors, and persons, firms, and corporations having a direct contract with the Principal or its Subcontractors.

Provided, further, that the said Surety for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the Work to be performed thereunder or the Specifications accompanying the same shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the Work or to the Specifications.

Provide, further, that no suit or action shall be commenced hereunder by any claimant: (a) Unless claimant, or other than one having a direct contract with the Principal (or with the Government in the event the Government is performing the obligations of the Owner), shall have given written notice to any two of the following: The Principal, the Owner, or the Surety above named within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Principal, Owner, or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer. (b) After the expiration of *one* (1) year following the date of which Principal ceased work on said Contract, it being understood, however, that if any limitation embodied in the Bond is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

Provided, further, that it is expressly agreed that this Bond shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the Contract not increasing the contract price more than 20 percent, so as to bind the principal and the Surety to the full and faithful performance of the Contract as so amended. The term "Amendment", wherever used in this Bond and whether referring to this Bond, the contract or the loan Documents shall include any alteration, addition, extension or modification of any character whatsoever.

Provided, further, that no final settlement between the Owner or Government and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

In Witness Whereof, this instrument is executed in (Number) —— counterparts, each one of which shall be deemed an original, this the —— day of ———.

Attest:

Principal _____

(Principal) Secretary _____

(Seal)

By _____ (s)

(Address) _____

Witness as to Principal _____

_____

(Address) _____

Surety _____

Attest:

Witness as to Surety _____

_____

(Address) _____

By _____

Attorney-in-Fact
(Address) _____

Note.—Date of Bond must not be prior to date of Contract. If Contractor is partnership, all partners should execute Bond.

Important: Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State where the Project is located.

Exhibit G—Performance Bond

Know All Persons By These Presents: that

_____
(Name of Contractor)

_____
(Address of Contractor)

a _____
(Corporation, Partnership, or Individual), hereinafter called Principal, and
(Name of Surety) _____
(Address of Surety) _____
hereinafter called Surety, are held and firmly bound unto
(Name of Owner) _____
(Address of Owner) _____
hereinafter called Owner, and the United States of America acting through the Farmers Home Administration hereinafter referred to as the Government in the total aggregate penal sum of ——— Dollars ($——) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The Condition of this Obligation is such that whereas, the Principal entered into a certain contract with the Owner, dated the —— day of —— 19—, a copy of which is hereto attached and made a part hereof for the construction of:

_____

_____

Now, therefore, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, or Government, with or without notice to the Surety and during the guaranty period and if the Principal shall satisfy all claims and demands incurred under such contract, and shall fully idemnify and save harmless the owner and Government from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner and Government all outlay and expense which the Owner and Government may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect.

Provided, further, that the liability of the Principal and Surety hereunder to the Government shall be subject to the same limitations and defenses as may be available to them against a claim hereunder by the Owner, provided, however, that the Government may, at its option, perform any obligations of the Owner required by the contract.

Provided, further, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to Work to be performed thereunder or the Specifications accompanying same shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications.

Provided, further, that it is expressly agreed that the Bond shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the Contract not increasing the contract price more than 20 percent, so as to bind the Principal and the Surety to the full and faithful performance of the Contract as so amended. The term "Amendment", wherever used in this Bond, and whether referring to this Bond, the Contract or the Loan Documents shall include any alteration, addition, extension, or modification of any character whatsoever.

Provided, further, that no final settlement between the Owner or Government and the Principal shall abridge the right of the other beneficiary hereunder, whose claim may be unsatisfied. The Owner and Government are the only beneficiaries hereunder.

In Witness Whereof, this instrument is executed in (Number) —— counterparts, each one of which shall be deemed an original, this the —— day of ———.

Attest:
Principal _____
(Principal) Secretary _____
(Seal)

By _____(s)
(Address) _____
Witness as to Principal _____
_____
(Address) _____
Surety _____

Attest:
Witness as to Surety _____
_____
(Address) _____
By _____
Attorney-in-Fact
(Address) _____

Exhibit H—Prohibition of Lead-Based Paints

I. *Purpose.* This Exhibit prescribes the methods to be used to further comply with the requirements of the Lead-Based Paint Poisoning Prevention Act, Pub. L. 91–695, as amended (42 U.S.C. 4801 et seq.) and the amendment to section 501(3) of Pub. L. 91–695 (42 U.S.C. 4841(3)) as amended by the National Consumer Health Information and Health Promotion Act of 1976, Pub. L. 94–317.

II. *Policy.* The Farmers Home Administration (FmHA) shall not permit the use of lead-based paint on applicable surfaces of any housing or buildings purchased, repaired, or rehabilitated for human habitation with financial assistance provided by this agency. Paragraph 509–7.3 in the Minimum Property Standards (MPS) prescribes the maximum lead content for the paints used on applicable surfaces.

III. *Definitions:* A. Housing and buildings mean any house, apartment, or structure intended for human habitation. This includes any institutional structure where persons reside, such as an orphanage, boarding school, dormitory, day care center or extended care facilities, college housing, domestic or migratory labor housing, hospitals, group practice facilities, community facilities, and business or industry.

B. Applicable surfaces means all interior surfaces, whether accessible or not, and those exterior surfaces which are readily accessible to children under 7 years of age such as stairs, decks, porches, railings, windows, and doors.

C. Lead-based paint means any paint containing more than .5 of 1 percentum lead by weight, or with respect to paint manufactured after June 22, 1977, lead-based paint containing more than six one-hundredths of 1 percentum lead by weight.

IV. Requirements: A. All new housing and buildings shall comply with paragraph 509–7.3 of the MPS 4900.1 and 4910.1.

B. For all existing housing and buildings built after 1950, FmHA requires that for all loans closed after July 19, 1978, the applicant for a loan or grant, or the tenants be notified of the potential hazard of lead-based paints, of the symptoms and treatment of lead poisoning, and of the importance and availability of maintenance and removal techniques for eliminating such hazards. This will be accomplished by providing each borrower or tenant with a copy of "Lead-based Paint Hazards, Symptoms, Treatment, and Techniques for Eliminating Hazards," which is available in all FmHA County Offices. Attachment 1 may be obtained in adequate numbers by the County Supervisor from the Finance Office, 1520 Market Street, St. Louis, Mo. 63103.

C. For all *existing housing* or buildings constructed before 1950 on which a loan is closed after July 19, 1978, FmHA requires that the applicant, borrower, or tenant be notified as in paragraph IV B and a copy of Exhibit H, Attachment 2, "Caution Note on Lead-Based Paint Hazard" shall be attached to Form FmHA 440–41, "Disclosure Statement for Loans Secured by Real Estate," or if 440–41 is not required, that the caution note be delivered to the hands of the borrower. The caution note shall read as follows:

"This housing was constructed before 1950. There is a possibility that it may contain some lead-based paint that was in use before 1950. See 'Lead-based Paint Hazards,' leaflet, available in all FmHA County Offices, for more information."

For all property transfers and inventory property sales, the caution note, Exhibit H, Attachment 1, and the information leaflet, "Lead-based Paint Hazards," shall be handed to the purchaser by the FmHA representative.

D. All inventory housing or buildings built before 1950 to be repaired, renovated, or rehabilitated shall have tests for lead content, and where found to be hazardous, shall have any interior lead-based paint removed entirely. Loose or cracked surfaces shall be cleaned down to the base surface before repainting with a paint containing not more than six one-hundredths of 1 percentum lead by weight in the total nonvolatile content of the paint for the equivalent measure of lead in the dried film of paint already applied or both. Contracting officers shall include the following provision

prohibiting the use of lead-based paint in all contracts and subcontracts for construction or rehabilitation of housing or buildings:

Lead-Based Paint Prohibition

No lead-based paint containing more than .5 of 1 percentum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both, or with respect to paint manufactured after June 22, 1977, no lead-based paint containing more than .06 of 1 percentum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both, shall be used in the construction or rehabilitation of residential structures under this contract or any subsequent subcontrators.

Authority: This amendment is made under provisions of 5 U.S.C. 301, 40 U.S.C. 486(c).

Done at ———, ——— this —— day of ———, 19—.

FmHA Representative

V. *Summary:* Section 401 of the Lead-based Paint Poisoning Prevention Act as amended by the National Consumer Health Information and Health Promotion Act of 1976, Pub. L. 94–317, provides a requirement that each federal agency issue regulations and to take such other steps necessary to prohibit the use of lead-based paint on all applicable surfaces in Federal and Federally-assisted construction or rehabilitation of residential structures. The Lead-Based Paint Poisoning Act, Pub. L. 91–695, January 13, 1971, provides for grants to units of general local government in any State for the purpose of detecting and treating incidents of lead-based paint poisoning. Title II of this Act also provides for grants to the same units to identify those areas of risk including testing to detect the presence of lead-based paint on surfaces of residential housing.

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

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(U.S.C. 1889; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: May 22, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80–17721 Filed 6–11–80; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Misadministration Reporting Requirements; Correction

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Correction of final rule.

SUMMARY: On May 14, 1980, NRC published in the **Federal Register** [45 FR 31701] a final rule on the misadministration of radioactive material to patients. Several words were inadvertently omitted from that final rule. The purpose of this notice is to correct that omission.

FOR FURTHER INFORMATION CONTACT: Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (Telephone: 301–443–5860).

SUPPLEMENTARY INFORMATION: In the May 14, 1980 **Federal Register** [45 FR 31701], the last two sentences of § 35.42[a] on page 31704 read: "[If the referring physician or the patient's responsible relative or guardian cannot be reached within 24 hours, the licensee shall notify them as soon as practicable. The licensee shall not delay medical care for the patient because of this.]" Those last two sentences of § 35.42[a] should have the brackets deleted and should read: "If the referring physician, patient or the patient's responsible relative or guardian cannot be reached within 24 hours, the licensee shall notify them as soon as practicable. The licensee is not required to notify the patient or the patient's responsible relative or guardian without first consulting the referring physician; however, the licensee shall not delay medical care for the patient because of this."

Dated at Washington, D.C., this 9th day June, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80–17728 Filed 6–11–80; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–NE–03, Amdt. 39–3795]

Avco Lycoming Division LTS101–600A, –600B, –600A–2, and –650A–2 Turboshaft and LTP101–600 and –600A Turboprop Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Avco Lycoming LTS101–600A, –600B, –600A–2, and –650A–2 Turboshaft and LTP101–600 and –600A turboprop engines by permitting alternate means of detecting lubrication system contamination.

EFFECTIVE DATE: June 2, 1980.

FOR FURTHER INFORMATION CONTACT: John E. Tigue, Propulsion Section (ANE–214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7347.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3506, 44 FR 37619, AD 79–06–06, which currently requires the performance of repetitive spectrometric oil analysis for oil system contamination. If the results of the spectrometric oil analysis exceed acceptable limits on Avco Lycoming Division LTS101–600A, –600B, –600A–2, and –650A–2 turboshaft and LTP101–600 and –600A turboprop engines, inspection and repair prior to further flight are required. Since issuing Amendment 39–3506, the FAA has determined that certain engine installations incorporating full flow scavenge chip detectors provide an equivalent means of detecting lubrication system contamination. Accordingly, an alternative means of compliance is provided for Avco Lycoming LTS101–600A, –600B, –600A–2, and –650A–2 turboshaft engines used in such installations. Also, provision is make for additional alternative means of detecting lubrication system contamination as may be approved at a later date.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the

amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3506, 44 FR 37619, AD 79-06-06, by inserting the following paragraphs after Paragraph 2:

3. For LTS101-600A, -600B, -600A-2, and -650A-2 turboshaft engines, the requirements of Paragraph 1 may be discontinued if the engine installation incorporates a full flow scavenge chip detector, TEDECO P/N A615 or equivalent, installed in accordance with STC SH2929SW or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

4. For all engines affected by this AD, the requirements of Paragraph 1 may be discontinued if equivalent means of detecting lubrication system contamination, approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, are effected.

This amendment becomes effective immediately.

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

Note.—The FAA had determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). As this amendment merely provides for an alternate means of accomplishing the requirements of AD 79-06-06, no additional regulatory evaluation other than that prepared for AD 79-06-06 is required.

Issued in Burlington, Mass., on June 2, 1980.

Robert E. Wittington,

Director, New England Region.

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

[FR Doc. 80-17615 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18925; Amdt. 39-3799]

Airworthiness Directives; British Aerospace (Formerly Hawker Siddeley) Model DH/BH/HS 125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires reinforcement of the main engine mount beam on certain British Aerospace Model DH/BH/HS 125 series airplanes which have installed an auxiliary power unit (APU) with turbine wheel containment features or a new model starter/generator. This AD is needed to prevent failure of the main engine mounting beam from the resulting additional load which could result in further aft fuselage damage and loss of an engine.

DATES: Effective July 14, 1980. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from:

British Aerospace, Inc., U.S.A. Spares Department, 13850 McLearen Road, Herndon, VA 22070;
or
British Aerospace Aircraft Group, Product Support Department, Hatfield, Hertfordshire, AL10 9TL, England.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Dón C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30, or Chris Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washignton, D.C. 20591, Telephone (202) 426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring reinforcement of the main engine mount beam on certain British Aerospace (formerly Hawker Siddeley) Model DH/BH/HS 125 series airplanes was published in the **Federal Register** at 44 FR 21811. The proposal was prompted by an FAA determination that the structural integrity of the main engine mount beam on certain serial numbered British Aerospace Model DH/BH/HS 125 series airplanes can be adversely affected to a significant degree by the increased weight resulting from installation of an auxiliary power unit with APU turbine wheel containment features or a new model starter/generator, or both. The additional weight could cause failure of the engine mounting beam which could result in further aft fuselage damage and loss of an engine.

Interested persons have been afforded an opportunity to participate in the making of this amendment. The only comment received favored the proposed AD.

Subsequent to issuance of the notice of proposed rule making, the FAA was advised by the manufacturer that the requirements of the service bulletin are not applicable to the Model HS 125, serial number 257032. In this connection, the final rule has been amended to reflect a later service bulletin revision which did not change the required AD accomplishment instructions, but eliminated applicability to the Model HS 125, serial number 257032.

Since this change is relieving in nature, further notice and public procedure thereon is unnecessary and, except as noted, the amendment is being issued as it appeared in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace (formerly Hawker Siddeley, Ltd.). Applies to Model DH/BH/HS 125 series airplanes, certificated in all categories, which have incorporated British Aerospace modification 251605 and have any of the following: an Airesearch APU Model GTCP30-92(c) installed as a replacement for Airesearch APU Model GTCP3-92, Airesearch Service Bulletin 30-49-3689 incorporated, or British Aerospace modification 257513, 252502, 256817, 256855, 258015, 258027, or 258037 incorporated.

Note.—This AD is known to apply, but is not necessarily limited, to the airplanes listed below.

Model	Series—all variants	Serial Number
DH/HS 125	1	25/097.
DH/HS 125	3	25/113, 117, 125, 133, 140, 143, 144, 154, 157, 162, 164 thru 168, 172.
HS/BH 125	400, 401, 403.	25/178, 189, 194, 197, 209, 215, 217, 227, 231, 240, 242, 243, 246 thru 251, 254, 257, 270, 271, 272, 274.
HS/BH 125	600	25/256 & 25/6012, 6015, 6017, 6019, 6021, 6024, 6027, 6029, 6030, 6031, 6033, 6035, 6037, 6039, 6041, 6042, 6045, 6048, 6049, 6050, 6052, 6053, 6054, 6056, 6057, 6058, 6059, 6060, 6062 thru 6071.
HS 125	700	25/7001, 7007, 7010, 7013, 7020, 7022, 7025, 7028, 7031, NA 0201 0218.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the main engine mount beam, accomplish the following:

(a) Within the next 500 hours time in service after the effective date of this AD, modify the main engine mount beam in accordance with Section 2, "Accomplishment Instructions", British Aerospace Service Bulletin 49–28 (2675), Rev. 2, dated June 26, 1979, (hereinafter referred to as the Service Bulletin or an FAA-approved equivalent.

(b) For purposes of this AD, with the exception of cleats equivalent to those specified in the Service Bulletin, and FAA-approved equivalent may be approved by and FAA airworthiness or engineering and manufacturing inspector or the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office. Any cleats equivalent to those specified in the Service Bulletin must be approved by the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Office.

(c) Upon request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, may adjust the compliance time specified in paragraph (a) of this AD or approve a modification equivalent to that specified in the Service Bulletin provided such request is made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS–110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C. on June 3, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-17544 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20405; Amdt. 39-3798]

Airworthiness Directives; Government Aircraft Factories of Nomad Models N22B and N24A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection and modification, if necessary, of the right-hand and left-hand horizontal trim tab hinge attachment on Government Aircraft Factories (GAF) of Australia Models N22B and N24A airplanes which have had a replacement trim tab hinge. This AD is necessary to detect an improper installation in which the rivet holes along the horizontal stabilizer attach section of the hinge have been drilled with insufficient edge distance. An incorrect installation could lead to partial separation of the tab surface in flight and, under critical flight conditions, result in possible loss of airplane control.

DATES: Effective June 26, 1980. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable alert service bulletin may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne, 3207 Vic., Australia. The document may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC–210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546–8650/546–8658, or C. Christie, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426–8374.

SUPPLEMENTARY INFORMATION: Government Aircraft Factories (GAF) Nomad Models N22B and N24A airplanes are manufactured in Australia. A number of mandatory corrective actions applicable to these aircraft have been imposed by the Australian Department of Transport (DOT). Although none of these service difficulties have been encountered by U.S. registered aircraft, the FAA has taken steps to impose specific FAA mandatory corrective actions. This AD is prompted by an incident in which an operator had a replacement horizontal stabilizer trim tab hinge P/N MS 20001–4, installed incorrectly. Holes for the rivets attaching the hinge to the horizontal stabilizer were drilled with insufficient edge distance. Under critical flight conditions, this could result in trim tab separation, and possible loss of airplane control. Accordingly, an AD is being issued which requires an inspection and modification, as necessary, to the right and left horizontal stabilizer trim tab hinge attachment on the Government Aircraft Factories of Australia Models N22B and N24A airplanes.

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

Adoption Of Amendment

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

Government Aircraft Factories (GAF). Applies to Models N22B (Serial Nos. N22B–5 and up) and N24A (Serial Nos. N24A–42 and up), certificated in all categories, which have had a replacement trim tab hinge, P/N MS 20001–4, installed.

Compliance required as indicated. To prevent loss of horizontal stabilizer trim tab, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, visually inspect and modify, as necessary, the attachment of the right-hand and left-hand trim tab hinge to horizontal stabilizer in accordance with GAF Nomad Alert Service Bulletin ANMD–27–16, dated February 12, 1980, or an FAA-approved equivalent.

(b) Aircraft may be flown in accordance with FAR § 21.197 and FAR § 21.199 to a location where the modification can be accomplished.

(c) For purposes of complying with this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

Note.—All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request from the government Aircraft Factories, 226 Lorimer Street, Port Melbourne, 3207 Vic., Australia. These documents may also be examined at the FAA, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591.

This amendment becomes effective June 26, 1980.

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

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

Issued in Washington, D.C. on June 2, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-17545 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20421; Amdt. 39-3802]

Short Brothers Model SC-7 Series 2 and 3; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires a repetitive inspection for cracks of the main and nose landing gear assemblies (Dowty Rotol—all types) installed on Short Bros. Model SC-7 Skyvan series 2 and 3 airplanes, and replacement of those parts in which cracks are found. This AD is needed to prevent fatigue failure of the landing gear assemblies which could result in an accident upon landing or during ground operation of the airplane.

DATES: Effective June 26, 1980. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from:

Dowty Rotol Ltd., Staverton West, Sully Road, Sterling, VA 22170.

Dowty Rotol Ltd., Cheltenham Road, Gloucester, England, G/L 29 QH.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: The manufacturer has determined that in order to prevent fatigue failure of Dowty Rotol manufactured main and nose landing gear assemblies installed on Short Bros. Model SC-7 Skyvan Series 2 and 3 airplanes and to assure their continued airworthiness after a certain number of landings, an initial inspection for cracks and repetitive inspections must be made. Fatigue failure of the main and nose landing gear assemblies could result in an accident upon landing or during ground operation of the airplane.

Since this condition is likely to exist or develop on other airplanes of the same type design, the AD requires an initial inspection for cracks of Dowty Rotol landing gear assemblies installed on Short Bros. Model SC-7 Skyvan Series 2 and 3 airplanes prior to 18,000 landings for airplanes approved for operation at gross weights greater than 12,500 lbs under the provisions of Special Federal Aviation Regulations 41 (SFAR 41) and prior to 20,000 landings for airplanes operated at gross weights of less than 12,500 lbs. The AD requires removal of any cracked components found, and repetitive inspections at intervals not to exceed 2,500 landings.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Short Brothers. Applies to Model SC-7 Skyvan series 2 and 3 airplanes with Dowty Rotol Ltd. main and nose landing gear assemblies installed.

Compliance is required as indicated, unless already accomplished.

To prevent fatigue failure and to assure the continued airworthiness of the main and nose landing gear, accomplish the following:

(a) Inspect the main and nose landing gear assemblies in accordance with items 1(a) and 1(b) of paragraph 2.A., "Accomplishment Instructions", of Dowty Rotol Service Bulletin No. 32-4M, dated September 5, 1978 (hereinafter referred to as the service bulletin) or an FAA-approved equivalent, using the following schedule:

(1) For airplanes which have been approved for operation at gross weights greater than 12,500 lbs., under the provisions of SFAR 41, inspect prior to the accumulation of 18,000 landings (since new) on the main or nose landing gear assemblies, or within 200 landings after the effective date of this AD, whichever is later, and thereafter at intervals not to exceed 2,500 landings on the main and nose landing gear assemblies.

(2) For airplanes which have been operated at gross weights of less than 12,500 lbs., inspect prior to the accumulation of 20,000 landings (since new) on the main or nose landing gear assemblies, or within 200 landings after the effective date of this AD, whichever is later, and thereafter at intervals not to exceed 2,500 landings on the main and nose landing gear assemblies.

(b) If during any inspection required by this AD, no cracks are found in any component—

(1) Comply with paragraph 2.A(4) of the Service Bulletin or an FAA-approved equivalent;

(2) Reassemble the landing gear assembly;

(3) Return the aircraft to service; and

(4) Continue to inspect in accordance with paragraph (a) of this AD.

(c) If during any inspection required by this AD, a crack is found, before further flight, the cracked component must be replaced with a serviceable component of the same part number, and thereafter—

(1) Comply with paragraph 2.A(4) of the Service Bulletin or an FAA-approved equivalent;

(2) Reassemble the landing gear assembly;

(3) Return to service; and

(4) Continue to inspect in accordance with paragraph (a) of this AD.

(d) In accordance with FAR 21.197 and FAR 21.199 an airplane may be flown to a base where the inspection required in paragraph (a) of this AD may be accomplished.

(e) Upon request of an operator, the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, may adjust the inspection interval specified in paragraph (a) of this AD provided such requests are made through an FAA Maintenance Inspector and the request contains substantiating data to justify the request for that operator.

(f) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from take-off to landing for the airplane type.

This amendment becomes effective June 26, 1980.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C., on June 4, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-17614 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NE-10; Amdt. 39-3794]

Airworthiness Directives; Sikorsky S-76A Series Helicopters Certificated in all Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) 79-20-09, with amendments, and an emergency amendment, T80NE-24, telegraphic airworthiness directive (TAD) dated May 9, 1980, applicable to Sikorsky S-76A helicopters certificated in all categories. This new AD combines the requirements of the original AD with amendments including the May 9, 1980, TAD and adds new requirements: relaxes the existing compliance time intervals for the horizontal stabilizer support structure fitting modification kit; changes the TAD one-time fluorescent penetrant compliance inspection time interval for the reinforced horizontal stabilizer support fitting spar clamp; provides an alternate horizontal stabilizer support fitting spar clamp of different material, with a higher retirement time; and provides a replacement of the horizontal stabilizer support fitting with a newly designed support fitting, the installation of which constitutes terminating action for this AD.

DATES: Effective June 11, 1980. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. A copy of the service bulletin is contained in the Rules Docket at the FAA New England Region Headquarters, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Stephen J. Soltis, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-3582, 44 FR 57073, AD 79-20-09, as amended by Amendment 39-3621, 44 FR 68445, and Amendment 39-3654, 45 FR 2010, and emergency amendment T80NE-24 TAD dated May 9, 1980. After issuing Amendment 39-3654, the FAA determined that the inspection time interval for the horizontal stabilizer support fitting spar clamp was inadequate based on service experience. Therefore, as an interim action, on May 9, 1980, TAD T80NE-24 was issued and made effective immediately to all known United States operators of the Sikorsky S-76A helicopter. This TAD required a one-time fluorescent penetrant inspection of the horizontal stabilizer support fitting spar clamp, assigned a replacement time for the spar clamp, and provided for replacement of the 76080-20047-041 (76209-04001-106) horizontal stabilizer support fitting assembly with a newly designed support fitting 76070-20006-041 (76209-04004-042 and -043), per Sikorsky Retrofit Kit assembly 76070-20006-011 and Service Bulletin 76-55-2, which subsequently should lead to the elimination of special inspection requirements for the empennage structure.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known United States operators of Sikorsky model S-76A helicopters by individual telegrams dated May 9, 1980.

This new AD combines the requirements of the original AD 79-20-09 with amendments including the emergency telegraphic amendment T80NE-24, May 9, 1980, and adds new requirements.

The new requirements revise the superseded AD with amendments including the emergency TAD; significant changes are as follows:

1. Paragraph 1—Forward Spar Area and Paragraph 2—Aft Spar Area: Compliance time and compliance repetitive inspections are relaxed.

2. Paragraph 3—Stabilizer Support Fitting Clamps: Optional alternate horizontal stabilizer support fitting spar clamps with a higher retirement time and relaxed repetitive inspection intervals are provided.

3. Paragraph 4—Aft Tail Cone Structure: Compliance time is relaxed.

4. Paragraph 9—Horizontal Stabilizer Support Structure Retrofit: Installation of the retrofit kit constitutes termination action for this AD.

5. The TAD requirements with changes are incorporated into this AD and are effective June 11, 1980, as to all persons.

The new requirements relax compliance intervals for the horizontal stabilizer support structure and were based on laboratory crack propagation and residual strength tests with the 76080-20041, Revision B, modification kit installed. The relaxed compliance repetitive inspection interval does not apply to either the 76209-04001-107 and -108 spar clamps or the 76080-20047-041 stabilizer support fitting.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is amended by adding the following new airworthiness directive:

Sikorsky Aircraft: Applies to S-76A series helicopters certificated in all categories.

Compliance required as indicated.

To preclude the possibility of structural failure of the vertical stabilizer, the horizontal stabilizer support structure, or the aft tail cone, accomplish the following:

1. Forward Spar Area.

I. Compliance required before the accumulation of 200 hours time in service unless already accomplished within the last 60 hours time in service, and thereafter at intervals not to exceed 60 hours time in service from the last inspection.

A. Visually inspect for cracks using a flashlight and mirror:

(1) The vertical stabilizer forward spar cap angles, P/Ns 76201-05001-103 and -104; modification kit spar reinforcement, P/N 76080-20042, if installed; and fuselage canted bulkhead web, P/N 76201-04009, between the upper and lower shear decks.

(2) The vertical stabilizer forward spar cap angles and spar web below the horizontal centerline of the tail rotor drive shaft cutout.

B. If cracks are found in the spar caps or modification kit spar reinforcement, replace the cracked components prior to further flight with new components in accordance with Sikorsky Drawing 76201-05001, Revision D, and install reinforcement kit 76080-20042, Revision A, if not already installed.

C. If cracks are found in the fuselage canted bulkhead web or forward spar web, repair in accordance with Paragraph 7 of this AD.

2. Aft Spar Area.

I. Compliance required before the accumulation of 500 hours time in service unless already accomplished within the last 500 hours, and thereafter at intervals not to exceed 500 hours time in service from the last inspection.

A. Remove the horizontal stabilizer support fittings, P/N 76080-20047-041 (76209-04001-106), and inspect for cracks in accordance with the following:

(1) Visually inspect for cracks the vertical stabilizer aft spar cap angles and web, P/Ns 76201-05002-114, -115, -101, and -105; modification kit spar reinforcement, P/N 76080-20042 or 76080-20046, if installed; fuselage bulkhead web, P/N 76201-04010; shear deck web, P/N 76202-04002; and vertical stabilizer skin, P/N 76201-05002, in

the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76080–20047–041 (76209–04001–106) lower attachment bolts.

(2) Inspect for cracks all accessible areas of the vertical stabilizer aft spar cap angles in the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76080–20047–041 (76209–04001–106) lower attachment bolts, using fluorescent penetrant inspection method per MIL–I–6866B or, if not available, use a dye penetrant method and 10 power magnifying glass.

Note.—During the inspection performed in accordance with this paragraph, particular attention should be directed to the areas around the four horizontal stabilizer fitting attachment bolt holes.

II. Compliance required before the accumulation of 200 hours time in service unless already accomplished within the last 60 hours time in service, and thereafter at intervals not to exceed 60 hours time in service from the last inspection.

Visually inspect for cracks the vertical stabilizer aft spar cap angles and web, modification kit spar reinforcement, if installed, fuselage bulkhead web, shear deck web, and vertical stabilizer skin in the area within 8 inches above the horizontal centerline of the tail rotor drive shaft cutout and 3 inches below the 76080–20047–041 (76209–04001–106) lower attachment bolts.

III. If cracks are found in the vertical stabilizer spar caps or modification kit spar reinforcement during the inspections performed in accordance with Paragraphs I and II above, replace the cracked components prior to further flight with new components in accordance with Sikorsky Drawing 76201–05002, Revision D, and install reinforcement kit 76080–20042, Revision A, if not already installed. The 76080–20046–101 and –102 angles may be installed in place of the 76080–20042–101 and –102 angles.

IV. If cracks are found in the fuselage bulkhead web, aft spar web, shear deck web, or the vertical stabilizer skin, repair in accordance with Paragraph 7 of this AD.

3. Stabilizer Support Fitting Clamps.

Note.—During the inspections performed in accordance with this paragraph, particular attention should be directed to the areas around the attachment bolt holes and the clamp flanges at the corner locations. If the steel strap on the 76209–04001–107 or –108 clamp is covered with bonding material, carefully inspect the bonding for separation, which could indicate hidden cracks. To assist in crack detection and at each maintenance release inspection (preflight), the stabilizer should be manually grasped at the outboard tips and pressure applied up, down, fore, and aft to detect possible free movement.

I. For aircraft with more than 70 hours time in service on May 9, 1980, with the 76209–04001–107, –108 spar clamps, as modified by 76080–20041, installed, compliance required within the next 7 hours time in service, unless already accomplished; perform a one-time fluorescent penetrant inspection of the 76209–04001–107 and –108 spar clamps as modified by 76080–20041 in accordance with the following procedures:

A. Clean all exposed areas of the clamps using a clean cloth damp with solvent, P–D–680 Type II. CAUTION: Protect the horizontal stabilizer spar against cleaning and inspection solvents.

B. Conduct a fluorescent penetrant inspection of the clamps for cracks per spec MIL–I–6866, Type I, Method C, or FAA approved equivalent.

C. If a crack is found, replace the clamp prior to further flight in accordance with Sikorsky drawing 76209–04001, Revision H, as modified by 76080–20041, Revision B, and 76000–06000, Revision B, including Engineering Order Nos. 78611 and 78658, or in accordance with Sikorsky drawing 76070–20020, Revision A, and Sikorsky Service Bulletin 76–55–8, dated May 29, 1980.

Note.— Do not intermix the 76209–04001–107 and –108 clamps with the 76070–20020–041 and –042 clamps.

II. For aircraft with the 76209–04001–107 and –108 clamps, as modified by 76080–20041, installed, compliance required before the accumulation of 15 hours time in service unless already accomplished within the last 15 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection.

A. Visually inspect for cracks the horizontal stabilizer support fitting spar clamps, P/Ns 76209–04001–107 and –108, as modified by 76080–20041, using a mirror and flashlight.

B. If a crack is found, replace the clamp prior to further flight with a new component in accordance with the procedures described in paragraph 3IC of this AD.

C. Retorque the horizontal stabilizer support fitting spar clamp attachment nuts to 215–225 inch-lbs with the aft tail cone mod kit 76080–20041, Revision B, installed.

III. For aircraft with more than 70 hours time in service on the horizontal stabilizer support fitting spar clamps, P/Ns 76209–04001–107 and –108, as modified by 76080–20041, compliance required within the next 30 hours time in service after May 9, 1980, and thereafter at intervals not to exceed 100 hours time in service.

Remove the horizontal stabilizer support fitting spar clamps, 76209–04001–107 and –108 as modified by 76080–20041, and replace with new components in accordance with paragraph 3IC of this AD.

IV. For aircraft with the 76070–20020–041 and –042 spar clamps installed, compliance required before the accumulation of 30 hours time in service and thereafter at intervals not to exceed 30 hours time in service from the last inspection.

A. Visually inspect for cracks the horizontal stabilizer support fitting spar clamps, 76070–20020–041 and –042, using a mirror and flashlight.

B. If a crack is found, replace the clamp prior to further flight with new components in accordance with the procedures described in paragraph 3IC of this AD.

C. Retorque the horizontal stabilizer support fitting spar clamp attachment nuts to 215–225 inch-lbs.

V. For aircraft with the 76070–20020–041 and –042 spar clamps installed, compliance required before the accumulation of 950 hours time in service and thereafter at intervals not to exceed 950 hours from the last inspection. Remove the 76070–20020–041 and –042 spar clamps and replace with new components in accordance with paragraph 3IC of this AD.

4. Aft Tail Cone Structure.

I. Compliance required before the accumulation of 100 hours time in service unless already accomplished within the last 15 hours time in service, and thereafter at intervals not to exceed 15 hours time in service from the last inspection.

A. Visually inspect for cracks, using a flashlight and mirror, all surfaces of the 76080–20047–041 (76209–04001–106), horizontal stabilizer machined support fitting; the 76080–20041, aft tail cone modification kit; and the 76209–04002–105, intermediate gearbox support fitting. Also inspect for loose or missing HI–LOK fasteners.

Note.—During the inspections performed in accordance with this paragraph, particular attention should be directed to the areas around HI–LOK fasteners and bolts.

B. If cracks are found, replace the cracked components, prior to further flight, with new components in accordance with Sikorsky Drawings 76000–06000, Revision B, including Engineering Order Nos. 78611 and 78658; 76209–04001, Revision H; 76209–04002, Revision E; and 76080–20041, Revision B.

C. Replace loose or missing HI–LOK fasteners.

II. Compliance required before the accumulation of 200 hours time in service unless already accomplished within 60 hours time in service, and thereafter at intervals not to exceed 60 hours time in service from the last inspection.

A. Visually inspect for cracks, using a flashlight and mirror, the horizontal stabilizer support structure bathtub fittings, 76202–04011–111, –114, –116, –117, –118, –119, and –120, and surrounding structure.

B. If cracks are found in a bathtub fitting, replace the bathtub fitting prior to further flight, with a new component, in accordance with Sikorsky Drawing 76202–04011, Revision D.

C. If cracks are found in the surrounding structure, repair in accordance with Paragraph 7 of this AD.

III. A. Effective for Serial Nos. 76005 through 76007 and 760001 through 760024, compliance required within the next 15 hours time in service after October 4, 1979, unless already accomplished and effective for all aircraft thereafter whenever the 76080–20047–041 (76209–04001–106) horizontal stabilizer support fitting is removed from the aircraft for the required inspections described in other sections of this AD and/or other maintenance actions.

Inspect for thread protrusion and correct the bolt installation as required; and replace the bolts, nuts, and washers, which mate the 76080–20047–041 (76209–04001–106) horizontal stabilizer support fitting and the aft tail cone structure, in accordance with Sikorsky Service Bulletin 76–55–4, dated September 18, 1979, Paragraphs 2A and 2B.

B. Effective for aircraft with 200 hours or more time in service, compliance required within the next 15 hours time in service after November 14, 1979, unless already accomplished within the last 100 hours time in service, and thereafter at intervals not to

exceed 100 hours time in service from the last bolt replacement.

Replace the bolts, nuts, and washers which mate the 76080-20041-041 (76209-04001-106) horizontal stabilizer support fitting and the aft tail cone structure, in accordance with Sikorsky Service Bulletins: 76-55-4, dated September 18, 1979, Paragraphs 2A(6) through 2A(8), or 76-55-4A, dated October 19, 1979, Paragraphs 2A(6) through 2A(8).

C. When accomplishing the attachment change of Paragraph 4IIIB of this AD, the four NAS 625 bolts may be replaced with increased diameter NAS 626 bolts, provided that the inspection, rework, and installation procedures are performed in accordance with Sikorsky Service Bulletins 76-55-5, dated December 12, 1979, and 76-55-4B, dated November 30, 1979, and Sikorsky Drawing No. 76080-20047, Revision A.

The NAS 626 bolts with mating SS5089-06 nuts and AN960 and MS20002 washers are to be removed and replaced with new bolts, nuts, and washers every 500 hours time in service.

All parts showing evidence of cracks, damage, and/or insufficient edge material must be repaired in accordance with Paragraph (7) of this AD prior to further flight.

Note.—Remove bolts one at a time, if desired, as outlined in Paragraph 2(B) of the above Service Bulletin 76-55-4A.

5. Modification Kit Spar Reinforcement, 76080-20042, Revision A, and 76080-20046, no revision.

Compliance required within the next 30 hours time in service after October 4, 1979, unless already accomplished, install the 76080-20042, Revision A, with Engineering Order Nos. 78215, 78474, 80656, and 78480, vertical stabilizer spar reinforcement kit. The 76080-20046-101 and -102 angles may be installed in place of the 76080-20042-101 and -102 angles.

6. Flexible Coupling Inspection.

After any repairs required by the AD and/or installation of 76080-20042, 76080-20046, or 76080-20041, reinforcement kits, inspect the flexible coupling, P/N 76361-04008-101, at the output side of the intermediate gearbox for misalignment in accordance with Sikorsky Service Bulletin No. 76-66-3, dated September 4, 1979, Paragraph 2B, Steps 1 through 4, utilizing the fixture described in Paragraph 2A or an FAA approved equivalent.

7. Prior to further flight, repair cracks found as a result of this AD with a method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7336.

8. Report in writing any discrepancies found during the inspections required herein to Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Each report must include the length and location of the cracks and aircraft total time in service. Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

Equivalent inspections and replacements must be submitted for approval by the Chief, Engineering and Manufacturing Branch, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

9. Horizontal Stabilizer Support Structure Retrofit.

Compliance required before September 30, 1980, or before the accumulation of 200 hours time in service, whichever comes later, unless already accomplished. Remove the horizontal stabilizer support fitting assembly, P/N 76080-20047-041, and replace with a P/N 76070-20006-041 stabilizer support fitting assembly. Replacement to be performed in accordance with Retrofit Kit No. 76070-20006-011 and Sikorsky Service Bulletin No. 76-55-2, dated June 2, 1980. Equivalent procedures must be submitted for approval to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Installation of the 76070-20006-011 retrofit kit constitutes terminating action for this AD.

Note.—Sikorsky references noted herein pertain to this AD.

A. Telex CSY-X-79-081, dated June 28, 1979.

B. Service Bulletin No. 76-55-1A, dated July 5, 1979.

C. S-76 Maintenance Manual SA 4047-76-2, Chapter 4, Temporary Revision 4-4.

D. Service Bulletin No. 76-66-3, dated September 4, 1979.

E. Service Bulletin No. 76-55-4, dated September 18, 1979.

F. Service Bulletin No. 76-55-4A, dated October 19, 1979.

G. Service Bulletin No. 76-55-5, dated December 12, 1979.

H. Service Bulletin No. 76-55-2, dated June 2, 1980.

I. Service Bulletin No. 76-55-8, dated May 29, 1980.

This supersedes Amendment 39-3582 (44 FR 57073), AD 79-20-09, as amended by Amendments 39-3621 (44 FR 68445) and 39-3554 (45 FR 2010) and emergency telegraphic amendment T80NE-24 dated May 9, 1980.

This amendment to FAR Part 39 becomes effective June 11, 1980.

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

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

A historical file on this AD is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

Note.—Due to the nature of this AD, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). In accordance with the DOT guidelines, a regulatory evaluation is being prepared and will be placed in the public docket for this action.

Issued in Burlington, Massachusetts, on May 30, 1980.

(The incorporation by reference provisions in this document was approved by the Director of the **Federal Register** on June 19, 1967.)

John B. Roach,

Acting Director, New England Region.

[FR Doc. 80-17543 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-12]

Alteration of VOR Federal Airway; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** on May 19, 1980 (45 FR 32661), that reduced the airway width of V-93 to 7 miles wide for 12 miles northwest of Chester, Mass., a mistake was noted in the description. Inadvertently, the airway was described as "12 miles wide (4 miles E and 3 miles W of centerline)." This action corrects that mistake, thereby conforming to the original intent to reduce the airway.

EFFECTIVE DATE: June 12, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: FR Doc. 80-15086 was published on May 19, 1980, which reduced the airway width of V-93 to 7 miles wide for 12 miles, northwest of Chester, Mass. An error was noted in the airway description as published in the **Federal Register** and this amendment corrects that error.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 80–15086 as published in the **Federal Register** on May 19, 1980, is corrected to read as follows:

Under V–93, beginning with the third line:

"Pawling, N.Y.; Chester, Mass., 12 miles wide (4 miles E. and 3 miles W. of centerline); Keene, N.H.;" is deleted and "Pawling, N.Y.; Chester, Mass.; 12 miles 7 miles wide (4 miles E. and 3 miles W. of centerline); Keene, N.H.;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C. on June 4, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80–17603 Filed 6–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–SO–4]

Alteration of Transition Area, Henderson, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Henderson, Kentucky, transition area. A review of the proposed Standard Instrument Approach Procedure, NDB RWY 8, revealed a need for additional controlled airspace for the final approach course. It is, therefore, necessary to alter the Transition Area by adding an extension to reflect this need.

EFFECTIVE DATE: 0901 G.m.t., July 15, 1980.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, March 27, 1980 (45 FR 20115), which proposed the alteration of the Henderson, Kentucky, transition area. No objections were received from this Notice. This alteration designates a transition area extension to provide the required airspace protection for aircraft executing the approach procedure.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., July 15, 1980, by adding the following:

Henderson, Kentucky

" * * * within three miles each side of the 267° bearing from the Geneva RBN (Latitude 37°48'13"N., Longitude 87°46'14"W.) from the 5.5-mile radius area to 8.5 miles west of the RBN * * *"

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

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

Issued in East Point, Ga., on June 4, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80–17616 Filed 6–11–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–ASW–68]

Alteration of Transition Area: Buffalo, Oklahoma; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: The nature of the action being taken is to correct the airspace docket number assigned to a final rule. The intended effect of the action is to maintain the numerical consistency required in records keeping. The circumstance which created the need for the action is the inadvertent assignment of a new airspace docket number to an existing docket.

EFFECTIVE DATE: June 12, 1980.

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

SUPPLEMENTARY INFORMATION:

History

FR Doc. 80–9579 was published on March 31, 1980 (45 FR 20783), altering the transition area at Buffalo, Okla. Inadvertently, a new airspace docket number (80–ASW–8) was assigned to the final rule described in the document. The docket number of the final rule should be the same (79–ASW–68) as that assigned to the relative Notice of Proposed Rulemaking (NPRM) published in FR Doc. 80–2360 (45 FR 6413). Action is herein taken to correct the assigned number of the final rule. This correction is a minor matter upon which the public would have no particular desire to comment. Therefore, notice and public procedure are not necessary.

The Rule

This correction to FR Doc. 80–9579 (45 FR 20783) assigns the same docket number (79–ASW–68), as that assigned to the NPRM (FR Doc. 80–2360) to the final rule published in the document.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the final rule docket number, 80–ASW–8, published in the FR Doc. 80–9579 is corrected to read 79–ASW–68, effective June 12, 1980.

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

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

Issued in Fort Worth, Tex., on June 3, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80–17604 Filed 6–11–80; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 80-GL-9]

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

Correction

In FR Doc. 80-16208 appearing on page 36057 in the issue of Thursday, May 29, 1980, the **Airspace Docket No.** in the heading should have read:

"80-GL-9"
instead of
"89-GL-9".

BILLING CODE 1505-01-M

14 CFR Part 97

[Docket No. 20409; Amdt. No. 1166]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Lewis O. Ola, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

. . . *Effective August 7, 1980*

Flagstaff, AZ—Pulliam, VOR-A, Amdt. 3
Flagstaff, AZ—Pulliam, VOR/DME Rwy 21, Amdt. 1
Fresno, CA—Fresno Air Terminal, VOR Rwy 11L, Amdt. 7
Newton, IA—Newton Muni, VOR Rwy 13, Amdt. 4
Newton, IA—Newton Muni, VOR Rwy 31, Amdt. 4
O'Neill, NE—O'Neill Muni, VOR Rwy 13, Amdt. 3
Tulsa, OK—Richard Lloyd Jones Jr., VOR Rwy 36L, Amdt. 3
Tulsa, OK—Richard Lloyd Jones Jr., VOR/DME-A, Amdt. 1

. . . *Effective July 24, 1980*

Ontario, CA—Ontario Intl, VOR or TACAN Rwy 25R, Amdt. 6
Augusta, GA—Bush Field, VOR-A, Amdt. 18
Indianapolis, IN—Eagle Creek Airpark, VOR-A, Amdt. 3
Southbridge, MA—Southbridge Muni, VOR-A, Amdt. 2
Southbridge, MA—Southbridge Muni, VOR/DME-B, Amdt. 5
Tewksbury, MA—Tew-Mac, VOR Rwy 21, Amdt. 5
Ann Arbor, MI—Ann Arbor Muni, VOR Rwy 6, Amdt. 8
Ann Arbor, MI—Ann Arbor Muni, VOR Rwy 24, Amdt. 7
Amityville, NY—Zahns, VOR-A, Amdt. 5, cancelled

North Kingstown, RI—Quonset State, VOR Rwy 34, Amdt. 2

. . . Effective July 10, 1980

Troy, AL—Troy Muni, VOR Rwy 7, Amdt. 1
Howell, MI—Livingston County, VOR Rwy 31, Amdt. 5

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

. . . Effective August 7, 1980

Fresno, CA—Fresno Air Terminal, LOC BC Rwy 11L, Amdt. 4
El Paso, TX—El Paso Intl, LOC BC Rwy 4, Amdt. 3

. . . Effective July 24, 1980

Waukegan, IL—Waukegan Memorial, LOC Rwy 23, Amdt. 5

. . . Effective July 10, 1980

Minot, ND—Minot Intl, LOC BC Rwy 13, Amdt. 4
Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, LOC BC Rwy 8, Original
Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, LOC Rwy 8, Amdt. 1, cancelled
Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, LOC (BC) Rwy 26, Amdt. 3, cancelled

Note.—The FAA published an amendment in Docket No. 20368, Amdt. No. 1165 to part 97 of the Federal Aviation Regulations (Vol 45 FR No. 107 page 37182; dated June 2, 1980) under section 97.25 effective July 10, 1980, which is hereby amended as follows:
Sheboygan, WI—Sheboygan County Memorial VOR Rwy 3, amdt. 2 is changed to Sheboygan, WI—Sheboygan County Memorial VOR Rwy 3, Amdt. 3.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . Effective August 7, 1980

Harrison, AR—Boone County, NDB Rwy 18, Original
Fresno, CA—Fresno Air Terminal, NDB Rwy 29R, Amdt. 19
Thomson, GA—Thomson-McDuffie County, NDB Rwy 27, Amdt. 2
Atlantic, IA—Atlantic Muni, NDB Rwy 12, Amdt. 5
Audubon, IA—Audubon Muni, NDB Rwy 32, Amdt. 2
Creston, IA—Creston Muni, NDB Rwy 34, Amdt. 3
Maquoketa, IA—Maquoketa Muni, NDB Rwy 15, Amdt. 1
Garden City, KS—Garden City Muni, NDB Rwy 12, Amdt. 8
Haskell, TX—Haskell Muni, NDB Rwy 18, Amdt. 1

. . . Effective July 24, 1980

Ontario, CA—Ontario Intl, NDB Rwy 25R, Amdt. 29
San Bernardino, CA—Tri-City, NDB Rwy 7, Amdt. 2
Augusta, GA—Bush Field, NDB Rwy 17, Amdt. 11
Waukegan, IL—Waukegan Memorial, NDB Rwy 23, Amdt. 5
Ottawa, KS—Ottawa Muni, NDB Rwy 35, Original
Tewksbury, MA—Tew-Mac, NDB–A, Amdt. 1
Cambridge, MN—Cambridge Muni, NDB Rwy 34, Amdt. 2
Amityville, NY—Zahns, NDB Rwy 36, Amdt. 7, cancelled
Pulaski, TN—Abernathy Field, NDB Rwy 15, Amdt. 1

. . . Effective July 10, 1980

Troy, AL—Troy Muni, NDB Rwy 7, Amdt. 3
Greenville, ME—Greenville Municipal, NDB Rwy 3, Amdt. 3, cancelled
Greenville, ME—Greenville Seaplane Base, NDB–A, Amdt. 2, cancelled

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

. . . Effective August 7, 1980

Fresno, CA—Fresno Air Terminal, ILS Rwy 29R, Amdt. 24

. . . Effective July 24, 1980

Ontario, CA—Ontario Intl, ILS Rwy 7L, Amdt. 1
Ontario, CA—Ontario Intl, ILS Rwy 25R, Amdt. 30
Farmingdale, NY—Republic, ILS Rwy 14, Amdt. 4
Green Bay, WI—Austin-Straubel Field, ILS Rwy 36, Amdt. 1

. . . Effective July 10, 1980

Troy, AL—Troy Muni, ILS Rwy 7, Amdt. 3
Kailua-Kona, HI—Ke-ahole, ILS/DME Rwy 17, Amdt. 4
Minot, ND—Minot Intl, ILS Rwy 3L, Amdt. 4
Smyrna, TN—Smyrna, ILS Rwy 32, Original
Martinsburg, WV—Eastern WV Regional Airport/Shepherd Field, ILS Rwy 26, Original

5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . Effective July 24, 1980

Caribou, ME—Caribou Muni, RADAR–1, Original
Dayton, OH—James M. Cox, Dayton International, RADAR–1, Amdt. 3
North Kingstown, RI—Quonset State, RADAR–1, Original
Greer, SC—Greenville-Spartanburg, RADAR–1, Amdt. 3

. . . Effective July 10, 1980

Troy, AL—Troy Muni, RADAR-1, Amdt. 3

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . Effective August 7, 1980

Lake Charles, LA—Lake Charles Muni, RNAV Rwy 5, Original
Lake Charles, LA—Lake Charles Muni, RNAV Rwy 23, Original

. . . Effective July 24, 1980

Ann Arbor, MI—Ann Arbor Muni, RNAV Rwy 24, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3).)

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

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

John S. Kern,

Acting Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the **Federal Register** on May 12, 1969.

[FR Doc. 80-17712 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-16859; File No. S7-793]

Reports by National Securities Exchanges and Registered National Securities Associations

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its rules to eliminate the exemption from filing notice when a change occurs in the status of a broker-dealer's membership in a self-regulatory organization and to modify the provision regarding when the self/regulatory organization files the notice. These amendments are necessary to clarify ambiguities regarding the timing of the required reports and to prevent duplicative reporting by the self-regulatory organizations. The Commission is also amending its rules to make a financial filing requirement currently applicable to registered national securities exchanges applicable to all registered national securities associations and their members as well. This amendment is necessary to allow the Commission to monitor a registered broker-dealer's compliance with financial and operational rules when the broker-dealer ceases to be a member in good standing of a registered national securities association.

EFFECTIVE DATE: July 14, 1980.

FOR FURTHER INFORMATION CONTACT: Ellen C. Kerrigan, Division of Market Regulation, Securities and Exchange

Commission, Washington, D.C. 20549, (202) 272–3113.

SUPPLEMENTARY INFORMATION:

Background

In 1974 the Commission adopted Rule 17a–19 (17 CFR 240.17a–19) and Form X–17A–19 (17 CFR 249.635) under the Securities Exchange Act of 1934 to require the exchanges and the National Association of Securities Dealers ("NASD") to notify the Commission and the Securities Investor Protection Corporation ("SIPC") promptly (i) upon learning that the membership status of any of their members would change, or (ii) when the change occurred, unless notice had been previously given.[1] This rule was one of many adopted to implement proposals submitted in the "SEC Advisory Committee Study on Broker-Dealer Reports and Registration Requirements."

One of the recommendations of the Study was that, in regard to financial responsibility and related recordkeeping, a broker-dealer should be examined by and report to only one self-regulatory organization ("SRO"). Prompt notification of any change in membership status that affects a firm's relationship with its examining authority or any other SRO of which it is a member was intended to expedite designation of a new examining authority, if necessary, as well as to provide a means to maintain a record of such relationships to facilitate the performance of the Commission's oversight responsibilities.[2]

In 1977, the Commission amended Rule 17a–19 to eliminate ambiguities with respect to the timing of the filing of the reports by requiring that reports on Form X–17A–19 be filed "within 5 business days" after the change actually occurs. The Commission added a requirement that the designated examining authority also give telegraphic notice (i) upon learning that a change in membership status would occur or (ii) within 24 hours of a change in membership status, unless notice was previously given. In addition, the rule was amended to provide that these notices be filed with the appropriate regional offices as well as with Commission headquarters.

Since that time the Commission has reexamined the function and operation of those requirements in light of its experience with the designation of examining authorities, especially in conjunction with related Commission programs. In particular, it reviewed Rule 17a–19 in connection with the reporting requirements of Rule 17a–5(b) (17 CFR § 240.17a–5(b)), which is part of the FOCUS Report program. That rule requires the exchanges and their members to inform the Commission when a broker-dealer ceases to be a member in good standing [3] and provides for the submission of current financial information about such members.[4] Last fall, as a result of the review, the Commission adopted amendments rescinding the requirement to give telegraphic notice contained in Rule 17a–19; eliminating the requirement to file Form X–17A–19 at the Regional Office of the Commission; conforming § 249.635 and Form X–17A–19 to Rule 17a–19; and revising Form X–17A–19 to incorporate technical modifications to facilitate the reporting of information.[5] Also, as a result of this review, the Commission proposed for comment amendments to Rule 17a–5(b), Rule 17a–19 and § 249.635.[6] In particular, the amendment to Rule 17a–5(b) would require the NASD and its members to comply with the reporting requirements of Rule 17a–5(b).

The Commission has now adopted (1) the proposed amendment to Rule 17a–5(b) and a conforming amendment to Rule 17a–19, which requires the NASD and its members to comply with the reporting requirements of rule 17a–5(b); (2) the proposed amendment to Rule 17a–19 and § 249.635 which eliminates the exemption from filing Form X17A–19 if previous notice had been filed; and (3) the amendment to Rule 17a–19 and § 249.635 which eliminates the necessity to file promptly upon learning that one or more of such events will occur.

Amendment of Rule 17a–5(b)

As amended, Rule 17a–5(b), requires the NASD to report promptly to the Commission whenever there is any action that causes a member to cease to be a member in good standing. In addition, a broker-dealer will be required under Rule 17a–5(b)(1) to file with the Commission either Part II or IIA of FOCUS Form X–17A–5 within two days after it ceases to be a member in good standing of the NASD.

As noted above, every exchange and its members are currently required to comply with Rule 17a–5(b).[7] At the time the rule was promulgated, the NASD and its members were exempted from compliance with the rule because of the capital rules then in force. Since then, however, Rule 17a–5(b) has evolved into a useful early warning and surveillance tool and has proven to be of value in monitoring those broker-dealers who cease to be members of self-regulatory organizations.

In a comment letter on the proposed amendment, the NASD asserted that extension of the requirement would impose an unnecessary burden on the NASD and its members. The NASD stated that it believes that the intent of the rule is to provide the Commission with current financial information on the broker-dealer in order to facilitate redesignation of the firm to another self-regulatory organization. The NASD pointed out that a broker-dealer might not need to be redesignated when its membership is terminated or when it voluntarily withdraws its registration or goes out of business following expulsion. Consequently, the NASD argued, there is no need for the Commission to ask for financial information pursuant to Rule 17a–5(b) in those instances where there is no need to redesignate the broker-dealer's examining authority.

The NASD is correct when it states that the information requested by Rule 17a–5 is needed in order to redesignate examination responsibilities. However, the financial information requested upon the broker-dealer's ceasing to be a member in good standing is also useful to the Commission's early warning and surveillance program, particularly regarding broker-dealers that are experiencing financial or operational difficulty. Commission experience indicates that there is a continuing need

[1] Securities Exchange Act Release No. 10959, August 9, 1974 [39 FR 30483, August 23, 1974]. Changes in status are the initiation, suspension or termination of membership or any other similar change in status which affects the firm's relationship with the self-regulatory organization. Termination includes resignation, withdrawal and expulsion.

[2] The Commission designates the examining authority for SIPC members belonging to more than one self-regulatory organization pursuant to Section 13(c) of the Securities Investor Protection Act of 1970 and Rule 17d–1 under the Securities Exchange Act of 1934. The Commission designates the exchanges and the NASD as examining authorities. Registered clearing agencies have not been designated because their statutory authority to enforce compliance by their participants extends only to each clearing agency's own rules and not to the Securities Exchange Act or the rules thereunder. Section 19(g)(1)(C) of the Securities Exchange Act.

[3] For purposes of that rule, a broker-dealer ceases to be a member in good standing when it resigns or withdraws, is suspended or expelled, or sells or agrees to sell its membership interest. Rule 17a–5(b)(4).

[4] Rule 17a–5(b)(5) has required each exchange to report promptly to the Commission whenever there is action that causes a member to cease to be a member in good standing. In addition, under Rule 17a–5(b)(1), the broker-dealer is required to file with the Commission either Part II or IIA of Form X–17A–5 within two days after it ceases to be a member in good standing. The exchange has also been required to notify the broker-dealer of its responsibilities under Rule 17a–5(b).

[5] Securities Exchange Act Release No. 16286, October 22, 1979 [44 FR 61942, October 29, 1979].

[6] Securities Exchange Act Release No. 16287, October 22, 1979 [44 FR 61974, October 29, 1979].

[7] *See* n. 4 *supra*.

for the Commission to monitor a registered broker-dealer's compliance with financial and operational rules, even at the point when a broker-dealer ceases to be a member in good standing of an SRO.[8] Moreover, Rule 17a–5(b)(6) provides that a broker or dealer may request an exemption from the filing requirements of 17a–5(b) if it is terminating its membership interest in a self-regulatory organization other than its designated examining authority. Thus, in many instances the broker-dealer may not have to submit the financial information required by Rule 17a–5(b). Furthermore, Rule 17a–19 as amended provides that the exchange or association is not required to submit a separate report pursuant to Rule 17a–5(b) if it promptly files Form X–17A–19 with sufficient information to satisfy Rule 17a–5(b). Consequently, the NASD should not be subject to any additional burden than it currently has pursuant to Rule 17a–19.

Revision and Clarification of Language Found in Rule 17a–19 and Section 249.635

A. *Elimination of Exemption from Filing Form X–17A–19.* Prior to the Commission adopting the present amendment, Rule 17a–19 and § 249.635 required that the exchanges and the NASD file Form X–17A–19 (i) promptly upon learning that a change in membership status will occur or, (ii) *unless notice has been previously filed,* within five business days of the change. [Emphasis added.] The Commission concluded that submission of Form X–17A–19 at the time a change in membership status occurs is necessary for the Commission to be certain that its information is accurate and current. This is particularly important for early warning and surveillance purposes. Therefore, the italicized provision is eliminated by this amendment.

B. *Elimination of Provision Providing for Filing Upon Learning That a Change in Membership Status Will Occur.* Since Rule 17a–19 and § 249.635 were worded in an unnecessarily confusing fashion and, in effect, may have required that self-regulatory organizations file the same information twice,[9] the Commission is rescinding the provision that provides for filing "promptly upon learning that one or more of such events will occur."

The rescission of the above provision will still permit the Commission to receive timely information and will prevent duplicative reporting by the self-regulatory organizations.

Statutory Basis and Competitive Considerations

The amendment of Rule 17a–19, with the conforming amendment to § 249.635, rescinding the provision requiring filing upon learning that a change in membership will occur relieves the national securities exchanges and registered national securities associations of a regulatory burden by eliminating the duplicative requirement of filing upon learning that a change will occur in addition to filing within five days of the occurrence of such event. Consequently, the Commission finds, in accordance with the provisions of 5 U.S.C. 553(b)(B), that prior notice and public procedure are unnecessary or contrary to the public interest.

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly Sections 17(a) and 23(a) thereof, hereby amends §§ 240.17a–5(b), 17a–19 and 249.635 as set forth below. These amendments will be effective July 14, 1980.

It appears to the Commission that no burden on competition will be imposed by these amendments.

Text of Amendments

Accordingly, 17 CFR Chapter II is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By revising paragraphs (b) (1), (3), (4) and (5) of § 240.17a–5 to read as follows:

§ 240.17a–5 Reports to be made by certain brokers and dealers.

* * * * *

(b) *Report filed upon termination of membership interest.* (1) If a broker or dealer holding any membership interest in a national securities exchange or registered national securities association ceases to be a member in good standing of such exchange or association, such broker or dealer shall, within two business days after such event, file with the Commission Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter) as determined by the standards set forth in paragraphs (a)(2)(ii) and (iii) of this section as of the date of such event. The report shall be filed at the Commission's principal office in Washington, D.C., and with the regional office of the Commission for the region in which the broker or dealer has its principal place of business: *Provided, however,* That such report need not be made or filed if the Commission, upon written request or upon its own motion, exempts such broker or dealer, either unconditionally or on specified terms and conditions, from such requirement: *Provided, further,* That the Commission may, upon request of the broker or dealer, grant extensions of time for filing the report specified herein for good cause shown.

* * * * *

(3) For the purposes of this paragraph (b) "membership interest" shall include the following: full membership, allied membership, associated membership, floor privileges, and any other interest that entitles a broker or dealer to the exercise of any privilege on an exchange or with an association.

(4) For the purposes of this prargraph (b), any broker or dealer shall be deemed to have ceased to be a member in good standing of such exchange or association when he has resigned, withdrawn, or been suspended or expelled from a membership interest in such exchange or association, or has directly or through any associated person sold or entered into an agreement for the sale of a membership interest which would on consummation thereof result in the termination of the broker's or dealer's membership interest in such exchange or association.

(5) Whenever any national securities exchange or registered national securities association takes any action which causes any broker or dealer which is a member of such exchange or association to cease to be a member in good standing of such exchange or association or when such exchange or association learns of any action by such member of any other person which causes such broker or dealer to cease to be a member in good standing of such exchange or association, such exchange or associaton shall report such action promptly to the Commission, furnishing information as to the circumstances surrounding the event, and shall send a copy of such notification to the broker or dealer and notify such broker or dealer of its responsibilities under this paragraph (b).

* * * * *

2. By revising § 240.17a–19 to read as follows:

[8] When a member of the NASD ceases to be a member, it becomes a SECO broker-dealer until it files a Form BDW.

[9] Rule 17a–19 may have been interpreted to require that a self-regulatory organization file notice of a change in membership status promptly upon learning that such a change will occur as well as within five business days of the occurrence of the event, if those times were not the same.

§ 240.17a-19 Form X-17A-19 Report by national securities exchanges and registered national securities associations of changes in the membership status of any of their members.

Every national securities exchange and every registered national securities association shall file with the Commission at its principal office in Washington, D.C., and with the Securities Investor Protection Corporation such information as is required by § 249.635 of this chapter on Form X-17A-19 within 5 business days of the occurrence of the initiation of the membership of any person or the suspension or termination of the membership of any member. Nothing in this section shall be deemed to relieve a national securities exchange or a registered national securities association of its responsibilities under § 240.17a-5(b)(5) except that, to the extent a national securities exchange or a registered national securities association promptly files a report on Form X-17A-19 including therewith, inter alia, information sufficient to satisfy the requirements of § 240.17a-5(b)(5), it shall not be required to file a report pursuant to § 240.17a-5(b). Upon the occurrence of the events described in this paragraph, every national securities exchange and every registered national securities association shall notify in writing such member of its responsibilities under § 240.17a-5(b).

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

3. By revising § 249.635 as follows:

§ 249.635 Form X-17A-19, report by national securities exchanges and registered national securities associations of changes in the membership status of any of their members.

This form shall be completed and filed by each national securities exchange or registered national securities association as required by § 240.17a-19 of this chapter within 5 business days of the occurrence of the initiation of the membership of any person or the suspension or termination of the membership of any of its members.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 30, 1980.

[FR Doc. 80-17828 Filed 6-11-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 897-80]

Delegation of the Attorney General's Authority To Initiate Litigation Under Section 707 of Title VII of the Civil Rights Act of 1964

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates to the Assistant Attorney General in charge of the Civil Rights Division authority to initiate litigation in pattern or practice suits under Section 707 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-(6). The authority for the delegation derives from Section 5 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, 5 U.S.C. App. II (1978 Supp.). Section 5 transferred to the Attorney General all functions of the Equal Employment Opportunity Commission in connection with the initiation of pattern or practice suits against State and local government or political subdivisions under Section 707 of Title VII.

It also authorizes the Attorney General to delegate any of his functions under Section 707 to any officer or employee of the Department of Justice. This order implements that authority.

EFFECTIVE DATE: June 4, 1980.

FOR FURTHER INFORMATION CONTACT: David Rose, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202-633-3831).

By virtue of the authority vested in me by Section 5 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, 5 U.S.C. App. II (1978 Supp.), and by 28 U.S.C. 510, the first sentence of paragraph (a) of § 0.05 of Title 28 of the Code of Federal Regulations is hereby amended to read as follows:

§ 0.50 General functions.

* * * * *

(a) Enforcement of all Federal statutes affecting civil rights, including those pertaining to elections and voting, public accommodations, public facilities, school desegregation, employment (including 42 U.S.C. § 2000e-(6)), housing, and the constitutional and civil rights of Indians arising under 25 U.S.C. 1301 et seq., and authorization of litigation in such enforcement including criminal prosecutions and civil actions and proceedings on behalf of the Government and appellate proceedings in all such cases.

* * * * *

Dated: June 4, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-17690 Filed 6-11-80; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 43

[Order No. 896-80]

Recovery of Cost of Hospital and Medical Care and Treatment Furnished by the United States; Denial of Access to Personal Medical Records

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order deletes language which permits the denial of access to personal medical records to persons who do not cooperate in the assertion of a federal claim.

EFFECTIVE DATE: June 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jeffrey Axelrad, Director, Torts Branch, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 (202/724-6810).

§ 43.2 [Amended]

By virtue of the authority vested in me by 28 U.S.C. 2652, and Executive Order 11060, 27 FR 10925, Title 28 of the Code of Federal Regulations is amended by deleting paragraph (b) of § 43.2.

Dated: June 4, 1980.

Benjamin R. Civiletti.

Attorney General.

[FR Doc. 80-17691 Filed 6-11-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 15

Post Employment Conflict of Interest

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The rule implements the application of Title V of the Ethics in Government Act of 1978 addressing post employment conflicts of interest by former officers and employees of the Department of the Treasury. It establishes the procedure to impose administrative restrictions for violation of the post employment laws by such former officers and employees.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, 202-376-0767.

SUPPLEMENTARY INFORMATION: The Department of the Treasury (Department) is publishing final regulations to implement the application of restrictions on post employment activity to former officers and employees of the Department established by Title V of the Ethics in Government Act of 1978 (See Subsection (j) of 18 U.S.C. 207). After consultation with the Office of Government Ethics, the proposed rule was published in the **Federal Register** on March 18, 1980 (45 FR 17160–17164). Written comments were requested by April 17, 1980. None were received. The rule was proposed as Part 14 to Title 31 CFR. Because Part 14 had been assigned these regulations in error, the final rule is being published as Part 15 to Title 31 CFR. In addition, Section 15.737–23, as proposed, has been amended to provide that transcripts of hearings under this Part may be obtained from the Department at actual cost of duplication pursuant to the requirement of Section 11(a) of the Federal Advisory Committee Act, 86 Stat. 770.

It has been determined that the regulation does not meet Treasury criteria for a significant regulation.

Accordingly, a new Part 15 is added to Subtitle A of 31 CFR to read as follows:

PART 15—POST EMPLOYMENT CONFLICT OF INTEREST

Subpart A—General Provisions

Sec.

15.737–1 Scope.
15.737–2 Definitions.
15.737–3 Director of Practice.
15.737–4 Other Discipline.
15.737–5 Records.

Subpart B—Rules Applicable to Post Employment Practice by Officers and Employees of the Department

15.737–6 Interpretative Standards.

Subpart C—Administrative Enforcement Proceedings

15.737–7 Authority to prohibit practice.
15.737–8 Special orders.
15.737–9 Receipt of information concerning former Treasury employee.
15.737–10 Conferences.
15.737–11 Institution of proceeding.
15.737–12 Contents of complaint.
15.737–13 Service of complaint and other papers.
15.737–14 Answer.
15.737–15 Reply to answer.
15.737–16 Proof; variance; amendment of pleadings.
15.737–17 Motions and requests.
15.737–18 Representation.
15.737–19 Administrative Law Judge.
15.737–20 Hearings.
15.737–21 Evidence.
15.737–22 Depositions.
15.737–23 Transcript.
15.737–24 Proposed findings and conclusions.
15.737–25 Decision of the Administrative Law Judge.
15.737–26 Appeal to the General Counsel.
15.737–27 Decision of the General Counsel.
15.737–28 Notice of disciplinary action.

Subpart D—Other Departmental Proceedings

15.737–29 Review by the General Counsel.

Authority: 92 Stat. 1864 (18 U.S.C. 207), as amended, except as otherwise noted.

Subpart A—General Provisions

§ 15.737–1 Scope.

This part contains rules governing discipline of a former officer or employee of the Department of the Treasury because of a post employment conflict of interest. Such discipline may include prohibition from practice before the Department or a separate statutory agency thereof as those terms are defined in this part.

§ 15.737–2 Definitions.

For the purpose of this part—(a) The term "Department" means the Department of the Treasury and includes the separate statutory agencies thereof.

(b) The term "Director" means the Director of Practice.

(c) The term "General Counsel" means the General Counsel of the Department.

(d) The term "practice" means any informal or formal appearance before, or, with the intent to influence, any oral or written communication to the Department or, where applicable, to a separate statutory agency thereof on a pending matter of business on behalf of any other person (except the United States).

(e) The term "separate statutory agency thereof" means an agency or bureau within the Department designated by rule by the Director, Office of Government Ethics, as a separate agency or bureau. The Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, United States Secret Service, Bureau of the Mint, United States Customs Service, Bureau of Engraving and Printing, and Comptroller of the Currency were so designated effective July 1, 1979.

§ 15.737–3 Director of Practice.

There is, in the Office of the Secretary of the Treasury, the Office of Director of Practice. The Director shall institute and provide for the conduct of disciplinary proceedings involving former employees of the Department as authorized by 18 U.S.C. 207(j), and perform such other duties as are necessary or appropriate to carry out his/her functions under this part.

§ 15.737–4 Other Discipline.

For activity alleged to violate 18 U.S.C. 207 (a), (b) or (c), the Director may also bring a disciplinary proceeding pursuant to the regulations governing practice before the Bureau of Alcohol, Tobacco and Firearms or the Internal Revenue Service as found in 31 C.F.R. Part 8 and 31 C.F.R. Part 10, respectively. Such proceeding may be consolidated with any proceeding brought pursuant to this part.

§ 15.737–5 Records.

There are made available to public inspection at the Office of Director of Practice the roster of all persons prohibited from practice before the Department. Other records may be disclosed upon specific request, in accordance with appropriate disclosure regulations of the Department.

Subpart B—Rules Applicable to Post Employment Practice by Officers and Employees of the Department

§ 15.737–6 Interpretative Standards.

A determination that a former officer or employee of the Department violated 18 U.S.C. 207 (a), (b) or (c) will be made in conformance with the standards established in the interpretative regulations promulgated by the Office of Government Ethics and published at 5 C.F.R. Part 737.

Subpart C—Administrative Enforcement Proceedings

§ 15.737–7 Authority to prohibit practice.

Pursuant to 18 U.S.C. 207(j), if the General Counsel finds, after notice and opportunity for a hearing, that a former officer or employee of the Department violated 18 U.S.C. 207 (a), (b) or (c), the General Counsel in his/her discretion may prohibit that person from engaging in practice before the Department or a separate statutory agency thereof for a period not to exceed five years, or may take other appropriate disciplinary action.

§ 15.737–8 Special orders.

The General Counsel may issue special orders as he/she may consider proper in any case within the purview of this part.

§ 15.737–9 Receipt of information concerning former Treasury employee.

If an officer or employee of the Department has reason to believe that a former officer or employee of the Department has violated 18 U.S.C. 207 (a), (b) or (c), or if any such officer or

employee receives information to that effect, he/she shall promptly make a written report thereof, which report or a copy thereof shall be forwarded to the Inspector General, Department of the Treasury. If any other person has information of such violations, he/she may make a report thereof to the Inspector General or to any officer or employee of the Department. The Inspector General shall refer any information he/she deems warranted to the Director.

§ 15.737–10 Conferences.

(a) *In general.* The Director may confer with a former officer or employee concerning allegations of misconduct irrespective of whether an administrative disciplinary proceeding has been instituted against him/her. If such conference results in a stipulation in connection with a proceeding in which such person is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Voluntary suspension.* A former officer or employee, in order to avoid the institution or conclusion of a proceeding, may offer his/her consent to suspension from practice before the Department or a separate statutory agency thereof. The Director in his/her discretion, may suspend a former officer or employee in accordance with the consent offered.

§ 15.737–11 Institution of proceeding.

(a) Whenever the Director has reason to believe that any former officer or employee of the Department has violated 18 U.S.C. 207 (a), (b) or (c), he/she may reprimand such person or institute an administrative disciplinary proceeding for that person's suspension from practice before the Department or a separate statutory agency thereof. The proceeding shall be instituted by a complaint which names the respondent and is signed by the Director and filed in his/her office. Except in cases of willfulness, or where time, the nature of the proceeding, or the public interest does not permit, a proceeding will not be instituted under this section until facts or conduct which may warrant such action have been called to the attention of the proposed respondent in writing and he/she has been accorded the opportunity to provide his/her position on the matter.

(b) The Director shall coordinate proceedings under this part with the Department of Justice in cases where it initiates criminal prosecution.

§ 15.737–12 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against him/her so that the respondent is able to prepare a defense.

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his/her answer, which time shall not be less than 15 days from the date of service of the complaint, and notice shall be given that a decision by default may be rendered against the respondent in the event he/she fails to file an answer as required.

§ 15.737–13 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided; by delivering it to the respondent or his/her attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent; or in any other manner which has been agreed to by the respondent. Where the service is by certified mail, the return post office receipt duly signed by or on behalf of the respondent shall be proof of service. If the certified mail is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him/her by first-class mail, addressed to him/her at the last address known to the Director. If service is made upon the respondent or his/her attorney or agent of record in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon a respondent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Director, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his/her attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the Director of Practice, Department of the Treasury, Washington, D.C. 20220. All papers shall be filed in duplicate.

§ 15.737–14 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Director or the Administrative Law Judge. The answer shall be filed in duplicate with the Director.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact he/she possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make his/her decision by default without a hearing or further procedure.

§ 15.737–15 Reply to answer.

No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Director may file a reply in his/her discretion or at the request of the Administrative Law Judge.

§ 15.737–16 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence: *Provided,* That the party who would otherwise be prejudiced by the amendment is given reasonable

opportunity to meet the allegations of the pleading as amended; and the Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 15.737–17 Motions and requests.

Motions and requests may be filed with the Director or with the Administrative Law Judge.

§ 15.737–18 Representation.

A respondent or proposed respondent may appear in person or he/she may be represented by counsel or other representative. The Director may be represented by an attorney or other employee of the Department.

§ 15.737–19 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge appointed as provided by 5 U.S.C. 3105 (1966), shall conduct proceedings upon complaints for the administrative disciplinary proceedings under this part.

(b) *Power of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any proceeding assigned or referred to him/her, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which rulings may not be appealed from prior to the close of a hearing except, at the discretion of the Administrative Law Judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Assess the responsible party extraordinary costs attributable to the location of a hearing;

(10) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(11) Make initial decisions.

§ 15.737–20 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the suspension of a former officer or employee from practice before the Department. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to 5 U.S.C. 556.

(b) *Public access to hearings.* Hearings will be closed unless an open hearing is requested by the respondent, except that if classified information or protected information of third parties (such as tax information) is likely to be adduced at the hearing, it will remain closed. A request for an open hearing must be included in the answer to be considered.

(c) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to him/her, he/she shall be deemed to have waived the right to a hearing and the Administrative Law Judge may make a decision against the absent party by default.

§ 15.737–21 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the suspension of a former officer or employee from practice before the Department. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to § 15.737–22 of this part may be admitted.

(c) *Proof of documents.* Official documents, records and papers of the Department shall be admissible in evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested or identified by an officer or employee of the Department.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions which he/she deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 15.737–22 Depositions.

Depositions for use at a hearing may, with the consent of the parties in writing or the written approval of the Administrative Law Judge, be taken by either the Director or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Department who is authorized to administer an oath. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogation shall be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 15.737–23 Transcript.

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter or from the Department at actual cost of duplication. Where the hearing is stenographically reported by a regular employee of the Department, a copy thereof will be supplied to the respondent either without charge or upon payment of a reasonable fee. Copies of exhibits introducted at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (Sec. 501, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a)).

§ 15.737–24 Proposed findings and conclusions.

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge prior to making his/her decision, shall afford the parties a reasonable

opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 15.737-25 Decision of the Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of suspension from practice before the Department or separate statutory agency thereof or other appropriate disciplinary action, or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Director and shall transmit a copy thereof to the respondent or his/her attorney of record. In the absence of an appeal to the General Counsel or review of the decision upon motion of the General Counsel, the decision of the Administrative Law Judge shall without further proceedings become the decision of the General Counsel 30 days from the date of the Administrative Law Judge's decision.

§ 15.737-26 Appeal to the General Counsel.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the General Counsel. The appeal shall be filed with the Director in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Director, he/she shall transmit a copy thereof to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director. If the reply brief is filed by the Director, he/she shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director shall transmit the entire record to the General Counsel.

§ 15.737-27 Decision of the General Counsel.

On appeal from or review of the initial decision of the Administrative Law Judge, the General Counsel will make the agency decision. In making his/her decision, the General Counsel will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the General Counsel's decision shall be transmitted to the respondent by the Director.

§ 15.737-28 Notice of disciplinary action.

(a) Upon the issuance of a final order suspending a former officer or employee from practice before the Department or a separate statutory agency thereof, the Director shall give notice thereof to appropriate officers and employees of the Department. Officers and employees of the Department shall refuse to participate in any appearance by such former officer or employee or to accept any communication which constitutes the prohibited practice before the Department or separate statutory agency thereof during the period of suspension.

(b) The Director shall take other appropriate disciplinary action as may be required by the final order.

Subpart D—Other Departmental Proceedings

§ 15.737-29 Review by the General Counsel.

In my proceeding before the Department, if an initial decision is made with respect to the disqualification of a representative or attorney for a party on the grounds of 18 U.S.C. 207(a), (b) or (c), such decision may be appealed to the General Counsel, who will make the agency decision on the issue.

Dated: June 4, 1980.

G. William Miller,

Secretary of the Treasury.

[FR Doc. 80-17831 Filed 6-11-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-088]

Drawbridge Operation Regulations; Mission Creek and Islais Creek, California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City and County of San Francisco, the Coast Guard is changing the regulations governing the Third Street and Fourth Street bridges across Mission Creek, and the Third Street bridge across Islais Creek by requiring that 60 minutes advance notice be given at all times. This change is being made because of limited requests for openings. This action will relieve the bridge owner of the burden of having three persons constantly available to open the draws while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Wayne R. Till, Chief, Bridge Section, Aids to Navigation Branch, Twelfth Coast Guard District (oan), Room 936, Appraisers Building, 630 Sansome Street, San Francisco, CA 94126 (415-556-8668).

SUPPLEMENTARY INFORMATION: On 21 June 1979, the Coast Guard published a proposed rule (44 FR 36206) concerning this amendment. The Commander, Twelfth Coast Guard District, also published the proposal as Public Notices dated June 21, 1979 and November 9, 1979. Interested persons were given until July 21, 1979 and February 29, 1980, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Wayne R. Till, Project Manager and Chief, Bridge Section, and Lieutenant Commander Richard E. Peyser, Project Attorney and Assistant Legal Officer, Twelfth Coast Guard District.

Discussion of Comments

The Coast Guard received 12 comments concerning this rule: nine were opposed and 3 offered no objection.

Most of those opposed did not want to see any reduction in bridgetender service. The Coast Guard finds that the waterway users can be provided reasonably prompt service under this rule. There are an average of three bridge openings per day at each of the bridges over the Channel Street waterway and one per day at the bridge over Islais Creek. The operator will be stationed at the Third and Channel Street Bridge which is the busiest bridge. The operator will be able to respond to requests for openings of that bridge immediately and openings of the other bridges within one hour of receiving notice.

The remaining objections addressed difficulty in giving notice for openings. The bridge operator's station is now equipped with a marine radiotelephone and a landline telephone. The City and County of San Francisco has requested the telephone company to install a public phone near the Mission Creek Harbor, where the largest number of waterway users are berthed. These steps should make it reasonably convenient for mariners to give advance notice.

The Coast Guard has made some changes to the original proposal. Some

editorial changes were made to clarify the regulation and avoid redundancy with the general regulation for drawbridges in California (33 CFR 117.710). The time limit for advance notification was changed from 30 minutes to one hour after a test revealed that under commuter traffic conditions it takes more than 30 minutes to go from the Third and Channel Bridge operator's station, open the Islais Creek Bridge, and return to the operator's station. The new time limit is both workable and enforceable.

The Coast Guard has conducted a 120 day test of the regulation as enacted in this final rule. During the test, comments were solicited on the appropriateness and workability of the regulation. Only one person commented to say that he was having difficulty getting through the bridges. When asked for specifics or suggested corrective actions, he declined to comment further.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.712(f) to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, CA.

* * * * *

(f) Channel Street (Mission Creek, China Basin) and Islais Creek. City and County of San Francisco drawbridges at Third and Fourth Street over the Channel Street waterway and Third Street over Islais Creek.

(1) At least one hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 9, 1980.

J. S. Gracey,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 80-17805 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 80-035]

Drawbridge Operation Regulations; Portage River, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Ottawa County Engineer, the Coast Guard is changing the regulations governing the operation of the Monroe Street bridge across the Portage River, Port Clinton, Ohio, by permitting the draw to remain closed for extended periods. This change is being made to accommodate an increase in vehicular traffic. This action will accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on July 14, 1980.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: On March 31, 1980, the Coast Guard published a proposed rule (45 FR 20983) concerning this amendment. The Commander, Ninth Coast Guard District, also published this proposal as a Public Notice dated April 9, 1980. Interested persons were given until May 1, 1980 and May 9, 1980, respectively, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

No comments were received.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.705b(b) to read as follows:

§ 117.705b Portage River, Ohio; Monroe Street Bridge, Port Clinton, Ohio.

* * * * *

(b)(1) From May 1 through May 14 and from November 1 through December 1, the draw shall open on signal.

(2) From May 15 through October 31 the draw shall open on signal from 12 midnight to 6 a.m. From 6 a.m. to 12 midnight the draw shall open on signal from three minutes before to three minutes after the hour and half-hour.

(3) From December 2 through April 30 the draw shall open on signal if at least 24 hours notice is given.

(4) The draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety, vessels in distress, commercial vessels, or vessels seeking shelter from rough weather, even though the closed periods are in effect.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: June 5, 1980.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 80-17806 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical Benefits; Readjustment Counseling for Vietnam Era Veterans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) has added regulations to comply with the Veterans Health Care Amendments of 1979. This law mandates that the VA provide readjustment counseling and related mental health services to Vietnam era veterans. The law allows for the providing for these services through contract sources. Contractors will be required to meet quality and effectiveness standards established by the Veterans Administration before they can be authorized to provide services.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Donald G. Crawford (202-389-3317)

SUPPLEMENTARY INFORMATION: On page 22979 of the **Federal Register** of April 4, 1980, proposed new §§ 17.57 and 17.58, Title 38, Code of Federal Regulations were published.

Interested persons were given 30 days to submit comments, suggestions, or recommendations to the proposed regulations. Seven comments were received all of which generally supported the regulations, however, several suggestions were made.

One suggestion was to amend § 17.57(b) to expand the authority for conducting the initial assessment in order that contractors be authorized to conduct such an assessment. Expanding the authority for conducting the assessments is unnecessary as this section already provides for arranging with contractors to conduct the assessments.

Two writers suggested adding further specific reference of examples in § 17.58(c)(3)(i) of types of providers with whom contractors may arrange for furnishing the full range of services that must be available in accordance with § 17.58(c)(2) where the contractor does not offer all of those services. The specific references which were included were intended as examples only; therefore, additional specific references are unnecessary. Contractors will be

considered to have met this requirement as long as they can demonstrate that they have an established referral system for obtaining the services that may be necessary and which they are incapable of providing directly.

One other suggestion was to make the "congressional intent" to place physicians and psychologists on parity more explicit in the regulations. Such a change is unnecessary as the regulations will provide identical responsibility and authority for physicians and psychologists in the assessment and counseling services of this Program.

One comment was that the requirement for contractors to show evidence of having successfully treated Vietnam era veterans may be unnecessarily restrictive. We do not agree. The program was designed to be operated in a way that it is especially sensitive to the needs of Vietnam era veterans. Vietnam era veterans constitute a sufficiently large and longstanding population that this requirement is realistic to achieve the special sensitivity that is required.

One other respondent suggested that the delimiting date for applications be extended and that the services of the program be extended to post-Vietnam era veterans. We cannot respond to these comments in the regulations themselves as these suggested changes would require further legislation.

One comment requested amendment of § 17.57(c) to specifically provide for the counseling of family members. This is unnecessary as § 17.57(d) provides that authority.

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

Approved: June 5, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

A new centerhead and §§ 17.57 and 17.58 are added as follows:

Readjustment Counseling

§ 17.57 Readjustment counseling and related mental health services.

(a) Readjustment counseling, including a general mental and psychological assessment to ascertain whether an individual has mental or psychological problems associated with readjustments to civilian life, and, if indicated, related mental health services will be furnished, under the conditions stated, to veterans:

(1) Who have served on active duty during the Vietnam era, and

(2) Whose application is filed within 2 years from date of discharge or September 30, 1981, whichever is later.

(b) Mental health services may be provided, subject to the conditions of § 17.60(f), only when the Veterans Administration physician or psychologist who conducts the general assessment determines that the veteran needs such services to facilitate readjustment to civilian life. In areas where no Veterans Administration physican or psychologist is available, the Chief Medical Director or designee may arrange for contracts with physicians or psychologists to conduct such assessments.

(c) When the physician or psychologist conducting the assessment determines that the veteran needs services, authorized under paragraph (a) or (b) of this section, to facilitate readjustment to civilian life, the needed readjustment counseling and related mental health services will be provided within the Veterans Administration or other government facilities, or, when such facilities are not capable of furnishing the services required or cannot do so economically because of geographic inaccessibility, by contract under § 17.58.

(d) Mental health services under § 17.60(f) may be furnished if essential to the effective treatment and readjustment of a veteran furnished services under paragraph (b) of this section.

§ 17.58 Contracts for readjustment counseling or mental health services.

(a) Contracts for conducting general mental and psychological assessments authorized to be contracted for under § 17.57(b) may be awarded by the Chief Medical Director or designee, but only to responsible contractors determined by that official to be fully capable of making the general assessments.

(b) Contracts for providing readjustment counseling and related mental health services authorized under § 17.57 may be awarded by the Chief Medical Director or designee in accordance with applicable Veterans Administration and Federal procurement procedures.

(c) A provider of readjustment counseling and related mental health services must meet the following requirements to be eligible for award of a contract under paragraph (b) of this section.

(1) Be committed in principle, as evidenced by the provider's by-laws or established statement of goals and procedures, to furnishing readjustment or rehabilitative services to Vietnam era veterans, or have a mission statement reflecting a commitment to provide mental health or rehabilitative services.

(2) Demonstrate by means of an established written protocol, plan or procedure an existing capability to furnish Vietnam era veterans the following services:

(i) Family counseling,

(ii) Job and career counseling,

(iii) Substance abuse counseling,

(iv) Psychological counseling,

(v) Social or cultural counseling,

(vi) Physical assessment, medical treatment or therapy, and

(vii) Peer group therapy.

(3) Demonstrate, where incapable of furnishing directly all of the services listed in paragraph (c)(2) of this section, the following:

(i) The manner by which it will assure that those services, which it is not capable of furnishing directly, will be delivered when needed, for example through an agreement with a community mental health center, consulting psychiatrist, or other mechanism,

(ii) The existence of systems to assure that such services as the provider is incapable of furnishing directly are delivered and to assure that the quality of such services is satisfactory,

(iii) That the consultant or other entity with which the primary contractor arranges for providing services listed in paragraph (c)(2) of this section, meets the other requirements of this paragraph as a prerequisite of contract award.

(4) Have evidence, prior to submitting an application to contract under this section, that the provider has satisfactorily furnished to other Vietnam era veterans those services for which the provider seeks to contract.

(5) Include at least one psyciatrist or clinical psychologist on its regular staff (in the case of a contract proposal from an entity which does not have either a psychiatric or clinical psychologist on its regular staff, but which lists a psychiatric or clinical psychologist as a consultant who is on call during regular working hours or otherwise determined by the Chief Medical Director or designee to be reasonably available to perform services under the contract, at no additional cost to the Veterans Administration, this staffing criterion may be considered to be met),

(6) Include at least one staff member who is a Vietnam era veteran or who has had documented, relevant experience in working with Vietnam era veterans, and

(7) Have a commitment to a set of established practices which include the following:

(i) Individualized plans for rendering readjustment counseling and related

mental health services to each Vietnam era veteran,

(ii) Scrupulous safeguarding of the records, reports or other private information of clients against disclosure, except with the client's informed written consent, and

(iii) A spirit or atmosphere of helpfulness and dedication to stimulate motivation for self help in the clients.

(d) In making and approving awards under this section the Chief Medical Director or designee will give preference to the following factors:

(1) Experience in rendering readjustment counseling and related mental health services to Vietnam era veterans.

(2) Evidence of commitment to the purpose of 38 U.S.C. 612A, and to the interest of Vietnam era veterans generally.

(3) The degree to which the anticipated quantity and quality of the proposed services appears favorable in relation to the rates of compensation and other fees requested, particularly as contrasted with comparable data from other providers.

(4) Substantial and reliable evidence that the provider's staff conveys a spirit of helpfulness to its clientele and successfully motivates them for self help, particularly if this can be objectively demonstrated.

(38 U.S.C. 612A)

[FR Doc. 80-17727 Filed 6-11-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

[OPP-250025; FRL 1512-8]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Classification of Uses of Certain Active Ingredients for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture of a Final Regulation.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final regulation classifying uses of certain pesticide active ingredients for restricted use.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop, Office of Pesticide Programs (TS-767), EPA, Room 345, East Tower, 401 M Street, S.W., Washington, D.C. 20460, (202)426-2510.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 92-516, 86 Stat. 973; pub. L. 94-140, 89 Stat. 753; 7 U.S.C. 136 et seq.) provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulation within 15 days after receiving it, the Administrator shall publish in the **Federal Register** (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulations, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 15-day period.

Pursuant to FIFRA Section 25(a)(3), a copy of a regulation adding certain uses of additional active ingredients which EPA has classified for restricted use has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by section 25(d).

(Sec. 25, (Pub. L. 92-515, 86 Stat. 973, Pub. L. 94-140, 89 Stat. 753; 7 U.S.C. 136 et seq.)).

Dated: June 5, 1980.

James M. Conlon,

Deputy Assistant Administrator, for Pesticide Programs.

[FR Doc. 80-17737 Filed 6-11-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-15

[FPR Amdt. 201]

Contract Cost Principles and Procedures; Cost Principles for Educational Institutions

Correction

In FR Doc. 80-1489, published at 45 FR 3296, January 17, 1980 the following corrections are made:

1. At page 3297, first column, the first two paragraphs of the "Supplementary Information" are corrected to read as follows:

"**SUPPLEMENTARY INFORMATION:** The revision to Subpart 1-15.3 pertaining to contracts with educational institutions supersedes all existing coverage in Subparts 1-15.3 and 1-15.8.

The table of contents for Part 1-15 is amended by revising all entries for Subpart 1-15.3 and by deleting all entries for Subpart 1-15.8 as follows:"

2. At page 3304, third column, paragraph 6.b. is corrected to read:

6. *Compensation for personal services.*

* * * * *

b. *Payroll distribution.* For each organizational unit of an institution, the distribution of salaries and wages of professorial or professional staff (whether charged direct or required to be distributed to more than one activity for purposes of allocating indirect costs) will be based on either a system of monitored workload or a system of personnel activity reports. The latter system will be used for nonprofessional employees whose costs are charged direct or are required to be distributed to more than one activity for purposes of allocating indirect costs. In the use of either method, it is recognized that, because of the nature of work involved in academic institutions, the various and often interrelated activities of professorial and professional employees frequently cannot be measured with a high degree of precision, that reliance must be placed on reasonably accurate approximations, and that acceptance of a degree of tolerance in measurement is appropriate.

* * * * *

3. At page 3305, second column, paragraph d.(3) is corrected to read:

d. *Personnel activity reports.*

* * * * *

(3) Each report will account for 100 percent of the activity for which the employee is compensated and which is required in fulfillment of the employee's obligations to the institution. The report will reasonably reflect the percentage of activity applicable to each sponsored agreement, each indirect cost category, and each major function of the institution.

* * * * *

4. At page 3305, third column, paragraph e.(2)(a) is corrected to read:

e. *Salary rates for faculty members.*

* * * * *

(2) *Periods outside the academic year.* (a) Except as otherwise specified for teaching activity in (b) below, charges for work performed by faculty members on sponsored agreements during the summer months or other period not included in the base salary period will be determined for each faculty member at a rate not in excess of the base salary divided by the period to which the base salary relates, and will be limited to

charges made in accordance with other parts of this section. The base salary period used in computing charges for work performed during the summer months will be the number of months covered by the faculty member's official academic year appointment.

* * * * *

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1063 and 1067

Funding of CSA Grantees

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration (CSA) is filing a final rule setting forth three additional policies governing the use as venture capital of funds granted under Title II of the Economic Opportunity Act of 1964, as amended. First, CSA is adding a new appendix to the General Conditions Governing CSA Grants (45 CFR 1067.5). This appendix extends the applicability of CSA directives to ventures funded under Title II, will provide for prior CSA approval of corporate documents and stock issuances, and will limit the encumbrance of assets acquired with grant funds. Second, CSA is adding a new paragraph to the Application Process for Funds Under Title II, Sections 221, 222(a), and 231 of the EOA (45 CFR 1067.40–3). This paragraph provides for the submission of additional documentation in support of a venture during the application process. Third, CSA is amending its policy on contracts for performance of components of the grant work program in order to allow ventures to be operated by profitmaking entities (45 CFR 1063.131–3). These additional controls protect the Federal interest in ventures funded under Title II and assure that those ventures serve the purposes of Title II.

EFFECTIVE DATE: July 14, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph D. Reid, Community Services Administration, Office of Community Action, 1200 19th Street NW., Washington, D.C. 20506; telephone (202) 254–6473; teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: On March 3, 1980 (45 FR 13782), the Community Services Administration published in the **Federal Register** a proposed rule setting forth two additional policies governing the use as venture capital of funds granted under Title II of the Economic Opportunity Act of 1964, as amended. We received written responses to the proposed rule from two CSA grantees in California.

One grantee from California notes that in describing the proposed rule in the Supplementary Information, we stated that a venture funded under Title II cannot yield a profit to an individual. Doesn't this restriction "remove the heart from economic development?" We respond that the proposed rule would in fact prevent a venture funded under Title II from yielding a profit to an individual insofar as the grantee would operate the venture itself as a nonprofit entity or would delegate operation of the venture to another nonprofit organization. The proposed rule was structured this way in order to guarantee that the primary purpose for undertaking a venture with Title II funds was not to yield a profit per se, but to serve the purposes of Title II in reducing poverty in the community. Since this structuring may unduly restrict the options for operating a venture, we are amending in the final rule CSA's policy on delegating components of the grant work program in order to allow grantees undertaking a venture to contract with profit-making entities. One must bear in mind, however, that while the venture under this arrangement may incidently return a profit to an individual, CSA will consider for funding only those proposed ventures which are designed to serve the purposes of Title II and which show promise of reducing poverty in the community.

In its comments, the other grantee from California suggests that the proposed rule is not specific enough in its requirements for submitting a grant application in which a venture is an element in the work program and that grantees proposing to undertake ventures should first develop a community economic development plan. We respond that this suggested requirement is quite similar to the planning requirements for Community Action Agencies under the proposed grant management system published in the **Federal Register** on August 30, 1979. Under the proposed rule a Community Action Agency must first identify the poverty problems in the community as part of its four-year plan of action before it can offer a venture as a strategy to solve one of these problems. We also agree with this grantee's suggestions concerning assessment of and training for the management team of the venture.

We are deleting from the final rule the proposed General Condition concerning the payment of consultants. This policy is no longer necessary since CSA has implemented the Uniform Federal Standards governing grantee procurement promulgated by OMB Circulars A–102 and A–110. See the **Federal Register** of April 28, 1980, for this policy statement.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

Frank N. Jones,

Acting Director.

PART 1067—FUNDING OF CSA GRANTEES

1. 45 CFR, Subpart 1067.5, General Conditions Governing CSA grants funded under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, is amended by adding a new Appendix C:

Appendix C

Addendum to the General Conditions for Grants made under Title II of the Economic Opportunity Act of 1964, as amended, in which grant funds will be used as venture capital.

1. *Applicability of CSA Directives.* These conditions and all CSA policy statements applicable to grants made under Title II of the Economic Opportunity Act of 1964, as amended, shall be binding on this grantee and on any agency or organization with which the grantee contracts for performance of a component of the grant work program. Where a particular CSA directive would be clearly inappropriate to the successful performance of the venture activity, the grantee may request in writing an exception to compliance from the appropriate CSA administering office.

2. *CSA Approval of Corporate Documents.* No funds shall be expended by the grantee or by a contracting organization until the articles of incorporation and the bylaws of these entities have been submitted to the appropriate CSA administering office and have been approved in writing. After initial approval and so long as there is a grant relationship between CSA and the grantee, these articles and bylaws shall not be amended without the written concurrence of the appropriate CSA administering office.

3. *Issuance of Securities.* A contracting organization which is incorporated as a profit-making entity may not issue securities without prior approval of the appropriate CSA administering office. Copies of any registration statement or notification or prospectus or offering circular prepared in conjunction with an issuance of securities should be sent to the appropriate CSA administering office. Copies of any other documents which the issuer is required to file in connection with any issuance of securities, whether by Federal securities laws or by state blue sky laws, should be sent to the appropriate CSA administering office.

4. *Encumbrance of Assets Acquired with Grant Funds.* Neither the grantee nor a contracting organization may mortgage or otherwise encumber stock or other assets acquired with grant funds without the prior written approval of the appropriate CSA administering office.

2. In 45 CFR 1067.40–3 paragraph (g) is redesignated paragraph (h) and the following new paragraph (g) is added:

§ 1067.40–3 Application Process for Funds Under Title II, Sections 221, 222(a), and 231 of the EOA.

* * * * *

(g) *Additional required documents when grant funds are used as venture capital.* When a grantee proposes to undertake an activity using Title II funds as venture capital, the venture must be reported as an activity on CSA Form 419 of the grant application, for which the appropriate Standards of Effectiveness (§ 1067.4) must be addressed. If the grantee will not operate the venture itself, it shall arrange to sign a contract with the organization which will operate the venture. See § 1063.131 of this chapter for a discussion of the requirements when contracting with an organization to perform a component of the grant work program. In addition, the grantee shall submit the following materials, as appropriate, in support of the Form 419:

(1) Documentation that there will be no substantial negative impact on existing small businesses;

(2) Appropriate feasibility studies and cost analyses;

(3) Certified balance sheets and profit and loss statements for the immediately preceding three years or from the commencement of its operation (whichever period is shorter) if funds are to be used for the acquisition, preservation, or expansion of an existing business venture;

(4) Cash-flow projections and pro forma profit and loss statements and balance sheets estimated on a monthly basis for two years;

(5) Resumes of the management team;

(6) The articles of incorporation and the bylaws of the venture.

PART 1063—COMMUNITY ACTION AGENCIES; MISSION AND FUNCTIONS

3. In 45 CFR 1063.131–3, *Means of Carrying out a Community Action Program*, paragraph (a) is deleted and replaced by the following new paragraph (a):

§ 1063.131–3 Means of carrying out a community action program.

(a) In planning, conducting, and administering the grant work program, a grantee may:

(1) Perform the components of the grant work program with its own staff.

(2) Contract with another public or private nonprofit organization to perform a component of the grant work program. A grantee may contract with an organization incorporated as a profit-making entity for the performance of a component of the grant work program which involves the use of grant funds as venture capital. When a grantee proposes to contract with a church or church-related organization for the performance of a component of the grant work program, it shall demonstrate that no available alternative organizations can operate the component as economically or as efficiently. In addition, the grantee shall incorporate into the contract the special conditions found in § 1067.9 of this chapter.

(3) Retain the services of qualified consultants or other organizations, whether nonprofit or profit-making, to conduct specialized activities or to provide advice under contract. In general, consultants or other organizations should be used only when it is not feasible to operate a program by using the staff of the grantee or of other local public or private, nonprofit organizations. See § 1068.41 of this chapter for a copy of the standard CSA contract form which may be used in retaining the services of consultants and other organizations. See § 1050.160 of this chapter for policy governing the procurement of consultant services.

* * * * *

[FR Doc. 80–17815 Filed 6–11–80; 8:45 am]
BILLING CODE 6315–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 19

Change of All References to the U.S. Civil Service Commission Account for the Establishment of the U.S. Office of Personnel Management

AGENCY: Federal Communications Commission.

ACTION: Amendment of rules.

SUMMARY: These amendments update the Commission's rules changing all references to the U.S. Civil Service Commission to account for the establishment of the U.S. Office of Personnel Management.

EFFECTIVE DATE: June 13, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Jr., Office of Executive Director, (202) 632–7513.

SUPPLEMENTARY INFORMATION:

Order

Adopted: May 28, 1980.

Released: May 29, 1980.

1. With the establishment of the Office of Personnel Management to replace the Civil Service Commission, the FCC has reviewed pertinent sections of its rules and regulations which contain references to the "Civil Service Commission." This Order makes appropriate changes to the rules to update such references.

2. Since the amendments being adopted are editorial in nature the prior notice and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable. Authority for the amendments being adopted is contained in Section 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations.

3. In view of the foregoing, It is ordered, effective June 13, 1980, that Parts 0 and 19 of the rules and regulations are amended as set forth in the appendix below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

R. D. Lichtwardt,

Executive Director.

Appendix

Chapter I of Title 47 of the Code of Federal Regulations is hereby amended as indicated below:

PART 0—COMMISSION ORGANIZATION

§ 0.152 [Amended]

1. In § 0.152(d) the words "U.S. Civil Service Commission" are changed to read "U.S. Office of Personnel Management."

§ 0.457 [Amended]

2. In § 0.457(f)(1) the words "U.S. Civil Service Commission" are changed to read "U.S. Office of Personnel Management" and the words "Civil Service Commission" are changed to read "Office of Personnel Management."

§§ 0.556 and 0.557 [Amended]

3. In §§ 0.556(a), 0.556(c)(2)(ii), and 0.557(a) the words "Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission" are changed to read "Assistant Director for Agency Compliance and Evaluation, Agency Relations, Office of Personnel Management."

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

§§ 19.735–101, 19.735–102, 19.735–104, 19.735–105, 19.735–401, and 19.735–410 [Amended]

4. In §§ 19.735–101, 19.735–102(g), 19.735–104(b), 19.735–104(b)(2), 19.735–104(b)(5), 19.735–104(b)(6), 19.735–104(c), 19.735–105(a), 19.735–105(e), 19.735–401,

and 19.735–410, the words "Civil Service Commission" are changed to read "Office of Personnel Management."

§ 19.735–203 [Amended]

5. In § 19.735–203(c) the words "Civil Service" are changed to read "Office of Personnel Management."

§§ 19.735–102, 19.735–104, 19.735–201, 19.735–203, 19.735–301, and 19.735–402 [Amended]

6. In §§ 19.735–102(g), 19.735–104(a), 19.735–104(a)(1), 19.735–104(a)(2), 19.735–201, 19.735–203(c), 19.735–301, and 19.735–402, the words "Civil Service Regulations" are changed to read "Office of Personnel Management Regulations."

[FR Doc. 80–17723 Filed 6–11–80; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 229

[Docket No. LI–6, Notice No. 4]

Railroad Locomotive Safety Standards

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to final rule.

SUMMARY: This document amends the final rule published on March 31, 1980 (45 FR 21092), revising the locomotive inspection regulations. Section 229.23(c) of the final rule is amended to require that each locomotive in use on or before April 30, 1980, receive an initial periodic inspection within 92 days of the last 30-day inspection completed under the prior rules (49 CFR Part 230). The effect of this action is to determine the date by which the initial periodic inspection for each locomotive must be completed based on the date of the last 30-day inspection. Without this amendment, § 229.23(c) would have required that each locomotive receive an initial periodic inspection before July 1, 1980.

EFFECTIVE DATE: This amendment is effective June 12, 1980.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Arthur T. Ireland, Office of Standards and Procedures, Federal Railroad Administration, Room 7315, 400 Seventh Street, S.W., Washington, DC 20590, telephone 202–426–9186. Principal Attorney: Michael E. Chase, Office of Chief Counsel, Federal Railroad Administration, Room 8209, 400 Seventh Street, S.W., Washington, DC 20590, telephone 202–426–8836.

SUPPLEMENTAL INFORMATION: On March 31, 1980, FRA published in the **Federal Register** a revision of its rules pertaining to railroad locomotive inspection. The revision, effective on May 1, 1980, established a new Part 229 in Title 49 of the CFR, applicable to all locomotives except those propelled by steam power. Section 229.23(c) of that rule provided that each locomotive in use on or before April 30, 1980, shall receive an initial periodic inspection before July 1, 1980. The period from the effective date (May 1, 1980) to July 1, 1980, is 62 days in length or more than twice as long as the 30-day inspection required under the prior rules. Subsequent to the initial periodic inspection, each locomotive is required to have a periodic inspection at intervals not in excess of 92 days.

The FRA believes that railroad safety requires a thorough inspection of locomotives at least every 92 days. FRA designed the transition from the prior rules to the new rules to insure that no locomotive went more than 92 days between thorough inspections as a result of the rule change. July 1, 1980, was selected as the cutoff date for completing the initial periodic inspection since locomotives that would have had their 30-day inspection due on May 1, 1980, under the prior rule (i.e., the locomotive last received a 30-day inspection on April 1, 1980), would go a full 92 days without an inspection by July 1, 1980. FRA believed a single cutoff date was the simplest, easiest, and most readily understandable transition scheme.

FRA adopted this transition method only after putting the major tests required by the Part (§§ 229.27, .29, and .31) on a time basis rather than tying them to the periodic inspection system. Thus, the major air brake work was uncoupled from the periodic inspection, making the periodic inspection an extended 30-day inspection in most respects. This separation was requested by the AAR and numerous railroad commenters during the rulemaking proceeding. They stated that the major tests are not necessarily related to the periodic inspection and that no connection of the major tests to the periodic inspection should be required.

However, at a recent conference held subsequent to issuance of the revision, several railroads indicated that they intended to tie the major tests to the periodic inspections. Some also indicated that they even tied their own maintenance work to the time a locomotive is brought into a repair shop for FRA inspections. Hence, they urged that a full 92-day period for transition be available to avoid an extra shopping of the locomotive and to facilitate a smooth transition from the old inspection system to the new inspection system.

In response to this new information, FRA has amended this section to require that the initial periodic inspection be conducted within 92 days of the last 30-day inspection made under the prior rules. The FRA believes that this transition schedule will permit those railroads whose major maintenance work or completion of the required major tests has been tied to the 30-day periodic inspection to smoothly transition to the 92-day inspection period.

The FRA does not view this amendment as a substantive change, but only as a clarification of the transition schedule. FRA's primary concern is that the interval between the last 30-day inspection and the initial periodic inspection of locomotives does not exceed 92 days. Under a transition schedule using either an absolute cutoff date for completion of the initial periodic inspection (e.g., July 1, 1980) or a date calculated with reference to the last 30-day inspection, the safety concern of FRA in the thorough inspection of locomotives at least once every 92 days is still met.

The FRA has determined that further notice and public procedure on this amendment are impracticable and contrary to the public interest. The transition from the old inspection system to the new system is currently taking place and the need to clarify the transition method is critical. Nothing in this amendment affects the date that any other test or inspection required by Part 229 is to be accomplished.

FRA has determined that this document does not contain a significant regulation. Therefore, a regulatory analysis under Executive Order 12044 is not required (E. O. 12044, 43 FR 12661, March 24, 1978). The FRA has also determined that this rulemaking does not involve the issuance of a significant regulation under DOT policies for evaluating regulatory impacts (Regulatory Policies and Procedures, 44 FR 11034, February 26, 1979) since this amendment is only a minor technical change to facilitate an orderly transition from the prior locomotive inspection regulations to the new locomotive safety standards. For the same reason, this rulemaking does not constitute a major action requiring an environmental assessment (44 FR 16062, March 16, 1977), nor does it have any impact on small business requiring a small business impact statement.

In consideration of the foregoing, 49 CFR 229.23(c) is amended to read as follows:

§ 229.23 Periodic inspection General.

* * * * *

(c) After April 30, 1980, each new locomotive shall receive an initial periodic inspection before it is used. Except as provided in § 229.33, each locomotive in use on or before April 30, 1980, shall receive an initial periodic inspection within 92 days of the last 30-day inspection performed under the prior rules (49 CFR 230.331 and .451). At the initial periodic inspection, the date and place of the last tests performed that are the equivalent of the tests required by §§ 229.27, 229.29, and 229.31 shall be entered on Form FRA F 6180–49A. These dates shall determine when the tests first become due under §§ 229.27, 229.29, and 229.31. Out of use credit may be carried over from Form FRA F 6180–49 and entered on Form FRA F 6180–49A.

* * * * *

(Secs. 1, 2, 5, 59, 36 Stat. 913, 914 [45 U.S.C. 22, 23, 28, 343]; Sec. 6 (e) and (f), 80 Stat. 939, 940 (49 U.S.C. 1655 (e) and (f))

Issued in Washington, DC on June 9, 1980.

John M. Sullivan,

Administrator.

[FR Doc. 80-17810 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Directed Service Order No. 1437; Supplemental Order No. 3]

Regional Transportation Authority—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee) Over Chicago Commuter Line

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1437, Supplemental Order No. 3.

SUMMARY: Pursuant to Section 120, Pub. L. 96–254, enacted May 30, 1980, (Rock Island Transition Act or RITA) the Commission is extending for two years the authorization of the Illinois Regional Transportation Authority (RTA) to provide service as a "directed rail carrier" (DRC)—without federal subsidization under 49 U.S.C. 11125(b)(5)—over the Chicago-Joliet, IL, commuter line owned by the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)("Rock Island" or "RI").

DATES:

Effective Date—This decision shall be effective on May 30, 1980.

Expiration Date—Unless otherwise modified by the Commission, DSO No. 1437 as revised, will expire at 11:59 p.m. (central time) May 29, 1982, or upon consummation of sale of the line.

FOR FURTHER INFORMATION CONTACT: Richard J. Schiefelbein, (202) 275–0826 or Joel E. Burns, (202) 275–7849.

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

The Rock Island has been in bankruptcy proceedings since 1975. In September 1979, its cash flow position became so severe as to prevent the continuation of normal rail operations. Accordingly, we issued Directed Service Order No. 1398 (and supplements thereto) directing the Kansas City Terminal Railway Company (KCT) to provide service under 49 U.S.C. 11125 as a subsidized "directed rail carrier" (DRC) over the Rock Island rail system. *Kansas City Term. Ry. Co.—Operate—Chicago, R.I.&P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733, and 45 FR 14578 (1979–80). That order expired on March 23, 1980.

On March 20, 1980, we issued DSO No. 1437, 45 FR 21641 (April 2, 1980), authorizing the RTA to provide interim service—without federal subsidization under 49 U.S.C. 11125(b)(5)—over the Chicago-Joliet, IL, commuter line owned by Rock Island, from March 24 through May 31, 1980, inclusive. The terms and conditions of DSO No. 1437 were modified by Supplemental Order No. 1, issued March 25, 1980, and published with DSO No. 1437, by adding a requirement that RTA and the RI Trustee negotiate regarding use of Rock Island tracks and related facilities. In the event of failure to reach agreement, we reserved the right to set reasonable compensation terms.

RTA and the Trustee were unable to reach agreement regarding rent for use of the Chicago-Joliet commuter line. Therefore, the Commission set terms of compensation for use of the line in DSO No. 1437 Supplemental Order No. 2, served May 19, 1980, 45 FR 34002 (May 21, 1980). In that decision we found that reasonable compensation for use of the Chicago-Joliet line should be computed in accordance with the principles of the *Frisco compensation* [1] case, adjusted to apply costs and revenues of commuter service operations.

Discussion and Conclusion

On May 30, 1980, Pub. L. 96–254 (Rock Island Transition Act or RITA) was enacted. Section 120 of RITA provides that the Commission shall direct service, for a two-year period from the date of enactment of the Act, over any passenger commuter line of the Rock Island that was in operation on March 1, 1980, if the directed service carrier agrees to provide such service without payment under 49 U.S.C. 11125(b)(5). That section of RITA further provides that the Trustee shall receive compensation for use of Rock Island property and facilities on terms determined by the Commission to be reasonable. This two-year period will allow reasonable time for RTA and the Trustee to negotiate regarding terms of sale for the line and to obtain Court approval for the sale under section 17(b) of Pub. L. 96–101 (Nov. 4, 1979), the Milwaukee Railroad Restructuring Act (MRRA). Expeditious agreement and consummation of sale of the line, however, would make continuation of directed service for the full two-year period unnecessary.

The Chicago-Joliet commuter line was in service on March 1, 1980, pursuant to the terms of DSO No. 1398. The RI Trustee and the RTA have not reached agreement for sale of the line. At present it is operated by RTA pursuant to DSO No. 1437, as revised. DSO No. 1437, as revised, authorizes RTA to perform directed rail operations over the Chicago-Joliet line, on the condition that it waive federal subsidy under 49 U.S.C. § 11125(b)(5) and pay compensation for use of the line in accordance with terms found to be reasonable in DSO No. 1437, supplemental Order No. 2. Therefore, we conclude that the terms of DSO No. 1437, as revised, satisfy the mandate of section 120 of RITA. Accordingly, the terms and conditions of DSO No. 1437, as revised, should be modified by deleting the paragraph entitled *Expiration Date*, and by substituting the following:

Expiration Date: Unless otherwise modified by the Commission, DSO No. 1437, as revised, will expire at 11:59 p.m. central time, May 29, 1982, or upon consummation of sale of the line. The Commission lacks jurisdiction to direct service beyond that date.

The terms 49 CFR § 1033.1437 should be modified by deleting sub-paragraphs (1)(a) and (9) and substituting the following:

[1] Finance Docket No. 29305, *St. Louis-San Francisco Railway Company—Compensation for Use of Terminal Tracks—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)*, —— I.C.C. —— (decided April 7, 1980), 45 FR 25401 (April 15, 1980).

§ 1033.1437 Directed Service Order No. 1437.

* * * * *

(a) The entry may occur no earlier than 12:01 a.m. (central time) on March 24, 1980 and shall continue no later than 11:59 p.m. (central time) on May 29, 1982, or upon consummation of sale of the line.

* * * * *

(9) *Expiration Date*—Unless otherwise modified by the Commission, DSO No. 1437 will expire at 11:59 p.m. (central time) May 29, 1982, or upon consummation of sale of the line.

* * * * *

We find:

1. The Chicago-Joliet commuter line was in operation on March 1, 1980.

2. The RI Trustee and the RTA have not reached agreement for sale of the line.

3. DSO No. 1437, as revised, should remain in effect for a period of two years from the date of enactment of the Rock Island Transition Act, or until sale of the line is consummated.

4. This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106 and 1108.

It is ordered:

1. DSO No. 1437, as revised, is modified in accordance with the terms of this decision.

2. This decision shall be effective on May 30, 1980.

Dated: May 28, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Grisham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Gilliam absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-17714 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1047

[No. MC-C-3437 (Sub-No. 9)]

Exempt Zones—Specified Major Air Cargo Centers

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The rules adopted in this document expand air terminal zones at specified major "air cargo centers." The new rules allow exempt motor carrier operations [conducted pursuant to the "incidental to transportation by aircraft" exemption set forth in section 10526(a)(8) of the Interstate Commerce Act] to be performed within certain geographical areas comprised of the combined specified air terminal zones of several airports which generally serve the same territory. The rules are designed to end the confusion which results from a major center's being served by serveral airports that have different terminal zones.

EFFECTIVE DATE: July 14, 1980.

FOR FURTHER INFORMATION CONTACT:

Frederick T. Stocker, 202-275-7953,
or
Donald J. Shaw, Jr., 202-275-7292.

SUPPLEMENTARY INFORMATION: In *Motor Transportation of Property Incidental to Transportation by Aircraft,* 131 M.C.C. 87 (1978), 44 FR 3955, we adopted regulations (effective June 26, 1979) which redefined and generally expanded air terminal zones [the areas within which certain motor carrier transportation of property is incidental to transportation by aircraft, and, therefore, within the ambit of the partial exemption from economic regulation set forth in 49 U.S.C. 10526(a)(8)]. The air terminal zone at any particular airport was defined as extending 35 miles from the boundary of the pertinent airport, as well as a geographical area within 35 miles of the corporate limits of any municipality, any part of whose commercial zone falls within 35 miles of the boundary of the pertinent airport. Additional rules have been adopted subsequently which included certain points, which were previously included in pickup and delivery traffic properly filed within the Civil Aeronautics Board, within the air terminal zones of specified airports. No. MC-C-3437 (Sub-No. 8), *Specified Air Terminal Zones,* 44 FR 65590 (1979).

As we indicated in our notice of proposed rules in this proceeding, it has been brought to our attention that at six major air cargo centers (Los Angeles, Ontario, and San Diego, CA;[1] San Francisco and Oakland, CA; Chicago, IL; New York, NY, and Newark, NJ; Miami and Ft. Lauderdale, FL; and Baltimore, MD, and Washington, DC), a serious operating and service problem has been created by reason of the fact that each of these air cargo centers is served by more than one airport, and the air terminal zone of each such airport differs from the air terminal zone of the other airport or airports serving the same air cargo center. Consequently, outlying points which are within the air terminal zone of one of the airports serving a particular air cargo center may not be within the air terminal zone of the other airport or airports serving that same air cargo center. This results from the airports' being in different locations and the respective air terminal zones' being measured from the boundary of each individual airport.

No public comments have been filed disputing that the operational and service problems complained of by petitioner exist. We construe this lack of comment as an indication that the rules proposed in our prior notice are in the best interest of the shipping, receiving, and consuming public. The rules adopted here expand the air terminal zones at specified major air cargo centers, allowing exempt motor carrier operations to be performed within certain geographical areas comprised of the combined specified air terminal zones of serveral airports which generally serve the same territory.

As we noted previously, the shipping public perceives air transportation at a particular air cargo center as being provided by the airlines scheduled into and out of all of the airports serving that center. For example, a shipper who happens to be located in Connecticut within the air terminal zone of La Guardia Airport, may be outside of the air terminal zone of John F. Kennedy International Airport or Newark Airport. The shipper does not expect that an air cargo shipment will be held at La Guardia Airport until a scheduled flight from that airport departs, if an earlier and more appropriate schedule is departing from one of the other aiports. It has paid a premium price for this service and has a right to expect prompt service.

Likewise, the airlines traditionally route the air cargo shipments to the particular airport where the most expeditious service will result. Each of the six named major air cargo centers is served by two or three airports. The problems addressed here presently exist at a large number of outlying cities and towns within the prescribed air terminal area of one of those airports, but not the other or others. As a result, shippers and consignees are provided with less than the full spectrum of air service available to and from their air cargo center.

Moreover, the shifting of airline schedules between the airports serving these six air cargo centers often occurs on a seasonal basis as a result of

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[1] In a pleading filed March 18, 1980, the petitioner in this proceeding seeks to amend its original proposal by deleting San Diego from the concerned southern California air cargo center. Petitioner notes that inclusion of San Diego in its proposal was erroneous because, in fact, the San Diego International Airport does *not* serve as an airport for the Los Angeles-Ontario air cargo center, and, likewise, the Los Angeles International Airport does *not* serve as an airport for the San Diego area. In the circumstances, no good reason appears for not abiding by petitioner's wishes. The amendment is granted, and San Diego will not be included in the involved air cargo center.

equipment requirements, gate availability, and total customer demand. Consequently, a situation exists where a shipper can be offered the desired schedules at a particular airport during one part of the year and not during another.

By analogy, we previously pointed out that, in the six specified air cargo centers, passengers use all of the airports serving the center, depending on the convenience of the scheduled flights. For example, passengers in the Washington-Baltimore area use Washington National, Dulles International, and Baltimore-Washington International Airports, depending upon which airport has the most convenient and desirable schedule to meet their particular needs. We believe that shippers of air freight should be able to exercise the same type of option in connection with the involved exemption. This would eliminate the confusion from the differences in the scope of the air terminal zone of the multiple airports serving the involved major air cargo centers.

The new rule promulgated here, which combines the specified air terminal zones of several airports serving the six particular air cargo centers, will alleviate the operational and service problems which have been brought to our attention. The new rule, which groups the airports whose air terminal areas are to be combined, will be listed as an exception to the pertinent air terminal zone regulations and labeled 49 CFR 1047.40(b)(2). Those parts of subsection (b) of the present regulations labeled (2) and (3) will be renumbered parts (3) and (4).

One final point should be mentioned. In taking this action we are fully aware that pending legislation could alter the scope of the exemption from regulation for the motor carrier transportation of ex-air traffic. The regulations are promulgated as an interim measure, pending Congressional action. The operational and service problems identified in the proceeding dictate our present action.

Final Rules

§ 1047.40 [Amended]

49 CFR 1047.40 is amended by making the changes set forth below:

1. Redesignate present subparagraphs (b)(2) and (b)(3) as (b)(3) and (b)(4) respectively.

2. Add new subparagraph (b)(2) to read as follows:

* * * * *

(2) In addition to transportation taking place within the exempt zone of each of the airports specified below [as described in subsections (a) part (4) and (b) part (1) above], the motor carrier transportation of property incidental to transportation by aircraft, moving over that airport, is also partially exempt from regulation [provided all other specific requirements of subsection (a) parts (1), (2), and (3) are met] if the operations are conducted within the air terminal zone(s) of the airport(s) with which it is grouped below:

Group A: San Francisco International Airport (CA), San Jose Municipal Airport (CA), Oakland International Airport (CA);
Group B: Los Angeles International Airport (CA), Ontario International Airport (CA);
Group C: John F. Kennedy International Airport (New York City, NY), La Guardia Airport (New York City, NY), Newark Municipal Airport (NJ);
Group D: Washington National Airport (DC), Dulles International Airport (VA), Baltimore-Washington International Airport (MD);
Group E: Midway Airport (Chicago, IL), O'Hare International Airport (Chicago, IL); and
Group F: Broward County International Airport (Fort Lauderdale, FL), Miami International Airport (FL).

These final rules are issued under the authority of 49 U.S.C. 10321, and 10526(a)(8) and 5 U.S.C. 553.

Dated: May 27, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Stafford dissenting with a separate expression. Commissioner Gilliam absent and not participating.

James H. Bayne,

Acting Secretary.

Commissioner Stafford (Dissenting)

I would defer any further Commission action in this area pending imminent passage of the new motor carrier legislation.

[FR Doc. 80-17718 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 911 and 944

[Lime Regulation 41, Amendment 1; Lime Regulation 8, Amdt. 1]

Limes Crown in Florida and Fruits; Import Regulations; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments continue through April 30, 1981, the current minimum grade and size requirements for Florida limes and imported limes. These actions are necessary to assure the continued shipment and importation of ample supplies of acceptable grades and sizes of limes for the rest of the 1980–81 season in the interest of producers and consumers.

EFFECTIVE DATE: June 17, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Section 911.343 Lime Regulation 41, and § 944.207 Lime Regulation 8 (45 FR 27910), set forth grade and size requirements for limes grown in Florida and for limes imported into the United States for the period May 1, through June 16, 1980. These amendments continue these requirements through April 30, 1981. The Florida lime amendment is issued under the marketing agreement and Order No. 911 (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The lime import amendment is issued under section 8e (7 U.S.C. 608e–1) of this act, which requires that when specified commodities, including limes, are regulated under a federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality, or maturity requirements as those for the domestically produced commodity. The regulation applicable to limes grown in Florida was based on information submitted by the Florida Lime Administrative Committee, which requested that the regulatory requirements be effective for the entire 1980–81 season and upon other available information. These actions would amend both the Florida and import lime regulations, to extend them for the rest of the 1980–81 season. Notice of these proposed amendments was published in the May 14, 1980, issue of the Federal Register (45 FR 31726). No comments were received during the comment period provided in the notice. It is hereby found that the amendments hereafter set forth will tend to effectuate the declared policy of the act.

The committee estimates the 1980–81 season Florida lime crop at a record 2,200,000 bushels. It estimates that 1,200,000 bushels will be shipped to the fresh market, and the remainder to processing outlets. Preliminary data indicates Florida lime trees have substantially recovered from the freeze damage that reduced production in the two prior seasons. Fresh sales in 1979–

80 are expected to approximate 600,000 boxes (equivalent to 960,000 bushels), compared with 480,000 boxes in 1978–79 and 240,000 in 1977–78. Florida is the major supplier of limes to the domestic fresh market, although imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1980–81 season.

Under these amendments, both Florida limes and imported limes must continue meeting the following minimum requirements: *True "seeded" limes*—U.S. No. 2 grade, except as to color, with no minimum size; and *Persian "seedless" limes*—U.S. Combination, Mixed Color, except stem length is not considered a factor of grade, and a minimum diameter of 1¾ inches. Florida limes shipped within the production area will be exempted from the grade requirements, if they have at least 42% juice content and are in containers not authorized for shipments of Florida limes out of the production area. Appropriate packing tolerances, with respect to the minimum size requirement, for limes smaller than 1¾ inches apply.

It is further found that good cause exists for not postponing the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice of rulemaking concerning these regulations, with an effective date of June 17, 1980, was published in the **Federal Register**, and no objection to the regulations or effective date was received; (2) the recommendation for regulation with respect to Florida limes was made at an open meeting at which interested persons could submit their views; (3) to maintain orderly marketing conditions, the regulations should be continued without interruption; and (4) the regulations will not require any special preparation by persons subject thereto which cannot be completed by the effective time.

These actions have been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that these actions should not be classified "significant." An impact analysis is available from Malvin E. McGaha, (202) 447–5975.

Accordingly, § 911.343 Lime Regulation 41, and § 944.207 Lime regulation 8 are amended to read as follows (§§ 911.343 and 944.207 expire April 30, 1981, and will not be published in the annual Code of Federal Regulations):

PART 911—LIMES GROWN IN FLORIDA

§ 911.343 Lime Regulation 41.

(a) During the period June 17, 1980, through April 30, 1981, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided* That stem length not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) are at least 1¾ inches in diameter: *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirement: *Provided further,* That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms used in this section shall mean the same as in the marketing order, and terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000–1016).

PART 944—FRUITS; IMPORT REGULATIONS

§ 944.207 Lime Regulation 8.

(a) *Applicability to imports.* Pursuant to § 8e of the act, Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited during the period June 17, 1980, through April 30, 1981, unless such limes meet the minimum grade and size requirements specified in § 911.343 Lime Regulation 41.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any person may recondition any shipment of limes prior to importation, to make it eligible for importation.

(e) *Minimum quantity exemption.* Any person may import up to 250 pounds of limes exempt from the requirements specified in this section.

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

Dated: June 11, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-17978 Filed 6-11-80; 10:53 am]

BILLING CODE 3410-02-M

Proposed Rules

Federal Register
Vol. 45, No. 115
Thursday, June 12, 1980

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 34

Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations; Disposal of Records of Pocket Dosimeter Readings

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: NRC regulations now provide that industrial radiography licensees must retain records of the daily readings of pocket dosimeters until the Commission authorizes their disposal. The NRC has decided that, since readings of film badges and thermouminescent dosimeters, which are retained indefinitely, constitute the long-term permanent records of the workers' dose, it is unnecessary for licensees to also retain pocket dosimeter readings indefinitely. This proposed rule would amend the regulation to provide that pocket dosimeter records need be retained for only two years.

DATES: Comment period expires July 28, 1980.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen A. McGuire, Occupational Health Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 443–5970.

SUPPLEMENTARY INFORMATION: At present, § 34.33(b) of U.S. Nuclear Regulatory Commission regulations requires that industrial radiographers read their pocket dosimeters and record the readings daily. Licensees are now required by § 34.33(e) to keep these records "for inspection by the Commission until it authorizes their disposal." This amendment to § 34.33(e) specifies a two-year retention time for pocket dosimeter records.

The retention requirement for the film badge or thermoluminescent dosimeter (TLD) readings, which generally form the long-term record of the worker's dose, as required by § 20.401(a), remains unchanged. These dose records must be kept until the Commission authorizes their disposal. In practice, NRC has not authorized licensees to dispose of official dose records. Licensees giving up their license or going out of business are required by § 20.408 to submit a final termination report of all worker doses required under the license.

The Commission believes that two years is an appropriate length of time to keep daily pocket dosimeter readings. The purpose of pocket dosimeter readings is to find out as soon as possible if anything has gone wrong during a day's work. These readings are also useful for comparison with the film badge or TLD report in case any unusual doses are recorded, and they assist NRC inspectors in determining if the pocket dosimeter was really used and read daily. A two-year retention time allows NRC to inspect these records fully since the interval between inspection of radiography licensees is generally less than two years. The two-year retention time also is consistent with other record retention times in Part 34 for records of similar importance; for example, records of internal inspections (§ 34.11(d)), exposure device maintenance (§ 34.28(b)), permanent installation alarms (§ 34.29(c)), and the last survey of an exposure device before ending direct surveillance of an operation (§ 34.43(c)).

Note that this amendment to Part 34 in no way changes the licensee's obligation to maintain records of radiation exposures as are required in § 20.401. Generally, the film badge or TLD reports form the basis for a radiographer's long-term dose estimate. However, it sometimes happens that the film badge or TLD is lost or cannot be read and thus no dose measurement can be made from the film badge or TLD. In this case the licensee will estimate the radiographer's dose by whatever other means are available. Both daily pocket dosimeter readings and radiation survey results are obvious sources of such dose information. As required in § 20.401(a) and (c), records of the radiographer's estimated dose must be maintained on Form NRC–5 or equivalent until the Commission authorizes their disposal.

A minor typographical error in the regulation is also being corrected.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, notice is hereby given that the following amendment to title 10, Chapter 1, Code of Federal Regulations, Part 34, is comtemplated.

1. Paragraph (e) of § 34.33, *Personnel monitoring*, is amended to read as follows:

§ 34.33 Personnel monitoring

* * * * *

(e) Reports received from the film badge or TLD processor shall be kept for inspection until the Commission authorizes their disposal. Records of daily pocket dosimeter readings shall be kept for two years.

(Sec. 161o., Pub. L. 83–703, 68 Stat. 950, as amended (42 U.S.C. 2201)).

Dated at Bethesda, Md. this 22d day of May, 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director of Operations.

[FR Doc. 80-17823 Filed 6-11-80; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Part 455

Technical Assistance and Energy Conservation Measures: Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions; Correction

AGENCY: Department of Energy.

ACTION: Correction to Notice of Inquiry; Request for Public Comment.

SUMMARY: In the Notice of Inquiry; Request for Public Comment published in the **Federal Register** on April 21, 1980 at 45 FR 26717, a phrase was omitted in the Supplementary Information section concerning use of funds. This omission is hereby corrected.

FOR FURTHER INFORMATION CONTACT: Ronald Milner, Institutional Buildings Grants Programs, Office of Conservation and Solar Energy, Room 2H–043, 1000

Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2325.

SUPPLEMENTARY INFORMATION: In the Notice of Inquiry; Request for Public Comment published at 45 FR 26717 on April 21, 1980, a phrase was omitted from the third paragraph of the Supplementary Information section. This paragraph should read as follows:

Funds may also be used by schools, hospitals, units of local government and public care institutions for technical assistance in identifying the cost, energy and energy cost savings of implementing certain conservation maintenance and operating procedures and of acquiring and installing certain energy conservation measures.

Issued in Washington, D.C. on June 5, 1980.

T E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-17696 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-SO-14]

Proposed Alteration of Control Zone and Transition Area, Milton, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Milton, Florida, Control Zone and Transition Area by designating additional controlled airspace and revoking an unnecessary portion. New instrument approach procedures utilizing airport surveillance radar and precision approach radar have been developed for Naval Air Station (NAS) Whiting Field (South). Relocation of the Navy Whiting VORTAC has eliminated the need for the extensions to the northwest. The changes are necessary to provide required airspace protection for instrument flight operations. This proposal also corrects the geographical coordinates of NAS Whiting Field (North).

DATE: Comments must be received on or before: July 21, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 21, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F and Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the Milton, Florida, Control Zone and Transition Area by designating a control zone and transition area extension which is required to protect aircraft executing the new ASR and PAR standard instrument approach procedures to NAS Whiting Field (South) and deleting the Existing Extension to the northwest. These changes are necessary to provide required airspace protection for instrument flight operations.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (45 FR 356), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Milton, Florida

". . . (latitude 30°43'15"N., longitude 87°01'45"W.); within 2 miles each side of the Navy Whiting TACAN 309° radial extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN . . ." is deleted and ". . . (latitude 30°43'21"N., longitude 87°01'29"W.); within a 5-mile radius of NAS Whiting Field (South) (latitude 30°41'58"N., longitude 87°00'47"W.)" is substituted therefor.

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71. 181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Milton, Florida

The present description is deleted and ". . . That airspace extending upward from 700 feet above the surface within an 8-mile radius of NAS Whiting Field (North) (latitude 30°43'21"N., longitude 87°01'29"W.); and within a 5-mile radius of OLF Santa Rosa (Navy), Milton, Florida (latitude 30°36'00"N., longitude 86°56'00"W.)" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in East Point, Georgia, on June 5, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-17713 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 139

[Docket No. 20450; Notice No. 80-10]

Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers; Expansion of Applicability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the rules governing the certification and operation of land airports. The amendment would require

a limited airport operating certificate for certain airports that serve commuter air carriers. It is part of the FAA's implementation of the Airline Deregulation Act of 1978, and is intended to ensure that passengers traveling on commuter air carriers will be afforded a level of safety equivalent, to the extent feasible, to that now provided to passengers of air carriers holding certificates of public convenience and necessity (CPCN). Airports that serve these CPCN holders are already required to hold airport operating certificates under these rules.

The total annual expenditures for compliance with this proposed rule can be expected to be less than $300,000. The cost per passenger could range from $.03 to $1.20, depending on the annual enplanements at the airport and the firefighting requirement adopted.

DATES: Comments must be received on or before August 11, 1980.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC–204), Docket No. 20450 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 20450. Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Roman, Jr., Safety and Compliance Division (AAS–300), Office of Airport Standards, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone (202) 426–3087.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–204, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before August 11, 1980 will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 20450." The postcard will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–3058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Discussion of the Proposed Rule

Background

Part 139 of the Federal Aviation Regulations prescribes rules governing the certification and operation of land airports serving air carriers that hold certificates of public convenience and necessity (CPCN) issued by the Civil Aeronautics Board (CAB). This part was adopted on June 12, 1972, and became effective on July 21, 1972 (37 FR 12278; June 21, 1972).

With the implementation of the Airline Deregulation Act of 1978 (Pub. L. 95–504; 92 Stat. 1705), there has been a liberalization of the CAB policies and regulations concerning grants of economic authority, and route and airport authorizations. As a result, there are numerous exemptions and authorizations to commuter air carriers to conduct air operations similar to those that were previously conducted only by CPCN holders. Commuter air carriers have been authorized to use larger aircraft. CPCN holders are being allowed to discontinue service at different terminals while commuters are gaining these terminal and route authorizations.

Today commuter air carriers may be using the same size aircraft over routes formerly used by CPCN holders, but the current rule does not require that the airports they use be certificated airports. For example, a commuter air carrier providing service between the same two points could use uncertificated airports as intermediate stops. However, a member of the traveling public, using commuter air carrier service instead of CAB-certificated air carrier service, might assume that the same level of service and safety will continue to be provided.

Need for Rule

Recognizing the safety implications that could result from this commingling of operations, the Congress, in section 33(c)(3) of the Airline Deregulation Act of 1978, required the Federal Aviation Administration to "impose requirements upon such commuter air carriers to assure that the level of safety provided to persons traveling on such commuter air carriers is, to the maximum feasible extent, equivalent to the level of safety provided to persons traveling on air carriers [holding certificates of convenience and necessity]." In section 107(a) of that act, the Congress expressed the intent "that implementation of the Airline Deregulation Act of 1978 result in no diminution of the high standard of safety in air transportation attained in the United States at the time of the enactment of such Act."

Proposal

To ensure this high standard of safety, it is proposed to revise Part 139 to require airport operating certificates for airports serving commuter air carriers. For the purpose of Part 139, a commuter air carrier would be defined as an air carrier not holding a certificate of public convenience and necessity, which provides service of at least five round trips per week between two or more points and is operated pursuant to a published flight schedule which specifies the times, days of the week, and places between which the flights are performed. This is essentially the definition of commuter air carrier used by the CAB in Part 298, Classification and Exemption of Air Taxi Operators (14 CFR Part 298), except that the CAB also includes air taxis that transport mail.

The standards imposed on these airports would be the same as those for airports serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft. Those airports are issued limited airport operating certificates under § 139.12a.

Under the proposed rule, a limited airport operating certificate would also be issued for each airport that serves, or is expected to serve, a commuter air carrier, and has had, or expects to have had, 2,500 or more enplaned passengers,

during the preceding or current calendar year. For the purposes of Part 139, "enplaned passengers" would be defined as the total number of revenue passengers boarding aircraft, including originating, stopover, and transfer passengers, in scheduled and unscheduled services by CAB-certificated and commuter air carriers.

The lower limit of 2,500 enplaned passengers has been established by balancing the number of enplaned passengers an airport serves against the feasibility of compliance by the airport with the safety standards in Part 139, especially the alternative firefighting and rescue standards. Based on the economic evaluation discussed below, the FAA has determined that compliance with this proposal would only be economically feasible for airports that have 2,500 or more enplaned passengers per year.

Limited Certificates

Section 139.12a was adopted in 1974 by Amendment No. 139–6 (39 FR 29342). At the time it was determined that compliance with the generally applicable certification and operating requirements in Part 139 is, in many cases, infeasible and impracticable for airports that serve unscheduled and small aircraft operations by CAB-certificated air carriers. Service at these airports may be irregular, infrequent, seasonal, or temporary. Requiring full compliance with Part 139 in these cases would be contrary to the public interest. Similarly the level of activity at airports serving commuter air carriers does not warrant requiring compliance with the standards imposed on airports serving scheduled, large-aircraft operations by air carriers holding certificates of public convenience and necessity.

When the FAA issues a limited airport operating certificate, it is based on an investigation of the operating circumstances at the airport. Before issuing the certificate, the FAA makes a finding that the particular airport is properly and adequately equipped to conduct safe operations for the kind of air carrier to be served, and that compliance with all requirements of Part 139 would be contrary to the public interest. In the conduct of that investigation and in making that finding, the FAA reviews all relevant airport characteristics, facilities, and equipment, including: landing area dimensions, strength, and condition; clearances; marking and lighting; firefighting and rescue capability; wind direction indicators; and airport safety surveillance capability.

After investigating the airport and determining it is properly and adequately equipped for the carrier operations proposed, the FAA issues a limited airport operating certificate. The certificate requires that at least the level of safety at the time of certification will be maintained at the airport. Airport operations specifications are then issued containing, among other things: the type and frequency of air carrier operations the airport serves or is expected to serve; the landing area and runway dimensions to be maintained; the strength and condition of air operations areas to be maintained; the marking lighting of air operations areas and obstructions to be maintained; the firefighting and rescue equipment and service to be provided; the means for wind direction determination to be provided; the means for safety inspection; and any other item the FAA determines is necessary to cover a particular situation.

Firefighting and Rescue Equipment

Section 139.12a(c)(7) requires that airport operations specifications issued under that section contain, among other things, the firefighting and rescue equipment and service to be provided. Under this proposal, a new § 139.12b would be added to specify what firefighting equipment an applicant for a limited airport operating certificate must have available at the airport during specified air carrier operations and must describe in its operations specifications.

Section 139.49 now prescribes the firefighting equipment which must be available to the holder of a regular airport operating certificate. The requirements relate the size and frequency of the aircraft using the airport to the size of the firefighting equipment and to the amount of extinguishing agent they must be able to dispense.

For the holder of a limited airport operating certificate, three alternative requirements are being proposed. The first alternative would require the same level of firefighting equipment for each airport. The other two alternatives would relate equipment levels to the number of enplaned passengers per year.

The first alternative would provide optimum firefighting coverage for most large aircraft that could be expected to use these airports, regardless of the frequency of operation. However, compliance with this alternative may not be practical or economical for all holders of limited airport operating certificates. For this reason, alternatives have been provided that would relate the level of the firefighting equipment to the number of enplaned passengers per year. Under these alternatives, the higher levels of equipment would only be required where there is greater passenger activity to support the cost. Although these alternatives would not relate firefighting equipment directly to aircraft size, it can be expected that the higher number of annual enplanements would be the result of operations with larger aircraft.

Equipment Levels

The following firefighting equipment levels are being considered as part of the three alternatives discussed below:

Level 1

Level 1 would require that a 150-pound wheeled dry chemical fire extinguisher with a 50-foot hose be available on the airport. The firefighting service provided by this level would be able to respond to small fires and fire hazards, such as brake fires, grass fires, and fuel spillage.

Level 2

Level 2 would require that a lightweight vehicle with at least 300 pounds of dry chemical and a 50-foot hose be available on the airport. This level of service would provide the same small fire capability and also provide equipment for the suppression of potentially large fires at their incipient stages or the containment of these fires until auxiliary equipment can be summoned from the local community.

Level 3

This level would require that a lightweight vehicle with at least 450 pounds of dry chemical and 50 gallons of water for aqueous filmforming foam generation be available on the airport. This level of service would have the advantages of the other two, plus the potential to immediately suppress large aircraft fires.

Alternative Firefighting Requirements

Using these three equipment levels, the three proposed alternatives for the firefighting and rescue requirement are related to the number of enplaned passengers per year. All three alternatives specify that the requirements apply only to airports that enplane 2,500 or more passengers per year, since the FAA does not consider compliance with these requirements to be economically feasible for any airport with less than this amount of air carrier activity.

Alternative A

Alternative A provides that all airports with 2,500 or more enplaned passengers per year must have Level 3 equipment. This equipment is the same

as that prescribed in Index A under § 139.49 for airports holding regular Part 139 airport operating certificates and serving an average of five or more scheduled air carrier departures per day with aircraft not more than 90 feet long. Most air carrier operations at airports with limited airport operating certificates can be expected to use aircraft that do not exceed this length. Accordingly, this alternative would provide optimum firefighting coverage at these airports.

Alternatives B and C

The FAA recognizes that the cost of Level 3 equipment may be considered an unreasonable economic burden by some airport operators. Moreover, transfer of this cost to the passenger may also be unacceptable because of the size of the burden that would have to be borne by each passenger. This aspect of the rule is discussed further under "Economic Impact" below.

Accordingly, two alternatives are proposed as examples of requirements which are related to enplanements. Alternative B would require airports with 2,500 or more but less than 15,000 annual enplanements to have at least Level 2 equipment. Airports with 15,000 or more enplanements would have to have Level 3 equipment.

Alternative C would require airports with 2,500 or more but less than 5,000 annual enplanements to have only Level 1 equipment. Airports with 5,000 or more but less than 15,000 enplanements per year would have to have Level 2 equipment. Only airports with 15,000 or more annual enplanements would have to have Level 3 equipment.

Auxiliary Firefighting Equipment

In addition to the equipment that would be required by proposed § 139.12b, other firefighting and rescue equipment may be available in the community in which the airport is located. The airport operator may choose to make arrangements for the use of this auxiliary equipment in emergencies that require it. When arrangements are made, they must be described in the certificate holder's operations specifications, as required by § 139.12a(c)(7).

Firefighting Personnel

The operation of the equipment described in these three alternatives could be accomplished by firefighters regularly employed in other capacities by the airport operator, a commuter air carrier, a fixed base operator, or another airport tenant. These personnel would have to be trained in the operation of the firefighting equipment and in the basic principles of firefighting and rescue. They would respond to an emergency when summoned by an alarm system that would be prescribed in the approved airport operations specifications.

FAA Review

As proposed, these firefighting equipment requirements will apply to all airports with limited certificates issued under § 139.12a. However, where the FAA's review of a particular airport indicates that compliance with one of the applicable equipment levels would be unreasonably costly, burdensome, or impractical for that airport, an exemption from the proposed regulation would be available under Part 11 of the Federal Aviation Regulations.

Comments Invited

Comments are specifically invited on the appropriateness of each alternative and the effectiveness of each level of the firefighting requirements in this proposal and on the appropriateness of the number of enplanements to which they would apply.

Operators of airports with 2,500 or more but less than 5,000 annual enplanements are requested to comment on the economic impact that all three equipment levels would have on their airports. Operators of airports with 5,000 or more but less than 15,000 annual enplanements should comment on the economic impact of Levels 2 and 3. Operators of airports with 15,000 or more annual enplanements are requested to comment on the economic impact of Level 3.

All airport operators that would be subject to proposed § 139.12b are invited to provide any economic or technical information that would be of assistance in balancing the firefighting benefits of these proposals against the economic and practical problems that might result.

Comments are also requested on the methods and procedures that would be used to operate this equipment, and specifically on the effectiveness of its operation by persons who are assigned to other duties on the airport, but also provide firefighting coverage when needed.

Economic Impact

The FAA has prepared a draft regulatory evaluation for this action which is contained in the regulatory docket for this proposal.

In preparing this evaluation, the FAA has identified 64 airports that would have to obtain new limited airport operating certificates. This would bring the total number of airports holding these certificates to 257. In addition, 33 of the 193 airports which currently hold an airport operating certificate would need additional equipment to meet the requirements of the proposed rule change.

The FAA has determined that the cost to new and present certificate holders of compliance with this proposal would be minimal, except for the proposed requirements for firefighting and rescue equipment. This was also the concensus as expressed at a public meeting with the air carrier industry, airport operators, and the public, held on February 11, 1980. That meeting was called to discuss the need to revise Part 139 to extend its applicability to airports serving commuter air carriers. A record of the meeting is contained in the rules docket for this notice.

Use of Community Firefighting Equipment

The required utilization of the local community firefighting equipment to support commuter air carrier operations at airports with limited certificates was analyzed and rejected as being too costly in most instances. In reaching this conclusion, the FAA considered recent studies conducted for the agency and comments received from airport managers, which indicated that charges of $150 or more to the airport operator for each trip to the airport could be imposed by jurisdictions that require reimbursement for their firefighting services. Even for airports with only one scheduled operation per day, the annual cost of having community firefighting equipment present during scheduled operations could be as much as $54,750. The cost per passenger at an airport which enplanes 2,500 passengers would be $21.90, which the FAA considers to be an unacceptable economic burden. At the busier airports, the use of this equipment would be even more impractical because of the frequency of scheduled operations, necessitating almost constant firefighting presence on the airport and depriving the local community of the use of its equipment.

However, it should be noted that the airport operator may nevertheless elect to meet the proposed firefighting requirements through arrangements for the use of community equipment.

Cost of Compliance

The cost of compliance with the alternative firefighting requirements in proposed § 139.12b by new and present certificate holders has been estimated based on the number of airports that would have to add equipment if the proposal were to be adopted. Costs for firefighting equipment may be broken down into capital outlay for vehicles

and equipment and annual operating costs. These costs have been estimated on the basis of current prices.

Annual Operating Costs

Annual operating costs consist of the fire extinguishing agents and vehicle operating costs. Additional training costs for the firefighters may be incurred, but should be mninimal and, therefore, are not included in the following cost estimates. The annual operating costs per airport for compliance with the proposed rule would be as follows:

	Fire extinguishing agent	Vehicle operating cost
Level 1: 150 lbs. dry chemical (wheeled extinguisher)	$100	$0
Level 2: 300 lbs. dry chemical (lightweight vehicle)	200	300
Level 3: 450 lbs. 50 gals. AFFF (lightweight vehicle)	400	600

Capital Outlay

The initial acquisition costs of vehicles and equipment has been amortized over a 10-year life, and are as follows:

	Initial acquisition cost or	Annual cost
Level 1	$1,500	$150
Level 2	9,500	950
Level 3	20,000	2,000

Airport Development Aid Program

The vehicle and equipment required by the proposed rule change would be eligible for funding, and would receive priority consideration, under the Airport Development Aid Program (ADAP) provided the sponsor meets the requirements of Part 152 of Federal Aviation Regulations. The annual operating cost and capital outlay for firefighting vehicle and equipment cost is shown below with and without ADAP funding.

	With ADAP	Without ADAP
Level 1	$130	$250
Level 2	690	1,450
Level 3	1,400	3,000

The range of estimated costs for compliance with each alternative proposed for § 139.12b is described in the following table:

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ESTIMATED COST OF ALTERNATIVES*

Total Cost and Cost per Enplanement

Enplaned Passengers per year at Airports (Number of Airports)	Alternative A		Alternative B		Alternative C	
	w/o ADAP	with ADAP	w/o ADAP	with ADAP	w/o ADAP	with ADAP
	Level 3		Level 2		Level 1	
2,500-4,999 (36 Airports)	$108,000 .60-1.20	$50,400 .28-.56	$52,200 .29-.58	$24,840 .14-.28	$7,250 .05-.10	$3,770 .03-.06
	Level 3		Level 2		Level 2	
5,000-14,999 (39 Airports)	$117,000 .20-.60	$54,600 .09-.28	$56,550 .10-.29	$29,910 .05-.14	$56,550 .10-.29	$29,910 .05-.14
	Level 3		Level 3		Level 3	
15,000 or more (22 Airports)	$66,000 .20 or less	$30,800 .09 or less	$66,000 .20 or less	$30,800 .09 or less	$66,000 .20 or less	$30,800 .09 or less

* Assumes no equipment available at the airport. However, in some cases all or part of the required equipment would be already at the airport.

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Total Costs of Compliance

The total annual expenditures for compliance for all the airport operators affected by this proposed rule can be expected to be less than $300,000.

Finally, it should be noted that the cumulative economic effect of all regulations to be issued in response to increased commuter air carrier activity, including any increased security requirements to be imposed on the carriers and the airports they serve, will be given careful consideration before taking final rulemaking action on this proposal.

Evaluation of Current Program

This proposed revision of Part 139 would bring the total number of airports holding limited certificates to 257. However, the FAA is evaluating the costs and benefits associated with the present certification of limited certificated airports. To the extent warranted, some low activity airports which are currently served by unscheduled operations may be phased out of the airport certification program at a later date. A total of 167 limited certificated airports with unscheduled air carrier operations are presently in the program.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 139 of the Federal Aviation Regulations (14 CFR Part 139) as follows:

1. By revising the title of Part 139 to read as follows:

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AND COMMUTER AIR CARRIERS

2. By replacing the semicolon at the end of § 139.1(b)(1) with a period, and revising § 139.1(a), the introductory phrase of § 139.1(b), and § 139.1(b)(2) and adding new § 139.1(b) (6) and (7) to read as follows:

§ 139.1 Applicability.

(a) This part prescribes rules governing the certification and operation of land airports serving any of the following air carriers:

(1) An air carrier that holds a certificate of public convenience and necessity issued by the Civil Aeronautics Board.

(2) A commuter air carrier.

(b) The following are definitions of terms used in this part:

* * * * *

(2) "Air carrier user" means an air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board or a commuter air carrier.

* * * * *

(6) "Commuter air carrier" means an air carrier not holding a certificate of public convenience and necessity which provides service of at least five round trips per week between two or more points and is operated pursuant to a published flight schedule which specifies the times, days of the week, and places between which the flights are performed.

(7) "Enplaned passengers" means the total number of revenue passengers boarding aircraft, including originating, stopover, and transfer passengers, in scheduled and unscheduled services by air carriers certificated by the Civil Aeronautics Board and commuter air carriers.

§ 139.3 [Amended]

3. By amending § 139.3 by adding the words "or commuter" after the words "CAB-certificated."

§ 139.11 [Amended]

4. By amending § 139.11 by adding the words "or operations specifications" after the words "operations manual" in paragraph (b).

5. By amending § 139.12a by revising the title and the introductory phrase of paragraph (a) and by adding a new paragraph (f) to read as follows:

§ 139.12a Limited airport operating certificates.

(a) Notwithstanding an other provision of this part, except as provided in paragraph (e) of this section, an applicant for an airport operating certificate who is described in paragraph (f) of this section is entitled to a limited airport operating certificate if—

* * * * *

(f) Limited airport operating certificates are issued under this section to airports that—

(1) Do not have scheduled operations with large aircraft by CAB-certificated air carriers.

(2) Have, or is expected to have, at least one of the following operations at the airport:

(i) Unscheduled operations by a CAB-certificated air carrier.

(ii) Scheduled operations with small aircraft by a CAB-certificated air carrier.

(iii) If the airport has had, or expects to have had, 2,500 or more enplaned passengers during the preceding or current calendar year, scheduled operations by any commuter air carrier.

6. By adding a new § 139.12b to read as follows:

§ 139.12b Limited airport operating certificate: fire fighting and rescue equipment.

Alternative A

The applicant for a limited airport operating certificate with 2,500 or more enplaned passengers during the preceding or current calendar year, that has, or will have, the operations described in § 139.12a(f)(2) of this chapter, must show that it has, and will have available on the airport, during those operations, at least one lighweight vehicle with at least 450 pounds of dry chemical and 50 gallons of water for aqueous filmforming foam generation.

Alternative B

The applicant for a limited airport operating certificate, that has, or will have, the operations described in § 139.12a(f)(2) of this chapter, must show that it has, and will have available on the airport, during those operations, the following fire fighting and rescue equipment:

(a) For airports with 2,500 or more but less than 15,000 enplaned passengers during the preceding or current calendar year, at least one lightweight vehicle with at least 300 pounds of dry chemical and a 50-foot hose.

(b) For airports with 15,000 or more enplaned passengers during the preceding or current calendar year, at least one lightweight vehicle with at least 450 pounds of dry chemical and 50 gallons of water for aqueous filmforming foam generation.

Alternative C

The applicant for a limited airport operation certificate, that has, or will have, the operations described in § 139.12a(f)(2) of this chapter, must show that it has, and will have available on the airport, during those operations, the following fire fighting and rescue equipment:

(a) For airports with 2,500 or more but less than 5,000 enplaned passengers during the preceding or current calendar year, at least a 150-pound wheeled dry chemical fire extinguisher with a 50-foot hose.

(b) For airports with 5,000 or more but less than 15,000 enplaned passengers during the preceding or current calendar year, at least one lightweight vehicle with at least 300 pounds of dry chemical and a 50-foot hose.

(c) For airports with 15,000 or more enplaned passengers during the preceding or current calendar year, at least one lightweight vehicle with at least 450 pounds of dry chemical and 50 gallons of water for aqueous filmforming foam generation.

Sections 313(a) and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1432); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); the Airline Deregulation Act of 1978 (49 U.S.C. 1301)

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044 and as implemented by interim Department of Transportation Regulatory Policies and Procedures (43 CFR 9582, March 8, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Washington, D.C., on June 10, 1980.

William V. Vitale,

Director, Office of Airport Standards.

[FR Doc. 80-17838 Filed 6-10-80; 10:49 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 791 0052]

Midland-Ross Corp., Narco Scientific, Inc., Claude M. Blair and William C. Musham; Consent Agreements With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreements.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, these consent orders, accepted subject to final Commission approval, would prohibit, among other things, individual respondents William C. Musham, Rolling Meadows, Ill. and Claude M. Blair, Cleveland, Ohio, from sitting simultaneously on the boards of directors of Gould Inc., Rolling Meadows, Ill. and Midland-Ross Corporation, Cleveland, Ohio and Gould Inc. and Narco Scientific, Inc., Fort Washington, Pa., respectively, manufactureres of electronic products; *e.g.*, conduit fittings, busways and medical devices.

DATE: Comments must be received on or before August 8, 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, 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 § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreements containing consent orders 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)).

[File No. 791 0052]

In the matter of Midland-Ross Corporation, a corporation; Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of interlocking personnel relationships between Gould Inc. ("Gould") and other corporations, and acts and practices related thereto, and it now appearing that Midland-Ross Corporation ("Midland-Ross") is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Midland-Ross, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, that:

1. Midland-Ross is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at 20600 Chagrin Boulevard, Cleveland, Ohio 44122.

2. Midland-Ross admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Midland-Ross waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, 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 Midland-Ross, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by Midland-Ross that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Midland-Ross, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Midland-Ross' address as stated in this agreement shall constitute service. Midland-Ross waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Midland-Ross has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that is has complied with the order. Midland-Ross further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that the following definitions shall apply herein:

(a) "Subsidiary" of a corporation means any corporation, partnership,

firm, association or other legal or business entity of which 50 percent or more of the issued and outstanding voting securities (or other indicia of control for non-stock business organizations) is owned or controlled, directly or indirectly, by such corporation.

(b) "Parent" means any corporation which owns or controls 50 percent or more of the issued and outstanding voting securities (or other indicia of control for non-stock business organizations) of any other business organization.

(c) "Sister" corporations mean corporations that share a common parent.

(d) "Product or service market" means any line of commerce in which Midland-Ross' (including its subsidiaries and divisions) annual revenues exceed the lesser of:

(1) five million dollars; or

(2) one-half of one percent of Midland-Ross' total annual revenues.

II

It is further ordered that Midland-Ross, its subsidiaries, successors and assigns, shall forthwith cease and desist from having, and in the future shall not have, any director who also serves as a director of any other corporation if Midland-Ross and such other corporation are, by virtue of their business and location of operation, competitors, so that the elimination of competition between them would constitute a violation of any of the antitrust laws, providing that the revenues of either corporation derived from the product or service market(s) in which they are competitors exceed the lesser of:

(a) Ten million dollars; or

(b) One percent of the total annual revenues of that corporation.

III

It is further ordered that within thirty (30) days of the date of service of this order, and annually thereafter, Midland-Ross shall obtain, review, and retain from and as to each of its directors, the name and address of each other corporation not related to Midland-Ross as parent, sister or subsidiary, which such director also serves as a director, and a descriptive listing of all products and services manufactured, produced, sold or leased by each such other corporation. Midland-Ross shall not permit any person to serve as a director who fails to submit to Midland-Ross any information required by this paragraph. Midland-Ross shall provide the information received pursuant to this paragraph to the Commission upon request. If competition arises in any product or service market between Midland-Ross and any other corporation with which Midland-Ross shares a common director, by virtue of action taken by such other corporation subsequent to a submission of information by such director pursuant to this paragraph, then Midland-Ross shall not be liable under Paragraph II until the date for the next submission of information.

IV

It is further ordered that within ten (10) days from the date of issuance of this order Midland-Ross shall distribute a copy of this order to each of its current directors and thereafter, shall distribute a copy of this order to each prospective or newly-elected or appointed director.

V

It is further ordered that Midland-Ross shall:

(a) within sixty (60) days after the date of service of this order, file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order; and

(b) file with the Commission such other reports of compliance as may be requested by the Commission.

VI

It is further ordered that the obligations imposed upon Midland-Ross under the terms of this order shall continue for a period of seven years following the date of service of this order.

VII

It is further ordered that Midland-Ross shall notify the Commission not more than thirty (30) days after any change in the corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

[File No. 791 0052]

In the matter of Narco Scientific, Inc., a corporation; Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of interlocking personnel relationships between Gould Inc. ("Gould") and other corporations, and acts and practices related thereto, and it now appearing that Narco Scientific, Inc. ("Narco") is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Narco, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, that:

1. Narco is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at Fort Washington Industrial Park, Fort Washington, Pennsylvania 19034.

2. Narco admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Narco waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of finding of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, 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 Narco, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in dispostion of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by Narco that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Narco, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other

orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Narco's address as stated in this agreement shall constitute service. Narco waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Narco has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Narco further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that the following definitions shall apply herein:

(a) "Subsidiary" of a corporation means any corporation, partnership, firm, association or other legal or business entity of which 50 percent or more of the issued and outstanding voting securities (or other indicia of control for non-stock business organizations) is owned or controlled, directly or indirectly, by such corporation.

(b) "Parent" means any corporation which owns or controls 50 percent or more of the issued and outstanding voting securities (or other indicia of control for non-stock business organizations) of any other business organization.

(c) "Sister" corporations mean corporations that share a common parent.

(d) "Product or service market" means any line of commerce in which Narco's (including its subsidiaries and divisions) annual revenues exceed the lesser of:

(1) Five million dollars; or

(2) One-half of one percent of Narco's total annual revenues.

II

It is further ordered that Narco, its subsidiaries, successors and assigns, shall forthwith cease and desist from having, and in the future shall not have, any director who also serves as a director of any other corporation if Narco and such other corporation are, by virtue of their business and location of operation, competitors, so that the elimination of competition between them would constitute a violation of any of the antitrust laws, providing that the revenues of either corporation derived from the product or service market(s) in which they are competitors exceed the lesser of:

(a) Ten million dollars; or

(b) One percent of the total sales of that corporation.

III

It is further ordered that within thirty (30) days of the date of service of this order, and annually thereafter, Narco shall obtain, review, and retain from and as to each of its directors, the name and address of each other corporation not related to Narco as parent, sister or subsidiary, which such director also serves as a director, and a descriptive listing of all products and services manufactured, produced, sold or leased by each such other corporation. Narco shall not permit any person to serve as a director who fails to submit to Narco any information required by this paragraph. Narco shall provide the information received pursuant to this paragraph to the Commission upon request. If competition arises in any product or service market between Narco and any other corporation with which Narco shares a common director, by virtue of action taken by such other corporation subsequent to a submission of information by such director pursuant to this paragraph, then Narco shall not be liable under Paragraph II until the date for the next submission of information.

IV

It is further ordered that within ten (10) days from the date of issuance of this order Narco shall distribute a copy of this order to each of its current directors, and thereafter, shall distribute a copy of this order to each prospective or newly-elected or appointed director.

V

It is further ordered that Narco shall:

(a) within sixty (60) days after the date of service of this order, file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order; and

(b) file with the Commission such other reports of compliance as may be requested by the Commmission.

VI

It is further ordered that the obligations imposed upon Narco under the terms of this order shall continue for a period of seven years following the date of service of this order.

VII

It is further ordered that Narco shall notify the Commission not more than thirty (30) days after any change in the corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

[File No. 791 0052]

In the matter of Claude M. Blair, an individual; Agreement Containing Consent Order.

The Federal Trade Commission having initiated an investigation of interlocking personnel relationships between Gould Inc. and other corporations, and acts and practices related thereto, and it now appearing that Claude M. Blair ("Proposed respondent") is willing to enter into an agreement containing an order in settlement of this investigation,

It is hereby agreed by and between proposed respondent, his attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent is an individual with his office and principal place of, business located at National City Corporation, P.O. Box 5756, Cleveland, Ohio 44101.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, 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 proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and

decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order 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 complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. He understands that once the order has been issued, he will be required to file one or more compliance reports showing that he has fully complied with the order. Proposed respondent further understands that he may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that the following definition shall apply herein:

"Product or service market" means any line of commerce in which the annual revenues of a corporation of which Claude M. Blair is a director exceed the lesser of:

(a) Five million dollars; or

(b) One-half of one percent of the total annual revenues of that corporation.

II

It is further ordered that Claude M. Blair shall not be a director in any two or more corporations, any one of which has capital, assets, and undivided profits aggregating more than one million dollars, engaged in whole or in part in commerce, if such corporations are, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws, providing that the revenues of either corporation derived from the product or service market(s) in which they are competitors exceed the lesser of:

(a) Ten million dollars; or

(b) One percent of the total revenues of that corporation.

If, after his election, competition arises in any product or service market between corporations upon which Claude M. Blair serves as a director such as would cause him to violate the terms of this paragraph, then Claude M. Blair shall not be liable under this paragraph until the date of the first annual meeting of shareholders following the time such competition arose.

III

It is further ordered that Claude M. Blair shall:

(a) within sixty (60) days after the date of service of this order, file with the Commission a written report setting forth in detail the manner and form in which he has complied with this order; and

(b) file with the Commission such other reports of compliance as may be requested by the Commission.

IV

It is further ordered that the obligations imposed upon Claude M. Blair under the terms of this order shall continue for a period of five years following the date of service of this order.

[File No. 791 0052]

In the matter of William C. Musham, an individual; Agreement Containing Consent Order.

The Federal Trade Commission having initiated an investigation of interlocking personnel relationships between Gould Inc. and other corporations, and acts and practices related thereto, and it now appearing that William C. Musham ("Proposed respondent") is willing to enter into an agreement containing an order in settlement of this investigation,

It is hereby agreed by and between proposed respondent, his attorney, and counsel for the Federal Trade Commission, that:

1. Proposed respondent is an individual with his office and principal place of business located at Gould Inc., 10 Gould Center, Rolling Meadows, Illinois 60008.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, 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 proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order 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 complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. He understands that once the order has been issued, he will be required to file one or more compliance reports showing that he has fully complied with the order. Proposed respondent further understands that he may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that the following definition shall apply herein:

"Product or service market" means any line of commerce in which a corporation's annual revenues exceed the lesser of:

(a) Five million dollars; or

(b) One-half of one percent of the total annual revenues of that corporation.

II

It is further ordered that William C. Musham shall not be a director in any two or more corporations, any one of which has capital, surplus, and undivided profits aggregating more than one million dollars, engaged in whole or in part in commerce, if such corporations are, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws, providing that the revenues of either corporation derived from the product or service market(s) in which they are competitors exceed the lesser of:

(a) Ten million dollars; or

(b) One percent of the total revenues of that corporation. If, after his election, competition arises in any product or service market between corporations upon which William C. Musham serves as a director such as would cause him to violate the terms of this paragraph, then William C. Musham shall not be liable under this paragraph until the date of the first annual meeting of shareholders following the time such competition arose.

III

It is further ordered that William C. Musham shall:

(a) within sixty (60) days after the date of service of this order, file with the Commission a written report setting forth in detail the manner and form in which he has complied with this order; and

(b) file with the Commission such other reports of compliance as may be requested by the Commission.

IV

It is further ordered that the obligations imposed upon William C. Musham under the terms of this order shall continue for a period of five years following the date of service of this order.

Midland-Ross Corporation, Narco Scientific, Inc., Claude M. Blair, and William C. Musham

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted agreements to proposed consent orders from Midland-Ross Corporation ("Midland-Ross"), Narco Scientific, Inc. ("Narco"), Claude M. Blair and William C. Musham in settlement of the above matter. The proposed consent orders have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements or make final the agreements' proposed orders.

The complaint in this matter alleges that (1) Midland-Ross and Claude M. Blair have violated Section 8 of the Clayton Act (15 U.S.C. 19) and Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) by Mr. Blair's simultaneous membership on the boards of directors of Gould Inc. and Midland-Ross; and (2) Narco and William C. Musham have violated Section 8 of the Clayton Act and Section 5 of the Federal Trade Commission Act by Mr. Musham's simultaneous membership on the boards of directors of Gould Inc. and Narco.

1. *The Corporate Consent Orders (Midland-Ross and Narco)*

Paragraph I of the corporate consent orders precisely defines several terms that are used in various order provisions so as to prevent any confusion or misunderstanding concerning either the meaning of those terms or conduct covered by the orders.

Paragraph II of the orders prohibits the named respondents from having any director who is also a director of a competing corporation if the revenues of either corporation derived from the competing "product or service markets" exceed the lesser of (a) ten million dollars, or (b) one percent of that corporation's total annual revenues. "Product or service market" is defined in Paragraph I as any line of commerce in which the corporate respondent's annual revenues exceed the lesser of (a) five million dollars, or (b) one-half of one percent of that corporation's total annual revenues. Therefore, in determining whether the competition between the respondent and an interlocked firm falls within the terms of Paragraph II, the respondent must take into consideration all lines of commerce that come within the definition of "product or service market."

Paragraph III of the orders requires the corporate respondents: (1) to institute annual internal monitoring programs to detect interlocks with competitors; (2) to refuse to allow any person to serve as a director who does not fully participate in these monitoring efforts; and (3) to provide information regarding these monitoring efforts to the Commission upon request. This paragraph also provides a temporary exemption for liability under Paragraph II in cases in which competition arises between the corporate respondent and an interlocked company during the period between annual monitoring programs by virtue of action taken by the other company (*e.g.*, an acquisition or entry into a new product line). This exemption is effective only until the next annual internal monitoring program.

Paragraph IV requires the corporate respondents to distribute copies of the order to their current and newly-elected directors.

Paragraph V requires the firms to submit reports to the Commission to enable it to assess compliance under the orders.

Paragraph VI provides that the orders will expire after a period of seven years.

The Final paragraph of the orders requires that the companies notify the Commission not more than thirty (30) days after any change in the company that may affect compliance obligations arising under the orders.

2. *The Individual Consent Orders (Claude M. Blair and William C. Musham)*

Paragraph I of these consent orders defines "product or service market" in substantially the same manner as the term is defined in the corporate consent orders.

Paragraph II of the orders prohibits the individual respondents from serving as directors of two or more competing corporations if the revenues of either corporation derived from competing "product or service markets" exceed the lesser of (a) ten million dollars, or (b) one percent of that corporation's total revenues. This paragraph further provides a temporary exemption for liability under the order until the first annual meeting of shareholders following the time that competition arises between two firms if such competition previously did not exist.

Paragraph III requires the individual respondents to file certain reports with the Commission to enable it to assess compliance with the terms of the order.

The final paragraph provides that the orders will expire after a period of five years.

All four of these orders further competition by preventing interlocking directorates between competing firms that could lead to collusive conduct or other anticompetitive activity.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-17693 Filed 6-11-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-164-78]

Coordination of Vesting and Discrimination Requirements for Qualified Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains modifications to proposed regulations, published in the **Federal Register** for April 9, 1980 (45 FR 24201), relating to coordination of vesting and discrimination requirements for qualified pension, etc. plans. These modifications to the proposed regulations have been prepared in response to the comments received on the proposed regulation. The test for determining the existence of discrimatory vesting is reproposed in modified form and the "safe harbors" against a finding of discriminatory vesting are withdrawn.

DATES: A public hearing on the notice of proposed rulemaking published April 9, 1980, has been scheduled for July 10, 1980. A notice of the public hearing was published in the **Federal Register** on May 2, 1980. Outlines of oral comments for the public hearing must be delivered or mailed by June 26, 1980. Written comments on the modifications set forth in this notice must be delivered or mailed by August 11, 1980.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE-164-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kirk F. Maldonado of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains modifications to proposed regulations under section 411(d)(1) of the Internal Revenue Code of 1954. Section 411(d)(1) was added by section 1012(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 901). The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C 7805).

Statutory Provisions

Section 401(a)(4) of the Code provides that a plan which discriminates in favor of employees who are officers, shareholders, or highly compensated (hereinafter referred to as "prohibited group") is not a qualified plan under section 401(a). Section 411(d)(1) provides that the vesting schedule of a plan which satisfies the requirements of section 411 shall be considered as satisfying any vesting requirements resulting from the application of section 401(a)(4) except in two situations. One situation, as set forth in section 411(d)(1)(A), is a pattern of abuse under the plan which tends to discriminate in favor of the prohibited group (pattern of abuse). The other situation, as detailed in section 411(d)(1)(B), is where there have been, or there is reason to believe there will be, an accrual of benefits or forfeitures tending to discriminate in favor of the prohibited group (hereinafter referred to as "discriminatory vesting").

Prior Determination Letters

Initial guidelines under section 411(d)(1) were set forth in Revenue Procedure 75-49, 1975-2 C.B. 584. That Procedure established several alternative tests, with respect to vesting, that a plan must satisfy to secure a favorable advance determination letter. If a plan failed to satisfy these tests, a favorable determination letter was not issued unless the plan adopted the accelerated vesting schedule set forth in the Procedure (so-called "4/40 vesting").

Revenue Procedure 76-11, 1976-1 C.B. 550, was issued pending reconsideration of Revenue Procedure 75-49. That Procedure adopted two new alternative means of satisfying the requirements of section 411(d)(1) in order to secure a favorable advance determination letter, in addition to the tests contained in Revenue Procedure 75-49.

One of the new alternatives contained in Revenue Procedure 76-11 is to establish that the plan had previously received a favorable advance determination letter which had not been revoked, and that the percentage of vesting of each participant under the plan as amended is not less (at every point) than that provided under the vesting schedule of the plan when it received the most recent favorable prior determination letter.

The other new alternative contained in Revenue Procedure 76-11 is a demonstration, on the basis of all of the facts and circumstances that there has not been, and that there is no reason to believe there will be, any discriminatory accruals.

Revenue Procedure 76-11 also provided that a plan could secure a favorable determination letter without regard to whether the vesting is nondiscriminatory.

However, the determination letters processed in this manner contained a caveat to the effect that such letter is not a determination as to whether the vesting provisions of the plan satisfy the nondiscrimination requirements of section 401(a)(4).

The tests of Revenue Procedures 75-49 and 76-11 are applied only with respect to whether a plan could receive a favorable advance determination letter. The determination letter, by its terms, provided that the approval of the plan's qualified status by the Internal Revenue Service did not extend to the plan in operation. Therefore, separate tests for determining discrimination in vesting were necessary with respect to the issuance of a determination letter

and with respect to testing the operation of the plan's vesting schedule.

Thus, an employer could receive a favorable advance determination letter, but would have no protection against a finding that the plan's vesting schedule was discriminatory in operation. The proposed rules remove this separate testing of form and operation, and provide that the test for discriminatory vesting shall be made, in both situations, on the basis of the facts and circumstances. Thus, if a plan has a favorable advance determination letter based on the facts and circumstances test of the proposed rules, this determination will protect the plan from a finding of discriminatory vesting in operation, provided the facts and circumstances have not materially changed since the determination letter was issued.

Additionally, plans which currently possess certain types of favorable determination letters will be treated as if their determination letter was processed under the facts and circumstances test contained in the proposed rules. The plans which will be given this treatment are those which received their favorable determination letter based on their satisfying one or more of the following tests:

1. The key employee and/or the turnover test of Revenue Procedure 75–49;

2. The prior letter test of Revenue Procedure 76–11; or

3. The facts and circumstances test of Revenue Procedure 76–11.

Thus, a plan described above would also be protected against a finding of discriminatory vesting in operation, based on its outstanding favorable determination letter, provided the facts and circumstances have not materially changed.

Safe Harbors

Paragraph (d) of proposed regulation § 1.411(d)–1, as published in the **Federal Register** on April 9, 1980, set forth two safe harbors against a finding of discriminatory vesting. Both of the safe harbors required the adoption of a vesting schedule substantially more rapid than 4/40 vesting. Many of the commentators viewed this as an attempt to require that all plans adopt either one of these accelerated vesting schedules. Because that was not the intent of those proposed rules, the portion of the proposed regulation containing the safe harbors is withdrawn.

However, this deletion should not be interpreted as meaning that 4/40 vesting is a safe harbor. Comments are requested from the public as to the desirability of reinstating a safety harbor and, if so, on what basis.

Test for Discriminatory Vesting

Paragraph (c)(2) of proposed regulation § 1.411(d)–1, as published in the **Federal Register** on April 9, 1980, set forth certain factors to be considered in applying the facts and circumstances test for discriminatory vesting. These factors were included simply to reflect current Internal Revenue Service practice and to provide greater guidance to both employers and to Internal Revenue Service personnel. The factors were not intended to create new standards.

Nevertheless, many commentators interpreted the recital of specific factors as substantially increasing their burden of establishing that the plan's vesting schedule is nondiscriminatory. Accordingly, the list of specific factors is deleted in the reproposed test for discriminatory vesting.

The determination of whether the vesting schedule of a plan is discriminatory, under the reproposed rules, shall be made on the basis of the facts and circumstances of each case. The reproposed rules now specifically provide that a plan's vesting schedule is nondiscriminatory if the disparity between the vested benefits provided to the prohibited group and the vested benefits provided to all other employees is reasonable.

Additional Guidance

It is anticipated that additional guidance regarding the application of the facts and circumstances test for discriminatory vesting will be provided in revenue rulings and procedures issued at the time the regulations are published in final form. Accordingly, comments are requested as to whether the following examples are appropriate for this purpose:

Example 1. A plan has the "10 year cliff" vesting schedule described in section 411(a)(2)(A) for all employees. Employment turnover among members of the prohibited group is less than that for all other employees because the prohibited group tends to stay longer with the company. Nevertheless, the present value of the vested benefits for the officers and 5% shareholders (determined using the attribution rules of section 1563(e), without regard to section 1563(e)(3)(C)), is less than the present value of the vested benefits of all other employees. Because the vested benefits provided employees who are not officers or shareholders are greater than that provided officers and shareholders, the plan's vesting schedule is not considered to be discriminatory.

Example 2. The facts are the same as in *Example 1*, except that there has been no comparison of the present values of the vested benefits of each group of employees. However, it is clear that the class of employees who have vested benefits, considering those employees alone and not any nonvested employees, would satisfy the nondiscriminatory classification test of section 410(b)(1)(B) by covering a reasonable cross section. Because a reasonable cross section of all employees under the plan have vested benefits, the vesting schedule of the plan is not considered to be discriminatory. [When the example is published, specific facts along the lines of Revenue Ruling 70–200, 1970–1 C.B. 101, Revenue Ruling 74–255, 1974–1 C.B. 93, and Revenue Ruling 74–256, 1974–1 C.B. 94, will be included to illustrate the reasonable cross section test.]

Example 3. Company B has a plan that satisfies the minimum participation requirements of section 410. The plan provides for 4/40 vesting. In its six years of operation the plan has always covered five employees. Because of the high rate of employee turnover, the only employee, past or present, to earn a vested benefit under the plan is X. X is the sole shareholder of Company B. Absent a showing of other facts and circumstances, the vesting schedule of the plan is discriminatory.

Comments and Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. As indicated above, a public hearing has already been scheduled on the proposed regulations published April 9, 1980. Anyone wishing to comment on these modifications may do so at that hearing.

Drafting Information

The principal author of this regulation is Kirk F. Maldonado 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 the Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

Accordingly, the notice of proposed rulemaking published in the **Federal**

Register for April 9, 1980 (45 FR 24201) is modified as follows:

1. Paragraph (d) of § 1.411(d)–1, as set forth in the notice of proposed rulemaking published in the **Federal Register** for April 9, 1980 (45 FR 24202) is withdrawn.

2. Paragraph (c)(2) of § 1.411(d)–1, as set forth in the notice of proposed rulemaking published in the **Federal Register** for April 9, 1980 (45 FR 24202) is modified to read as follows:

§ 1.411(d)–1 Coordination of vesting and discrimination requirements.

* * * * *

(c) *Discriminatory vesting.* * * *

(2) *Test for discriminatory vesting.* The determination of whether there is, or there is reason to believe there will be, discriminatory vesting shall be made on the basis of the facts and circumstances of each case. A reasonable disparity between the vested benefits paid to or accrued by the prohibited group and the vested benefits paid to or accrued by other employees will not result in a finding that there is discriminatory vesting.

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 80–17722 Filed 6–11–80; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79–114]

Drawbridge Operation Regulations; Yazoo River, Mississippi; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; correction.

SUMMARY: In FR Doc. 80–15734 appearing on page 34305 in the **Federal Register** of May 22, 1980 in line five of the *Summary* and in line three of the *Discussion of Comments* the City of Greenwood was incorrectly identified as the City of Greenville. This change should be made in order to correctly identify the city concerned.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G–NBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202–426–0942).

Dated: June 5, 1980.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 80–17804 Filed 6–11–80; 8:45 am]

BILLING CODE 4910–14–M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Improving Government Regulations; Semiannual Agenda

AGENCY: National Science Foundation.

ACTION: Publication of Semiannual Regulations Agenda.

SUMMARY: The National Science Foundation publishes its semiannual agenda of significant regulations under development or review as required by Executive Order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978).

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Terese Judkins, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550, (202) 357–9520.

A. Status of Regulations Previously Listed

1. Grant Policy Manual (NSF 77–47)

This document sets forth the basic policies and procedures in the award and administration of all Foundation grants. The manual is revised periodically as policies and procedures change. As such, the manual is undergoing continuous review. An updated edition of the manual was issued in October 1979. No significant changes in the manual were made in the October 1979 issue, although there were changes in format. Since that time, a minor change has been issued to Section 640 "Cost Sharing and Matching," of the Grant Policy Manual (GPM) to ease the documentation burden on grantee organizations; Reference: NSF Important Notice No. 81, dated February 27, 1980, "Revised Guidelines for Cost-Sharing on Unsolicited Research Projects." No other amendments have been made.

Legal basis for issuances: Section 11 of the National Science Foundation Act of 1950, as amended, (42 U.S.C. 1870) (hereinafter referred to as the NSF Act).

Name of agency official: Francis G. Naughten, Division of Grants and Contracts, (202) 357–7880.

Regulatory analysis: None required.

2. Conflict-of-Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and special Government employees. Since publication of the last agenda, amendments have continued under review and editing. Because of the sensitive issues involved, the policy questions under consideration, and the new Ethics in Government Act, progress on readying the regulations for public comment has been slower than anticipated. Proposed amendments may be published within the next six months.

Legal basis for issuance. Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Name of agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 357–7483.

Regulatory analysis: None required.

3. Age Discrimination Regulations (45 CFR Proposed Part 605)

These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS. The regulations will be published, but the time is uncertain.

Legal basis for issuance: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

Name of agency official: Jesse E. Lasken, Esq., Office of the General Counsel, (202) 357–9442.

Regulatory analysis: None required.

4. Handicapped Regulations (45 CFR Proposed Part 615)

These regulations, which will prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published for comment in the April 18, 1978 **Federal Register.** Draft final regulations were sent to HHS for review, as required by E.O. 11914. Efforts continue to construct the final regulations that will satisfy both HHS and NSF. Final publication is hoped for within the next six months, but not necessarily assured.

Legal basis for issuance: Section 11 of the NSF Act; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Name of agency official: Jesse E. Lasken, Esq., Office of the General Counsel, (202) 357–9442.

Regulatory analysis: None required.

5. Availability of Records and Information (45 CFR Part 612)

These regulations are issued pursuant to the Freedom of Information Act. The Foundation has been consolidating these regulations with various implementing memoranda and NSF bulletins issued since publication of the regulations, but the consolidation continues in the draft stage. No proposed regulations, are anticipated for public comment within the next six months.

Name of agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 357–9445.

Regulatory analysis: None required.

6. Civil Rights—Title VI Regulations (45 CFR Part 611)

These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs. The Foundation is considering technical changes recently suggested by the Department of Justice. If such changes are adopted, they will be proposed in the **Federal Register** for public comment. However, no decision has yet been made with respect to the changes and consequently any publication date.

Legal basis for issuance: Section 11 of the NSF Act and Title VI of the Civil Rights Act of 1964.

Name of agency official: Jesse E. Jasken, Esq., Office of the General Counsel, (202) 357–9442.

Regulatory analysis: None required.

7. National Environmental Policy Act Regulations (45 CFR Part 640)

These regulations establish the policies and procedures of the Foundation in implementing the National Environmental Policy Act of 1969 and the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508). The proposed regulations were published for public comment on August 9, 1979. Comments received were taken into consideration and the final regulations were published on January 2, 1980 (45 FR 39) after receiving approval by CEQ.

Name of agency official: Ms. Adair F. Montgomery, ODAD/AAEO, (202) 357–9754.

Regulatory analysis: None required.

8. Conservation of Antarctic Animals and Plants (45 CFR Part 670)

These regulations establish permit procedures for the Foundation to ensure the conservation and protection of animals and plants native to Antarctica. These regulations were final as of June 7, 1979.

Name of agency official: Dr. Edward P. Todd, Division of Polar Programs, (202) 357–7766.

Regulatory analysis: None required.

9. Procurement Regulations (41 CFR Part 25)

The Foundation's procurement regulations will continue to be reviewed within the next six months for the purpose of implementing the new Federal Acquisition Regulations which as issued will replace the existing Federal procurement regulations.

Legal basis for issuance: Section 11 of the NSF Act.

Name of official: William B. Cole, Division of Grants and Contracts, (202) 357–7880.

Regulatory analysis: None required.

B. Significant Existing Regulations Under Review

None.

C. Significant New Regulations Under Development

1. Regulations Designating Pollutants Harmful to the Antarctic Environment

The Foundation intends to designate as a pollutant any substance the Director finds likely, if introduced into Antarctica, to hazard human health, to harm living things, to damage amenities, or to interfere with legitimate uses of Antarctica.

2. Regulations To Prevent or Control Pollutants in Antarctica

The Foundation also intends to specify actions to prevent or control the discharge of pollutants in Antarctica.

The schedule for publication of these regulations has not been established.

Legal basis for issuance: Section 11 of the National Science Foundation Act of 1950 (Pub. L. 81–507); Antarctica Conservation Act of 1978 (Pub. L. 95–541).

Name of agency official: Edward P. Todd, Division of Polar Programs (202) 357–7766.

D. Significant Existing Regulations Scheduled for Review Within the Next 6 Months

1. Grant Policy Manual

See item A.1.

2. Procurement Regulations (41 CFR Part 25)

See item A.9.

George C. Pimentel,

Acting Director.

June 3, 1980.

[FR Doc. 80-17532 Filed 6-12-80; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Medicaid Overpayment Reporting Requirements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: We are proposing an amendment to Medicaid regulations which would require the States to establish procedures of services and report them to HCFA on a timely basis. The amendment would revise current policy that requires medical assistance grant awards to be reduced at the time overpayments are reported. The proposed regulation will provide that provider overpayments would not be offset on a grant award until the States have had a reasonable period of time to verify and resolve the debt. The purpose of this proposed regulation is to reduce program costs by assuring that all overpayments are identified and reported timely, and to encourage States to establish or improve controls that will reduce overpayments. The Department has classifed these regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Guy L. Harriman, Jr., 2–0–3 East Lowrise, 6401 Security Boulevard, Baltimore, Maryland 21235, Phone No. (301) 594–8193.

Dated: March 13, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

[FR Doc. 80-17725 Filed 6-11-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[BMCS Docket No. MC-92; Notice No. 80-4]

Qualifications of Drivers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for public comment.

SUMMARY: This notice discusses the ineligibility of drivers of buses and of vehicles carrying hazardous materials for the Handicapped Driver Waiver Program and invites comments,

statistical data, and supporting information on the exclusions.

DATE: Comments must be received on or before October 10, 1980.

ADDRESS: All comments should refer to the docket number and notice number that appear at the top of this document and must be submitted, preferably in triplicate, to Room 3402, Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, Regulations Division, Bureau of Motor Carrier Safety, (202) 426–9767; or Mr. Gerald M. Tierney, Attorney, Motor Carrier and Highway Safety Law Division, (202) 426–0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Federal Motor Carrier Safety Regulations (FMCSR) prohibit individuals who have a loss of a limb or a limb impairment from driving in interstate or foreign commerce (49 CFR 391.41 (b)(1) and (b)(2)). With two exceptions—drivers of buses and drivers of vehicles transporting hazardous materials—drivers who have an amputation or a limb impairment are eligible to apply for waivers (49 CFR 391.49).

The BMCS has decided to review the distinction between those who are eligible for a waiver and those who are not in relation to the amended antidiscrimination provision of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination based solely on handicap.

Background and Rationale of Present Rule

The regulation disqualifying drivers who have suffered a loss/impairment of a foot, leg, arm, or hand became effective on January 1, 1940. There was no wavier provision under the initial regulation. Despite a subsequent revision of the basic rule in 1952, the waiver provision was not added until 1964, when the current language was adopted.

The issue of granting waivers for handicapped drivers was first addressed in a hearing on September 16, 1949, by the Interstate Commerce Commission. The hearing and report (Ex Parte No. MC–40) were occasioned when the reasonableness of the rule was questioned because an amputee driver was found to be disqualified. In that case, a number of witnesses were heard both in support of, and in opposition to, a change in the rule. Among the organizations and Government agencies urging modification of the rule were The President's Committee of the National Employ-the-Handicapped Week, the Office of Vocational Rehabilitation of the Social Security Administration, the American Federation of the Physically Handicapped, the Veterans of Foreign Wars, and the Disabled American Veterans.

The Commission's decision to deny the implementation of a waiver program considered: (1) job requirements, (2) the driving function as it relates to vehicle requirements, (3) rehabilitation technology, and (4) technological development and reliability of prostheses. The Commission concluded that the job requirements and driving functions were varied, complex, and strenuous and should be performed only by a person with good functioning limbs. Next, the Commission studied whether a handicapped person with a suitable prosthetic device and rehabilitation could function in the public interest. It concluded from the hearing record that the effectiveness of rehabilitation methodology was still being evaluated. The Commission gave considerable weight in its final decision to prosthesis development, by concluding that there was insufficient evidence to show that prostheses were durable enough to withstand the strains of driving, particularly under the emergency or unfavorable conditions truck drivers often encounter. Generally, it found that prostheses did not give the amputees sufficient manipulative ability, control, or flexibility.

In 1964 the issue of instituting a waiver program again came under consideration. The BMCS researched the issue and concluded that it was reasonable to establish a waiver program. This change in position was based on the technological advancement in prostheses, improvement in training techniques utilized in rehabilitation of amputees, and the opinion of medical experts.

At the conclusion of the BMCS research, interested parties were invited to submit written statements containing data, views, and arguments concerning a proposed amendment that would allow waivers for persons with loss of limb or a limb impairment. Included in the amendment was an exception stating that due to the type of equipment involved, and the inherent dangers present, no applicant would be allowed to drive a vehicle transporting passengers, or a motor vehicle which must be placarded or marked in accordance with 49 CFR 177.823, relating to placards or markings upon vehicles tranporting hazardous materials. The FMCSR were amended October 23, 1964, to establish the waiver program with this exception included.

In preparation for the reevaluation of the exception, the BMCS has collected and analyzed data concerning the issue. These data show that the recognition of inherent increased risks to safety and the difference in type of equipment are still pertinent rationales for the exclusion of bus and hazardous material drivers from the waiver program. The BMCS relies on the opinions of medical and safety experts, as well as the findings of certain studies, to substantiate its position.

Available data show that accidents involving buses are more serious than these involving trucks. The National Transportation Safety Board accident report for 1979 established that bus accidents produced approximately 19 injuries per accident as opposed to 1.6 injuries per truck accident. The Department of Transportation's (DOT) National Highway Traffic Safety Administration's Fatal Accident Reporting System shows a 50 percent increase in fatalities from 1977 to 1978 for bus accidents, whereas the increase for trucks was 10 percent. Another source, the National Safety Council's *Accident Facts*, shows a 36 percent increase in bus fatalities from 1977 to 1978. The increase for tractor trailers in this same period was 10 percent. In summary, these data depict trends of increasing bus accident fatalities, and a larger and increasing trend of more injuries per accident.

The BMCS accident data for the reporting years 1975 and 1978 show an increase in accidents (39%), deaths (55%), and injuries (33%) for general commodities trucks. Yet in the same reporting period, an even more dramatic increase in accidents (65%), deaths (153%), and injuries (46%) took place among drivers of trucks transporting hazardous materials.

The DOT's Materials Transportation Bureau, Research and Special Programs Administration, collects hazardous material incidents reports (on any unintentional release of hazardous materials while in transit). In 1971, 1,776 incidents were reported and in 1978, 16,548 occurred, a 900 percent increase. Injuries increased 300 percent in this same period. These data show not only an increased risk of accidents, deaths, and injuries for drivers of hazardous material trucks over those of general commodities trucks, but indicate that the cargo itself presents a risk to safety and health even when vehicle accidents do not occur.

Though the data for increased risk of accidents, deaths, and injuries associated with buses and trucks carrying hazardous materials are substantial, they do not specifically address the question of whether a handicapped driver would influence the data. To BMCS's knowledge, no study has been undertaken to assess the risks to safety of drivers with limb handicaps driving passenger or hazardous cargo vehicles. The better designed and controlled handicapped driver studies do, however, support the position that there is an increased risk of accidents associated with handicapped drivers.

In a 1968 Chancer and McMurray study, *Accident and Violation Rates of Washington's Medically Restricted Drivers*, the medically restricted group generally had a significantly higher accident rate than the nonrestricted group. In a 1966 Ysander study, *The Safety of Physically Disabled Drivers*, 500 handicapped drivers were studied and matched to controls with miles driven per year taken into account. Persons with loss of function in the right arm or leg tended to have more accidents than other classes of handicapped. In a recent study by D. Barry Negri, *Accidents Involving Handicapped Drivers*, a group of 3,336 handicapped persons were matched with a control population of 120,000 nonhandicapped. The handicapped group had a significantly higher proportion of drivers who had accidents. However, none of these studies involved handicapped persons driving commercial vehicles.

Other groups are concerned with medical impairments and safety in transportation. In 1968, the American Medical Association's Committee on Medical Aspects of Automotive Safety published the *Physician's Guide for Determining Driver Limitation*. Regarding loss or impairment of upper extremities it states, "Normal function is recommended for drivers of passenger transport and commercial vehicles." With regard to lower exremities the Guide states, "Normal function probably is essential for drivers of passenger transport." When setting specific vision standards, the Committee set more stringent standards for bus drivers than for commercial truck drivers with respect to central visual acuity, exophthalmos, strabismus, nystagmus, and corneal dystrophies. Also, State medical advisory boards (MAB) have traditionally considered passenger transportation inherently more of a risk to safety when compared to the general commodities truck industry. Wisconsin's MAB has considerably more stringent cardiovascular requirements for school bus drivers than truck drivers.

Another indicator of the difference in risks to safety between trucks and buses is the greater emphasis the busing industry displays in self-regulation. In general, the busing industry has more stringent physical standards and age requirements across the board. Tamiami Trail Tours, Inc., for example, does not hire any driver over 45 years old. The Greyhound Bus Lines Company requires that driver applicants cannot have a medical history or diagnosis of a myocardial infarction.

In summary, the literature and accident statistics indicate there are increased risks associated with handicapped drivers in addition to the inherent dangers associated with bus driving and the transportation of hazardous materials.

Comments, supporting information, and statistical data are requested on the rule in 49 CFR 391.49 that no waivers to drive buses or transport hazardous materials can be considered for physically impaired persons.

(49 U.S.C. 304, 49 U.S.C. 1655, 49 CFR 1.48(b) and 301.60)

Issued on: June 2, 1980.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-17884 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[MC-C-3437 (Sub-No. 11)]

Air Terminal Zone—Lambert-St. Louis International Airport

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: In response to a petition filed by Airborne Freight Corporation the Commission is instituting a proceeding to consider whether to amend its existing regulations set forth in 49 CFR § 1047.40. This would expand the air terminal zone at Lambert-St. Louis International Airport to allow exempt motor carrier operations [conducted pursuant to the "incidental to transportation by aircraft" exemption set forth in section 10526 (a)(8) of the Interstate Commerce Act] on air cargo traffic moving to or from three specified Illinois and Missouri points which are outside the geographical scope of that zone as presently defined in our regulations. The rule is proposed to enhance the development of air cargo transportation, to benefit the shipping and consuming public, and to conserve energy.

DATES: Comments must be filed with the Commission on or before July 14, 1980.

ADDRESS: An original and 15 copies (when possible) of each submission should be forwarded to: MC-C-3437 (Sub-No. 11), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Frederick T. Stocker, 202 275-7953;
or
Donald J. Shaw, Jr., 202 275-7292.

SUPPLEMENTARY INFORMATION: In *Motor Transportation of Property Incidental to Transportation by Aircraft*, 131 M.C.C. 87 (1978) (44 FR 3295, January 16, 1979), the Commission adopted regulations (effective June 26, 1979) redefining and generally expanding air terminal zones [the areas within which certain motor carrier transportion of property is incidental to transportation by aircraft, and, therefore, within the ambit of the partial exemption from economic regulation set forth in 49 U.S.C. 10526(a)(8)]. Airborne Freight Corporation filed the involved petition in accordance with the provisions of 49 CFR 1047.40(b)(1). Petitioner seeks to have Decatur and Springfield, IL, and Columbia, MO, included within the air terminal zone of the Lambert-St. Louis International Airport. It is petitioner's contention that motor carrier service from and to these points, on airfreight traffic moving over the concerned airport, would be a bona fide pickup and delivery service and, therefore, incidental to air transportation. This service, petitioner adds, should properly come within the exemption set forth in section 10526(a)(8) of the Interstate Commerce Act.

In support of its position, Airborne argues that it would use the same trucks for service to the involved points as it presently uses for pickup and delivery service within the existing exempt zone. These vehicles are small vans that customarily pick up and deliver freight. They do not customarily perform over-the-road, line-haul operation. Airborne further argues that a grant of its petition would result in benefits to the airfreight customer and in conservation of energy.

Airborne has had to charter an aircraft to serve Springfield and Decatur to fulfill its service commitments to its customers. Although Airborne has yet to charter an aircraft between Columbia and St. Louis, it states that unsatisfactory service by an existing surface carrier may force such action.

Expansion of the involved air terminal zone would allow petitioner to provide

single carrier responsibility by operating its own trucks in the pick up and delivery of shipments, thereby eliminating the need to charter aircraft. Petitioner states that the aircraft it now charters consumes 115 gallons of fuel a day. Its truck would consume approximately 25 gallons per day. The yearly estimated savings in fuel would amount to 23,760 gallons.

Airborne also notes that there are no existing air carriers or motor common carriers that meet customer needs for overnight service with delivery before noon to the three concerned points.

Present air carriers do not arrive in Columbia, Decatur, or Springfield until 11:00 a.m. With a one-hour recovery time, deliveries would not be accomplished until after noon. The same problem occurs with motor common carriers, since they do not arrive until after noon.

Airborne's flight arrives in St. Louis between 4:25 and 5:25 a.m. daily; therefore, time is of the essence if Airborne is to satisfy customer needs. Petitioner points to time constraints as evidence of the need to operate equipment with single-carrier responsibility.

Granting of this petition would allow Airborne to provide Columbia, Decatur, and Springfield customers with the same service as customers receive within the current Lambert-St. Louis International Airport Air Terminal Zone.

Airborne further argues that the proposed expansion would not significantly enlarge the scope of the existing air terminal zone. Columbia and Decatur are approximately 40 miles beyond the scope of the existing exempt zone, and Springfield is approximately 15 miles beyond the zone.

Petitioner currently handles mostly small shipments. Its average shipment size is less than 100 pounds. Airborne's service is geared to the small-shipment needs of shippers by air; and, it states, more rapid service can be accomplished by its own small pickup and delivery type vehicles under single-carrier responsibility to these outlying points.

Therefore, Airborne concludes, shippers and consignees at these points would benefit from the services it proposes, since they will be able to compete more equitably with their counterparts located within the existing Lambert-St. Louis International Airport Air Terminal Zone.

It should be noted that no statements of public support prepared by the shippers and receivers of airfreight, located at Decatur, Springfield, or Columbia, have been filed by Airborne.

We are aware that pending legislation would amend the Interstate Commerce Act, obviating the need for the regulatory changes proposed by petitioner. We do not believe it would be appropriate to speculate concerning the exact form and effective date of any such legislative action. Consequently, we have decided to solicit public comment in this proceeding.

If expansion of the concerned air terminal zone is deemed appropriate, the new rules identifying these three involved points would be listed as an additional exception to the pertinent air terminal zone regulations and be included in 49 CFR 1047.40(b)(2).[1]

We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy resources. However, anyone may comment on this aspect of the proposal.

Oral hearings do not appear to be necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of or in opposition to this proposal, is invited to submit written data, views, or arguments. Written materials submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Consititution Avenue, N.W., Washington, D.C., during regular business hours.

This proceeding will be referred to an appropriate Review Board for inital disposition.

This notice of proposed rules is issued under authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: May 27, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Stafford dissenting with a separate expression. Commissioner Gilliam absent and not participating.

James H. Bayne,

Acting Secretary.

Commissioner Stafford (Dissenting)

Pending legislation will obviate any need for this proceeding. I would therefore deny the petition in this case. Likewise, the similar proceeding, No. MC–C–3437 (Sub No. 10), should be discontinued.

[FR Doc. 80–17719 Filed 6–11–80; 8:45 am]

BILLING CODE 7035–01–M

[1] The Commission is presently considering additional regulatory changes which would result in present subsection (b)(2) of this section being renumbered (b)(3).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222, 223, 224, 225, 226, 277

Scoping Meeting and Notice of Intent to Prepare a Draft Supplement to the Final Environmental Impact Statement on Regulations To Reduce Sea Turtle Mortality in Southeastern U.S. Waters

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Announcement of public scoping meeting and notice of intent to prepare a Draft Supplement to the Final Environmental Impact Statement.

SUMMARY: The National Marine Fisheries Service intends to prepare a draft supplement to the Final Environmental Impact Statement (FEIS) issued on July 28, 1978, which listed and protected the green sea turtle, loggerhead sea turtle, and olive (Pacific) ridley sea turtle under the Endangered Species Act of 1973. A public meeting will be held to scope and plan the range of issues, alternatives, and impacts to be considered by the proposed action.

DATE: The scoping meeting will be held at 9:00 a.m., July 17, 1980.

ADDRESS: Meeting location: Admiral Benbow Inn (Airport), 1419 Virginia Avenue, Atlanta, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, Fishery Administrator, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702, (813) 893–3366.

SUPPLEMENTARY INFORMATION: The supplemental FEIS will be prepared as part of proposed rulemaking to require excluder panels on shrimp trawls in specific areas during certain periods of time to reduce the incidental catch and mortality of sea turtles. These areas are generally defined as the coasts of South Carolina, Georgia and the middle and upper east coast of Florida and coast of Padre Island, Texas. The times are generally May-August each year. These areas and times will be further defined and other areas may be identified during the rulemaking process.

Alternatives to the proposed action are: (1) require excluder panels on all shrimp trawls in all areas, at all times; (2) issue permits to allow for the resuscitation of incidentally caught sea turtles; and (3) limit the time of shrimp trawling in areas of turtle abundance.

Dated: June 6, 1980.

Robert K. Crowell,

Deputy Executive Director.

[FR Doc. 80-17822 Filed 6-11-80; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 611

Foreign Fishing Regulations: Fees; Extension of Comment Date

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Extension of comment date.

SUMMARY: The comment period on the advance notice of proposed rulemaking for 1981 foreign fishing fees is extended two weeks until July 11.

DATE: Comments are now due July 11, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Jelley, Permits and Regulations Division, F/CM7, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634-7432 or 653-5526.

SUPPLEMENTARY INFORMATION: On May 30, an advance notice of proposed rulemaking to amend the system used to assess foreign fishing fees was published in the **Federal Register** (45 FR 36460). The comment period is extended from June 27 to July 11, 1980.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 9th day of June, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-17891 Filed 6-11-80; 8:45 am]

BILLING CODE 3510-22

Notices

Federal Register
Vol. 45, No. 115
Thursday, June 12, 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

Boise National Forest, Ada, Boise, Elmore, Gem, and Valley Counties, Idaho; Notice of Intent To Prepare an Environmental Impact Statement for Proposed Forest Land and Resource Management Plan

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an Environmental Impact Statement for the proposed Forest Land and Resource Management Plan for the Boise National Forest.

Preparation of the Plan will follow direction outlined in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. The Forest Plan will be prepared according to regulations promulgated by the Secretary of Agriculture. The regulations implement section 6 of the National Forest Management Act of 1976.

The resulting Plan will provide for multiple use and sustained yield of products and services from the Boise National Forest. The Plan will guide all natural resource management activities and establish management standards and guidelines. The Plan will determine resource management practices, harvesting levels and procedures under the principles of multiple use and sustained yield, and the availability and suitability of lands for resource management.

The Forest Plan will be selected from among representative alternatives which will include at least: (1) A no-change in existing resource outputs alternative, (2) A range of alternatives that display possible outputs of resources available at each of several expenditure levels, and (3) Alternatives designed to resolve the identified major public issues and management concerns.

The Forest Plan will be coordinated with the public, Indian tribes, local city, county, and State Governmental organizations, as well as other Federal agencies.

Public involvement and participation is an integral part and will be encouraged throughout the planning process. A public participation information and response booklet compiled from existing information will be sent by mail to those interested individuals, organizations, and Governmental offices on the Forest Plan mailing list. The booklet will invite each to attend a workshop and/or respond by mail. Thirty days will be allowed from the date of mailing for written public response. Opportunities for all to comment on the Forest Plan will be a part of each step of its development.

The Boise National Forest will hold six public participation workshops early in the process to determine the scope and the significance of the issues to be analyzed in depth in the Environmental Impact Statement. The workshops to be held in Boise and McCall will be co-hosted with the Payette National Forest. Each workshop will be held at 7:30 p.m. at the following locations in Idaho:

Date, Place, and City

July 1, 1980, East Elementary School, Mountain Home
July 2, 1980, High School, Emmett
July 8, 1980, City Hall, Idaho City
July 9, 1980, High School, Cascade
*July 10, 1980, High School, McCall
*July 15, 1980, Hall of Mirrors, 700 W. State St., Boise, ID

Jeff Sirmon, Regional Forester, is the responsible official for this plan.

Further information about the planning and Environmental Impact Statement process or comments on the Notice of Intent should be directed to: Glenn Osborn, Land Use Planner, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83702, (208) 334–1840.

The estimated date for filing the Draft Environmental Impact Statement is March 1983, and the anticipated date for filing the Final Environmental Statement is December 1983.

* Meetings combined with Payette National Forest.

Dated: June 3, 1980.

Jeff Sirmon,

Regional Forester.

[FR Doc. 80-17679 Filed 6-11-80; 8:45 am]

BILLING CODE 3410-11-M

Malheur National Forest Grazing Advisory Board; Meeting

July 10, 1980.

The Malheur National Forest Grazing Advisory Board will convene a meeting at 7:00 p.m., PST, at Alex Gay Hall in John Day, Oregon.

The Board will meet to: (1) review range improvement needs on range allotments; (2) make recommendations on the utilization of range betterment funds; and, (3) make recommendations concerning the development of allotment management plans.

The meeting will be open to the public. Persons who wish to attend and participate should notify Kenneth L. Evans or Ernest V. Kehrberg, Malheur National Forest (503) 575–1731 prior to the meeting.

Public participants can enter discussion during the meeting and may file a written statement following the meeting.

Dated: June 6, 1980.

Orin F. Palmer,

Acting Forest Supervisor.

[FR Doc. 80-17735 Filed 6-11-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 80-6-8; Docket 37886]

Hughes Airwest Denver-Houston Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 80-6-8) in the Denver-Houston market to Hughes Airwest under our expedited Subpart Q Procedures. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions, shall file by July 9, 1980, with the Board and serve upon Hughes Airwest a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 38007, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Laurie Schaffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673–5009.

SUPPLEMENTARY INFORMATION: The complete text of Order 80–6–8 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–6–8 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428

By the Bureau of Domestic Aviation: June 3, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17808 Filed 6-11-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37588; Order 80–6–36]

Palm Beach Environmental Study; Order Denying Motions To Delay and To Expand Scope of Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of June, 1980.

By Order 80–2–16, we instituted this proceeding to determine the effect on the environment of the grant of additional route authority at West Palm Beach. The City of West Palm Beach and the Towns of Palm Beach, Golfview, Glen Ridge and Cloud Lake, Florida (the "Cities") had objected to the grant of the proposed authority, alleging that additional air service would cause environmental problems, primarily noise pollution. Our order instructed the staff to prepare an environmental assessment and deferred further action on route applications for West Palm Beach until we resolve the environmental questions. Members of our staff later met informally with representatives of the Cities, Palm Beach County (Operator of Palm Beach International Airport), and the Environmental Protection Agency to discuss the scope and methodology of the study. The staff has prepared a statement explaining its intended scope and methodology, and a copy is attached to this order as an appendix. In its simplest form, the staff study would project traffic growth at Palm Beach International Airport, both with and without the grant of new route authority. Using these projections, the study would then calculate the probable noise and pollution impact of additional licensing.

We have now received motions from two parties. The first of these, filed by the Cities, asks us to "clarify and supplement" Order 80–2–16. The Cities' motion seeks various substantive and procedural changes which would have the effect of revising and expanding the scope of the study. The proposed changes would also affect the procedures we are to follow in evaluating the environmental considerations of additional licensing at Palm Beach International Airport (PBIA). Four areas are identified by the motion: the breadth of the matters to be studied in this proceeding; the need for additional public participation; the desirability of a public meeting in the West Palm Beach area; and the use of materials to be prepared by a consultant retained by Palm Beach county.

We have also received a motion from the Environmental Protection Agency.[1] By its terms, the motion asks us to delay the proceeding for 90 days. Subsequent communication with EPA, however, has made it clear that the agency's real concern is that we give adequate consideration to the objections of the Cities prior to any final decision. The request for an extension of time thus represents EPA's view as to how long it will take to consider the Cities' position.

Scope of the Environmental Assessment

The fundamental issue before us is what should be the subject of this proceeding. As the appendix shows, the staff study is designed to examine the effects of granting additional route awards, including both the authority currently applied for and authority which we may expect to be sought in the future. The Cities, on the other hand, argue that the study should be expanded to encompass the effect of all grants of authority at PBIA under our policy of multiple permissive entry. We find that the Cities have not presented any persuasive argument that the staff study will be inadequate to allow us to reach a reasoned decision in this case. We will therefore deny the Cities' motion.

In reaching this conclusion, we believe that it is important to set out what we see to be the underlying question to be answered in this proceeding. That question is whether the grant of additional authority at West Palm Beach could result in a major federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. If the answer to that question is in the affirmative, then additional analysis will be necessary, possibly including the preparation of an environmental impact statement (EIS). If not, the environmental effects of additional licensing are not a decisive consideration in evaluating the applications for route authority.

It follows from this premise that the multiple permissive entry policy is properly at issue here only to the extent that it affects the decision to grant new authority at West Palm Beach when it is sought by applicants.[2] The environmental effects of the *general program* of multiple permissive entry are studied in a separate proceeding specifically designed for that purpose. The Cities are parties to that proceeding, and have submitted comments on the draft EIS prepared there. Their comments will be considered in that forum.

It is also clear that previous route awards at West Palm Beach are of no concern in this proceeding. Neither the Cities nor any other party has suggested that outstanding authority at West Palm Beach should be deleted or reduced. Moreover, we would be most reluctant to consider revocation on environmental grounds unless there was clear proof of serious harm which could not be alleviated in any other manner.

In short, the study as proposed by the staff appears adequately designed to explore the issues before us. While we will consider requests for additional analysis after the study is completed, we prefer the vantage point of an analyzed record before we further address the relevancy of past route awards to future decision-making.

Encouraging Public Participation

Following the institution of this proceeding, we adopted PR–218,[3] amending Part 312 of our regulations, which governs our activities under NEPA. One purpose of the new regulation is to ensure broad dissemination of our proposed environmental actions and participation by persons interested in environmental proceedings. During informal discussions with the Cities, the staff has taken the position that the provisions of PR–218 do not apply to this proceeding, because those provisions became effective only on April 26, 1980. The Cities argue that the public participation provisions should apply because the proceeding has not been completed, and that in any event the revised Part 312

[1] The EPA motion was originally sent as a letter to the Chairman. A copy of the letter was subsequently filed as a motion.

[2] It may be accepted without discussion that more applications to serve West Palm Beach would be granted under the multiple permissive entry policy than under our previous restrictive policies.

[3] 45 FR 16132, March 12, 1980.

procedures represent sound policy which should be followed.

The new provisions of Part 312 did not apply until their effective date, and the staff was accordingly correct at the time it took its position on the application of the new procedures to the present proceeding. Of far greater concern, however, is that we achieve our substantive goal—*i.e.*, that interested persons have an opportunity to be heard. To this end, we note that this proceeding has been widely reported in the news media, and extensively discussed at the conference held between our staff and representatives of the Cities and other civic parties.

As for future procedural steps, we continue to encourage participation by interested persons. But we see no reason to undo steps already taken in the proceeding, particularly in view of the wide public notice that has already occurred. When the staff study is completed [4] it will be published, and copies will be provided to the persons named in Part 312 as well as to any other interested person. All parties will have an opportunity to comment, and we will carefully consider those comments before taking any further action. In short, it is our intention to follow the new Part 312 procedures as closely as practicable.

Need for Public Hearing in the West Palm Beach Area

One of the matters that we anticipate will be addressed in the comments is the need for further procedures. Accordingly, the Cities' request for a public hearing in the West Palm Beach Area is premature. Only when the comments have been reviewed will we be able to determine whether a public hearing is necessary, or whether written comments will suffice. It follows that it is also too early to establish a location for any public hearing.

Requests for Delay

The County of Palm Beach has retained the firm of Bolt, Barenek and Newman ("BB&N") to study environmental and economic effects of a proposed capital improvement program at Palm Beach International Airport. The Cities ask that we delay the proposed completion date of our staff's work so that we may have access to data developed by BB&N.

We welcome any pertinent data, and we will consider whatever relevant materials have been prepared by the county's consulting firm or by any other person. It should be kept in mind, however, that the issues being studied by BB&N (airport expansion) and our staff (licensing), while related, are not identical. While some of BB&N's work may be useful in understanding specific aspects of the certification issues now before us, there is no assurance that these materials would be of use to us, and certainly no indication that the BB&N study should be so crucial as to justify postponing our own staff's work. Under the circumstances, we continue our instruction to the staff to proceed with the environmental assessment as quickly as possible.

The Environmental Protection Agency has also asked for a delay. However, the EPA motion offers no independent reason to delay the staff study. While the motion states that the EPA believes that public review of the staff study will take at least 90 days, this does not support postponing completion of the study itself. As we have stated above, we are committed to obtaining adequate public participation in this proceeding, but we will deny the EPA request for delay at this time.

Accordingly: 1. We deny the motions of the Cities and the Environmental Protection Agency; and

2. We will serve this order on the Cities, the EPA, and all carriers listed in Appendix A to Order 80–2–16.

This order will be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor, [5]

Secretary.

Scope of Work, Palm Beach International Airport, Environmental Assessment

Study Objective

The Board has directed its staff to assess the possible environmental effects of awarding additional route authority at West Palm Beach.

Study Approach

The Bureau of Domestic Aviation's study will focus primarily on four selected areas as follows:

(1) Traffic Forecast
(2) Operations Forecast
(3) Noise Assessment
(4) Air Quality Assessment

The period of interest will center on the year ended December 31, 1981. Two distinct approaches will be independently developed and utilized. The first approach will be the "before" situation and will assume that operations during the forecast year will involve only the route authority awarded as of December 31, 1979. The second approach will be the "after" situation and will analyze forecast year operations based not only on authority awarded as of December 31, 1979, but also on additional authority in currently-deferred applications and in any other markets which may reasonably be assumed to be the subject of future applications.

In addition to the detailed and comprehensive evaluation that will be conducted regarding the primary environmental consequences of the two distinct future scenarios on Palm Beach International Airport and the surrounding areas, the study will also consist of a review and evaluation of related environmental effects. These induced effects will relate to groundside congestion, water quality, energy consumption and impacts on historic or architecturally significant areas and sites.

Traffic Forecast

The basis for the traffic forecast will be the number of passengers transported on all nonstop segments radiating from West Palm Beach. "Passengers transported" means all passengers on board an airplane flying to its next stop. Traffic moving in both directions will be included. As a result, the traffic will consist not only of passengers enplaning and deplaning at West Palm Beach but also of passengers moving across various West Palm Beach segments to other points as, for example, an Atlanta-Miami passenger who enplanes at Atlanta on a aircraft that stops at West Palm Beach and continues on to Miami. That person is counted as a West Palm Beach-Atlanta passenger and as a West Palm Beach-Miami passenger. We believe that this is the most appropriate data base because the service pattern at West Palm Beach is predicated not only on traffic generated by West Palm Beach but also on the carriers' ability to consolidate West Palm Beach traffic with traffic in other markets to produce economically viable operations.

This traffic, based on service segment data, will be aggregated into various regions of the country, *e.g.*, New England, Intra-Florida, Midwest, Northeast. Since service segment data are sensitive to changes in patterns of service provided by the carriers, we believe this approach will eliminate problems associated with changing destinations within regions. These regions fall within the various mileage categories required by the noise analysis method.

The historic growth rate will then be developed for each region based on 1971 to 1977 traffic data. This time frame was picked because it represents a

[4] We expect the study to become available in early June.

[5] All Members concurred.

reasonably stable regulatory environment. However, beginning in 1977, the Board began to shift to a policy favoring price competition. Its first decision along these lines was the approval of Texas International's proposed "Peanuts" fare in February 1977 (Order 2–25–77). The Board's commitment to price competition was formalized in September 1978, with the adoption of a regulation, PS–80, which eliminated the requirement that fares be uniformly based on mileage and established a zone of automatic Board approval ranging from 70% below to 10% above the coach fare formula. This policy was endorsed in principle by the Congress in the Airline Deregulation Act of 1978 which became effective October 24, 1978, and continues to be the Board's official position.

During the same period the Board also began to liberalize market entry. It deemphasized its traditional policy of limiting awards of authority to provide service on a given route. This process was articulated in Order 78–9–96 (September 26, 1978), in the *Oakland Service Case*, in which the Board awarded authority at issue to all fit applicants. The Board's policy in the *Oakland* case was incorporated by Congress into the Airline Deregulation Act. Beginning with Order 79–1–34, issued in January 1979, almost all Board show-cause route orders proposed to grant authority to every fit applicant in all domestic markets at issue, except where environmental considerations required further study. In almost all cases, final orders conferring the authority proposed were issued.

The effect of these policies has been to increase traffic in 1978 and 1979, both nationally and at West Palm Beach. Regulation by market forces will result in a one-time shift to a higher level of demand, although it amy take several years to realize the full effect of this change. The reason for this shift is that market forces operate to provide a mix of price and service options which more accurately reflect demand. It is clear that first the liberalized pricing policy and later the open entry policy had a significant impact on traffic in 1978 and 1979 at West Palm Beach. For this reason, the 1971–77 period appears to be the most reasonable for estimating the normal growth rate without the effects of regulatory change.

The 1971–1977 growth rate will be applied to the number of passengers transported during the month of March, 1979, the peak month for both traffic and operations in that year, to project the calendar year (CY) 1981 "before" situation, *i.e.*, the traffic level which would be anticipated in the absence of the grant of additional authority. The 1981 "after" situation will be computed by adding the additional traffic generated as a result of new authority from currently deferred applications and from markets in these geographic areas which may reasonably be excepted to be the subject of future applications.

The traffic for markets which do not currently receive nonstop service from West Beach will be based on the latest available true origin and destination ("O&D") data taken from the Civil Aeronautics Board's *Origin and Destination Survey* for the quarter ending March 1979. True O&D is a count of passengers whose entire air trip is in a specific market, without regard to the routings used to make the journey.

This makes it possible to determine the numbers of passengers moving between West Palm Beach and any other point. March 1981 traffic will have to be forecast, since the *Survey* information for that time period will not be available. Since the Survey data are quarterly, the traffic for March 1981 will be computed by reducing this traffic to a monthly figure through the use of service segment data—which are available monthly—by comparing March, 1979 traffic to the traffic of the first quarter of 1979. The average growth rate experienced at West Palm Beach will then be applied to this result.

To determine the traffic-stimulating effect of multiple permissive entry authority at West Palm Beach, we will employ the approach used in the Civil Aeronautics Board's *Draft Program Environmental Impact and Energy Statement, Multiple Permissive Entry Policy*, (Docket 30699) and in the *Boston Environmental Study* (Docket 36941), and analyze the change in traffic in alternate Florida markets during 1978 and 1979. This period of time will be examined due to historical requirements. The Airline Deregulation Act was passed in October 1978 and its effects have been felt in markets which are major West Palm Beach communities of interest on the one hand, and in Ft. Lauderdale, Orlando and Tampa, on the other hand, where the Board has granted multiple permissive entry authority.

Operations Forecast

The traffic forecast will be converted into a forecast of operations through the use of known operations and equipment types in March 1979, as adjusted to reflect changes in aircraft used in March 1980. Where air carriers have indicated that they have reasonably certain plans to implement changes in their operations or equipment at West Palm Beach between now and 1981, suitable adjustments will be made. The average available aircraft capacity will then be calculated. This in turn will be adjusted by the historic load factor to determine the average number of passengers transported per flight.[1] The number of forecast operations will then be determined by dividing the number of projected passengers transported by the average number of passenger transported per flight.

As a result of our method of projection, the difference between the "before" and "after" operational forecast will be the operations attributable to grant of additional authority at West Palm Beach. Since the forecasts will be based on peak-period data, our estimates will represent the "worst-case" conditions that can be expected.

Noise Assessment

Once the 1981 operations forecasts have been completed, an intensive noise assessment will be conducted. The primary analytical tool for evaluating the noise effects of the alternate 1981 forecast conditions will be the use of the Federal Aviation Administration's Integrated Noise Model ("INM"). As a means of assessing cumulative noise impacts, the INM is the method recommended by the FAA for use in studying airport-land use compatability. The INM stands as the most sophisticated analytical approach available for predicting airport related noise impacts.

In support of the use of the INM, an on-site visit was made to the Palm Beach Airport. For purposes of obtaining the necessary information essential to the proper use of the INM, a complete description of the airport and its associated operations was made. As part of the study objective of conducting a "worst-case" analysis, so that the highest expected noise impacts under feasible operational conditions will be considered, aircraft traffic was

[1] The load factor in the "after" situation will be slightly higher than that in the "before" situation since multiple permissive entry has the effect of reduciing real fares. The elimination of barriers to entry by competitors encourages price competition, which lowers revenue per passenger. More passengers per flight (*i.e.*, a higher load factor) is then necessary for the carrier to operate profitably.

examined during the peak traffic month of March. A total inventory of all jet operations into and out of the airport was compiled. This includes business jet flights as well as commercial jet operations. Operations were examined during the day on which Palm Beach International Airport experienced its highest number of aircraft movements ever recorded up to that date. The air traffic control radar system was closely studied to reveal the actual departure and approach procedures followed at Palm Beach Airport. To insure that *all* jet operations are included in the scope of the analysis, a complete record of flight strips written out by aircraft controllers for every jet landing and takeoff was examined. A complete count of total jet operations, from large commercial jet traffic down to instrument approach practice sessions by smaller business jets, was thereby compiled.

Use of the INM will provide an accurate description of the noise environment at the airport. The components of the model deployment include a presentation of runway layout and utilization, flight tract use by approaching and departing aircraft, aircraft operations distributed by time of day, distance to destination and equipment type, and any restrictions on aircraft operations particular to the airport.

The next phase of the noise assessment will be the preparation of noise contours that will be presented as overlays on topographic maps of the airport and the surrounding areas. Although there are many scales available for measuring noise, we have determined to use the Day/Night Average Sound Level ("Ldn"). This scale is cumulative over a 24 hour period and includes a weighting factor for the increased annoyance of nightime (10 pm to 7 am) flights.

The selection and use of the Ldn sound level requires explanation. For the purpose of describing single event noise, two scales are commonly utilized: Effective Perceived Noise Decibels ("EPNdB") and Decibels, A-Weighted ("dBA"). Both are logarithmic scales for which each decrease of 10 EPNdB or 10 dBA represents approximately a halving of perceived noisiness. The numerical value of EPNdB is approximately 13 units higher than the numerical value of dBA for the same noise level. While EPNdB and dBA are "single-event" noise scales, the impact of noise depends on the cumulative effect of many flights over a given area. For this reason, the effect of noise on public health and welfare is better measured by a scale which accummulates, logarithmically, the total noise from a series of successive flights. Continuous noise level evaluation, rather than isolated single event noise exposure, is the generally accepted method of determining the nature and extent of the noise environment. The use of continuous sound level measures, as opposed to single-noise event exposure, is the recommended method of the International Organization of Standardization, the Environmental Protection Agency and the National Institute of Occupational Safety and Health. When EPNdB is the basic single-event noise unit, the cumulative scale is termed Noise Exposure Forecast ("NEF"). When dBA is the basic single event unit, the cumulative scale is Ldn. The numerical value of Ldn is approximately 35 units higher than the numerical value of NEF for the same noise environment.

Although it is within the capabilities of the INM to determine both NEF and Ldn noise measures, the study will include only Ldn contours. Ldn was developed in 1973–74 for the Environmental Protection Agency and has been identified by that agency as the most appropriate descriptor of environmental noise which considers such factors as its relation to pervasive long-term noise and its correlation with known effects of the noise environment on the public. The study will clearly identify the relationship of the Ldn contours in terms of an acceptable human environment. The use of Ldn as a noise measure is justified by its utility in presenting to the nontechnical reader the means by which to gain an informed understanding of the contours. Four contours will be prepared to show the boundaries of all areas exposed to noise levels from Ldn 65 to Ldn 80 in 5 Ldn increments. Suitable materials will be included in the assessment to aid in the interpretation of the Ldn values.

While Ldn contours are particularly useful for presenting the boundaries of areas exposed to certain noise levels, the study will also examine the noise impact at selected discrete points. The predicted ambient noise levels at certain selected noise sensitive locations will be determined. It is expected that the selection of these noise sensitive locations will be made on the basis of close consultation with the West Palm Beach parties. The times of exposure above a specified threshold of A-weighted sound level at these locations will also be predicted by the INM.

Once the Ldn contours are prepared and overlays on topographic maps are completed, a separate population exposure forecast will be conducted. The Ldn sound level contours will be overlaid on population centroids defined by the Bureau of the Census. This work will be carried out through the assistance of the Department of Transportation's Transportation Systems Center in Cambridge, Mass. The population centroids will be adjusted to give an accurate population estimate within the most currently available time frame. This phase of the assessment will thus produce detailed measures of the number of people exposed to different sound levels.

While the assessment will include complete and extensive reporting of the study findings and conclusions, full documentation will also be provided of the assumptions and procedures employed in the forecasting and modeling. The study will endeavor to be an objective assessment of the noise environment at the Palm Beach airport. Whenever possible and feasible, information developed in the study will be shared with the acoustical consultants retained by the County of Palm Beach. The consultant's Development of Regional Impact study will utilize somewhat different forecasting and modeling techniques and will be directed towards different study objectives than the Civil Aeronautics Board's environmental assessment; however, in the instances where mutual cooperation will lead to better and more accurate reports, affirmative steps will be taken to assure that such cooperation will occur.

The assessment will also set forth the criteria that will be used in determining whether the effects of the Board's actions will result in a significant impact on the environment. These criteria will set forth objective standards and guidelines by which the proposed actions will be measured. In keeping with precendent established at the Civil Aeronautics Board over a period of years, the criterion for change of noise impact included in the Board's Part 312 Procedural Regulations (effective September 24, 1975) will be used. The Part 312 criterion is that a change in authority which results in a greater than 1 NEF unit increase within specified contours requires further detailed analysis. If the area increase results in a less than 1 NEF unit increase no further study is warranted.

Although the Board is currently in the process of revising Part 312 in order to have its noise analysis methodology reflect the current state of the art, the criterion for change as detailed above on which it is based remains valid for technical and scientific reasons. A 1

NEF unit increase corresponds to a 1 dBA change. Work undertaken for the Environmental Protection Agency indicates that an increase of 5 dBA will clearly cause complaints and that an increase of 2 dBA may cause complaints. A 1 dBA change is therefore on the very threshold of a detectable change in sound levels. While the Part 312 noise criterion is established in terms of NEF units, the criterion is also valid in terms of Ldn. Sufficient explanation and documentation will be included in the study to explain the relationship of the two sound level measures.

Air Quality Assessment

Along with possible effects on the sound levels experienced in and around the Palm Beach airport, air quality impacts are the second major area of environmental concern. As a means of determining the probable air quality consequences of the forecast change in service levels, the assessment will be conducted in a two-stage process.

Existing air quality data acquired from the responsible state or local officials who operate suitable air monitoring stations at Palm Beach airport and in the surrounding area will be compiled and examined. Historic air quality data will be gathered from the Environmental Protection Agency's Monitoring and Data Analysis Division which operates the National Air Data Branch. Ambient air quality data are regularly transmitted to the EPA by means of the Storage and Retrieval of Aerometric Data ("SAROAD") reporting system. The air quality data will then be compared with the National Ambient Air Quality Standards ("NAAQS"), the standards promulgated by the Environmental Protection Agency which establish the ambient air quality levels to protect, with an adequate margin of safety, the public health and welfare. Data collection will include air pollutants for which EPA has issued formal air quality standards.

Notice will be taken that Palm Beach County, as part of the Southeast Florida Intrastate Air Quality Control Region, has air quality that is currently better than the NAAQS for total suspended particulates, sulfur dioxide, carbon monoxide and nitrogen oxides (see 40 CFR Section 81.310). Ambient air quality in Palm Beach County is not, however, meeting the NAAQS for ozone.

The methods of analysis that will be used to estimate air quality impacts will depend on Gaussian-line source diffusion models, developed and approved by the FAA and EPA. The models will simulate the release of emissions along a "line", i.e., a runway. The first line source diffusion model to be employed is the Airport Line Source Model ("ALSM") which is a modification of the Airport Vicinity Air Pollution Model ("AVAP") developed at the Argonne National Laboratory. ALSM will provide an areawide projection of air quality effects. The second model to be employed is a Gaussian-plume algorithm for point, area, and line sources ("PAL"). PAL will estimate air quality effects from vehicular traffic in the vicinity of the airport terminal as well as the contribution to ambient pollution concentration levels from aircraft operations. Current emission factors for aircraft and vehicular sources will be taken from EPA's "Compilation of Air Pollutant Emission Factors."

The use of the Gaussian models requires the input of certain critical meteorological factors. Certain data will be acquired from U.S. Weather Bureau observations taken at the Palm Beach airport. The remainder will be from seasonal and annual wind distribution data at West Palm Beach compiled at the National Climatic Center of the National Oceanic and Atmospheric Administration. Carbon monoxide ambient concentration levels will also be estimated by the use of EPA's indirect source evaluation methods. In all cases, worst case conditions of low ventilation and high vehicular traffic flows at the airport will be utilized in the modeling assumptions.

Although ozone is the only air pollutant whose ambient concentration levels at Palm Beach airport exceed the NAAQS, no direct analysis of the ozone problem will be conducted. Ozone is not directly injected into the atmosphere by pollution sources. It is derived from extremely complex atmospheric reactions whose reaction mechanisms are still largely undetermined in the scientific community. The ozone problem is created by a mixture of oxides of nitrogen and hydrocarbons in the presence of sunlight on a regional, as opposed to local, scale. It will therefore be necessary to restrict our analysis to carbon monoxide, nitrogen oxides and hydrocarbons. Sulfur dioxide will not be modeled since its emission into the atmosphere is largely attributable to large stationary power plants and not from aircraft or motor vehicles. Total suspended particulates will also not be modeled since they are emitted in relatively insignificant amounts by aircraft and vehicular sources, have aerodynamic properties that make them less than perfect candidates for treatment in the selected Gaussian-plume models and, most importantly, are currently below the NAAQS in Palm Beach County.

The results of the modeling analysis will be viewed in light of objective criteria. We intend to employ EPA Guidelines for Significant Ambient Air Quality Impacts and Significant Emission Rates as set forth in EPA's proposed rules for the preparation of state implementation plans (see 44 FR 51924, September 5, 1979). These guidelines set forth the Environmental Protection Agency's proposed concept on what constitutes *de minimis* air quality impacts with regard to air pollution sources in clean air areas. The *de minimis* concept was developed for EPA's program, required under the Clean Air Act, to insure the prevention of significant deterioration of air quality. As such, the guidelines provide the most current estimate of what constitutes significant air quality impacts. Although the guidelines are subject to qualification by the EPA since they are part of a proposed rulemaking, the study will keep abreast of any changes in the guidelines and make use of the most current information as of the time of the completion of the assessment.

[FR Doc. 80-17807 Filed 6-11-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will hold a Scoping Meeting to discuss the preparation of an Amendment for the Surf Clam and Ocean Quahog Fishery Management Plan. The scoping process is the initial step in preparing the Amendment for the above Fishery Management Plan and notice hereof is intended to satisfy the Notice of Intent to Prepare an Environmental Impact Statement for this plan. This scoping process is discussed in § 1501.7 of regulations (43 FR 55978) implementing the National Environmental Policy Act.

DATE: June 27, 1980, at 2:00 p.m.

ADDRESS: Sheraton Inn—Dover, 1570 N. duPont Highway, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Phone: (302) 674–2331.

Dated: June 9, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80–17710 Filed 6–11–80; 8:45 am]

BILLING CODE 3510–22–M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The South Atlantic Fishery Management Council will hold a public meeting for the purpose of public input on proposed management measures related to fishing gear conflict situations similar to those which have occurred in the Ft. Pierce area.

DATE: Written comments from members of the public may be submitted no later than July 11, 1980.

Individuals or organizations wishing to comment on the proposed management measures may do so at a public meeting to be held as follows: July 2, 1980; Ft. Pierce, Florida. The meeting will begin at 7:00 p.m. and adjourn at 10:00 p.m. The meeting will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared.

ADDRESS: Send comments to: Chairman, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407.

MEETING LOCATION: July 2, 1980; St. Lucie Country Civic Center, Ft. Pierce, Florida.

FOR FURTHER INFORMATION CONTACT: Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, (803) 571–4366.

SUPPLEMENTAL INFORMATION: The meeting will deal only with certain proposed measures dealing with fishing gear conflict situations similar to those which have occurred in the Ft. Pierce area. These measures are a part of the Fishery Management Plan for Coastal Migratory Pelagic Resources (Mackerels) in the Gulf of Mexico and South Atlantic fishery conservation zone prepared and adopted by the South Atlantic and Gulf of Mexico Fishery Management Councils. It is the intention of the South Atlantic and Gulf of Mexico Councils to submit the plan to the Secretary of Commerce for review under authority of the Fishery Conservation and Management Act of 1976.

Dated: June 9, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80–17711 Filed 6–11–80; 8:45 am]

BILLING CODE 3510–22–M

Intent To Conduct a Cost Comparison for Government Versus Contract Provision of Photographic Products for NOAA's Imagery Processing Laboratory

AGENCY: National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: Notice is hereby given (pursuant to Office of Management and Budget (OMB) Circular A–76 and the Department of Commerce Administrative Order 201–41 implementing OMB Circular A–76) that NOAA intends to conduct a cost comparison of Government operation of its Imagery Processing Laboratory (of the National Ocean Survey's (NOS) Photogrammetry Division) versus the cost of acquiring the photographic products by contract with a commercial aerial photographic laboratory. A contract may or may not result from the cost comparison study. Results of the cost comparison will be made available to bidders, offerers, and all interested parties.

DATES: The Invitation for Bid or Request for Proposal package is expected to be available in August 1980. Availability will be announced in the Commerce Business Daily.

FOR FURTHER INFORMATION, CONTACT: Commander Donald J. Florwick, Special Assistant for Program Coordination, NOS Office of Marine Surveys and Maps, NOAA, Rockville, MD 20852, telephone 301–443–8354.

Dated: June 6, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Services.

[FR Doc. 80–17729 Filed 6–11–80; 8:45 am]

BILLING CODE 3510–12–M

Office of the Secretary

Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census and Census Advisory Committee on Black Population for the 1980 Census; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A–63 (revised), and after consultation with GSA, it has been determined that the renewal of the Census Advisory Committees for the 1980 Census on the Asian and Pacific Americans Population and the Black Population are in the public interest in connection with the performance of duties imposed on the Department by law.

The Asian and Pacific Americans Population Census Advisory Committee was first established in June 1976 and was renewed in June 1978; the Black Population Census Advisory Committee was first established in October 1974 and was renewed in June 1976 and in June 1978. The purpose of these committees is to provide an organized and continuing channel of communication between these respective populations and the Bureau of the Census. Of particular concern are the problems and opportunities presented by the Twentieth Decennial Census as they relate to the Asian and Pacific Americans and Black populations in the United States.

These communications channels have been helpful to the Census Bureau in its efforts to develop techniques which reduce the undercount of the Asian and Pacific Americans and Black populations and in improving dissemination procedures for 1980 census data. To the extent that these efforts are successful, there will be direct and substantial gains for both populations.

The Committees will continue to draw on the knowledge and expertise in their members to provide advice during the post-enumeration period of the 1980 Population and Housing Census. Areas of particular concern include improvement of tabulation and presentation of census data of especial use to the Asian and Pacific Americans and Black populations, alternative approaches to Census undercount adjustment methods, and generally ensuring that maximum usefullness is derived from the census product.

Both Committees will consist of 21 members appointed from among a broad spectrum of community leaders. The Committees will report and be

responsible to the Director, Bureau of the Census. They will function solely as advisory bodies, in compliance with the Federal Advisory Committee Act.

Copies of the Committees' revised charters will be filed with appropriate Committees of Congress and with the Library of Congress.

Inquires concerning the Census Advisory Committees on Asian and Pacific Americans Population and the Black Population may be addressed to the Committee Control Officers, Mr. Clifton S. Jordan and Mr. William L. Lucas, respectively. Their address is Decennial Census Division, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland 20233. Mr. Jordan may be reached by telephone at (301) 763–5169; Mr. Lucas may be reached by telephone at (301) 763–2050. In addition, inquiries regarding this notice may be addressed to Mrs. Yvonne Barnes, Committee Management Analyst, Department of Commerce, Washington, D.C. 20230, telephone number (202) 377–4217.

Dated: June 5, 1980.

Guy W. Chamberlin, Jr.,

Assistant Secretary for Administration.

[FR Doc. 80-17692 Filed 6-11-80; 8:45 am]

BILLING CODE 3510-18-M

United States Travel Service

Travel Advisory Board; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel Advisory Board of the U.S. Department of Commerce will meet on July 24, 1980, at 9:00 a.m., in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purpose of the International Travel Act of 1961, as amended, and the Act of July 19, 1940, as amended. A detailed agenda for the meeting will be published in the **Federal Register** in advance of the meeting.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, the United States Travel Service, Room 1858, U.S. Department of Commerce, Washington, DC 20230 (telephone 202/377–4752) will respond to public requests for information about the meeting.

Jeanne Westphal,

Acting Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc. 80-17733 Filed 6-11-80; 8:45 am]

BILLING CODE 3510-11-M

COMMUNITY SERVICES ADMINISTRATION

Proposed Rural Housing Initiatives

AGENCY: Community Services Administration.

ACTION: Notice of Proposed Rural Housing Initiatives.

SUMMARY: CSA is proposing to fund up to 20 state grants and one national grant for low-income rural housing initiatives. This notice describes the type of proposals which will be considered by CSA. Proposals must be submitted to CSA by July 30, 1980.

FOR FURTHER INFORMATION CONTACT: Larry Couch, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 254–6390, Teletypewriter: (202) 254–6218.

SUPPLEMENTARY INFORMATION: As part of CSA's on-going activity to assist the poor in obtaining decent housing and in an effort to mobilize and channel additional housing resources for the rural poor, CSA will consider funding one grant averaging $20,000 to $25,000 in each of 20 States. In addition CSA will consider funding one national support grant. Funding for the national support grant is not anticipated to exceed 20% of the total funds awarded to the state grantees.

State grants: CSA is inviting all interested groups to submit proposals that will create and/or support state-wide coalitions of organizations who advocate for increased housing resources for the poor. The state projects should focus on increasing housing resources for the poor; targeting and increasing the availability and access to existing limited funds; building coalitions in the public and private sectors (e.g. church and civic organizations); and assuring low-income representation on housing policymaking boards. Although the effort is to have a rural focus, alignment with urban groups and urban issues is encouraged. Coalitions submitting proposals should show the broadest range of involvement with other organizations that serve the housing needs of the poor. A coalition of organizations may choose one agency to apply for and to administer the funds as the grantee of record. Given the nature of the program, CSA suggests that applicants discuss the following elements concerning the coalition. Where new coalition is being formed, discussion of experience should focus on the experience of the groups forming the coalition.

1. Ways in which there is, or will be, maximum involvement of the poor in the policy making operation and evaluation procedures of the coalition.

2. Experience in advocacy activities, especially in mobilizing housing funds for the poor.

3. Past experience in working with rural low-income housing programs.

4. How the coalition will relate to community based organizations, especially those groups that are concerned with the needs of the poor.

5. Types of experience and skills previously used in coalition work with Community Action Agencies, Community Development Corporations, church groups, civic groups, housing development corporations and other advocacy organizations.

6. Knowledge of local, state and national housing issues and programs, pending housing legislation for low-income groups, and experience in developing strategies with other state, interstate and national low-income housing groups.

7. Types of experience and skills previously used in coalition work with the poor.

8. Identification of existing members of the coalition and efforts projected for broadening involvement with other organizations.

9. Statement of goals and objectives which define the critical housing issues in the State and the strategies the coalition will use to deal with those issues.

National grant: CSA is interested in receiving proposals from a national organization to: Provide the state projects with special support services to assist them in developing, coordinating and expanding the housing resources of the poor; and, on a multi-state and national level, focus on bringing about changes in existing law, regulations, policy and procedures of institutions that have the ability or responsibility to meet the housing needs of the poor. CSA suggests that the applicants for the national grant discuss elements 1 through 7 listed above.

Application process: This rural housing initiatives program will be administered by the National Office of the Community Services Administration, Office of Community Action. Applicants should use the application process found at 45(CFR) 1067.80—Applying for a Research, Demonstration and Pilot Program Grant under Title 11, Section 232 and 222(a) of the Economic Opportunity Act of 1964 as amended. Since this program will be funded under Section 232 of the Economic Opportunity Act of 1964 as amended, the A–95 clearance process is not required. All applications should be forward to: Larry Couch, Community Services Administration, 1200 19th Street, NW., Room 328, Washington, D.C. 20506.

(Sec. 602, 78 Stat 530; [42 U.S.C. 2942])

William W. Allison,

Acting Director.

[FR Doc. 80-17595 Filed 6-11-80; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 3, 1980.

The USAF Scientific Advisory Board Ad Hoc Committee to Review the C–5A Wing Modification Program will meet at Lockheed Georgia Company in Marietta, Georgia on July 1 and 2, 1980 from 9:00 AM to 4:30 PM each day.

The Committee will review the full-scale fatigue article testing program. This meeting will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80-17680 Filed 6-11-80; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Revise Wholesale Power Rates Which Will Become Effective July 1, 1981; Request for Public Comment

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Notice of Intent to Revise Wholesale Power Rates.

SUMMARY: Bonneville Power Administration (Bonneville or BPA) is in the initial stages of developing its wholesale power rate schedules which will become effective July 1, 1981. At this time, Bonneville is seeking suggestions, advice, and recommendations from interested persons which can be used to assist in the development of the wholesale power rate proposal.

Bonneville expects to have its initial proposed rates formulated by November 1980. BPA will then publish a Notice announcing their availability. That Notice will also include a schedule for public information and comment forums. Bonneville will explain its rate proposal and answer questions at the information forums. The comment forums will give interested persons an opportunity to present both oral and written comments on the proposal.

DATES: Effective date June 12, 1980. Suggestions and recommendations concerning the development of Bonneville's initial proposed wholesale power rates will be accepted through October 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, ext. 4261. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2500, ext. 2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Room 314, 301 Yakima Street, Wenatchee, Washington 98801, 509–662–4377, ext. 379.

Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington, 98109, 206–442–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: BPA is the wholesale marketing agency for electric power generated at the Federal hydroelectric dams on the Columbia River and its tributaries. These dams, built and operated by the U.S. Army Corps of Engineers and the Department of the Interior's Water and Power Resources Service, together with BPA's transmission system, comprise the Federal Columbia River Power System (FCRPS). By purchase and exchange, BPA also acquires power generated by non-Federal interests.

Bonneville supplies about 50 percent of the electric energy consumed in the Pacific Northwest and accounts for about 80 percent of the region's high-voltage transmission capacity. It sells power to 149 customers, including publicly, cooperatively, and privately owned utilities, Federal and State (California) agencies, and electroprocess and other Northwest industries. The power is sold at wholesale to BPA utility customers for resale to ultimate consumers, and directly to its industrial and Federal agency customers. In addition, BPA sells power surplus to the needs of the Pacific Northwest outside the region.

The rates which Bonneville charges its customers must produce revenues which are sufficient to repay, with interest, the Federal investment in the FCRPS and to pay Bonneville's operation and maintenance expenses, its purchased power costs, and certain other miscellaneous expenses. Inflation, high interest rates, and contract obligations for purchase of thermally generated power have created substantial increase in Bonneville's costs. It is estimated that the increase in revenues to assure recovery of all power costs will be approximately 50 percent.

Bonneville's last wholesale power rate increase became effective on an interim basis on December 20, 1979. Power sales contracts enable Bonneville to adjust its rates on July 1, 1981, and each July 1 thereafter. Bonneville is in the initial stages of developing wholesale power rates which will be effective July 1, 1981.

The developmental process for the 1981 wholesale power rate proposal will be similar to that used for the 1979 wholesale power rates. Bonneville is preparing a current repayment study to determine the extent to which repayment requirements exceed expected revenues collected under the 1979 rates. Following a determination of the increase in revenues which will be necessary to meet repayment requirements, Bonneville will conduct various studies including a cost-of-service analysis, a long-run incremental cost analysis, and a time-differentiated pricing analysis, which will be used in designing the rates. Bonneville will also prepare an environmental assessment of the effects of the proposed rates.

In developing the rate proposal, Bonneville will consider the application

of the six ratemaking standards of Section 111 of the Public Utility Regulatory Policies Act (PURPA, Pub. L. 95-617). This Act requires each utility whose total retail sales exceed 500 million kilowatt hours in a calendar year to consider ratemaking standards with respect to conservation of power, optimal and efficient use of facilities and resources, and equitable rates for all electric consumers. Bonneville is included in this category because of its direct sales to Federal agencies and industrial customers. The six ratemaking standards of Section 111 of PURPA were adopted by Bonneville on November 19, 1979 (44 FR 68949). The standards regard: (1) Cost of service; (2) declining block rates; (3) time-of-day rates; (4) seasonal rates; (5) interruptable rates; and (6) load management techniques. Other factors Bonneville will consider in designing the 1981 wholesale power rates include conservation, consumer understanding, ease of administration, environmental protection, and continuity of rates.

Bonneville will involve the public in developing its rate proposal. Interested persons are invited to submit suggestions, advice, and recommendations through October 31, 1980. As BPA develops the initial rate proposal, it will, upon request, meet with interested persons who wish to review the studies in progress and make suggestions. When the initial rate proposal is published, Bonneville will conduct information forums to explain the purpose and basis of the proposed rates, and comment forums to give interested persons an opportunity to present oral comments on the proposed. Written comments will also be accepted. Following evaluation of public comments and suggestions, and revision of cost analyses, Bonneville will announce its final proposal wholesale power rates. The Administrator will submit the final rate proposal to the Department of Energy's Assistant Secretary for Resource Applications for approval on an interim basis. The Assistant Secretary will forward the proposal to the Federal Energy Regulatory Commission for final confirmation and approval.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, ext. 4261. Toll-free numbers for Oregon callers 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800-547-6048.

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503-234-3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2500, ext. 2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Mr. Ronald K. Rodewald, District Manager, Room 314, 301 Yakima Street, Wenatchee, Washington 98801, 509-662-4377, ext. 379.

Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Dated: June 4, 1980.

Sterling Munro,

Administrator.

[FR Doc. 80-17801 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Order; Office of Enforcement, ERA, and Abell Oil Co., Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and Abell Oil Company, Inc., of Wichita Falls, Texas, during the month of June 1980. The Consent Order represents resolution of an outstanding compliance investigation by the DOE and Abell Oil Company, Inc. which involves a sum of $48,000, excluding penalties. This Consent Order is concerned exclusively with payment of the refunded amount to injured parties for alleged overcharges made by Abell Oil Company, Inc. on retail sales of motor gasoline during the period January 1979 through August 1979. The refund will be made through a rollback of prices.

For further information regarding this Consent Order, please contact Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (phone) 214/767-7745.

Issued in Dallas, Tex., on the 5th day of June 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement Economic Regulatory Administration.

[FR Doc. 80-17800 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-24-NG]

Northern Natural Gas Co.; Amendment to Application

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of amendment to application for authorization to import natural gas from Canada and request for expedited decision.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an amendment to the October 11, 1979 application to import natural gas from Canada filed by Northern Natural Gas Company (Northern). The amendment which was filed on May 16, 1980, requests authorization to import up to 100,000 Mcf per day of natural gas at a point on the international boundary near Monchy, Saskatchewan, Canada. Petitions to intervene are invited. A related application has been filed by Northern with the Federal Energy Regulatory Commission in FERC Docket No. CP80-22.

DATES: Petitions to intervene: to be filed on or before June 23, 1980.

FOR FURTHER INFORMATION CONTACT:

Ms. Lynne H. Church, Director, Division of Natural Gas, 2000 M Street, Room 7108, Washington, D.C. 20461, telephone (202) 653-3286.

Mr. Martin S. Kaufman, Deputy Assistant General Counsel for International Trade and Emergency Preparedness, 1000 Independence Avenue, S.W., Forrestal Building, Room 5E064, Washington, D.C. 20585, telephone (202) 252-2900.

SUPPLEMENTARY INFORMATION: In its original application of October 11, 1979, Northern requested authorization pursuant to Section 3 of the Natural Gas Act to import at a point on the international boundary near Emerson, Manitoba, up to 200,000 Mcf of natural gas per day and daily volumes in excess thereof if available on a best efforts basis, and 73,000,000 Mcf per year beginning November 1, 1980, and ending

October 31, 1994. Notice of the application was given on January 21, 1980 (45 FR 3951) and petitions to intervene were invited. At that time, approximately 14 petitions to intervene were received.

Northern will purchase the natural gas from Consolidated Natural Gas Limited (Consolidated) of Calgary, Alberta, pursuant to a Gas Sales Contract dated February 24, 1979. The volumes to be imported at Emerson will be delivered to Great Lakes Transmission Company (Great Lakes) for transportation and redelivery to Northern at a point near Carlton, Minnesota. Under the terms of the Transportation Contract between Consolidated and TransCanada Pipe Lines Limited (TransCanada), Consolidated has the option to elect to receive delivery of its gas at a point on the international border at Monchy, Saskatchewan. This election is not to exceed fifty (50) percent of the daily contract quantity then in effect.

In proceedings before the Federal Energy Regulatory Commission (FERC) in Docket No. CP78–124 and in companion proceedings before the National Energy Board of Canada (NEB), Northern Border Pipeline Company (Northern Border) and TransCanada testified that Northern Border, in order to secure financing, will need transportation volumes in addition to those to be imported by Northwest Alaskan Pipeline Company. It was suggested that Consolidated and Progas Limited (Progas), another export licensee, seek amendments from the NEB to Licenses GL–61 and GL–56, respectively, adding Monchy, Saskatchewan as an additional point on the international boundary from which Consolidated and Progas could export their authorized export volumes, for transportation through Northern Border.

In view of this, Consolidated applied to the NEB and was granted a license amendment to include Monchy, in addition to Emerson, as an export point and to authorize the export through the Monchy delivery point beginning November 1, 1981, of up to 100,000 Mcf per day and up to 180,000,000 Mcf throughout the term of the license.

Accordingly, Northern filed an amendment to its original application to request authorization to import up to 200,000 Mcf per day of natural gas at a point on the international boundary near Emerson beginning November 1, 1980, and also to import up to 100,000 Mcf per day of that volume of natural gas at a point on the international boundary near Monchy beginning November 1, 1981.

The gas to be imported at Monchy will be delivered to Northern Border for transportation and redelivery to Northern at Ventura, Iowa.

Northern urges prompt approval of its application in order to avoid delay in the financing of Northern Border and to assure that Northern will have this needed supply available for the 1980–1981 heating season.

Other Information

The ERA invites petitions for intervention in the proceeding. Such petitions are to be filed with the Economic Regulatory Administration, Room 4126, 2000 M St., N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 157.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on June 23, 1980.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition and application for temporary certificate should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA 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 who has already filed a petition for intervention in this docket need not file another petition. ERA considers such persons also to be interveners in the amendment.

Northern also has filed with the FERC an amendment to its application for license to import natural gas from Canada in order to permit the import of gas as described in this notice (FERC Docket No. CP80–22). The period for intervention in that proceeding also expires June 23, 1980. A notice in that proceeding was published in the **Federal Register** (45 FR 38131) on June 6, 1980.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own determines that such a hearing is required. If such hearing is required, due notice will be given.

A copy of Northern's amended application is available for public inspection and copying in Room B120, 2000 M St., N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on June 10, 1980.

F. Scott Bush,

Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 80–17943 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ER80–418]

Federal Energy Regulatory Commission

Arizona Public Service Co.; Change of Rate

June 4, 1980.

The filing company submits the following:

Take notice that Arizona Public Service Company on May 28, 1980, tendered for filing as an initial rate schedule an Interruptible Transmission Service Agreement between the Department of Water and Power of the City of Los Angeles (Los Angeles) and Arizona Public Service Company (APS) dated March 20, 1980.

Los Angeles requests waiver under the provisions of § 35.11 so that service could be commenced on April 3, 1980.

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, NE., Washington, DC 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 June 27, 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 R. Plumb,

Secretary.

[FR Doc. 80–17738 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER79–474]

Arizona Public Service Co.; Filing

June 4, 1980.

The filing company submits the following:

Take notice that on May 28, 1980, Arizona Public Service Company (APS) submitted for filing a revised Exhibit "A" to the Wholesale Power Supply agreement between the Bureau of Indian Affairs and APS.

APS states that pursuant to the Commission's letter of August 10, 1979, APS will file future revised exhibits only every fifth year for informational purposes.

A copy of this filing has been sent to the Bureau of Indian Affairs and the Arizona Corporation Commission.

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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 30, 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. 80-17739 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-91 and RP80-93]

Arkansas Louisiana Gas Co.; Order Consolidating, Accepting for Filing and Suspending Proposed Rate Increases, Subject to Refund, Subject to Conditions, Granting Intervention and Establishing Procedures

May 30, 1980.

On April 28, 1980, and April 29, 1980, Arkansas Louisiana Gas Company (Arkla) filed tariff sheets in Docket Nos. RP80-91 and RP80-93, respectively, designed to increase annual jurisdictional revenues by approximately $4,087,000.[1] The filing under Arkla's Rate Schedule X-26 in Docket No. RP80-91 represents an annual increase of approximately $3,900,000 to Cities Service, the only customer served under this rate schedule. The proposed rate change under Rate Schedule G-2 in Docket No. RP80-93 represents a total annual increase of approximately $187,000 to the several customers served under this rate schedule. The increased rates are predicated on a test period based on actual costs for the twelve months ended December 31, 1979, as adjusted for known changes in costs expected to be incurred by the end of the test period, September 30, 1980. The proposed effective date is June 1, 1980.

Public notice of Arkla's filing in Docket No. RP80-91 was issued on May 5, 1980, providing for protests or petitions to intervene to be filed on or before May 23, 1980. A petition to intervene in Docket No. RP80-91 was filed on May 19, 1980, by Cities Service Gas Company (Cities). The Commission finds that Cities participation may be in the public interest and therefore grants intervention.

Arkla proposes an overall rate of return of 12.91%, with a 15.50% return on common equity with an equity ratio of 51.95%. Arkla's request for a rate increase also reflects increases in plant and related cost of service items, including increases in costs of operation, services, taxes, employee wages, pensions and benefits, and other costs. Arkla requests that the Commission allow its proposed rate increases to become effective after a one day suspension. The Commission finds that good cause has not been advanced to justify the request and it is not granted.

Based upon a review of Arkla's filing, the Commission finds that the proposed rate increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept Arkla's tariff sheets, suspend their effectiveness until November 1, 1980, subject to refund and the conditions set forth herein, consolidate the two proposed rate increases into one proceeding and set the matter for hearing.

Furthermore, the Commission's acceptance of these filings is conditioned upon Arkla's refiling, prior to the effective date of the increased rates, revised tariff sheets eliminating any costs associated with plant not in service by September 30, 1980, provided that no offsetting adjustments shall be permitted, except pursuant to Commission approved tracking provisions, as required by this order, or as required by other Commission orders.

Arkla also includes in its cost of service an amount determined by valuing company-owned production from wells commenced prior to January 1, 1973 on leases acquired prior to October 8, 1969, at 125.44 cents per Mcf (average cost of purchased gas on Arkla's system). The current Commission policy is to price "old gas" company-owned or affiliate production on a cost of service basis. Accordingly, our acceptance of these filings is further conditioned upon Arkla's filing revised tariff sheets which price its production from leases acquired prior to October 8, 1969, and from wells commenced prior to January 1, 1973, on a cost of service basis. The pricing of this "old gas" production will, however, be subject to final action by the Commission in Docket No. RM80-6.

Since similar issues of law and fact are involved in Docket Nos. RP80-91 and RP80-93, we shall consolidate those proceedings for purposes of hearing and decision.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 8 and 15 thereof, and the Commission's regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Arkla in Docket Nos. RP80-91 and RP80-93.

(B) Docket No. RP80-91 and Docket No. RP80-93 are consolidated for purposes of hearing and decision.

(C) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and described in the body of this order, Arkla's tariff sheets listed in footnote No. 1 are accepted for filing and suspended until November 1, 1980, subject to refund, in the manner prescribed by the Natural Gas Act and the Commission's regulations promulgated thereunder.

(D) Arkla shall file within 15 days of the issuance of this order revised tariff sheets reflecting cost of service treatment for company-owned production from wells commenced prior to January 1, 1973, on leases acquired prior to October 8, 1969.

(E) Arkla shall file, on or before September 30, 1980, revised tariff sheets eliminating costs associated with plant additions not in service by that date or any other costs not incurred by that date: *Provided,* That no offsetting adjustments shall be permitted except pursuant to Commission approved tracking provisions, or as required by this order, or as required by other Commission orders.

(F) Staff shall serve its top sheets on or before September 4, 1980.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service to Staff's top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to sever, consolidate or dismiss) as provided for in the rules of practice and procedure.

(H) Cities Service Gas Company is permitted to intervene in Docket No.

[1] Revised Tariff Sheet No. 185 to FERC Gas Tariff Original Volume No. 3, and Revised Tariff Sheet No. 4 to FERC Gas Tariff Original Volume No. 1.

RP80-91 subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests as specifically set forth in its petitions to intervene *And provided further,* That its admission shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17740 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-425]

Black Hills Power & Light Co.; Tariff Change

June 4, 1980.

The filing company submits the following:

Take notice that Black Hills Power and Light Company, on May 30, 1980, tendered for filing proposed changes in its FPC Electric Service Tariff contained in FPC Docket No. ER79-429. The proposed changes would increase revenues from jurisdictional sales and service by $452,300 based on the 12 month period ending December 31, 1979, at rates presently in effect.

The reason for the proposed increase in rates, briefly, is that the existing rate is so low that the Company is earning less than seven percent rate of return on capital invested to render the municipal wholesale services, which the Company believes is unreasonable.

Copies of the filing were served upon the public utility's jurisdictional customers and the Public Service Commission of Wyoming.

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 rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 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. 80-17741 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. E-7738, E-8855, ER76-445, ER76-90, ER77-558, E-8187, E-8700, ER79-216, and ER79-217]

Boston Edison Co.; Tender of Information Concerning the Sale of Facilities

June 3, 1980

Take notice that on June 2, 1980, Boston Edison Company ("Edison"), in connection with the settlement agreement between the Towns of Concord, Norwood and Wellesley, Massachusetts filed on May 5, 1980 in the captioned proceedings, tendered to the Commission information concerning facilities which Edison, as part of the settlement agreement, has agreed to sell to Concord and Wellesley. The selling price of the facilities to be sold to Wellesley is $627,000; the selling price of the facilities to be sold to Wellesley is $121,000. The settlement agreement additionally provides for the acquisition of use rights by Concord and Wellesely in certain other facilities, and it also provides for the exchange of other considerations by the parties.

The facilities to be sold to Concord and Wellesley are at the 14 kV voltage level, are located within and used exclusively by the respective towns and include cable, associated conduit and manholes.

According to Edison, the facilities in question are distribution facilities which serve only local load and the sale of which is not subject to the jurisdiction of the Commission under Section 203 of the Federal Power Act. Edison states that it has tendered information concerning the sale in order to facilitate Commission consideration of the settlement agreement. Edison states that it has served the information on the recipients of the settlement agreement in the captioned proceedings.

The sale of the facilities by Edison to Concord and Wellesley may be subject to the jurisdiction of the Commission under the provisions of Section 203 of the Federal Power Act.

Any person desiring to be heard or to protest said sale should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before June 18, 1980.

Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of the information and the settlement agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17742 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-386]

Buckeye-Tennessee Gas Gathering Co.; Petition for Declaratory Order

June 5, 1980.

Take notice that on May 27, 1980, Buckeye-Tennessee Gas Gathering Company (Petitioner), 201 King of Prussia Road, Radnor, Pennsylvania 19807, filed in Docket No. CP80-386 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order disclaiming Commission jurisdiction over the construction and operation of a gathering system that Petitioner proposes to construct in Morgan, Scott and Fentress Counties, Tennessee, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner proposes to construct a natural gas gathering system in an area of Tennessee which has long had natural gas production capability but has never been served by a gathering system, it is said. Petitioner states that the total amount of natural gas to be gathered is relatively small, approximately 10,000 to 20,000 Mcf per day. Moreover, Petitioner states, the individual producing wells from which production is to be gathered are expected to have low outputs, averaging less than 100 Mcf per day during the first year of production. The said gathering system would consist of 41 miles of 12-inch, 8-inch, and 3-inch steel gas lines extending over the counties of Morgan, Scott and Fentress, Tennessee, it is stated. The cost of the proposed facilities is estimated to be $10,400,000 which cost would be financed by Petitioner's parent company, the Pennsylvania Company, a subsidiary of Penn Central Corporation, it is said.

Petitioner asserts that although previous efforts to construct a gathering system have been made by producers and other potential gatherers, no one to date has been able to justify the project for economic and other reasons.

Therefore, most of the natural gas in the three counties has been shut-in and never marketed, it is said. With the passage of the Natural Gas Policy Act of 1978 (NGPA) and the resultant availability of incentive prices under that legislation Petitioner asserts that the economics now justify the connection of these wells to the interstate market.

Petitioner states that its willingness to undertake the risk of proceeding with the said gathering system proposal was predicated on the belief that it can purchase natural gas from producers at less than the NGPA ceiling price, gather those purchases in a system it proposes to construct, and deliver the gas to an interstate purchaser at the NGPA ceiling price. Initial planning for the venture began with the understanding that gathering natural gas to a central point for delivery to a purchaser constituted exempt gathering under Section 1(b) of the Natural Gas Act, it is asserted.

Petitioner believes that its proposed activities in connection with the aforementioned proposal constitute the gathering of natural gas rather than the transportation of natural gas in interstate commerce within the meaning of Section 1(b) of the Natural Gas Act. Petitioner, therefore, requests a declaratory order disclaiming jurisdiction over the construction and operation of the proposed gas gathering facilities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. 80-17743 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-422]

Central Vermont Public Service Corp.; Tariff Change

June 4, 1980.

The filing Company submits the following:

Take notice that on May 30, 1980, Central Vermont Public Service Corporation ("Central Vermont") tendered for filing proposed R-7 Rates, consisting of Rate R-7A which is applicable to Central Vermont's subsidiary, Connecticut Valley Electric Company, Inc. and of a Rate R-7 which is applicable to Central Vermont's other wholesale customers. The customers served under Rate R-7 are: Allied Power & Light Company, New Hampshire Electric Cooperative, Rochester Electric Light and Power Company, Village of Hyde Park Water and Light Department, Village of Johnson Water and Light Department, and Woodsville Fire District Water and Light Department. They proposed rates are requested to become effective for deliveries of power and energy on and after August 1, 1980.

Connecticut Valley Electric Company, Inc., the New Hampshire Electric Cooperative and the Woodsville Fire District Water and Light Department are located in New Hampshire. All remaining customers are located in Vermont. Central Vermont states that it has served copies of the filing on each affected customer and on the public utility commissions of New Hampshire and Vermont.

The R-7 Rates are intended to supersede the present Rate R-6A and Rate R-6. Central Vermont states that the filing would increase revenues from its jurisdictional customers by $930,605, or 13.4%, on a 1980 test year basis. Central Vermont states that it has made this filing because it is currently experiencing a revenue deficiency under the rates presently charged to the affected customers.

Any person desiring to be heard or to protest said application should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and/or protests should be filed on or before June 27, 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 Central Vermont's application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17744 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-424]

Cleveland Electric Illuminating Co.; Filing

June 4, 1980.

The filing company submits the following:

Take notice that on May 30, 1980, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 22 MW of power from the Ohio-Pennsylvania state boundary to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on June 1, 1980. CEI states that the City concurs in this request.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 1980. Protests will be considerd by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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. 80-17745 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-376]

Columbia Gas Transmission Corp.; Application

June 3, 1980.

Take notice that on May 21, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No.

CP80-376 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and, further, authorizing an additional point of delivery to National Fuel Gas Supply Corporation (National), an existing wholesale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities, all to be located in Erie and Crawford Counties, Pennsylvania:

(1) Approximately 38.7 miles of 6, 8, and 10-inch transmission pipeline;

(2) A 720 horsepower compressor station; and

(3) An interconnecting measuring facility which Applicant states is necessary to establish a new point of delivery to National.

It is stated that these facilities are necessary to make new natural gas supplies available to Applicant's existing interstate markets and would assist National in making deliveries to its wholesale customer, National Fuel Gas Distribution Corporation.

Applicant asserts that the cost of the facilities to be constructed would be approximately $6,303,000, which cost would be financed from funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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. 80-17747 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-378]

Columbia Gas Transmission Corp.; Application

June 3, 1980.

Take notice that on May 23, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP80-378 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 88 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.; 1 tap for residential service—Estimated annual usage of 150 Mcf.

(2) Columbia Gas of Maryland, Inc., 2 taps for residential service, 1 tap for commercial service—Estimated annual usage of 7,152 Mcf.

(3) Columbia Gas of Ohio, Inc.; 56 taps for residential service, 1 tap for commercial service, 4 taps for industrial service, 1 tap for combined residential, and commercial service—Estimated annual usage of 29,610 Mcf.

(4) Columbia Gas of Pennsylvania, Inc.; 8 taps for residential service, 1 tap for industrial service—Estimated annual usage of 83,050 Mcf.

(5) Columbia Gas of Virginia, Inc.; 1 tap for combined residential and commercial service—Estimated annual usage of 3,329 Mcf.

(6) Columbia Gas of West Virginia, Inc.; 10 taps for residential service—Estimated annual usage of 1,500 Mcf.

(7) The Dayton Power and Light Company; 1 tap for residential service—Estimated annual usage of 150 Mcf.

(8) Washington Gas Light Company; 1 tap for industrial service—Estimated annual usage of 72,000 Mcf.

It is stated that the additional volumes to be provided through the new points of delivery are within Applicant's currently authorized level of sales.

Applicant also asserts that at least two of the taps requested herein represent an immediate need for gas service. Applicant states that one of these interconnections would provide residential service for a mobile home park which can become operational as soon as natural gas service is available, while the other would provide service for certain residences which are under construction, and which can be completed once natural gas service is made available.

It is stated that the total cost of the interconnections is estimated to be $26,500, which would be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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

unnecessry for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17748 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-385]

Columbia Gas Transmission Co., Consolidated Gas Supply Corp., and Texas Gas Transmission Corp.; Application

June 5, 1980.

Take notice that on May 27, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP80-385 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression and related facilities in the offshore Louisiana area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicants or their affiliates have the right to purchase natural gas in Blocks 247 and 248 in the Ship Shoal Area, offshore Louisiana. In order to attach these additional gas supplies, Applicants filed an application in Docket No. CP80-330 requesting authorization to construct and operate as co-owners approximately 3.0 miles of 16-inch pipeline and related measurement facilities to connect the "F" production platform in Ship Shoal Block 247 (Project Ship Shoal 247) to an underwater side-tap on the existing 30-inch pipeline (TTT line) in Eugene Island Block 278 owned by Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Texas Eastern Transmission Corporation and Texas Gas, and approximately 1.9 miles of 12-inch pipeline and related facilities to connect the "D" platform in Ship Shoal Block 248 (Project SS-248) to a proposed underwater side-tap on the Project SS-247 pipeline.

Applicants propose herein to construct and operate a 2,300 horsepower unit or units on the 247 "F" platform and a 1,100 horsepower unit and 200 horsepower unit on the 248 "D" platform in order to enable the natural gas from low pressure wells to enter the Project SS-247 and SS-248 pipelines.

Applicants state that the estimated total cost of the proposed facilities is $3,570,400, which cost would be financed by Applicants from internally generated funds.

It is asserted that the proposed facilities would be owned by Applicants as follows: Columbia Gulf 50 percent, Consolidated 25 percent and Texas Gas 25 percent. Such facilities, it is stated would be operated by CNG Producing Company.

It is stated that an estimated 10,000 Mcf of natural gas per day would be made available at the 248 "D" platform and an estimated 25,000 Mcf of natural gas per day would be made available at the 247 "F" platform with the installation of the proposed compression facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17746 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-375]

Consolidated Gas Supply Corp. et al; Application

June 5, 1980.

Take notice that on May 20, 1980, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, Northern Natural Gas Company Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, and El Paso Natural Gas Company (El Paso), P. O. Box 1492, El Paso, Texas 79978, filed Docket No. CP80-375 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain offshore facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they, with the exception of El Paso which has a leasehold interest, have the right to purchase or are in the process of completing negotiations for the purchase of all the natural gas from reserves underlying High Island Block A-571, offshore Texas.

In order to attach and transport these additional supplies of natural gas, Applicants propose to construct and operate approximately 7.5 miles of 20-inch lateral pipeline, and appurtenant facilities, ownership of which would be divided among the Applicants as follows:

Consolidated—41.670 percent
Northern—20.835 percent
Mich-Wis—20.835 percent
El Paso—16.660 percent

The proposed 20-inch lateral pipeline would extend from the producer platform located in Block A-571 to the upstream side of the existing 16-inch side tap connection located in Block A-546 on the pipeline of High Island Offshore System (HIOS), it is stated.

The proposed facilities would, it is asserted, provide a maximum design transport capacity of 150,000 Mcf of gas per day needed to transport the estimated maximum daily volumes that are expected to be available to Applicants. Applicants estimate that the

proved and probable reserves attributable to Block A–571 are approximately 116,115 Mcf and 346,245 Mcf respectively, with a corresponding maximum daily production of approximately 150,000 Mcf.

Applicants propose to have the Block A–571 lateral in service by mid-August 1980.

Applicants state that the estimated cost of the proposed facilities is $8,127,000, to be financed from funds on hand, and in Consolidated's case from funds to be obtained from its parent, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–17749 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–374]

El Paso Natural Gas Co.; Application

June 3, 1980.

Take notice that on May 20, 1980, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP80–374 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities consisting of nine (9) gas purchase meter stations and approximately 0.29 mile of associated pipeline, certain gas sales facilities consisting of one gas sales meter station and nine mainline right-of-way taps, certain gas exchange facilities consisting of one exchange tap and the related natural gas services rendered by means of such facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the following gas purchase meter stations and associated pipelines:

(1) The New Mexico State K No. 1 wellhead meter station in Lea County, New Mexico, which Applicant states is no longer required because the pipeline facilities connecting this well to Applicant's system have been abandoned and Applicant is no longer receiving natural gas production from the well.

(2) The Red Hills Unit No. 1 (Penn) meter station and approximately 0.03 mile of 3½-inch and 4½-inch O.D. pipeline in Lea County, New Mexico, which Applicant states is no longer required as natural gas is no longer produced from the Pennsylvania formation of the Red Hills Unit No. 1 Well.

(3) The Union Mead Com. No. 1 (Morrow) wellhead meter station, the Union Mead Com. No. 1 (Strawn) wellhead meter station and approximately 0.03 mile of 4½-inch O.D. pipeline, the Union Mead Com. No. 2 (Morrow) wellhead meter station and approximately 0.15 mile of 4½-inch O.D. pipeline, the Union Mead Com. No. 2 (Wolfcamp) wellhead meter station and approximately 0.02 mile of 4½-inch O.D. pipeline and the Union Mead Com. No. 3 (Morrow) wellhead meter station, all in Eddy County, New Mexico, which Applicant states are no longer required because the associated purchase contract has expired.

(4) The Tidwell "A" No. 1 (Atoka) wellhead meter station and approximately 0.06 mile of 4½-inch O.D. pipeline in Eddy County, New Mexico, which Applicant states is no longer required because the Atoka formation to such well has been commingled with the Morrow formation and production is currently measured by Applicant's Tidwell "A" No. 1 (Morrow) wellhead meter station.

(5) The Amoco State 18 No. 1 wellhead meter station in Loving County, Texas, which Applicant states is no longer required because the well has been plugged and abandoned.

Applicant proposes to abandon the following gas sales facilities:

(1) The Bellemont meter station in Conconino County, Arizona, which Applicant states is no longer required because it is unnecessary for the measurement of natural gas requirements in the area.

(2) The Leonard Vance tap in Maricopa County, Arizona, which Applicant states is no longer required because the property on which it is located has been subdivided.

(3) The Mattie May Anderson Price, Mattie May Anderson Price No. 2, J.D. Doran, Benham, Baron Cave, Fonzo Fort and C.E. Dallas taps, all in Lea County, New Mexico, which Applicant states are no longer required because the distributor in the area has installed its own distribution system.

(4) The J.M. Thomas tap in San Juan County, New Mexico, which Applicant states is no longer required because the premises on which the tap is located have been vacated by the customer.

Applicant further proposes to abandon the Hill Chemicals, Inc.—Colorado Interstate Gas Company exchange tap in Hutchinson County, Texas. It is asserted that the tap is no longer required because the exchange arrangement has expired.

Applicant proposes to abandon the subject meter stations, pipelines, and tap facilities, together with the natural gas service rendered with their aid. All of such such facilities, it is stated, would be removed and placed into stock, pending the future need of such facilities, or scrapped. The total cost of abandonment of the above facilities is estimated to be $8,972.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17751 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-417]

Florida Power & Light Co.; Filing

June 4, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL), on May 28, 1980, tendered for filing an amendment to an agreement executed only by it, entitled "Amendment Number Two to Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and Lake Worth Utilities Authority." Under the Amendment filed today, FPL will transmit power and energy for the Lake Worth Utilities Authority (LWUA) as is required by LWUA in the implementation of its interchange agreements with the City of Lakeland and the City of Vero Beach.

FPL requests that waiver of § 35.3 of the Commission's regulations be granted and that the proposed amendment be made effective immediately. FPL states that copies of the filing were served on the Utilities Director of the LWUA.

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 June 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17752 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-17]

Peter Cooper Corps.; Filing of Petition for Review Under Natural Gas Policy Act of 1978

June 3, 1980.

Take notice that Peter Cooper Corporations on May 5, 1980, filed a petition for Review under Natural Gas Policy Act of 1978, Section 502(c), from an order of the Director, Office of Pipeline and Producer Regulation.

Copies of the petition for review have been served on the Director, Office of Pipeline and Producer Regulation, and all participants in prior proceedings before the Director.

Any person desiring to be heard with reference to such filing should, on or before June 17, 1980, file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and Kenneth A. Williams, Director of the Office of Pipeline and Producer Regulation. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17750 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-259]

Kansas Gas & Electric Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting in Part and Denying in Part Motion To Reject, Instituting Investigation, Granting Interventions, and Establishing Price Squeeze and Other Procedures

Issued: May 30, 1980.

On March 31, 1980,[1] Kansas Gas & Electric Company (KG&E) completed its submittal of: (1) a proposed increase in rates for firm power service to fourteen full requirements municipal customer,[2] four partial requirements municipal customers and The Kansas Power and Light Company (KP&L) and Missouri Public Service Company (MPS); (2) revised rates for economy energy and transmission services to nine of its partial requirements municipal customers; and (3) the elimination of short term power service to the Cities of Chanute and Coffeyville.

The proposed rates for the affected services would result in an increase in revenues of $3,645,792 (31.3%)[3] for the twelve months following the proposed effective date of May 1, 1980. Notice of the filing was issued March 10, 1980 with comments, protests and petitions to intervene due by March 28, 1980.

On March 28, 1980, nineteen KG&E municipal customers [4] (Cities) filed a protest, petition to intervene, motion to reject entire rate filing, and alternative request for a five-month suspension. The motion to reject KG&E's filing is based on the assertion that all the Cities' contracts (except the City of Augusta)

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[1] KG&E originally tendered its filing on February 29, 1980. KG&E completed the filing requirements by submittal of additional data in response to a staff deficiency letter dated March 20, 1980.

[2] KG&E indicates that since the Commission's prior orders in Docket No. ER77-578 held that increases in firm power rates to seven of its partial requirements municipals (Cities of Burlington, Chanute, Coffeyville, Fredonia, Girard, Iola and Winfield) were subject to the stricter *Sierra* burden of proof in requesting rate changes, (see note 7, *infra*), increases to those customers are not proposed in Docket No. ER80-259. However, the cost of providing firm service to these customers is included in KG&E's cost of service. (See *Kansas Gas & Electric Company*, Docket No. ER77-578, order issued February 1, 1978. See also Opinion No. 80, issued in Docket No. ER77-578 on March 19, 1980.)

[3] The increase consists of: $550,805 (15.6%) from firm service to partial requirements municipals, $175,481 (6.3%) from economy service to partial requirements municipals, $85,332 (112.0%) from transmission service, $552,205 (38.6%) from full requirements municipals, $1,342 (4.6%) from Missouri Public Service Company and $2,280,627 (59.1%) from The Kansas Power and Light Company.

[4] The Kansas Cities of Arma, Augusta, Blue Mound, Bronson, Burlington, Chanute, Coffeyville, Elsmore, Erie, Girard, Haven, Iola, La Harpe, Moran, Mount Hope, Mulvane, Neodesha, Wellington and Winfield.

prohibit unilateral rate increases.[5] Cities state that the Commission has previously determined that KG&E is allowed to change its rates only after the issuance of a Commission order on the justness and and reasonableness of these rates.[6]

The Commission held in Docket No. ER77-578 that the strict *Sierra* burden of proof applies in instances when KG&E seeks to increase the firm power rates of the Cities of Burlington, Winfield, Coffeyville, Chanute and Girard. (*Supra*, n. 2). No firm power rate increase is proposed for these customers; however, KG&E does propose to increase their rates for interchange and transmission services. Cities contend that their contractual protection against unilateral rate increases extends to these customers' entire contracts, not just Service Schedule A which contains the firm power service rate. Therefore, since KG&E has not attempted to meet this heavier burden of proof, Cities contend that the proposed amendments, which would revise the rates for economy energy and transmission services, are prohibited and should be rejected.

Finally, with respect to the cost of service submitted by KG&E, Cities object to the 15.5% return on equity sought by KG&E, indicating that the requested return is in excess of that allowed in Opinion No. 80. Cities also object to the 10% adder as applied in the revised economy energy service. Furthermore, Cities raise price squeeze allegations arising from the wholesale rates which KG&E proposes.

On April 1, 1980, the Kansas State Corporation Commission filed a notice of intervention.

On April 1, 1980, the Kansas Power and Light Company (KP&L) filed a Protest and Petition to Intervene. KP&L states that KG&E is precluded from filing under Section 205 (citing the Commission's order of March 30, 1978, in Docket No. ER77-578), and that any change in rates to KP&L can be applied prospectively only pursuant to Section 206(a).

[5] Cities also believe rejection of KG&E's filing as to the City of Augusta is appropriate, because it would be discriminatory to permit a unilateral rate increase for that customer alone. This position was rejected by the Commission in Opinion No. 80, *Kansas Gas & Electric Co.* (March 19, 1980).

[6] The Commission made this determination in Docket No. ER77-578, order issued February 1, 1978, applicable to Mindenmines, Missouri and the Kansas cities of Arma, Arcadia, Blue Mound, Bronson, Elsmore, Haven, La Harpe, Moran, Mount Hope, Malberry, Mulvane, Oxford, Neodesha, Savonburg and Wellington, and to Kansas Power & Light Company and Missouri Public Service Co. The Commission made a similar determination as to the City of Erie in Opinion No. 80, n. 5.

Discussion

The Cities' motion to reject the proposed rates for full and partial requirements services is based on KG&E's alleged violation of the *Mobile-Sierra* doctrine.[7] As discussed above, this issue was resolved in earlier KG&E proceedings involving these customers; the Cities have presented no reasons that warrant reconsideration of those rulings.[8] KG&E will be allowed to litigate the lawfulness of its wholesale rates for service to the private utility companies and the cities protected under the provisions of their contracts with KG&E, which contracts have been determined to not provide full *Mobile-Sierra* protections. (*See*, n. 6, *supra.*)

With respect to Cities' contention that the proposed revisions to the economy energy and transmission service schedules under the various partial requirements agreements are prohibited, neither the general contract provisions nor the service schedules which provide for the transmission,[9] short term firm power and economy energy [10] services contain any language providing that KG&E may unilaterally change these rates. Absent specific provisions for rate changes in a fixed term contract, changes in rates under the service schedules are subject to a *Sierra* burden of proof, *viz.*, the entire contract is subject to *Sierra* protection. The proposed changes in rates for interchange services under the contracts with Burlington, Chanute, Coffeyville, Girard and Winfield shall be rejected.

Because this proceeding involves in part an application for increased rates that cannot become effective until the Commission determines the lawful rate, we will not phase the price squeeze issue raised by Cities for later determination. *See, Public Service Co. of New Mexico,* Docket Nos. ER79-478 and ER79-479, issued August 28, 1979. However, the presiding judge may exercise discretion to phase this issue if KG&E, the party which could presumably be harmed by such phasing, does not object.

Our review of KG&E's filing indicates that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Since KG&E may file unilateral rate changes for Augusta, suspension and investigation of the proposed rates to Augusta are warranted. We shall accept the proposed increases in rates to Augusta for filing [11] and suspend them for four months to become effective September 30, 1980, subject to refund. We shall accept for filing the increased rates for full requirements and partial requirements service and order that an investigation and hearing be held to determine the new lawful rate to be charged prospectively from the date of a Commission order.

[7] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[8] *See also, Municipal Electric Utility Association of Alabama* v. *F.P.C.*, 485 F.2d 967 (D.C. Cir. 1975).

[9] Only the Cities of Chanute and Coffeyville presently take transmission service.

[10] All partial requirements municipal customers except the Cities of Fredonia and Iola presently purchase economy energy.

The Commission Orders

(A) Cities' motion to reject the filing by Kansas Gas & Electric Company is hereby granted as it relates to the proposed increase in rates for interchange and transmission services to the Cities of Burlington, Winfield, Coffeyville, Chanute and Girard; the motion to reject is hereby denied as it relates to all other customers and services.

(B) KG&E's proposed rates filed in this docket for service to Augusta are hereby accepted for filing and suspended until September 30, 1980, when they shall become effective, subject to refund. The rates for services to other customers are hereby set for investigation, no changes to become effective until after Commission determination of new lawful rate for such service.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, specifically Sections 205 and 206, and by the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 C.F.R., Chapter I) a public evidentiary hearing shall be held concerning the lawfulness of the rates to KG&E's customers.

(D) Kansas Cities (as listed in Footnote 4, *supra*), the Kansas State Corporation Commission and The Kansas Power & Light Company are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however,* that participation of such intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in its petition to intervene, and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

[11] See Attachment A for rate schedule designation.

(E) The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's regulations as modified by Commission orders.

(F) The Commission Staff shall serve Top Sheets in this proceeding on or before August 21, 1980.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing discovery conference in this proceeding to be held within 30 days of the issuance of this order in hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be for the purpose of expediting discovery and resolving any initial controversies relating to date requests and discovery. In addition, the presiding judge shall convene a formal settlement conference to be held within 10 days of the service of Top Sheets. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Kansas Gas & Electric Co., Docket No. ER80-259

Designation, Other Party, and Description

Supplement No. 9 to Rate Schedule FPC No. 134—City of Augusta, Firm Power Rate
Supplement No. 10 to Rate Schedule FPC No. 134 (supersedes Supplement No. 1 to Supplement No. 8 to FPC No. 134)—City of Augusta, Fuel Adjustment Clause
Supplement No. 11 to Rate Schedule FPC No. 134—City of Augusta, Economy Energy Rates

[FR Doc. 80-17763 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES80-58]

Kansas Gas & Electric Co.; Application

June 5, 1980.

Take notice that on May 27, 1980, the Kansas Gas and Electric Company (Applicant) filed an application with the Commission pursuant to Section 204 of the Federal Power Act seeking authority to issue, from time to time, through September 30, 1982, notes to commercial banks for various periods not exceeding twelve months after the issue date thereof, and unsecured promissory notes in the form of commercial paper with maturity of not more than 270 days, with the principal amounts outstanding at any one time not to exceed $65,000,000 in the aggregate. All notes will have final maturities of not later than September 30, 1982. The Applicant, with its principal place of business at Wichita, Kansas, is engaged in providing electrical energy to the southeastern quarter of the State of Kansas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17764 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-420]

Long Island Lighting Co.; Tariff Change.

June 4, 1980.

The filing company submits the following:

Take notice that Long Island Lighting Company on May 29, 1980 tendered for filing proposed changes in its FERC Rate Schedule 29, pursuant to which LILCO transmits power and energy from the Power Authority of the State of New York to the three municipal electric utilities on Long Island: the Villages of Greenport, Rockville Centre and Freeport. The proposed changes would increase revenues from such service by $161,540 based on the 12-month period ending May 31, 1980.

LILCO proposed to increase the rates in order to recover the increase in the cost of service.

Copies of the filing were served upon the Power Authority of the State of New York, the Municipal Electric Utilities Association, the Villages of Greenport, Rockville Centre and Freeport and the New York State Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve 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. 80-17765 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-100]

Michigan Wisconsin Pipe Line Co.; Order Accepting for Filing and Suspending Rate Increase, Subject to Conditions and Granting Waivers

Issued: May 30, 1980.

On May 1, 1980 Michigan Wisconsin Pipe Line Company (Michigan-Wisconsin) tendered for filing revised tariff sheets, listed in Appendix A to this order, reflecting a general rate increase, under Section 4 of the Natural Gas Act, designed to increase its jurisdictional revenues by approximately $120 million annually. The increased rates, with a proposed effective date of June 1, 1980, are based on actual costs for the 12 month period ending on January 31, 1980, as adjusted for known and measurable changes to be incurred by the end of the test period, October 31, 1980.

Michigan-Wisconsin proposes an overall rate of return of 12.42%, including a return on common equity capital of 16.00% and states that the principal reasons for the proposed rate changes are: (1) substantial investment in facilities related to gas supply acquisitions and continued storage development; (2) increased cost of capital; (3) increased depreciation rates; (4) increased expenses; and (5) a reduction in sales volumes.[1] Michigan-Wisconsin further states that the proposed rates reflect the *United* method of cost allocation, cost classification and rate design.

Michigan-Wisconsin notes that the cost of service underlying the rates filed

[1] Michigan-Wisconsin states that the total volumes of natural gas available for sale are 690 million dth, compared to a total of 724 million dth sold during the twelve months ending on January 31, 1980.

herein reflects costs associated with certain uncertificated facilities and that the filing includes rate schedules for certain transportation services not yet approved by the Commission. Michigan-Wisconsin anticipates receiving all necessary certifications prior to the time the proposed rates go into effect, but requests waiver of the Commission's Regulations to the extent necessary to allow inclusion of such costs and revenues pending requisite approvals.

Public notice of the instant filing was issued on May 8, 1980, providing for protests or petitions to intervene to be filed on or before May 23, 1980. Petitions to intervene were filed by customers of Michigan-Wisconsin, as listed in Appendix B.

Based upon a review of Michigan-Wisconsin's filing the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff sheets listed in Appendix A, suspend their effectiveness for five months until November 1, 1980, subject to refund and the conditions set forth below, and set the matter for hearing.

Inclusion of costs associated with uncertificated facilities is inconsistent with § 154.63(e)(2)(ii) of the Commission's Regulations. Accordingly, acceptance for filing would require waiver of that rule. We find that good cause exists to accept Michigan-Wisconsin's filing, so long as the acceptance is appropriately conditioned. In addition, for good cause shown, we shall, pursuant to § 154.51 of the Regulations, grant waiver of § 154.22 of the Regulations to permit inclusion in the filing of the transportation rate schedules for which Michigan-Wisconsin has not received certificate authorization. The Commission will grant these waivers on condition that on or before October 31, 1980 Michigan-Wisconsin file revised tariff sheets to reflect elimination of: (1) costs associated with facilities not in service on or before that date and (2) the transportation rate schedules under which service has not commenced as of that date. The revised tariff sheets also reflect the actual balance of advance payments in Account 166 as of the end of the nine month adjustment period. We impose a further condition that Michigan-Wisconsin shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission-approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders. In addition, the revision of the balance in Account 166 shall be permitted on condition that it does not increase the level of the original, suspended rates.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Michigan-Wisconsin.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, the tariff sheets listed in Appendix A are suspended for five months, until November 1, 1980, when they shall be permitted to become effective, subject to refund, upon motion filed by Michigan-Wisconsin in accordance with the provisions of the Natural Gas Act.

(C) Waiver of § 154.63(e)(2)(ii) is granted upon condition that Michigan-Wisconsin file substitute revised tariff sheets on or before October 31, 1980, reflecting: (1) the elimination of costs associated with facilities not in service and the balance in Account 166 as of that date. This waiver is granted on condition that Michigan-Wisconsin shall not be permitted to make offsetting adjustments to the suspended rates except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders. In addition, the revision of the balance in Account 166 shall be permitted on condition that it does not increase the level of the original, suspended rates.

(D) Waiver of §§ 154.22 and 154.51 is granted, provided that Michigan-Wisconsin shall eliminate such rate schedules from its tariff on or before October 31, 1980 if certificate authorization is not received from the Commission as of that date and subject to the provision of Ordering Paragraph (C) above.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before September 8, 1980.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(G) The petitioners to intervene listed in Appendix B to this order shall be premitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided,* however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided,* further that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Original Volume No. 1

Seventh Revised Sheet No. 7

Appendix A

First Revised Volume No. 2

Tenth Revised Sheet Nos. 92, 110, 129 and 130
Ninth Revised Sheet Nos. 141, 142 and 171
Seventh Revised Sheet Nos. 214 and 215
Sixth Revised Sheet Nos. 231, 232, 297, 315 and 339
Fifth Revised Sheet Nos. 420 and 421
Third Revised Sheet No. 656
Second Revised sheet Nos. 486, 508, 519, 531, 553, 563, 575, 585, 596, 597, 611, 612, 618, 619, 680, 681, 698 and 699
First Revised Sheet Nos. 777, 778, 803, 833, 856, 857, 865, 944, 1023, 1037, 1133, 1134, 1161 and 1202

Appendix B

Petitions to intervene were filed by:

North Central Public Service Company, a Division of Donovan Companies, Inc.
Michigan Power Company
Natural Gas Pipeline Company of America
Wisconsin Public Service Corporation
Peoples Natural Gas Company, a Division of InterNorth, Inc.
Wisconsin Gas Company
Illinois Power Company
Northern Indiana Public Service Company
Michigan Gas Utilities Company
Associated Natural Gas Company
Wisconsin Natural Gas Company
State of Michigan and Michigan Public Service Commission
Iowa Southern Utilities Company
Public Service Commission of Wisconsin
Indiana Gas Company, Inc.
Wisconsin Fuel & Light Company
Michigan Consolidated Gas Company

All of the above have demonstrated sufficient interest to justify their intervention.

[FR Doc. 80-17766 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-384]

Michigan Wisconsin Pipe Line Co.; Application

June 5, 1980.

Take notice that on May 27, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-384 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a gas transportation service for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that pursuant to a gas sales and purchase contract dated July 30, 1979, between Mid Louisiana and Natomas Offshore Exploration, Inc. (Natomas), Mid Louisiana has acquired the right to purchase gas reserves attributable to Natomas' leasehold interest in West Cameron Area Block 281, offshore Louisiana.

Applicant states that pursuant to a transportation agreement dated March 28, 1980, between Mid Louisiana and Applicant, Applicant has agreed to assist Mid Louisiana in effectuating receipt of its Block 281 gas supplies. It is stated that the transportation agreement provides that Applicant would take receipt of up to 10,000 Mcf of natural gas per day at the production platform in Block 281 for the account of Mid Louisiana and make redeliveries to Texas Eastern Transmission Corporation (Texas Eastern) of equivalent volumes at an undersea valve located on Texas Eastern's 30-inch diameter pipeline in West Cameron Area Block 280 (Block 280), offshore Louisiana.

The term of the transportation agreement is for 15 years commencing with the date of initial deliveries, and the rate set forth therein is $1.85 per month for each Mcf of contract demand, it is said. Texas Eastern would transport and deliver said gas to Transcontinental Gas Pipe Line Corporation for further transportation and delivery to Mid Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on it 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. 80-17767 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-95]

Mobil Producing Texas & New Mexico Inc.; Petition to Reopen Final Well Category Determinations

June 4, 1980.

Take notice that on May 13, 1980, Mobil Producing Texas & New Mexico Inc. (MPTM), successor to Mobil Oil Corporation (Mobil), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046, filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen final well category determinations under 18 CFR § 275.205 for wells listed in Exhibit A.

Mobil indicates that the New Mexico Oil Conservation Division, the Railroad Commission of Texas, and the United States Geological Survey made affirmative determinations that these wells qualified as stripper wells under Section 108 of the Natural Gas Policy Act of 1978 (NGPA), and pursuant to the provisions of 18 CFR Section 205.202(a), those determinations became final 45 days after the Commission received notice.

Subsequent to the filings for and the determination of the final Section 108 well determinations, MPTM conducted an internal review of a number of well determination filings. As a result of this investigation, MPTM found that the computerized data relied upon as a basis for the filings covered in Exhibit A may contain mechanical errors in certain respects. Accordingly, MPTM requests that the Commission reopen the final determinations for such wells and allow the withdrawal of the application upon which the determinations were granted.

MPTM proposes to refund monies with interest, to those purchasers, if any, who have paid for volumes of gas sold from such wells at the applicable Section 108 price upon the Commission's approval of reopening and withdrawal.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 7, 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 this 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.

Exhibit A.—*Wells covered by MPPM's Petition for Reopen and Withdrawn*

Jurisdictional agency	API well No.	Well name or unit No.
Railroad Commission of Texas.	42-219-32520	North Central Levelland Unit #318
Railroad Commission of Texas.	42-219-32521	North Central Levelland Unit #319
Railroad Commission of Texas.	42-219-32516	North Central Levelland Unit #320
Railroad Commission of Texas.	42-219-32517	North Central Levelland Unit #321
Railroad Commission of Texas.	42-219-32514	North Central Levelland Unit #322
Railroad Commission of Texas.	42-219-32522	North Central Levelland Unit #323

Exhibit A.—*Wells covered by MPPM's Petition for Reopen and Withdrawn*—Continued

Jurisdictional agency	API well No.	Well name or unit No.
Railroad Commission of Texas.	42-219-32518	North Central Levelland Unit #324
Railroad Commission of Texas.	42-219-32519	North Central Levelland Unit #325
Railroad Commission of Texas.	42-079-30270	East Mallet Unit #112
Railroad Commission of Texas.	42-219-31296	East Mallet Unit #113
Railroad Commission of Texas.	42-219-31294	East Mallet Unit #114
Railroad Commission of Texas.	42-495	J. B. Walton Unit #209
Railroad Commission of Texas.	42-065	Fee 244 Unit #171
Railroad Commission of Texas.	42-065	Fee 244 Unit #172
Railroad Commission of Texas.	42-065	Fee 244 Unit #173
Railroad Commission of Texas.	42-065	Fee 244 Unit #174
Railroad Commission of Texas.	42-065	Fee 244 Unit #181
Railroad Commission of Texas.	42-065	Fee 244 Unit #182
Railroad Commission of Texas.	42-103	Texas Univ. Sec. 1 & 2 Unit 17
Railroad Commission of Texas.	42-103-30342	Texas Univ. Sec. 1 & 2 Unit #40
U.S.G.S.	30-025-23185	Humphrey Queen Unit #12
U.S.G.S.	30-025-11433	Humphrey Queen Unit #18
U.S.G.S.	30-025-02378	Langlie Mattix Queen Unit #37
U.S.G.S.	30-039-07044	Jicarilla E Unit #3
U.S.G.S.	30-039-06540	Jicarilla E Unit #10
U.S.G.S.	30-025-01601	E. K. Queen Unit #1-1
U.S.G.S.	30-025-01633	E. K. Queen Unit #1-4
U.S.G.S.	30-025-0615	E. K. Queen Unit #1-8
U.S.G.S.	30-025-01634	E. K. Queen Unit #1-9
U.S.G.S.	30-025-01609	E. K. Queen Unit #6-13
New Mexico Oil Conservation Division.	30-025-05145	T. D. Pope Unit #10
New Mexico Oil Conservation Division.	30-025-23463	Humphrey Queen Unit #13
New Mexico Oil Conservation Division.	30-025-22201	Humphrey Queen Unit #14
New Mexico Oil Conservation Division.	30-025-11427	Humphrey Queen Unit #24
New Mexico Oil Conservation Division.	30-025-23968	Humphrey Queen Unit #29
New Mexico Oil Conservation Division.	30-025-11522	Langlie Mattix Queen Unit #14
New Mexico Oil Conservation Division.	30-025-11694	Langlie Mattix Queen Unit #30
New Mexico Oil Conservation Division.	30-025-23769	Langlie Mattix Queen Unit #39

Exhibit A.—*Wells covered by MPPM's Petition for Reopen and Withdrawn*—Continued

Jurisdictional agency	API well No.	Well name or unit No.
New Mexico Oil Conservation Division.	30-025-11688	Langlie Mattix Queen Unit #40
New Mexico Oil Conservation Division.	30-025-10201	S. E. Long Unit #1
New Mexico Oil Conservation Division.	30-025-02115	Bridges State Unit #4
New Mexico Oil Conservation Division.	30-025-02132	Bridges State Unit #49
New Mexico Oil Conservation Division.	30-025-24633	Bridges State Unit #181
New Mexico Oil Conservation Division.	30-025-01638	E. K. Queen Unit #7-2
New Mexico Oil Conservation Division.	30-025-02336	E. K. Queen Unit #9-1
New Mexico Oil Conservation Division.	30-025-01612	E. K. Queen Unit #10-1
New Mexico Oil Conservation Division.	30-025-01629	E. K. Queen Unit #11-2
New Mexico Oil Conservation Division.	30-025-01630	E. K. Queen Unit #11-3
New Mexico Oil Conservation Division.	30-025-20868	State M Unit #15
New Mexico Oil Conservation Division.	30-025-01976	State X Unit #1
New Mexico Oil Conservation Division.	30-025-01977	State X Unit #2

[FR Doc. 80-17768 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-90]

Montana-Dakota Utilities Co.; Tariff Filing

June 3, 1980.

Take notice that on May 30, 1980, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. TC80-90[1] the following tariff sheets for inclusion in its FERC Gas Tariff, Original Volume No. 1:

Second Revised Sheet No. 51
Original Sheet No. 51A
Second Revised Sheet No. 100
Second Revised Sheet No. 102
Second Revised Sheet No. 103
Second Revised Sheet No. 104
Second Revised Sheet No. 105
Second Revised Sheet No. 106
Second Revised Sheet No. 107
Second Revised Sheet No. 108
Second Revised Sheet No. 109
Second Revised Sheet No. 110

These sheets are on file with the Commission and open to public inspection. They are proposed to be effective July 1, 1980.

[1] The filing is said to be made pursuant to the Commission's Order Approving Settlement issued November 30, 1979, in Docket No. RP76-91.

In transmitting the sheets MDU states the following:

Changes in MDU's definitions of user priorities are proposed. On Sheet No. 51 the definition of Priority 2(a) users would be

Priority 2a—Essential agricultural use requirements of less than 300 Mcf on a peak day at a single location; and essential agricultural use requirements for non-boiler fuel purposes at locations using 300 Mcf or more on a peak day.

On the same Sheet No. 51, the definition of Priority 2(c) users would be

Priority 2c—Essential agricultural use requirements for boiler fuel purposes at locations using 300 Mcf or more on a peak day.

MDU states that it does not intend to alter the existing priorities with the proposed textual changes. Rather, MDU intends only to clarify the original intent of the priority definitions which are said to have proved somewhat confusing in their day-to-day interpretation.

Several changes are proposed for the Index of Requirements.

On Sheet No. 100, First Continental Corp. should be removed and replaced by Big Sky Feed and Supply. Big Sky operates and leases the facility which First Continental Corp. used to operate and still owns.

On Sheet No. 101, the Northwest Rendering Plant name should be changed to Miles City Rendering Co.

On Sheet No. 102, Borden's, Inc., should be deleted and replaced with ALCO, Inc., for the Grafton facility. Borden sold the plant to ALCO. MDU has changed the allocation to reflect the original base period requirement because alcohol for gasohol production does not at this time have essential agricultural use status. The two Bridgemen Dairy accounts should be changed to Bridgeman Creamery.

On Sheet No. 103, the Priority 3 allocation for Geo-Resources should be increased from 10,808 to 28,900 Mcf. Geo-Resources' allocation was based on 1975 actual usage. Its 1975 volume is said to have been abnormally low and does not reflect the installed capacity of the plant at that time.

On Sheet No. 104, the Peavey Co. at Valley City account should be added. This connection was authorized in Docket No. CP76-167.

Also, on Sheet No. 104, TMI Systems Design—West should be removed. This facility has ceased manufacturing operations.

On Sheet No. 105, Whey-To-Go at Mandan should be replaced by Twin City Foods. This facility has changed ownership with a resultant name change.

On Sheet No. 106, Marolf's Dakota Farm Cheese should be changed to Marolf Dakota Farms Cheese which is the official name of the entity.

On Sheet No. 107, The Federal Bentonite Corp. allocation should be changed to reflect only the Priority 2(b) volume as 37,138 Mcf. The Priority 4 allocation should be removed. This customer has only a Priority 2(b) allocation. The footnote should also be removed since it is no longer applicable.

On Sheet No. 108, the name National Lead Co. should be changed to NL Industries, which is the official corporate name. The footnote should be removed, the Priority 4 volumes should be deleted, and the Priority 2(b) volumes should be changed to reflect completion of the coal conversion.

On Sheet No. 109, WYO-BEN, Inc. at Greybull, Kaycee Bentonite at Worland, and Magcober, Dresser Industries at Greybull require deletion of Priority 4 volumes and an increase in Priority 2(b) volumes to reflect completion of coal conversion. The footnotes referring to coal oonversion should also be deleted.

On Sheet No. 110, Wyoming Sawmills should be reclassified to essential agricultural use.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before June 16, 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 Commision's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb

Secretary.

[FR Doc. 80-17769 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-95]

National Fuel Gas Supply Corp.; Order Accepting for Filing, Subject to Condition, and Suspending Tariff Sheets, and Establishing Hearing Procedures

May 30, 1980

On April 30, 1980, National Fuel Gas Supply Corporation (National) tendered for filing certain tariff sheets [1] reflecting an increase in the level of National's jurisdictional rates to provide an annual increase in revenues from jurisdictional sales, when compared to the rates as finally approved in Docket No. RP77-57 and National's PGA clause effective February 1, 1980, of $18,008,558 based on the twelve months ended December 31, 1979, as adjusted for known and measurable changes through September 30, 1980.[2] National proposes an effective date of June 1, 1980. National claims that increased rates are required to permit it to recoup increased costs it is incurring in operating and maintaining its system including, but not limited to, increased costs of capital, increased depreciation, increased wages and taxes and increased gas costs. Included in its claimed cost of service is a proposed overall rate of return of 12.06% which reflects a claimed return on common equity of 16%. National's filing reflects a reduction of approximately 18 million Mcf of sales from the base period sales level of approximately 202.4 million Mcf.

The Revised Tariff Sheets to Volume No. 2 of the tariff contain a proposed increase in rates for a certificated transportation service [3] which National will provide to certain off-system customers in connection with a storage service to be provided those customers by National Gas Storage Corporation, an affiliate of National. National states that this service will commence on or about August 1, 1980, by which time it anticipates construction of the storage facilities will be completed. National states that it will make a timely filing of original tariff sheets containing rate schedules including the initial transportation rates for that service to become effective when the service commences. The instant filing proposes an increase in initial rates, not yet on file with the Commission, for a service which will not commence until after the date of this filing. National has requested all necessary waivers of the Commission's regulations to permit the filing of the designated revised tariff sheets to Volume No. 2 of its tariff. Waiver of Section 154.22 of the Regulations is granted to permit the filing and conditional acceptance of the tariff sheets subject to the condition that the service under the aforementioned tariff sheets commences on or before September 30, 1980. Should service not commence by that date, the tariff sheets shall be deemed rejected.

National has also proposed to reduce the minimum heat content requirement for gas delivered to its customers from 1,000 Btu to 950 Btu per cubic foot. National asserts that this change is necessary because the tariff provisions of certain of its suppliers have been changed to lower the minimum Btu requirement.

Public notice of this filing was issued on May 5, 1980, providing for protests or petitions to intervene to be filed on or before May 23, 1980. Petitions to intervene were filed by the customers listed in Appendix A; all have demonstrated sufficient interest in this proceeding to justify their intervention.

Based upon a review of National's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing National's tariff sheets, and suspend their effectiveness so that they may become effective, subject to refund on November 1, 1980, the end of the full five-month statutory period, in the manner prescribed by the Natural Gas Act, and/or hereinafter conditioned.

The Commission orders:

(A) National's proposed Thirty-second Revised Sheet No. 4 and First Revised Sheet No. 18 to Original Volume No. 1 of its FERC Gas Tariff and First Revised Sheet Nos. 282, 302, 322 and 342 to First Revised Volume No. 2 to National's FERC Gas Tariff are accepted for filing, suspended and may become effective on November 1, 1980, subject to refund in the manner prescribed by the Natural Gas Act, and/or herinafter conditioned.

(B) Waiver of Section 154.22 of the Regulations is granted to permit the filing and conditioned acceptance of the Volume No. 2 tariff sheets subject to the condition that the service under these tariff sheets commences on or before September 30, 1980. Should service not commence by that date, these tariff sheets shall be deemed rejected.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of National's proposed rates.

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[1] Thirty-second Revised Sheet No. 4 and First Revised Sheet No. 18 to National's Original Volume No. 1 of its FERC Gas Tariff, and First Revised Sheet No. 282, First Revised Sheet No. 302, First Revised Sheet No. 322, and First Revised Sheet No. 342 to National's First Revised Volume No. 2 of its FERC Gas Tariff.

[2] National states that these revised tariff sheets do not reflect its current PGA surcharge adjustment which will expire prior to the effective date of the tariff sheets filed herewith. National states that it will file an appropriate tariff sheet to adjust the proposed rates at the time they go into effect to reflect the applicable surcharge adjustment in effect at that time as well as the then current cost of gas.

[3] Opinion No. 42 and order issued June 21, 1979, Docket No. CP76-492, *et al.*

(D) The petitions to intervene filed by the petitioners listed in Appendix A are granted, subject to the Commission's rules and regulations; *provided* however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(E) Staff shall serve top sheets on or before September 5, 1980.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall convene a settlement conference in this proceeding to be held within ten days after the service of Staff's top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary to rule on all motions, (except motions to sever, consolidate, or dismiss) as provided for in the Rules of Practice and Procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

Petitions to intervene were filed by:

Peoples Natural Gas Company, UGI Corporation, Public Service Commission of the State of New York.

[FR Doc. 80-17770 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-423]

New York State Electric & Gas Corp.; Initial Rate Schedule

June 4, 1980.

The filing company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on May 30, 1980, tendered for filing, pursuant to Section 35.12 of the Regulations under the Federal Power Act, as a rate schedule, a transmission agreement with the Power Authority of the State of New York (PASNY). Service under this agreement is to commence June 1, 1980 and terminate on June 30, 1985.

The agreement provides that NYSEG shall provide electric transmission service for delivery of firm and peaking PASNY power and energy to Pennsylvania Electric Company at the Pennsylvania-New York border for ultimate delivery to American Municipal Power-Ohio, Inc. (AMP). For service rendered by NYSEG, PASNY has agreed to pay $1.20 per KW per month for 11,500 KW of transmission capability. The estimated annual NYSEG revenue under said contract is $165,600. In addition, the rate may be modified by NYSEG not earlier than two years after the effective date and then two years thereafter.

NYSEG has filed copies of this filing with the Power Authority of the State of New York, American Municipal Power-Ohio, Inc., and the City of Cleveland, Ohio.

NYSEG requests that the 60-day filing requirement be waived and that June 1, 1980 be allowed as the effective date of the filing.

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 on or before June 27, 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. 80-17771 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-380]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 3, 1980

Take notice that on May 23, 1980, Northern Natural Gas Company Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket CP80-380 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of interconnecting facilities between Applicant's existing system and that proposed by Trailblazer Pipeline Company (Trailblazer), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 12 miles of 24-inch pipeline and appurtenant facilities to interconnect the proposed facilities of Trailblazer with Applicant's existing system, all located in Gage County, Nebraska.

Applicant states that the proposed facilities are necessary to accommodate the receipt, in the most economical manner, of gas volumes from Trailblazer which it has contracted to purchase or anticipates purchasing in the overthrust belt area of Wyoming.

Applicant also states that the estimated cost of the proposed facilities is $5,410,580, and that this cost would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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. 80-17772 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-70]

State of Ohio, Section 102 NGPA Determination, Jerry Moore, Inc., Huber A. Brenley No. 1 Well, State Docket No. 6831, JD80-4312; Final Finding on Well Category Determination

May 30, 1980.

On February 1, 1980, the Federal Energy Regulatory Commission (Commission) issued a Notice of Preliminary Finding that the determination by the Ohio Department of Natural Resources, Oil and Gas Division (Ohio) that Jerry Moore, Incorporated's Huber A. Brenley No. 1 Well qualifies as a new, onshore well under section 102(c)(1)(B) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.*, was not supported by substantial evidence in the record upon which the determination was based.

The Commission based its preliminary finding on section 102(c)(1)(B) of the NGPA, which provides that to qualify under this section natural gas must, *inter alia*, be produced from a new well. The term "new well" is defined in section 2(3)(A) of the NGPA as any well:

> the surface drilling of which began on or after February 19, 1977; or the depth of which was increased, by means of drilling on or after February 19, 1977, to a completion location which is located at least 1,000 feet below the depth of the deepest completion location of such well attained before February 19, 1977.

The records indicate that the subject well was spudded in 1969 and was abandoned on September 14, 1969, having been drilled to a depth of 6,471 feet. The well was reentered on April 12, 1978, and completed to a depth of 4,100 feet. Accordingly, the subject well fails to meet either requirement for qualification as a new well under section 2(3), and it was for this reason that the Commission issued its February 1, 1980 Notice of Preliminary Finding that the determination should be reversed.

No request for conference was received by the Commission under § 275.202(f) of the Commission's rules, nor have written comments or additional evidence been submitted by any party.

The Commission finds: Pursuant to § 275.202(e) of our regulations, the Commission finds that the State of Ohio Department of Natural Resources, Division of Oil and Gas' determination that the Jerry Moore, Incorporated's Huber A. Brenley No. 1 Well qualifies as a new onshore well under section 102(c)(1)(B) of the NGPA, is not supported by substantial evidence in the record. Accordingly, under section 503(b)(1) of the NGPA, the determination by Ohio is reversed.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17773 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-332]

Ohio Power Co.; Filing

June 3, 1980.

The filing Company submits the following:

Take notice that on May 21, 1980, Ohio Power Company submitted for filing a compliance report pursuant to the Commission's letter order of April 10, 1980 in the above referenced proceeding.

A copy of this filing has been sent to Wheeling Electric Company and to the West Virginia Public Service Commission.

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 June 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17774 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-421]

Oklahoma Gas and Electric Co.; Filing of Proposed Increase in Rates to Wholesale Customers

June 4, 1980.

The filing company submits the following:

Take notice that on May 29, 1980, Oklahoma Gas and Electric Company (OG&E), P.O. Box 321, Oklahoma City, Oklahoma 73101, tendered for filing Revised Sheet Nos. 4 through 9 and Nos. 28-29 to its FERC ELECTRIC TARIFF, 1st Revised Volume No. 1, containing revised rates and charges, and a revised Index of Purchasers, applicable to OG&E's 21 municipal and 3 rural electric cooperative sales-for-resale customers. The revised rates are contained in proposed Rate Schedules WM-1 and WC-1 applicable to municipalities and cooperatives, respectively. OG&E proposes to place the revised tariffs into effect August 1, 1980.

OG&E states that since November 1, 1977, the date on which the existing rates became effective, it has found itself in a rapidly deteriorating financial condition despite its efforts to reduce its construction and operating expenses. The Company alleges that it is experiencing significant cost increases in all areas of its operations, including wages, fuel, materials and supplies and particularly capital.

OG&E states that copies of the tariff, rate schedules and the entire filing have been mailed to its municipal and cooperative customers and to the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve 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. 80-17775 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2088]

Oroville-Wyandotte Irrigation District; Application for Amendment of License

May 29, 1980.

Take notice that on November 23, 1979, the Oroville-Wyandotte Irrigation District (Licensee) filed an application for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the existing South Fork Project No. 2088, located on the South Fork Feather River and its tributaries in Butte County, California. Correspondence with the Licensee should be directed to: Mr. Milton Emerson, General Manager—Chief Engineer, Oroville-Wyandotte Irrigation District, P.O. Box 229, Oroville, California 95695.

The Licensee seeks authorization to construct: (1) a 90-inch diameter

penstock within the existing outlet tunnel for the Sly Creek Dam; (2) an outdoor-type powerhouse, adjacent to the outlet portal of the tunnel, containing a single generating unit with a rated capacity of 13,200 kW; and (3) a switchyard adjacent to the powerhouse.

The Licensee estimates the capital cost of the proposed action to be $13,465,000 as of November 1980. Energy generated by the power plant would be delivered to the Pacific Gas and Electric Company (PG and E) at the powerhouse switchyard for use in PG and E's system.

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 July 11, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17776 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-94]

Peoples Natural Gas Co., a Division of InterNorth, Inc.; Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

May 29, 1980.

On April 29, 1980, Peoples Natural Gas Company, a Division of InterNorth, Inc. (Peoples),[1] tendered for filing proposed changes in its FERC tariff proposed to become effective May 29, 1980.[2] The proposed increased rates are based on a test period reflecting actual costs for the twelve months ended December 31, 1979, as adjusted for known and measurable changes in costs for the nine months ended September 30, 1980. Peoples' proposed rate changes would increase its jurisdictional revenues by $54,236 per year which would represent a 25 percent increase in revenues excluding those attributable to purchased gas costs. Peoples states that the principal reasons for the rate increase include increases in operating costs and the need for a 13.32 percent overall rate of return. That rate of return is equal to the return claimed by Peoples' affiliate, Northern Natural Gas Company (Northern) in Docket No. RP80-88. That overall return includes a 15.5 percent return on common equity.

Public notice of Peoples' filing was issued on May 5, 1980, providing for protests or petitions to intervene to be filed on or before May 23, 1980.

Based upon a review of Peoples' filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Furthermore, we do not find good cause to grant the implicit request for waiver of the 30 days notice requirement. Accordingly, the Commission will accept for filing the tariff sheets listed in Appendix A, suspend their effectiveness for five months until October 30, 1980, and shall set the matter for hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Peoples.

(B) Peoples implicit request for waiver of the 30 day notice requirement is denied.

(C) The aforementioned tariff sheets tendered for filing are accepted for filing and suspended for five months, until October 30, 1980, when they shall be permitted to become effective, subject to refund, upon motion filed by Peoples in accordance with the provisions of the Natural Gas Act.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before September 8, 1980.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17777 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[1] Peoples was formerly known as Peoples Natural Gas Division of Northern Natural Gas Company. On March 27, 1980, its parent was changed from Northern Natural Gas Company to InterNorth, Inc. and Peoples, formerly an operating division of Northern, became an operating division of InterNorth, Inc., and its name was changed to Peoples Natural Gas Company. The wholesale natural gas operations of Northern Natural Gas Company, Division of InterNorth, Inc., are conducted under and in accordance with Original Volumes No. 1 through 3 of the Tariff, and Original Volume No. 4 comprises the Tariff under which Peoples conducts its interstate jurisdictional gas operations.

[2] Since the effective date proposed by Peoples does not reflect the full 30 days notice, we shall treat it as an implicit request for waiver of the notice requirements.

[No. 214]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 4, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-35032/K-79-1787
2. 15-055-20216-0000
3. 108 000 000
4. Benson Mineral Group Inc
5. Fairleigh #1
6. Hagoton
7. Finney KS
8. 20.8 million cubic feet
9. May 19, 1980
10. Northern Natural Gas Co

Louisiana Office of Conservation

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name

7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–35243
2. 17–001–20802–0000
3. 102 000 000
4. Richard A. Campbell
5. M Leger Well No 1
6. Crowley
7. Acadia LA
8. 110.0 million cubic feet
9. May 20, 1980
10. Tennessee Gas Pipeline Co

Michigan Department of Natural Resources

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–35235
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 1–14
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35236
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 2–14
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35237
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 1–15
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35238
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 2–15
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35239
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 3–15
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35240
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 4–15
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35241
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 1–16
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

1. 80–35242
2. 21–137–00000–0000
3. 107 000 000
4. Northern Michigan Antrim Gas
5. State-Otsego Lake 1–22
6. Chester Field T29N–R3W Otsego Lake
7. Otsego MI
8. 15.0 million cubic feet
9. May 20, 1980
10. Michigan Consolidated Gas Company

North Dakota Geological Survey

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. 80–34975/242
2. 33–053–00966–0000
3. 102 000 000
4. Kerr-McGee Corp
5. Burns 1–21
6. Mondak
7. McKenzie ND
8. 11.0 million cubic feet
9. May 13, 1980
10. Shell Oil Co

1. 80–34976/243
2. 33–033–00063–0000
3. 102 000 000
4. Terra Ressources Inc
5. Mosser 1–18
6. Bicentennial
7. Golden Valley ND
8. 20.0 million cubic feet
9. May 13, 1980
10.

1. 80–34977/244
2. 33–007–00392–0000
3. 102 000 000
4. Getty Oil Co
5. Mystery Creek A #36–2
6. T R Field
7. Billings ND
8. 29.2 million cubic feet
9. May 13, 1980
10. Koch Hydrocarbon Co, Western Gas Processors LTD

1. 80–34978/241
2. 33–053–00970–0000
3. 102 000 000
4. Kerr-McGee Corp
5. Burns 2–20
6. Mondak
7. McKenzie ND
8. 6.0 million cubic feet
9. May 13, 1980
10. Shell Oil Co

Ohio Department of Natural Resources, Division of Oil and Gas

1. Control Number (FERC/STATE)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–35064/03400
2. 34–059–21621–0014
3. 108 000 000
4. Mammoth Producing Corp
5. Leeper-Greenlees #1
6. Birmingham
7. Guernsey OH
8. 6.5 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35065/03395
2. 34–059–21705–0014
3. 108 000 000
4. Mammoth Producing Corp
5. A E Winters #1
6. Antrim
7. Guernsey OH
8. 5.5 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35066/03397
2. 34–059–21731–0014
3. 108 000 000
4. Mammoth Producing Corp
5. L Stutz #1
6. Antrim
7. Guernsey OH
8. 13.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35067/03399
2. 34–059–21609–0014
3. 108 000 000
4. Mammoth Producing Corp
5. Royce-Keck #1
6. Birmingham
7. Guernsey OH
8. 1.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35068
2. 34–005–23118–8001–4
3. 108 000 000
4. Ohio Natural Fuel Co
5. Gast #1
6.
7. Ashland OH
8. 2.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35069
2. 34–007–21080–0014
3. 103 000 000

4. Poi Energy Inc
5. Hansar #2
6. New Lyme
7. Ashtabula OH
8. 20.0 million cubic feet
9. May 20, 1980
10.

1. 80-35070
2. 34-007-21082-0014
3. 103 000 000
4. Poi Energy Inc
5. Hansar #1
6. New Lyme
7. Ashtabula OH
8. 20.0 million cubic feet
9. May 20, 1980
10.

1. 80-35071
2. 34-007-21091-0014
3. 103 000 000
4. Poi Energy Inc
5. Yuhasz #1
6. Colebrook
7. Ashtabula OH
8. 15.0 million cubic feet
9. May 20, 1980
10.

1. 80-35072
2. 34-007-21092-0014
3. 103 000 000
4. Poi Energy Inc
5. Easton Brothers #1
6. Colebrook
7. Ashtabula OH
8. 15.0 million cubic feet
9. May 20, 1980
10.

1. 80-35073
2. 34-007-21097-0014
3. 103 000 000
4. Poi Energy Inc
5. Easton #1
6. Colebrook
7. Ashtabula OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80-35074
2. 34-007-21149-0014
3. 103 000 000
4. Meridian Oil & Gas Ent Inc
5. Clifford M Stanley #2
6. Dorset
7. Ashtabula OH
8. 2.0 million cubic feet
9. May 20, 1980
10. Jones & Laughlin Steel Corp

1. 80-35075
2. 34-007-21165-0014
3. 103 000 000
4. Meridian Oil & Gas Ent Inc
5. Katherine W Hart #2
6. Richmond
7. Ashtabula OH
8. 9.0 million cubic feet
9. May 20, 1980
10. Jones & Laughlin Steel Corp

1. 80-35076
2. 34-007-21166-0014
3. 103 000 000
4. Meridian Oil & Gas Ent Inc
5. Anthony J Amato #1
6. Richmond
7. Ashtabula OH
8. 6.0 million cubic feet
9. May 20, 1980
10. Jones & Laughlin Steel Corp

1. 80-35077
2. 34-007-21184-0014
3. 103 000 000
4. Meridian Oil & Gas Ent Inc
5. David W Wright #1
6. Dorset
7. Ashtabula OH
8. 4.0 million cubic feet
9. May 20, 1980
10. Jones & Laughlin Steel Corp

1. 80-35078
2. 34-007-21204-0014
3. 103 000 000
4. James Drilling Corp
5. Robert H Bailey #1
6. Dorset
7. Ashtabula OH
8. 2.0 million cubic feet
9. May 20, 1980
10.

1. 80-35079
2. 34-007-21228-0014
3. 103 000 000
4. Meridian Oil & Gas Ent Inc
5. Levi Hershberger #1
6. Richmond
7. Ashtabula OH
8. 6.0 million cubic feet
9. May 20, 1980
10.

1. 80-35080
2. 34-007-21315-0014
3. 103 000 000
4. Robert L Craig Sr
5. Curtis #1
6. Conneaut
7. Ashtabula OH
8. 68.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80-35081
2. 34-031-22495-0014
3. 108 000 000
4. Oxford Oil Co
5. Jennie Johns Etal #1
6.
7. Coshocton OH
8. 1.0 million cubic feet
9. May 20, 1980
10. National Gas & Oil Corp

1. 80-35082
2. 34-031-22801-0014
3. 108 000 000
4. Oxford Oil Co
5. Ethel Reese #1
6.
7. Coshocton OH
8. 2.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Trans Corp

1. 80-35083
2. 34-031-23064-0014
3. 103 000 000
4. Seventh Street Investment Associate
5. Weekley #3
6. Mill Creek
7. Coshocton OH
8. 28.0 million cubic feet
9. May 20, 1980
10.

1. 80-35084
2. 34-031-23144-0014
3. 103 000 000
4. Jadoil Inc
5. C & N Burris #1
6. Clark
7. Coshocton OH
8. 20.0 million cubic feet
9. May 20, 1980
10. National Gas & Oil Corp

1. 80-35085
2. 34-031-23228-0014
3. 103 000 000
4. Monroe & Keusink Inc
5. Clyde and Ruby Wolf #2
6. Tiverton Center North
7. Coshocton OH
8. 12.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80-35086
2. 34-031-23657-0014
3. 103 000 000
4. Jadoil Inc
5. L & R K Powelson #1
6. Liverton
7. Coshocton OH
8. 6.0 million cubic feet
9. May 20, 1980
10. Ohio Cumberland Gas Co

1. 80-35087
2. 34-031-23685-0014
3. 103 000 000
4. Jadoil Inc
5. Burris-Powelson Unit #1
6. Clark
7. Coshocton OH
8. 10.0 million cubic feet
9. May 20, 1980
10. National Gas & Oil Corp

1. 80-35088
2. 34-031-23731-0030
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Shah Shah & Patel Co #2
6. Bedford
7. Coshocton OH
8. 84.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80-35089
2. 34-031-23762-0030
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Beck #1
6. Clark
7. Coshocton OH
8. 61.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission

1. 80-35090
2. 34-031-23811-0014
3. 103 000 000
4. Energy Investment Co
5. Atwood #6
6. Tiverton
7. Coshocton OH
8. 36.0 million cubic feet
9. May 20, 1980
10.

1. 80-35091
2. 34-031-23821-0014
3. 103 000 000
4. Vaught Oil Co
5. Faith E Harrah #1
6. Bedford
7. Coshocton OH

8. 1.5 million cubic feet
9. May 20, 1980
10. Columbia Gas Trans Corp

1. 80–35092
2. 34–035–00002–0014
3. 108 000 000
4. Amerítrust Co Trustee
5. Cleminshaw #2
6. S/L 11 & 66 W 143rd St
7. Cuyahoga OH
8. 10.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35093
2. 34–035–20951–0030
3. 103 000 000
4. Harry Caplan
5. S W Caplan #1B
6. Independence
7. Cuyahoga OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80–35094
2. 34–059–21840–0014
3. 108 000 000
4. Big Piney Oil & Gas Co
5. Nelson Mathers #2
6.
7. Guernsey OH
8. 5.2 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35095
2. 34–059–22069–0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Hinson #1–MD
6.
7. Guernsey County OH
8. 2.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35096
2. 34–059–22202–0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Shriver #2–MD
6.
7. Guernsey County OH
8. 9.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35097
2. 34–059–22213–0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Hollingsworth #4–MD
6.
7. Guernsey County OH
8. 15.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35098
2. 34–059–22644–0014
3. 103 000 000
4. Consol Resources of Amer Inc
5. R P Smith #1
6. Senecaville
7. Guernsey OH
8. 43.8 million cubic feet
9. May 20, 1980
10. Columbia Gas

1. 80–35099
2. 34–059–22656–0014
3. 103 000 000
4. Consol Resources of Amer Inc
5. Rich-Oliphant Unit #1
6. Senecaville
7. Guernsey OH
8. 43.8 million cubic feet
9. May 20, 1980
10. Columbia Gas

1. 80–35100
2. 34–075–22321–0030
3. 103 000 000
4. Rowley & Brown Pet Corp
5. Elliott #1
6. Mechanic
7. Holmes OH
8. 39.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission

1. 80–35101
2. 34–075–22327–0014
3. 103 000 000
4. Jadoil Inc
5. Albert N & Mary Schrock #1
6. Clark
7. Holmes OH
8. 20.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35102
2. 34–075–22339–0030
3. 103 000 000
4. Rowley & Brown Pet Corp
5. T Martin #2
6. Killbuck
7. Holmes OH
8. 75.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35103
2. 34–075–22442–0014
3. 103 000 000
4. Buckhorn Oil Co Inc
5. Brumme #2
6. Killbuck
7. Holmes OH
8. 20.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Trans

1. 80–35104
2. 34–075–22443–0014
3. 103 000 000
4. Buckhorn Oil Co Inc
5. Brumme #3
6. Killbuck
7. Holmes OH
8. 20.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Trans

1. 80–35105
2. 34–083–22662–0014
3. 103 000 000
4. Jerry C Olds
5. Truesdell #4
6. Clay
7. Knox OH
8. 7.0 million cubic feet
9. May 20, 1980
10.

1. 80–35106
2. 34–083–22663–0014
3. 103 000 000
4. Berwell Energy Inc
5. Dennis Weese No 1
6. Jefferson
7. Knox OH
8. 86.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35107
2. 34–083–22691–0014
3. 103 000 000
4. Bates Oil & Gas Inc
5. Fleshman #1
6. Jackson
7. Knox OH
8. 1.2 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35108
2. 34–111–21928–0014
3. 103 000 000
4. BKB Development Co
5. W Emerson Smith #1
6. Wayne
7. Monroe OH
8. 15.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35109
2. 34–115–21723–0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Grassel-Pistor #1–ME
6.
7. Morgan County OH
8. 12.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35110
2. 34–115–21844–0014
3. 103 000 000
4. Temple Oil & Gas Co
5. George Fye #17
6. York
7. Morgan OH
8. 9.0 million cubic feet
9. May 20, 1980
10.

1. 80–35111
2. 34–115–21848–0014
3. 103 000 000
4. Temple Oil & Gas Co
5. Eppley Heirs #16
6. York
7. Morgan OH
8. 9.0 million cubic feet
9. May 20, 1980
10.

1. 80–35112
2. 34–115–21985–0014
3. 103 000 000
4. Temple Oil & Gas Co
5. William Hartley #1
6. York
7. Morgan OH
8. 10.0 million cubic feet
9. May 20, 1980
10. National Gas & Oil Corp

1. 80–35113
2. 34–115–22062–0014
3. 103 000 000
4. Temple Oil & Gas Co
5. Temple Roy Miller #1
6. York
7. Morgan OH
8. 9.0 million cubic feet
9. May 20, 1980
10.

1. 80–35114

2. 34–119–22303–0014
3. 108 000 000 denied
4. Chris Oil Corp
5. Berman
6.
7. Muskingum OH
8. 4.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35115
2. 34–119–22835–0014
3. 103 000 000 denied
4. Oxford Oil Co
5. Fred Hardesty #1
6. Onion
7. Muskingum OH
8. 10.0 million cubic feet
9. May 20, 1980
10.

1. 80–35116
2. 34–119–24866–0014
3. 103 000 000
4. Clinton Oil Co
5. R Swingle #2
6. Clay
7. Muskingum OH
8. 150.0 million cubic feet
9. May 20, 1980
10.

1. 80–35117
2. 34–119–24867–0014
3. 103 000 000
4. Clinton Oil Co
5. Dalton #1
6. Brush Creek
7. Muskingum OH
8. 200.0 million cubic feet
9. May 20, 1980
10.

1. 80–35118
2. 34–119–24873–0014
3. 103 000 000
4. Clinton Oil Co
5. R Dozer #1
6. Newton
7. Muskingum OH
8. 275.0 million cubic feet
9. May 20, 1980
10.

1. 80–35119
2. 34–119–24881–0014
3. 103 000 000
4. Clinton Oil Co
5. Murphy Unit #2
6. Newton
7. Muskingum OH
8. 100.0 million cubic feet
9. May 20, 1980
10.

1. 80–35120
2. 34–119–25033–0014
3. 103 000 000
4. Clinton Oil Co
5. McCoy-Swingle #1
6. Brush Creek
7. Muskingum OH
8. 400.0 million cubic feet
9. May 20, 1980
10.

1. 80–35121
2. 34–119–25164–0014
3. 103 000 000
4. Leader Equities Inc
5. Kenneth Martin et al #3
6. Jefferson
7. Muskingum OH
8. 15.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35122
2. 34–119–25168–0014
3. 103 000 000
4. Leader Equities Inc
5. Kenneth Martin et al #4
6. Jefferson
7. Muskingum OH
8. 15.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35123
2. 34–121–21683–0014
3. 108 000 000
4. Guernsey Petroleum Corp
5. Hedge #1–G
6.
7. Noble County OH
8. 15.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35124
2. 34–121–22020–0014
3. 103 000 000
4. Drillers Petroleum Corp
5. Roy R Ullmann B–2
6. Elk
7. Noble OH
8. 200.0 million cubic feet
9. May 20, 1980
10.

1. 80–35125
2. 34–121–22040–0014
3. 103 000 000
4. Drillers Petroleum Corp
5. Roy R Ullmann B–1
6. Elk
7. Noble OH
8. 200.0 million cubic feet
9. May 20, 1980
10.

1. 80–35126
2. 34–121–22090–0014
3. 103 000 000
4. Drillers Petroleum Corp
5. Roy R Ullmann C–3
6. Elk
7. Noble OH
8. 200.0 million cubic feet
9. May 20, 1980
10.

1. 80–35127
2. 34–127–24495–0014
3. 103 000 000
4. W E Shrider Co
5. Walter Whitmer #3
6. Monday Creek
7. Perry OH
8. 3.0 million cubic feet
9. May 20, 1980
10. Foraker Gas Co Inc

1. 80–35128
2. 34–127–24606–0014
3. 103 000 000
4. Petrol Oil Co
5. Knisley-Studer Well #1
6. Reading
7. Perry OH
8. 3.0 million cubic feet
9. May 20, 1980
10.

1. 80–35129
2. 34–127–24652–0014
3. 103 000 000
4. Altheirs Oil Inc
5. Paul Woods #1
6. Bearfield Twp
7. Perry OH
8. 3.0 million cubic feet
9. May 20, 1980
10.

1. 80–35130
2. 34–133–21648–0014
3. 103 000 000
4. Poi Energy Inc
5. Sperry #2
6. Streetboro
7. Portage OH
8. 50.0 million cubic feet
9. May 20, 1980
10.

1. 80–35131
2. 34–133–21649–0014
3. 103 000 000
4. Poi Energy Inc
5. Sperry #1
6. Streetboro
7. Portage OH
8. 60.0 million cubic feet
9. May 20, 1980
10.

1. 80–35132
2. 34–133–22011–0014
3. 103 000 000
4. Clinton Oil Co
5. Streetsboro #4
6. Streetsboro
7. Portage OH
8. 125.0 million cubic feet
9. May 20, 1980
10. Timken Co

1. 80–35133
2. 34–133–22065–0014
3. 103 000 000
4. Poi Energy Inc
5. Wilcox #1A
6. Streetsboro
7. Portage OH
8. 125.0 million cubic feet
9. May 20, 1980
10.

1. 80–35134
2. 34–133–22210–0014
3. 103 000 000
4. Viking Resources Corp
5. M A & P L Meluch #2
6. Deerfield
7. Portage OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80–35135
2. 34–133–22211–0014
3. 103 000 000
4. Viking Resources Corp
5. M A & P L Meluch #3
6. Deerfield
7. Portage OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80–35136
2. 34–133–22212–0014
3. 103 000 000
4. Viking Resources Corp
5. J F & G J Planel #1
6. Deerfield

7. Portage OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80–35137
2. 34–151–20709–0014
3. 108 000 000
4. Wiser Oil Co
5. J Pettigrew #1
6.
7. Stark OH
8. 5.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35138
2. 34–151–20781–0014
3. 108 000 000
4. Wiser Oil Co
5. McWerstler #3
6.
7. Stark OH
8. .0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35139
2. 34–151–20870–0014
3. 108 000 000
4. Wiser Oil Co
5. Brown Community #1
6.
7. Stark OH
8. 3.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35140
2. 34–151–20888–0014
3. 108 000 000
4. Wiser Oil Co
5. C S Keller et al #1
6.
7. Stark OH
8. 2.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35141
2. 34–151–22368–0014
3. 108 000 000
4. Wiser Oil Co
5. John Poth #1
6.
7. Stark OH
8. 4.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas Co

1. 80–35142
2. 34–151–23146–0014
3. 103 000 000
4. Viking Resources Corp
5. M & G Coal Co #1
6. Paris
7. Stark OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80–35143
2. 34–151–23147–0014
3. 103 000 000
4. Viking Resources Corp
5. M & G Coal Co #2
6. Robertsville
7. Stark, OH
8. 30.0 million cubic feet
9. May 20, 1980
10.

1. 80–35144
2. 34–153–20672–0014
3. 103 000 000
4. Appalachian Exploration Inc
5. L Weaver #1
6. Copley
7. Summit, OH
8. 20.0 million cubic feet
9. May 20, 1980
10. American Energy Services Inc

1. 80–35145
2. 34–153–20719–0014
3. 103 000 000
4. Poi Energy Inc
5. Gale-Rmd #1
6. Hudson
7. Summit, OH
8. 15.0 million cubic feet
9. May 20, 1980
10.

1. 80–35146
2. 34–153–20741–0014
3. 103 000 000
4. Appalachian Exploration Inc
5. W Vannostran #1
6. Copley
7. Summit, OH
8. 30.0 million cubic feet
9. May 20, 1980
10. American Energy Services Inc

1. 80–35147
2. 34–153–20743–0014
3. 103 000 000
4. Appalachian Exploration Inc
5. R Hemphill #1
6. Copley
7. Summit, OH
8. 20.0 million cubic feet
9. May 20, 1980
10. American Energy Services Inc

1. 80–35148
2. 34–153–20776–0014
3. 103 000 000
4. Appalachian Exploration Inc
5. L Betts #1
6. Copley
7. Summit, OH
8. 20.0 million cubic feet
9. May 20, 1980
10. American Energy Services Inc

1. 80–35149
2. 34–153–20352–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Nosse #2
6.
7. Trumbull, OH
8. 8.4 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35150
2. 34–155–20353–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Biggers-Johnson-Ledgers #1
6.
7. Trumbull, OH
8. 3.6 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35151
2. 34–155–20355–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Hostetler/Silvernail
6.
7. Trumbull, OH
8. 8.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35152
2. 34–155–20357–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. H Gates #1
6.
7. Trumbull, OH
8. 10.6 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–351523
2. 34–155–20359–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Cox #1
6.
7. Trumbull, OH
8. 5.1 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1..80–35154
2. 34–155–20365–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Nosse #1
6.
7. Trumbull, OH
8. 4.4 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35155
2. 34–155–20366–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Cashiotta #1
6.
7. Trumbull, OH
8. 8.4 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35156
2. 34–155–20367–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Grover #1
6.
7. Trumbull, OH
8. 4.7 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35157
2. 34–155–20369–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Chamberlin #1
6.
7. Trumbull, OH
8. 7.3 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35158
2. 34–155–20442–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Reed #1
6.
7. Trumbull, OH
8. 15.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35159

2. 34–155–20461–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Nosse #18
6.
7. Trumbull, OH
8. 5.8 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35160
2. 34–155–20494–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. W Byler #1
6.
7. Trumbull, OH
8. 10.6 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35161
2. 34–155–20535–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. S Weaver #1
6.
7. Geauga, OH
8. 6.9 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35162
2. 34–155–20541–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Evans #1
6.
7. Trumbull, OH
8. 4.4 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35163
2. 34–155–20544–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Michaleski #1
6.
7. Trumbull, OH
8. 4.4 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35164
2. 34–155–20706–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. D Byler #1
6.
7. Trumbull, OH
8. 6.2 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35165
2. 34–155–20723–0000
3. 108 000 000
4. Lomak Petroleum Inc
5. Troyer #2
6.
7. Trumbull, OH
8. 9.1 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35166
2. 34–155–20725–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. G Gates #1
6.
7. Trumbull, OH
8. 13.5 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35167
2. 34–155–20727–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Pennza #1
6.
7. Trumbull, OH
8. 10.2 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35168
2. 34–155–20728–0014
3. 108 000 000
4. Lomak Petroleum Inc
5. Troyer #1
6.
7. Trumbull, OH
8. 8.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35169
2. 34–155–21287–0014
3. 108 000 000
4. Alsid Oil & Gas Development Co Inc
5. Carleton #1
6. Bristol
7. Trumbull, OH
8. 30.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35170
2. 34–155–21388–0014
3. 108 000 000
4. Chris Oil Co
5. Hursey #1
6.
7. Tuscarawas, OH
8. 17.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35171
2. 34–155–21698–0014
3. 108 000 000
4. William N. Tipka
5. R Cox #1
6.
7. Tuscarawas, OH
8. 5.0 million cubic feet
9. May 20, 1980
10. East Ohio Gas

1. 80–35172
2. 34–155–22517–0014
3. 108 000 000 Denied
4. Alsid Oil & Gas Development Co Inc
5. Myers #1
6. Dover
7. Tuscarawas, OH
8. 15.0 million cubic feet
9. May 20, 1980
10. American Energy Services Inc

1. 80–35173
2. 34–157–23172–0014
3. 103 000 000
4. Vescorp Industries Inc
5. D J Miller #1
6. Wayne
7. Tuscarawas OH
8. 75.0 million cubic feet
9. May 20, 1980
10.

1. 80–35174
2. 34–157–23279–0014
3. 103 000 000
4. Vescorp Industries Inc
5. D Immel #1
6. Wayne
7. Tuscarawas OH
8. 75.0 million cubic feet
9. May 20, 1980
10.

1. 80–35175
2. 34–167–25300–0003
3. 103 000 000
4. Appalachian Petroleum Corp
5. Rummer #1
6. Adams
7. Washington OH
8. 3.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

South Dakota Department of Natural Resource Development

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. 80–34972
2. 40–063–20228–0000
3. 102 000 000
4. Inland Oil & Gas Corp
5. State #1–32
6. West Short Pine Hills
7. Harding SD
8. 80.0 million cubic feet
9. May 15, 1980
10. Montana-Dakota Utilities Co

1. 80–34973
2. 40–063–20229–0000
3. 102 000 000
4. Inland Oil & Gas Corp
5. State-Holcomb #1–30
6. West Short Pine Hills
7. Harding SD
8. 180.0 million cubic feet
9. May 15, 1980
10. Montana-Dakota Utilities 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. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–34980
2. 47–067–00487–0000
3. 103 000 000
4. Cities Service Co
5. Flynn Coal & Lumber Co #24
6. Gauley
7. Nicholas WV
8. 20.0 million cubic feet
9. May 19, 1980
10. Equitable Gas Co

1. 80–34981
2. 47–083–00271–0000
3. 103 000 000
4. Union Drilling Inc
5. Frank Logan #1
6. Roaring Creek
7. Randolph WV
8. .0 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission Corp

1. 80–34982
2. 47–001–01177–0000
3. 103 000 000
4. Fox Drilling Co Inc
5. Ware Sawmill Inc #1
6. Belington Field
7. Barbour County WV
8. 110.0 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission Corp

1. 80–34983
2. 47–001–01164–0000
3. 103 000 000
4. James W Mayle
5. James W Mayle '#1
6. Hackers Creek
7. Barbour WV
8. 44.5 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34984
2. 47–017–02355–0000
3. 102 000 000
4. Chase Petroleum
5. Stella Cox May #3
6. Straight Fork-Bluestone Creek
7. Doddridge WV
8. 50.0 million cubic feet
9. May 19, 1980
10.

1. 80–34985
2. 47–107–00592–0000
3. 108 000 000
4. Zenith Exploration Co
5. Dale Dye #1
6. Steele District
7. Wood WV
8. 3.5 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34986
2. 47–067–00497–0000
3. 103 000 000
4. Cities Service Co
5. Flynn Coal & Lumber Co #25
6. Gauley
7. Nicholas WV
8. 20.0 million cubic feet
9. May 19, 1980
10. Equitable Gas Co

1. 80–34987
2. 47–041–22542–0000
3. 103 000 000
4. St Clair Oil Co
5. C M & J R Spray No 1
6. Collins Settlement
7. Lewis WV
8. 50.0 million cubic feet
9. May 19, 1980
10. Equitable Gas Co

1. 80–34988
2. 47–097–01881–0000
3. 103 000 000
4. D C Malcolm Inc
5. Cottrill Unit #1
6. Overhill
7. Upshur WV
8. 72.0 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34989
2. 47–097–01882–0000
3. 103 000 000
4. D C Malcolm Inc
5. Cottrill Unit #2
6. Overhill
7. Upshur WV
8. 40.0 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply

1. 80–34990
2. 47–039–03464–0000
3. 103 000 000
4. D C Malcolm Inc
5. McKinley Harding #1
6. Elkview
7. Kanawha WV
8. 36.0 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission

1. 80–34991
2. 47–039–03468–0000
3. 103 000 000
4. D C Malcolm Inc
5. McKinley Harding #2
6. Elkview
7. Kanawha WV
8. .0 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission

1. 80–34992
2. 47–079–00930–0000
3. 103 000 000
4. D C Malcohm Inc
5. Vangilder #1
6. St Albans—Burdette
7. Putnam WV
8. 27.0 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission Corp

1. 80–34993
2. 47–001–01163–0000
3. 103 000 000
4. James W Mayle
5. James W Mayle #2
6. Hackers Creek
7. Barbour WV
8. 45.3 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34994
2. 47–015–01637–0000
3. 103 000 000
4. Sterling Drilling & Production Co
5. Aloi #7
6. Buffalo District
7. Clay WV
8. 133.6 million cubic feet
9. May 19, 1980
10. Equitable Gas Co

1. 80–34995
2. 47–021–01540–0000
3. 108 000 000
4. Dr L K Matheny DVS
5. W J Jones #1
6. Burnsville Quadrangle
7. Gilmer WV
8. 2.7 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34996
2. 47–021–01548–0000
3. 108 000 000
4. Dr L K Matheny
5. W J Jones #2
6. Burnsville Quadrangle
7. Gilmer WV
8. 2.7 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34997
2. 47–007–01099–0000
3. 108 000 000
4. Fairfax Oil Co
5. L C Singleton #1
6. Copen
7. Braxton WV
8. 6.0 million cubic feet
9. May 19, 1980
10. Equitable Gas Co

1. 80–34998
2. 47–021–03490–0000
3. 108 000 000
4. Pennzoil Company
5. Parr—Stasel #1
6. Troy
7. Gilmer WV
8. .0 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–34999
2. 47–039–03185–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Compton-Diehl #1
6. McCorkle
7. Kanawha WV
8. 8.7 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35000
2. 47–039–01312–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Roberta Childress #1
6. McCorkle
7. Kanawha WV
8. 15.9 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35001
2. 47–039–00160–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Compton-Diehl #2
6. McCorkle
7. Kanawha WV
8. 8.7 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35002
2. 47–043–00554–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #11
6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35003
2. 47–043–00477–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #10

6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35004
2. 47–043–00464–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #9
6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35005
2. 47–043–00435–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #8
6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35006
2. 47–043–00403–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #7
6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35007
2. 47–043–00384–0000
3. 108 000 000
4. Ashland and Exploration Inc
5. Lincoln Mineral #6
6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35008
2. 47–043–00368–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #5
6. McCorkle
7. Lincoln WV
8. 7.8 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35009
2. 47–043–00347–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Lincoln Mineral #4
6. McCorkle
7. Lincoln WV
8. 12.9 million cubic feet
9. May 19, 1980
10. Industrial Gas Corp

1. 80–35010
2. 47–005–01259–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #18
6. Yawkey-Freeman
7. Boone WV
8. 1.8 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35011
2. 47–013–02908–0000
3. 108 000 000
4. Pennzoil Co
5. Granville Rice #6
6. Sherman District
7. Calhoun WV
8. 1.6 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35012
2. 47–013–02901–0000
3. 108 000 000
4. Pennzoil Co
5. Granville Rice #2
6. Sherman District
7. Calhoun WV
8. 1.8 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35013
2. 47–013–02894–0000
3. 108 000 000
4. Pennzoil Co
5. N I McConaughy #4
6. Center District
7. Calhoun WV
8. 2.2 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35014
2. 47–013–02893–0000
3. 108 000 000
4. Pennzoil Co
5. W A Bell #2
6. Center District
7. Calhoun WV
8. 13.2 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35015
2. 47–005–01268–0000
3. 108 000 000
4. Pennzoil Co
5. Thompson Arbella #1
6. Scott
7. Boone WV
8. 2.6 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35016
2. 47–005–01217–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #37
6. Washington District
7. Boone WV
8. 3.0 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35017
2. 47–005–01215–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #32
6. Yawkey-Freeman
7. Boone WV
8. 2.8 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35018
2. 47–005–01212–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #29
6. Yawkey-Freeman
7. Boone WV
8. 1.1 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35019
2. 47–005–01209–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #11
6. Yawkey-Freeman
7. Boone WV
8. 2.2 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35020
2. 47–021–03042–0000
3. 103 000 000
4. Union Gas Corp
5. Mertz #4
6. Glenville District
7. Gilmer WV
8. 20.0 million cubic feet
9. May 19, 1980
10. Pennzoil Co

1. 80–35021
2. 47–021–02844–0000
3. 103 000 000
4. Union Gas Corp
5. Mertz #3
6. Glenville District
7. Gilmer WV
8. 8.0 million cubic feet
9. May 19, 1980
10. Pennzoil Co

1. 80–35022
2. 47–021–02796–0000
3. 103 000 000
4. Union Gas Associates Inc
5. M Mertz #2
6. Glenville District
7. Gilmer WV
8. 27.0 million cubic feet
9. May 19, 1980
10. Pennzoil Co

1. 80–35023
2. 47–015–00571–0000
3. 108 000 000
4. Union Gas Corp
5. Markle #2
6. Henry District
7. Clay WV
8. 2.2 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission Corp

1. 80–35024
2. 47–015–00545–0000
3. 108 000 000
4. Union Gas Associates Inc
5. Smith #2
6. Henry District
7. Clay WV
8. 7.5 million cubic feet
9. May 19, 1980
10. Columbia Gas Transmission Corp

1. 80–35025
2. 47–041–00757–0000
3. 108 000 000
4. Union Gas Associates Inc
5. Alvin Douglas Heirs-Cole #2
6. Freemans Creek District
7. Lewis WV
8. 3.5 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35026
2. 47–041–02471–0000
3. 103 000 000
4. Union Gas Corp
5. L Moneypenny #1
6. Courthouse District
7. Lewis WV
8. 10.0 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35027
2. 47–041–00615–0000
3. 108 000 000
4. Union Gas Associates Inc
5. Woofter #1
6. Freemans Creek District
7. Lewis WV
8. 4.4 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35028
2. 47–041–00522–0000
3. 108 000 000
4. Union Gas Associates Inc
5. Cole #1
6. Freemans Creek District
7. Lewis WV
8. 2.0 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35029
2. 47–021–01656–0000
3. 108 000 000
4. Union Gas Co
5. D W Cole-Garrett #2
6. Troy District
7. Gilmer WV
8. 1.9 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35030
2. 47–021–01625–0000
3. 108 000 000
4. Union Gas Co
5. D W Cole-Garrett #1
6. Troy District
7. Gilmer WV
8. 1.9 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35031
2. 47–005–01211–0000
3. 108 000 000
4. Pennzoil Co
5. Yawkey-Freeman #28
6. Washington
7. Boone WV
8. 1.8 million cubic feet
9. May 19, 1980
10. Consolidated Gas Supply Corp

1. 80–35176
2. 47–041–00245–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. R B Linger #3
6. Skin Creek District
7. Lewis WV
8. 3.0 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35177
2. 47–019–00385–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. Western Pocahontas Land #2
6. Mt Cove
7. Fayette WV
8. 52.0 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35178
2. 47–019–00362–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. Nuttall Heirs #4
6. Mt Cove
7. Fayette WV
8. 52.0 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35179
2. 47–079–00919–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Howard Hill #1
6. Union
7. Putnam WV
8. 35.0 million cubic feet
9. May 20, 1980
10. Cabot Corporation

1. 80–35180
2. 47–021–01778–0000
3. 108 000 000
4. Pacific States Gas & Oil Inc
5. J W Keith #1
6. Glenville
7. Gilmer WV
8. 6.6 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35181
2. 47–097–00287–0000
3. 108 000 000
4. Union Drilling Inc
5. C M Carpenter 1003
6. Banks District
7. Upshur WV
8. 1.4 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35182
2. 47–021–03549–0000
3. 103 000 000
4. Trio Petroleum Corp
5. Skeet #1
6. Glenville—North
7. Gilmer WV
8. 25.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35183
2. 47–021–03542–0000
3. 107 000 000
4. Waco Oil & Gas Co
5. Carson 2B
6. Ellis
7. Gilmer WV
8. 30.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35184
2. 47–041–00243–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. H C Summers No 1
6. Skin Creek District
7. Lewis WV
8. 3.3 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35185
2. 47–041–00242–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. A R Summers No 1
6. Skin Creek District
7. Lewis WV
8. 4.0 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35186
2. 47–041–00233–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. Summers-Linger Line #1
6. Skin Creek District
7. Lewis WV
8. 8.0 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35187
2. 47–107–00549–0000
3. 108 000 000
4. Dils Oil & Gas Co
5. Sherman Dils #3
6. Williams District
7. Wood WV
8. 3.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35188
2. 47–107–00542–0000
3. 108 000 000
4. Dils Oil & Gas Co
5. Sherman Dils #2
6. Williams District
7. Wood WV
8. 3.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35189
2. 47–107–00554–0000
3. 108 000 000
4. Dils Oil & Gas Co
5. Paul Rawlings #1
6. Williams District
7. Wood WV
8. 3.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35190
2. 47–107–00555–0000
3. 108 000 000
4. Dils Oil & Gas Co
5. Sherman Dils Jr #4
6. Williams District
7. Wood WV
8. 3.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35191
2. 47–041–02290–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. B L Burr #1
6. Skin Creek & Buckhannon
7. Lewis & Upshur WV
8. 8.0 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35192
2. 47–033–01991–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–259

6. Eagle
7. Harrison WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35193
2. 47–033–01981–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–223
6. Sardis
7. Harrison WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35194
2. 47–001–01083–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–196
6. Valley
7. Barbour WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35195
2. 47–039–03487–0000
3. 103 000 000
4. Allegheny & Westen Energy Corp
5. Ohley Trust #23
6. Cabin Creek
7. Kanawha WV
8. 31.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35196
2. 47–013–02272–0000
3. 108 000 000
4. Central Gas Comp Etal
5. Fluharty #2
6. Center District
7. Calhoun WV
8. 1.5 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35197
2. 47–013–02356–0000
3. 108 000 000
4. G & C Gas Co
5. Cunningham #1
6. Center District
7. Calhoun WV
8. 4.4 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35198
2. 47–039–02802–0000
3. 103 000 000
4. Reel Energy Program
5. Central Appalachian Coal #8
6. Cabin Creek
7. Kanawha WV
8. 10.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35199
2. 47–039–02800–0000
3. 103 000 000
4. Reel Energy Program
5. Central Appalachian Coal #4A
6. Cabin Creek
7. Kanawha WV
8. 8.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35200
2. 47–039–02793–000
3. 103 000 000
4. Reel Energy Program
5. Central Appalachian Coal #5
6. Cabin Creek
7. Kanawha WV
8. 7.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35201
2. 47–039–02782–0000
3. 103 000 000
4. Reel Energy Program
5. Central Appalachian Coal #2
6. Cabin Creek
7. Kanawha WV
8. 7.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35202
2. 47–039–02781–0000
3. 103 000 000
4. Reel Energy Program
5. Central Appalachian Coal #1
6. Cabin Creek
7. Kanawha WV
8. 9.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Corp

1. 80–35203
2. 47–041–02570–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–251
6. Hackers Creek
7. Lewis WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35204
2. 47–013–01150–000
3. 108 000 000
4. Central Gas Co Etal
5. Fluharty #1
6. Center District
7. Calhoun WV
8. 3.8 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35205
2. 47–033–02052–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–236
6. Union
7. Harrison WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35206
2. 47–033–02047–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–216
6. Tenmile
7. Harrison WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35207
2. 47–103–00563–0000
3. 108 000 000
4. Pemco Gas Inc
5. J P Ashcraft No 11
6. Grant District
7. Wetzel WV
8. 1.6 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35208
2. 47–103–02383–0000
3. 108 000 000
4. Pemco Gas Inc
5. J P Ashcraft No 1
6. Grant District
7. Wetzel WV
8. 2.5 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35209
2. 47–103–02427–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. James Higgins No 4
6. Grant District
7. Wetzel WV
8. 1.4 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35210
2. 47–103–00424–0000
3. 108 000 000
4. Pemco Gas Inc Agent
5. James Higgins No 3
6. Grant District
7. Wetzel WV
8. 1.4 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35211
2. 47–103–02388–0000
3. 108 000 000
4. Pemco Gas Inc
5. J P Ashcraft No 5
6. Grant District
7. Wetzel WV
8. 2.5 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35212
2. 47–103–02433–0000
3. 108 000 000
4. Pemco Gas Inc
5. J P Ashcraft No 7
6. Grant District
7. Wetzel WV
8. 2.5 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35213
2. 47–103–02385–0000
3. 108 000 000
4. Pemco Gas Inc
5. J P Ashcraft No 3
6. Grant District
7. Wetzel WV
8. 2.5 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35214
2. 47–103–02384–0000
3. 108 000 000
4. Pemco Gas Inc
5. J P Ashcraft No 2
6. Grant District
7. Wetzel WV
8. 2.5 million cubic feet
9. May 20, 1980
10. Equitable Gas Co

1. 80–35215
2. 47–033–21941–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–257
6. Tenmile
7. Harrison WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35216
2. 47–013–01614–0000
3. 108 000 000
4. Pennzoil Co
5. B–233
6. Lee
7. Calhoun WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35217
2. 47–033–21979–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–220
6. Eagle
7. Harrison WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35218
2. 47–033–22135–0000
3. 103 000 000
4. J & J Enterprises Inc
5. L G Garrett #4
6. Union
7. Harrison WV
8. 2.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35219
2. 47–001–21138–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–271
6. Union
7. Barbour WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35220
2. 47–001–21160–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–138
6. Philippi
7. Barbour WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35221
2. 47–001–21170–0000
3. 103 000 000
4. J & J Enterprises Inc
5. Salesky #1
6. Valley
7. Barbour WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35222
2. 47–001–21097–0000
3. 103 000 000
4. J & J Enterprises Inc
5. B–255
6. Philippi
7. Barbour WV
8. 20.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35223
2. 47–013–00638–0000
3. 108 000 000
4. Pennzoil Co
5. Armanda Elliott #5
6. Sherman District
7. Calhoun, WV
8. .5 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35224
2. 47–041–01821–0000
3. 108 000 000
4. NRM Petroleum Corp
5. R H Hall #1
6. Freemans Creek
7. Lewis, WV
8. 6.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35225
2. 47–001–20812–0000
3. 108 000 000
4. J & J Enterprises Inc
5. Consolidated Gas SupplyCorp
6. Union
7. Barbour, WV
8. 14.0 million cubic feet
9. May 20, 1980
10.

1. 80–35226
2. 47–001–00820–0000
3. 108 000 000
4. J & J Enterprises Inc
5. B–34A
6. Philippi
7. Barbour, WV
8. 11.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35227
2. 47–039–01828–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Eastern Gas & Fuel #22 –034020
6. Paint Creek
7. Kanawha, WV
8. 16.9 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission Inc

1. 80–35228
2. 47–033–22169–0000
3. 103 000 000
4. Stonewall Gas Co
5. J Corder #2
6. Union
7. Harrison, WV
8. .0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35229
2. 47–001–00954–0000
3. 103 000 000
4. R K Bogert Jr
5. Bogert #3
6. Philippi District
7. Barbour, WV
8. 30.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

1. 80–35230
2. 47–097–01985–0000
3. 103 000 000
4. Chesterfield Corp
5. Fisher #1
6.
7. Upshur, County WV
8. .0 million cubic feet
9. May 20, 1980
10. Columbia Gas Corp

1. 80–35231
2. 47–005–00203–0000
3. 108 000 000
4. Emerson Gas Co
5. Emerson Gas Company
6. Washington, District
7. Boone, WV
8. 3.3 million cubic feet
9. May 20, 1980
10. Pennzoil Co

1. 80–35232
2. 47–093–20049–0000
3. 102 000 000
4. Berea Oil and Gas Corp
5. Joseph Cooper #1
6. Dry Fork
7. Tucker, WV
8. 103.5 million cubic feet
9. May 20, 1980
10. Columbia Gas Transmission

1. 80–35233
2. 47–015–00980–0000
3. 108 000 000
4. Ray Resources
5. Kenna Knotts #450
6. Otter Dist
7. Clay, WV
8. 5.0 million cubic feet
9. May 20, 1980
10. Columbia Gas Trans

1. 80–35234
2. 47–042–01798–0000
3. 108 000 000
4. NRM Petroleum Corp
5. Bailey #2
6. Freemans Creek
7. Lewis, WV
8. 7.0 million cubic feet
9. May 20, 1980
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Metairie, La.

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. 80–34974/GO–1212
2. 17–700–40153–S200–0
3. 102 000 000
4. Union Oil Co of California
5. OCS–G–0911 No A–3
6. West Cameron
7. 280
8. 1000.0 million cubic feet
9. May 13, 1980
10. Texas Eastern Transmission Corp

1. 80–34979
2. 17–703–40159–0000–0
3. 102 000 000

4. Sonat Exploration Co
5. G-3288 Well No A-2D
6. East Cameron
7. 46
8. 1826.0 million cubic feet
9. May 14, 1980
10. Southern Natural Gas Co

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. 80-35042/CC-1052-9B
2. 05-103-08063-0000-0
3. 108 000 000
4. Northwest Exploration Co
5. Philadelphia Creek #15
6. Cathedral
7. Rio Blanco Co
8. 5.0 million cubic feet
9. May 20, 1980
10. Northwest Pipeline Corp

1. 80-35057/CC 1168-9
2. 05-103-08337-0000-0
3. 103 000 000
4. Palmer Oil & Gas Co
5. Government #2-28
6. Wildcat
7. Rio Blanco Co
8. 178.0 million cubic feet
9. May 20, 1980
10. Northwest Pipeline Corp

1. 80-35034/M-1005-9
2. 25-071-21559-0000-0
3. 108 000 000
4. Midlands Gas Corp
5. Federal #1 (2042)
6. Bowdoin
7. Phillips MT
8. 21.0 million cubic feet
9. May 20, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-35035/M-1004-9
2. 25-071-21518-0000-0
3. 108 000 000
4. Midlands Gas Corp
5. Federal #1 (0341)
6. Bowdoin
7. Phillips MT
8. 22.0 million cubic feet
9. May 20, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-35036/M-1003-9
2. 25-071-21382-0000-0
3. 108 000 000
4. Midlands Gas Corp
5. Federal #1 (0313)
6. Bowdoin
7. Phillips MT
8. 19.0 million cubic feet
9. May 20, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-35059/M-1033-9
2. 25-071-21494-0000-0
3. 108 000 000
4. Midlands Gas Corp
5. Federal #1 (2413)
6. Bowdoin
7. Phillips MT
8. 17.0 million cubic feet
9. May 20, 1980
10. Kansas-Nebraska Natural Gas Co Inc

1. 80-35063/M-1045-9
2. 25-071-21391-0000-0
3. 108 000 000
4. Energetics Inc
5. Federal 32x30
6. Sawtooth Mountain
7. Blaine MT
8. 5.3 million cubic feet
9. May 20, 1980
10. Montana Power Co

1. 80-35045/ND-942-9
2. 33-053-00739-0000-0
3. 102 000 000
4. Shell Oil Co
5. USA 21-8
6. Mondak
7. McKenzie ND
8. 9.7 million cubic feet
9. May 20, 1980
10. Montana Dakota Utilities Co

1. 80-35046/ND-944-9
2. 33-053-00735-0000-0
3. 102 000 000
4. Shell Oil Co
5. USA 13X-32-6
6. Mondak
7. McKenzie ND
8. 9.6 million cubic feet
9. May 20, 1980
10. Montana Dakota Utilities Co

1. 80-35054/ND-943-9
2. 33-053-00795-0000-0
3. 102 000 000
4. Shell Oil Co
5. USA 14-13-12
6. Mondak
7. McKenzie ND
8. 58.4 million cubic feet
9. May 20, 1980
10. Montana Dakota Utilities Co

1. 80-35043/UC-483-9B
2. 43-047-30360-0000-0
3. 102 000 000
4. Gas Producing Enterprises Inc
5. NBU 22-27B- 30360
6. Natural Buttes Unit
7. Uintah UT
8. 5.0 million cubic feet
9. May 20, 1980
10. Colorado Interstate Gas Co

1. 80-35058/UC-873-9
2. 43-019-05310-0000-0
3. 108 000 000
4. Rex Monahan
5. Government III-1
6. Cisco Dome Field
7. Grand, UT
8. 12.0 million cubic feet
9. May 20, 1980
10. Northwest Pipeline Corp

1. 80-35033/W-977-9
2. 49-005-21002-0000-0
3. 108 000 000
4. Arco Oil & Gas Co
5. Sinclair Videtta #2
6. Kitty
7. Campbell, WY
8. 8.3 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80-35037/W-991-9
2. 49-023-20195-0000-0
3. 108 000 000
4. Pacific Transmission Supply Co
5. PTS 32-2 Federal
6. Fontenelle
7. Lincoln, WY
8. 19.3 million cubic feet
9. May 20, 1980
10. Pacific Gas Transmission Co

1. 80-35038/W-986-9
2. 49-037-21224-0000-0
3. 102 000 000
4. CIG Exploration Inc
5. Highpoint 1-23-16-94
6. Undesignated
7. Sweetwater, WY
8. 60.0 million cubic feet
9. May 20, 1980
10. Colorado Interstate Gas Co

1. 80-35039/W-987-9
2. 49-005-20719-0000-0
3. 108 000 000
4. Arco Oil & Gas Co
5. Sinclair-McCulloch #2
6. Kitty
7. Campbell, WY
8. .6 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80-35040/W-972-9
2. 49-005-20559-0000-0
3. 108 000 000
4. Arco Oil & Gas Co
5. Recluse N Muddy Sand Unit No 103
6. Recluse
7. Campbell, WY
8. .2 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80-35041/W-970-9
2. 49-005-21161-0000-0
3. 108 000 000
4. Arco Oil & Gas Co
5. Sinclair Daly Federal #3
6. Kitty
7. Campbell, WY
8. 3.4 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80-35044/W-983-9
2. 49-005-20416-0000-0
3. 108 000 000
4. Arco Oil & Gas Co
5. Recluse N Muddy Sand Unit No 105
6. Recluse
7. Campbell, WY
8. 5.2 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80-35047/W-979-9
2. 49-005-20250-0000-0
3. 108 000 000
4. Arco Oil & Gas Co
5. Recluse N Muddy Sand Unit No 337
6. Recluse
7. Campbell, WY
8. .3 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80-35048/W-981-9
2. 49-005-20716-0000-0
3. 108 000 000
4. Hondo Oil & Gas Co
5. King Federal #1
6. Kitty

7. Campbell, WY
8. 14.6 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35049/W–982–9
2. 49–005–20859–0000–0
3. 108 000 000
4. Arco Oil & Gas Co
5. Sinclair Videtta #1
6. Kitty
7. Campbell, WY
8. 1.3 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35050/W–984–9
2. 49–005–20817–0000–0
3. 108 000 000
4. Hondo Oil & Gas Co
5. King Federal #5
6. Kitty
7. Campbell, WY
8. 7.4 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35051/W–971–9
2. 49–005–21054–0000–0
3. 108 000 000
4. Arco Oil & Gas Co
5. Sinclair Daly Federal #2
6. Kitty
7. Campbell, WY
8. 4.4 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35052/W–976–9
2. 49–005–21162–0000–0
3. 108 000 000
4. Arco Oil & Gas Co
5. Sinclair Videtta #3
6. Kitty
7. Campbell, WY
8. 8.9 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35053/W–380–9
2. 49–005–24928–0000–0
3. 103 000 000
4. UV Industries Inc
5. UV Federal—Love
6. Smeltenn
7. Campbell, WY
8. 49.8 million cubic feet
9. May 20, 1980
10. McCulloch Gas Transmission Co

1. 80–35055/W–978–9
2. 49–005–20435–0000–0
3. 108 000 000
4. Arco Oil & Gas Co
5. Recluse N Muddy Sand Unit No 330
6. Recluse
7. Campbell, WY
8. .2 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35056/W–980–9
2. 49–005–20349–0000–0
3. 108 000 000
4. Arco Oil & Gas Co
5. Recluse N Muddy Sand Unit No 336
6. Recluse
7. Campbell, WY
8. .1 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35060/W–973–9
2. 49–005–20816–0000–0
3. 108 000 000
4. Hondo Oil & Gas Co
5. King Federal #3
6. Kitty
7. Campbell, WY
8. 8.1 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35061/W–974–9
2. 49–005–20332–0000–0
3. 108 000 000
4. Hondo Oil & Gas Co
5. Greenough Govt #6
6. Recluse
7. Campbell, WY
8. 21.3 million cubic feet
9. May 20, 1980
10. Arco Oil & Gas Co

1. 80–35062/W–975–9
2. 49–005–20175–0000–0
3. 108 000 000
4. Hondo Oil & Gas Co
5. Greenough Govt #4
6. Recluse
7. Campbell, WY
8. 3.1 million cubic feet
9. May 20, 1980
10. Arco Oil & 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 June 27, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–17762 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 215]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 4, 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.

Pennsylvania Department of Environmental Resources Division of Oil and Gas

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–35244/398A
2. 37–063–23654–0003
3. 108 000 000
4. Keystone Energy Resources Assoc
5. Olson #2
6. J W Hastings and R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80–35245/400A
2. 37–063–32656–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson #2
6. J W Hastings & R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80–35246/402A
2. 37–063–23652–0000–3
3. 108 000 000
4. Keystone Energy Resources
5. Olson #2
6. J W Hastings & R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80–35247/730
2. 37–063–22739–0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. R D Henry #1
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35248/731
2. 37–063–23294–0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. R D Henry #2
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35249/740
2. 37–063–21915–0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. L A Steyer #1
6. Rayne Township
7. Indiana PA
8. .2 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35250/793
2. 37–063–22279–0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. M H Henry #1
6. Young Twp

7. Indiana PA
8. 6.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Trans Corp Q02
1. 80-35251/883
2. 37-063-22004-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. E M Carnahan #3
6. Armstrong
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35252/884
2. 37-063-22063-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. E M Carnahan #4
6. Armstrong
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35253/913
2. 37-129-20698-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. M Dale #2
6. Derry Twp
7. Westmoreland PA
8. 21.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35254/914
2. 37-129-20699-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. M Dale #3
6. Derry Twp
7. Westmoreland PA
8. 21.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35255/915
2. 37-129-20730-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. M Dale #4
6. Derry Twp
7. Westmoreland PA
8. 21.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35256/916
2. 37-129-22678-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W S Davenport #1
6. Derry Twp
7. Westmoreland PA
8. 21.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35257/917
2. 37-129-22679-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W S Davenport #2
6. Derry Twp
7. Westmoreland PA
8. 21.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35258/932
2. 37-063-22722-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #1
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35259/933
2. 37-063-22710-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #2
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35260/934
2. 37-063-22720-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #3
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35261/935
2. 37-063-22711-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #4
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35262/936
2. 37-063-22712-0002
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #5
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35263/938
2. 37-063-22736-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #7
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35264/939
2. 37-063-22735-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. W Braughler #8
6. East Mahoning Twp
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35265/975
2. 37-129-22675-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. H F Garrigan #2
6. Derry Twp
7. Westmoreland PA
8. 14.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35266/987
2. 37-129-20759-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. J Pignocco #2
6. Derry Township
7. Westmoreland PA
8. 14.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35267/988
2. 37-129-20760-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. J Pignocco #1
6. Derry Township
7. Westmoreland PA
8. 14.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co
1. 80-35268/1035
2. 37-063-21676-0003
3. 108 000 000 denied
4. Castle Gas Co Inc
5. R Simpson #1
6. East Mahoning Township
7. Indiana PA
8. 22.0 million cubic feet
9. May 22, 1980
10. Apollo Gas Co
1. 80-35269/1185
2. 37-047-00000-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W Tr 26
6. Driftwood-Benezette
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35270/1192
2. 37-023-00000-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of Forrest & Waters Wn 1225
6. Driftwood-Benezette 202 703
7. Cameron PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35271/1193
2. 37-047-00000-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Forrest Tract Wn 1226
6. Driftwood-Benezette 202 703
7. Elk PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35272/1194
2. 37-023-00000-0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Forest Wn 1224
6. Driftwood-Benezette 202 703
7. Cameron PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35273/1197

2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. St Forest Tr 26 1230
6. Driftwood-Benezette 202703
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35274/1198
2. 37–033–20480–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Richard A Srock N–1211
6. Salem 1025030
7. Clearfield PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35275/1199
2. 37–049–20071–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & D Simons N–1218
6. Conneaut 157832
7. Erie PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35276/1201
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. St Game Land 34 1234
6. Driftwood-Benezette 202703
7. Elk PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35277/1203
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Pa State Forest N–1231
6. Driftwood-Benezette 202703
7. Elk PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35278/1204
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Pa State Forrest N–1228
6. Driftwood-Benezette 202703
7. Elk PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35279/1205
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tr 26 N–1227
6. Driftwood-Benezette 202703
7. Elk PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35280/1209
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State of Pa N–362
6. Driftwood-Benezette 202703
7. Elk PA
8. 5.3 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35281/1210
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State of Pa N–385
6. Driftwood-Benezette 202703
7. Elk PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35282/1211
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of Forest & Waters—Tr 29 355
6. Benezette
7. Elk PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35283/1212
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State of Pa N–388
6. Driftwood-Benezette 202703
7. Elk PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35284/1213
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State of Pa N–391
6. Driftwood-Benezette 202703
7. Elk PA
8. 1.2 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35285/1216
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 37 #2 N–389
6. Driftwood-Benezette 202703
7. Elk PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35286/1215
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 33 #8 N–396
6. Driftwood-Benezette 202703
7. Elk PA
8. 20.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35287/1217
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 30 #6 N–387
6. Driftwood-Benezette 202703
7. Elk PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35288/1218
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 30 #4 N–382
6. Driftwood-Benezette 202703
7. Elk PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35289/1219
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 29 #14 N–371
6. Driftwood-Benezette 202703
7. Elk PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35290/1220
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 32 #3 N–384
6. Driftwood-Benezette 202703
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35291/1221
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 33 #4 N–374
6. Driftwood-Benezette 202703
7. Elk PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35292/1222
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 29 #17 N–380
6. Driftwood-Benezette 202703
7. Elk PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35293/1223
2. 37–047–00000–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract 29 #5 N–341
6. Driftwood-Benezette 202703
7. Elk PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35294/1225
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Pa Dept of F&W Tract 29 N–348
6. Driftwood-Benezette 202703
7. Elk PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35295/1226
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W Tr 31 369
6. Driftwood-Benezette 202703

7. Elk PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35296/1227
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W Tr 32 333
6. Driftwood-Benezette 202703
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35297/1228
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W Tr 33 334
6. Driftwood-Benezette 202703
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35298/1229
2. 37–033–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W Tr 52 464
6. Driftwood-Benezette 202703
7. Clearfield PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35299/1230
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W TR 33 358
6. Driftwood-Benezette 202703
7. Elk, PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35300/1236
2. 37–033–20080–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W TR 32 527
6. Driftwood-Benezette 202703
7. Clearfield, PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35301/1241
2. 37–023–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S C Eaton—N–314
6. Driftwood-Benezette 202703
7. Cameron, PA
8. .0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35302/1250
2. 37–033–20089–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles Blanchard EST N–594
6. Luthersburg 434976
7. Clearfield, PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35303/1251
2. 37–033–20099–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. City of Dubois N–591
6. Luthersburg-Helvetia
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35304/1252
2. 37–033–20130–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon et al N–573
6. Luthersburg 434976
7. Clearfield, PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35305/1253
2. 37–033–20063–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA Game Commission N–577
6. Luthersburg 434976
7. Clearfield, PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35306/1254
2. 37–033–20073–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Chas N Dawson et al N–578
6. Luthersburg 434976
7. Clearfield, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35307/1255
2. 37–033–20095–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. City of Dubois N–590
6. Luthersburg 434976
7. Clearfield, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35308/1256
2. 37–033–20013–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA Dept of F&W N–505
6. Luthersburg 434976
7. Clearfield, PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35309/1259
2. 37–033–20044–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. D Swope N–563
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35310/1260
2. 37–033–20064–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Raymond E. Bloom N–581
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35310/1260
2. 37–033–20064–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Raymond E. Bloom N–581
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35311/1261
2. 37–033–20069–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Jessie U Weber N–580
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35312/1262
2. 37–033–20127–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept F & W TR 63 N–572
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35313/1263
2. 37–033–20025–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept F & W N–535
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35314/1264
2. 37–033–20036–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon N–540
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35315/1265
2. 37–033–20016–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Burt E Knarr Eutx N–511
6. Luthersburg 434976
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35316/1266
2. 37–033–20037–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon N–558
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35317/1267

2. 37–033–20040–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A L Orner N–559
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35318/1268
2. 37–033–20033–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Eva B Moore N–509
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35319/1277
2. 37–033–20023–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W TR 63 N–528
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35320/1278
2. 37–033–20024–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W TR 63 N–528
6. Luthersburg-Helvetia 434976
7. Clearfield, PA
8. 2.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35321/1297
2. 37–047–20005–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W N–507
6. Boone Mtd Deep 08125
7. Elk, PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35322/1318
2. 37–033–20461–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. William T Harvey N–1166
6. Salem 625030
7. Clearfield, PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35323/1319
2. 37–033–20425–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lee B Mehrwein N–1123
6. Salem 625030
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35324/1320
2. 37–033–20485–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles W Lines N–1193
6. Salem 625030
7. Clearfield, PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35325/1321
2. 37–033–20462–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry Alsbaugh N–1168
6. Salem 625030
7. Clearfield, PA
8. 9.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35326/1322
2. 37–033–20483–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Fred C Frantz N–1212
6. Salem 625030
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35327/1323
2. 37–033–20458–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles A Scholl N–1167
6. Salem 625030
7. Clearfield, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35328/1324
2. 37–033–20484–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Melissa J Haag N–1214
6. Salem 625030
7. Clearfield, PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35329/1325
2. 37–033–20468–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. O M Maugus N–1179
6. Salem 625030
7. Clearfield PA
8. 5.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35330/1326
2. 37–033–20476–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Victor D Schindley N–1191
6. Salem 625030
7. Clearfield PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35331/1327
2. 37–033–20477–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Henry B Cambell N–1190
6. Salem 625030
7. Clearfield PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35332/1328
2. 37–033–20452–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Bert M Delarme N–1155
6. Salem 625030
7. Clearfield PA
8. .0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35333/1329
2. 37–033–20460–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Joseph S Clinchoe Jr N–1164
6. Salem 625030
7. Clearfield PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35334/1330
2. 37–033–20444–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Stanley Malewicz N–1143
6. Salem 625030
7. Clearfield PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35335/1331
2. 37–033–20442–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Vernon H Beck N–1142
6. Salem 625030
7. Clearfield PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35336/1332
2. 37–033–20459–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Mary C Hall N–1165
6. Salem 625030
7. Clearfield PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35337/1333
2. 37–033–20496–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Emery R Lindel N–1223
6. Salem 625030
7. Clearfield PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35338/1335
2. 37–063–20028–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C D Peddicord N–523
6. Jacksonville 353347
7. Indiana PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35339/1337
2. 37–063–20059–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry L George N–551
6. Jacksonville 353347

7. Indiana PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35340/1338
2. 37-063-20015-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Florence E Bodin et al N-514
6. Jacksonville 353347
7. Indiana PA
8. .4 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35341/1341
2. 37-033-20486-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lillian L Manley N-1219
6. Grampian 284115
7. Clearfield PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35342/1342
2. 37-033-20454-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Milton Hartzfeld N-1147
6. Laborde 390759
7. Clearfield PA
8. 5.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35343/1350
2. 37-047-20284-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Cons Gas Supply Corp N-1196
6. Boone Mountain Shal 081063
7. Elk PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35344/4472
2. 37-123-00000-0000
3. 103 000 000 Denied
4. Vikings Resources Corp
5. Sheffield Partnership 365-1
6. USFS
7. Warren PA
8. 30.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Co

1. 80-35345/4473
2. 37-123-00000-0000
3. 103 000 000 Denied
4. Vikings Resources Corp
5. Sheffield Partnership 365-1
6. USFS
7. Warren PA
8. 30.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Co

1. 80-35346/1345
2. 37-047-20051-0003
3. 108000 000 Denied
4. Consolidated Gas Supply Corp
5. Merle I St John N-841
6. Whippoorwill 763269
7. Elk PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35347/1346
2. 37-023-20015-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lee Skillman N-838
6. Whippoorwill 763269
7. Cameron PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35348/1347
2. 37-005-20263-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles Riggle et al N-671
6. Armstrong 025073
7. Armstrong PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35349/1353
2. 37-047-20022-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Beadle N-681
6. Boone Mt Shallow 081063
7. Elk PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35350/1355
2. 37-033-20377-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Green Glen Corp N-889
6. Sabula 623294
7. Clearfield PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35351/1357
2. 37-063-20114-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Beulab Stiles N-645
6. Armagh 024794
7. Indiana PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35352/1360
2. 37-065-20505-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Mining Co N-1068
6. Elkeun Deep 219601
7. Jefferson PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35353/1363
2. 37-065-20553-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John T Zeedick N-1089
6. Elkrun Deep 219601
7. Jefferson PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35354/1365
2. 37-065-20538-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Mining Co N-1081
6. Elkrun Deep 219601
7. Jefferson PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35355/1366
2. 37-065-20500-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Mining Co N-1067
6. Elkrun Deep 219601
7. Jefferson PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35356/1367
2. 37-065-20380-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rochester & Pitts Coal Co N-987
6. Elkrun Deep 219601
7. Jefferson PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35357/1371
2. 37-065-20523-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rochester & Pitts Coal Co N-1078
6. Elkrun D 219601
7. Jefferson PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35358/1372
2. 37-065-20371-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rochester & Pitts Coal Co N-982
6. Elkrun Deep 219601
7. Jefferson PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35359/1384
2. 37-065-20310-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Annie M Frantz et al N-936
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35360/1385
2. 37-063-20747-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Farmers & Miners Trust Co N-998
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35361/1386
2. 37-065-20342-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Grover C Rhoades N-966
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35362/1387

2. 37–065–20327–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Blair Miller N–957
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35363/1388
2. 37–065–20321–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. George F Keller N–951
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35364/1391
2. 37–063–20626–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. James L Niel N–968
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35365/1392
2. 37–065–20336–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Hester B Keiler N–959
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35366/1394
2. 37–065–20360–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Myrtle Bowser et via et al N–970
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35367/1395
2. 37–065–20387–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John C Kann et ux N–989
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35368/1397
2. 37–065–20298–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Penn State Game N–921
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35369/1400
2. 37–065–20402–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Edna Ecelbarger N–995
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35370/1401
2. 37–065–20301–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Penn State Game N–927
6. Rochester Mills Big Run 063423
7. Jefferson PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35371/1405
2. 37–063–20647–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Jay Hamilton N–976
6. Rochester Mills Big Run 063423
7. Indiana PA
8. 9.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35372/1412
2. 37–063–20283–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Preston L Lippert et ux N–848
6. Rochester Mills Big Run 063423
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35373/1413
2. 37–065–20266–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA State Game Lands 195–A N–872
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35374/1414
2. 37–065–20295–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA State Game Lands 195–A N–913
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35375/1416
2. 37–063–20478–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Jennie Richardson N–904
6. Rochester Mills Big Run 063423
7. Indiana PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35376/1417
2. 37–065–20407–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clyde E McKee N–996
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35377/1423
2. 37–065–20537–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Arthur J Hawk N–1077
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 20.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35378/1425
2. 37–063–20981–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. William G McFarland N–1076
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35379/1429
2. 37–063–20676–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. First National Bank in Ind N–983
6. Rochester Mills Big Run 063423
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35380/1437
2. 37–065–20637–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John Shenoski N–1105
6. Big Run Rochester Mills 063423
7. Jefferson PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35381/1438
2. 37–063–21205–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Samuel B Irwin N–1107
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35382/1439
2. 37–063–21208–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. David J Swanson N–1108
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35383/1440
2. 37–063–21221–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Howard M Peffer N–1110
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35384/1441
2. 37–065–20591–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. George F Keller N–1103
6. Big Run-Rochester Mills 063423

7. Jefferson PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35385/1442
2. 37-065-20569-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S M Beyer N-1096
6. Rochester Mills-Big Run 063423
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35386/1451
2. 37-063-20944-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Loy R Vite N-1072
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35387/1452
2. 37-065-20559-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Frank J Basile N-1087
6. Rochester Mills-Big Run 063423
7. Jefferson PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35388/1453
2. 37-065-20555-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry M Manners N-1086
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35389/1454
2. 37-065-20549-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert V Maine N-1084
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35390/1455
2. 37-063-21082-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry N Mauk N-1085
6. Rochester Mills—Big Run 063423
7. Indana, PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35391/1457
2. 37-063-20923-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Arthur L Linhart N-1066
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35392/1458
2. 37-063-20646-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Jacob P Mottorn N-975
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35393/1459
2. 37-063-20751-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Mahlon J Byler N-984
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 5.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35394/1460
2. 37-063-20686-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Walter Philippi N-986
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35395/1462
2. 37-065-20324-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ned C Bowers N-953
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35396/1465
2. 37-063-21111-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. M Bennett & Sons Inc N-1095
6. Big Run—Rochester Mills 063423
7. Indiana, PA
8. 9.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35397/1467
2. 37-063-21108-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Beatty Wright N-1094
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35398/1469
2. 37-065-20564-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert V Maine N-1091
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35399/1472
2. 37-065-20561-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John Shenosky N-1093
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35400/1474
2. 37-065-20565-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert V Maine N-1092
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35401/1475
2. 37-065-20563-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert V Maine N-1088
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35402/1477
2. 37-065-20014-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Punzsy Beef & Provision Co N-941
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35403/1490
2. 37-063-20987-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Perry L Strange N-1074
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35404/1491
2. 37-065-20522-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Brooks Gould N-1069
6. Big Run—Rochester Mills 063423
7. Jefferson, PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35405/1493
2. 37-063-20921-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert D Himes N-1070
6. Rochester Mills—Big Run 063423
7. Indiana, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35406/1496
2. 37-063-20922-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. George J McKee N-1064
6. Big Run—Rochester Mills 063423
7. Indiana, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35407/1714

2. 37–005–22178–0003
3. 103 000 000
4. Earl M Richards
5. William D Beamer #1 KD–2
6. Upper Devonian Sands
7. Armstrong, PA
8. 30.0 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80–35408/1993
2. 37–051–00000–0000
3. 108 000 000
4. H D Hough Agent
5. Hanna Well
6. Menallen & Franklin
7. Fayette, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission

1. 80–35409/1994
2. 37–125–00000–0000
3. 108 000 000
4. H D Hough Agent
5. Monte and Sam Redd
6. Fallowfield
7. Washington, PA
8. 4.4 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission

1. 80–35410/1995
2. 37–125–00000–0000
3. 108 000 000
4. H D Hough Agent
5. Blanche Redd Well
6. Fallowfield Township
7. Washington, PA
8. 6.4 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission

1. 80–35411/2163
2. 37–085–20172–0003
3. 103 000 000
4. David Gaon and Spencer Stillman
5. Frederick A Ohl #1
6.
7. Mercer, PA
8. 50.0 million cubic feet
9. May 22, 1980
10.

1. 80–35412/2164
2. 37–085–20131–0003
3. 103 000 000
4. David Gaon and Spencer Stillman
5. Brude & Bertha Metzger #1
6.
7. Mercer, PA
8. 50.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Distribution Corp

1. 80–35413/2165
2. 37–085–20171–0003
3. 103 000 000
4. David Gaon and Spencer Stillman
5. Joseph Rose & John Shine #1
6.
7. Mercer, PA
8. 50.0 million cubic feet
9. May 22, 1980
10.

1. 80–35414/3251
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Wolffe No 1
6. Putneyville
7. Armstrong, PA
8. .8 million cubic feet
9. May 22, 1980
10. T W Phillips Gas Co

1. 80–35415/3252
2. 37–005–00000–0000
3. 108 000 000
4. Normam A Gillingham
5. Smith No 1
6. Mudlick
7. Armstrong, PA
8. 1.1 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35416/4492
2. 37–033–20019–0003
3. 108 000 000
4. Hanley & Bird
5. H W Huey #1
6. Rockton
7. Clearfield, PA
8. 5.9 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35417/4493
2. 37–033–00000–0000
3. 108 000 000
4. Hanley & Bird
5. Gertrude Kirk #1
6. Rockton
7. Clearfield, PA
8. 6.4 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80–35418/4491
2. 37–063–24683–0003
3. 103 000 000
4. Adobe Oil & Gas Corp
5. North American Oil Corp #1
6. Clymer
7. Indiana, PA
8. 331.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission

1. 80–35419/4490
2. 37–063–25024–0003
3. 103 000 000
4. Adobe Oil & Gas Corp
5. Harry Ray #1
6. Clymer
7. Indiana PA
8. 464.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35420/4489
2. 37–063–25025–0003
3. 103 000 000
4. Adobe Oil & Gas Corp
5. Harry Ray #2
6. Clymer
7. Indiana PA
8. 320.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35421/4488
2. 37–063–25162–0003
3. 103 000 000
4. Adobe Oil & Gas Corp
5. George W Isenberg #1
6. Clymer
7. Indiana PA
8. 144.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35422/4487
2. 37–063–25026–0003
3. 103 000 000
4. Adobe Oil & Gas Corp
5. Harry W Ray Estate #1–A
6. Clymer
7. Indiana PA
8. 100.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35423/4486
2. 37–063–25200–0003
3. 103 000 000
4. C & N Co
5. Joe Mruk #2
6. White
7. Indiana PA
8. 40.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35424/4485
2. 37–063–25319–0003
3. 103 000 000
4. C & N Co
5. M C Blosser #2
6. White
7. Indiana PA
8. 40.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35425/4484
2. 37–063–25197–0003
3. 103 000 000
4. C & N Co
5. Joe Mruk #3
6. White
7. Indiana PA
8. 40.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35426/4483
2. 37–063–25201–0003
3. 103 000 000
4. C & N Co
5. Joe Mruk #4
6. White
7. Indiana PA
8. 40.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35427/4482
2. 37–063–25211–0003
3. 103 000 000
4. C & N Co
5. St Bernards Church #2
6. White
7. Indiana PA
8. 40.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35428/4481
2. 37–039–20600–0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Walter Process No 1
6. Athens
7. Crawford PA
8. 5.5 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35429/4480
2. 37–039–20576–0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Jack M Preston No 1
6. Athens

7. Crawford PA
8. 165.6 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35430/4479
2. 37-039-20561-0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. James and Helen Anderson No 2
6. Athens
7. Crawford PA
8. 217.3 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35431/4478
2. 37-039-20597-0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Jack Preston No 2
6. Athens
7. Crawford PA
8. 19.5 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35432/4477
2. 37-039-20579-0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Sam J Byler No 1
6. Athens
7. Crawford PA
8. 11.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35433/4476
2. 37-039-20594-0000
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Daniel & Sandra Foltz No 1
6. Athens
7. Crawford PA
8. 42.4 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35434/4475
2. 37-039-20564-0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. Hick Winton No 1
6. Athens
7. Crawford PA
8. 11.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35435/4469
2. 37-063-24639-0003
3. 103 000 000
4. Keystone Energy Resources
5. McCrea #5
6. John McCrea
7. Indiana PA
8. 31.9 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co
1. 80-35436/4468
2. 37-063-24638-0003
3. 103 000 000
4. Keystone Energy Resources
5. McCrea #4
6. John McCrea
7. Indiana PA
8. 26.4 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co
1. 80-35437/4467
2. 37-063-24637-0003
3. 103 000 000
4. Keystone Energy Resources
5. McCrea #3
6. John McCrea
7. Indiana PA
8. 40.1 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co
1. 80-35438/4464
2. 37-049-20842-0003
3. 102 000 000
4. Envirogas Inc
5. O C Henry #2
6. North East
7. Erie PA
8. 18.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Supplyy Corp
1. 80-35439/4463
2. 37-049-20928-0003
3. 102 000 000
4. Envirogas Inc
5. O L Brumagin #1
6. North East
7. Erie PA
8. 18.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Distribution Corp
1. 80-35440/4461
2. 37-039-20643-0003
3. 103 000 000
4. Center Bar Gas Co
5. Earl Hamilton #1-16
6. Conneaut
7. Crawford PA
8. .0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35441/4460
2. 37-039-20646-0003
3. 103 000 000
4. Center Bar Gas Co
5. Serbian Orthodox #6-18
6. Conneaut
7. Crawford PA
8. .0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35442/4459
2. 37-039-20645-0003
3. 103 000 000
4. Center Bar Gas Co
5. Serbian Orthodox 5-17
6. Conneaut
7. Crawford PA
8. .0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35443/4458
2. 37-039-20644-0003
3. 103 000 000
4. Center Bar Gas Co
5. Serbian Orthodox #4-31
6. Conneaut
7. Crawford PA
8. .0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35444/4457
2. 37-049-20861-0003
3. 103 000 000
4. Taurus Oil Corp
5. Nasvytis #1
6. Conneaut
7. Conneaut PA
8. 36.5 million cubic feet
9. May 22, 1980
10. National Fuel Gas Supply Corp
1. 80-35445/4456
2. 37-049-20871-0003
3. 103 000 000
4. Taurus Oil Corp
5. Merritt #1
6. Conneat
7. Erie PA
8. 36.5 million cubic feet
9. May 22, 1980
10. National Fuel Gas Supply Corp
1. 80-35446/4455
2. 37-063-25139-0003
3. 103 000 000
4. P & G Exploration Inc
5. Kenneth Shank 25139
6. Cherryhill
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35447/4454
2. 37-063-25138-0003
3. 103 000 000
4. P & G Exploration Inc
5. Kenneth Shank 25138
6. Cherryhill
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35448/4453
2. 37-063-25137-0003
3. 103 000 000
4. P & G Exploration Inc
5. Kenneth Shank 25137
6. Cherryhill
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp
1. 80-35449/4452
2. 37-063-25140—0003
3. 103 000 000
4. P & G Exploration Inc
5. Annie S Dick
6. Cherryhill
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corporation
1. 80-35450/4450
2. 37-129-21089-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. John M Orczeck WN1629
6. South Oakford 517448
7. Westmoreland PA
8. 50.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35451/4449
2. 37-129-21097-0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Grace M Eisaman WN-1630
6. South Oakford 517448
7. Westmoreland PA
8. 20.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35452/4448

2. 37–063–24319–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Joseph Vehovic WN–1723
6. Pineton 557380
7. Indiana PA
8. 60.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35453/4447
2. 37–063–24692–0003
3. 103 000 000
4. Castle Gas Co Inc
5. V McCullough No 4
6. Young TWP
7. Indiana PA
8. 65.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35454/4446
2. 37–063–24693–0003
3. 103 000 000
4. Castle Gas Co Inc
5. V McCullough No 5
6. Young TWP
7. Indiana PA
8. 60.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35455/4341
2. 37–063–25093–0003
3. 103 000 000
4. J & J Enterprises Inc
5. Fred A Musser No 1
6. White
7. Indiana PA
8. 30.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35456/4259
2. 37–039–20560–0003
3. 102 000 000
4. Wainoco Oil & Gas Co
5. James and Helen Anderson No 1
6. Athens
7. Crawford PA
8. 110.0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35457/4036
2. 37–063–24321–0003
3. 103 000 000
4. Consolidated Gas Supply Corp
5. Minta Forsha WN–1724
6. Pineton 557380
7. Indiana PA
8. 75.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35458/3362
2. 37–055–22168–0003
3. 103 000 000
4. Frank Garufi
5. Richard R Claypoole No 1
6. Leechburg
7. Armstrong PA
8. 7.0 million cubic feet
9. May 22, 1980
10. US Steel Corp

1. 80–35459/3361
2. 37–005–22034–0003
3. 103 000 000
4. Frank Garufi
5. Kelly Land Co No 4
6. Leechburg
7. Armstrong PA
8. 1.4 million cubic feet
9. May 22, 1980
10. US Steel Corp

1. 80–35460/3360
2. 37–055–22031–0003
3. 103 000 000
4. Frank Garufi
5. Kelly Land Co No 3
6. Leechburg
7. Armstong PA
8. 14.0 million cubic feet
9. May 22, 1980
10. US Steel Corp

1. 80–35461/3359
2. 37–005–22018–0003
3. 103 000 000
4. Frank Garufi
5. Kelly Land Co No 2
6. Leechburg
7. Armstrong PA
8. 7.0 million cubic feet
9. May 22, 1980
10. US Steel Corp

1. 80–35462/3358
2. 37–005–22107–0003
3. 103 000 000
4. Frank Garufi
5. Kelly Land Co No 1
6. Leechburg
7. Armstrong PA
8. 7.0 million cubic feet
9. May 22, 1980
10. US Steel Corp

1. 80–35463/3256
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Reddinger Well No 3
6. Sandhole
7. Armstrong PA
8. 9.0 million cubic feet
9. May 22, 1980
10. The Peoples Natural Gas Co

1. 80–35464/3351
2. 37–005–22196–0003
3. 103 000 000
4. Baron Crest Energy Program No 1
5. Stanley D Boyd No 1
6. Leechburg
7. Armstrong PA
8. 20.0 million cubic feet
9. May 22, 1980
10.

1. 80–35465/3350
2. 37–055–22221–0003
3. 103 000 000
4. Baron Crest Energy Program No 1
5. Merle E Shearer No 1
6. Leechburg
7. Armstrong PA
8. 25.0 million cubic feet
9. May 22, 1980
10.

1. 80–35466/3349
2. 37–005–22257–0003
3. 103 000 000
4. Baron Crest Energy Program No 1
5. Elmo B Cecchetti No 1
6. Leechburg
7. Armstrong PA
8. 28.0 million cubic feet
9. May 22, 1980
10.

1. 80–35467/3255
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Reddinger No 2
6. Sandhole
7. Armstrong PA
8. 9.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35468/3254
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Reddinger No 1
6. Sandhole
7. Armstrong PA
8. 9.0 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80–35469/3253
2. 37–005–00000–0000
3. 108 000 000
4. Norman A Gillingham
5. Smith No 2
6. Mudlick
7. Armstrong PA
8. 1.0 million cubic feet
9. May 22, 1980
10. The Peoples Natural Gas Co

1. 80–35470/1067
2. 37–065–21408–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Idila Cativera WN–1606
6. Soldiers Run 664915
7. Jefferson PA
8. 21.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35471/1184
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Dept of Forest & Waters WN–1233TR-
6. Driftwood Benezette 202703
7. Elk PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35472/1200
2. 37–023–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S C Eaton N–317
6. Driftwood Benezette 202703
7. Cameron PA
8. 2.8 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35473/1206
2. 37–023–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clyde Smith N–321
6. Driftwood Benezette 202703
7. Cameron PA
8. 1.2 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35474/1207
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract N–347
6. Driftwood Benezette 202703

7. Elk PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35475/1208
2. 37–00000—0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State of PA N–360
6. Driftwood Benezette 202703
7. Elk PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35476/1214
2. 37–033–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept for & W TR 32 439
6. Driftwood Benezette 202703
7. Clearfield PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35477/1224
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA Dept of F&W Tract 30 N–339
6. Driftwood Benezette 202703
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35478/1232
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of Forests & Waters 430
6. Driftwood Benezette 202703
7. Elk PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35479/1231
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of Forests & Waters 431
6. Driftwood Benezette 202703
7. Elk PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35480/1233
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of Forest & Waters 415
6. Driftwood Benezette 202703
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35481/1234
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract #29 N–379
6. Driftwood Benezette
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35482/1235
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract #29 N–365
6. Driftwood Benezette
7. Elk PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35483/1237
2. 37–033–20145–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of For & Wat Tr #32 620
6. Driftwood Benezette 202703
7. Clearfield PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35484/1238
2. 37–023–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S C Eaton N–303
6. Driftwood Benezette 202703
7. Cameron PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35485/1239
2. 37–023–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S C Eaton N–318
6. Driftwood-Benezette 202703
7. Cameron PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35486/1240
2. 37–023–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles T Duell N–315
6. Driftwood Benezette 202703
7. Cameron PA
8. .0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35487/1242
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract N–894
6. Driftwood-Benezette 202703
7. Elk PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35488/1243
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tract N–899
6. Driftwood-Benezette 202703
7. Elk PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35489/1244
2. 37–047–20157–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tr 28 903
6. Driftwood-Benezette 202703
7. Elk PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35490/1245
2. 37–047–00000–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. St Tr 27 895
6. Driftwood-Benezette 202703
7. Elk PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35491/1246
2. 37–047–20138–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State Tr 28 900
6. Driftwood-Benezette 202703
7. Elk PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35492/1247
2. 37–033–20327–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John R Potter N–790
6. Helvetia 434976
7. Clearfield PA
8. 9.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35493/1248
2. 37–033–20333–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dubois Deposit Natl Bank Trustee N79
6. Helvetia 434976
7. Clearfield PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35494/1249
2. 37–033–20338–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Eleanor B Shettler et al N–801
6. Helvetia Luthersburg 434976
7. Clearfield PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35495/1257
2. 37–033–20124–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C G Schwem N–603
6. Luthersburg Helvetia 434976
7. Clearfield PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35496/1258
2. 37–033–20110–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept F & W Tr 49 N–604
6. Luthersburg Helvetia 434976
7. Clearfield PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35497/1269

2. 37–033–20178–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon N–683
6. Luthersburg
7. Clearfield PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35498/1270
2. 37–033–20146–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon 641
6. Luthersburg Helvetia 434976
7. Clearfield PA
8. .5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35499/1271
2. 37–033–20122–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. S Nelson 640
6. Luthersburg-Helvetia 434976
7. Clearfield PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35500/1272
2. 37–033–20154–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D B Gordon 622
6. Luthersburg-Helvetia 434976
7. Clearfield PA
8. 2.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35501/1273
2. 37–033–20128–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W Tr 49 627
6. Luthersburg-Helvetia 434976
7. Clearfield PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35502/1274
2. 37–033–20156–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon 621
6. Luthersburg-Helvetia 434976
7. Clearfield PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35503/1275
2. 37–033–20106–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lamar Forsyth 614
6. Luthersburg-Helvitia 434976
7. Clearfield PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35504/1276
2. 37–033–20117–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. City of Dubois 608
6. Luthersburg-Helvetia 434976
7. Clearfield PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35505/1279
2. 37–033–20159–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Pa Dept of F & W N–642
6. Luthersburg 434976
7. Clearfield PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35506/1280
2. 37–033–20169–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon N–673
6. Luthersburg 434976
7. Clearfield PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35508/1282
2. 37–033–20179–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 684
6. Boone Mt Deep 08125
7. Clearfield PA
8. .1 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35509/1283
2. 37–033–20253–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo N–721
6. Boone Mtd Deep 08125
7. Clearfield PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35510/1284
2. 37–033–20233–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. State TR 65 N–726
6. Boone MTD Deep 081125
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35511/1285
2. 37–033–20236–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon N–727
6. Boone MTD Deep 081125
7. Clearfield, PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35512/1286
2. 37–047–32002–3000–3
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo Etux N–715
6. Boone MT Deep 081125
7. Elk, PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35513/1287
2. 37–047–20018–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 707
6. Boone MT Deep 081125
7. Elk, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35514/1288
2. 37–033–20170–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo Etal N–678
6. Boone MT Deep 081125
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35515/1289
2. 37–033–20173–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA Dept F & W N–677
6. Boone MT Deep 081125
7. Clearfield, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35516/1290
2. 37–033–20194–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 694
6. Boone MT Deep 081125
7. Clearfield, PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35517/1291
2. 37–033–20182–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 687
6. Boone MT Deep 081125
7. Clearfield, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35518/1292
2. 37–033–20203–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 698
6. Boone MT Deep 081125
7. Clearfield, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35519/1293
2. 37–033–20212–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 704
6. Boone MT Deep 081125
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35520/1294
2. 37–033–20215–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo N–714
6. Boone MTD Deep 081125

7. Clearfield, PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35521/1296
2. 37-033-20219-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. G E Whitmore N-717
6. Boone MTD Deep 081125
7. Clearfield, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35522/1298
2. 37-033-20245-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Helen D S Gordon N-731
6. Boone MTD Penfield 081125
7. Clearfield, PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35523/1299
2. 37-033-20296-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Green Glen Corp N-753
6. Boone MTD Deep 081125
7. Clearfield, PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35524/1300
2. 37-033-20284-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Green Glen Corp N-751
6. Boone MT Deep 081125
7. Clearfield, PA
8. 1.5 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35525/1301
2. 37-033-20246-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo N-734
6. Boone MT Deep 081125
7. Clearfield, PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35526/1302
2. 37-033-20257-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clarence W Spicher N-736
6. Boone MT Deep 081125
7. Clearfield, PA
8. 5.5 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35527/1303
2. 37-033-20312-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dubois Country Club N-770
6. Boone MT Deep 081125
7. Clearfield, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35528/103
2. 37-033-20299-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A J Palumbo N-743
6. Boone MT Deep 081125
7. Clearfield, PA
8. .2 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35529/1305
2. 37-033-20305-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A E Dick N-767
6. Boone MT D 081125
7. Clearfield, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35530/1306
2. 37-033-20297-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Donald S Hopkins Agent N-758
6. Boone MTD D 081125
7. Clearfield, PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35531/1308
2. 37-033-20265-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Green Glen Corp N-746
6. Boone MT D 081125
7. Clearfield, PA
8. 1.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35532/1309
2. 37-033-20295-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Green Glen Corp N-756
6. Boone MT Deep 081125
7. Clearfield, PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35533/1310
2. 37-033-20298-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo N-738
6. Boone MT Deep 081125
7. Clearfield, PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35534/1311
2. 37-033-20252-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. George J Baummer N-737
6. Boone MT Deep 081125
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35535/1312
2. 37-033-20311-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dallas Miller N-769
6. Boone MT Deep 081125
7. Clearfield, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35536/1313
2. 37-033-20247-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lewis Desander N-732
6. Boone MT D 081125
7. Clearfield, PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35537/1315
2. 37-047-20034-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo N-744
6. Boone MT D 081125
7. Elk, PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35538/1316
2. 37-033-20230-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept F & W TR 86 N-723
6. Boone MTD Deep 081125
7. Clearfield, PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35539/1317
2. 37-033-20216-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Antonio J Palumbo 708
6. Boone MT Deep 081125
7. Clearfield, PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35540/1334
2. 37-063-20149-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. M B Bowman 686
6. Jacksonville 353347
7. Indiana PA
8. .7 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35541/1340
2. 37-063-20122-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Emil K Abel Etal N-653
6. Jacksonville 353347
7. Indiana PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35542/1343
2. 37-023-20003-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Pardee Estate N-813
6. Whippoorwill 763269
7. Cameron PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers
1. 80-35543/1344

2. 37–023–20021–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. A Pardee N–865
6. Whippoorwill 763269
7. Cameron PA
8. .7 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35544/4462
2. 37–039–20654–0003
3. 103 000 000
4. Center Bar Gas Co
5. J Greene #1–15
6. Conneaut
7. Crawford PA
8. .0 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35545/2226
2. 37–049–20183–0003
3. 108 000 000 Denied
4. Darrell Goe
5. F Erickson 183
6. Springfield
7. Erie PA
8. 2.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Co

1. 80–35546/1351
2. 37–033–20108–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Logan L Bond N–584
6. Boone MTD Shal 081063
7. Clearfield PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35547/1352
2. 37–047–20006–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. N Y St Nat Gas Corp N–571
6. Boone MTD Shal 081063
7. Elk PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35548/1356
2. 37–065–20828–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clair O London N–1177
6. Oliveburg 523959
7. Jefferson PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35549/1358
2. 37–047–20001–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept of F & W N–508
6. Hicks Run 320976
7. Elk PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35550/1364
2. 37–065–20399–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co N–1012
6. Elkeon D 219601
7. Jefferson PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35551/1368
2. 37–065–20491–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rochester & Pitts Coal Co N–1026
6. Elkrun Deep 219601
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35552/1370
2. 37–065–20485–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. R & P Coal Co N–1056
6. Elkrun D 219601
7. Jefferson PA
8. 21.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35553/1373
2. 37–065–20474–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Raymond Wood N–1053
6. Elkrun Deep 219601
7. Jefferson PA
8. 13.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35554/1374
2. 37–065–20473–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Earl Schwartz N–1038
6. Elkrun D
7. Jefferson PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35555/1375
2. 37–065–20438–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Mining Co N–1037
6. Elkrun D 219601
7. Jefferson PA
8. 13.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35556/1376
2. 37–065–20488–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lindsey Coal Mining Co N–1055
6. Elkrun D 219601
7. Jefferson PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35557/1377
2. 37–065–20477–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. WM Postlewaite-Lindsey Coal N–1041
6. Elkrun D 219601
7. Jefferson PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35558/1378
2. 37–065–20470–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Jesse J Travis N–1042
6. Elkrun D 219601
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35559/1379
2. 37–065–20411–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C H Straitiff N–1019
6. Elkrun Deep 219601
7. Jefferson PA
8. 3.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35560/1383
2. 37–063–20748–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Farmers & Miners Trust Co N–1013
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35561/1389
2. 37–065–20418–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Floyd E Shrock N–1018
6. Rochester Mills-Big Run 063423
7. Jefferson PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35562/1390
2. 37–063–20771–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. James L Stuby N–1020
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35563/1393
2. 37–065–20433–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. PA Game Commission N–1021
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35564/1396
2. 37–065–20415–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Frank Rhoades N–1016
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35565/1398
2. 37–063–20772–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J W McKee N–1022
6. Big Run-Rochester Mills 063423

7. Indiana PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35566/1399
2. 37–065–20424–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Kurt Robins N–1014
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 5.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35567/1402
2. 37–063–20894–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Hazel M Grube N-1046
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35568/1403
2. 37–063–20901–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ruth G Shields N–1047
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35569/1404
2. 37–065–20501–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rhoda M Purdy N–1045
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35570/1406
2. 37–063–20846–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Verner M Wachob N–1043
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35571/1407
2. 37–063–20804–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ella Hugus N–1035
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35572/1408
2. 37–063–20902–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lee Crnovic N–1048
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35573/1409
2. 37–065–20443–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John Shenosky N–1033
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35574/1410
2. 37–063–20823–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Stutton W Stahl N–1040
6. Rochester Mills-Big Run
7. Indiana PA
8. 9.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35575/1411
2. 37–065–20452–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles J Seitz N–1034
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35576/1415
2. 37–065–20492–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Edna Ecellbarger N–1044
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35577/1418
2. 37–063–20776–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W C McFarland N–1023
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35578/1419
2. 37–065–20420–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Roby Grose N–1015
6. Big Run-Rochester Mills 063423
7. Jefferson PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35579/1420
2. 37–065–20655–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Frank Chucanno N–1120
6. Rochester Mills-Big Run
7. Jefferson PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35580/1422
2. 37–065–20649–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lewis N Blose N–1115
6. Rochester Mills-Big Run
7. Jefferson PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35581/1421
2. 37–065–20475–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Donald H Croasman N–1058
6. Rochester Mills-Big Run 063423
7. Jefferson PA
8. 4.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35582/1424
2. 37–063–21233–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Mary Z Duffy N–1114
6. Rochester Mills-Big Run
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35583/1426
2. 37–063–21243–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Jay Hamilton N–1118
6. Rochester Mills-Big Run
7. Indiana PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35584/1427
2. 37–063–21230–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Mahlon J Byler N–1116
6. Rochester Mills-Big Run
7. Indiana PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35585/1428
2. 37–063–20787–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. C M Hess N–1024
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35586/1430
2. 37–065–00650–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Frank J Basile N–1117
6. Rochester Mills-Big Run
7. Jefferson PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35587/1431
2. 37–063–21270–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. David J Swanson N–1124
6. Rochester Mills-Big Run
7. Indiana PA
8. 13.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35588/1432

2. 37–063–21278–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry E Sherry N–1125
6. Rochester Mills-Big Run
7. Indiana PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35589/1433
2. 37–063–21257–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lucy Caliguire N–1121
6. Rochester Mills-Big Run
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35590/1434
2. 37–063–21555–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry T Parsons N–1176
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35591/1435
2. 37–063–21542–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Carl Noerr N–1174
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35592/1436
2. 37–063–21548–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles W Freyer N–1173
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35593/1443
2. 37–063–21145–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Douglas P MacMillan N–1100
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 10.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35594/1444
2. 37–063–21766–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert D Himes N–1209
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35595/1445
2. 37–063–21782–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Hazel M Grube N–1207
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35596/1446
2. 37–063–21772–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Layarp Gaston N–1208
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35597/1447
2. 37–065–20918–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Max Williams N–1206
6. Rochester Mills-Big Run 063423
7. Jefferson PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35598/1448
2. 37–063–21539–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Charles W Fleming N–1169
6. Big Run-Rochester Mills 063423
7. Indiana PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35599/1449
2. 37–063–21781–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lucy Caliguire N–1213
6. Rochester Mills-Big Run 063423
7. Indiana PA
8. 19.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35600/1450
2. 37–065–20922–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. E A Dunmire N–1217
6. Rochester Mills—Big Run 063423
7. Jefferson PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35601/1456
2. 37–065–20675–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Nardell N–1128
6. Big Run—Rochester Mills
7. Jefferson PA
8. 9.5 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35602/1461
2. 37–063–20880–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. M Bennett & Sons Inc N–1052
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35603/1463
2. 37–063–21419–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. P & N Coal Co N–1139
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35604/1464
2. 37–065–20737–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Nardell N–1137
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 5.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35605/1466
2. 37–063–21362–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Frank Mocek N–1138
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35606/1468
2. 37–065–21133–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ella Lloyd North N–1133
6. Rochester Mills—Big Run 063423
7. Jefferson PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35607/1470
2. 37–063–21223–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. First Nat Bank of Indiana N–1112
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 12.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35608/1471
2. 37–065–20699–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clarence C Carr N–1131
6. Rochester Mills—Big Run 063423
7. Jefferson PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35609/1473
2. 37–065–20676–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J C Nardell N–1129
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80–35610/1476
2. 37–063–21870–0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. W Clyde Smith N–1237
6. Rochester Mills—Big Run 063423

7. Indiana PA
8. 13.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35611/1478
2. 37-065-20776-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. F P Noerr N-1151
6. Rochester Mills—Big Run 063423
7. Jefferson PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35612/1479
2. 37-065-20442-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Homer A Zufall Etuz N-1028
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35613/1480
2. 37-065-20439-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Warren Stiver N-1032
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35614/1481
2. 37-065-20878-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Clyde Bowser N-1200
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35615/1482
2. 37-063-21739-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J Monroe Mabon N-1198
6. Big Run—Rochester Mills 063423
7. Indiana PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35616/1483
2. 37-063-21730-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. J W McKee N-1197
6. Big Run—Rochester Mills 063423
7. Indiana PA
8. 11.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35617/1484
2. 37-063-21462-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Lillian M Sutter N-1158
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35618/1485
2. 37-063-21459-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Ermond L Stear N-1160
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35619/1486
2. 37-063-21748-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. D P Caylor N-1204
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 17.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35620/1487
2. 37-065-20891-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Russell R Haag N-1202
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35621/1488
2. 37-065-20807-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Reed C Reiter N-1201
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 6.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35622/1489
2. 37-065-20815-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry Painter N-1171
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35623/1492
2. 37-065-20506-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Harry Painter N-1063
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 16.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35624/1494
2. 37-065-20507-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John A Rentschler N-1062
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 8.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35625/1495
2. 37-063-20879-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Robert N Miller N-1050
6. Rochester Mills—Big Run 063423
7. Indiana PA
8. 7.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35626/1497
2. 37-063-21543-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. William McFarland N-1172
6. Big Run—Rochester Mills 063423
7. Indiana PA
8. 15.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35627/1498
2. 37-065-20816-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Rhoda D Beercheck N-1170
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 14.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35628/1499
2. 37-033-20470-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Paul Duff N-1181
6. Big Run—Rochester Mills 063423
7. Clearfield PA
8. 18.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35629/1500
2. 37-065-20666-0003
3. 108 000 000
4. Consolidated Gas Supply Corp
5. John F Oswald N-1130
6. Big Run—Rochester Mills 063423
7. Jefferson PA
8. 9.0 million cubic feet
9. May 22, 1980
10. General System Purchasers

1. 80-35630/1968
2. 37-063-23760-0003
3. 103 000 000
4. Union Drilling Inc
5. Mabel Stiver #2
6. Rayne Township
7. Indiana PA
8. 24.7 million cubic feet
9. May 22, 1980
10. Peoples Natural Gas Co

1. 80-35631/4465
2. 37-063-24635-0003
3. 103 000 000
4. Keystone Energy Resources
5. McCrea #1
6. John McCrea
7. Indiana PA
8. .0 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80-35632/4466
2. 37-063-24636-0003
3. 103 000 000
4. Keystone Energy Resources
5. McCrea #2
6. John McCrea
7. Indiana PA
8. 31.9 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80-35633/4470

2. 37–123–00000–0000
3. 103 000 000
4. Viking Resources Corp
5. Sheffield Partnership 365–3
6. Sheffield
7. Warren PA
8. 30.0 million cubic feet
9. May 22, 1980
10. National fuel Gas Co

1. 80–35634/4471
2. 37–123–00000–0000
3. 103 000 000
4. Viking Resources Corp
5. Sheffield Partnership 364–13
6. Sheffield
7. Warren PA
8. 30.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Co

1. 80–35635/4474
2. 37–123–00000–0000
3. 103 000 000
4. Viking Resources Corp
5. Sheffield Partnership 365–2
6. Sheffield
7. Warren PA
8. 30.0 million cubic feet
9. May 22, 1980
10. National Fuel Gas Co

1. 80–35636/4626
2. 37–005–20201–0003
3. 108 000 000
4. Boyd & Shriver
5. Bowersox 242
6. New Bethlehem
7. Armstrong PA
8. 1.6 million cubic feet
9. May 22, 1980
10. Columbia Gas Transmission Corp

1. 80–35637/4755
2. 37–063–23653–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson G–3
6. J W Hastings & R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. May 22, 1980
10. T W Phillips Gas & Oil Co

1. 80–35638/4756
2. 37–063–23655–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson G–6
6. J W Hastings & R P Olson Farm
7. Indiana PA
8. 23.7 million cubic feet
9. May 22, 1980
10. T W Phillips Gas and Oil Co

1. 80–35507/1281
2. 37–033–20249–0003–0
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Dept F & W Tr 86 N–733
6. Boone MTDEEP 08125
7. Clearfield PA
8. 2.0 million cubic feet
9. May 22, 1980
10. General system purchasers

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 June 27, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kennth F. Plumb,

Secretary.

[FR Doc. 80–17778 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket Nos. CI73–477, CI78–81, CI73–477]

Pennzoil Oil & Gas, Inc. and Pogo Producing Co.; Application for Waiver of Certificate Condition Pursuant to Commission Order Nos. 64 and 64–A

June 4, 1980.

Take notice that Pennzoil Oil & Gas Inc. (POGI) on March 19, 1980 and POGO Producing Co. (POGO Producing) on March 28, 1980, filed applications for waiver of its respective optional procedure certificate rate condition in order to allow each company to collect up to the NGPA Section 102 price for gas underlying leases covered by a 1973 optional procedure certificate.

By an September 14, 1973 order the Commission, in Docket No., CI73–477, issued to the present applicants' predecessor-in-interest, Pennzoil Offshore Gas Operators, Inc. an optional procedure certificate covering, *inter alia* gas to be produced from Eugene Island Blocks Nos. 295 and 330, offshore Louisiana, Federal Domain. The initial rate was 35 cents per MCF, with triennial escalations of 2.5 cents/Mcf. Sales have been made to Sea Robin Pipeline Company, with the current rate being 40 cents/Mcf.

The operators of these blocks (Exxon for E.I. 295; Pennzoil for E.I. 330) have asked the applicants to participate with the other joint interest owners in drilling a proposed "wildcat" well in Block 295 and a proposed developmental well in Block 330. Applicants state that the economics of drilling prevent them from participating in the proposed wells if they are limited to the rates established by their optional certificates. The companies state that they need to receive the highest maximum lawful price under the applicable sections of the NGPA, in order to justify participation in the new drilling projects. The other joint working interest owners, applicants assert, would probably not go ahead without the participation of POGI and POGO Producing.

Pursuant to the language on page 24 of Order No. 64 (Docket No. RM80–19, issued January 3, 1980; 18 CFR § 271.401 *et. seq.*) and pages 7–8 of Order No. 64–A (Docket No. RM80–19; issued February 27, 1980), the applicants herein request removal of the rate increase condition of their respective optional procedure certificates, which now limit them to collection of the 40 cents/Mcf rate. This action by the Commission, they submit, would economically allow drilling of additional wells on optional pricing acreage.

Neither applicant is interested in any "special relief" rate for its gas. POGI states that it will not pursue rate relief if the Commission decides to relieve the company of its certificate condition only after establishing a "just and reasonable" rate for such gas in a "special relief" proceeding. The companies request authority to collect the applicable NGPA maximum lawful price.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 26, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene 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 Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–17779 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–313]

Public Service Company of New Mexico; Order Accepting for Filing and Suspending Increased Rates, Granting Interventions, Denying Motion To Reject and Request for Summary Disposition, Granting Waiver of Notice, Providing for Hearing and Establishing Procedures

May 30, 1980.

On March 31, 1980, Public Service Company of New Mexico (PNM) tendered for filing proposed increased rates for service to its five wholesale

customers.[1] The rates proposed to four of its customers were tendered pursuant to section 205 of the Federal Power Act and would increase revenues by $15,885,217 (27.9 percent) for the 12-month period following the proposed effective date of June 1, 1980. The proposed increase to the fifth wholesale customer, the City of Gallup, New Mexico, was submitted pursuant to section 206 of the Act and would increase revenues by $4,671,264 (115.3 percent) for the 12-month period following June 1, 1980.

Regarding service to Gallup, the Federal Power Commission determined in Docket No. E–9454 (orders issued July 31 and September 26, 1975) that the PNM-Gallup contract established a rate change procedure which does not allow a contested rate to go into effect until the Commission passes on its justness and reasonableness. Rate change proceedings for rates to Gallup are conducted under section 206, without the heavy burden of proof imposed by *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956). In Docket No. E–9454, the FPC allowed PNM to base its case on the cost of service data required under section 35.13 of our regulations in cases when rates may be increased by unilateral action of the utility; we shall adopt the same procedures here.

By letter dated April 8, 1980, PNM stated that an executed supplemental agreement to the PNM-Gallup contract had been filed with its rate increase proposal in this proceeding.[2] The letter agreement provides for the delivery of power in excess of 30,000 kW at a fourth delivery point between the parties.[3] The rates for service at the fourth delivery point were submitted as initial rates pursuant to Section 35.12 of the Commission's Regulations and will be subject to future unilateral rate changes. Service at the fourth delivery point is expected to commence in December, 1980, and, therefore, PNM requests waiver of the 120-day notice period of Section 35.3 of the Commission's Regulations to permit the filing of the letter agreement. Such waiver appears to be in the public interest.

The proposed rates are based on the inclusion of pollution control CWIP in rates base [4] and exclusion of ADITC from the capital structure.[5] PNM requests that, in order to avoid relitigation of the threshhold issue of severe financial stress, the Commission's treatment of the CWIP issue in the Docket Nos. ER79–478 and ER79–479 proceedings shall be applied in the instant docket. PNM has also filed alternate rate schedules reflecting the inclusion of ADITC in the capital structure at the common equity return. PNM indicates that it reserves the right to implement these alternate rate schedules in the event the final determination in the Court of Appeals proceeding is in accord with its position on the ADITC issue.

Public notice of the filing was issued on April 7, 1980, with responses due on or before April 25, 1980. Petitions to intervene in this proceeding were filed by the wholesale customers: Cities of Farmington and Gallup, New Mexico (Cities); Community Public Service Company (CPS); the General Services Administration (GSA); and Plains Electric Generation and Transmission Cooperative, Inc. (Plains).[6] The petitioners seek permission to intervene and request a hearing.

Each petitioner also requests a five-month suspension of the proposed increased rates alleging, among other things, PNM's use of a 19.23 percent return on common equity is excessive, and the use of improper cost of service allocation and ratemaking procedures. In their petition, Cities also move for rejection of the filing on ground that PNM's use of the 19.23 percent return on common equity assertedly creates a price squeeze. Plains, in its petition, moves for a phased, expedited hearing on the rate of return issue alleging that the request is exorbitant and is far in excess of any return allowed by this Commission and, therefore, to delay any refund that may be ordered would "diminish the relief the Federal Power Act was designed to provide" (p. 13 of the petition).

A review of PNM's filing indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under the Federal Power Act. However, the review also indicates that the proposed rates should not be summarily rejected as requested by the Cities. We shall accept the rates for filing and suspend them for five months. We shall deny the motion for a phased, expedited hearing on the issue of rate of return. We believe that, consistent with the mandate of the Federal Power Act (16 USC 824 (b)), all rate increase cases should be handled expeditiously, and effective case management dictates that, except in extraordinary circumstances, the scheduling of particular cases should be left to the discretion of the presiding judge. Since the very nature of this case implies an early return of an initial decision to the Commission, we are confident that the presiding judge will take this into account in determining the procedural schedule here.

As noted above, PNM requests permission to make an appropriate filing which would include CWIP in rate base if the Commission allows that result in its decision in the Docket Nos. ER78–337 and ER78–338 proceedings. We will permit PNM to make an appropriate submittal as described in our August 28, 1979 order in *Public Service Company of New Mexico*, Docket Nos. ER79–478 and ER79–479.

PNM has filed alternate rate schedules—one including ADITC in its capital structure and one excluding ADITC from its capital structure. In PNM's prior rate increase tender, the Commission rejected the increased rates filed, which contained the inclusion of ADITC in the capital structure. As noted above, that order of rejection is pending before the court of appeals. Consistent with our prior holding, we will reject the alternate rate schedules that include ADITC in the capital structure and will accept for filing the rate schedules that exclude that item.

Plains also urges summary disposition of the ADITC carryover issue. The issue involves the question of the propriety of PNM's accounting of Investment Tax Credit carry forwards in Account Nos. 281–283. We will not grant plains' motion for summary judgment of the inclusion of ADITC carryover in Account Nos. 281, 282, and 283. That issue is involved in PNM's prior increase application proceedings in Docket Nos. ER78–337, ER78–388, ER79–478, and ER79–479 and, therefore, granting Plains'

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[1] See Appendix A for rate schedule designations and customer identification.

[2] PNM designated the agreement as Bulk Power Resale-Wholesale, City of Gallup, Service Schedule B.

[3] The present contract with Gallup includes a maximum contract demand of 30,000 kW at three existing delivery points.

[4] In its rate increase filings in Docket Nos. ER78–337 and ER78–339, PNM proposed to include all CWIP in rate base through 1982. By order dated June 30, 1978, phased hearings were ordered in those dockets with Phase I to concern the CWIP issue. The initial decision on that issue is presently pending before the Commission on exceptions. In its last rate increase filings in Docket Nos. ER79–478 and ER79–479, alternative rate schedules filed by PNM reflecting the inclusion of all CWIP in rate base were rejected without prejudice to an appropriate filing upon the disposition of the CWIP issue in Docket Nos. ER78–337 and ER78–338.

[5] PNM appealed the Commission's orders in Docket Nos. ER79–478 and ER79–479 on the exclusion of ADITC from the capital structure. The issue is presently pending before the U.S. Court of Appeals for the District of Columbia Circuit, Docket 80–1200, *Public Service Company of New Mexico* v. *Federal Energy Regulatory Commission*.

[6] The petitions by GSA and Plains were filed on April 28, 1980; however, we believe that the public interest requires us to accept these late petitions for filing.

motion at this time would be not be appropriate.

Because this proceeding involves in part an application for increased rates that cannot become effective until the Commission determines the new lawful rate, we will not phase the price squeeze issue raised by Cities for later determination. *See, Public Service Company of New Mexico,* Docket Nos. ER79–478 and ER79–479, issued August 28, 1979.

However, the presiding judge may exercise discretion to phase this issue PNM the party which could presumably be harmed by such phasing, does not object.

In their petition, Cities challenge PNM's claim that the rates contained in Service Schedule B for service to Gallup are initial rates. Cities states that the construction of the fourth delivery point for service to Gallup resulted from a settlement of the dispute relating to that matter and that the service therefrom is part of PNM's existing commitment to Gallup. We agree. The new delivery point and the service to be rendered therefrom is a supplement to the existing service to Gallup and as such is an "additional rate * * * or service * * * for a particular customer" within the purview of Section 35.1(c) of the Regulations and is, therefore, subject to the procedures of Section 205 of the Federal Power Act.[7]

The Commission Orders

(A) The motion to reject PNM's filing is denied.

(B) PNM's proposed increased rates excluding ADITC in the capital structure tendered for service to CPS, Department of Energy-Los Alamos, Plains, and Farmington are hereby accepted for filing and suspended to become effective, subject to refund, on November 1, 1980.

(C) PNM's rates for service to the City of Gallup are hereby set for investigation, no changes to become effective until the Commission determines the new lawful rate. ADITC shall be excluded from the capital structure supporting such rates.

(D) PNM's request for waiver of the 120-day notice provision of Section 35.3 of the Commission's Regulations to permit the filing of Service Schedule B for service to Gallup at a fourth delivery point is granted and that rate schedule is hereby accepted for filing, suspended and permitted to be placed in effect, subject to refund, at the commencement of service to Gallup at the new proposed delivery point.

(E) The alternate rate schedules tendered by PNM that included ADITC in the capital structure are hereby rejected.

(F) In the event that the Commission determines in Docket Nos. ER78–337 and ER78–338 that it is appropriate for PNM to include CWIP in its rate base for ratemaking purposes, PNM may file an appropriate submittal as described in our August 28, 1979 order in *Public Service Company of New Mexico,* Docket Nos. ER79–478 and ER79–479.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and the Federal Power Act, particularly Sections 205 and 206, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the lawfulness of new rate for Gallup and the justness and reasonableness of the rates proposed in this docket for PNM's remaining customers.

(H) The Cities of Farmington and Gallup, New Mexico, CPS, GSA, and Plains are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the Regulations under the Federal power Act: *Provided, however,* that participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and, *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(I) The Commission Staff shall serve Top Sheets in this proceeding on or before August 28, 1980.

(J) The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's Regulations as modified by Commission orders.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within 10 days of the serving of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law Judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) Plains' request for summary disposition of the inclusion of ADITC carryover in Account Nos. 281, 282, and 283 is hereby denied.

(M) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb.

Secretary.

Appendix A.—*Public Service Company of New Mexico*

Designation	Other party
Supplement No. 16 to Rate Schedule FPC No. 31. (Supersedes Supp. No. 14)..	Plains Electric Generation and Transmission Cooperative, Inc. (345 kV service).
Supplement No. 17 to Rate Schedule FPC No. 31. (Supersedes Supp. No. 15)..	Plains Electric Generation and Transmission Cooperative, Inc. (115 kV service).
Supplement No. 8 to Rate Schedule FPC No. 32. (Supersedes Supp. No. 7)..	Community Public Service Company.
Supplement No. 5 to Rate Schedule FPC No. 34. (Supersedes Supp. No. 4)..	Department of Energy—Los Alamo.
Supplement No. 5 to Rate Schedule FPC No. 35. (Supersedes Supp. No. 4)..	City of Farmington.
Supplement No. 3 to Rate Schedule FPC No. 2.	City of Gallup Service Schedule B.

[FR Doc. 80–17780 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[7] Such determinations are within the Commission's technical expertise. See, *Florida Power & Light Company* v. *F.E.R.C.*,—— 2d ——, (CADC Nos. 78–2249 and 78–2302, January 24, 1980).

[Docket No. SA80–127]

Sohio Petroleum Co. (Successor to Sohio Natural Resources Co.); Application for Staff Adjustment

June 4, 1980.

Take notice that on May 19, 1980, Sohio Petroleum Company (Sohio), successor to Sohio Natural Resources Company, (Applicant), Suite 1100, 50 Penn Place, Oklahoma, 73118, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act (NGPA) and section 1.41 of the Commission's Rules of Practice and Procedure an application for adjustment. Applicant seeks relief from § 154.94(h)(2)(iii) of the Commission's Regulations and in the alternative, a waiver of the 30-day notice requirement of Section 4(d) of the Natural Gas Act.

Specifically, Applicant states that on December 1, 1978, Sohio filed with the Commission its Blanket Affidavit under Subpart B of Part 273 of the Interim Regulations under the NGPA for the stated purpose of implementing the pricing provisions of sections 102, 103, 107, and 108 of the NGPA. Jurisdictional agency determinations were sought by Sohio prior to April 1, 1979 for sixteen (16) wells, thereby presumably entitling

Sohio, under 18 CFR § 273.204(a)(2), to collect retroactively from December 1, 1978, section 108 gas prices with respect to each well upon final Commission determination as to its eligibility. Interim collections were made by Sohio following its requests for agency determinations, and final determinations now exist qualifying each of the sixteen wells involved for section 108 pricing.

Applicant further states that in the proliferation of rulemaking following the enactment of the NGPA, Sohio failed to note the second notice and amended affidavit requirements promulgated by Commission Order No. 25 on March 27, 1979 in Docket No. RM79–31. As a result, Sohio did not file an Amended Blanket Affidavit and formal notices of change in rate covering its sixteen stripper wells within the 30-day period following each final determination as required by Order No. 25. In its interests to rectify *nunc pro tunc* its inadvertent failure to comply with the second notice requirements of Order No. 25 and 18 CFR 154.94(h)(2)(iii), Sohio filed with the Commission on April 7, 1980 notices of change in rate in eleven of its rate schedules reaffirming its intention expressed earlier to collect Section 108 prices from the sixteen stripper wells involved. Sohio requests an effective date of December 1, 1978 consistent with its original Blanket Affidavit filing under 18 CFR 273.204(a)(2). Sohio's Amended Blanket Affidavit required by 18 CFR 154.94(h)(4) was submitted with the request that the same be accepted for filing as of December 1, 1978, or in the alternative, as of April 7, 1980 at the latest.

Specifically, Applicant alleges that it will suffer economic loss, inequity, and an unfair distribution of burdens if the Commission denies the waiver of 18 CFR 154.94(h)(2)(iii) of the Commission's Regulations. In the absences of the one-time waiver adjustment requested, Sohio would alternatively request that the Commission waive the 30-day notice requirement of Section 4(d) of the Natural Gas Act of permit the notices of rate change filed by Sohio on April 7, 1980 to become effective as of that date.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, (44 FR 19861, March 31, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before June 27, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–17781 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP79–102]

Southern California LNG Terminal Co.; Petition To Waive Filing Fee

June 5, 1980.

Take notice that on May 7, 1980, Southern California LNG Terminal Company (Petitioner), 523 West Sixth Street, Suite 802, Los Angeles, California 90014, filed in Docket No. CP79–102 pursuant to Section 1.7 of the Commission's Regulations under the Natural Gas Act (18 CFR 1.7) a petition requesting waiver of the Commission's Regulations precluding the refund of filing fees, and requesting refund of the first incremental fee heretofore paid for Petitioner's application for a certificate of public convenience and necessity in the instant docket; or, in the alternative to determine the proper and legal fee and to refund that portion paid which Petitioner contends to be in excess of the proper and legal filing fee, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that on December 4, 1978, it filed for authorization to construct a liquefied natural gas (LNG) terminal at Deer Canyon, near Oxnard, California, which gave rise to the proceeding in this docket. At the time Petitioner's application was filed Petitioner states that Western LNG Terminal Company (Western LNG) had an application pending for a certificate authorizing construction and operation of LNG terminals in California to receive incoming LNG from Alaska and Indonesia. Western LNG's application, along with applications by Pacific Alaska LNG Company (Pac Alaska) and Pacific Indonesia LNG Company (Pac Indonesia) for certificates authorizing transportation of LNG from the State of Alaska and the Republic of Indonesia, respectively, to the State of California, were consolidated for disposition in *Pacific LNG Co., et al.*, it is said.

As originally proposed, the Pac Alaska and Pac Indonesia shipments were to have separate terminals at Los Angeles, California, and Oxnard, California, respectively it is said. However, it is stated that in November 1977, Pac Alaska and Pac Indonesia filed amended applications specifying Point Conception, California, as the site for a terminal which could accommodate shipments from both sources. Petitioner asserts that its own site proposal and the amended application of Western LNG were, for all practical purposes, mutually exclusive, and that prior action on the Point conception site could, therefore, foreclose meaningful consideration of Petitioner's Deer Canyon proposal. Therefore, on January 18, 1979, Petitioner filed a motion requesting that the proceeding in this docket be consolidated with the proceeding in Docket Nos. CP75–140, *et al.*, it is said. Additionally, Petitioner states that, on the same date, it filed a supplement to its own pending application, including therewith a certified check in the sum of $330,508.75, representing the initial increment of Applicant's filing fes as required by Section 159.2(a) of the Commission's Regulations under the Natural Gas Act, it is said.

On April 11, 1979, the Commission issued an Order denying Petitioner's motion to consolidate, and Petitioner's subsequent petition for a rehearing was deemed denied by operation of Section 19 of the Natural Gas Act and Section 1.34(c) of the Commission's Regulations, it is said. Following the Commission's order on October 12, 1979, approving the Point Conception site proposed in Docket No. 75–140, Petitioner states that, on October 30, 1979, it filed a notice of withdrawal of its application pursuant to Section 1.11(d) of the Commission's Regulations.

In petitioning for equitable relief to have the Commission waive its regulations precluding the refund of filing fees, Petitioner asserts that its payment of the filing fee increment was made on the assumption that (1) the proceedings on the alternative LNG terminal sites would be consolidated; and (2) in the event Petitioner's application were not granted, a petition for recovery of an appropriate proration of the application fee to the expenditures actually incurred in the processing of the application would be made.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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. 80-17782 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-333]

Southern Indiana Gas & Electric Co.; Filing

May 27, 1980.

The filing Company submits the following:

Take notice that on May 22, 1980, Southern Indiana Gas and Electric Company (SIGECO), submitted for filing certain cost support data. The filing is being made persuant to the Commission's letter, dated May 7, 1980, requesting such data.

SIGECO requests that the sixty day notice requirement be waived.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 19, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-17783 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-102]

Southern Natural Gas Co.; Order Accepting for Filing and Suspending Proposed Rate Increase, Subject to Conditions, Granting Waiver and Interventions

May 30, 1980.

On May 1, 1980, Southern Natural Gas Company (Southern) filed revised tariff sheets, listed in Appendix A of this order, reflecting a general rate increase, under Section 4 of the Natural Gas Act, designed to increase jurisdictional revenues by approximately $73.1 million annually. The increased rates, with a proposed effective date of June 1, 1980, are based on actual costs for the twelve month period ending January 1, 1980, as adjusted for known and measurable changes in costs which are expected to be incurred by October 1, 1980.

Southern proposes an overall rate of return of 12.74%, including a return on common equity capital of 14.5%, and states that the increased rates are necessary due to factors such as increased gas acquisition, storage and transmission expenses, higher operating and maintenance costs, and declining sales. Southern also states that this rate increase will satisfy the terms of the Commission's order of February 23, 1980, approving the rate settlement arrived at in *Southern Natural Gas Company*, Docket No. RP78-36.[1] Among other things, that order required Southern to "file a rate change in accordance with Section 154.63 of the Commission's Regulations to be effective within three months before or after August 1, 1980." Additionally, Southern's rate filing reflects utilization of the *Seaboard* method of cost allocation, classification, cost allocation, and rate design. Use of the *Seaboard* methodology is contrary to current Commission policy, and represents a change from the method used to calculate Southern's rates. Accordingly, Southern is placed on notice of its potential liability for undercollections in the event that the cost classification allocation and rate design adopted in this docket assign more fixed costs to the commodity component than are assigned under the *Seaboard* formula.

Southern also requests a waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations to allow inclusion in its proposed rates of costs and associated gas volumes related to facilities that are not presently certificated. Southern anticipates receiving all necessary certifications prior to the time the proposed rates go into effect, but requests waiver of the Commission's Regulations to the extent necessary to allow inclusion of such costs and revenues pending requisite approvals.

Apart from the rate increase, Southern proposes changes in Section 17.3 of the General Terms and Conditions of its FERC tariff. These changes would enable Southern to file current PGA adjustments on 30 days notice as provided by the Commission's Regulations and would conform the allocation procedures in Section 17.3 to procedures underlying Southern's existing sales. Southern requests authorization for this change without any prior suspension.

Public notice of Southern's filing was issued on May 8, 1980, providing for protests or petitions to be filed on or before May 23, 1980. Petitions to Intervene were filed by various customers of Southern and other interested organizations, which are listed in Appendix B, all of which have shown sufficient interest to justify intervention.

Based upon a review of Southern's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept for filing all the tariff sheets listed in Appendix A,[2] suspend the effectiveness of some of the tariff sheets until November 1, 1980, subject to refund and conditions set forth below, and set the matter for hearing.

Inclusion of costs associated with uncertificated facilities is inconsistent with § 154.63(e)(2)(ii) of the Commission's Regulations. Accordingly, acceptance for filing would require waiver of that rule. We find that good cause exists to accept Southern's filing, with the condition that on or before November 1, 1980, Southern file revised tariff sheets to reflect (1) elimination of costs associated with facilities not in service on or before the end of the test period, October 1, 1980, and (2) the actual balance of advance payments in Account 166 as of October 1, 1980, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates. Waiver is granted upon the further condition that Southern shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the

[1] According to the terms of that order, Southern's rates shall be based on actual costs, including the costs of purchasing liquified natural gas from Southern Energy Co., and actual sales volumes for a period not less than 24 months and not more than 27 months commencing August 1, 1978.

[2] The following revised tariff sheets listed in Appendix A shall be accepted for filing without suspension: Fourth Revised Sheet No. 45B and Second Revised Sheet No. 45C of the Sixth Revised Volume No. 1. These revised sheets do not involve the proposed rate increase, but concern the aforementioned revision of Section 17.3 of the General Terms and Conditions of Southern's FERC Gas Tariff.

Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Southern.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, the tariff sheets listed in Appendix A, except as indicated in ordering paragraph (C), are accepted for filing and suspended for five months, until November 1, 1980, when they shall be permitted to become effective, subject to refund, upon motion filed by Southern in accordance with the provisions of the Natural Gas Act.

(C) Fourth Revised Tariff Sheet No. 45B and Second Revised Tariff Sheet No. 45C of the Sixth Revised Volume No. 1 are accepted for filing without suspension.

(D) Waiver of Section 154.63(e)(2)(ii) is granted upon condition that Southern file substitute revised tariff sheets at least 30 days prior to November 1, 1980, to reflect: (1) removal of costs associated with facilities in service as of the end of the test period, October 1, 1980, provided that Southern shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders; and (2) adjustment of the estimated balance of advance payments in Account 166 to the actual balance at the end of the test period, October 1, 1980, provided that the inclusion of a higher advance payment shall not be permitted to increase the level of the original suspended rates.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before September 5, 1980.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(G) The petition to intervene listed in Appendix B to this order shall be permitted to intervene in this proceeding subject to the Commission's Rules and Regulations; *Provided,* however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set out in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A.—Southern Natural Gas Co., Docket No. RP80–102, Revised Tariff Sheets

Sixth Revised Volume No. 1

Forty-First Revised Sheet No. 4A
Fourth Revised Sheet No. 45B
Second Revised Sheet No. 45C

Original Volume No. 2

Eighth Revised Sheet No. 242
First Revised Sheet No. 369
First Revised Sheet No. 397
First Revised Sheet No. 403
First Revised Sheet No. 450
First Revised Sheet No. 458
First Revised Sheet No. 470

Appendix B

Petitions To Intervene Were Filed By

Florida Gas Transmission Company
Alabama Gas Corporation
Gas Section, Georgia Municipal Association
Texas Eastern Transmission Corporation
Mississippi Valley Gas Company
South Carolina Electric & Gas Company
Atlanta Gas Light Company
Chattanooga Gas Company
Alabama Municipal Distributors Group
Georgia Industrial Group
Gas Section of the Georgia Municipal Association
Alabama Gas Corporation

[FR Doc. 80–17784 Filed 6–11–80; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. ER80–337]

Southwestern Electric Power Co., Order Accepting Rates for Filing, Suspending Proposed Rates, Denying Requests for Rejection, Granting Interventions and Establishing Procedures

June 4, 1980.

On April 10, 1980, the Southwestern Electric Power Company (SWEPCO) submitted for filing proposed rate increases for its three wholesale customers—Tex-La Electric Cooperative, Inc., and the Cities of Bentonville and Siloam Springs, Arkansas.[1] The proposed rates would result in an increase of $10,416,712 (39.5%) in wholesale rates based on a twelve-month period ending December 31, 1980. SWEPCO has requested an effective date of June 10, 1980. Notice of the filing was issued on April 16, 1980, with protests or petitions to intervene due on or before May 9, 1980.

On May 9, 1980, Northeast Electric Cooperative, Inc. (Northeast) and Cajun Electric Power Cooperative, Inc. (Cajun) filed a petition to intervene in this proceeding. In support of their petition to intervene petitioners state that they are the direct assignees of the Tex-La/SWEPCO contract and that the various cooperatives that they represent will be directly affected by SWEPCO's rate filing in this docket as it relates to Tex-La Electric Cooperative, Inc.

Northeast and Cajun have requested permission to intervene as well as a five month suspension of SWEPCO's proposed rate increase on a number of grounds. Petitioners have alleged that SWEPCO's proposed rate of return is excessive, and that it results in an unduly discriminatory return to the company when compared with the rates of return requested by SWEPCO for the other wholesale customers affected by this rate filing. Northeast and Cajun have also raised questions in their peition to intervene with regard to SWEPCO's proposed depreciation rates, SWEPCO's elimination of two separate voltage discount credits for service at 69kV and 138kV, respectively, SWEPCO's request for an 85% demand ratchet provision, its computation of cash working capital, and the company's method of computing revenue credits to Northeast and Cajun for hydro-electric capacity and energy benefits made available by Southwestern Power Administration. Northwest and Cajun have also alleged that SWEPCO's proposed price increase will create a disparity in rates between SWEPCO's wholesale customers and its retail customers, resulting in a price squeeze. In conclusion, Northeast and Cajun request that their petition to intervene be granted and that SWEPCO's proposed rates be suspended for the maximum statutory period of five months.

Also on May 9, 1980, the City of Siloam Springs, Arkansas filed a petition to intervene, motion to reject, and request for maximum suspension. Siloam Springs has asked that this Commission reject SWEPCO's filing on the basis that the SWEPCO/Siloam Springs contract for electric service is a fixed price contract which, on the basis of the *Mobile-Sierra* doctrine, cannot be changed in the manner proposed by SWEPCO. In the event that this Commission does not find SWEPCO's contract to be of a fixed-rate nature, Siloam Springs has requested

[1] See Attachment for rate schedule designations.

permission to intervene as well as a five month suspension of the proposed rate increase.

Among various cost of service objections raised, Siloam Springs has requested that SWEPCO's tax adjustment clause be excluded from its proposed rate schedule or alternatively that the company be informed that application of the clause will require timely filing. Siloam Springs has also stated that the rates proposed by SWEPCO for the city may create a price squeeze. Siloam Springs states that, since this Commission currently is phasing price squeeze proceedings so as to follow a cost of service determination of the wholesale rate and proposing to measure the existence of a price squeeze from the just and reasonable rate decided in the cost of service case, the city cannot determine at this time whether a price squeeze hearing will be necessary. Siloam Springs has therefore requested that this Commission allow it to reserve the right to make a definitive price squeeze allegation after the company has submitted its compliance filing in the instant docket implementing the Commission "just and reasonable but for price squeeze" rate.

The City of Bentonville, Arkansas (Bentonville), also on May 9, 1980, filed a protest and petition to intervene in this proceeding. Bentonville has requested that SWEPCO's instant submittal be rejected due to computational errors in the company's billing comparisons. Bentonville has also raised numerous cost of service issues including the inadequacy of the revenue credit allotted by SWEPCO to Bentonville for capacity and energy obtained by Bentonville from Southwestern Power Administration. Bentonville has also alleged that SWEPCO's proposed filing if approved will result in a price squeeze in that the wholesale rates charged to the city will be in excess of the rates charged certain retail customers by SWEPCO. Bentonville therefore requests that this Commission institute an investigation into the possible price squeeze that may be created by SWEPCO's filing.

Siloam Springs has alleged that SWEPCO's contract with the city for electric service is of a fixed rate nature and therefore, cannot be changed in the manner proposed here by SWEPCO. SWEPCO's contract with Siloam Springs provides that the "* * * Customer will receive and pay for electric service for a period of five (5) years beginning May 28, 1972, and thereafter, in automatically recurring yearly periods, unless terminated at the end of any yearly period by thirty days prior written notice from either party to the other. * * *" The agreement also provides that the city "* * * will be billed and will pay for this service in accordance with the rate schedule attached to this contract and made a part hereof. * * *"

Siloam Springs apparently contends that a change in service by SWEPCO can only be effectuated through a notice of termination of services under the present rate schedule. A review of the company's filing in the instant docket shows that SWEPCO filed with the Commission and served on Siloam Springs in excess of thirty days, notice of its filing of a new rate schedule which "revises and supercedes" the prior rate schedule under which SWEPCO furnishes electric service to the city. We believe that SWEPCO's notice to petitioners complies with the language of the SWEPCO/Siloam Springs contract. SWEPCO's filing of a superceding rate schedule gives clear notice as contemplated by the parties that the prior rate schedule is being terminated and the present one being proposed in its place for service to Siloam Springs.

While it is unclear from petitioner's pleading, it appears that Siloam Springs is arguing that SWEPCO's 30-day notice must specifically refer to "termination" rather than revision or supercision. This Commission cannot construe the language of the contract so strictly. Siloam Springs is a full requirements customer of SWEPCO. But under petitioner's narrow reading of the contract, SWEPCO would be required to give notice that it is cancelling its present dealings with a customer that is dependent upon it for its full requirements, whether or not the company is intending to terminate service to the city. We believe that this construction runs contrary to both this Commission's policy as well as the parties' desires to promote reliability of service.

Further, Siloam Spring's approach appears to exalt form over substance. Even were petitioner's interpretation of the contract plausible, SWEPCO could in any event effectuate a change in rates through a 30-day notice of "termination." Thus, even under petitioner's reading, this contract could not be construed as a fixed rate contract within the meaning of the *Mobile-Sierra* doctrine under which no unilateral changes in rates could be made by SWEPCO. Accordingly, Siloam Springs motion to reject on *Mobile-Sierra* grounds is denied.

With regard to the City of Bentonville's request for rejection of SWEPCO's filing on the basis of certain computation errors in SWEPCO's billing comparisons, our review has indicated no grounds for such rejection. Bentonville's motion is therefore denied.

As noted by the City of Siloam Springs, SWEPCO has included in its rate schedules an automatic tax adjustment clause. SWEPCO is hereby advised that any adjustment to its rates which may be contemplated pursuant to this clause would constitute a change in rates requiring filing pursuant to Section 35.13 of the Commission Rules and Regulations. It is this Commission's policy not to allow automatic changes in rates through such tax clauses.[2]

In accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we will phase the price squeeze issue raised by the intervenors. This will allow a decision to first be reached on the cost of service, capitalization and rate of return issues. If in the view of the intervenors or Staff, a price squeeze persists, a second phase of the proceeding may follow. We will also treat Siloam Springs' request to later amend its petition to raise price squeeze allegations as an allegation of price squeeze and allow it to fully participate in any price squeeze proceedings that may follow from a hearing on cost of service issues in this docket.

With regard to other issues raised by petitioners in this case, we find that these matters should be properly evaluated during the course of an evidentiary proceeding. We shall therefore set these matters for hearing. We find that the interventions of Northeast and Cajun, and Siloam Springs and Bentonville, Arkansas may be in the public interest. We therefore grant their petitions to intervene.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept SWEPCO's submittals for filing and suspended the rates for three months from the proposed June 10, 1980, effective date to become effective September 10, 1980, subject to refund.

The Commission Orders

(A) Intervenors' motions to reject are hereby denied.

(B) SWEPCO's proposed rates are hereby accepted for filing and suspended for three months from the

[2] *See, Boston Edison Company*, Docket No. ER78-304 (Order issued May 30, 1978); *Kansas City Power and Light Company*, Docket No. ER79-141 (Order issued March 13, 1979).

proposed effective date, to become effective September 10, 1980, subject to refund pending a hearing and decision thereon.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and of the Federal Power Act, specifically Sections 205 and 206, and by the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter 1), a public hearing shall be held concerning the justness and reasonableness of the rates proposed and filed with this Commission by SWEPCO.

(D) The petitioning customers are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however,* that participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions to intervene, and *Provided further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

(E) The Commission Staff will serve top sheets in this proceeding on or before September 5, 1980.

(F) A presiding administrative law judge to be designated by the Chief Administrative Law Judge, shall convene a prehearing discovery conference in this proceeding to be held within 30 days of issuance of this order in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be for the purpose of expediting discovery and resolving any initial controversies relating to data requests and discovery. In addition, the presiding judge shall convene a formal settlement conference to be held within ten days of the service of top sheets. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in the schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's Regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

The Southwestern Electric Power Co. Rate Schedule Designations, Docket No. ER80-337

Other Party	and *Designation*
Tex-La Electric Cooperative, Inc.	Supplement No. 6 to Rate Schedule FPC No. 67 (Supersedes Supp. No. 5)
Siloam Springs, Arkansas	Supplement No. 2 to Rate Schedule FPC No. 66 (Supersedes Supp. No. 1)
Bentonville, Arkansas	Supplement No. 6 to Rate Schedule FPC No. 69 (Supersedes Supp. Nos. 2 and 5)

[FR Doc. 80-17785 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3087]

Steele's Pond Associates, Inc.; Application for Preliminary Permit

June 4, 1980.

Take notice tht Steele's Pond Associates, Inc. (Applicant) filed on March 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3087 to be known as Steele's Pond Project located on the North Branch of the Contoocook River, at the Town of Antrim, in Hillsboro County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Irvin Tolles, President, Steele's Pond Associates, Inc., 83 Bay Street, P. O. Box 240, Manchester, New Hampshire 03105.

Project Description—The proposed project would consist of existing project works including: (1) a reinforced concrete dam about 156-feet long and 15-feet high, with a centered ogee spillway, 75-feet long; (2) an intake structure at the south (right) abutment of the dam; (3) a reservoir with a surface area of about 36 acres and storage capacity of 540 acre-feet at surface elevation 843 feet m.s.l.; and new project works consisting of (4) a penstock about 1600-feet long; (5) a powerhouse with an installed capacity of 500 kW; (6) a tailrace; (7) a switchyard; and (8) other appurtenances. Applicant estimates annual generation would average about 2.7 million kWh.

Purposes of Project—Energy developed at the project would be sold to the local utility company for use by utility customers in its service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform feasibility studies to include field exploration, hydraulic and hydrologic studies, environmental impact studies, and preparation of preliminary engineering plans. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 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 October 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to

intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.0 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 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. 80-17786 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-97]

Tennessee Gas Pipeline Co.; Order Accepting for Filing and Suspending Rate Increase, Subject to Conditions, and Granting Waiver

Issued: May 30, 1980.

On April 30, 1980 Tennessee Gas Pipeline Company (Tennessee) tendered for filing revised tariff sheets, listed in Appendix A of this order, reflecting a general rate increase, under Section 4 of the Natural Gas Act, designed to increase jurisdictional revenues by approximately $107 million annually. The increased rates, with a proposed effective date of June 1, 1980, are based on actual costs for the twelve month period ending January 31, 1980, as adjusted for known and measurable changes in costs which are expected to be incurred by the end of the test period, October 31, 1980.

Tennessee proposed an overall rate of return of 13.25% including a return on common equity capital of 15.50%, and states that the increased rates are necessary due to factors such as increases in gas plant, increased cost of materials, supplies, wages, transportation by others, taxes and storage of gas. Tennessee also states that the proposed rates reflect the *United* method of cost classification, cost allocation and rate design and that this rate filing reflects the South Georgia method of interperiod tax allocation.

In addition, Tennessee requests waiver of Section 154.63(e)(2)(ii) of the Commission's regulations to allow inclusion in its proposed rates of costs and associated gas volumes related to facilities that are not certificated but are anticipated to be certificated and in service by the end of the test period.

Public notice of the instant filing was issued on May 5, 1980, providing for protests or petitions to intervene to be filed on or before May 23, 1980. Petitions to intervene were received by various customers of Tennessee which are listed in the Appendix.

Based upon a review of Tennessee's filing the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff sheets listed in Appendix A, suspend their effectiveness for five months until November 1, 1980, subject to refund and the conditions set forth below, and set the matter for hearing.

Inclusion of costs associated with uncertificated facilities is inconsistent with § 154.63(e)(2)(ii) of the Commission's Regulations. Accordingly, acceptance for filing would require waiver of that rule. We find that good cause exists to accept Tennessee's filing, with the condition that on or before November 30, 1980, Tennessee file revised tariff sheets to reflect (1) elimination of costs associated with facilities not in service on or before the end of the test period, October 31, 1980. The revised tariff sheets shall also reflect the actual balance of advance payments in Account 166 as of October 31, 1980, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates. Waiver is granted upon the further condition that Tennessee shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Tennessee.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, the tariff sheets listed in Appendix A are suspended for five months, until November 1, 1980, when they shall be permitted to become effective, subject to refund, upon motion filed by Tennessee in accordance with the provisions of the Natural Gas Act.

(C) Waiver of Section 154.63(e)(2)(ii) is granted upon condition that Tennessee file substitute revised tariff sheets on or before October 31, 1980 to reflect: (1) removal of costs associated with facilities not certificated and in service as of the end of the test period, October 31, 1980, provided that Tennessee shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders and (2) adjustment of the estimated balance of advance payments in Account 166 to the actual balance at the end of the test period, October 31, 1980, provided that the inclusion of a higher advance payment shall not be permitted to increase the level of the original suspended rates.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before August 29, 1980.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(F) The petitioners to intervene listed in Appendix B to this order shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided,* however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided,* further than the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

North Revised Volume No. 1

Twenty-Ninth Revised Sheet No. 12A
Twenty-Ninth Revised Sheet No. 12B

Sixth Revised Volume No. 2

First Revised Sheet Nos.: 266J, 268C, 286E, 287E, 288D, 289E, 290E, 291E, 292E, 297D, 297E, 299L9, 299L10, 299M6, 299N5, 299O5, 299Q5,299R5, 299S9, 299S10
Second Revised Sheet Nos.: 266I, 273D, 273E, 274E
Third Revised Sheet Nos.: 262D, 262E
Fourth Revised Sheet Nos.: 141A, 252B
Fifth Revised Sheet Nos.: 246D, 247D, 248D, 249H, 294I
Sixth Revised Sheet No.: 245D
Seventh Revised Sheet Nos.: 76, 215
Eighth Revised Sheet No.: 53, 54, 77
Ninth Revised Sheet No.: 141
Eleventh Revised Sheet Nos.: 11, 12

Appendix B

Petitions to intervene were filed by:

Central Hudson Gas & Electric Corporation
Peoples Gas Light & Coke Company
Public Service Electric & Gas Company
Elizabethtown Gas Company
East Tennessee Natural Gas Company
The New England Customer Group*
Northern Illinois Gas Company
New York State Electric & Gas Corporation
Western Kentucky Gas Company
Northern Indiana Public Service Company
Columbia Gas Transsmission Corporation
Brooklyn Union Gas Company
Pennsylvania Gas & Water Company
Chattanooga Gas Company
North Penn Gas Company
Tennessee Public Service Commission
Equitable Gas Company
Consolidated Gas Supply Corporation
Consolidated Edison Company of New York
Public Service Commission of the State of New York
National Fuel Gas Supply Corporation

All of the above have demonstrated sufficient interest to justify intervention.

*Bay State Gas Co.
The Berkshire Gas Co.
Blackstone Gas Co.
Boston Gas Co.
Commonwealth Gas Co.
Concord Natural Gas Corp.
The Connecticut Natural Gas Corp.
Connecticut Natural Gas and Electric Light Co.
Gas Service, Inc.
Fitchburg Gas and Electric Light Co.
Granite State Gas Transmission, Inc.
Haverhill Gas Co.
City of Holyoke, Massachusetts Gas and Electric Department
Lowell Gas Company
Manchester Gas Co.
The Southern Connecticut Gas Co.
Valley Gas Company
City of Westfield Gas and Electric Light Department

FR Doc. 80-17787 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-283]

Texas Eastern Transmission Corp.; Amendment to Application

June 5, 1980.

Take notice that on May 29, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-283 pursuant to Section 7(c) of the Natural Gas Act an amendment to its application pending in the instant docket so as to extend the duration of the gas transportation service presently provided by Applicant for Public Service Electric and Gas Company (Public Service), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By this amendment, Applicant proposes to extend the transportation service of up to 51,394 dekatherms equivalent of natural gas per day for electric generation provided to Public Service from May 31, 1980, to August 31, 1980, pursuant to a pro forma extension agreement executed in accordance with the Commission's Order 30-B issued on May 15, 1980, in Docket No. RM79-34, it is said. Applicant further requests that the Commission extend authorization for the transportation service for an additional term to expire on December 31, 1980, or the termination of the Fuel Storage Emergency Period, whichever first occurs.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17788 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-283]

Texas Eastern Transmission Corp.; Affirmance of Initial Decision

June 3, 1980.

Take notice that the Commission agreed at its meeting of May 29, 1980, not to initiate review of the initial decision issued on April 25, 1980, in this proceeding which grants the application of Texas Eastern Transmission Corporation for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act.

Accordingly, the initial decision will become final on June 6, 1980, pursuant to section 1.30 (d)(3) of the Commission's Rules of Practice and Procedure.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17789 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-101]

Texas Gas Transmission Corp.; Order Accepting for Filing and Suspending Rates Increase, Subject to Conditions, Granting Waiver, and Establishing Procedures

Issued: May 30, 1980.

On May 1, 1980 Texas Gas Transmission Corporation (Texas Gas) filed revised tariff sheets, listed in Appendix A, reflecting a general rate increase, under Section 4(e) of the Natural Gas Act, designed to increase jurisdictional revenues by approximately $51.7 million annually. The increased rates, with a proposed effective date of June 1, 1980 are based on a test period overall cost of service of $1,180 million based on adjustments to actual costs for the 12 month period ending January 31, 1980. The proposed jurisdictional cost of service is $1,172 million. Texas Gas states that the filed rate increase is necessary to recover increased operating and maintenance expenses, costs related to increased rate base and increased return occasioned by an increasing risk associated with continuing deterioration of gas supply. Total jurisdictional sales during the base period were 609.5 million Mcf and Texas Gas projects that its test jurisdictional sales will be 585.7 million Mcf. The claimed overall rate of return is 11.68% including a return on common equity capital of 15% based on a capital structure of 42% debt and 58% equity. Texas Gas proposes a depreciation rate of 4.6% for production, storage, transmission and intangible plant.

In addition, Texas Gas requests a waiver of Section 154.63(e)(2)(ii) of the Commission's regulations to allow the

inclusion in its proposed rates of costs associated with facilities not yet certificated, but anticipated to be in service by the end of the nine month adjustment period, October 31, 1980.

Public notice of Texas Gas' filing was issued on May 8, 1980 providing for protests or petitions to intervene to be filed on or before May 23, 1980. Petitions to intervene have been filed by the parties listed in Appendix B. All have demonstrated an interest in this proceeding which warrants their participation and, accordingly, intervention for all shall be granted.

A protest and petition to intervene was filed by Louisville Gas and Electric Company which objects to the use of the *United* method of cost classification, allocation, and rate design used by Texas Gas.

Based upon a review of Texas Gas' filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff sheets listed in Appendix A, suspend their effectiveness for five months until November 1, 1980, subject to refund and the conditions set forth below and set the matter for hearing.

Inclusion of the costs associated with uncertificated facilities is inconsistent with § 154.63(e)(2)(ii) of the Commission's Regulations. Accordingly, acceptance for filing would require waiver of that rule. We find good cause exists to accept Texas Gas' filing with the condition that at the end of the adjustment period, October 31, 1980, Texas Gas file revised tariff sheets and supportive data to reflect elimination of costs associated with facilities not in service on or before October 31, 1980. The revised tariff sheets shall also reflect the actual balance of advance payments in Account 166 as of October 31, 1980, provided that the inclusion of a higher advance payments balance shall not be permitted to increase the level of the original suspended rates. Waiver is granted upon the further condition that Texas Gas shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those adjustments required by other Commission orders. For good cause shown, we shall grant waiver.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Texas Gas.

(B) Pending hearing and decision, and subject to the conditions enumerated in this order, the tariff sheets listed in Appendix A are accepted for filing, and suspended for five months, until November 1, 1980, when they shall be permitted to become effective, subject to refund, upon motion filed by Texas Gas in accordance with the provisions of the Natural Gas Act.

(C) Waiver of Section 154.63(e)(2)(ii) is granted upon condition that Texas Gas file substitute revised tariff sheets and supportative data on or before October 31, 1980, to reflect: (1) removal of costs associated with facilities not certificated and in service as of the end of the adjustment period, October 31, 1980, provided that Texas Gas shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing except for those adjustments made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders; and (2) adjustment of the estimated balance of advance payments in Account No. 166 to the actual balance at the end of the adjustment period, October 31, 1980, provided that the inclusion of a higher advance payment shall not be permitted to increase the level of the original suspended rates.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before September 8, 1980.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(F) The petitioners listed in Appendix B to this order shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided,* however, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided,* further, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A

Texas Gas Transmission Corporation; Docket No. RP80-101

Third Revised Volume No. 1

Third Revised Sheet No. 7-A
Eighth Revised Sheet No. 102
Twenty-Ninth Revised Sheet No. 7

Original Volume No. 2

Second Revised Sheet No. 82
Second Revised Sheet No. 982
Third Revised Sheet No. 547
Third Revised Sheet No. 959
Fourth Revised Sheet No. 643
Thirteenth Revised Sheet No. 362
Thirteenth Revised Sheet No. 365
Fourteenth Revised Sheet No. 363
Fifteenth Revised Sheet No. 333

Petitions to intervene were filed by:
Cincinnati Gas & Electric Company
Lawrenceburg Gas Transmission Corporation
Mississippi Valley Gas Company
Western Kentucky Gas Company
Columbia Gas Transmission Corporation
Louisville Gas & Electric Company
Consolidated Gas Supply Corporation
Indiana Gas Company, Inc.
Ohio River Pipeline Corporation
Public Service & Electric Gas Company
Memphis Light, Gas & Water Division
Associated Natural Gas Company
Terre Haute Gas Corporation
Southern Indiana Gas & Electric Company
United Cities Gas Company
Florida Gas Transmission Company

[FR Doc. 80-17790 Filed 6-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-381]

Texas Gas Transmission Corp.; Notice of Application

June 3, 1980.

Take notice that on May 27, 1980, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP80-381 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon transportation service which it is currently rendering for the account of Citizens Resource Development Corporation (Citizens Resource), all as more full set forth in the application on file with the Commission and open to public inspection.

Applicant was authorized by order issued July 28, 1978, in Docket No. CP78-325, as amended, to transport on an interruptible basis up to 4,500 Mcf of

natural gas per day to Citizens Resource. It is said that by letter agreement dated April 2, 1980, Applicant and Citizens Resource agreed to terminate the transportation service agreement between them because the gas purchase contract between Citizens Resource and its supplier has been cancelled. Since Citizens Resource no longer requires the transportation service rendered by Applicant, Applicant proposes to abandon such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17791 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-112]

Upper Peninsula Power Co.; Order Granting Motion for Permission to Collect Proposed Settlement Rates in Lieu of Filed Rates

Issued: June 4, 1980.

On May 16, 1980 Upper Peninsula Power Company requested permission to collect proposed settlement rates in lieu of the rates originally filed in this proceeding.[1] UPPCO represented that Wisconsin Electric Power Company, the only intervenor in the proceeding, did not attend the settlement conference.

Upper Peninsula states that a proposed settlement will be filed with the Commission in the near future. The proposed settlement rates produce lower revenues than the filed rates.[2] Pursuant to section 35.1(e) of the regulations, we find that good cause exists to permit the collection of proposed settlement rates as of May 30, 1980, until such time as we may act on the settlement agreement itself. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement. If we should disapprove the settlement, Upper Peninsula may thereafter collect the higher filed rate prospectively only. *See Public Service Company of Oklahoma*, Docket No. ER78-511, order of December 27, 1978.

The Commission Orders

(A) Upper Peninsula Power Company may collect its proposed settlement rates in lieu of the rates originally filed in this proceeding, from May 30, 1980, until such time as we act on the proposed settlement agreement tendered by it on May 16, 1980.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17792 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[1] On November 29, 1979, UPPCO tendered for filing proposal changes in its rate schedules for seven wholesale customers. By order issued January 21, 1980, the Commission accepted the proposed rates for filing and suspended their effectiveness until May 30, 1980, at which time they will become effective, subject to refund.

[2] The originally requested rate income of $3,619,451 for a year ending August 31, 1979 would be reduced to $3,557,119 under the proposed settlement rates.

[Docket No. ER80-379, ER80-380]

Utah Power & Light Co.; Order Accepting for Filing and Suspending Proposed Rate Changes, Granting Waiver of Notice Requirements, Consolidating Proceedings and Establishing Procedures

Issued: May 30, 1980.

On May 9, 1980, Utah Power and Light Company (UP&L) tendered for filing (i) a contract relating to the proposed sale by UP&L of an undivided 49% interest in its Hunter II Generating Unit, which contract includes a transmission agreement and an agreement for the sale of energy during a forced outage, and (ii) revised tariff sheets and an electric service agreement providing for the sale of power and energy to a group of municipal and cooperative systems acting through Deseret Generation and Transmission Co-Operative (Deseret), as agent, in Docket Nos. ER80-379 and ER80-380, respectively.[1] According to UP&L, these filings result from a pending agreement under which Deseret will purchase an undivided 49% interest in UP&L's Hunter II generating Unit situated in Emery County, Utah with a capacity of 400 MW. UP&L states that the proposals do not involve increased rates and charges for any involved customer. UP&L also seeks waiver of the notice requirements to allow the proposal to become effective as of June 1, 1980, the scheduled in-service date for the Hunter II Unit. UP&L contends that the financing of the joint ownership interest being acquired by Deseret will not be available unless the sales transaction can be closed and all approvals obtained prior to June 1, 1980.

Notice of the filing was issued on May 13, 1980, with responses due on or before June 6, 1980. No petitions to intervene or protests have been filed to date.

Commission review of UP&L's proposals indicate that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preprential, or otherwise unlawful. The Commission shall therefore accept the tendered rate schedules for filing, grant waiver of the notice requirements, and suspend the effectiveness of the rate schedules for one day to become effective on June 1, 1980, subject to refund.

UP&L further indicates that reserve or back-up service is to be provided to Deseret in the future. UP&L is advised that a filing together with cost support data is required pursuant to 18 CFR 35.13 before reserve or back-up service

[1] *See* attachment A for rate schedule designations and identification of customers.

is to be provided to Deseret. Also, UP&L is advised that a filing of a notice of cancellation service to Deseret is required pursuant to 18 CFR 35.15 before service to Deseret can be terminated.

In addition, since UP&L's proposals involve common questions of law and fact, they shall be consolidated for purposes of hearing and decision.

The Commission Orders

(A) UP&L's request for waiver of the notice requirements of 18 CFR 35.11 is hereby granted.

(B) UP&L proposals are hereby accepted for filing and suspended for one day, to become effective June 1, 1980, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and to the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Utah Power & Light Company.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that prupose, shall convene a conference in this proceeding to be held within 21 days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Utah Power & Light Co.

Rate Schedule Designations, Docket Nos. ER80-739 and ER80-380

Filed: May 9, 1980.
Other Party: Deseret Generation and Transmission Cooperative.

Designation and Description

(1) Service Agreement under FERC Electric Tariff (Supersedes Service Agreement under FERC Tariff—dated December 15, 1975); Undated Service Agreement.
(2) Exhibit A to Service Agreement under FERC Electric Tariff; Specification of Delivery Points.
(3) Exhibit B to Service Agreement under FERC Electric Tariff; Operating Agreement.
(4) Exhibit C to Service Agreement under FERC Electric Tariff; Contract Demands.
(5) 25th Revised Sheet No. 1 under FERC Electric Tariff (Supersedes 24th R. S.); Table of Contents.
(6) 6th Revised Sheet No. 12 under FERC Electric Tariff (Supersedes 5th R. S.); Index of Purchasers.
(7) 9th Revised Sheet No. 13 under FERC Electric Tariff (Supersedes 8th R. S.); Index of Purchasers.
(8) 9th Revised Sheert No. 14 under FERC Electric Tariff (Supersedes 8th R. S.); Index of Purchasers.
(9) 3rd Revised Sheet No. 15 A under FERC Electric Tariff (Supersedes 2nd R. S.); Index of Purchasers.
(10) Rate Schedule FERC No. 124; Ownership of Management Agreement (dated 5/5/80).
(11) Supplement No. 1 to Rate Schedule FERC No. 124; 1980 Transmission Costs.
(12) Exhibit A to Rate Schedule FERC No. 124; Estimates of Reserve power costs.

[FR Doc. 80-17793 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-98]

Valley Gas Transmission, Inc.; Order Accepting for Filing Revised Tariff Sheets, Suspending Subject To Refund, Granting Waiver and Establishing Procedures

Issued: May 30, 1980.

On April 30, 1980, Valley Gas Transmission, Inc. (Valley) filed a general rate increase, under section 4(e) of the Natural Gas Act, designed to increase annual jurisdictional revenues above its presently effective base tariff rates by $518,832.[1] Valley owns and operates natural gas gathering systems along the Gulf coast of Texas and Louisiana and sells its gas supply to interstate pipelines. The gathering and transportation charges under the new filing will increase from 13.78 cents per Mcf to 27.14 cents per Mcf. The increased rates are predicated on a test period based on actual costs for the twelve months ended December 31, 1979, as adjusted for known changes in costs which are expected to be increased by the end of the test period, September 30, 1980. The proposed effective date is June 1, 1980. Valley has furnished only Statements L, M, and N and thus requests waiver of the provisions of section 154.63(b)(3) of the Commission's Regulations which require the filing of Statements A through M inclusive and O and P.

Valley states that the increase in rates is primarily due to a projected 45.43 percent decrease in volumes of purchased gas and an increase in operating costs. In addition, Valley proposes an overall rate of return of 15.0 percent based on a captialization composed of 100 percent equity.

Public notice of Valley's filing was issued on May 8, 1980, with petitions or protests due by May 23, 1980.

Based upon a review of Valley's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall grant waiver of section 154.63(b)(3), since the filing contains sufficient data to initially evaluate the proposed rates, accept the proposed tariff sheets for filing, and suspend the filings until November 1, 1980, when they will be permitted to become effective subject to refund.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Valley's proposed rates.

(B) Pending hearing and decision, Valley's proposed Eighteenth Revised Sheet No. 2A and Second Revised Sheet No. 176 to FERC Gas Tariff, Original Volume No. 1, are accepted for filing and suspending such that the filing shall become effective November 1, 1980, subject to refund.

(C) Valley's request for waiver of section 154.63(b)(3) is granted.

(D) The Commission Staff shall prepare and serve Top Sheets on or before September 4, 1980.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17794 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[1] Valley filed Eighteenth Revised Sheet No. 2A and Second Revised Sheet No. 176 to its FERC Gas Tariff Original Volume No. 1.

[Docket No. ER80-419]

Washington Water Power Co.; Tender of Power Transfer Agreement

June 4, 1980.

The filing company submits the following:

Take notice that on May 28, 1980, The Washington Water Power Company (Washington) tendered for filing copies of an agreement with Grant County Public Utility District (Grant) providing for the transfer of power and energy over Washington's facilities to three Grant loads connected to Washington's system.

Grant PUD owns and operates two major hydroelectric power stations on the Columbia River in Grant County, Washington—the Priest Rapids and Wanapum Developments of the Priest Rapids Project (FERC Project No. 2114). Grant has reserved a portion of the output of these power stations for its electric system customers in Grant County.

Effective September 1, 1976, Grant PUD acquired the 115–KV transmission facilities of the Bonneville Power Administration in Grant County in order to supply the requirements of its electric system customers in the County from its Columbia River power stations. These facilities are interconnected with Washington's 115–KV transmission facilities at three points.

On March 1, 1980, Grant began making deliveries of power and energy from its Larson interconnection (near Moses Lake, Washington) with Washington over Washington's transmission system to three Grant loads connected to Washington's system in Grant County. These loads had previously been supplied by purchases from the Bonneville Power Administration.

The subject agreement provides for this transfer of power and energy by Washington to the Grant loads on Washington's system.

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 and practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 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. 80-17796 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3126]

Dr. and Mrs. Bill R. Westbrook; Application for Preliminary Permit

June 4, 1980.

Take notice that Dr. and Mrs. Bill R. Westbrook (Applicant) filed on April 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3126 to be known as the Luling Project located on the San Marcos River in Caldwell County, Texas. Correspondence with the Applicant should be directed to: Dr. and Mrs. Bill R. Westbrook, 10109 Long Point, Houston, Texas 77043.

Project Description—The proposed project would consist of: (1) an existing 115-foot long and 12-foot high stone masonry dam; (2) a powerhouse, which will be rebuilt; (3) a reservoir having negligible storage capacity; and (4) appurtenant facilities. Two turbines are in place within the powerhouse. Consideration will be given during the studies under the permit to using the existing powerhouse generating equipment. Applicant estimates that the installed capacity of the project would be between 200 and 350 kW.

Purpose of Project—Project energy would be sold to the City of Luling, Texas.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would determine the technical, economic, and financial feasibility of the project, and also study environmental impacts. A decision would then be made as to whether to apply for a license for the project. Applicant estimates the cost of studies under the permit would be $33,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 11, 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 October 10, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 *Fed. Reg.* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 11, 1980. The Commission's address is: 825 North Capital Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17797 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-297]

Wisconsin Power & Light Co.; Order Accepting for Filing and Suspending Proposed Interim Rates, Denying Motion To Reject, Granting Waiver of Notice Requirement, Granting Interventions and Establishing Hearing Procedures

Issued May 30, 1980.

On March 24, 1980[1] Wisconsin Power & Light Company (WPL) submitted for filing proposed increases in rates to thirty-three municipal and two investor-owned utilities served under WPL's rate schedule W-3 (W-3 customers), and to five rural electric cooperatives served under WPL's rate schedule W-2 (W-2 customers).[2] Two sets of proposed increased rates were submitted—interim and final. The interim W-2 and W-3 rates would result in an annual increase in revenues of $410,000 (1.1%) and the final W-2 and W-3 rates would result in an annual increase in revenues of $2,609,000 (6.6%).

WPL states that in conversations with its customers it has agreed to a proposed effective date for the interim W-3 rate schedules of October 1, 1980, and a proposed effective date for the interim W-2 rate schedule as the later of: October 1, 1980, or the effective date of a final order in WPL's pending retail rate case before the Wisconsin Public Service Commission, Docket No. 6680-UR-11.[3] By subsequent letter dated April 16, 1980, WPL proposed further that the interim rates remain in effect during any proceedings ordered by this Commission, with the final rates to become effective prospectively, after the Commission determined the just and reasonable rates.

Notice of filing was issued on March 31, 1980, with comments, protests, or petitions to intervene due on or before April 21, 1980. On April 16, 1980, the Wisconsin Public Service Commission (WPSC) filed a notice of intervention but indicated that it was not requesting a hearing.

On April 21, 1980, the W-2 customers filed a petition to intervene and motion to reject. In support of their motion to reject, the W-2 customers state that the date of a final order by the Wisconsin Public Service Commission is uncertain, and therefore that WPL's filing violates Section 35.3 of this Commission's regulations regarding notice requirements.

The W-2 customers presented several allegations about WPL's cost-of-service computations as well as raise questions about the proposed fuel clause and use of marginal costs in rate design. W-2 customers also indicate that they cannot determine now whether a price squeeze will exist at the time the W-2 rates are allowed to go into effect since the relevant retail rates are not available for comparison. Therefore they reserve the right to present evidence and arguments with respect to price squeeze at a later date.

On April 22, 1980, the W-3 customers filed a petition to intervene out of time. The W-3 customers request rejection of the filing due to deficiencies in the workpapers and supporting data as well as because of allegedly discriminatory contract provisions. The W-3 customers submit that the relevant contract provisions are designed to prevent WPL's wholesale customers from finding alternative sources of bulk power supply. In addition, the W-3 customers object to WPL's cost-of-service computations, and fuel clause, and further contend that it cannot be determined at this time if the proposed increased W-3 rates will cause a price squeeze. They state that they reserve the right to amend their petition, with an allegation of price squeeze, within 30 days after WPL's compliance filing of the just and reasonable rates determined in this proceeding.

Discussion

The structure of the proposed fuel clause appears acceptable. The base fuel cost is based upon test period expenses as required by Commission Opinion No. 63. The investigation and hearing will provide petitioners with the opportunity to present their objections and supporting data in greater detail. Similarly, the allegations with respect to rate design, rate discrimination, and contract provisions are properly the subject of formal hearing and investigation.

Because WPL has agreed to defer the usage of its final W-2 and W-3 rate proposals until the issuance of a Commission opinion on the justness and reaonablness of the rates, the price squeeze issue in this case should not necessarily be phased until after a decision is reached on cost of service, capitalizaiton and rate of return issues.[4] On the other hand, WPL's W-2 rate customers may be unable to determine the existence or extent of any price squeeze until the W-2 interim rate goes into effect. For these reasons, we shall allow the presiding administrative law judge's to determine the proper timing of any hearing on the price squeeze issues. The presiding judge is discretionary rulling on this matter shall not be subject to interlocutory appeal.

Our review of WPL's filing indicates that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we shall suspend the rates for five months and permit them to become effective, subject to refund, on October 1, 1980.[5] Pursuant to the settlement agreement in Docket No. ER77-347, WPL may not charge the interim W-2 rate until the later date of October 1, 1980 or the effective date of a final order in Docket No. 6680-UR-11 before the Wisconsin Public Service Commission.

We note that WPL has agreed unilaterally to leave the interim W-2 and W-3 rates in effect during proceedings in this docket, with final rates to become effective prospectively only upon final approval. We shall order that a hearing be held to determine the justness and reasonablness of WPL's proposed interim and final wholesale rates pursuant to Sections 205 and 206 of the Federal Power Act.[6]

The Commission Orders

(A) The motion to reject WPL's filing is hereby denied.

(B) WPL's proposed interim W-3 rate is hereby accepted for filing and suspended for five months to become effective on October 1, 1980, subject to refund, pending the outcome of a hearing on both the proposed interim and final W-3 rate.

(C) WPL's proposed interim W-2 rate is hereby accepted for filing and

[1] The filing was completed on April 1, 1980.

[2] See Attachment A for rate schedule designations and customer identification.

[3] The implementation condition with regard to the W-2 rate schedules arises from the settlement agreement between WPL and its W-2 customers in its last wholesale rate case before this Commission, Docket No. ER77-347.

[4] *Cf. Public Service Company of New Mexico*, Docket Nos. ER79-478 and ER79-479, order of August 28, 1979 (mimeo at 5); *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979.

[5] The suspension will begin sixty days after the filing date of the proposed rate increases. 16 U.S.C. 824d(d).

[6] We construe WPL's agreement to defer the use of its proposed W-2 and W-3 final rates until the outcome of this proceeding as a filing under Section 205(d) of the Federal Power Act. As the Court of Appeals held in *City of Kaukauna* v. *FERC*, 581 F2d 993, 996-7 (D.C. Cir. 1978): . . . Section 205's provision for automatic effectuation of rate increases when no Commission-ordered suspension period is extant serves simply to govern implementation of new rates absent private agreement and does not curb the parties' freedom contractually to erect further barriers to the achievement of the change. And though the Commission may not withhold a supplier's new rate beyond the maximum statutory suspension period, the Act in no way prevents the supplier from agreeing to defer its operation until later. . . . [T]he parties remain at liberty to supplement the obligations attending Section 205 by appropriate language in their contracts.

suspended for five months to become effective subject to refund, pending the outcome of a hearing and decision on both the proposed interim and final W–2 rates. However, the interim W–2 rate may not be charged until the later date of October 1, 1980, or on the effective date of a final order in Docket No. 6680–UR–11 before the Wisconsin Public Service Commission, in accordance with the settlement agreement in Docket No. ER77–347.

(D) WPL's proposed final W–2 and W–3 rates are hereby accepted for filing and the effectiveness deferred until the Commission determines the just and reasonable final rate.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon Federal Energy Regulatory Commission by Section 402(a) of the DOE Act, by Section 205 of the Federal Power Act, and by the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 C.F.R. Chapter 1 (1979)), a public hearing shall be held concerning the justness and reasonableness of the rates proposed and filed with this Commission by Wisconsin Power & Light Company with regard to the W–2 and W–3 schedules which pertain to its cooperative customers and its municipal and investor-owned customers, respectively.

(F) The Wisconsin Public Service Commission and the W–2 customers and W–3 customers are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however,* that participation of such intervenor shall be limited to the matters affecting asserted rights and interests specifically set forth in its petition to intervene, and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

(G) The Commission Staff will Serve Top Sheets in this proceeding on or before September 1, 1980.

(H) We hereby order initiation of price squeeze procedures and further order that this proceeding be phased according to the orders of the presiding administrative law judge. The price squeeze portion of this case shall be governed by the procedures set forth in Section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing discovery conference in this proceeding to be held within 30 days of the issuance of this order in hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference will be for the purpose of expediting discovery and resolving any initial controversies relating to data requests and discovery. In addition, the presiding judge shall convene a formal settlement conference to be held within 10 days of the service of Top Sheets. The presiding judge is authorized to establish procedural dates and to rule upon all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the commission's rules of practice and procedure.

(J) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Wisconsin Power & Light Co.

Dated: Undated.
Filed: April 1, 1980.

Rate W–3[1]	Rate schedule[2]	Supplement No.	Supersedes supp. No.
City of Evansville	29	13	12
Village of Gresham	31	14	13
Village of New Glarus	39	13	12
Village of Hustisford	71	12	11
City of Sun Prairie	73	12	11
City of Plymouth	75	11	10
Village of Muscoda	76	13	12
City of Boscobel	77	11	10
City of Cuba City	79	11	10
City of Waupun	82	11	10
City of Brodhead	83	11	10
Village of Sauk City	84	10	9
City of Juneau	86	10	9
City of Benton	88	10	9
City of Reedsburg	89	10	9
Village of Hazel Green	91	9	8
Village of Mt. Horeb	92	10	9
Village of Prairie du Sac	95	10	9
City of Sheboygan Falls	98	9	8
City of Lodi	101	9	8
Village of Pardeeville	102	8	7
Village of Wonewac	107	6	5
Village of Mazomanie	108	6	5
Village of Waunakee	109	6	5
Village of Belmont	110	6	5
Village of Footville	111	6	5
City of Stoughton	115	4	3
Village of Black Earth	116	4	3
Cross Plains Electric Company	117	3	2
Pioneer Power & Light Company	118	4	2
City of Schullsburg	120	2	1
City of Princeton	121	3	2
City of Wisconsin Rapids	122	2	1
City of Wisconsin Dells.	125	2	1

[1] Municipal and investor owned utilities.
[2] FERC after R. S. 116; otherwise designated FPC.

City of Columbus (1) Rate Schedule FERC No. 126 (Supersedes Rate Schedule FPC No. 66 as supplemented) (Unexecuted Wholesale Power Contract).

(2) Supplement No. 1 to Rate Schedule FERC No. 126 (Redesignation of Supplement No. 7 to Rate Schedule FPC No. 66).

(3) Supplement No. 2 to Rate Schedule FERC No. 126 (Rate W–3).

Rate W–2[1]	Rate Schedule[1]	Supplement No.	Supersedes supp. No.
Columbus Rural Electric Cooperative	103	9	8
Waushara County Electric Coop., Inc.	105	7	6
Adams Marquette Electric Coop	112	8	7
Central Wisconsin Electric Cooprative	113	7	6
Rock County Electric Coop. Assoc	119	5	4

[1] Rural electric cooperatives.

[FR Doc. 80–17798 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. EL79–10]

Wisconsin River Power Co.; Order Denying Petition for Declaratory Order, Finding Public Utility Jurisdictional, and Ordering Filing of Rate Schedules

Issued June 4, 1980.

Wisconsin River Power Company (WRPC) filed with this Commission on March 2, 1979, a petition for an order declaring that WRPC is not a "public utility" within the meaning of section 201(e) of the Federal Power Act, 16 U.S.C.A. § 824(e) (1970). We have concluded that WRPC is in fact a "public utility" within the meaning of that provision and, therefore, deny WRPC's petition and order WRPC to file with this Commission copies of the rate schedules under which it sells electric power for resale in interstate commerce. We discuss below our reasons for these conclusions.

WRPC owns two dams, associated hydroelectric generating equipment (total 37 MW) and two step-up substations (Petenwell and Castle Rock), all located in Wisconsin, through which it is interconnected at transmission voltages of 69kV and 138kV with Wisconsin Power and Light Company (WPL). WRPC owns no transmission lines, and all the power that it generates leaves its substations on lines and through circuit breakers owned by WPL and by Consolidated Water Power Company (CWP). WRPC sells its entire output at wholesale to WPL, to CWP, and to Wisconsin Public Service Company (WPSC). WRPC's rates are not subject to direct regulation by the Wisconsin Public Service Commission.

Our analysis of line load data from Form 12 for the years 1976 through 1978 for WPL, WPSC and Northern States Power Company (NSP) shows that at the times of the annual peak demands on the transmission systems of these

companies, power from WRPC's Petenwell substation: (1) flowed in a northerly direction at transmission voltages of 138kV and 115kV over the Petenwell/Saratoga/Rocky Run Lines of WPL and WPSC; (2) was commingled at the 115kV/345kV Rocky Run substation; and (3) flowed in westerly and northwesterly directions over NSP's 345kV Rocky Run/Eau Claire and WPSC's 115kV Sherman Station/St. Croix lines linking Wisconsin and Minnesota.[1] It follows that WRPC's output of power is being transmitted and sold in interstate commerce, and we so find. See *Federal Power Commission* v. *Florida Power & Light Co.*, 404 U.S. 453, 469 (1972).

In addition, WRPC's Petenwell and Castle Rock substations perform the transmission function of stepping up voltage for the purpose of transmitting power in bulk with lower losses than if transmission took place at lower voltages. Since WRPC owns facilities over which power is transmitted in interstate commerce, it follows that WRPC is a "public utility" within the meaning of section 201(e) of the Federal Power Act, 16 U.S.C.A. § 824(e) (1970), and we so find.

Since we find WRPC to be a "public utility" engaged in the sale of electric energy at wholesale in interstate commerce within the meaning of sections 201(b) and 201(e) of the Federal Power Act, 16 U.S.C.A. §§ 824(b) and 824(e) (1970), we shall deny WRPC's petition.

WRPC has not previously filed rate schedules covering its sales of power at wholesale in interstate commerce. Since WRPC is required by section 205(c) of the Federal Power Act, 16 U.S.C.A. § 824d(c) (1970), to file such rate schedules with this commission, we shall order WRPC do so within 60 days from the date of this order.

The Commission orders: (a) WRPC's petition for a declaratory order disclaiming jurisdiction is hereby denied.

(b) WRPC shall make appropriate filings pursuant to Part II of the Federal Power Act covering all of its wholesale sales in interstate commerce within 60 days of the date of this order.

(c) The Secretary shall promptly publish this order in the **Federal Register.**

[1] Over the 1976–1978 period, power flowed over WPSC's 115kV Sherman Station/St. Croix intertie in a westerly direction toward the Minnesota border during all annual peaks. Flows over NSP's 345kV Rocky Run/Eau Claire line moved in a westerly direction at the time of the 1978 annual peak load.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17799 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-327 and ER80-328]

Georgia Power Co.; Order Accepting for Filing and Suspending Proposed Rates, Rejecting Motion, Granting Intervention, Consolidating Proceedings, and Establishing Hearing Procedures

Issued May 30, 1980.

On April 4, 1980, Georgia Power Company (Georgia) submitted for filing revised tariff rates[1] for full requirements service to the City of Acworth, Georgia and the City of Hampton, Georgia in Docket No. ER80-327 and for partial requirements service to the City of Dalton, Georgia, Municipal Electric Authority of Georgia (MEAG), and Oglethorpe Electric Membership Corporation in Docket No. ER80-328. The proposals would increase revenues from the full requirements customers by $211,000 (22.5%) annually and from the partial requirements customers by $38,414,000 (18.26%) annually for the twelve month period ending July 31, 1981. Georgia requests that its proposed rates be allowed to become effective on August 1, 1980.

Public notice of both filings was issued on April 10, 1980, with responses due on or before May 2, 1980. Petitions to intervene and protests were filed by the City of Dalton on April 15, 1980, by the Cities of Acworth and Hampton on April 21, 1980, by Oglethorpe Electric Membership Corporation (Oglethorpe) on April 28, 1980, on behalf of its 39 member electric corporations, by the Consumer's Utility Counsel, State of Georgia, on April 30, 1980, and by Municipal Electric Authority of Georgia (MEAG) on May 2, 1980. With the exception of Dalton and the Consumer's Utility Counsel who did not specify issues in opposing Georgia's proposed rate increases, these intervenors allege numerous deficiencies in Georgia's cost of service study[2] and request a full, five month suspension and hearing. These intervenors also oppose Georgia's proposed effective date of August 1, 1980, citing settlement agreements in Docket No. ER79-88 which they allege preclude Georgia from increasing rates to them prior to November 1, 1980.

[1] See Attachment A for rate schedule designations.

[2] These include among others allocations of excessive rate of return, inflated rate base, and excessively high period II projections.

Additionally, Oglethorpe requests summary disposition of issues pertaining to changes in depreciation rates, treatment of compensating bank balances and allocation of certain R&D expenses.

Oglethorpe made requests for summary disposition of three issues. We find that these issues are not appropriate for summary disposition but should be a subject for the hearing ordered below.

Our review of the filings by Georgia indicates that they may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission would normally suspend the proposed rates for 2 months to become effective October 1, 1980. However, the prior settlement agreement prohibits an effective date prior to November 1, 1980. The Commission shall therefore suspend the proposed rates until November 1, 1980 in order to give the customers the full benefit of their prior settlement agreement. Georgia's proposed effective date is consistent with the Commission's regulations but inconsistent with the prior settlement. The effect of the settlement agreement is therefore in the nature of a fixed rate contract and the Commission's action here is consistent with the treatment of a fixed rate contract.

In the event that future settlements are intended to preclude parties from making filings prior to a specified date, as implied by the petition to intervene, this should be made explicit in the settlement agreement. No evidence of that intent is expressed in the prior settlement agreement.

All petitions to intervene indicate material interests in the outcome of this proceeding, may be in the public interest and will be granted. In view of the common issues of law and fact involved, Docket Nos. ER80-327 and ER80-328 will be consolidated for hearing and decision.

The Commission Orders

(A) Georgia's proposed rates are hereby accepted for filing and suspended to become effective November 1, 1980, subject to refund pending the outcome of these proceedings as consolidated.

(B) Oglethorpe's motion for summary disposition is denied.

(C) All petitions to intervene are granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* that the admission of any intervenor shall

not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) Docket Nos. ER80–327 and ER80–328 are consolidated.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, specifically Sections 205 and 206, and by the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I (1979)), a public hearing shall be held concerning the justness and reasonableness of Georgia Power Company's proposed rates.

(F) Staff shall serve top sheets in this proceeding on August 21, 1980.

(G) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within ten days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. The designated law judge is authorized to estalish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Georgia Power Company

Rate Schedule Designations

Docket Nos. ER80–327 and ER80–328
Dated: April 4, 1980.
Filed: April 4, 1980.

FPC Electric Tariff, Original Volume No. 2

(Partial Requirements Service) (PR–5)

Revised Sheets

(1) 3rd Revised Sheet No. 1
(2) 2nd Revised Sheet No. 3
(3) 4th Revised Sheet No. 4
(4) 7th Revised Sheet No. 6
(5) 3rd Revised Sheet No. 7
(6) 4th Revised Sheet No. 10
(7) 1st Revised Sheet No. 10A
(8) 4th Revised Sheet No. 11
(9) 3rd Revised Sheet No. 11A
(10) 3rd Revised Sheet No. 20
(11) 2nd Revised Sheet No. 20A

Superseded Sheets

2nd Revised Sheet No. 1
1st Revised Sheet No. 3
3rd Revised Sheet No. 4
6th Revised Sheet No. 6
2nd Revised Sheet No. 7
3rd Revised Sheet No. 10
Original Sheet No. 10A
3rd Revised Sheet No. 11
2nd Revised Sheet No. 11A
2nd Revised Sheet No. 20
1st Revised Sheet No. 20A

FPC Electric Tariff, Original Volume No. 1

(Full Requirements Service) (FR–3)

Revised Sheets

(1) 5th Revised Sheet No. 1
(2) 8th Revised Sheet No. 23
(3) 11th Revised Sheet No. 24

Superseded Sheets

4th Revised Sheet No. 1
7th Revised Sheet No. 23
10th Revised Sheet No. 24

[FR Doc. 80–17753 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP80–82]

Granite State Gas Transmission, Inc.; Informal Settlement Conference

June 4, 1980.

Take notice that on June 12, 1980, at 10:00 a.m. there will be an informal conference of all interested persons to attempt to resolve any issues arising from the filing by Granite State Gas Transmission, Inc., as directed by the Commission in its order issued May 1, 1980, in this proceeding. The meeting place for the conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 8402, Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to take commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–17757 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–416]

Green Mountain Power Corp.; Filing and Amendment

June 3, 1980.

The filing Company submits the following:

Take notice that on May 23, 1980, Green Mountain Power Corporation (Green Mountain) tendered for filing an amendment to its December 28, 1978 contract with the Washington Electric Cooperative, Inc. (Co-op) of East Montpelier, Vermont, pertaining to the sale of capacity and associated energy of the Berline No. 5 gas turbine unit. By this amendment, the terms of the contract are sought to be extended for the following amounts and time periods:

	kW
May 1, 1980 through May 31, 1980	500
June 1, 1980 through June 30, 1980	1800
July 1, 1980 through July 31, 1980	1900
August 1, 1980 through August 31, 1980	1400
September 1, 1980 through September 30, 1980	900
October 1, 1980 through October 31, 1980	100

With its tender, Green Mountain submitted a copy of the amendment, which was executed by both Green Mountain and the Co-op and is dated May 1, 1980.

Green Mountain stated that a copy of the filing was sent to the Co-op and to the Vermont Public Service Board.

The parties request that the Commission waive its notice requirements and permit the generation contract to become effective as of May 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 27, 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. 80–17755 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER 80-57]

Gulf States Utilities Co.; Order Granting Motion for Permission To Collect Proposed Settlement Rates in Lieu of Filed Rates

Issued June 4, 1980.

On May 8, 1980, Gulf States Utilities Company (GSU) requested permission to collect proposed settlement rates in lieu of the rates originally filed in this proceeding on October 31, 1979, for wholesale transmission service to three customers. The settlement proposal was submitted by GSU on April 11, 1980, pursuant to § 1.18(e) of the regulations. Staff and two intervenors, Cajun Electric Power Cooperative, Inc., and the City of Lafayette, filed comments in support of the settlement proposal. No other comments were filed. The settlement rates would produce test year revenues of $1,100,000, compared to $1,204,635 which would have been generated under the file rates.

Staff has filed comments supporting implementation of the settlement rates until the commission acts on the settlement agreement. No intervenor opposes GSU's request.

Pursuant to § 35.1(e) of the regulations, we find that good cause exists to permit the collection of the proposed settlement rates as of April 1, 1980, until such time as we may act on the settlement proposal itself. If GSU has collected the originally filed rates for any period since April 1, 1980, it shall promptly refund the difference to its customers with interest calculated pursuant to Order No. 47. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement. If we should disapprove the settlement, GSU may thereafter collect the higher filed rate prospectively only. *See Public Service Company of Oklahoma,* Docket No. ER78-511, order of December 27, 1978.

The Commission orders:

(A) Gulf States Utilities Company may collect its proposed settlement rates in lieu of the rates originally filed in this proceeding, from April 1, 1980 until such time as we act on the settlement proposal tendered on April 11, 1980.

(B) Any amounts collected in excess of the settlement rates since April 1, 1980, shall be refunded within thirty (30) days with interest calculated pursuant to Order No. 47. A refund report shall be filed with the Commission within 15 days thereafter.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17756 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-379, ER78-381, ER78-382 and ER78-383]

Indiana & Michigan Electric Co.; Order Granting Rehearing for Further Consideration

Issued June 4, 1980.

On May 8, 1980, Indiana and Michigan Electric Company (I&M) filed an application for rehearing of the Commission's letter order issued April 18, 1980 in the above-referenced proceeding. In order to afford additional time for consideration of the issues raised in I&M's application for rehearing, we will grant rehearing for the limited purpose of consideration of I&M's application.

The Commission orders:

(A) Rehearing of the letter order issued by the Commission on April 18, 1980 in the above referenced dockets is hereby granted for the limited purpose of further consideration of I&M's application.

The Secretary shall cause prompt publication of this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17758 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-381, ER78-382]

Indiana & Michigan Electric Co.; Notice of Filing

June 3, 1980.

The filing Company submits the following:

Take notice that on May 21, 1980, Indiana and Michigan Electric Company submitted for filing a refund report pursuant to the Commission's letter order of April 11, 1980 in the above referenced proceeding.

A copy of this filing has been sent to the affected customers and to the appropriate State public utility commissions.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17759 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-315]

Kansas City Power & Light Co.; Order Rejecting Filing as Change in Rate, Accepting It as Section 2.16 Application, Granting Interventions, Providing for Hearing and Establishing Procedures

Issued: May 30, 1980.

On April 1, 1980, Kansas City Power and Light Company (KCP&L) tendered for filing proposed increased rates for service to its 16 wholesale customers located in the states of Missouri and Kansas. KCP&L states that the proposed rates will result in an increase of $7,379,313 (51.05%) in annual revenues, based on the cost of service to wholesale firm customers during the 12-month test period ending May 31, 1981. KCP&L states that the increase will result in a rate of return of approximately 12.62% on each class of firm power service based on the applicable data filed by KCP&L in this docket.

In its tender, KCP&L states that it has included construction work in progress (CWIP) in its rate base. KCPL asserts that it is currently experiencing severe earnings and cash flow problems resulting in an inability to issue mortgage bonds or preferred stock. KCP&L states that it has filed for and received emergency rate relief in its Missouri retail jurisdiction and had requested permanent, emergency, and interim rate relief in its Kansas retail jurisdiction, KCP&L requests that its proposed increased rates become effective June 1, 1980, without suspension, or, alternatively, if a hearing is determined to be apropriate, KCP&L requests that the increased rates be suspended for one day and allowed to become effective June 2, 1980, subject to refund.

Public notice of the filing was issued in April 7, 1980, with responses due on or before April 28, 1980. A notice of intervention was filed by Kansas State Corporation Commission. Petitions to intervene were filed by Missouri Power and Light Company (MP&L), by the Cities of Osawatomie, Otlawa, Garnett, Gardner, Pomona, and Baldwin City,

Kansas, and the Cities of Higginsville, Salisbury, and Slater, Missouri (Cities), and by Coffey County Rural Electric Cooperative Association, Inc. and United Electric Cooperative, Inc. (Coops). The City of Marshall filed its petition to intervene on May 2, 1980, adopting the protest and petition filed by Cities. We believe that the public interest requires us to grant the petitions to intervene and permit interventions in this proceeding as hereinafter ordered.

On May 6, 1980, MP&L filed a supplemental motion requesting summary disposition of KCP&L's inclusion of non-qualifying CWIP in rate base and of that portion of KCP&L's requested 19% return on equity which the Commission deems unreasonable. The Cities and Coops, with their petitions to intervene and protests, filed motions to reject the sumbittal on the grounds of non-qualifying CWIP in rate base, violation of the wage/price guide lines, and excessive 19% requested return on equity. The Coops and Cities request that, if rejection is not granted, then the submittal should be suspended for the maximum statutory period because of asserted improper ratemaking procedures used by KCP&L in its cost support for the proposed rates. Further, price squeeze is alleged by the Coops and the Cities.

Discussion

KCP&L's proposed rates are supported by a cost of service that reflects, *inter alia*, full inclusion of CWIP in rate base. § 2.16 of the Regulations provides that, with the exception of qualifying pollution control and fuel-conversion facilities, a utility may not implement rates based on the inclusion of CWIP in rate base except after a final Commission order approving an application for such inclusion. § 2.16 was issued as an exception to the Commission's consistent policy against allowing the costs of construction to be placed in rate base during construction. KCP&L has not sought nor obtained Commission authorization for inclusion of CWIP in rate base. We shall accordingly reject KCP&L's filing as a change in rate under Section 205 of the Federal Power Act since it was filed contrary to our regulations and is patently a nullity as a matter of substantive law.

In an answer to the protests filed on May 13, 1980, KCP&L agreed to submit revised rate schedules reflecting elimination of non-qualifying CWIP from rate base. While the company remains free to make such a filing, the Commission does not view as being among its own responsibilities the task of correcting improper filings before it. If the Commission attempted to repair KCP&L's filing by accepting the rate on condition that it be refiled to eliminate the improper inclusion of CWIP, we would effectively cut our suspension powers since a portion of the normal suspension period would be used up by the time required for KCP&L to make a correct filing. The ratepayers who ultimately pay for the filing as a regulatory expense have a right to insist upon a filing that is in compliance with our regulations. The Commission in its effort to efficiently process rate cases filed pursuant to the Federal Power Act also has a right to expect such compliance.

KCP&L has asserted financial distress, which appears to be an attempt to meet the criteria of the Section 2.16 exception to rate base treatment for CWIP. We will therefore treat KCP&L's tender as an application under Section 2.16 and set that application for hearing.

(a) *The Commission orders:* (A) The motions to reject KCP&L's filing as a change in rate are hereby granted.

(B) KCP&L's filing is accepted as an application for CWIP under the severe financial difficulty exception provided in § 2.16(b) of our regulations.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Organization Act and the Federal Power Act, and pursuant to the Commission's rules of practice and procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the lawfulness of the rates proposed in this docket.

(D) MP&L, the Cities, the Coops, and the City of Marshall are hereby permitted to intervene in this proceeding subject to the Commission's rules of practice and procedure and the Regulations under the Federal Power Act: *Provided, however,* that participation of such internvenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and, *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall be assigned to preside in this proceeding and is authorized to establish procedural dates in accordance with this order and to rule on all motions (except motions to consolidate or to sever and motions to dismiss) as provided for in the Commission's rules of practice and procedure. A prehearing conference to establish further procedural dates shall be convened by the presiding judge within 15 days from the date of this order.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17760 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER79-166, ER80-9]

Kansas City Power & Light Co.; Compliance Report

June 3, 1980.

The filing Company submits the following:

Take notice that in May 21, 1980, Kansas City Power and Light Company (KCP) submitted for filing a compliance report pursuant to the Commission's letter order of April 10, 1980 in the above-referenced dockets.

A copy of this filing has been sent to the affected customers, the Kansas State Corporation Commission, and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17761 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI77-71]

N. C. Ginther, et al.; Petition for Declaratory Order

June 5, 1980.

Take notice that on May 13, 1980, N. C. Ginther, *et al.* (Petitioners), c/o Fulbright and Jaworski, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036, filed a petition for declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure. Petitioners, who are small

producers, request that the Commission order Tennessee Gas Pipeline Company (Tennessee) to pay interest on certain payments which Tennessee previously made to Ginther for its natural gas produced from the Sarco Creek Area, Goliad County, Texas. by order of September 14, 1977, the Commission found that Ginther's gas sales contract with Tennessee was a replacement contract with the meaning of § 2.56(a)(5) of the Regulations, as promulgated by Opinion No. 770, and declared Ginther eligible to collect the smaller producer rate for such a contract as of January 1, 1975. Tennessee subsequently paid, effective as of January 1, 1975, the appropriate rate to Ginther but did not include any interest on such payments.

Any person desiring to be heard or to make any protest with reference to said petition should 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 such petitions or protests should be filed on or before July 7, 1980. All protests filed with the Commission will be considered by its 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. 80-17754 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreement involves approval of the following contracts:

DE-SC-05-80 LEU 0504, to CERCA, France, approximately 20 kilograms of uranium enriched to 19.75% in U-235, and approximately 5 kilograms of uranium enriched to 45% in U-235, for fabrication of fuel elements for the Reduced Enrichment Research and Test Reactor (RERTR) program.

DE-SC-05-80 LEU 0505, to NUKEM, West Germany, approximately 20 kilograms of uranium enriched to 19.75% in U-235 and approximately 5 kilograms of uranium enriched to 45% in U-235, for fabrication of fuel elements for the RERTR program.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 6, 1980.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-17695 Filed 6-11-80; 8:45 am]

BILLING CODE 6450-01-M

Southwestern Power Administration

Power Rate Extension for Narrows Dam; Order Confirming and Approving Extension of Power Rate on an Interim Basis

AGENCY: Department of Energy, Southwestern Power Administration.

ACTION: Notice of Power Rate Order.

SUMMARY: The Assistant Secretary for Resource Applications has confirmed and approved on an interim basis, an extension of the effective period for the Narrows Dam power rate. This action is authorized by Delegation Order No. 0204-33, 43 FR 60636 (December 28, 1978) and provides a continuation of the rate charged Tex-La Electric Cooperative, Inc., for power purchased at the Narrows damsite from the Southwestern Power Administration under Contract No. 14-02-0001-921. The rate extension is implemented by Rate Order No. SWPA-5 which establishes the rate on an interim basis through August 2, 1981, whereas the term of the rate would expire June 30, 1980, in accordance with provisions of the initial approval provided by the Federal Power Commission. The rate extension is subject to confirmation and approval on a final basis by the Federal Energy Regulatory Commission.

EFFECTIVE DATES: The rate extension is effective July 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

John J. DiNucci, Office of Power Marketing Coordination, Resource Applications, Department of Energy, 12th Street and Pennsylvania Avenue N.W., Washington, D.C. 20461, (202) 633-8380.

SUPPLEMENTARY INFORMATION: The present power rate for the Narrows Dam has been in effect since August 3, 1976, as a result of approval provided by the Federal Power Commission through Docket No. E-6943. Conditions established by the FPC approval specify June 30, 1980, as the final date for application of the rate Contract No. 14-02-0001-921 between Tex-La Electric Cooperative, Inc., and the Southwestern Power Administration. However, the terms of that Contract prohibit changes in the rate more often than once every 5 years requiring that the Federal Power Commission approval be extended through August 2, 1981. By Delegation Order No. 0204-33, effective January 1, 1979, the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to confirm, approve, and place in effect on an interim basis power and transmission rates and delegated to the Federal Energy Regulatory Commission the authority to confirm and approve such rates on a final basis. Under this authority, the Assistant Secretary for Resource Applications has confirmed and approved and extension of the Narrows Dam power rate on an interim basis by issuing Rate Order No. SWPA-5. The effect of the Order is to provide approval of the rate through August 2, 1981, which is the lenght of time consistent with the 5-year provision of the Tex-La Electric Cooperative, Inc., Contract No. 14-02-0001-921.

The rate extension placed in effect on a interim basis is subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

Issued in Washington, D.C., this 6th day of June 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

Department of Energy, Assistant Secretary for Resource Applications

[Rate Order No. SWPA-5]

In the Matter of: Southwestern Power Administration—Narrows Dam Power Rate.

Order Confirming and Approving Extension of Power Rate on an Interim Basis (June 6, 1980)

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 9591, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the

Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (SWPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This order is issued pursuant to the delegation to the Assistant Secretary.

Background

All power from the isolated Narrows Dam is currently purchased by Tex-La Electric Cooperative, Inc. (Tex-La), an organization of distribution cooperatives in East Texas and Louisiana financed by the Rural Electrification Administration. The power is delivered at the dam and sold to Tex-La under the rate provided in Contract No. 14–02–0001–921, as approved by the Federal Power Commission (FPC) August 3, 1976, through Docket No. E–6943. As set forth in the FPC action, the current contract rate is in effect only through June 30, 1980, a term shorter than established in the Tex-La Contract in which changes in rates are limited to once every five years. The five-year period outlined in the Tex-La Contract provides for the rate to be in effect through August 2, 1981, causing inconsistency between the effective periods outlined in the FPC action and the Tex-La Contract.

Discussion

The Tex-La rate under Contract No. 14–02–0001–921 is formulated to produce annual revenue of $556,000 based on results of the May 1975 Average Rate and Repayment Study which reflected the need for $91,000 of additional annual revenue to accomplish the required level of repayment. During the summer of 1980, revised studies are to be completed to determine the level of revenue that is adequate to satisfy the cost recovery criteria outlined in Section 5 of the Flood Control Act of 1944 and Order No. RA 6120.2. If the results of the studies indicate that additional revenue is required to meet the cost recovery criteria, public comment will be invited. Therefore, an extension of the power rate on an interim basis through August 2, 1981, is necessary not only to uphold the terms of the Tex-La Contract, but to allow time to develop studies necessary for review of the present power rate and to undertake a public participation process in the event the rate requires adjustment.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective July 1, 1980, an extension of the existing rate under Contract No. 14–02–0001–921 for the sale of power from the Narrows Dam to Tex-La Electric Cooperative, Inc. This rate shall remain in effect on an interim basis through August 2, 1981, unless the period is again extended or until the FERC confirms and approves this or a substitute rate on a final basis.

Issued in Washington, D.C., this 6th day of June 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80–17953 Filed 6–11–80; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2208]

Lord's Proprietors Freight Forwarders (Linda C. Davis, d.b.a.); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Lord's Proprietors Freight Forwarders (Linda C. Davis, d.b.a), P.O. Box 21018, Columbia, SC 29221, FMC No. 2208, was cancelled effective June 4, 1980.

By letter dated May 9, 1980, Lord's Proprietors Freight Forwarders (Linda C. Davis, d.b.a.) was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2208 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Lord's Proprietors Freight Forwarders (Linda C. Davis, d.b.a) has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2208 be and is hereby revoked effective June 4, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 2208, issued to Lord's Proprietors Freight Forwarders (Linda C. Davis, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Lord's Proprietors Freight Forwarders (Linda C. Davis, d.b.a).

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80–17809 Filed 6–11–80; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Rock Springs District Grazing Advisory Board; Meeting

June 3, 1980.

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Rock Springs District Grazing Board will be held on July 22, 1980.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management office on Highway 187 North, Rock Springs, Wyoming.

The agenda for the meeting will include: (1) presentation of projects planned for Fiscal Year 1981 for construction with Range Betterment funds, (2) review of the draft Desert-Little Colorado Wild Horse Management Plan and its impact on the Desert Common AMP, and (3) a reading of written statement and public comment period.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 and 3:00 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 by July 21, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 80–17681 Filed 6–11–80; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Notice of Public Participation Plan for Chaco-San Juan Planning Unit Update for Coal Leasing

Notice is hereby given that the Albuquerque District, Bureau of Land Management, will solicit public participation for the purpose of updating the Management Framework Plan for the Chaco/San Juan Planning Unit in

northwestern New Mexico. The planning effort is to identify BLM-administered lands in San Juan and McKinley Counties, and the Western portion of Sandoval County which are acceptable for further consideration for coal leasing.

Involved are more than 28 billion tons of low-sulphur federal coal, the development of which may conflict with fossil deposits of major scientific value, more than 80 archeological communities associated with Chaco Canyon National monument, and three recently designated wilderness Study Areas, as well as occupancy and use by area residents. The region also yields approximately 50 per cent of U.S. uranium production and substantial quantities of oil and gas.

BLM-administered lands and subsurface minerals in this planning unit which are acceptable for further consideration for coal leasing will be identified after placing all lands through the following screening procedures:

- Areas will be eliminated from further coal development consideration if they do not have a high to medium coal potential;
- Coal areas will be eliminated if they are judged unsuitable under the criteria set forth in Subpart 3461 of Regulations Pertaining to Coal Management, Federally-owned Coal (43 CFR 3400), or continued for coal leasing consideration only for specified mining methods.
- Areas may be eliminated on multiple-use grounds if other Federal resource values are determined to be superior to the coal resource;
- Areas where the federal government owns coal resources which would be surface mined but the surface is in non-federal ownership may be eliminated after consultation with the surface owners.

Decisions are scheduled for September 30, 1981. Disciplines represented on the planning team include: minerals, surface reclamation, soils, wildlife, range conservation, archeology, paleontology, recreation, realty, botany and interpreters.

The Public Participation Plan gives special emphasis to obtaining comments from Native Americans and other residents who live within or adjacent to the planning unit. Details of the plan may be requested from the address below. Public gatherings are scheduled as follows:

- Open House on Unit Resource Analysis, Farmington—October 14, 1980; Gallup—October 16, 1980; Crownpoint—October 21, 1980; Nageezi—October 23, 1980; Grants—October 24, 1980; Albuquerque—October 27, 1980.
- Public Forum of Experts on land use issues, Farmington—January 15, 1980.
- Charrette on Management Framework Plan-Step 2 (Multiple Use Analysis), Farmington—April 6 and 7, 1981.
- Open House on Management Framework Plan-Step 2 (Multiple Use Analysis), Nageezi—April 29, 1981; Crownpoint—May 1, 1981; Farmington—May 2, 1981; Gallup—May 5, 1981; Grants—May 6, 1981; Albuquerque—May 8, 1981.
- District Advisory Council meeting on Multiple Use Analysis work in progress, Albuquerque—May 15, 1981.
- District Advisory Council recommendations on Management Framework Plan-Step 2 (Multiple Use Analysis) recommendations, Albuquerque—July 15, 1981.
- Presentations of decisions at Navajo Chapter Houses, as requested after September 30, 1981.
- Presentations of decisions to State Government and regional governing bodies, as requested after September 30, 1981.

In the event it is necessary to add, delete or change meeting schedules, such will be published in the federal register as appropriate.

Maps, records, existing plans and other material on the planning area may be reviewed during normal business hours at the BLM Resource Area Office, 900 La Plata Highway, Farmington, New Mexico. For further information, contact: Bob Calkins, Farmington Resource Area Manager, P.O. Box 568, Farmington, NM 87401, or call (505) 325-3581; or Tim Kreager, Farmington Resource Area Planning Coordinator at the same address and telephone; or Jeff Radford, Albuquerque District Information Officer, Bureau of Land Management, P.O. Box 6670, Albuquerque, NM 87107, or call (505) 766-2890.

L. Paul Applegate,

Albuquerque District Manager.

June 5, 1980.

[FR Doc. 80-17731 Filed 6-11-80; 8:45 am]

BILLING CODE 4310-84-M

Oil and Gas Leasing; Filing Period for Over-the-Counter Oil and Gas Lease Applications

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing Period for Over-the-Counter Oil and Gas Lease Applications.

SUMMARY: In accordance with the Secretary of the Interior's order of April 7, 1980, over-the-counter oil and gas lease applications may be accepted for filing beginning with the start of business on Monday, June 16, 1980.

Because of the expected heavy filing of over-the-counter oil and gas lease applications after the suspension of such filings, all over-the-counter oil and gas applications received in the proper Bureau of Land Management State Office from the start of business on Monday, June 16, 1980, until the close of business on Monday, June 23, 1980, shall be considered as simultaneously filed as of close of business on June 23, 1980.

Priority to the extent of conflicts between offers shall be determined by public drawing in accordance with 43 CFR 3110.1-6(a).

Envelopes containing over-the-counter oil and gas lease applications should be prominently marked "OVER-THE-COUNTER OIL AND GAS LEASE APPLICATION." Such envelope shall not be opened until the close of the filing period on June 23, 1980.

DATE: June 12, 1980.

ADDRESS: Any suggestions or comments should be addressed to: Director (530), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles Weller, 202 343-7753.

James W. Curlin,

Acting Assistant Secretary of the Interior.

June 6, 1980.

[FR Doc. 80-17724 Filed 6-11-80; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Salmon District Multiple Use Advisory Council will be held on Thursday, July 29, 1980, at 9:00 a.m., at the State Coach Inn, Conference Room, U.S. Highway 93 north, Salmon, Idaho 83467.

Agenda for the meeting will include:

1. Introduction and biographical sketch of members;
2. Discussion of the function of the Council;
3. Election of officers;
4. Overview of BLM in general, Salmon District in particular, and major programs by Resource Area, to include, but not be limited to, Challis Implementation Stewardship Program, Cyprus and Bayhorse Mining Proposals, Ellis Planning Unit Inventories and Planning Schedule, Major Powerlines, Wilderness Inventory Status Report, Current situation on the Wildhorse litigation, and Donkey Hills Land Exchange;
5. Presentation on Sagebrush Rebellion;
6. Establishment of committees;

7. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12:00 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by July 22, 1980. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: June 3, 1980.

Harry R. Finlayson,

District Manager.

[FR Doc. 80-17732 Filed 6-11-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Texas; Application

Notice is hereby given that under section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (37 Stat. 576), that G & T Pipeline Company has applied for a right-of-way permit to construct and operate an 8-inch crude oil pipeline across 2.7 miles of the Sea Rim National Wildlife Refuge in Jefferson County, Texas.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether this application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days by sending their comments with their name and address to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Jack P. Woolstenhulme,

Acting Regional Director, U.S. Fish and Wildlife Service.

June 2, 1980

[FR Doc. 80-17682 Filed 6-11-80; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare an Environmental Impact Statement (EIS) on the Proposed Land Acquisition of Big Boggy Marsh, Matagorda County, Tex.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an EIS for the proposed land acquisition of Big Boggy Marsh located in Matagorda County, Texas. A public meeting regarding this proposal and preparation of the EIS will also be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (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.

ADDRESS: Written comments should be received on or before July 14, 1980. A public meeting will be held in Bay City, Texas, on August 14, 1980.

DATES: Comments should be addressed to: Regional Director, U.S. Fish and Wildfish Service, Land Acquisition—Ascertainment, P.O. Box 1306, Albuquerque, New Mexico 87103.

The public meeting on August 14, 1980, will be held at 6 p.m. at the Community Center in Bay City, Texas [located on the corner of Seventh Street (Highway 35) and M Avenue].

FOR FURTHER INFORMATION CONTACT: Fortunato R. Barcelona, Wildlife Biologist, U.S. Fish and Wildlife Service, Land Acquisition—Ascertainment, P.O. Box 1306, Albuquerque, New Mexico 87103, Telephone 505-766-2174.

SUPPLEMENTARY INFORMATION: Fortunato R. Barcelona is the primary author of this document. The Fish and Wildlife Service, Department of the Interior, proposes to provide information pertinent to the proposed acquisition of approximately 4,000 acres of marsh in fee simple title in Matagorda County, Texas. An EIS is required under NEPA of 1969. By acquiring this land the U.S. Fish and Wildlife Service would continue to meet its mandate under the Migratory Bird Conservation Act of providing and maintaining adequate and vital migration and wintering habitat for migratory waterfowl.

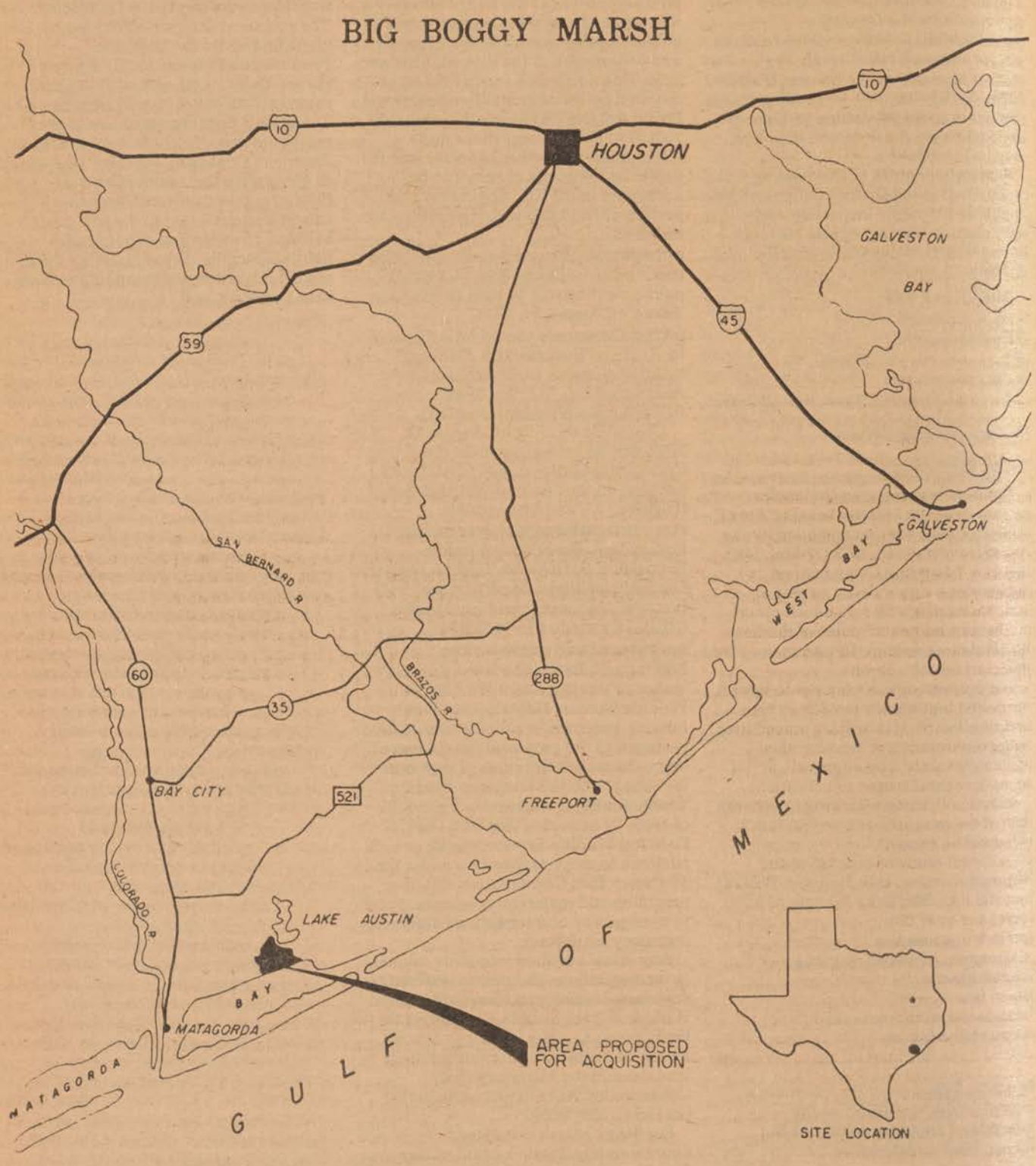
Any lands acquired would be subject to the regulations and policies governing access and land use within the National Wildlife Refuge System. The proposed lands (known as the Big Boggy Marsh) would be acquired under the authority contained in the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715S).

Big Boggy Marsh is located approximately 20 miles south of Bay City, the county seat of Matagorda County (Figure 1). If acquired, this portion of Big Boggy Marsh would become a unit of the National Wildlife Refuge System and be administered as the Big Boggy National Wildlife Refuge.

The marshlands composing Big Boggy Marsh are some of the finest remaining marshlands on the Texas Gulf Coast. The proposed acquisition has been identified under the Wetland Preservation Program for Category 8 (Texas Gulf Coast), with a biological ranking of 16 out of 25 ranked areas. The Texas Gulf Coast remains one of the most vital waterfowl areas on the North American Continent. No other ecological or geographic units in the Central Flyway support seasonal waterfowl concentrations equal to the gulf coast. Millions of waterfowl depend upon habitat along the Texas coast for their annual migration and wintering periods.

BILLING CODE 4310-55-M

FIGURE 1:
LOCATION MAP FOR



BILLING CODE 4310-55-C

The management of wildlife and habitat is an important economic enterprise to Matagorda County. However, while the demand for hunting and other wildlife-oriented recreational opportunities is increasing, the land base (habitat) capable of producing or supporting such activities is decreasing. Agricultural and industrial developers threaten drainage and development of wetlands along the Texas Gulf Coast. Acquisition of Big Boggy Marsh, and administration as a national wildlife refuge, would serve to maintain this important economic base for the country and preserve important wintering and migration habitat necessary for this international waterfowl resource. The marshland acquired would remain as marshland. The entire proposed acquisition would occur wholly within Matagorda County, and, as such, much of the data relates specifically to Matagorda County. Primary land uses on Big Boggy Marsh consist of cattle grazing and hunting. No active oil and gas wells are located on the property at the present time.

Alternatives include: (1) take no action; (2) preferred alternative (acquire all of the proposed property in fee simple title); (3) acquire in easement all of the proposed land; (4) acquisition by the State of Texas; and (5) protection via existing local, State, and Federal regulations.

1. No Action.

Under a no action alternative, the Federal Government (Department of the Interior) would not pursue acquisition of the proposed area. As the owner of the proposed lands have already expressed a desire to sell, it is strickly speculative what environmental impacts would occur. Certainly, some form of development directed towards recreational, industrial, or agricultural use of the land would be appealing to a prospective buyer.

A recent study of coastal areas estimated annual destruction of Texas coastal marshlands at the rate of 1,750 acres per year. Projected over a 100-year period, this loss would amount to the destruction of nearly 50 percent of the remaining coastal marshlands if the trend is not halted. Loss of this marshland would not only affect the Central Flyway waterfowl population, it would have detrimental affect on many of the important commercial and sport fisheries species.

Aside from industrial development, marshland could be lost through agricultural development.

The Interior Department's interest in acquisition is to preserve natural values and protect or enhance present wildlife values. These values could be severely hampered, depending on the intents of future owners. Each parcel of marsh habital lost to development has an impact on wildlife use of the area. Quite often this use is not only eliminated on the developed site but also on a certain peripheral zone around the site so that habitat loss has a cumulative effect on wildlife loss. A land sale with extensive future development plans could extend beyond the proposed area.

2. Preferred Alternative: Acquire All of the Proposed Big Boggy Marsh in Fee Simple Title.

Acquisition in fee of this portion of Big Boggy Marsh would preserve a very important segment of the rapidly dwindling migratory waterfowl habitat on the Texas Gulf Coast. As one of the most important remaining blocks of coastal marsh, Big Boggy Marsh is vital in providing wintering habitat for wintering and migrating waterfowl. Acquisition of this area in fee has one distinct advantage over other reasonable alternatives.

The present owners of Big Boggy Marsh desire to sell their properties in fee only. From a practical standpoint, this would eliminate all other alternatives until the ownership or present owners' viewpoints change.

Acquisition of the proposed land would not include the acquisition of mineral rights. Oil and gas exploration would continue on the proposed properties with necessary constraints on the drilling of wells, placement of well and pipelines, etc., intended to minimize the impacts to the wildlife resources. Hunting, fishing, and other wildlife-oriented recreational pursuits would be allowed provided they do not conflict with primary management objectives of the refuge. If the proposed lands are acquired, Matagorda County would be compensated for taxes lost via the Refuge Revenue Sharing Act.

3. Acquire in Easement the Entire Big Boggy Marsh.

Under this alternative the U.S. Fish and Wildlife Service would obtain a perpetual easement which would prevent development of the proposed lands. The landowners would continue to manage the lands as they wish with nondevelopment being essentially the only restriction imposed by the easement.

Virtually no charge would be made to the environment in the shortrun; however, in the longrun, major development would be precluded from occurring on the area. The county would not be compensated for the easement as the land would still remain in private ownership and on the tax rolls.

This proposal has several advantages. A relatively small amount of money would be required to acquire the perpetual easement. Little additional operation and maintenance funds would be required in implementing this proposal. Acquisition of the easement would preserve the marshes.

The present owners are unwilling to enter into an easement; therefore, for all practical purposes, the easement option is not considered a viable option.

4. Acquisition by the State of Texas.

Although acquisition of Big Boggy Marsh by the State of Texas is an alternative, doubt regarding its viability is condsiderable. Currently, the Texas Parks and Wildlife Department and the Texas General Land Office have no major acquisition plans for marsh areas along the Texas Gulf Coast other than acquisition of small inholdings.

5. Protection Via Existing Local, State, and Federal Regulations.

Under this proposal, the scenario would be that existing legislation, regulations, etc., are adequate to protect the marshlands and maintain the status quo on Big Boggy Marsh. The impacts resulting from this proposal would be very similar to those discussed under Alternative A, No action. It would be assumed that under this proposal such things as Section 404 of the Federal Water Pollution Control Act of 1972, local land use zoning, the National Natural Landmarks Program, etc., would provide adequate protection.

Section 404 of the Federal Water Pollution Control Act of 1972 is probably the most useful legislative tool currently in effect to minimize coastal wetland habitat destruction. However, it is not a substitute for a fee and easement-type program where the emphasis is on *preservation.*

The thrust of Section 404 is to *control the manner of development, not to prevent development in the wetlands,* with a net result that wetland destruction continues but in a controlled and uniform manner. Additionally, Section 404 does not provide for the management or enhancement of wetland habitat.

The State has prepared a Coastal Management Plan under the Coastal Zone Management Act of 1972 (Public Law 92–583), but it has not been formally approved yet. If the plan is approved and the recommendations adopted, more coordination and possibly greater effectiveness by the numerous State agencies involved in the management of the coastal area may be possible. Currently, 18 State agencies have regulatory responsibility in the area of concern. Their activities are coordinated by the Interagency Council on Natural Resources and Environment, but as stated in State publications, its

effectiveness is debatable. The proposed boundary for the State Coastal Management Plan includes coastal waters, all islands in State coastal waters, and those shorelands that are so closely connected with the coastal waters that human or natural effects on one area will cause effects on the other.

In summary, although these acts and regulations slow down the rate of habitat loss, habitat loss is nevertheless occurring. If this option were selected, the ultimate end would be the same as that outlined in Alternative 1, No Action.

The environmental review of this project will be conducted in accordance with the requirements of the NEPA of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), other appropriate Federal regulations, and Fish and Wildlife Service procedures for compliance with those regulations.

It is estimated that the draft EIS will be made available to the public by November 1980.

Dated: June 6, 1980.

Jerry L. Stegman,

Acting Regional Director.

[FR Doc. 80-17730 Filed 6-11-80; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

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.

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 July 14, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before July 14, 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 irregular routes, except as otherwise noted.

Volume No. 1T8

Decided: May 16, 1980.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Jensen. Member Jensen not participating.

MC 531 (Sub-442F), filed February 28, 1980. Appliant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of ICI Americas, Inc., at Memphis, TN, to points in AR, LA, MS, and TX. (Hearing site: Memphis, TN, or Houston, TX.)

MC 2860 (Sub-202F), filed February 29, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Peter J. Nickles, 888 Sixteenth St., N.W., Washington, DC 20006. Transporting (1) *containers, closures, glassware and packaging products,* (2) *scrap material,* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Chattanooga Glass Company, and points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 2900 (Sub-418F), filed March 6, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Ludlow Corporation at Homer, LA, as an off-route point in connection with carrier's otherwise authorized regular-

route operations. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Applicant intends to tack the sought rights to its existing regular-route operations.

MC 2900 (Sub-419F), filed March 6, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the River Bend Power Station, at or near St. Francisville, LA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Houston, TX, or Boston, MA.)

Note.—Applicant intends to tack the sought rights to its existing regular-route operations.

MC 11220 (Sub-204F), filed February 29, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Columbiana, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Birmingham, AL.)

MC 35320 (Sub-430F), filed December 14, 1979, and previously noticed in **Federal Register** issue of April 3, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lafayette and Scott, LA, as off-route points in connection with applicant's otherwise authorized regular-route operations, restricted to traffic originating at or desined to the facilites of Johnson Division-UOP, Inc. (Hearing site: St. Paul, MN, or Chicago, IL.)

Note.—This republication clarifies territorial description.

MC 35320 (Sub-437F), filed December 14, 1979, and previously noticed in **Federal Register** issue of April 3, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Texarkana, TX, as an off-route point in connection with applicant's otherwise authorized regular-route operations, restricted to traffic originating at or destined to the facilites of Container Service, Inc. (Hearing site: Boston, MA, or Washington, DC.)

Note.—This republication clarifies territorial description.

MC 35320 (Sub-439F), filed December 14, 1979, and previously noticed in FR issue of April 3, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Houston, TX, New Orleans, LA, and Jackson, MS, as off-route points in connection with applicant's otherwise authorized regular-route operations, restricted to traffic originating at or destined to the facilities of General Mailing Services and Sales, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—This republication clarifies territorial description.

MC 47171 (Sub-163F), filed March 6, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charlotte, NC, and Atlanta, GA. (Hearing site: Atlanta, GA, or Charlotte, NC.)

MC 56640 (Sub-48F), filed February 28, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Rd., Oakland, CA 94621. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting *paper and paper products* (except newsprint), from Hoquiam and Aberdeen, WA, to points in AZ and CA. (Hearing site: Seattle, WA, or San Francisco, CA.)

MC 97261 (Sub-4F), filed February 29, 1980. Applicant: ANGELO E. SCAPECCHI, d.b.a. LANE TRANSFER CO., P.O. Box 213, Farmington, IL 61531. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. 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 Galesburg, Peoria, and Rock Island, IL, on the one hand, and, on the other, points in Mercer, Henry, Warren, McDonough, Fulton, and Knox Counties, IL. (Hearing site: Peoria or Galesburgh, IL.)

MC 105501 (Sub-45F), filed March 3, 1980. Applicant: LARSON TRANSFER & STORAGE CO., INC., 10700 Lyndale Ave. South, Minneapolis, MN 55420. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55420. Transporting *iron and steel containers,* from Lakeville, MN, to points in IA, IL, and WI. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 106001 (Sub-16F), filed March 4, 1980. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwich Drive, Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting (1) *wire and wire products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of wire and wire products (except commodities in bulk), and commodities which, because of size and weight, require the use of special equipment, between those points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, restricted to traffic originating at or destined to the facilities of National Wire Products Corporation. (Hearing site: Philadelphia, PA.)

MC 106401 (Sub-83F), filed March 24, 1980. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 31577, Charlotte, NC 28231. Representative: Roger W. Rash (same address as applicant). Transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities used by The Nestle Company, Inc., at or near Charlotte, NC, to points in VA, and those points in TN, on and east of Interstate Hwy. 75. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108631 (Sub-15F), filed March 4, 1980. Applicant: BOB YOUNG TRUCKING, INC, Schoenersville Rd. at Industrial Dr., Bethlehem, PA 18017. Representative: Barry D. Kleban, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *steam condenser parts, heat exchangers, and parts for heat*

exchangers, from the facilities of Ecolaire Condenser, Inc., at or near (a) Easton, PA, and (b) Elizabeth, NJ, to those points in the U.S. in and east of WI, IL, KY, TN, and MS. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 111231 (Sub-300F), filed March 4, 1980. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, PO Box A, Prairie Grove, AR 72753. Transporting *iron and steel articles,* between points in Shelby County, TN, on the one hand, and, on the other, points in IN, IL, KS, MI, MO, and OH. (Hearing site: Memphis, TN, or West Memphis, AR.)

MC 112520 (Sub-390F), filed February 15, 1980. Applicant: McKENZIE TANK LINES, INC., P.O Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, from points in Bay and Duvall Counties, FL, to Savannah, Travis Field, Hunter Army Airfield, Ft. Stewart, and Moody AFB, GA. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 113981 (Sub-14F), filed December 10, 1979, and previously noticed in FR issue of April 3, 1980. Applicant: VEGAS TRUCKING CO., a corporation, 2853 Cedar St., Las Vegas, NV 89104. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. Over *regular routes,* transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and those requiring special equipment), between Los Angeles, CA and Las Vegas, NV, from Los Angeles, over Interstate Hwy 10 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Baker, CA, then over CA Hwy 127 to Shoshone, CA, then over CA Hwy 178 to the CA-NV State line, then over NV Hwy 52 to Pahrump, NV, then over NV Hwy 16 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Las Vegas, and return over the same route, serving all intermediate points in NV, and serving all off-route points in (a) Los Angeles, San Bernardino, Riverside, and Orange Counties, CA, and (b) that portion of Nye County, NV, bounded by a line beginning at the CA-NV State line, and extending along NV Hwy 58 to junction U.S. Hwy 95, then over U.S. Hwy 95 to the Nye County and Clark County, NV, line, then along the Nye and Clark County line to the NV-CA state line, and then along the NV-CA State line to the point of beginning. (Hearing site: Las Vegas, NV.)

Note.—This republication clarifies the territorial description and shows Las Vegas, NV as the correct hearing site.

MC 114301 (Sub-109F), filed March 6, 1980. Applicant: DELAWARE EXPRESS CO., a corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *ammonium sulfate fertilizer,* in bulk, in dump vehicles, from Wilmington, DE, to points in MD, DE, NJ, NY, and PA. (Hearing site: Washington, DC.)

MC 115311 (Sub-390F), filed March 5, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *plastic articles* (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture, distribution, and installation of the commodities named in (1) above (except commodities in bulk), between the facilities of U.C. Industries, at or near Rockford, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Atlanta, GA)

MC 115491 (Sub-142F), filed February 25, 1980. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *malt beverages and non-alcoholic beverages,* between points in FL, restricted to traffic having a subsequent movement by water. (Hearing site: Tampa, or Orlando, FL.)

MC 115601 (Sub-28F), filed February 28, 1980. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th St., Wilmington, DE 19802. Representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. *Contract Carrier,* transporting *precious metals,* between points in the U.S. (except AK and HI), under continuing contract(s) with Philipp Brothers of New York, NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 115841 (Sub-758F), filed February 21, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 22168, Knoxville, TN 37922. Representative: D. R. Beeler (same address as applicant). Transporting *meats, meat products and meat by products, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from Tupelo, MS, to points in AL, FL, GA, IL, IA, KS, KY, LA, MI, NC, OK, SC, TN, TX, WV, and WI. (Hearing site: Memphis, TN, or Birmingham, AL.)

MC 118831 (Sub-184F), (republication filed September 5, 1979, previously noticed in the FR issue of March 5, 1980. Applicant: CENTRAL TRANSPORT, INCORPORATION, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III (same address as applicant). Transporting *chemicals,* in bulk, in tank or hopper type vehicles, from points in NJ, PA, WV, VA, NC, TN, KY, OH, MI, IN, IL, IA, MO, AL, MS, LA, FL, TX, and GA, to points in Greenville and Spartanburg Counties, SC. (Hearing site: Greenville or Spartanburg, SC.)

Note.—The purpose of this republication is to reflect the applicant's correct name and to specify the destination points.

MC 119710 (Sub-29F), filed March 5, 1980. Applicant: SHUPE BROS. CO., a corporation, P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. *Contract carrier,* Transporting *feed and feed ingredients,* between Duncan, NE, on the one hand, and, on the other, points in IL, WI, MO, and MN, under continuing contract(s) with Farr Better Feed, Division of W. R. Grace & Co. of Lucerne, CO. (Hearing site: Denver, CO.)

MC 121470 (Sub-56F), filed March 6, 1980. Applicant: TANKSLEY TRANSFER CO., a corporation, 801 Cowan St., Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) *air conditioning equipment and furnaces,* (2) *parts and accessories* for air conditioning equipment and furnaces, and (3) *materials, equipment, and supplies* used in the distribution and installation of the commodities in (1) and (2) above, from the facilities of carrier Corp., in Warren, Davidson, and Rutherford Counties, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, VA, and WV, restricted to traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Nashville, TN.)

MC 124170 (Sub-149F), filed March 3, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages, from the facilities of Heublein, Inc., at or near Hartford, CT, to points in AZ, CA, CO, ID, IL, IN, KY, MI, NV, TN, and WI, restricted to traffic originating at the

named origin facilities. (Hearing site: New York, NY, or Washington, DC.)

MC 127840 (Sub-154F), filed December 20, 1979, and previously notice in FR issue of April 3, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from the facilities of Amoco Chemicals Corporation, at Texas City, TX, to points in IA, IL, IN, MN, OH, PA, and WI. (Hearing site: Chicago, IL, or Houston, TX.)

Note.—This republication reflects appropriate commodity description.

MC 127840 (Sub-159F), filed March 4, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *such commodities* as are dealt in or used by meat-packing houses, in bulk, in tank vehicles, from Montgomery and Shreveport, LA, to those points in the U.S. in and east of MT, WY, CO, and NM. (Hearing site: Chicago, IL, or Shreveport, LA.)

MC 128720 (Sub-7F), filed March 5, 1980. Applicant: MERCHANTS FREIGHT LINES, a corporation, P.O. Box 7280, NASHVILLE, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Big Dollar Warehouse, at or near Cookeville, TN, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Cookeville, TN.)

MC 135070 (Sub-77F), filed June 13, 1979, and previously noticed in FR issue of January 15, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in sections A, C, and D 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 Lauridsen Foods, Inc., at or near Britt, IA, and the facilities of Armour & Company, at or near Mason City, IA, on the one hand, and, on the other, points in AZ, AR, CA, CO, CT, DE, ID, KS, LA, MA, MD, ME, NE, NH, NJ, NM, NV, NY, OK, OR, PA, RI, TX, UT, VA, VT, WA, WV, and DC, restricted to traffic originating at or destined to the indicated points. (Hearing site: Phoenix, AZ, or Amarillo, TX.)

Notes.—This republication shows VA as an origin or destination State. Dual operations may be involved.

MC 135170 (Sub-47F), filed February 29, 1980. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Contract carrier,* transporting (1) *containers, paper, paper articles, and plastic articles,* from Hartsville, SC, to points in VA, and (2) *scrap paper,* in the reverse direction, under continuing contract(s) in (1) and (2) with Sonoco Products Company of Hartsville, SC. (Hearing site: Washington, DC.)

MC 135410 (Sub-100F), filed February 26, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *refractories,* from Mexico, MO, to East Moline, Rock Island, and Galva, IL, and Bettendorf and Davenport, IA. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 141781 (Sub-22F), filed October 15, 1979. Applicant: LARSON TRANSFER & STORAGE CO., INC., P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. 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 IA, IL, IN, KS, MI, MN, MO, ND, NE, SD, and WI. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 142811 (Sub-8F), filed March 4, 1980. Applicant: S.R.I. TRUCKING CO., a corporation, 1000 N. Cindy Ln., P.O. Box 925, Carpinteria, CA 93013. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier,* transporting *juices* (except in bulk), from Cashmere and Sealah, WA, to points in CA, under continuing contract(s) with Tree Top, Inc., of Sealah, WA. (Hearing site: Los Angeles, CA, or Seattle, WA.)

MC 142920 (Sub-13F), filed February 26, 1980. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver St., Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier,* transporting *such commodities* as are dealt in or used by manufacturers or distributors of sound, communications, educational, or entertainment materials (except commodities in bulk), between points in IN, on the one hand, and, on the other, points in CA, CT, DE, IL, MD, NJ, NY, PA, VA, and DC, under continuing contract(s) with PRC Recording Co., of Richmond, IN. (Hearing site: Indianapolis, IN.)

MC 145391 (Sub-3F), filed December 13, 1979. Applicant: CUOMO & SON CARTAGE COMPANY, a corporation, 429 Talcott, Lemont, IL 60439. Representative: Philip A. Lee, 120 W. Madison, Suite 618, Chicago, IL 60602. *Contract carrier,* transporting *canned goods,* from Chicago, IL, to points in WI, under continuing contract(s) with Campbell Soup Company of Chicago, IL. (Hearing site: Chicago, IL.)

MC 145820 (Sub-1F), filed August 31, 1979, and previously noticed in FR issue of March 5, 1980. Applicant: NORTH CENTRAL DISTRIBUTING CO., a corporation, P.O. Box 5453, University Station, Fargo, ND 58102. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. Transporting (1) *lumber, wood products, and building materials* (except commodities in bulk), from points in WA, OR, CA, ID, MT, CO, SD, MN, IL, IA, MO, NE, WI, WY, KS, MS, AR, and OK, to points in ND, SD, IA, MN, WI, IL, NE, MT, WY, ID, WA, OR, and CA, and (2) *animal and poultry feed and feed ingredients,* from points in MN, ND, SD, IA, and NE, to points in WA, OR, CA, ID, MT, WY, ND, and SD, under continuing contract(s) in (1) and (2) with North Central Distributing Co., of Fargo, ND. Conditions: (1) Applicant shall maintain separate accounts and records for its for-hire carrier operations as distinct from its other business activities, and (2) it shall not at the same time and in the same vehicle transport property both as a private carrier and as a for-hire carrier. (Hearing site: Fargo, ND, or Minneapolis, MN.)

Note.—Dual operations may be involved. This republication includes two conditions. No action will be taken at this time on petitions filed pursuant to the March 5 FR publication.

MC 145870 (Sub-20F), filed February 27, 1980. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., Washington, DC 20001. Transporting *transformers,* between the facilities of Gould-Brown Boveri, at or near Bland, VA, on the one hand, and,

on the other, points in the U.S. (except AK and HI). (Hearing site: Washington, DC, or Roanoke, VA.)

MC 145950 (Sub-75F), filed February 29, 1980. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting (1) *petroleum products and synthetic lubricating oils* (except commodities in bulk), and (2) *such commodities* as are dealt in or used by retail fuel stations and automobile service centers, between the facilities of Exxon Company, U.S.A., at or near (a) Bayonne and Bayway, NJ, (b) Baton Rouge, LA, (c) Baytown, TX, and (d) Pittsburgh, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Houston, TX.)

Note.—Dual operations may be involved.

MC 146060 (Sub-4F), filed February 25, 1980. Applicant: S and S TRUCKING COMPANY, a corporation, 120 South Oakland Ave., Statesville, NC 28677. Representative: James M. Sample, Jr. (same address as applicant). *Contract carrier,* transporting *materials and supplies* used in the manufacture of art supplies and office equipment, from points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC, to the facilities of Hunt Manufacturing Company at Statesville, NC, under continuing contract(s) with Hunt Manufacturing Company, of Statesville, NC. (Hearing site: Charlotte, NC, or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146281 (Sub-5F), filed March 3, 1980. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6089, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *foodstuffs* (except commodities in bulk and frozen foods), from Newport, and Tellico Plains, TN, to points in MS, LA, and AL. Hearing site: Indianapolis, IN.)

MC 146700 (Sub-5F), filed March 4, 1980. Applicant: TRAVELERS TRANS. CO., INC., Room 8, Commonwealth Pier 5, Boston, MA 02110. Representative: J. Albert Johnson, 8 Whittier Pl., Boston, MA 02114. *Contract carrier,* transporting *meats, meat products, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except commodities in bulk), from Worthington, MN, Huron, SD, and Madison, NE, to points in CT, MA, ME, NJ, NY, NH, RI, and VT, under continuing contract(s) with Armour Food Company, of Phoenix, AZ. (Hearing site: Boston, MA.)

MC 146780 (Sub-4F), filed February 20, 1980. Applicant: MABE BROTHERS ENTERPRISES, INC., 5591 Williams Road, Norcross, GA 30093. Representative: Thomas M. Mabe, 744 Buckskin Circle, Norcross, GA 30093. *Contract carrier,* transporting *pulpboard, pulpboard fibre, and trays,* between points in DeKalb and Gwinnett Counties, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with Rock Tenn Company, of Stone Mountain, GA. (Hearing site: Atlanta, GA.)

MC 146890 (sub-22F), filed February 27, 1980. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *doors,* from the facilities of Nicolai Company, at or near Portland and Springfield, OR, to points in the U.S. (except AK, HI and OR). (Hearing site: Portland, OR.)

Note.—Dual operations may be involved.

MC 148200 (Sub-3F), filed February 26, 1980. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Rd., Indianapolis, IN 46222. Representative: Mark E. Bell, 220 Merchants Bank Bldg., 11 South Meridian St., Indianapolis, IN 46204. *Contract carrier,* transporting (1) *plastic containers* and (2) *materials, equipment and supplies* used in the manufacture of plastic containers, between Franklin, IN, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IA, IL, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, and DC, under continuing contract(s) with Hoover Universal, Inc., of Franklin, IN. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 148231 (Sub-2F), filed November 8, 1979. Applicant: SIKORA & WILSON, INC., d.b.a. EAST-WEST EXPRESS, 7900 N. Frontage Rd., Hinsdale, IL 60521. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Corte Rd. West, Suite 406, Bradenton, FL 33507. Transporting *such commodities* as are dealt in by manufacturers or distributors of confectionaries, in vehicles equipped with mechanical refrigeration (except commodities in bulk), between the facilities of E. J. Brach and Son at or near (a) Chicago, and Sullivan, IL, and (b) North Reno, NV, on the one hand, and, on the other, points in AZ, CA, ID, NM, NV, OR, UT, and WA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 148321 (Sub-2F), filed March 5, 1980. Applicant: ROBERT BERINGER, d.b.a., GEORGE BERINGER & SONS, 2200 Douglas Ave. #14, Yankton, SD 57078. Representative: Robert Beringer (same address as applicant). *Contract carrier,* transporting *aluminum extrusion products, scrap aluminum, and aluminum ingots,* between Yanton, SD, on the one hand, and, on the other, Denver and Colorado Springs, CO, Savannah, GA, Idaho Falls, ID, Charleston and St. Charles, IL, Brussels, IN, Newton, KS, Oklahoma City, OK, Dallas, Houston, and Longview, TX, and Casper, WY. (Hearing site: Sioux Falls, or Pierre, SD.)

MC 148490 (Sub-4F), filed March 6, 1980. Applicant: C & N EVANS TRUCKING COMPANY, INC., Route 2, Box 39–E, Stoneville, NC 27048. Representative: Clarence B. Evans (same address as applicant). Transporting *containers and packing materials,* between points in NC, GA, and NY. (Hearing site: Raleigh or Charlotte, NC.)

MC 148570 (Sub-4F), filed March 3, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 North Main St., Bradner, OH 43406. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Suite 406, Bradenton, FL 33507. Transporting (1) *plastic articles,* (2) *parts and accessories for plastic articles,* 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 Capitol Plastics of Ohio, Inc., at or near Bowling Green, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Toledo, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 148570 (Sub-5F), filed March 4, 1980. Applicant: N.A.T. TRANSPORTATION, INC., 229 North Main St., Bradner, OH 43406. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. Transporting (1) *industrial filtration equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of industrial filtration equipment, between Bowling Green, OH, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM. (Hearing site: Toledo, OH or Washington, DC.)

Note.—Dual operations may be involved.

MC 148710 (Sub-4F), filed February 12, 1980. Applicant: SEABOARD EXPRESS, INC., 5724 New Peachtree Rd., Atlanta, GA 30341. Representative: E. Stephen

Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Contract carrier,* transporting (1) *cleaning and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfectants, paint, plastic bags, and filters,* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between the facilities of Economics Laboratory, Inc., at or near (a) San Jose and City of Industry, CA, (b) Detroit, MI, (c) Joliet, IL, (d) Beloit, WI, (e) St. Paul, MN, (f) Garland, TX, (g) Hanover, PA, and (h) Woodbridge, Palisades Park, and South Plainfield, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Economics Laboratory, Inc., of St. Paul, MN. (Hearing site: St. Paul, MN.)

MC 149011 (Sub-2F), filed February 25, 1980. Applicant: RDR, INC., 3600 N.W. 82nd Ave., Miami, FL 33152. Representative: Dale A. Tibbets (same address as applicant). *Contract carrier,* transporting (1) *such commodities* as are delt in by grocery houses and drug stores, from the facilities of Peyton's—Southeastern, Inc., at or near Cleveland, TN, to points in AL, AR, GA, IN, KY, MS, MO, NC, OH, SC, TX, VA, and WV, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) in (1) and (2) with Peyton's—Southeastern, Inc., of Louisville, KY. (Hearing site: Miami, FL.)

MC 150120 (Sub-1F), filed February 28, 1980. Applicant: HANEY TRUCKING, INC., 617 N. Timberland, Suite 202, P.O. Box 231, Lufkin, TX 75901. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Contract carrier,* transporting *meats and meat products* (except hides) from the facilities of Vernon Calhoun Packing Company and Boneless Beef Packing Company in Anderson County, TX, to points in the U.S. (except AK and HI), under continuing contract(s) with Vernon Calhoun Packing Company and Boneless Beef Packing Company, both of Palestine, TX. (Hearing site: Dallas or Houston, TX.)

MC 150491F, filed February 15, 1980. Applicant: AROOSTOOK BEVERAGE COMPANY, a corporation, 79 Industrial St., Presque Isle, ME 04769. Representative: John G. Feehan, 178 Middle St., Portland, ME 04112. In foreign commerce only, transporting *malt liquor and beer,* in containers, in vehicles equipped with mechanical refrigeration, from the port of entry on the international boundary line between the U.S. and Canada, at or near Highgate Springs, VT, to Portland, ME, restricted to traffic destined to the facilities of Nappi Distributors. (Hearing site: Portland, ME.)

Passenger

MC 150181F, filed February 27, 1980. Applicant: RUDY'S LIMOUSINE SERVICE, INC., 15 Neil Lane, Riverside, CT 06878. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than six passengers in any one vehicle, not including the driver, between points in NY, Fairfield County, CT, and Passaic, Bergen, Essex, Middlesex, Somerset, Union, Morris, and Hudson Counties, NJ. (Hearing site: Stamford, CT.)

Volume No. 182

Decided: May 21, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 531 (Sub-438F), filed January 14, 1980, and previously noticed in FR issue of April 3, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *alcohol,* in bulk, in tank vehicles, from Muscatine, IA, to points in the U.S. (except AK and HI). (Hearing site: St. Louis, MO.)

Note.—This republication clarifies territorial description.

MC 531 (Sub-443F), filed March 7, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid chemicals,* in bulk, in tank vehicles, from Atlanta, GA, Baltimore, MD, Chicago, IL, Newark and Carteret, NJ, Greensboro and High Point, NC, St. Louis, MO, Philadelphia and Pittsburgh, PA, Detroit, MI, Kingsport, TN, and Indianapolis, IN, to Houston, TX, restricted to traffic having a subsequent movement by water. (Hearing site: Houston, TX.)

MC 6741 (Sub-10F), filed February 25, 1980. Applicant: WILLEY'S EXPRESS, INC., 118 Hall St., P.O. Box 2009, Concord, NH 03301. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. 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 Lowell, MA, and Providence, RI, (a) from Lowell, MA, over Interstate Hwy 495 to junction Interstate Hwy 290, then over Interstate Hwy 290 to Worcester, MA, then over MA Hwy 146 to Providence, RI, and return over the same route, (b) from Lowell, MA, over U.S. Hwy 3 to junction MA Hwy 128, then over MA Hwy 128 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Providence, RI, and return over the same route, (2) between Boston, MA, and Providence, RI, from Boston, MA, over MA Hwy 3 to junction MA Hwy 128, then over MA Hwy 128 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Providence, RI, and return over the same route, (3) between Boston and Worcester, MA, from Boston over Intrerstate Hwy 90 to junction Interstate Hwy 290, then over Interstate Hwy 290 to Worcester and return over the same route, (4) between Worcester and New Bedford, MA, from Worcester, MA, over Hwy 122A to MA Hwy 146, then over MA Hwy 146 to RI Hwy 146, then over RI Hwy 146 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 195, then over Interstate Hwy 195 to New Bedford, and return over the same route, (5) between New Bedford and Boston, MA, from New Bedford over Interstate Hwy 195 to junction MA Hwy 24, then over MA Hwy 24 to junction MA Hwy 128, then over MA Hwy 128 to MA Hwy 3, then over MA Hwy 3 to Boston, and return over the same route, (6) between Worcester and North Adams, MA, (a) from Worcester over Interstate Hwy 90 to junction U.S. Hwy 7, then over U.S. Hwy 7 to junction MA Hwy 8, then over MA Hwy 8 to North Adams, and return over the same route, (b) from Worcester over MA Hwy 9 to junction MA Hwy 8, then over MA Hwy 8 to North Adams, and return over the same route, (c) from Worcester, MA, over MA Hwy 12 to junction MA Hwy 2, then over MA Hwy 2 to North Adams, and return over the same route, and (d) from Worcester, MA over Interstate Hwy 90 to junction Interstate Hwy 91, then over Interstate Hwy 91 to junction MA Hwy 2, then over MA Hwy 2 to north Adams, and return over the same route, serving all intermediate points in (1) through (6) above and all points in MA and RI as off-route points. (Hearing site: Boston, MA, or Concord, NH.)

MC 8771 (Sub-68F), filed March 6, 1980. Applicant: S M TRANSPORT, INC., Hemlock Bldg., 5000 Linker St., Mechanicsburg, PA 17055. Representative: John R. Sims, Jr., 425 13th St., N.W. Suite 915, Washington, DC

20004. Transporting *road making machinery, machinery parts, contractor's equipment, commodities which because of size and weight require the use of special equipment and self-propelled vehicles,* each weighing 15,000 pounds or more, from Mattoon, IL, to points in the U.S. (except AK and HI). (Hearing site: Chicago, IL.)

MC 19201 (Sub-136F), filed June 22, 1979. Applicant: PENNSYLVANIA TRUCK LINES, INC., 84 Great Valley Parkway, Malvern, PA 19355. Representative: Williamn A. Chesnutt, 1776 "F" St., N.W., Washington, DC 20006. 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 Alexandria, VA, on the one hand, and, on the other, Baltimore, MD, points in CT, MA, NJ, RI, those in NY, on, south and east of a line beginning at the PA–NY State line and extending along U.S. Hwy 15 to Painted Post, then along NY Hwy 17 to Horseheads, then along NY Hwy 14 to junction NY Hwy 104, then along NY Hwy 104 to junction NY Hwy 104B, then along NY Hwy 104B to junction NY Hwy, 13, then along NY Hwy 13 to Pulaski, then along NY Hwy 13 to Camden, then along NY Hwy 69 to junction 365, at or near Rome, then along NY Hwy 365 to Trenton, then along NY Hwy 8 to junction NY Hwy 22 at or near Ticonderoga, then along NY Hwy 22 to the VT State line, and those points in PA on and east of a line beginning at the MD–PA State line and extending along U.S. Hwy 11 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA–NY State line, restricted to traffic having an immediately prior or subsequent movement by rail. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 35320 (Sub-476F), filed January 2, 1980, and previously noticed in FR issue of April 3, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Magic Chef, Inc., at or near Anniston, AL, and Cleveland, TN, as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: Chattanooga, TN, or Washington, DC.)

Note.—This republication clarifies the territorial description. Applicant intends to tack this authority with its existing regular route authority.

MC 47171 (Sub-164F), filed March 7, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, Sc 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *paper, and paper products, and plastic articles,* between points in Henderson County, NC, on the one hand, and, on the other, points in GA. (Hearing site: Atlanta, GA.)

MC 95920 (Sub-64F), filed March 6, 1980. Applicant: SANTRY TRUCKING CO., a corporation, 10505 N. E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier,* transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in OR and points in CA, under continuing contract(s) with Western State Shippers Association, of Portland, OR. (Hearing site: Portland, OR.)

MC 103490 (Sub-81F), filed March 7, 1980. Applicant: PROVAN TRANSPORT CORP., 210 Mill St., Newburgh, NY 12550. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting (1) *lubricants, hydraulic fluids, alcohol, and cutting aids,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, (a) from Brookfield, CT, to points in DE, ME, MD, MA, MI, NH, NJ, NY, PA, RI, and VT, (b) from points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, to Brookfield, CT, and (3) from points in LA and MI to points in PA and RI, restricted in (1) and (2) above to traffic originating at or destined to the facilities of Intercontinental Lubricants Corp., at or near Brookfield, CT. (Hearing site: New York, NY.)

MC 113751 (Sub-36F), filed March 10, 1980. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago, IL, to points in IA, IN, KY, MI, MO, MN, and WI, restricted to traffic originating at the facilities of U.S. Cold Storage Division, American Consumer Industries. (Hearing site: Madison, WI, or Chicago, IL.)

MC 119531 (Sub-170F), filed May 9, 1979, and previously noticed in FR issue of October 16, 1979. Applicant: SUN EXPRESS, INC., P.O. Box 808, Warren, OH 44482. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in by manufacturers of plastic products (except commodities in bulk), between points in IL, MO, WI, OH, NJ, NY, MD, and PA, restricted to traffic originating at or destined to the facilities of Sajar Plastics. (Hearing site: Columbus, OH.)

Note.—This republication shows OH as an origin or destination State.

MC 124821 (Sub-87F), filed March 10, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *glassware,* and *glass containers and closures,* from Chicago Heights, IL, Constantine, Three Rivers, and Kalamazoo, MI, and Toledo, OH, to points in NY, NJ, and PA. (Hearing site: Harrisburg, PA.)

MC 126930 (Sub-37F), filed March 10, 1980. Applicant: BRAZOS TRANSPORT CO., A Corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *fiberboard* and *pulpboard* (except corrugated), from the facilities of Angleboard, Inc., at Dallas, TX, to points in AR, LA, OK, KS, MO, IA, NE, TN, MS, AL, and MN. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Dallas, or Lubbock, TX.)

MC 127811 (Sub-23F), filed March 10, 1980. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave., S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *pre-cast and pre-stressed concrete building products,* from Sioux Falls, SD, to points in IL, IN, MN, and WI. (Hearing site: St. Paul, MN.)

MC 128400 (Sub-2F), filed March 7, 1980. Applicant: ZINKE DRAY LINE, INC., 109 East Albert St., Portage, WI 53901. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. 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 Portage and Columbus, WI, over WI Hwy 16, (2) between Columbus and Beaver Dam, WI, over U.S. Hwy 151, (3) between Beaver Dam and Portage, WI, over WI Hwy 33, (4) between Wyocena, WI, and junction WI Hwys 22 and 33, over WI Hwy 22, (5) between Pardeeville and Markesan, WI, over WI Hwy 44, (6) between Columbus, WI and junction WI Hwys 73 and 44, over WI Hwy 73, (7) between Cambria, WI and junction WI Hwys 33 and 146, over WI Hwy 146, and (8) between Randolph, and Pardeeville, WI, over Columbia County Hwy P, serving all intermediate points in (1) through (8) above. (Hearing site: Madison, WI, or Chicago, IL.)

Note.—Applicant intends to interline.

MC 134501 (Sub-79F), filed March 6, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *new furniture*, from points in KS to points in AR (except those on, south, and west of a line beginning at the AR–MO State line and extending along U.S. Hwy 65 to junction Interstate Hwy 40, then along Interstate Hwy 40 to the AR–TN State line), IN, MD, MI, MN, NY, ND, SD, WV, WI, DC, and Hamblen County, TN, and (2) *fixtures, displays, and display exhibits*, from points in KS to points in the United States (except AK and HI). (Hearing site: Wichita, KS, or Dallas, TX.)

MC 134730 (Sub-24F), filed September 4, 1979. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant). *Contract carrier, transporting (1) forest products, lumber, millwork, building supplies and hardware*, and (2) *materials, equipment, supplies, and parts* used in the manufacture, and repair of the commodities in (1) above, between points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Wilderness Log Homes, Inc., of Plymouth, WI. (Hearing site: Milwaukee, or Madison, WI.)

MC 135241 (Sub-3F), filed March 10, 1980. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 S.W. Edy Rd., Sherwood, OR 97140. Representative: John A. Anderson, Suite 1440, 200 S.W. Market St., Portland, OR 97201. *Contract carrier*, transporting (1) *paper and paper articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Publishers Paper Co. at or near Oregon City and Newberg, OR, on the one hand, and, on the other, points in CA, UT, CO, NV, AZ, ID, and WA, under continuing contract(s) with Publishers Paper Co., of Oregon City, OR. (Hearing site: Portland, OR.)

MC 135861 (Sub-66F), filed March 10, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. *Contract carrier*, transporting *medicines and medical supplies*, between points in the U.S. (except Alaska and Hawaii), under continuing contract(s) with E. R. Squibb & Sons, Inc., of New Brunswick, N.J. (Hearing site: Fort Worth, or Dallas, TX.)

MC 138000 (Sub-67F), filed March 7, 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) *pulpboard and corrugated cardboard*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Baltimore, MD, on the one hand, and, on the other, points in MI, OH, PA, GA, KY, NC, SC, TN, VA, WV, and DC. (Hearing site: Baltimore, MD.)

Note.—Dual operations may be involved.

MC 138741 (Sub-108F), filed March 7, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *steel tubing*, from the facilities of Maverick Tube Corp. at or near Union, MO, to points in AL, GA, IA, LA, MS, NE, NC, OK, PA, SC, and TX. (Hearing site: St. Louis, MO.)

MC 139080 (Sub-4F), filed July 30, 1979. Applicant: LAMP DELIVERY SERVICE CORPORATION, Route 3, North Brady Street Road, Davenport, IA 52804. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by retail department stores (except commodities in bulk), between those points in IA on and east of a line beginning at the MN/IA State line and extending along U.S. Hwy 63 to the MO/IA State line, and those in IL on and west of a line beginning at the WI/IL State line and extending along U.S. Hwy 51 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the Mississippi River, under continuing contract(s) with J.C. Penney Company, Inc., of Bettendorf, IA. (Hearing site: Des Moines, IA, or Chicago, IL.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 139171 (Sub-5F), filed March 10, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Ronald N. Colbert, Suite 501, 1730 M Street, N.W., Washington, DC 20036. *Contract carrier*, transporting *ceramic tile*, from El Paso, TX, to points in the U.S. (except Alaska and Hawaii), under continuing contract(s) with Interceramics, Inc., of El Paso, TX. (Hearing site: El Paso, TX.)

Note.—Dual operations may be involved.

MC 141921 (Sub-61F), filed July 9, 1979, and previously noticed in **Federal Register** issue of February 5, 1980. Applicant: LINEHAUL EXPRESS CORP., 143 Frontage Rd., Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). Transporting (1) *Malt beverages*, from points in Jefferson County, CO, to points in AZ, and (2) *materials and supplies* used in the manufacture and distribution of malt beverages, in the reverse direction. (Hearing site: Concord, NH, or Boston, MA.)

Note.—This republication shows AZ as the destination State.

MC 143110 (Sub-11F), filed July 12, 1979, and previously noticed in **Federal Register** issue of February 20, 1979. Applicant: K & B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08817. *Contract carrier*, transporting *drugs and pharmaceuticals* (except commodities in bulk), from the facilities of Ciba Geigy Corp., at points in NJ to the facilities of Ciba Geigy Corp., at points in IL and CA, under continuing contract(s) with Ciba Geigy Corp., of West Caldwell, NJ. (Hearing site: Newark, NJ, or New York, NY.)

Note.—This republication shows IL as a destination State in lieu of IA and corrects MC Number.

MC 144710 (Sub-5F), filed March 7, 1980. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting *carbon electrodes*, between St. Mary's, PA, and Massena, Niagara Falls, and Buffalo, NY, on the one hand, and, on the otther, points in PA, NJ, CT, MA, IN, IL, WI, VA, WV, KY, TN, NC, SC, FL, GA, and OH. (Hearing site: Buffalo, or Rochester, NY.)

Note.—Dual operations may be involved.

MC 145301 (Sub-8F), filed March 7, 1980. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan

Center, Edison, NJ 08817. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting *automotive parts, and materials, equipment, and supplies* used in the manufacture, production, and assembly of motor vehicles, from Detoit, MI, and Cleveland, OH, to Kansas City, MO. (Hearing site: Detroit, MI.)

MC 146451 (Sub-20F), filed March 6, 1980. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, L 36302. Representative: William K. Martin, 57 Adams Ave., Montgomery, AL 36104. Transporting (1) *brushes, brooms and brush blocks,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of National Brush Company, at or near (a) Glasgow, KY, (b) Panama City, FL, and (c) Aurora, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Montgomery or Dothan, AL.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 146451 (Sub-21F), filed March 10, 1980. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36103. Transporting *materials, equipment and supplies* used in the manufacturing, packaging and distribution of garments, between the facilities utilized by Van Heusen Co. at or near Ozark, AL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Montgomery, or Dothan, AL.)

MC 146751 (Sub-5F), filed March 7, 1980. Applicant: J. C. LAWRENCE TRUCKING, INC., 1519 Ripley St., P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, 2550 M St., N.W., Suite 475, Washington, DC 20037. Transporting (1) *pipe, fittings, valves, valve boxes, hydrants, water boxes, and castings,* and (2) *accessories and parts* for the commodities in (1) above, from points in AL to those points in the U.S. in and east of TX, OK, KS, NE, IA, and MN, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, in the reverse direction. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 147161 (Sub-7F), filed March 10, 1980. Applicant: MASS TRANSIT, INC., 2450 Orange Street, Signal Hill, CA 90806. Representative: Ronald C. Chauvel, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Contract carrier,* transporting *steel pipe and pipe fittings,* between points in UT, AZ, NM, NV, CA, and CO, under continuing contract(s) with Kelly Pipe Company, of Santa Fe Springs, CA. (Hearing site: San Francisco, or Los Angeles, CA.)

MC 147170 (Sub-5F), filed March 7, 1980. Applicant: KENNETH DUCKER, d.b.a. K & L TRUCK SERVICE, 461 S. Harbor Blvd., La Habra, CA 90631. 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) of the Interstate Commerce Act, from Los Angeles, CA, to points in the U.S. (except AK, CA, and HI). (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 147601 (Sub-1F), filed December 28, 1979, and previously noticed in FR issue of April 24, 1980. Applicant: MARVIN C. VAN KAMPEN, d.b.a. M. C. VAN KAMPEN TRUCKING, 4495 Herman, SW, Wyoming, MI 49509. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract carrier,* transporting *paper,* on rolls, from Mobile, AL, Tyrone, PA, and Jay, ME, to the facilities of George F. Valassis & Co., at Livonia, MI, under continuing contract(s) with George F. Valassis & Co., of Livonia, MI. (Hearing site: Detroit, MI, or Chicago, IL).

Note.—This republication adds Mobile, AL, as an origin point.

MC 148380 (Sub-2F), filed March 7, 1980. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60604. Transporting *composition board,* and *roofing materials and supplies,* from the facilities of Owens Corning Fiberglas Corporation at or near Meridian, MS, and Kansas City, KS, to points in CT, IL, IN, NJ, NY, OH, PA, and WI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 148400 (Sub-5F), filed November 14, 1979. Applicant: INTERMODAL SERVICES, INC., 11650 Courthouse Blvd., Inver Grove Hts, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *industrial heating, cooling, and heat exchange and transfer machinery, ice making equipment,* and *radiator cores,* (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) and (2) above (except commodities in bulk), between the facilities of McQuay-Perfex, Inc., at or near (a) Faribault, MN, (b) Spirit Lake, IA, (c) Grenada, MS, (d) Louisville, KY, (e) Milwaukee, WI, and (f) Vinton and Washington, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: St. Paul, MN.)

MC 150191F, filed March 6, 1980. Applicant: JACK HATT ENTERPRISES, INC., Fourth Ave. and Second St. East, P.O. Box 2141, Cedar Rapids, IA 52406. Representative: Richard P. Moore, 2720 First Ave., N.E., P.O. Box 1943, Cedar Rapids, IA 52406. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cedar Rapids Municipal Airport, at Cedar Rapids, IA, on the one hand, and, on the other, O'Hare Field and Midway Airport, at Chicago, IL, restricted to traffic having an immediately prior or subsequent movement by air. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 150260F, filed March 7, 1980. Applicant: LEON STARBIRD, Box 462, Hollis Center, ME 04042. Representative: John G. Feehan, 178 Middle St., Portland, ME 04112. Transporting *beer,* (1) from the facilities of Carling National Breweries, at Baltimore, MD, (2) from the facilities of Latrobe Brewering Company, at Latrobe, PA, and (3) from the facilities of Genese Brewering Company, Inc., at Rochester, NY, to the facilities of Cumberland and York Distributors, at Portland, ME, restricted to traffic destined to the indicated destination. (Hearing site: Portland, ME.)

MC 44770 (Sub-16F), filed March 7, 1980. Applicant: MIDLAND LINES, INC., Zephyr Lines Division, 1216 Currie Ave., Minneapolis, MN 55403. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53707. Over regular routes, transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Frederick and Grantsburg, WI, over WI Hwy 48, serving all intermediate points, (2) between Grantsburg and Siren, WI, over WI Hwy 70, serving all intermediate points, and (3) between Amery, WI and junction U.S. Hwy 63 and Polk County Hwy J, over Polk County Hwy J, serving no intermediate points, for operating convenience only. (Hearing site: Minneapolis, MN.)

Passengers

MC 134961 (Sub-2F), filed January 22, 1980, and previously noticed in FR issue of April 3, 1980. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Ave., Jersey City, NJ 07306. Representative: W. C. Mitchell 370 Lexington, Ave., New York, NY 10017. *Contract carrier,* transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at New York and New Rochelle, NY, Bridgeport, Hartford, Meriden, Middletown, New Haven and Stamford, CT, and Springfield, MA, and points in Bergen and Hudson Counties, NJ, and Nassau County, NY, and extendiing to points in the U.S. (including AK, but excluding HI), under continuing contract(s) with Parker Tours, Inc., of New York, NY. (Hearing site: New York, NY, or Newark, NJ.)

Note.—This republication includes AK and New York, NY, as origin or destination points. Dual operations are involved.

Volume No. 186

Decided: May 12, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 263 (Sub-233F), filed March 7, 1980. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant). Transporting *Salt,* from Saltair, UT, to Sioux Falls, SD, and those points in MN on and north of Interstate Hwy 90, on and west of U.S. Hwy 52, and on and south of Interstate Hwy 94. (Hearing site: Minneapolis, MN, or Pocatello, ID.)

MC 2202 (Sub-631F), filed March 31, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, NW, Washington, DC 20014. 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), serving the facilities of Merck & Co., Inc. at or near Elkton, VA as an off-route point in connection with applicant's authorized regular route operations. (Hearing site: Washington, DC.)

MC 2202 (Sub-634F), filed March 31, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Arkon, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. *Over regular routes* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Coushatta, LA as an off-route point in connection with applicant's otherwise authorized regular route operations. (Hearing site: Shreveport, LA.)

MC 3062 (Sub-49F), filed March 17, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Ave., Cape Girardeau, MO 63701. Representative: Guy H. Boles (same address as applicant). Transporting (1) *filtering and cleaning articles* for internal combustion engines and air compressors, and (2) *parts 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, serving the facilities of (a) Rex Filter, at or near Fairfield, IL, and (b) Champion Laboratories, Inc., at or near W. Salem and Albion, IL, as off-route points in connection with carrier's otherwise authorized regular route operations. (Hearing site: St. Louis, MO, or Evansville, IN.)

MC 8973 (Sub-70F), filed March 28, 1980. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York NY 10048. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Alcan Aluminum Corporation. (Hearing site: Cleveland, OH.)

MC 13123 (Sub-101F), filed March 24, 1980. Applicant: WILSON FREIGHT COMPANY, a Corporation, 11353 Reed Hartman Hwy., Cincinnati, OH 45241. Representative: Milton H. Bortz (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Abex Corporation, at or near Quemahoning Township (Somerset County), PA, on the one hand, and, on the other, points in VT, NC, GA, AR, TX, OK, KS, IA, MO, MA, RI, CT, MD, DE, NY, NJ, NH, ME, IL, WI, MI, IN, KY, TN, VA, WV, OH, LA, PA, and DC. (Hearing site: Cincinnati, OH or Washington, DC.)

MC 30803 (Sub-7F), filed April 7, 1980. Applicant: WALSH BROS INC., 33 Brill Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park NJ 08904. Transporting *iron and steel products* from the facilities of Skyline Steel Corporation at (a) Port Kearny, NJ, (b) New York, NY, (c) Bridgeport, CT, and (d) Providence, RI to those points in the US in and east of MN, IA, MO, AR and TX. (Hearing site: Newark, NJ.)

MC 52673 (Sub-31F), filed April 8, 1980. Applicant: FRED OLSON MOTOR SERVICE COMPANY, a Wisconsin corporation, 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle Street, Ste. 1600, Chicago, IL 60603. Transporting *cement,* in bulk, from Milwaukee, WI to points in IL and IN. (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 59522 (Sub-13F), filed March 27, 1980. Applicant: RIVER TRAILS TRANSIT LINES, INC., P.O. Box 307, Hwy 20W, Galena, IL 61036. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at Stephenson and Winnebago Counties, IL, and extending to points in the U.S. (including AK but excluding HI). (Hearing site: Rockford or Chicago, IL.)

MC 61403 (Sub-285F), filed March 7, 1980. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, NY 10017. Transporting *liquid chemicals,* in bulk, in tank vehicles, from Charleston, WV, to points in CT, DE, IL, IN, KY, MA, MI, NJ, NY, NC, OH, PA, RI, TN, VA and WI. (Hearing site: Charleston, WV.)

MC 61592 (Sub-493F), filed April 1, 1980. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Elisabeth A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting (1) *agricultural machinery, implements and equipment, industrial and construction machinery and equipment, irrigation equipment, drainage systems, stump cutters, log splitters, log chippers, tree spades,* and (2) *parts and accessories* for the commodities in (1) above (except commodities in bulk) from Pella, IA to points in the U.S. (except AK, AR, LA, MS, TX, TN, GA, OK, KY, AL, MO, KS, NE, IA and HI), restricted to traffic originating at the named origin or destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 70903 (Sub-8F), filed April 1, 1980. Applicant: OKANOGAN-SEATTLE TRANSPORT CO., INC., P.O. Box 722, Ellensburg, WA 98926. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Transporting *decorative white rock and dolomite lime* from points on the International Boundary line between the United States and Canada at or near Oroville, WA to points in ID, MT, OR and WA. (Hearing site: Wenatchee or Ellensburg, WA.)

MC 71593 (Sub-64F), filed March 7, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson (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 Milwaukee, WI and Chicago, IL, restricted to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) of the Interstate Commerce Act. (Hearing site: Newark, NJ, or New York, NY.)

MC 71593 (Sub-66F), filed April 8, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in the U.S. (except AK and HI) to the facilities of IMEX (Import-Export Shippers Cooperative, Inc.) of (a) Chicago, IL and (b) Los Angeles, CA. (Hearing site: Newark, NJ or New York, NY.)

MC 80443 (Sub-35F), filed March 17, 1980. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) *washing machines, drying machines, washing and drying machines combined,* (2) *parts* for the commodities in (1) above, from Webster City, Fort Dodge, and Jefferson, IA, to points in the U.S. (except AK and HI), and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, in the reverse direction. (Hearing site: Minneapolis, MN.)

MC 82492 (Sub-257F), filed March 27, 1980. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Rd., P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannan (same address as applicant). Transporting (1) *petroleum and petroleum products,* in containers, and *paper products, uniforms, and such commodities* as are dealt in by automotive service centers when transported with petroleum and petroleum products, from the facilities of Union Oil Company of California, at Cincinnati, OH, to points in MI, and (2) *used empty petroleum containers and pallets,* between points in MI, on the one hand, and, on the other, Cincinnati, OH, and points in IL, IN, IA, KS, MN, MO, NE, ND, SD, and WI, restricted in (1) and (2) above to traffic originating at the indicated origin and destined to the indicated destination. (Hearing site: Chicago, IL, or Washington, DC.)

MC 87103 (Sub-53F), filed March 26, 1980. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward P. Bocko (same address as applicant). Transporting (1) *industrial fans, industrial blowers, and industrial exhausters,* (2) *wheels, shafts, and wheel shaft assemblies,* (3) *electrical components,* (4) *parts and accessories* for the commodities in (1) and (2) above, and (5) *materials, equipments, and supplies* used in the manufacture and distribution of the commodities in (1), (2), (3), and (4), above, (except commodities in bulk), between the facilities of Robinson Industries, Inc., at Zelienople, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 96622 (Sub-5F), filed February 20, 1980. Applicant: PEERLESS TRUCKING COMPANY, a corporation, 5833 South Malt Ave., City of Commerce, CA 90040. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk), from applicant's terminal facilities in the commercial zone of Los Angeles, CA, to points in San Diego County, CA, and to points in Orange, Riverside, San Bernardino, Ventura, Los Angeles, Kern, Santa Barbara, San Luis Obispo, Kings, Tulare, Monterey, San Benito, San Joaquin, Fresno, Madera, Stanislaus, Merced, Santa Clara, Santa Cruz, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Napa, Solano, Calaveras, Amador, and Sacramento Counties, CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 98542 (Sub-8F), filed March 27, 1980. Applicant: COLLINS & SIMMONS, INC., P.O. Box 98, Wolcott, NY 14590. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20850. Transporting *steel tubing,* from Wyoming, NY, to points in CT, GA, IN, IA, ME, MD, MA, MI, MO, NJ, OH, OK, PA, SC, SD, TN, TX, and WI. (Hearing site: Syracuse, NY or Washington, DC.)

MC 99123 (Sub-6F), filed August 16, 1979. Applicant: QUAST TRANSFER, INC., P.O. Box 7, Winsted, MN 55395. Representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. 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 Howard Lake, MN and Minneapolis, MN, over U.S. Hwy 12, (2) between Cokato, MN and Minneapolis, MN: from Cokato over U.S. Hwy 12 to Howard Lake, then over Wright County Road 6 and MN Hwy 261 to Winsted, then over MN Hwy 261 to junction MN Hwy 7, then over MN Hwy 7 to Minneapolis, and return over the same route, serving the intermediate points of Howard Lake, Winsted, and Lester Prairie, as off-route points, (3) between Cokato and Lester Prairie, MN, from Lester Prairie over MN Hwy 261 to junction Wright County Road 6, then over Wright County Road 6 to Howard Lake, then over U.S. Hwy 12 to Cokato, and return over the same route, serving Howard Lake and Winsted, MN, as intermediate points. Applicant intends to tack the authority sought herein with its existing regular route authority which authorizes operations wholly within the States of MN and WI. (Hearing site: St. Paul, MN.)

MC 103993 (Sub-1018F), filed November 20, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). Transporting *lumber and particleboard,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and on the other, the facilities of Klumb Lumber Company, at Crystal Springs, MS. (Hearing site: Jackson, MS.)

MC 103993 (Sub-1039F), filed March 21, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *trailers* (except those designed to be drawn by passenger

automobiles), in initial movements, in truckaway service, from points in Adams County, CO, to points in the U.S. (except AK and HI). (Hearing site: Denver, CO.)

MC 103993 (Sub-1040F), filed March 21, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *iron and steel articles,* from the facilities of Madison River Terminal, Inc., at or near Madison, IN, to those points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Indianapolis, IN.)

MC 105782 (Sub-19F), filed March 31, 1980. Applicant: HUGHES REFRIGERATED EXPRESS, INC., P.O. Box 2106, Haines City, FL 33844. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 S. Orange Avenue, Orlando, FL 32801. Transporting *tile and such commodities* as are dealt in and used by wholesale and retail stores, between the facilities of American Olean Tile Company at Lansdale and Quakertown, PA, on the one hand, and, on the other, points in FL and GA. (Hearing site: Orlando, FL or Miami, FL.)

MC 105813 (Sub-272F), filed March 24, 1980. Applicant: BELFORD TRUCKING CO., INC., 1759 SW 12th St., P.O. Box 2009, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *drugs and personal care items,* from Philadelphia, PA, to points in GA. (Hearing site: Washington, DC.)

MC 106603 (Sub-217F), filed March 21, 1980. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) *refractories* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of refractories, (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Harbison Walker Refractories, Division of Dresser Industries, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 107012 (Sub-508F), filed March 13, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *polyurethane and polyrurethane foam products,* (2) *materials and supplies* used in the manufacture of distribution of (1) above, from the facilites of United Foam Corporation at or near Bremen, IN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (3) empty containers, in the reverse direction. (Hearing site: Chicago, IL or Washington, DC.)

MC 107452 (Sub-14F), filed February 25, 1980. Applicant: R. D. BROWN, d.b.a. DAN BROWN TRUCKING Box 312, Greybull, WY 82426. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55402. Transporting (1) *coal,* (i) between points in MT and WY, and (ii) from the facilities of American Colloid Co., at points in (a) Big Horn, Crook, and Weston Counties, WY, (b) Butte County, SD, (c) Phillips County, MT, and (d) Bowman County, ND, to points in AZ, CA, CO, KS, ID, MN, MT, NE, NV, NM, ND, OK, OR, TX, UT, WA, WY, and SD; (2) *salt,* in bags, from points in UT and ND, to points in WY and MT; (3) *sand, cement, barite, flyash, bentonite, salt, drilling mud, and fertilizer,* in bulk, between points in WY, MT, ID, MN, NV, ND, and UT, on the one hand, and, on the other, points in WY, MT, CO, OR, WA, ID, NV, SN, SD, NE, MN, TX, CA, OK, AZ, MN, and KS; (4) *drilling mud and energy development products,* between points in WY, MT, NV, and UT, on the one hand, and, on the other, points in WA, OR, ID, MT, ND, WY, SD, NE, KS, OK, TX, NM, CO, AZ and CA, restricted against the transportation of drilling mud bentonite, (a) originating at the facilities of Federal Bentonite Co., in Crook County, WY, and points in Big Horn County, WY and Valley County, MT, destined to points in WA, OR, and SD, (b) originating at Colony, WY, destined to points in WA, OR, and CA, and (c) originating at the facilites of American Colloid Co., at Upton, WY, destined to points in OR and WA; and (5) *bentonite,* from the facilities of American Colloid Co., at points in (a) Big Horn, Crook, and Weston Counties, WY, (b) Butte County, SD, (c) Phillips County, MT, and (d) Bowman County, ND, to points in AZ, CA, CO, KS, ID, MN, MT, NE, NV, NM, ND, OK, OR, TX, UT, WA, WY, and SD, restricted against the transportation of bentonite, in bags, (1) originating at the facilities of American Colloid Co., at points in (a) Big Horn County, WY, and (b) Butte County, SD, destined to points in MT, ID, WA, OR, UT, MN, NE, and ND, and (2) originating at points in Weston County, WY, destined to points in MN, ID, MT, OR, UT, and WA. (Hearing site: Denver, CO, or Billings, MT.)

MC 107882 (Sub-46F), filed October 2, 1979. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC 20006. *Contract carrier* transporting *coin-like tokens,* between the facilities of Osborne Coinage Comapnay, at or near Cincinnati, OH on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Osborne Coinage Company, of Cincinnati, OH. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 108223 (Sub-32F), filed March 24, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Warren K. Wahoske (same address as applicant). Transporting *composition board,* from International Falls, MN, to points in IL, IN, IA, KS, KY, MI, MO, NE, NY, ND, OH, PA, SD, WV, and WI. (Hearing site: St. Paul, MN.)

MC 108223 (Sub-33F), filed April 1, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., P.O. Box 43050, St. Paul, MN 55164. Representative: Warren K. Wahoske (same address as applicant). Transporting *lumber, lumber products, wood products and forest products* from Grand Rapids, MN to points in the U.S. (except AK and HI). (Hearing site: St. Paul or Duluth, MN.)

MC 110683 (Sub-176F), filed April 7, 1980. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW, Washington, DC 20036. Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Richmond, VA, and Virginia Beach, VA, over U.S. Hwy 60, (2) between Wilmington, DE and Goldsboro, NC, over U.S. Hwy 13, (3) between Fredericksburg, VA, and Wilmington, NC, over U.S. Hwy 17, (4) between Martinsville, VA and Norfolk, VA, over U.S. Hwy 58, (5) between Burkeville, VA, and Norfolk, VA, over U.S. Hwy 460, serving all intermediate points in (1) through (5) above, and serving as off-route points in connection with carrier's regular routes all points in Isle of Wight, Southampton, Surry, Dinwiddie, Chesterfield, Prince George, York, Gloucester, James City, Charles City, New Kent, King William, King and Queen, Henrico, Hanover, Powhatan, Amelia, Nottoway, Prince Edward, Charlotte, Campbell, and Halifax Counties, VA. Applicant intends to tack

and interline with existing regular route authority. (Hearing site: Norfolk, VA.)

MC 114632 (Sub-284F), filed April 1, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, P.O. Box 287, Madison, SD 57042. Transporting *general commodities,* between Bristol, PA, on the one hand, and, on the other, points in the U.S. (except AK & HI). Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a term expiring 5 years from date of issuance. (Hearing sites: Philadelphia, PA or Washington, DC.)

Note.—Dual operations may be involved.

MC 115162 (Sub-520F), filed March 24, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *alcoholic beverages and beverage mixes* (except commodities in bulk, in tank vehicles), from those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, to points in AL; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: New York, NY or Washington, DC.)

MC 116063 (Sub-164F), filed March 31, 1980. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant). In foreign commerce only, transporting *salt, salt products, salt substitutes, water softening ingredients, and animal feed mixtures,* from Grand Saline, TX, to points in TX. (Hearing site: Fort Worth or Dallas, TX.)

MC 116273 (Sub-253F), filed March 24, 1980. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). Transporting *liquid carbonized ink,* in bulk, in tank vehicles, from Sycamore, IL, to Tucker, GA, and Jacksonville, FL. (Hearing site: Chicago, IL.)

MC 116763 (Sub-646F), filed march 10, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Campbell Soup Co., at or near Paris, TX, to points in IL, KY, MO, and TN, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 116763 (Sub-647F), filed March 10, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and plastic products (except commodities in bulk, in tank vehicles), between the facilities used by St. Regis Paper Company, at or near Bucksport, ME, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of St. Regis Paper Company. (Hearing site: New York, NY.)

MC 116763 (Sub-651F), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *paper, paper products, and plastic articles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles, and those which because of size or weight, require the use of special equipment), between the facilities of Erving Paper Mills, Inc., at or near La Grange, GA, on the one hand, and, on the other, points in AL, AR, FL, KY, LA, MS, NC, SC, TN, TX, VA, and WV, restricted to traffic originating at or destined to the facilities of Erving Paper Mills, Inc. (Hearing site: Boston, MA.)

MC 116763 (Sub-652F), filed March 28, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *glass containers,* from the facilities of Midland Glass Company, Inc., at or near (a) Cliffwood, NJ, (b) Henryetta, OK, (c) Shakopee, MN, (d) Terre Haute, IN, (e) Warner Robins, GA, to those points in the US in and east of MN, IA, MO, OK and TX, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New York City, NY.)

MC 116763 (Sub-653F), filed March 31, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting *general commodities* (except commodities in bulk, those requiring use of special equipment, classes A and B explosives, used household furniture, automobiles, trucks and buses as described in the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), between points in the United States (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities used by the Heinz USA Division , H. J. Heinz Company. (Hearing site: Tampa, FL.)

MC 116763 (Sub-654F), filed March 31, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). Transporting (1) *such commodities* as are dealt in by manufacture and distributors of small electric appliances, from the facilities of Hamilton Beach, a Division of Scovill, Inc., at (a) Washington, Clinton, and Farmville, NC, and (b) Byesville, OH, to points in the U.S. (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacturers and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Charlotte, NC.)

MC 117883 (Sub-267F), filed March 27, 1980. Applicant: SUBLER TRANSFER, INC., One Vista Dr., Versailles, OH 45380. Representative: Robert Von Aschen, P.O. Box 62, Versailles, OH 45380. Transporting *plastic and plastic articles,* (except in bulk, in tank vehicles) from the facilities of Thatcher Plastic Packaging, at or near Washington Court House, OH, to points in CT, DE, IL, IN, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NY, PA, RI, VA, and WI, restricted to traffic originating at the named facilities. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 119493 (Sub-365F), filed March 31, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *non-ferrous metals,* from the facilities of (i) Asarco Incorporated and (ii) Federated Metals Corporation, a subsidiary of Asarco Incorporated, both at or near (a) Amarillo, Corpus Christi, and Houston, TX, (b) Omaha, NE, (c) Hillsboro, IL, (d) Columbus, OH, and (e) Glover, MO, to points in the U.S. (except AK and HI); and (2) *materials and supplies* used in the manufacture and distribution of non-ferrous metals, in the reverse direction, restricted to traffic originating at or destined to the named facilities. (Hearing site: St. Louis or Springfield, MO.)

MC 119493 (Sub-366F), filed March 31, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *such commodities* as are dealt in by discount and variety stores, (except commodities

in bulk), from points in the U.S. (except AK and HI), to the facilities of Wal-Mart Stores, Inc., at points in AL, IL, KY, KS, LA, MO, MS, OK, TN, and TX. (Hearing site: Ft. Smith or Little Rock, AR.)

MC 119493 (Sub-367F), filed March 31, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *flat glass*, from the facilities of PPG Industries, Inc., at or near Decatur, IL, to points in AL, AR, GA, IA, IN, KY, KS, LA, MO, MS, NE, NC, OK, OH, SC, TN, TX, VA, and WV. (Hearing site: Pittsburgh, PA, or Decatur, IL.)

MC 119493 (Sub-368F), filed March 31, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *canned and preserved foodstuffs, and materials and supplies* used in the manufacture and distribution of canned and preserved foodstuffs (except commodities in bulk), between Lindale, TX, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO, and NM. (Hearing site: Dallas or Ft. Worth, TX.)

MC 119493 (Sub-369F), filed March 10, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *building materials* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in GA, LA, SC, and TX, on the one hand, and, on the other, points in U.S. (except AK and HI). (Hearing site: St. Louis or Kansas City, MO.)

MC 120193 (Sub-2F), filed February 22, 1980. Applicant: C & M TRUCKING, INC., Castle Island Marine Terminal , South Boston, MA 02127. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in MA; and (2) *motor vehicles*, in truckaway service, from Albany, NY to points in MA. Condition: Prior or coincidental cancellation, at applicant's written request of Certificate of Registration No. MC–120193 Sub 1, issued October 14, 1963. (Hearing site: Boston, MA, or Albany, NY.)

Note.—Applicant states that by part (1) above, it seeks to convert its Certificate of Registration No. MC–120193 Sub 1 to a Certificate of Public Convenience and Necessity.

MC 120583 (Sub-3F), filed March 4, 1980. Applicant: COWEN TRANSFER AND STORAGE CO., a corporation, P.O. Box 476, Colorado Springs, CO 80907. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Transporting *general commodities*, between points in El Paso and Teller Counties, CO; (2) *household goods*, between points in CO, restricted against service between points in El Paso and Teller Counties, CO; (3) (a) *general commodities*, between points in El Paso County, CO, on the one hand, and, on the other, those points in CO east of the Continental Divide, and (b) *empty trailers*, in the reverse direction, restricted in (3)(a) and (b) to traffic having an immediately prior or subsequent movement by rail; (4) *wooden construction trusses and/ dimensional framing lumber*, from points in El Paso County, to points in Denver and Pueblo Counties, CO; (5) *contractors' equipment, materials, and supplies* (except (1) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products, and by-products; and (b) machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines), *cement products, concrete products, and galvanized pipe* (except commodities in bulk), between points in El Paso and Teller Counties, CO, on the one hand, and, on the other, those points in CO east of the Continental Divide; and (6) *fabricated cement products and fabricated concrete products*, from points in El Paso County, CO, to points in KS, NE, NM, OK, UT, and WY. Conditions: (1) Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at the written request of applicant of Certificate of Registration No. MC–120583 Sub-2, issued November 12, 1976; and (2) to the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a term expiring 5 years from the date of issuance. (Hearing site: Denver, CO.)

Note.—Applicant states that by parts (1) through (5) above, it seeks to convert its Certificate of Registration in MC–120583 Sub 2, to a Certificate of Public Convenience and Necessity.

MC 125433 (Sub-404F), filed March 28, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *air conditioning units, air handling units, and heating units*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Tyler, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Dallas, TX)

MC 125433 (Sub-408F), filed April 7, 1980. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting (1) *canned goods* from San Jose, CA to points in the U.S. (except AK and HI), and (2) *foodstuffs* in glass containers, from Sunnyvale, CA to points in the U.S. (except AK and HI), restricted in (1) above to traffic originating at the facilities of Sun Garden Packing Company, Stapleton-Spence Packing Company and F. G. Wool Packing Company, and restricted in (2) above to traffic originating at the facilities of A. Giurlani & Bros., Inc. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 127042 (Sub-297F), filed March 31, 1980. Applicant: HAGEN, INC., P.O. Box 98-Leeds Station, Sioux City, IA 51108. Representative: Joseph B. Davis (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as defined 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), (a) from the facilities of Wilson Foods Corporation, at Omaha, NE, to points in KS and MO, and (b) from Marshall, MO and Clarinda, IA, to points in IN, restricted in (a) and (b) above to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 128273 (Sub-387F), filed April 1, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *alcoholic liquors, materials, equipment, and supplies* used in the manufacture or distribution of alcoholic liquors (except in bulk, in tank vehicles) between Ft. Smith, AR, Bardstown and Louisville, KY, New Orleans, LA, Plainfield, IL on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc.

(Hearing site: Chicago, IL or Washington, DC.)

MC 128343 (Sub-51F), filed March 5, 1980. Applicant: C-LINE, INC., 230 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., NW, Washington, DC 20036. *Contract carrier,* transporting (1) *bolts, nuts, washers, and fasteners,* (a) from East Freetown, MA, to points in CT, (b) from South Norwalk, CT, to points in MA, (c) from East Freetown, MA and South Norwalk, CT, to points in AZ, CA, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, and WI, and (d) from Pawtucket, RI, to South Norwalk, CT; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (a) from points in CA, CT, NJ, NY, OH, PA, RI, and TX, to East Freetown, MA, and (b) from East Freetown, MA, to Pawtucket, RI, under continuing contract(s) in (1) and (2) above with (a) Pawtucket Fasteners, Inc., of Pawtucket, RI, and (b) Stillwater Fasteners, Inc., of East Freetown, MA. (Hearing site: Washington, DC, or Boston, MA.)

Note.—Dual oprations may be involved.

MC 128343 (Sub-52F), filed March 21, 1980. Applicant: C-LINE, INC., Tourtellot Hill Rd., Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M St. NW, Washington, DC 20036. *Contract carrier* transporting (1) *such commodities* as are dealt in by retail department stores, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Child World, Inc., at or near (a) Avon, MA, (b) Obetz, OH, and (c) Kansas City, MO, on the one hand, and, on the other, Los Angeles, CA, and those points in the U.S. in and east of MN, IA, KS, OK, MO, and TX, under continuing contract(s) with Child World, Inc., at Avon, MA. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 128633 (Sub-26F), filed March 14, 1980. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Rd., Secaucus, NJ 07094. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. *Contract carrier* transporting *drugs and toilet preparations,* and *materials, equipment, and supplies* used in the manufacture of drugs and toilet preparations, (1) between New York, NY, Elkhart, IN, and Hammonton, NJ; (2) from Elkhart, IN, to Forest Park, GA, Dallas, TX, and Lenexa, KS; (3) from St. Louis, MO, to Hammonton, NJ and Elkhart, IN; and (4) from Hamonton, NJ, to Forest Park, GA and Dallas, TX, under continuing contract(s) with Whitehall Laboratories, of New York, NY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 133233 (Sub-74F), filed March 12, 1980. Applicant CLARENCE L WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Contract carrier* transporting *cast iron pipe and fittings,* from the facilities of Midwest Pipe Fabricators, Inc., at Omaha, NE, to points in the U.S. (except AK and HI), under continuing contract(s) with Midwest Pipe Fabricators, Inc., of Omaha, NE. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 134872 (Sub-18F), filed March 27, 1980. Applicant: GOSSELIN EXPRESS, LTD., 141 Smith Blvd., Thetford Mines, Quebec, Canada G6G 5R7. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. In foreign commerce only, transporting *snowmobiles and parts and accessories* for snowmobiles, from the ports of entry on the international boundary line between the United States and Canada in ME, MI, NY, and VT, to points in OH. (Hearing site: Albany or Plattsburg, NY.)

MC 134922 (Sub-325F), filed April 1, 1980. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Transporting *such commodities* as are dealt in by wholesale, retail and discount stores (except commodities in bulk and those which because of size or weight require the use of special equipment) between the facilities of Rands, Inc. at or near North Little Rock, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Little Rock, AR or Washington, DC.)

MC 135052 (Sub-26F), filed February 19, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian Street, Indianapolis, IN 46204. Transporting *fibrous glass products and materials, mineral wool products and materials, mineral wool, insulating products and materials, insulated and flexible air ducts, glass fibre rovings, yarn and strands, glass fibre mats and mattings* (except commodities in bulk), between Memphis, TN, Shelby, OH, Marion, OH, Bensenville, IL, New Haven, IN, and Williamstown Junction, NJ, and points in AL, AR, GA, IL, IN, IA, KY, LA, MI, MN, MO, MS, OH, PA, TN, WI, and WV. (Hearing site: Chicago, IL or Washington, DC.)

MC 135243 (Sub-6F), filed March 6, 1980. Applicant: WISPAK TRANSPORT, INC., 4700 North 132nd Street, P.O. Box 304, Butler, WI 53007. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Contract carrier,* transporting (1) *meats, meat products and meat byproducts,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from Milwaukee and Butler, WI, to points in AL, AZ, AR, CA, CO, FL, GA, ID, LA, ME, MS, MT, NV, NH, NM, NC, ND, OK, OR, RI, SC, SD, TX, UT, VT, WA, and WY (2) *meats, meat products meat by products,* (except commodities in bulk), and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, KS, LA, ME, MS, MO, MT, NE, NV, NH, NM NC, ND, OK, OR, RI, SC, SD, TX, UT, VT, WA, and WY to Butler and Milwaukee, WI, under continuing contract(s) with Wisconsin Packing Co., Inc., of Milwaukee, WI. (Hearing site: (1) Milwaukee, WI; (2) Chicago, IL.)

MC 135303 (Sub-1F), filed March 10, 1980. Applicant: SOUTH EAST TRANSFER LIMITED, PTH No. 12, Steinback, Manitoba R0A 2A0. Representative: Mike Miller, P.O. Box 1897, Fargo, ND 58107. In foreign commerce only, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and automobiles, trucks, and buses), in containers between the ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in MN, ND, and SD. (Hearing site: Fargo or Grand Forks, ND.)

MC 138283 (Sub-11F), filed February 25, 1980. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier,* transporting *bakery products* (except frozen), from Chicago, IL, to Round Lake, MN, under continuing contract(s) with Nabisco, Inc., Biscuit Division, of East Hanover, NJ. (Hearing site: Chicago, IL.)

MC 138313 (Sub-69F), filed April 10, 1980. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW,

Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. In foreign commerce only, transporting *drilling mud, drilling mud additives, and barites,* from points in Eureka and Lander Counties, NV to the ports of entry on the international boundary line between the U.S. and Canada in WA, ID, and MT. (Hearing site: Washingdon, DC.)

MC 138313 (Sub-70F), filed April 1, 1980. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW, Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *fertilizer* (except in bulk, in tank vehicles) (1) from points in Bannock and Caribou Counties, ID to points in Siskiyou County, CA, and OR, and WA; and (2) from points in Bannock County, ID to points in MT. (Hearing site: Portland OR, or Washington, DC.)

MC 138882 (Sub-353F), filed March 31, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *wood ladders and aluminum ladders,* from facilities of Davidson Manufacturing Corp., at or near Nashville, TN, to points in AL, AR, CA, FL, GA, IL, IN, KY, LA, MN, MD, MS, MO, NC, OH, OR, PA, SC, TX, VA, WA, and WV. (Hearing site: Nashville, TN, or Birmingham, AL.)

MC 138882 (Sub-354F), filed March 27, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *store furnishings and fixtures,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Maytex, Inc., at or near Terrell, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Dallas, TX, or Montgomery, AL.)

MC 138882 (Sub-355F), filed March 27, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of small electric appliances, from the facilities of Hamilton Beach Division, Scovill Inc., at (a) Washington, Clinton, and Farmville, NC, and (b) Byesville, OH, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 138882 (Sub-356F), filed March 21, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting *dry dog food* (except in bulk in tank vehicles) from Tupelo, MS, and Red Bay, AL, to points in AR, FL, IL, IN, KY, MI, NC, SC, and WI. (Hearing site: Birmingham, AL, or Columbus, MS.)

MC 138882 (Sub-357F), filed March 27, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting alcoholic beverages (except in bulk, in tank vehicles), from points in AL, CA, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, NJ, NY, NC, OH, PA, TN, and VA to points in AL. (Hearing site: Montgomery or Birmingham, AL.)

MC 138882 (Sub-358F), filed March 27, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *plastic containers, plastic preforms, and plastic base cups for plastic containers,* and (2) *materials, equipment, and supplies* used in the manfacture or distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI). (Hearing site: Atlanta, GA, or Montgomery, AL.)

MC 139113 (Sub-17F), filed March 25, 1980. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Contract carrier, transporting (1) *foodstuffs* (except frozen, and in bulk), from the facilities of Knouse Foods, Inc., at Peach Glen, Orrtanna, and Chambersburg, PA, to points in NC and SC, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above from points in MD and NJ, to the facilities of Knouse Foods, Inc., at Peach Glen, Orrtanna, and Chambersburg, PA, under continuing contract(s) with Knouse Foods, Inc., of Peach Glen, PA. (Hearing site: Birmingham, AL.)

Note.—Dual operations may be involved.

MC 141532 (Sub-77F), filed March 31, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. Transporting (1) *furnaces, airconditioners, combination furnace & airconditioner units and cooling systems,* and (2) *parts, attachments and accessories* for the commodities in (1) above (except commodities in bulk) from the facilities of General Electric Co. at or near Tyler, TX to points in AZ, CA, CO, CT, FL, GA, IA, ID, IL, IN, MA, MD, MI, MN, MO, MT, NC, NE, NJ, NY, OH, OR, PA, SC, TX, UT, VA, WA, WI, WV, WY, and DC. (Hearing site: Fort Worth, TX.)

MC 141652 (Sub-38F), filed March 28, 1980. Applicant: ZIP TRUCKING, INC., P.O. Box 5715, Jackson, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *Fresh Meat,* from Plainview, TX, to New Orleans, LA and Gulfport and Hattiesburg, MS. (Hearing site: Jackson, MS.)

MC 142053 (Sub-4F), filed February 27, 1980. Applicant: NORTH GEORGIA BUS LINES, INC., 1160 Allene Ave. SW, Altanta, GA 30310. Representative: Jeffrey Kohlman, Suite 508, 1447 Peachtree St. NE, Atlanta, GA 30309. Over regular routes transporting (1) *passengers and their baggage,* in the same vehicle with passengers and express, between Atlanta, GA and Anderson, SC from Atlanta, GA over U.S. Hwy 29 to Athens, GA, then over U.S. Hwy 129 to Jefferson, GA, then over GA Hwy 15 to Commerce, GA, then over GA Hwy 98 to Danielsville, GA, then over U.S. Hwy 29 to Royston, GA, then over GA Hwy 145 to Carnesville, GA, then over I–95 to Lavonia, GA, then over GA Hwy 77 to Hartwell, GA, then over U.S. Hwy 29 to Anderson, SC, and return over the same route, serving all intermediate points, and serving all other points in Clayton, Cobb, DeKalb, Fulton, Gwinnett, Barrow, Clarke, Jackson, Madison, Franklin and Hart Counties, GA, and Anderson County, SC, as off-route points; and over irregular routes transporting (2) *passengers and their baggage,* in round-trip, charter and special operations, beginning and ending at Clayton, Cobb, DeKalb, Fulton, Gwinnett, Barrow, Clarke, Jackson, Madison, Franklin, and Hart Counties, GA, and Anderson County, SC, and extending to points in the U.S. (including AK but excluding HI). (Hearing site: Atlanta, GA.)

MC 142282 (Sub-3F), filed March 27, 1980. Applicant: FLEET SERVICE CORP., P.O. Box 4112, Whittier, CA 90607. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele Street, Denver, CO 80209. Contract carrier, transporting *lumber and lumber products* from points in WA and OR to points in CA under a continuing contract(s) with Dier Lumber Company, Inc., of Oceanside, CA and Great Northern Timber Company, of

Portland, OR. (Hearing site: Los Angeles, CA.)

MC 142603 (Sub-26F), filed February 29, 1980. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Raymond Richards, 35 Curtice Parkway, Webster, NY 14580. *Contract Carrier,* transporting *paper, printed matter, plastic binders, and envelopes,* between Clifton, NJ, and points in AZ, CA, CO, CT, FL, GA, IL, IN, KS, LA, MD, MA, MI, MN, MO, NY, OH, OR, PA, RI, TN, TX, and WA, under continuing contract(s) with Automatic Data Processing, Inc., of Clifton, NJ. (Hearing site: Newark, NJ, or New York, NY.)

MC 142603 (Sub-27F), filed March 24, 1980. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Contract carrier,* transporting *coil steel,* from Cleveland, OH, to South Bend, IN, under continuing contract(s) with Bendix Brake & Steering Division, of South Bend, IN. (Hearing site: Springfield, MA, or South Bend, IN.)

MC 142672 (Sub-122F), filed March 10, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. Transporting *cardboard sheets* from points in TN and TX to the facilities of Westark Specialties, Inc., at or near Ft. Smith, AR. (Hearing site: Ft. Smith, AR).

Note.—Dual operations may be involved.

MC 142672 (Sub-126F), filed March 31, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *(1) confectionery, (2) chocolate and (3) foodstuffs,* from the facilities of (a) Hershey Chocolate Company Division of Hershey Foods Corporation and H. B. Reese Company, in Derry Township, Dauphin County, PA, (b) Y & S Candies, in east Hempfield Township, Lancaster County, PA, and (c) Dauphin Distribution Services, in Hampden Township, Cumberland County, PA, to points in AR, CA, IN, MI, OH, OK, and TX. (Hearing site: Harrisburg, PA, or Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142672 (Sub-127F), filed April 1, 1980. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *wooden pallets, wooden boxes, softwood packing products, and hardwood packing products* from the facilities of Mulberry Lumber Company, at or near Mulberry, AR, to points in AZ, CA, NV, OH, PA, and UT. (Hearing site: Ft. Smith, AR.)

Note.—Dual operations may be involved.

MC 142743 (Sub-23F), filed March 10, 1980. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) *construction materials* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of construction materials, (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Acoustiflex Corporation and its subsidiaries. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 142743 (Sub-24F), filed March 21, 1980. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C, Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting (1) *building and construction materials* (except commodities in bulk), and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture, installation, and distribution of the commodities in (1) above, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of The Celotex Corporation. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 143443 (Sub-4F), filed February 28, 1980. Applicant: D. J. KIRBY, INC., P.O. Box 195, Gilberts, IL 60136. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *construction materials* (except in bulk), from the facilities of W. R. Meadows, Inc., at or near Elgin and Hampshire, IL, to points in CA, ID, MT, NV, OR, UT, WA and WY, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL or Omaha, NE.)

MC 144082 (Sub-17F), filed March 28, 1980. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. 7191, Charlotte, NC 28217. Representative: Wyatee E. Smith (same address as applicant). *Contract carrier,* transporting (1) *televisions sets, radios, phonographs, stereo systems, stereo recorders, stereo players, speaker systems, and audio equipment and accessories,* and (2) *parts* for the commodities in (1) above, from the facilities of RCA Corporation, at Bloomington and Indianapolis, IN, to points in AL, GA, NC, SC, and TN, under continuing contract(s) with RCA Corporation, of Camden, NJ. (Hearing site: Charlotte, NC.)

MC 144303 (Sub-17F), filed March 6, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW, Washington, DC 20036. *Contract carrier,* transporting (1) *electrical equipment and parts for electrical equipment,* and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) above, (except commodities in bulk, those which require special equipment, and aerospace craft and aerospace craft parts), between the facilities of General Electric Company at points in the United States in and east of MN, IA, MO, AR and TX, under continuing contract(s) with the General Electric Company, of Schenectady, NY. (Hearing site: Washington, DC, or Cleveland, OH.)

Note.—Dual operations are involved.

MC 144483 (Sub-4F), filed March 21, 1980. Applicant: MAHER, INC., R.R. #14, Box 330, West Terre Haute, IN 47885. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier,* transporting *liquefied petroleum gas,* from Kankakee, IL, to points in IN, under continuing contract(s) with Pyrofax Gas Corp., of Houston, TX. Condition: This certificate shall be limited to a term expiring 5 years from the date of issuance. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 144503 (Sub-27F), filed February 25, 1980. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting (1) *bananas,* and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), in mixed loads with bananas, from the facilities of Del Monte Banana Company at (a) Charleston, SC, (b) Tampa, FL, and (c) Mobile, AL, to points in GA, TN, KY, IN, MI, WI, IL, MO, IA, MN, NE, and KS. (Hearing site: Atlanta, GA.)

MC 144572 (Sub-37F), filed March 31, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO

80202. Transporting (1) *alcoholic liquors* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors (except in bulk in tank vehicles), (1) between Bardstown and Louisville, KY on the one hand and on the other, Fort Smith, AR (2) between New Orleans, LA on the one hand, and, on the other, points in AR, OK, and NM, and (3) between Fort Smith, AR on the one hand, and on the other, points in AR, MO, IA, MN, NE, KS, OK, NM, CO, WY, UT, NV, AZ, CA, OR and WA, restricted to traffic originating at or destined to the facilities of Hiram Walker & Sons, Inc. (Hearing site: Chicago, IL or Denver, CO.)

Note.—Dual operations may be involved.

MC 144622 (Sub-154F), filed March 6, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, 11800 Arch St. Pike, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *television sets, radios, stereo systems, cassette recorders, video tape recorders,* and (2) *accessories and parts* for the commodities in (1) above, from Indianapolis and Bloomington, IN, to Albany and Binghamton, NY, Atlanta and Savannah, GA, Birmingham and Mobile, AL, Jacksonville, Miami, and Tampa, FL, Kearny, NJ, Philadelphia, PA, and Portland, ME. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 144622 (Sub-159F), filed April 1, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). Transporting *confectionery, and materials and supplies* used in its manufacture or distribution between Naugatuck, CT, Hazleton and York, PA, Frankfort, IN, Chicago, IL, Dallas, TX, and Salinas, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Little Rock, AR.)

Note.—Dual operations may be involved.

MC 144682 (Sub-41F), filed March 28, 1980. Applicant: R. R. STANLEY, d.b.a. R. R. STANLEY TRUCKING, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Suite 1125 Exchange Park, Dallas, TX 75245. Transporting *Malt beverages,* between Ft. Worth, TX, on the one hand, and, on the other and Las Vegas and Reno, NV, Albuquerque and Santa Fe, NM, and points in OR, WA, and CA. (Hearing site: Dallas, TX.)

MC 145102 (Sub-53F), filed March 7, 1980. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *cheese and cheese products* from Rochester, MN, and points in WI to points in AZ, CA, and NV. (Hearing site: Madison, WI, or Los Angeles, CA.)

Note.—Duel operations may be involved.

MC 145152 (Sub-184F), filed March 31, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery and variety stores, between the facilities of Southdown Sugars, Inc., at points in LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KS, KY, MO, MS, NE, OK, TN, and TX. (Hearing site: New Orleans, LA, or Fayetteville, AR.)

MC 145653 (Sub-6F), filed February 27, 1980. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Contract carrier,* transporting (1) *such commodities* as are dealt in by grocery stores and (2) *materials, equipment and supplies* used in the manufacture, sale, or distribution of the commodities in (1) above (except commodities in bulk), between Chicago, IL, on the one hand, and, on the others, points in OH, under continuing contract(s) with the Procter & Gamble Distributing Company, of Cincinnati, OH. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 145735 (Sub-4F), filed February 25, 1980. Applicant: C & K BROKERAGE, INC., d.b.a. NORTHERN TRANSPORTATION, R.D. #1, Gouverneur, NY 13642. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Contract carrier,* transporting (1) *printing paper, waste paper, and processed waste paper,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Ogdensburg, NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with St. Lawrence Pulp and Paper Corp., of Ogdensburg, NY. (Hearing site: Ogdensburg, NY.)

MC 145893 (Sub-1F), filed September 25, 1979. Applicant: P. PENDOLA TRUCKING, INC., 1563 Putter Lane, P.O. Box 1121, Gardnerville, NV 89410. Representative: Rosemary C. Pendola (same address as applicant). *Contract carrier, Transporting (1) precut log buildings,* and (2) *materials and supplies* used in the construction, installation, and erection of the commodities in (1) above, from the facilities of Sierra Log Homes, at Carson City, NV, to those points in the United States in and west of MN, IA, KS, AR, OK, and LA, (except AK and HI) under continuing contract(s) with Sierra Log Homes, of Carson City, NV.

MC 146293 (Sub-54F), filed March 27, 1980. Applicant: REGAL TRUCKING CO., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, NE, Atlanta, GA 30326. Transporting (1) *plastic articles,* and (2) *materials, equipment and supplies* used in the manufacture of plastic articles (except commodities in bulk), between the facilities of Mobil Chemical Company, Plastics Division and points in the US (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

Note.—Dual operations may be involved.

MC 146293 (Sub-55F), filed March 27, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting (1) *musical instruments,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution and sale of musical instruments (except commodities in bulk), between Thomaston, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Los Angeles, CA or Atlanta, GA.)

Note.—Dual operations may be involved.

MC 146293 (Sub-56F), filed March 28, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 390 Peachtree Rd., NE, Atlanta, GA 30326. Transporting (1) *books, magazines, and printed matter,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in CA and those in the U.S. on and east of U.S. Hwy 85. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 146643 (Sub-35F), filed March 10, 1980. Applicant: INTER-FREIGHT TRANSPORATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract carrier,* transporting *flour and bakery mixes,* in bags, (1) from Alton, IL, to points in IN, MI, IA, KY, OH, and MN, and (2) from

Hastings, MN, to points in IL, IN, MI, IA, KY, AND OH, under continuing contract(s) with Peavey Flour Company, of Minneapolis, MN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146643 (Sub-36F), filed March 27, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th Street, Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Contract* carrier, Transporting (1) *cleaning, scourting, washing and buffing compounds (except in bulk),* and (2) *vending machines, mops and brushes,* from Montgomery, IL, to St. Paul, MN, St. Louis, MO, Des Moines, IA, and Indianapolis, IN, under continuing contract(s) with Rochester Germicide Co., of Rochester, NY. . (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 146753 (Sub-8F), filed March 6, 1980. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *Printed matter,* from the facilities of Album Graphics, Inc., at Melrose Park, IL, to points in the United States (except AK and HI) and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of printed matter, in the reverse direction. Condition: Issuance of this certificate is subject to prior or coincidental cancellation, at applicant's request, of Permit MC–143917 Sub 1F, issued November 27, 1978. (Hearing site: Chicago, IL or Washington, DC.)

MC 147253 (Sub-2F), filed January 21, 1980. Applicant: LANDMARK INDUSTRIES, INC., East Main Street, P.O. Box 9, Landmark, Manitoba, Canada R0A 0X0. Representative: Randall Peter Wohlgemuth, P.O. Box 88, Ste. Annes, Manitoba, Canada. *Contract carrier,* in foreign commerce only, transporting *liquid nitrogen fertilizer solution,* in bulk, in tank vehicles, from Grand Forks, ND, to the port of entry on the international boundary line between the United States and Canada at Pembina, ND, under continuing contract(s) with Agrico Chemical Company, of Toronto, Ontario, Canada. (Hearing site: Fargo, ND.)

MC 147553 (Sub-7F), filed January 18, 1980. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *beverages,* from points in CA, OR, and WA to points in ID. (Hearing site: Boise, ID.)

MC 148483 (Sub-41), filed March 7, 1980. Applicant: INTERSTATE MOVING AND STORAGE COMPANY, a corporation, P.O. Box 334, Cheyenne, WY 82001. Representative: Hugh F. Cooper, 701–703 West 17th Street, Cheyenne, WY 82801. Transporting (1) *Prestressed concrete forms,* and (2) *materials and supplies* used in the erection of the commodities in (1) above, between points in WY, NE, and CO. (Hearing: Casper or Cheyenne, WY.)

MC 148993 (Sub-2F), filed April 7, 1980. Applicant: TILMON YEARWOOD, 14921 South Kedzie Avenue, Markham, IL. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of paper, plastic, paper products, and plastic products (except commodities in bulk), from the facilities of American Can Company at Schaumburg, IL, to points in IN, WI, MI and IA. (Hearing site: Chicago, IL.)

MC 149082 (Sub-1F), filed March 31, 1980. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: E. H. van Deusen, PO Box 97, 220 West Bridge Street, Dublin, OH 43017. *Contract Carrier* Transporting *salt* (except in bulk) from Fairport and Rittman, OH, to points in DE, IN, IL, KY, MD, NJ, NY, NC, PA, SC, TN, VA, WV, and DC, under continuing contract(s) with Morton Salt Division of Morton-Norwich Products, Inc., of Chicago, IL. (Hearing site: Columbus, OH.)

Note.—(1) Applicant shall conduct separately its for-hire carriage and other business operations, (2) shall maintain separate accounts and records for each operation, and (3) shall not transport property as both a private and for-hire carrier in the same vehicle at the same time.

MC 150103 (Sub-4F), filed March 13, 1980. Applicant: SCHWEIGER INDUSTRIES, INC., 116 W. Washington St., Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract carrier* transporting *packaging materials,* from (a) Somerset, NJ, to points in IL, IN, KY, MI, MN, MO, OH, PA, and WI, (b) Hanover, PA, to points in IL, IN, KY, MI, MN, MO, OH, and WI, and (c) Pontotoc, MS, to points in IL, IN, KY, MI, MN, MO, OH, TN, and WI, under continuing contract(s) with Jiffy Manufacturing Company, of Somerset, NJ. (Hearing site: Madison or Milwaukee, WI.)

MC 150343F, filed March 31, 1980. Applicant: GARRISON HAULING CO., INC., P.O. Box 594, Thorsby, AL 35171. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Transporting (1) *sand, gravel, slag, rock, fly ash, stone, fill dirt,* (2) *concrete products,* finished and unfinished, and (3) *materials, equipment and supplies* used in the installation, distribution, and manufacture of the commodities in (1) and (2) above, between points in AL, GA, SC, NC, TN, AR, LA, MS, KY, and FL, restricted to the transportation of traffic between the facilities of Sherman Industries, Inc., and its affiliated companies, Sherman Bridge Company, Inc., Tuscaloosa Concrete Pipe Company, Inc., Fundamental Materials, Inc., Sherman Ready-Mix Concrete Company, Sherman Concrete Pipe Company, Gadsden Concrete & Metal Pipe Company, and Sherman Mobile Concrete Company. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 150443F, filed March 31, 1980. Applicant: E & E TRANSPORTATION, INC., 40 N. Van Brunt Street, Englewood, NJ 07631. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10001. *Contract carrier,* transporting *passengers and their baggage,* in the same vehicle with passengers Between points in New York, NY, on the one hand, and, on the other, points in the United States (excluding Amenia, Copake and Kenty, NY, Salisbury, CT, and points in AK and HI), under continuing contract(s) with Biss Tours, Inc., of Rego Park, NY. (Hearing site: New York, NY.)

MC 150442F, filed March 31, 1980. Applicant: CLAUDE'S TRUCK & TRAILER SERVICE, INC., 7210 South Ferdinand, Bridgeview, 60455. Representative: Patrick H. Smyth, Suite 521, 19 S. LaSalle St., Chicago, IL 60603. Transporting (1) *Wrecked, disabled, repossessed, or stolen vehicles,* and (2) *Replacement vehicles for wricked, disabled, or stolen vehicles,* Between points in IL, IN, IA, MI, OH, and WI. (Hearing site: Chicago, IL.)

MC 150492F, filed March 31, 1980. Applicant: DRI–FRI COMPANY, INC., 410 Inskip Road, Knoxville, TN 37912. Representative: Jess D. Campbell, 205 Clinch Avenue, SW, Knoxville, TN 37902. *Contract carrier* transporting (1)(a) *plastic signs* (b) *materials and supplies* used in the installation of plastic signs, and (2) *athletic equipment athletic clothing, athletic supplies,* and *athletic tape,* (except commodities in bulk), between points in Knox County, TN, on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM, TX, OK, KS, NE, MO, AR, and LA, under continuing contract(s) with Southern-Athletic Bike, Inc., and A & E Plasti-Line, A Division of A & E Plastik Pak Company, Inc., both of

Knoxville, TN. (Hearing site: Knoxville, TN.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-17502 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 183]

Assignment of Hearings

June 6, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142715 (Sub-44F), Lenertz, Inc., now assigned for hearing on June 9, 1980 (2 days) at Cincinnati, OH will be held in Conference Room 5407 –D– 5th Floor, Federal Building, 550 Main Street.

MC 121420 (Sub-12F), Dart Trucking Company, Inc., now assigned for hearing on June 11, 1980 (3 days) at Cincinnati, OH will be held in Conference Room 5407 –D– 5th Floor, Federal Building, 550 Main Street.

MC 71478 (Sub-45F), The Chief Freight Lines, Company, now assigned for hearing at Fort Worth, TX will be held in the I.C.C. Hearing Room—4th Floor, Neil P. Anderson Building, 411 West 7th Street.

MC 110656 (Sub-11F), Parker Motor Freight, Inc., now assigned for hearing on July 21, 1980 at Traverse City, MI, is canceled and transferred to Modified Procedure.

MC 106398 (Sub-910F), National Trailer Convoy, Inc., now assigned for hearing on June 5, 1980 at St. Louis, MO, is canceled and Application Dismissed.

MC 121420 (Sub-12F), Dart Trucking Company, Inc., now assigned for hearing on June 11, 1980 at Cincinnati, OH, is canceled and transferred to Modified Procedure.

MC 62661 (Sub-2F), Mathews Trucking Company, Inc., transferred to Modified Procedure.

MC 147739 F, Maverick Transport, Inc., transferred to Modified Procedure.

MC 147570 F, Kabat Express, Inc., now assigned for hearing on June 5, 1980 at Columbus, OH is canceled and transferred to Modified Procedure.

MC 119493 (Sub-297F), Monkem Company, Inc., now assigned for hearing on June 9, 1980 at Chicago, IL is canceled and transferred to Modified Procedure.

MC 146892 (Sub-4F), R & L Transfer, Inc., transferred to Modified Procedure.

MC 138104 (Sub-77F), Moore Transportation Company, Inc., transferred to Modified Procedure.

MC 134906 F, and MC 134906 (Sub-1, 2, 3, 4, 5, 6, and 7F), Cape Air Freight, Incorporated, now assigned for hearing on June 23, 1980 will be held in Court Room 829, 837 U.S. Court House (U.S. Court of Appeals) 811 Grand Avenue, Kansas City, MO.

MC 52858 (Sub-114F), Convoy Company, a Corporation, now assigned for hearing on February 6, 1980 at Denver, CO, is canceled and transferred to Modified Procedure.

MC 140829 (Sub-308F), Cargo, Inc., Application Dismissed.

MC 8771 (Sub-53F), Saw Mill Supply, Inc., now assigned for hearing on June 19, 1980 at Washington, DC, is canceled and transferred to Modified Procedure.

MC 11207 (Sub-472F), Deaton, Inc., now assigned for hearing on June 2, 1980 at Birmingham, AL, is canceled and transferred to Modified Procedure.

MC 94201 (Sub-173F), Bowman Transportation, Inc., now assigned for hearing on June 3, 1980 at Birmingham, AL, is canceled and transferred to Modified Procedure.

MC 107227 (Sub-135F), Insured Transporters, Inc., now being assigned for hearing on September 3, 1980 (3 Days), at San Francisco, CA, in a hearing room to be designated later.

MC 121712 (Sub-8F, Morris Transportation, Inc., now being assigned for hearing on September 8, 1980 (1 Week), at San Francisco, CA, in a hearing room to be designated later.

MC 133993 (Sub-3F), Sand Mountain Auto Auction, Inc., now assigned for hearing on June 3, 1980 at Birmingham, AL is canceled and transferred to Modified Procedure.

MC 24379 (Sub-54F), Long Transportation Company now being assigned for hearing on July 14, 1980 at Detroit, MI, location of hearing room will be designated later.

MC 44605 (Sub-50F), Milne Truck Lines, Inc., now assigned for hearing on June 10, 1980 (9 days) at Las Vegas, NV in the Maxim Hotel, 160 East Flamingo.

MC 95540 (Sub-1057F), Watkins Motor Lines, Inc., now assigned for hearing on June 18, 1980 (3 days) at Omaha, NE in Room No. 2404, Federal Bldg.,— Courthouse, 215 North 17th Street.

MC 146049 (Sub-4F), Solar Trucking, Inc, now assigned for hearing on June 17, 1980 (1 day) at Omaha, NE in Room No. 2404, Federal Bldg.—Courthouse, 215 North 17th Street.

MC 85811 (Sub-12F), Amsco Transportation, Inc., now assigned for hearing on June 25, 1980 (3 days) at Kansas City, MO in Room 609, Federal Office Building, 911 Walnut Street.

MC 145152 (Sub-90F), Big Three Transportation, Inc., now assigned for hearing on June 23, 1980 (2 days) at Kansas City, MO in Room No. 609, Federal Offices Building , 911 Walnut Street.

MC 129857 (Sub-8F), G.R.M., Inc. D/B/A Port Terminal Transport, Inc., now assigned for hearing on June 4, 1980 at Los Angeles, CA is canceled and application dismissed.

MC 145044 (Sub-3F), Foredeck Transportation, Inc., now assigned for hearing on June 3, 1980 (1 day) at St. Louis, MO will be held in Court Room 3, 5th Floor, U.S. Customs & Courthouse, 1114 Market.

MC 106398 (Sub-910F), National Trailer Convoy, Inc., now assigned for hearing on June 5, 1980 (1 day) at St. Louis, MO will be held in Court Room 3, 5th Floor, U.S. Customs & Courthouse 1114 Market.

MC 129032 (Sub-89F), Tom Inman Trucking, Inc., now assigned for hearing on June 9, 1980 (1 day) at St. Louis, MO will be held in Court Room 3, 5th Floor, U.S. Customs & Courthouse, 1114 Market.

MC 143521 (Sub-1F), Twehous Excavating Company, Inc., now assigned for hearing on June 10, 1980 (1 day) at St. Louis, MO will be held in Court Room 3, 5th Floor, U.S. Customs & Courthouse, 1114 Market.

MC 118610 (Sub-33F), George Parr Trucking Service, Inc., now assigned for hearing on June 11, 1980 (1 day) at St. Louis, MO will be held in Court Room 3, 5th Floor, U.S. Customs & Courthouse, 1114 Market.

MC 110988 (Sub-385F), Schneider Tank Lines, Inc., now assigned for hearing on June 12, 1980 (2 days) at St. Louis, MO will be held in Court Room 3, 5th Floor, U.S. Customs & Courthouse, 1114 Market.

MC 124211 (Sub-297 MlF), Hilt Truck Line, Inc., now assigned for hearing on June 4, 1980 at Los Angeles, CA is canceled and application dismissed.

MC 223 (Sub-223F), Transport Service Co., now assigned for continued hearing on June 23, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 147919 F, Sea Lane Express, Inc., now assigned for hearing on July 10, 1980 at Boston, MA, is canceled and transferred to Modified Procedure.

MC 144092 (Sub-1F), Transportation Enterprises, Inc., now assigned for

hearing July 22, 1980 at Fort Worth, TX, is canceled and Application Dismissed.

MC 103498 (Sub-58F), B&L Truck Lines, Inc., Application Dismissed.

MC 56679 (Sub-109F), Brown Transport Corporation, now assigned for hearing on June 17, 1980 will be held at the East Court Room 265, U.S. Court of Appeals, 600 Camp, New Orleans, LA.

MC 134817 (Sub-3F), Owenton Express, Inc., now assigned for hearing on July 7–10, 1980 and July 14–18, 1980, will be held in Room 9017 Federal Building, 550 Main Street, Cincinnati, OH and on July 11, 1980 will be held in Room 8017, Federal Building, 550 Main Street, Cincinnati, OH.

MC 142672 (Sub-71F), David Beneux Produce and Trucking, Inc., Application Dismissed.

MC 142252 (Sub-2F), C. White & Son, Inc., now being assigned for hearing on July 10, 1980 (2 Days), at Boston, MA in a hearing room to be designated later.

MC 126930 (Sub-21F), Brazos Transport Company, transferred to Modified Procedure.

MC 141804 (Sub-231F), Western Express, Division of Interstate Rental, Inc., is transferred to Modified Procedure.

MC 61825 (Sub-102F), Roy Stone Transfer Corporation, is transferred to Modified Procedure.

MC 119641 (Sub-168F), Ringle Express, Inc., transferred to Modified Procedure.

MC 52861 (Sub-62F), Wills Trucking, Inc., transferred to Modified Procedure.

MC 2900 (Sub-373F), Ryder Truck Lines, Inc., transferred to Modified Procedure.

MC 115841 (Sub-708F), Colonial Refrigerated Transportation, Inc., transferred to Modified Procedure.

MC 116273 (Sub-234F), D & L Transport, Inc., transferred to Modified Procedure.

MC 141804 (Sub-220F), Western Express, Division of Interstate Rental, Inc., now assigned for hearing on June 3, 1980 at Los Angeles, CA. is canceled and transferred to Modified Procedure.

MC 124170 (Sub-115F), Frostways, Inc., now assigned for hearing on June 2, 1980 at Detroit, MI. is canceled and transferred to Modified Procedure.

MC 145441 (Sub-38F), A.C.B. Trucking, Inc., now assigned for hearing on June 2, 1980 at Los Angeles, CA. is canceled and transferred to Modified Procedure.

MC 134906 & MC 134906 (Sub-1,2,3,4,5,6&7), Cape Air Freight, Incorporated, now assigned for continued hearing on June 23, 1980 (2 Days), at Kansas City, MO. in a hearing room to be designated later.

MC 120427 (Sub-10F), Williams Transfer, Inc., now assigned for hearing on June 4, 1980 at Lincoln, NE. is postponed indefinitely.

AB 43 (Sub-61F), Illinois Central Gulf Railroad Company Abandonment Between McRaven and Hermanville, MS., now assigned for continued hearing on June 11, 1980 (3 Days), in Suite 924, Federal Building, 100 West Capitol Street, Jackson, MS.

MC 108587 (Sub-26F), Schuster Express, Inc., now assigned for hearing on June 3, 1980 will be held in Hearing Room No. 136, Judicial Committee, State House, Beacon Hill, Boston, MA.

MC C 10330, The Baltimore & Annapolis Railroad Co., Etal -v- Hall Charter Service, Application Dismissed.

MC 95540 (Sub-1115F), Watkins Motor Lines, Inc., transferred to Modified Procedure.

MC 144829 (Sub-3F), Muchmore Trucking, Ltd., now assigned for hearing on June 25, 1980 at Portland, OR., is canceled and transferred to Modified Procedure.

MC 2253 (Sub-96F), Carolina Freight Carriers Corporation, now assigned for hearing on July 9, 1980 at Jacksonville, FL., is canceled and Application Dismissed.

MC 121654 (Sub-27F), Coastal Transport & Trading Company, now being assigned for hearing on July 9, 1980 (1 Day), at Jacksonville, FL., in a hearing room to be designated later.

MC 37295F, ADM Milling Company v Consolidated Rail Corporation, ETAL now assigned for prehearing conference on May 28, 1980 at Washington, DC is postponed to June 17, 1980 prehearing conference at Washington, DC.

MC 147062 (Sub-3F), Express Transportation Company, Inc., now assigned for hearing on July 14, 1980 at Atlanta, GA., is canceled and transferred to Modified Procedure.

MC 107403 (Sub-1186F), Matlack, Inc., now assigned for hearing on May 28, 1980 at Louisville, KY. is canceled and transferred to Modified Procedure.

MC 11207 (Sub-472F), Deaton, Inc., now assigned for hearing on June 2, 1980 will be held at the Department of Labor, Mine Safety and Health Administration, Suite 200, 228 West Valley Avenue, Birmingham, AL.

MC 94201 (Sub-173F), Bowman Transportation, Inc., now assigned for hearing on June 3, 1980 will be held at the Department of Labor, Mine Safety and Health Administration, Suite 200, 228 West Valley Avenue, Birmingham, AL.

MC 133993 (Sub-3F), Sand Mountain Auto Auction, Inc., now assigned for hearing on June 5, 1980 will be held at the Department of Labor, Mine Safety and Health Administration, Suite 200, 228 West Valley Avenue, Birmingham, AL.

MC 110525 (Sub-1304F), Chemical Leaman Tank Lines, Inc., Application Dismissed.

MC 73533 (Sub-4F), Key Way Transport, Inc., Application Dismissed.

MC 73533 (Sub-3F), Key Way Transport, Inc., now assigned for hearing on June 10, 1980 at Washington, DC., is canceled and Application Dismissed.

MC F 12718, Flamingo Transportation, Inc.—Control—Tarpon Transportation, Inc., now assigned for hearing on June 3, 1980 at Washington, DC., is canceled and transferred to Modified Procedure.

MC 142715 (Sub-44F), Lenertz, Inc., now assigned for hearing on June 9, 1980 at Cincinnati, OH in Conference Room 5001 –D– 5th Floor, Federal Building, 550 Main Street, instead of Conference Room 5407 –D– 5th Floor, Federal Building, 550 Main Street.

MC 10343 (Sub-37F), Churchill Truck Lines, Inc., now being assigned for Prehearing Conference on July 9, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 60012 (Sub-100F), Rio Grande Motor Way, Inc., now being assigned for Prehearing Conference on July 14, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 69116 (Sub-232F), Spector Industries, Inc. d.b.a. Spector Freight System, now being assigned for Prehearing Conference on July 14, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 82492 (Sub-246F), Michigan & Nebraska Transit Co., Inc., now being assigned for Prehearing Conference on July 15, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 87909 (Sub-31F), Kroblin Transportation Systems, Inc., now being assigned for Prehearing Conference on July 10, 1980 at the Offices of the Interstate Commerce Commission at Washington, D.C.

MC 106398 (Sub-988F), National Trailer Convoy, Inc., now being assigned for Prehearing Conference on July 16, 1980 at the Offices of The Interstate Commerce Commission, at Washington, D.C.

MC 141804 (Sub-221F), Western Express, Division of Interstate Rental, Inc., is transferred to Modified Procedure.

MC 110988 (Sub-390F), Schneider Tank Lines, Inc., is transferred to Modified Procedure.

MC 108341 (Sub-152F), Moss Trucking Company, Inc., is transferred to Modified Procedure.

MC 147150F, Tryport Transportation, Inc., is transferred to Modified Procedure.

MC 31389 (Sub-278F), McLean Trucking Company, is transferred to Modified Procedure.

MC 55896 (Sub-105F), R–W– Service System, Inc., now assigned for hearing on June 3, 1980 at Washington, D.C. is postponed to July 7, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 145921 (Sub-2F), Air Couriers, Inc., is transferred to Modified Procedure.

MC 106644 (Sub-280F), Superior Trucking Company, Inc., is transferred to Modified Procedure.

MC 114211 (Sub-406F), Warren Transport, Inc., is transferred to Modified Procedure.

MC 2202 (Sub-568F), Roadway Express, Inc., MC 29910 (Sub-568F), Roadway Express, Inc., MC 29910 (Sub-200F), Arkansas-Best Freight System, Inc., MC 35320 (Sub-157F), T.I.M.E. DC, Inc., MC 41432 (Sub-155F), East Texas Motor Freight Lines, Inc., MC 42487 (Sub-882F), Consolidated Freightways Corporation, Delaware, a Delaware Corporation, MC 59680 (Sub-220F), Strickland Transportation Co., Inc., MC 107727 (Sub-29), Alamo Express, Inc., MC 110325 (Sub 88F), Transcon Lines, MC 112713 (Sub-227), Yellow Freight System, Inc., now assigned for hearing on continued hearing on July 15, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 121420 (Sub-12F), Dart Trucking Company, Inc., now assigned for hearing on June 11, 1980 (3 days) at Cincinnati, OH will be held in the Conference Room 5001 –D– 5th Floor, Federal Building, 550 Main Street.

MC 71478 (Sub-45F), The Chief Freight Lines Company, now assigned for hearing on June 17, 1980 (9 days) at Tulsa, OK will be held at the Sheraton-Airport Hotel, 2201 N. 77th East Avenue.

MC 110988 (Sub-392F), Schneider Tank Lines, Inc., now assigned for hearing on July 22, 1980 (1 day) at Chicago, IL, in Room No. 3883, 230 South Dearborn Street.

MC 85934 (Sub-106F), Michigan Transportation Company, is transferred to Modified Procedure.

MC 145152 (Sub-90F), Big Three Transportation, Inc., now assigned for hearing on June 23, 1980 at Kansas City, MO is postponed indefinitely.

MC 121658 (Sub-13F), Steve D. Thompson Trucking Inc., now assigned for hearing on July 7, 1980 at Fort Worth, TX will be held in the ICC Hearing Room 4th, Neil P. Anderson Building, 411-West 7th Street.

MC 145997 (Sub-4F), J. E. M. Equipment, now assigned for hearing on July 9, 1980 at Little Rock, AR, will be held in the Little Rock Public Library, Meeting Room—2nd Floor, 700 Louisiana Street.

MC 138627 (Sub-53F), Smithway Motor Xpress, Inc., now assigned for hearing on July 10, 1980 at Little Rock, AR, will be held in the Little Rock Public Library, Auditorium, 700 Louisiana Street.

MC 57239 (Sub-45F), Renner's Express, Inc., now assigned for hearing on July 21, 1980 at Indianapolis. It will be held in the Conference Room #284, New Federal Building, 575 North Pennsylvania Street.

James H. Bayne,

Acting Secretary.

[FR Doc. 80–17701 Filed 6–11–80; 8:45 am]

BILLING CODE 7035–01–M

[Rule 19; Ex Parte No. 241; 84th Rev. Exemption No. 90]

Aberdeen & Rockfish Railroad Co. et al.; Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
The Ahnapee & Western Railway Company
Reporting Marks: AHW
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
*Arkansas & Louisiana Missouri Railway Company
Reporting Marks: ALM
The Arcata and Mad River Railroad Company
Reporting Marks: AMR
The Atchison, Topeka and Santa Fe Railway Company
Reporting Marks: ATSF
Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Berlin Mills Railway, Inc.
Reporting Marks: BMS
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
Central Vermont Railway, Inc.
Reporting Marks: CV
Chesapeake Western Railway
Reporting Marks: CHW
City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad Company
Reporting Marks: CLP
Columbia & Cowlitz Railway Company
Reporting Marks: CLC
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delaware and Hudson Railway Company
Reporting Marks: DH
Delray Connecting Railroad Company
Reporting Marks: DC
Delta Valley & Southern Railway Company
Reporting Marks: DVS
Detroit and Mackinac Railway Company
Reporting Marks: D&M–DM
Detroit, Toledo and Ironton Railroad Company
Reporting Marks: DT&I–DTI
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Ferdinand Railroad Company
Reporting Marks: FRDN
Galveston Wharves
Reporting Marks: GWF
Genessee and Wyoming Railway Company
Reporting Marks: GNWR
Green Bay and Western Railway Company
Reporting Marks: GBW
Green Mountain Railroad Corporation
Reporting Marks: GMRC
Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchinson and Northern Railway Company
Reporting Marks: HN
Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc., d.b.a. The Hoosier Connection
Reporting Marks: HOSC
*Iowa Terminal Railroad Co.
Reporting Marks: IAT
Lake Erie, Franklin & Clarion Railroad Company
Reporting Marks: LEF

Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI
Lamoille Valley Railroad Company
Reporting Marks: LVRC
Lancaster and Chester Railway Company
Reporting Marks: LC
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Longview, Portland & Northern Railway Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
The Louisiana and North West Railroad Company
Reporting Marks: LNW
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
McCloud River Railroad Company
Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
Mississippian Railway
Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT-BKTY
*Missouri Pacific Railroad Company
Reporting Marks: MP-C&EI-MI-TP
Moscow, Camden & San Augustine Railroad Company
Reporting Marks: MCSA
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Jersey, Indiana & Illinois Railroad Company
Reporting Marks: NJII
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company
Reporting Marks: NYSW
Norfolk and Western Railway Company
Reporting Marks: ACY-N&W-NKP-WAB
Norfolk, Franklin and Danville Railway Company
Reporting Marks: NFD
North Louisiana & Gulf Railroad Company
Reporting Marks: NL&G
Octararo Railway, Inc.
Reporting Marks: OCTR
Ontario Midland Railroad Corp.
Reporting Marks: OMID
Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
Oregon, California & Eastern Railway Company
Reporting Marks: OCE
Oregon, Pacific and Eastern Railway Company
Reporting Marks: OPE
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company
Reporting Marks: PA&M
The Pittsburgh and Lake Erie Railroad Company
Reporting Marks: P&LE
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Prairie Trunk Railway
Reporting Marks: PARY
Rahway Valley Railroad Company
Reporting Marks: RV
Raritan River Rail Road Company
Reporting Marks: RR
*Sacramento Northern Railway
Reporting Marks: SN
St. Lawrence Railroad
Reporting Marks: NSL
St. Louis Southwestern Railway Company
Reporting Marks: SSW
St. Marys Railroad Company
Reporting Marks: SM
Sandersville Railroad Company
Reporting Marks: SAN
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Southern Pacific Transportation Company
Reporting Marks: SP
Southern Railway Company
Reporting Marks: CG-NS-SA-SOU
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
*Tidewater Southern Railway Company
Reporting Marks: TS
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Transkentucky Transportation Railroad, Inc.
Reporting Marks: TTIS
Union Railroad of Oregon
Reporting Marks: UO
Upper Merion and Plymouth Railroad Company
Reporting Marks: UMP
Valley and Siletz Railroad Company
Reporting Marks: VS
Vermont Railway, Inc.
Reporting Marks: VTR
The Virginia and Maryland Railroad Company
Reporting Marks: VAMD
Virginia Central Railway
Reporting Marks: VC
Warwick Railway Company
Reporting Marks: WRWK
Wabash Valley Railroad Company
Reporting Marks: WVRC
WCTU Railway Company
Reporting Marks: WCTR
*Western Pacific Railroad Company
Reporting Marks: WP
*Winchester and Western Railroad Company
Reporting Marks: WW
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective May 15, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 14, 1980.

*Additions.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-17702 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19; Ex Parte No. 241; 20th Rev. Exemption No. 128]

Atchison, Topeka & Santa Fe Railway Co. et al.; Exemption Under Provision of Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Boston and Maine Corporation, Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Consolidated Rail Corporation, Illinois Central Gulf Railroad Company, Louisville and Nashville Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, Seaboard Coast Line Railroad Company, *Southern Railway Company.

It appearing, That the railroads have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing reporting marks assigned to such carriers.

It further appearing, That these railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other roads as system cars, with the Car Service Division of the AAR acting as agent.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations of "XM" "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing the following reporting marks are exempt from provisions of Car Service Rules 1 and 2, while on the lines of any of the railroads named below. Any clearinghouse ownership car bearing one of the applicable mechanical designations may be loaded out via a non-clearinghouse railroad if the car is placed empty by a clearinghouse road at a point open to reciprocal switching.

The Atchison, Topeka and Santa Fe Railway Company
Reporting Marks: ATSF Effective August 22, 1976.
Boston and Maine Corporation
Reporting Marks: BM Effective February 4, 1979.

Chicago and North Western Transportation Company
Reporting Marks: CNW–CGW–CMO–FDDM–MSTL
Effective January 13, 1980.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Reporting Marks: MILW Effective July 15, 1976.
Consolidated Rail Corporation
Reporting Marks: BCK–CNJ–CR–DL&W–EL–ERIE–LV–NH–NYC–PAE–PC–PCA PRR–RDG–TOC–RR* Effective November 6, 1977.
Illinois Central Gulf Railroad Company
Reporting Marks: ICG–GM&O–IC–WLO Effective August 22, 1976.
Louisville and Nashville Railroad Company
Reporting Marks: L&N–CIL–MON–NC Effective August 15, 1976.
Missouri Pacific Railroad Company
Reporting Marks: MP–C&EI–KO&G–T&P–MI Effective July 15, 1976.
Norfolk and Western Railway Company
Reporting Marks: NW–ACY–NKP–PW–V–VGN–WAB–CHW–NJII–NFD
Effective January 13, 1980.
Seaborad Coast Line Railroad Company
Reporting Marks: SCL–ACL–C&WC–SAL Effective August 15, 1976.
*Southern Railway Company
Reporting Marks: SOU–AEC–CG–GF–NS–SA Effective June 1, 1980.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project participants, and to advise the undersigned.

Effective 12:01 a.m., June 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 29, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-17704 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19, Ex Parte No. 241, 41st Rev. Exemption No. 129]

Atlanta & St. Andrews Bay Railway Co. et al.; Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous forty-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC–RER 6410–D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Reporting Marks: MILW
Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delaware and Hudson Railway Company
Reporting Marks: DH
Green Mountain Railroad Corporation
Reporting Marks: GMRC
Illinois Terminal Railroad Company
Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland Midland Railway Company
Reporting Marks: MMID
*Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT
Missouri Pacific Railroad Company
Reporting Marks: C&EI–MI–MP–TR
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
North Stratford Railroad Corporation
Reporting Marks: NSRC
St. Louis Southwestern Railway Company
Reporting Marks: SSW
Southern Pacific Transportation Company
Reporting Marks: SP
Southern Railway Company
Reporting Marks: SOU

Effective May 15, 1980, and continuing in effect until further order of this Commission.

Issued At Washington, D.C., May 14, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-17706 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

*Addition.

*Addition.

[Finance Docket No. 29363]

Chesapeake & Ohio Railway Co.—Trackage Rights—Over Consolidated Rail Corp.

Chesapeake and Ohio Railway Company (C&O), Terminal Tower, Cleveland, OH 44101, represented by Nicholas S. Yovanovic, Attorney, Terminal Tower, P.O. Box 6419, Cleveland, OH 44101, hereby gives notice that on the 27th day of May 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 11343 for authority to acquire trackage rights over the lines of Consolidated Rail Corporation (Conrail) between the following locations:

(1) Suspension Bridge, NY (CP 85) and Main Street, Buffalo, NY, an approximate distance of 19.89 miles;

(2) International Bridge, Black Rock, NY, and Main Street, Buffalo, NY, an approximate distance of 5.08 miles;

(3) Main Street, Buffalo, NY, and The Baltimore and Ohio Railroad Company's Buffalo Creek Yard, via Warwick Avenue, East Buffalo, and the City Branch, an approximate distance of 8.27 miles;

(4) Suspension Bridge, NY (CP 85), and CP "I" near Black Rock, NY, an approximate distance of 19.87 miles;

(5) Black Rock, NY (CP 55) and "FW", via Niagara Branch and CP "F", including connection to International Bridge at CP "F", an approximate distance of 7.33 miles;

(6) International Bridge, Black Rock, NY, and CP "49" via CP "I" and the Belt Line Branch, approximately a distance of 8.25 miles;

(7) Warwick Avenue, Buffalo, NY, and "FW" via "IQ" an approximate distance of 4.35 miles;

(8) East Buffalo, NY, and "FW" via a connection yet to be built at East Buffalo, a distance of approximately 2.17 miles;

for a total distance of approximately 75.21 miles, all in Niagara and Erie Counties, NY. Applicant is operating unde I.C.C. Service Order No. 1380.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. *See*

Implementation—Nat'l Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submission, shall indicate the proceeding designation Finance Docket No. 29363 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20424, not later than 45 days after the date notice of the filing of the application is published in the **Federal Register.** Such written comments shall include the following; the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

James H. Bayne,

Secretary.

[FR Doc. 80-17703 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: June 3, 1980.

In our decisions of May 13, 20, and 27, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.1 percent. Accordingly, we are authorizing that the 13-percent surcharge for this traffic remain in effect. All owner-operators are to receive compensation at this level. A 2.3-percent surcharge, however, will be authorized on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators. No change is authorized in the 4.9-percent surcharge for the bus carriers, nor the 1.3-percent surcharge for the United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday, 12:01 a.m., June 6, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham. Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioners Clapp and Gilliam absent and not participating.

James H. Bayne,

Acting Secretary.

Appendix.—*Fuel Surcharge*

Base Date and Price Per Gallon (Including Tax)

Jan. 1, 1979 ..... 63.5¢

Date of Current Price Measurement and Price Per Gallon (Including Tax)

June 2, 1980 ..... 112.8¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1) From transportation performed by owner-operators. (Apply to all truckload rated traffic).	(2) Other. (Including less-than-truckload traffic).	(3) Bus carriers	(4) UPS
16.9%	2.9%	6.3%	3.3%
Percent Surcharge Developed			
13.1%	2.3%	4.9%	[1]2.1%
Percent Surcharge Allowed			
13.0%	2.3%	4.9%	[2]1.3%

[1] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[2] The developed surcharge figure is reduced 0.8 percent to reflect fuel related increases already included in UPS rates.

[FR Doc. 80-17708 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to ICC Order No. 63 Under S.O. No. 1344]

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 63, and good cause appearing therefor:

It is ordered, I.C.C. Order No. 63 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, changed, or suspended.

Effective date. This amendment will become effective at 11:59 p.m., May 31, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 29, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-17705 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 1 to ICC Order No. 62 Under S.O. No. 1344]

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 62, and good cause appearing therefor:

It is ordered, I.C.C. Order No. 62 is amended by substituting the following paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, changed, or suspended.

Effective date. This amendment will become effective at 11:59 p.m., May 31, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, office of the Federal Register.

Issued at Washington, D.C., May 30, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-17707 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 37403]

Consolidated Rail Corp.—Petition to Eliminate Docket No. 28300 Class Rate Prescription

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposal to Eliminate Class Rate Prescription.

SUMMARY: Consolidated Rail Corporation (ConRail) filed a petition on March 21, 1980, requesting the elimination of the class rate prescription ordered in Docket No. 28300, *Class Rate Investigation, 1939,* 262 I.C.C. 447 (1945), 264 I.C.C. 41 (1945), 268 I.C.C. 577 (1947),

281 I.C.C. 213 (1951). ConRail contends that the prescribed class rates present an obstacle to those carriers that wish to cancel unprofitable joint commodity rates, and publish proportional or local rates on interterritorial movements. The carrier submits that the use of interterritorial proportional rates seems to be increasingly desirable, in that revenue allocation problems could be cured by this method of ratemaking because rate levels for specific movements could be keyed to cost and market factors pertinent to the routes involved. ConRail states the class rates themselves are outmoded, alleging that less than one percent of all traffic moves under these rates. The shipping public has historically viewed the class rate prescription as a safeguard or lid preventing rail carriers from seeking excessive upward rate adjustments above the class rate level. Further, not all users of rail service ship in quantities that justify establishment of lower commodity rates, either single or joint line. At the same time, however, we have serious questions concerning the authority of the Commission under the Act to prescribe class rates on that traffic where no market dominance is found to exist. Accordingly, the Commission is asking for comments and related data on the propriety of eliminating the class rate prescription.

DATES: Comments are due on or before July 28, 1980.

ADDRESS: An original and 15 copies of comments should be submitted to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7693.

Supplementary Information:

In *Class Rate Investigation, 1939, supra,* the Commission ordered a uniform classification of rail freight, and the prescription of a uniform class rate structure, for both single and joint line service. The Commission found that prior individual territorial classifications and the respective class rate structures were unjust and unreasonable, and caused undue preference and prejudice in violation of 49 U.S.C. 10701, 10702, and 10741, (formerly sections 1(4), 1(6), and 3(1) of the Act). This proceeding culminated an effort since the Commission's inception to promote the unification of freight classification throughout the United States, and also provided a basis for eliminating apparent rate discrimination in favor of certain segments of the country vis-a-vis other territories.

Historically, the first-class rates were used by the rail carriers as a basis from which other class and non-class rates have been set. This method of publishing rates became a general practice which the Commission approved and also used in prescribing rates on particular commodities. Accordingly, the class rate levels assumed a certain level of importance both to shippers and carriers.

However, in subsequent years, especially as motor and other competition intensified, the importance of the freight classification as a factor in determining rates lessened considerably. Exceptions ratings and commodity rates rather than class rates have come to reflect the predominant rate level. Over time, the exceptions ratings have generally been converted to commodity rates. In its petition, ConRail states that the use of class rates on its traffic is generally limited to certain high and wide shipments whose aggregate revenue is 0.45 percent of ConRail's total freight revenue. ConRail contends that the experience of other carriers is similar.

At the same time, problems have arisen with the joint commodity rate structure for some carriers, notably ConRail. Petitioner has been dissatisfied with the revenue returns and divisions on much of its joint-line service. In an attempt to solve this problem, ConRail proposed surcharges on its portion of joint-line movements for several commodities. For the reasons set forth in I&S No. 9222, *ConRail Surcharge on Pulpboard* and embraced proceedings, decision served April 22, 1980, the Commission found the surcharges unlawful and ordered them canceled.

In these proceedings, ConRail stated that joint rate cancellation was not an option for several reasons. Among those reasons, ConRail submitted that the substitution of proportional or local rates in lieu of canceled joint commodity rates might not cure its divisions problems. As stated in the decision, under the precedence of rates, joint commodity rates prevail over joint class rates which in turn prevail over proportionals or locals used to construct through combination rates. If ConRail were to cancel its joint commodity rates, the prescribed class rates would then be applicable. Combination rates lower than the class rate could be published under authority of the "Aggregate of Intermediates" Rule.[1]

[1] See 49 C.F.R. 1300.200(a). This rule is published in practically all commodity and class rate tariffs. In brief, the rule provides that a lower aggregate of intermediate (combination) rates over a route on which a higher joint rate also applies displaces the joint rate.

However, language in the order of *Official-Southern Divisions,* 267 I.C.C. 497 (1953), made the divisions prescription applicable to combination rates displacing the joint class or commodity rate. Therefore, ConRail would be unable to retain the total revenue received from publication of a proportional rate.

The Commission ordered removal of this language in our decision in *Pulpboard, supra.* For the future, therefore, any combination rate replacing the joint rate under the "aggregate of intermediate" rule will not be subject to the divisions prescription.

ConRail argued that the same result could have been reached if the class rate prescription were removed. In that situation, ConRail could cancel its joint commodity rates, cancel its joint class rates, leaving combination rates applicable without having to resort to the "aggregate of intermediate" rule. In this situation, the individual factors of the combination rate would retain their separate identity and ConRail could retain the entire revenue on its local rate. However, we chose not to consider this suggestion in the *Pulpboard* proceedings, as we had not given notice of a possible change to the class rate prescription.

Thus, while we afforded ConRail some relief, the class rate prescription would still act as a bar in situations where ConRail wished to raise its local rate to a level where the combination of rates would exceed the class rate level.

The Commission has stated that it favors maximum rate flexibility which will encourage individual carriers to respond to the market place. We are satisfied that the removal of the language in *Official-Southern Divisions, supra,* is an important action for ConRail in dealing with the problem of inadequate revenues on portions of its traffic. However, it is also important to determine if the class rate prescription remains necessary, or if it acts as a further inappropriate bar to ConRail or other carriers in gaining the rate flexibility goals mandated by the Act.

There are important underlying historical reasons that mandate very careful consideration of ConRail's request. The shipping public has looked on the class rate prescription as a safeguard preventing railroads from seeking excessive upward rate adjustments. Not all users of rail service ship in quantities that justify establishment of commodity rates. The prescribed class rates may have acted to protect the less-knowledgeable or unwary shipper.

Therefore, we ask for comments on the propriety of eliminating the class-

rate prescription, both from the point of view of the particular problem expressed by ConRail in its petition, and as a general matter. We should note that neither ConRail nor the Commission is suggesting the elimination of class rates, but only the prescription which requires these rates to be published at no higher than a particular level.

We request that all shipper interests present evidence of specific movements using class rates during the past two years, and evidence of the foreseeable effects of removal of the prescription. In addition, we ask that rail parties to this proceeding present adequate evidence, in terms of both revenue and volume, of the extent that traffic presently moves under class rates.

Further, as to those commodities and movements where no market dominance is found to exist, we have reservations concerning the continuing authority of the Commission to prescribe class rates. The original prescription was based on reasonableness and discrimination findings. We ask that comments also be addressed to this question. If we have no reasonableness jurisdiction here, why should the prescription be continued, bearing in mind that its intent was to provide nationwide uniformity and stability.

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.

(49 U.S.C. 10321, 10701, 10702, and 10704)

Decided: May 29, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Gilliam absent and not participating.

James H. Bayne,

Acting Secretary.

[FR Doc. 80-17709 Filed 6-11-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Monday, June 16 in Butner, North Carolina.

Items which will be included on the agenda are: Department of Justice Correctional Standards, Legal Advice to Prisoners, and the Federal role in Corrections.

Signed at Washington, D.C., this 5th day of June 1980.

Norman A. Carlson,

Director.

[FR Doc. 80-17726 Filed 6-11-80; 8:45 am]

BILLING CODE 4410-05-M

LEGAL SERVICES CORPORATION

Grants and Contracts

June 9, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Southern New Mexico Legal Services in Las Cruces, New Mexico, to provide services to Native Americans residing on or near the Mescalero Appache Reservation.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Native American Desk, Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-17700 Filed 6-11-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-49]

NASA Wage Committee; Meeting

Pursuant to the provisions of Section 10 of the Federal Avisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the NASA Wage Committee is scheduled for July 1, 1980, from 1:30 p.m. to 4:30 p.m. The meeting will be held in Room 226-B, 600 Independence Avenue SW, Washington, DC 20546.

The Committee's primary responsiblity is to consider and make recommendations to the NASA Director of Personnel on all matters involved in the development and authorization of a Wage Schedule for the Cleveland, Ohio, wage area, pursuant to Pub. L. 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedule review therefrom.

Since this section will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairperson concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairperson, NASA Wage Committee, Lewis Research Center, NASA, 21000 Brookpark Road, Cleveland, Ohio, 44135.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

June 6, 1980.

[FR Doc. 80-17683 Filed 6-11-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-24]

Accident Report, Safety Recommendations and Responses; Availability

Aircraft Accident Report: *Downeast Airlines, Inc., deHavilland DHC-6-200, N68DE, Rockland, Maine, May 30, 1979 (NTSB-AAR-80-5).*—The National Transportation Safety Board on June 3 released its formal investigation report concerning the crash of a commuter flight which occurred in a heavily wooded area about 1.2 mi south-southwest of Rockland. The crash occurred during a nonprecision instrument approach to runway 3, Knox County Regional Airport, in instrument meteorological conditions. Of the 16 passengers and 2 crewmembers aboard, only 1 passenger survived the accident. The aircraft was destroyed.

The Safety Board has determined that the probable cause of the accident was the failure of the flightcrew to arrest the aircraft's descent at the minimum descent altitude for the nonprecision approach, without the runway

environment in sight, for unknown reasons.

Although the Safety Board was unable to determine conclusively the reason(s) for the flightcrew's deviation from standard instrument approach procedures, it is believed that inordinate management pressures, the first officer's marginal instrument proficiency, the captain's inadequate supervision of the flight, inadequate crew training and procedures, and the captain's chronic fatigue were all factors in the accident. These findings were established during the course of the investigation and public hearing. The Board's investigation was made more difficult by the lack of a flight data recorder and a cockpit voice recorder. As a result, the Board, for the sixth time in two years, urged the Federal Aviation Administration to develop, in cooperation with industry, flight recorder standards (FDR/CVR) for complex aircraft which are predicated upon intended aircraft usage. Also, at the same time, FAA was asked to draft specifications and fund research and development for a low-cost FDR, CVR, and composite recorder which can be used on complex general aviation aircraft, and to establish guidelines for these recorders, such as maximum cost, compatible with the cost of the airplane on which they will be installed and with the use for which the airplane is intended. These recommendations, Nos. A–78–27 and –28, respectively, were reported at 43 FR 18073, April 27, 1978.

During its investigation of this accident, the Safety Board Last March 26 recommended that FAA insure that lighted visibility markers be installed within sight, in clear visibility conditions, of the normal weather observation position, placing one of the markers about three quarters of a mile from the point of observation. Also, the Board recommended that FAA establish guidelines on the location and the number of visibility markers necessary at airports to assure representative surface visibility values for airport runways and the airport environment. (See 45 FR 22312, April 3, 1980.)

As a result of its complete investigation of this accident, the Safety Board on May 27 issued recommendations A–80–41, –42, and –43, asking FAA to, respectively, publish a maintenance bulletin to alert FAA maintenance inspectors to the safety hazard associated with installation of mixed-color cockpit instrument lighting; to require that 14 CFR Part 135 operators emphasize crew coordination during recurrent training, especially when pilots are qualified for both single-pilot/autopilot and two-pilot operations; and to upgrade flight opertions manuals of 14 CFR Part 135 operators to assure standardization by clearly delinating operational duties and responsibilities of all required cockpit crewmembers. (See 45 FR 37917, June 5, 1980.)

Safety Recommendation Letters

Aviation

A–80–46 to the Federal Aviation Administration, June 3, 1980.—Last February 16 a Redcoat Air Cargo, Ltd., Bristol Britannia 253 crashed at Billerica, Mass., about 7 minutes after takeoff from Boston's Logan International Airport. Although the flightcrew obtained a briefing from the National Weather Service more than 2 hours before the aircraft departed Boston, they did not receive a current SIGMET. A SIGMET forecasting severe icing conditions near the surface in the Boston area was valid but was not transcribed on the Boston Logan ATIS.

On March 9 a Cessna 172 crashed shortly after takeoff from Arapahoe County Airport, near Denver, Colo. Safety Board investigation indicates that the aircraft encountered severe up-and-downdrafts shortly after liftoff from the runway since the flight was intended to be a local VFR instruction and pleasure operation, the pilot did not obtain a weather briefing. However, at the time of the accident, a SIGMET forecasting moderate-to-severe turbulence and up-and-downdrafts for the local area was valid. The pilot monitored the Arapahoe County Airport ATIS channel for local conditions. However, as in the previously cited accident, there was no reference to the currently valid SIGMET on the ATIS report.

The Safety Board has made several recommendations in the past regarding the adequacy and timeliness of the transmission of severe weather information to pilots, most recently A–77–65 and A–77–68. (See 42 FR 54479, October 6, 1977, and 42 FR 57577, November 3, 1977, respectively.) FAA's actions as a result of these recommendations have improved the SIGMET notification procedures for en route operations. However, the Board believes that a significant communications gap still exists for aircraft operations in the terminal environment, when the crew may or may not be monitoring an en route frequency. Recommendation A–77–68 called for formulation of "rules and procedures for the timely dissemination by Air Traffic Controllers of all available severe weather information to inbound and outbound flightcrews in the terminal area." The Board is holding that recommendation in "open—acceptable action" status pending finalization of FAA's planned program aimed specifically at disseminating weather data in terminal areas. The Board reiterates its concern expressed in recommendation A–77–68 and urges continued efforts to achieve early implementation of FAA's planned solution.

Notwithstanding FAA's efforts and goals reflected in response to A–77–68, the Board believes that immediate action can and should be taken to solve part of the problem by transmitting severe terminal weather information to pilots by means of the ATIS broadcast. The Board notes that there is no mandatory provision for weather advisories such as SIGMET's and PIREP's on ATIS broadcasts. Present guidelines for use of ATIS restrict the broadcast time to about 30 seconds. However, the Board is aware that the existing ATIS equipment has the capability of a 3-minute broadcast. Therefore, it is possible to include a brief notification of current SIGMET's and selected PIREP's on the ATIS broadcast without imposing undue workload on personnel or without additional equipment. Accordingly, the Safety Board recommends that FAA:

Insure that the ATIS advisories contain all essential forecasted meteorological conditions including SIGMET's which are likely to affect aircraft operating in terminal areas served by the ATIS. (A–70–46)

A–80–47 and –48 to the Federal Aviation Administration, June 3, 1980.—A Gruman American Model AA–1B, N8971L, departed Melbourne (Fla.) Regional Airport last November 29 on an instrument training flight. There were no communications with the flightcrew after it departed Melbourne. The flight failed to return and was reported missing. The wreckage was located on November 30 about 8 miles west of Melbourne in a level grass pasture. Both pilots were fatally injured.

Board investigation revealed that the handle of the fuel selector valve, P/N SP2358B3, was selected to the right tank position; however, the right port of the valve was blocked completely and the left port was blocked partially by the valve's plastic core. Disassembly of the selector valve showed that the plastic core had separated from the valve handle. A survey of FAA's Maintenance Analysis Center records indicated that one other case of a fuel selector valve plastic core failure and eight cases of fuel selector valve binding have been reported over the last 5 years. The service manual for the aircraft requires disassembly of the selector valve every

500 hours for cleaning and lubrication. This maintenance reportedly was performed on the aircraft involved in this accident at its last annual inspection on March 30, 1979, 163 flight-hours before the accident.

The Safety Board recognizes that FAA has been active in alerting owners and operators of Gulfstream American Models AA-5A, -5B, and -1 of fuel selector valve difficulties by addressing this information in the August 1978 issue of the General Aviation Airworthiness Alerts and in the September 1977 issue of the General Aviation Inspection Aids Summary. Because of the circumstances of this accident and the potential for future fatal accidents, the Safety Board recommends that FAA:

Issue an Airworthiness Directive for all Gulfstream American model aircraft to require disassembly of the fuel selector valve for inspection, cleaning, and lubrication at 100-hour intervals. (A-80-47)

Evaluate the design of fuel selector valve, P/N SP2358B3, and require correction of any deficiencies found during the evaluation. (A-80-48)

Pipeline

P-80-48 and -49 to the Mountain Bell Telephone Company (Mountain Bell), June 3, 1980.—Last July 25 an explosion and fire destroyed a duplex apartment house at 2301 Bridge Boulevard, Albuquerque, N. Mex. Two persons were killed, and two persons were hospitalized for burns; adjacent houses were damaged. The explosion occurred at 5:51 p.m. Earlier in the day, a Mountain Bell crew had been using a backhoe at the intersection of Bridge Boulevard and Atrisco Road to locate a telephone cable. The backhoe snagged a gas service line but the fact that it was pulled from a 1-inch coupling under the house was not discovered at that time. Some area residents smelled natural gas odors beginning at noon of that day, but no one had called the gas company or the fire department. Natural gas, at 38 psig pressure, escaped from the service line and accumulated under the house. The gas ignited when one of the occupants struck a match to light a stove.

The Safety Board notes that the Gas Company of New Mexico, owner of the gas service line, is a member of the local "Blue Stake—one-call" system. The Blue Stake One-Call Center had received a telephone call from Mountain Bell on July 24, 1979, requesting that the gas company mark the location of the service line at 2301 Bridge Boulevard. Although the request was not in compliance with the gas company's requirement for 48 hours' advance notice to locate and mark its facilities before excavation, gas company employees arrived at the location on the morning of the accident to mark the service line. They noticed that the telephone company's requirement for 48 hours' advance notice to locate and mark its facilities before excavation, gas company employees arrived at the location on the morning of the accident to mark the service line. They noticed that the telephone company's construction crew had already uncovered and exposed a portion of the service line. The construction crew was not aware of the exact location of the natural gas service line until they had snagged it with the backhoe. The gas company employees located the service line, as requested, and sprayed paint on the surface of the pavement above the service line. No inspection of the exposed service line was made, and no discussion of the prior excavation took place between gas company and telephone company personnel.

After the accident, the service line was exposed from the excavation site to a crawl space under the apartment house where it had been pulled from its compression coupling. A 2-inch separation existed between the inlet side of the compression coupling and the pipe. The ¾-inch steel mill wrapped service line was approximately 75 feet from the top of the main to the house meters and had been bent severely 11 inches horizontally and 6 inches vertically at the excavation site. Examination of the service line at the excavation site showed that the service line had been taped over the bent area. It is Mountain Bell's policy to tape any facility which it has struck during excavation work.

The Safety Board has determined that Mountain Bell began excavating for the telephone cable and damaged the natural gas service line before the service line was properly marked by the gas company. Therefore, the Board recommends that Mountain Bell:

Direct its excavation contractors as well as its company crews not to begin excavation operations until underground facilities have been marked properly, and when facilities are damaged as a result of excavation activities, to immediately notify the owner so that inspection, repair, or other emergency actions can be initiated. (P-80-48)

When gas facilities are disturbed or damaged, take necessary precautions in coordination with gas company instructions, such as evacuation of adjacent buildings, to ensure the safety of the public. (P-80-49)

Railroad

R-80-23 and -24 to the Atchison, Topeka and Santa Fe Railway Company (AT&SF); R-80-25 to the National Railroad Passenger Corporation (Amtrak); and R-80-26 to the Federal Railroad Administration (FRA), June 3, 1980.—about 6:10 a.m. last October 2, Amtrak passenger train No. 4, the Southwest Limited, derailed 3 locomotive units and 17 cars while moving through a 7° curve on the AT&SF tracks at Lawrence, Kans. Of the 147 passengers and 30 crewmembers, 2 persons were killed and 69 persons were injured. Property damage was estimated to be $4,634,330.

As indicated in the Safety Board's soon-to-be-released investigation report, the engineer assigned to train No. 4 was not sufficiently familiar with the rescheduled route the train was to take for the first time between Newton, Kans., and Kansas City, Mo., via Topeka, Kans., and Lawrence. The engineer had not been over the route for 5 years and had not made a familiarization trip as prescribed in AT&SF Bulletin No. 308. AT&SF made engineers responsible for their own compliance with Bulletin No. 308, but AT&SF had no record of compliance or a method of enforcement. The engineer was awarded the assignment solely on the basis of seniority.

Since the engineer was not familiar with the route, he also was not aware of the location of speed reduction and automatic train stop (ATS) signs or an ATS inductor in the track about 1 mile west of the curves at Lawrence. A critical sign was not in place, and the ATS system apparently was not operating because (1) the alarm whistle did not sound in the cab and (2) the brakes did not apply automatically as the train passed the inductor, despite the fact that the inductor was not acknowledged by the engineer. Consequently, the engineer was unaware of passing over the inductor and of the inoperable ATS system. Therefore, the Safety Board recommends that AT&SF:

Establish rules and procedures to verify that locomotive engineers are familiar with a district so they can operate safely in the event any fixed signal or other pertinent sign is inoperative or missing. (R-80-23)

Establish special rules which explain and identify the location of automatic train stop inductors that are not located at automatic block signals. (R-80-24)

The Safety Board's letter to Amtrak notes that since the uninjured AT&SF traincrew had specific duties immediately following the accident, such as protecting the train from following trains and notifying the dispatcher, the burden fell upon Amtrak personnel to provide help to the injured. Because of injuries, only 10 of the 24 Amtrak employees were available to

render first aid to the injured passengers. It is unknown how many did render aid but the effectiveness of the aid is in doubt because these personnel had no formal training in rudimentary first aid or rescue procedures. Additional work needs to be done to prepare traincrews, particularly Amtrak service employees, to act appropriately following an accident.

In its investigation of a June 9, 1978, accident at Seabrook, Md., the Safety Board recommended that Amtrak: "Establish a program to train crewmembers in the proper procedures for care of passengers in derailment and emergency situations. (R–79–36)" (See 44 FR 18750, March 29, 1979.) Amtrak replied that it would "follow up on the training of the crewmembers to deal with derailments and emergency situations" and include such training in its on-going employee training program. The Safety Board now reiterates this recommendation and continues to hold it "open."

Investigation of the Lawrence accident disclosed that the ATS equipment on the locomotive did not apply the brakes automatically when the engineer did not press the acknowledgment button while passing over an inert inductor in the track about 1 mile west of the 7° curve at Lawrence. During postaccident testing of the ATS system, the Safety Board found that the ATS system did not function or functioned erratically on several other Amtrak trains. These malfunctions occurred even when the locomotive ATS equipment had been tested and found to be operative before the locomotive left the initial terminal.

When an engineer is aware of the location of an inductor, he can prevent the alarm whistle from sounding by pressing the acknowledgment button before passing over an inductor. While this "preacknowledgment" is a preferred procedure, it will not alert him to a failure in the ATS system. However, if acknowledgment is deferred until the locomotive passes over an inductor (postacknowledgment), an alarm will sound. This alarm indicates that the ATS is operative and alerts the engineer that he has 4 to 7 seconds to acknowledge the alarm by pressing the acknowledgment button before the brakes apply automatically.

To provide a positive indication of the status of the ATS equipment en route, and to allow engineers to continue to use the preferred preacknowledgment procedure, the Safety Board recommeded that Amtrak:

Redesign automatic train stop equipment to provide an audible and visual alarm which will indicate that the system is functioning during both preacknowledgment and postacknowledgment procedures. (R–80–25)

In its letter to FRA , the Safety Board noted that the emergency lighting failed in some of the overturned cars, and passengers were hampered in escaping from the cars when they became disoriented in the dark. The Board believes that the D.C. electrical system could have been more resistant to failure when cars were overturned or just derailed. Adequate hazard analyses could have provided designers and engineers insight into how the system could fail and thus allow them design options on how to lower the probability of such failures. Reflective signs could have been used to identify exits both to passengers and to rescue workers. Emergency portable high-intensity lights could have been located in each car for use by traincrew and passengers.

As a result of its investigation of the derailment of an Amtrak passenger train on the AT&SF tracks at Melvern, Kans., July 5, 1974, the Safety Board recommended that FRA promulgate regulations that all passenger cars be provided with emergency exits and emergency lights that will function when regular power is lost (recommendation R–75–3). FRA replied that it was "conducting research that will be used as a basis for promulgating minimum safety standards for passenger cars. Standards for emergency lighting and emergency exits will be included in the rulemaking." FRA later replied that the research was completed in 1978. The Safety Board is holding this recommendation "open." In an effort to expedite issuance of these minimum safety standards, the Board in 1979 after investigating the Amtrak train collision at Seabrook, Md., June 9, 1978 (see above), recommended that FRA: "Promulgate regulations to establish minimum standards for the design and construction of the interiors of passenger-carrying cars so that adequate crash-injury protection will be provided passengers. (R–79–38)" FRA replied that it and the Urban Mass Transportation Administration are developing a comprehensive passenger safety program that includes all aspects of the problem. The program is scheduled for completion about the first quarter of 1981. The Safety Board cites the prolonged delay due to a continued study of obvious problems and is holding the recommendation "open—unacceptable action."

Further, as a result of its investigation of an accident near Wilmington, Del., on October 17, 1975, the Safety Board recommended that FRA: "Require carriers to train employees in emergency procedures to be used after an accident, to establish priorities for emergency action, and to conduct accident simulations to test the effectiveness of the program, inviting civic emergency personnel participation. (R–76–29)" FRA replied that it is "analyzing carrier testing and training programs submitted under (49 CFR) Part 217—Railroad Operation Rules * * * and will determine what training and testing regulations are necessary to ensure adequate training programs * * *." The Safety Board is holding the recommendation "open—acceptable action."

In its investigation of the accident at Seabrook, Md., the Safety Board recommended that FRA: "Promulgate regulations establishing minimum standards for the training of traincrews in the safe operation of trains and in emergency procedures. (R–79–40)" FRA replied that it does not intend to promulgate regulations in the area of training and that it can "best serve the training needs of the industry through research projects" to improve railroad employee training. The Safety Board, however, believes that such research does not guarantee improved action or adoption of standards by the railroad industry and is holding the recommendation "open—unacceptable action."

Additionally, the Safety Board notes in its letter to FRA that examination of the ATS equipment disclosed that on one unit the ATS selector switch was defective and would break electrical continuity intermittently. On the other unit the laminations on the receiver coils were damaged, thus affecting the magnetic field of the receiver. The various test procedures employed by Amtrak and the AT&SF using portable test equipment, a steel bar, measuring the height of the receiver above the top of rail, and preacknowledging inert inductors failed to disclose the malfunctioning of the ATS equipment.

In view of these findings, the Safety Board recommends that FRA:

Determine and advise if test procedures being employed by AT&SF at all locations are sufficient to determine if automatic train stop apparatus is functioning properly for in-service operation. (R–80–26)

All of the above recommendations in the aviation, pipeline and railroad modes, issued on June 3, 1980, are designated "Class II, Priority Action."

Responses to Safety Recommendations

Marine

M–78–56 through –61, from the U.S. Coast Guard, May 28, 1980.—Response

is to the Safety Board's letter of last November 30 which provided comments on Coast Guard's July 18, 1979, response to recommendations made following investigation of the SS *Sansinena* explosion in Los Angeles Harbor, December 17, 1976. (See 44 FR 49533, August 23, 1979.)

With reference to recommendations M–78–56, –57, –58, and –60, the Safety Board's November 30 letter refers to the Board's earlier letter dated March 23, 1979, wherein the Board agreed that design changes for tank vents, requirements for segregated ballast tanks (SBT) and inert gas systems (IGS), and closed gauging systems would achieve the goal of lessening vapor concentrations on and around tank vessels in U.S. ports. The Board is pleased to see that rulemaking action is progressing in the areas of SBT and IGS. The Board noted that the closed gauging systems have been moved from the IGS proposal, as discussed in Coast Guard's January 26, 1979, letter, and will now be a part of the regulatory work plan for efficient design and arrangement of vent systems. The Board expressed the hope that the rulemaking plan covering the subjects of vents and closed gauging will not be based on the projected 1982 completion date for Coast Guard's two-phase study of vapor dispersion hazards. The Board restated its opinion that interim operational criteria should be developed to meet the immediate safety needs for ballasting tank vessels.

The Board's November 30 letter further notes that Coast Guard's discussion of scope of application of the IGS in the preamble to CGD–77–057a, published at 44 FR 9393 on February 12, 1979, includes the following statements:

> . . . For the purpose of this rulemaking integrated tug barges which carry grades A, B, C, or D cargo in bulk and have a combined deadweight tonnage above the applicable tonnage base will be treated as tankships.

and

> . . . Smaller tankers and barges do not have a significant history of fires and explosions. . . . .

The Board was pleased to see that tank barges are to be included in this rulemaking but is concerned by an apparent contradiction posed by the second statement. Coast Guard's preamble to CFG–77–057, published on May 16, 1977, included a chart showing that 47 percent of the cargo tank fires and explosions between 1950 and 1973 occurred in vessels of less than 20,000 DWT. If this is not considered a "significant history," then the 53 percent occurring in vessels of 20,000 DWT and over cannot be considered significant either. The Board once again suggested that a lower DWT threshold of the proposed rules would be appropriate.

With reference to recommendation M–78–59, the Board expressed appreciation of Coast Guard's efforts at the international level for ratification of the 1978 IMCO Standards of Training, Certification, and Watchkeeping Convention.

Further, in its letter of November 30, the Safety Board found the two studies evaluating flame-quenching devices to be acceptable in meeting the intent of recommendation M–78–61. The Board asked to be provided with a copy of the scope of work for the study for experimental evaluation of screen-type flame arresters. Board analysis of the *Sansinena* accident indicated that the 20-mesh flame screens used on the *Sansinena* may not have protected the cargo tanks against flame entry through the ullage openings. Because of the extensive use of flame screens on tank vessels in U.S. ports, the Board believes that it is important that the adequacy of these devices be reviewed to determine what flame screen mesh is required to quench a flame that has accelerated across a flammable gas layer near a protected opening.

In its response of May 28 Coast Guard states that while it agrees with the intent of recommendation M–78–56, it is Coast Guard's opinion that operational regulations to reduce hydrocarbon emissions during certain atmospheric conditions are impractical and uninforceable. This applies to all vapor-emitting operations: loading, ballasting, gas freeing, etc. Further, regulations of this type are unnecessary, Coast Guard states, since Paragraph 6.8 of the International Safety Guide on Oil Tankers and Terminals, 1978, discusses this problem and recommends actions to mitigate the hazard. This guide is an industry-consensus standard and is self-regulating. Coast Guard notes that this action is in keeping with present Department of Transportation policy to minimize development of new regulations where industry consensus standards are available.

With reference to recommendations M–78–57, –58, and –60, Coast Guard reports that last November 19 final rules were published at 44 FR 66500 addressing segregated ballast tanks, clean ballast tanks, crude oil washing, and inert gas systems. A copy of the rulemaking was provided. Coast Guard notes that the rules did not expand the applicability of either SBT or IGS beyond that proposed in the February 12, 1979, notice of proposed rulemaking. The question of whether there was sufficient justification to require IGS on tank barges was discussed in detail. It was decided that in other than integrated tug barges which meet the combined tonnage criteria of the rulemaking, there is not sufficient justification to extend the rulemaking to barges. Regarding extension of IGS requirements to tank ships below 20,000 DWT, a commitment was made to reexamine U.S. data for the years 1974 through 1977 and submit this information and analysis to the Intergovernmental Maritime Consultative Organization Subcommittee on Fire Protection for review by that group at its 25th session in November 1980. Coast Guard will provide the Safety Board with the information to be submitted to IMCO and the results of that group's deliberations. With regard to vent design/closed gauging, Coast Guard does not plan to wait until the 1982 study results are available. Development of the work plan for a regulatory project has begun, and the Safety Board will be provided with a copy of this work plan when it is completed.

With reference to recommendation M–78–61, Coast Guard provided a copy of the scope of work in the research and development study entitled "Experimental Evaluation of Screen-Type Flame Arresters with Fuel/Air Mixtures under Atmospheric Flash-Back Conditions."

Railroad

R–80–20, from the National Railroad Passenger Corporation (Amtrak), May 29, 1980.—Response is to a recommendation issued April 21 resulting from investigation of the October 12, 1979, collision of an Amtrak passenger train with an Illinois Central Gulf freight train at Harvey, Ill. The recommendation asked Amtrak to ensure that all crewmembers on Amtrak passenger trains are trained to identify and operate all pertinent features of the equipment. (See 45 FR 29145, May 1, 1980.)

Amtrak states in response that it provides all newly hired On-Board Service personnel with both classroom and field training on all types of Amtrak passenger equipment. There were 636 new employees trained in this program in FY 79 and Amtrak anticipates training an additional 600 people in FY 80. In addition to the new-hire training program, employees hired prior to FY 79 are being trained in the same program. Amtrak expects all of its On-Board Service employees to be fully trained by the end of FY 81. A copy of the Amtrak On-Board Service training program is provided.

Further, Amtrak notes that although operating train crews are not Amtrak employees, these people are provided with a training kprogram which includes the operation of pertinent features of Amfleet and Superliner equipment. In CY 79, 869 operating employees were trained, and as of March 31, 1980, 408 operating people have received the same training. A copy of this training program was also furnished to the Safety Board.

Amtrak states that it is making every effort to educate and train everyone involved in the emergency features of its equipment along with emergency evacuation procedures.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters and responses or related correspondence are also provided free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 9, 1980.

[FR Doc. 80-17803 Filed 6-11-80; 8:45 a.m.]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-320 OLA]

Metropolitan Edison Co. et al. (Three Mile Island Nuclear Station, Unit 2); Place of Hearing

June 4, 1980.

In an order dated May 23, 1980, notice was given that a special prehearing conference in the above indicated matter would be held on July 7, 1980 in Harrisburg, Pennsylvania. The place of hearing was not known at that time.

It has now been confirmed that said hearing will be held in Courtroom #2 (9th Floor), U.S. Federal Building and Courthouse, 3rd and Walnut Street, Harrisburg, Pennsylvania, on July 7, 1980 beginning at 2 p.m. local time.

It is so ordered.

Dated at Bethesda, Md., this 4th day of June 1980.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman.

[FR Doc. 80-17715 Filed 6-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company (the licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to permit storage of fuel assemblies containing 3.35 weight percent U-235 in the high density spent fuel storage racks in the spent fuel storage pool.

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 in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not require 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 May 9, 1980, (2) Amendment No. 58 to License No. DPR-65, and (3) the Commission's letter dated May 29, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 29th day of May 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 80-17716 Filed 6-11-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Revision 2 to Regulatory Guide 5.44, "Perimeter Intrusion Alarm Systems," describes six types of perimeter intrusion alarm systems that can be used in nuclear facilities to protect against theft or diversion of strategic special nuclear material and radiological sabotage. This revision was made to incorporate recent changes to the Commission's Physical Protection regulations and reflects public comment and additional staff review. Appendices A and B, which provide examples of methods for testing these alarm systems, have been added in response to public comment.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 3d day of June 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-17717 Filed 6-11-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

June 9, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information.

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send **you** a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Food and Nutrition Service
Distribution Data for Delivery of Donated Foods
FNS-7
On Occasion
State distributing agencies, 2,533 Responses, 1,277 Hours
Charles A. Ellett, 395-7340

Revisions

Economics, Statistics, and Cooperatives Service
Milled Rice Distribution Survey
Other (See SF-83)
Rice mills and repackageers, 31 responses, 87 hours
Office of Federal Statistical Policy and Standard, 673-7974

Economics, Statistics, and Cooperatives Service
Pesticide use—Corn, Soybean and Grain Sorghum
Annually
Grape Growers, 4,663 responses, 2,332 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

Revisions

Bureau of Economic Analysis
Quarterly Report Ocean Freight Revenues and Expenses—U.S. Carriers
BE-30
Quarterly
Ship operators and agents, 160 responses, 800 hours
Office of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
Boundary and Annexation Survey Collection Instruments
BAS-1, BAS-8-L, BAS-4, BAS-7
Annually
All municipal governments over 2,500 population and all county governments 10,000 responses, 5,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

Industry and Trade Administration
Reports of Requests for Restrictive Trade Practices or Boycott Single and Multiple Transactions
EAR 369, ITA 621P, 6051P, and 6051P-A
Quarterly
U.S. exporters, banks, freight forwarders, carriers, 27,500 responses, 9,375 hours
William T. Adams, 395-4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

New Forms

Departmental and Other
Health Insurance Claim Form
Champus 501
On Occasion
Physi. and other indiv. health care providers 1,762,354 responses, 439,643 hours
Kenneth B. Allen, 395-3785

Extensions

Department of the Air Force
Technical Order System Publication Improvement Report and Reply
AFT022

On Occasion
Manufacturer of AF equipment, 300 responses; 50 hours
Edward C. Springer, 395–4814

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

New Forms

Health Resources Administration
National Sample Survey of Registered Nurses II
Single-Time
Registered nurses, 40,000 responses, 13,333 hours
Office of Federal Statistical Policy and Standard, 673–7974

Office of Human Development
Costs of Food Service Delivery Systems for the Elderly
Single-Time
Nutrition service providers, 1 response, 280 hours
Barbara F. Young, 395–6880

Social Security Administration
Physician's Statement
SSA–786
On Occasion
Physicians having knowledge of beneficiary's mental capability, 60,000 responses, 5,000 hours
Barbara F. Young, 395–6880

Revisions

National Institutes of Health
Framingham Cohort Surveillance and Offspring Study
NIH 2413— (Series)
Single-Time
Residents of Framingham, Massachusetts, 5,100 responses; 2,550 hours
Richard Eisinger, 395–6880

Public Health Service
Monthly Vital Statistics Report
HRA–1
Monthly
State registrars, 624 responses, 62 hours
Office of Federal Statistical Policy and Standard, 673–7974

Reinstatements

Food and Drug Administration
Dietary Foods Surveillance
Single-Time
Individuals 16 years in 48 States, 3,000 responses, 750 hours
Richard Eisinger, 395–6880

Health Care Financing Administration (Medicare)
Home Health Agency Survey
HCFA–1572
Annually
HHA participating in medicare program, 3,100 responses; 25,823 hours
Richard Eisinger, 395–6880

Health Care Financing Administration (Medicare)
Portable X–Ray Survey Report Form
HCFA–1882
Annually
Suppliers req. to parti. in medicare/medicaid programs, 300 responses, 1,600 hours
Richard Eisinger, 395–6880.

Health Care Financing Administration (Medicare)
Outpatient Physical Therapy Survey Report
HCFA–1893
Annually
Providers of outpatient physical therapy services, 500 responses; 2,665 hours
Richard Eisinger, 395–6880

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment and Training Administration
Displacement Study for Youth Incentive Entitlement Project
ETA–RC34
Single-Time
Employers of entitlement youth and control employers, 3,750 responses, 2,667 hours
Arnold Strasser, 395–6880

Revisions

Employment and Training Administration
Baseline Employers Survey for the Employment Opportunity Pilot Projects
MT 300–B
Single-Time
For-profit establishments in 30 EOPP pilot and control sites, 6,600 responses, 4,620 hours
Arnold Strasser, 395–6880

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632–3538

Revisions

Application/License for Temporary Import
DSP–61
On Occasion
Importers of munitions list items, 1,625 responses, 406 hours
Phillip T. Balazs, 395–4814

Application/License for Temporary Export
DSP–73
On Occasion
Exporters of munitions list items, 2,315 responses, 579 hours
Phillip T. Balazs, 395–4814

Extensions

Application for Registration
DSP–9
On Occasion
Mfrs. and exporters of munitions list items, 525 responses, 131 hours
Phillip T. Balazs, 395–4814

ACTION

Agency Clearance Officer—James B. Lancaster—254–3172

New Forms

O.A.V.P. Transportation Survey
Single-Time
Directors of Action's OAVP projects, 942 responses, 471 hours
Arnold Strasser, 395–6880

Reinstatements

LRV/UYA Reference Forms
On Occasion
People writing reference for UYA/LRV applicants, 15,000 responses, 7,500 hours
Arnold Strasser, 395–6880

Volunteer Application (for use by locally recruited and University Year for ACTION applicants
A–35A
On Occasion
Applicants for VISTA and University Year for ACTION, 10,000 responses, 10,000 hours
Arnold Strasser, 395–6880

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Henry F. Beal—755–2744

New Forms

Waterborne Disease Surveillance in Vermont
Single-Time
Households in a Six-County Area in Vermont, 1 response, 1 hour
Edward H. Clarke, 395–7340

Reinstatements

Comment Form Calendar of Federal Regulations[1]
Single-Time
All users of calendar, 2,000 responses, 500 hours
Edward H. Clarke, 395–7340

NATIONAL ENDOWMENT FOR THE ARTS

Agency Clearance Officer—Paul G. Zarbock—634–6160

New Forms

Data Survey
Single-Time
Non-profit Arts Organizations, 300 responses, 150 hours
Laverne V. Collins, 395–6880

[1] This request for clearance may be acted upon before the standard ten day public comment period is over. It is minor revision of a form used to collect public comments for the calendar of Federal regulations. Quick action is needed to permit timely distribution of the latest calendar.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New Forms

Benefit Accuracy Study
Single time
Families receiving monthly benefits under RR Act, 5,000 responses; 2,662 hours
Barbara F. Young, 395–6880

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Anderson—653–6890

New Forms

Management Assistance Training Questionnaire
Annually
SBA borrowers, 260 responses; 26 hours
Edward C. Springer, 395–4814

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2146

Revisions

Application for Veterans' Group Life Insurance
VA 29–8714–3
On occasion
Veterans separated more than 120 Days, 25,000 responses; 6,250 hours
Laverne V. Collins, 395–6880

Request for employment Information in Connection with Claim for Disability Benefits
21–4192
On occasion
Employer, 65,000 responses; 16,250 hours
Laverne V. Collins, 395–6880

Application for Veterans' Group Life Insurance (Veteran Separated More Than 120 Days)
29–8714–2
On occasion
Veterans separated on or after August 1, 1974, 19,000 responses; 4,750 hours
Laverne V. Collins, 395–6880

Application for Reinstatement (Nonmedical Insurance, Age 50 and Under)
29–252A
On occasion
Insured veterans, 1,500 responses; 500 hours
Laverne V. Collins 395–6880

Reinstatements

Certification of Loan Disbursement
26–1876
On occasion
Veteran and lender 312,000 responses; 156,000 hours
Laverne V. Collins, 395–6880

Request for Determination of Reasonable Value (Mobile Home)
26–8728
On occasion
Lenders, 500 responses; 83 hours
Laverne V. Collins 395–6880

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–17814 Filed 6–11–80; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Services Policy Advisory Committee; Determination of Closing of Meetings

Meetings of the Services Policy Advisory Committee (the Advisory Committee) at the Office of the U.S. Trade Representative, 1800 G Street, N.W., Washington, D.C., will involve the review and discussion of the status of the current USG initiative in services and other matters concerning the services policy of the United States. Such reviews and discussions will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to frustrate significantly implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees established under Section 135(c) of the Act, I hereby determine that meetings of the Advisory Committee will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code. The Advisory Committee will convene on June 24, 1980 at 1800 G Street, N.W. at 1:30 p.m.

Ruebin O'D. Askew,

U.S. Trade Representative.

[FR Doc. 80–11734 Filed 6–11–80; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems to be held on July 8–10, 1980 at the United Airlines Flight Training Center, Stapleton International Airport, Denver, Colorado commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting Held on November 27–29, 1979; (3) Chairman's Report on Meetings with the Federal Aviation Administration; (4) Working Group Activity Reports; (5) Review of Comments Received on Current Draft Report Concerning Minimum Operational Performance Standards for Airborne Area Navigation Systems; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C., 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on June 4, 1980.

Karl F. Bierach

Designated Officer.

[FR Doc. 80–17699 Filed 6–11–80; 8:45 am]

BILLING CODE 4910–13–M

Environmental Impact Statement: Kenai Peninsula Borough, Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the Kenai Peninsula Borough, Alaska.

FOR FURTHER INFORMATION CONTACT:

Gene Hanna, Division Administrator, Federal Highway Administration, P.O. Box 1648, Juneau, Alaska 99802, Telephone (907) 586–7428.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Alaska Department of Transportation and Public Facilities (ADOTPF), will prepare an environmental impact statement (EIS) on a proposal to improve the Sterling Highway, Project RF–021–2(15), in Kenai Peninsula Borough, Alaska. The proposed improvement would involve the reconstruction of the existing Sterling Highway between the Skilak Lake Road and the junction with the Seward Highway, a distance of about 22 miles. This is the only overland transportation corridor through the Kenai Mountains to the western and southern Kenai Peninsula. Improvements within the corridor are necessary to provide for the existing and projected traffic demand. Also included in this proposal is a partial interchange at the Seward Highway junction.

The existing facility is a narrow, winding, two-lane highway originally constructed in the early 1950's. The proposed reconstruction would provide a two-lane roadway meeting current standards for width and alignment. Existing right-of-way would be used to the maximum extent possible.

Alternatives under consideration include (1) taking no action; (2) upgrading on the existing location; and (3) construction partially on new location. Options exist for combinations of alternative alignments, including a by-pass of the town of Cooper Landing with control of access on one section, and multiple bridge crossings of the Kenai River. Because of the mountainous terrain, the low population density, and the length of the project, other modes of transportation will not be alternatives.

The western three miles of the highway project lie within the Kenai National Moose Range, a wildlife refuge. A draft Section 4(f) evaluation will also be prepared as part of this study if it becomes apparent that reconstruction will require additional lands from the refuge.

Letters describing the proposed alternatives and soliciting comments have been sent to appropriate State, Federal and local government agencies, community groups, native associations and individuals who have voiced concerns about the project in the past. In addition, public informational meetings with local residents were held February 8, 1977 and October 25, 1978 at the Cooper Landing Community Hall. Many interviews with local people have been conducted by the ADOTPF staff during the course of the environmental studies now underway. Two field reviews of the project have been conducted with representatives of several State and Federal resource agencies.

Because of the ongoing and past coordination process, a formal scoping meeting is not anticipated; but comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on June 3, 1980.

Gene A. Hanna,

Division Administrator, Juneau, Alaska.

[FR Doc. 80-17685 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Morris County, N.J.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Morris County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989–2291.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT), will be preparing an Environmental Impact Statement on a proposal to construct an extension of Route N.J. 24 Freeway (TQF–U–48(100)) in Morris County, New Jersey. The proposed project would consist of the construction of a four or six lane freeway or lesser facility between the existing terminus of Route 24 Freeway near Brooklake Road to Interstate 287, a distance of about six miles.

The purpose of this project is to relieve congestion on existing Route 24. Route 24 Freeway, now complete up to the Chatham Borough boundary, empties its east-west traffic into existing Route 24 which connects to I–287. This portion of existing Route 24 operates as a two-lane city arterial through the business sections of the intervening municipalities, carrying through as well as local traffic. The extremely high volumes on this roadway create delays to local emergency services and generally cause unsafe conditions to motorists and pedestrians alike. The existing road operates with two effective lanes, one in each direction, with on-street parking permitted in the busy commercial centers of the towns along the way.

Alternatives under consideration include (1) extension as a freeway or lesser facility west to I–287; (2) minor improvements consisting of widening of existing Route 24 coupled with bypassing of certain areas; (3) mass transit in lieu of or as an adjunct to roadway improvement; other things being considered are vanpooling, park/slide, preferential bus treatment, and signal pre-emption; (4) the no-action alternative. The FHWA and NJDOT will consult with other government agencies on their areas of responsibility. NJDOT is presently contacting federal, state, and local agencies with a description of the proposed project and inviting those interested agencies with questions or comments to attend project scoping meetings. A scoping meeting with the public was held on March 19, 1980, at Xavier Center in Madison. Other scoping meetings shall be arranged as needed before the development of the EIS.

Issued on June 4, 1980.

John J. Kessler, Jr.,

Division Administrator, Trenton, N.J.

[FR Doc. 80-17684 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Highway Administration

Environmental Impact Statement; Birmingham, Ala.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Birmingham, Alabama.

FOR FURTHER INFORMATION CONTACT: A. M. Walker, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104, Telephone: (205) 832–7379. Dr. Rex K. Rainer, Director, State of Alabama Highway Department, 11 South Union Street, Montgomery, Alabama 36130, Telephone (205) 832–5440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department and the City of Birmingham Engineering Department will prepare an environmental impact statement (EIS) for Alabama project M–7173(1), a proposal to construct an extension of Finley Avenue in the City of Birmingham, Alabama, beginning at the intersection of Interstate 65 and Finley Boulevard and terminating on East Lake

Boulevard just to the east of 43rd Street North, and north of the Birmingham Municipal Airport. The total project length is about 3.5 miles. The proposed six lane freeway and service roads would facilitate traffic movement to the northwest and northeast sectors of Birmingham alleviating congested traffic conditions on Interstate 59/20, Pinson Road (Alabama Route 79), and meandering routes through local streets.

Alternates under consideration include four alternate locations within the corridor, a reduced facility and taking no action.

A series of public involvement meetings were held at several locations throughout the corridor. Copies of the draft EIS will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. In addition, a public hearing will be held. Public notice will be given concerning the time and place of the hearing. The Draft EIS will be available for public review and comment at the public hearing. No formal scoping meeting will be held, although written comments were solicited from Federal, State and local agencies, officials and individuals who might have an interest in the project.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

Issued on May 30, 1980.

L. N. MacDonald,

Division Administrator, Montgomery, Ala.

[FR Doc. 80-17634 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Lapeer and Macomb Counties, Mich.

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for a proposed highway project in Lapeer and Macomb Counties, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. John Kliethermes, District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone (517) 377-1979, (FTS 364-1879) or Mr. Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1-800-292-9676 (toll-free), (517) 373-2166.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is preparing an environmental impact statement (EIS) on a proposal to improve 22 miles of Michigan Route 53 (M-53) between 27 Mile Road in Macomb County and Bowers Road in Lapeer County. M-53 serves as a major access route from the "thumb area" of Michigan to the Detroit urban complex. Improvements are considered necessary to provide for the existing and projected traffic demand. Portions of the route under study currently cannot handle existing traffic volumes safely or efficiently. If left unimproved, the entire section of M-53 under study will be seriously deficient in capacity and safety by the year 2000.

Alternatives under consideration include (1) taking no action, (2) using alternate travel modes, (3) low capital investment alternative, (4) major reconstruction of the existing facility or (5) constructing a limited-access freeway on new location. The major reconstruction or new location alternatives would correct the deficiencies on M-53 with varying degrees of social, economic and environmental impacts.

Early coordination with a number of Federal, State and local agencies as well as input received from a series of public information meetings conducted in 1979 have identified the more significant issues to be addressed in the draft EIS. Accordingly, a preliminary scoping document has been prepared by FHWA and MDOT identifying those issues and it is available on request to all interested agencies, organizations and individuals. No formal scoping meeting is planned. Comments and suggestions on the scoping document and the issues identified are invited from all interested parties and should be submitted to the FHWA or MDOT by July 1, 1980. Please furnish any comments to the above contact persons. Separate copies of the scoping document are being furnished to the following Federal agencies field offices who have been involved in the early coordination activities or who may be designated a cooperating agency: U.S. Department of the Interior, Fish & Wildlife Service and Heritage Conservation and Recreation Service; Environmental Protection Agency; Department of the Army, Corps of Engineers; Department of Agriculture, Soil Conservation Service and Cooperative Extension Service.

The Draft EIS is scheduled for completion by mid-summer 1980 and will soon be available for public and agency review and comment.

Issued on June 2, 1980.

David A. Merchant,

Division Administrator, Lansing, Mich.

[FR Doc. 80-17455 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

Highway Project in Jefferson County, Ala.; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Jefferson County, Alabama.

FOR FURTHER INFORMATION CONTACT: A. M. Walker, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104, Telephone: (205) 832-7379. Dr. Rex K. Rainer, Director State of Alabama Highway Department, 11 South Union Street, Montgomery, Alabama 36130, Telephone: (205) 832-5440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department and Jefferson County Public Works Department will prepare an environmental impact statement (EIS) for Alabama Project M-7026(1), a proposal to construct an extension of Lakeshore Drive from its present terminus at its intersection with Green Springs Highway, westerly for a distance of approximately 3.4 miles to a point approximately 2.18 miles north of Muscoda and approximately 2.25 miles south of Spaulding, where the project will ultimately tie into the proposed "Muscoda to Spaulding" Highway (Project M-7052(1)).

Project M-7026(1), Lakeshore Drive Extension, is proposed as a four-lane limited access major arterial highway located south of the City of Birmingham. The proposed project would provide access to and from the corridor west of I-65 and the rapidly expanding commercial and residential areas in Homewood. It would reduce congestion of other major routes near and through the corridor. With an I-65 interchange, it would provide direct access to I-65 and the City of Birmingham.

Alternatives under consideration include three alternate routes through the corridor with or without an interchange with I-65, a reduced facility and taking no action.

Four public involvement meetings were held at various locations in the corridor. Copies of the draft EIS will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. In addition, a corridor public hearing will be held. Public notice will be given concerning the time and place of the hearing. The draft EIS will be available for public review and comment at the public hearing. No formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

Issued on May 30, 1980.

L. N. MacDonald,

Division Administrator, Montgomery, Ala.

[FR Doc. 80-17531 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Mobile, Ala.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mobile, Alabama.

FOR FURTHER INFORMATION CONTACT: J. R. Campbell, District Engineer, Federal Highway Administration, 441 High Street, Montgomery, Alabama 36104, Telephone: (205) 832-7391. Mr. Bobby J. Kemp, Director, State of Alabama Highway Department, 11 South Union Street, Montgomery, Alabama 36130, Telephone: (205) 832-5440.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department and the consulting firm of David Volkert & Associates, will prepare an environmental impact statement (EIS) for Alabama Project BRM-7543(2), a proposal to replace the Cochrane Bridge on U.S. 98 over the Mobile River in the City of Mobile. It is proposed to replace the existing two-lane badly deteriorated vertical life-span bridge with a four-lane high level fixed-span bridge. The total proposed length is about 2.6 miles. In addition to local and U.S. 98 traffic, the Cochrane Bridge also carries the I-10 and U.S. 90 truck traffic hauling flammables and hazardous cargoes which are not allowed through the existing tunnels on I-10 and U.S. 90.

Alternates under consideration include a high level fixed-span bridge in the vicinity of the existing bridge, and a "no-build" alternative. Various alignments within the corridor of the existing bridge are being considered.

A scoping meeting with various environmental agencies and organizations was held in January 1980. Three public involvement meetings were held in the proposed project area. Copies of the draft EIS will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed an interest in the proposal. In addition, a public hearing will be held. Public notice will be given concerning the time and place of the hearing. The draft EIS will be available for public review and comment at the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

Issued on June 5, 1980.

L. N. MacDonald,

Division Administrator, Montgomery, Ala.

[FR Doc. 80-17736 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RFA 511-80-3]

Guarantee of Obligations; Notice of Receipt of Application

Project: Notice is hereby given that the Apache Railway Company ("applicant"), P.O. Drawer "E", Snowflake, Arizona 85937, has filed an application with the Federal Railroad Administration ("FRA") under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831, for the guarantee by the United States of an obligation or other evidence of indebtedness to be issued by the applicant in the principal amount of $2,903,993. Loan arrangements have not been completed at this time.

The proceeds of the loan are to be used by the applicant to purchase 26,500 tons of rail and attendant fastenings, including angle bars, bolts, and tie plates from the Atchinson, Topeka and Santa Fe Railway Company ("Santa Fe"). The above-stated rail and attendant fastenings are presently laid on ties owned by the applicant and rented to the applicant on a month-to-month basis by the Santa Fe.

Justification for Project: The applicant states that this purchase will eliminate the applicant's exposure to monthly rental rate increases. Additionally, the applicant will no longer be subject to a potential cancellation of the rental by the Santa Fe. Currently, the Santa Fe can terminate the agreement on thirty (30) days notice.

Interested persons may submit written comments on the application to the Associate Administration for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than July 14, 1980. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

To the extent permitted by law, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be considered by the FRA in evaluating the application. Any commenter who wishes to have FRA acknowldege the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgment of comments will be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained herein.

Dated: June 4, 1980.

Comment closing date: July 14, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-17686 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP80-9; Notice 1]

Ford Motor Co.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Ford Motor Company of Dearborn, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.108, Motor Vehicle

Safety Standard No. 108, *Lamps, Relfective Devices and Associated Equipment*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

The apparent nonconformance is the failure of combination parking/turn signal lamp lenses on certain 1980 Granada passenger cars to meet Federal requirements for the color yellow, when operated in the turn signal mode. These requirements are those set in SAE Standard J578a, "Color Specification for Electric Signal Lighting Devices," February 1977. Colors are expressed by chromaticity coordinates according to the CTE (1931) standard colormetric system. For yellow, the y coordinate shall not be greater than 0.44. Ford tested six samples of the lamps which showed an average of 0.444 for the y coordinate. By comparison a representative conforming lamp will have a y coordinate of 0.433. The effect is that the lens will be a brighter yellow than intended. Ford has argued that the deviation cannot be detected by the naked eye "except in direct side-by-side comparison," and hence that it is inconsequential. Ford estimates that approximately 1900 Granadas may be equipped with the lenses. It suggests that the cause of the deviation is an incorrect batch of materials used by the lens supplier. No lamps were supplied the replacement market.

Interested persons are invited to submit written data, views and arguments on the petition of Ford Motor Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered.

The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney principally responsible for this notice are respectively John Simeroth and Taylor Vinson.

Comment closing date: July 14, 1980.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 6, 1980.

Michael M. Finkelstein,

Associated Administrator for Rulemaking.

[FR Doc. 80-13571 Filed 6-11-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief from Disabilities Incurred by Conviction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (AFT).

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Acting, Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20026, (202–566–7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Anderson, Elbert L., 102 Blackwood Drive, Monroe, Louisiana, convicted on July 24, 1958, in the Fifth District Court, Richland Parish, Louisiana.

Baker, James D., 3081 Harris Road, Marietta, Georgia, convicted on February 24, 1976, in the United States District Court, Middle District of Alabama, Eastern Division.

Bean, Robert L., 11115 Northeast 96th Street, Vancouver, Washington, convicted on May 23, 1963, in the United States District Court, Tacoma, Washington.

Bledsoe, Franklin C., P.O. Box 201, Stoney Point, North Carolina, convicted on November 3, 1975, in the United States District Court of the Middle District of North Carolina.

Block, George A., 401 East Seventh Street, Redfield, South Dakota, on October 20, 1959, in Rook County Court, Kansas.

Bowler, Patrick E., 3335 West Diana Avenue, Phoenix, Arizona, convicted on June 25, 1976, in the United States District Court, District of Arizona.

Braveboy, James A., 7701 Percival Road, Lot 24, Columbia, South Carolina, convicted on October 13, 1969, in the Court of General Sessions, Florence County, South Carolina; on April 12, 1972, in the Court of General Sessions, Darlington County, South Carolina; on November 11, 1972, in the Court of General Sessions, Richland County, South Carolina.

Brooks, James W., Route 1, Box 93, Stonefort, Illinois, convicted on September 5, 1967, in the Superior Court, Lake County, Indiana.

Brooks, Robert A., 7531 East Kimsey Lane, Scottsdale, Arizona, on April 15, 1971, in the Superior Court, Maricopa County, Arizona.

Buff, Darrell J., Route 4, Box 570, Granite Falls, North Carolina, convicted on December 17, 1974, in the Superior Court, Catawba County, North Carolina.

Bullock, Harold S., Route 3, Box 863, Lumberton, North Carolina, on October 4, 1973, in the Superior Court, Columbus County, North Carolina.

Burton, Ben T., P.O. Box 741, Crossville, Tennessee, convicted on October 13, 1978, in the United States District Court, Eastern District of Knoxville, Tennessee.

Calhoun, William E., 827 Ridgeway Avenue, Hampton, Virginia, convicted on April 25, 1947, in the Circuit Court of Elizabeth City, Virginia, Hampton, Virginia.

Campbell, Brian J., 15540 Moorpark Street, Encino, California, convicted on August 8, 1966, in the United States District Court, Southern District of Texas, Houston, Texas.

Chambers, Timothy R., 5815 Highway 35, Parkdale, Oregon, convicted on April 28, 1972, in the Circuit Court, Multnomah County, Oregon.

Cleveland, James L., 450 North Norain, #B–7, Kennewick, Washington, convicted on February 3, 1975, in the Superior Court of the State of Washington in and for the County of Thurston.

Cole, Clifton R., Route 6, Box 204, Booneville, Mississippi, convicted on October 18, 1976, in the United States District Court for the Northern District of Mississippi.

David, Mark W., Route 3, Box 493, Farmville, Virginia, convicted on September 20, 1973, in the Circuit Court of Prince Edward County, Prince Edward County, Virginia.

Deyo, Davis A., 1412–12 McLean Road, Mount Vernon, Washington, convicted on June 11, 1976, in Skagit County Superior Court, Washington.

Eiffert, Billie G., 2620 Norwood Avenue, Sacramento, California, convicted on May 18, 1956, in the Superior Court, Trinity County, California.

Evans, Kenneth R., 1746 Birkland Drive, Pineville, Louisiana, convicted on October 15, 1973, in the Ninth Judicial Court, Rapides Parish, Alexandria, Louisiana.

Gardner, William H., 10907 Southwest 24 Avenue, Gainesville, Florida, convicted on April 22, 1955, in the United States District Court, District of Columbia.

Gilbert, Leonard W., Route 1, Box A77, Ridgeway, Virginia, convicted on April 7, 1964, in the Circuit Court, County of Henry, Virginia.

Givens, Harvey T., 1004 Sylvan Street, Emporia, Kansas, convicted on March 7, 1952, in the United States District Court for the District of Kansas.

Goodloe, Herschel L., 15455 Biltmore, Detroit, Michigan, convicted on September 18, 1939, in the Criminal Court, Davidson County, Tennessee.

Guedry, Chris O., P.O. Box 14, Morganza, Louisiana, convicted on October 23, 1975, in the Nineteenth Judicial District Court, Baton Rouge, Louisiana.

Hall, Russell J., Box 1135, Salmon, Idaho, convicted on August 1, 1977, in the United States District Court for the District of Idaho.

Hampton, Timothy G., 3534 25th Street, Detroit, Michigan, convicted on November 22, 1940, in Recorders Court, City of Detroit, Michigan.

Haviland, Roy J., 1000 45th Street, Des Moines, Iowa, convicted on May 24, 1976, in the United States District Court, Southern District of Iowa.

Herriage, Clifford P., 4509 South Handley, Wichita, Kansas, convicted on January 29, 1975, in the District Court, Sedgwich County, Wichita, Kansas.

Holdclaw, Chester C., 4702 Pimlico Road, Baltimore, Maryland, convicted on July 17, 1934, in Criminal Court, Richmond, Virginia.

Holloman, Clifton C., 7132 Valley Avenue, Philadelphia, Pennsylvania, convicted on May 1, 1958, in the Court of Common Pleas, Philadelphia, Pennsylvania; on May 1, 1964, in Philadelphia County Court of Common Pleas, Philadelphia, Pennsylvania.

Jennings, David J., P.O. Box 63, Roxbury, Vermont, on May 29, 1974, in Washington County District Court, Barre, Vermont; on February 2, 1975, in the Washington County District Court, Barre, Vermont.

Klein, Clarence W., 115 Cross Street, Peoria, Illinois, convicted on April 6, 1962 in the Circuit Court of Illinois, Peoria County.

LaFrance, Terry B., P.O. Box 21, Mineral, Washington, convicted on June 21, 1976, in the Superior Court of the State of Washington, Lewis County.

Lennington, Horace D., Route 1, Malaga, Washington, convicted on October 23, 1961, in the Superior Court, State of California, County of Los Angeles.

Lewis, Ennis O., Jr., 1515 Princess Anne Street, Fredericksburg, Virginia, convicted on October 19, 1973, in the Circuit Court of Fredericksburg, Virginia.

Lombardi, Dominic, 128 Hinkle Avenue, Columbus, Ohio, convicted on April 15, 1932, in the Municipal Court, Columbus, Ohio; on January 4, 1939, in the United States District Court, Columbus, Ohio.

Luppino, Rocco, 7595 Oxon Hill Road, Oxon Hill, Maryland, convicted on September 10, 1975, in the United States District Court, Baltimore, Maryland.

Machen, Lynn W., 2912 Camelot Lane, Missouri City, Texas, convicted on September 29, 1976, in the 180th District Court of Harris County, Texas.

Matlock, Donald L., 805 West 4th Street, Meridian, Idaho, convicted on November 3, 1949, in the Superior Court of the State of California, in and for the County of San Diego.

Maybee, Joe T., 1705 South 10th Avenue, Yakima, Washington, convicted on October 20, 1941, in the Superior Court, State of Washington, Thurston County, Olympia, Washington.

Morales, Michael C., 7554 Altura Place, Oakland, California, convicted on July 10, 1975, in the Superior Court of Arizona, Yuma, Arizona; on September 22, 1975, in the Superior Court of Arizona, Yuma, Arizona.

Most, Gary A., 275 Locust Street, South, Prescott, Wisconsin, convicted on August 19, 1975, in the Circuit Court, Pierce County, Wisconsin.

Nichols, Charles C., Route 1, Box 27, Wilmore, Kentucky, convicted on September 5, 1975, in the Woodford Circuit Court, Kentucky.

Nicks, Calvin E., Route 3, Box 443, North Wilkesboro, North Carolina, convicted on June 19, 1959, in the United States District Court, Wilkesboro, North Carolina.

Ogletree, Walter S., Jr., 3307 Grace Drive, Opelika, Alabama, convicted on December 1, 1977, in the United States District Court for the Middle District of Alabama.

Phillips, William, 7113 Laguna Drive, East St. Louis, Illinois, convicted on March 27, 1972, in the United States District Court for the Eastern District of Illinois.

Postel, Robert J., R.R. #3—Crain Road, New London, Wisconsin, convicted on July 10, 1973, in the Circuit Court, Outagamie County, Wisconsin.

Rager, David R., R.D. #2—Old Butler Road, Portersville, Pennsylvania, convicted on September 12, 1968, in the Criminal Court of Mercer County, Pennsylvania.

Randall, Ralph, 3308 Mohawk Road, Macon, Georgia, convicted on November 25, 1975, in the United States District Court for Western District of Kentucky at Paducah.

Riddle, David A., 205 Alice Farr Drive, Greenville, South Carolina, convicted on October 24, 1956, in the United States District Court, Greenville, South Carolina.

Sannino, Clifford B., 1000 Water Street, Southwest, Washington, DC., convicted on January 14, 1970, in the Worcester County Circuit Court, Pennsylvania.

Schall, Richard L., 1270 East Route 6, Morris, Illinois, convicted on September 25, 1958, in the Peoria County Circuit Court, Illinois.

Schubert, Jack C., 208 South Trail, Nokomis, Florida, convicted on November 8, 1979, in the Circuit Court for the Twelfth Judicial Circuit, Sarasota County, Florida.

Shifflett, Ronnie L., Oaklawn Trailer Court, Lot P, Charlottesville, Virginia, convicted on October 31, 1975, in the Circuit Court of Greene County, Stanardsville, Virginia.

Shore, Mardy S., Route 2, 136–B, Traveler's Rest, South Carolina, convicted on October 29, 1976, in the Court of General Sessions, Horry, South Carolina.

Simmons, Squire, 302 West Mill Street, Patoka, Indiana, convicted on January 26, 1926, in the Circuit Court of Gibson County, Princeton, Indiana.

Sloan, Kerry D., 1918 Plaza Drive, Apartment 1033, Garland, Texas, convicted on February 11, 1969, in the 119th Judicial District Court of Tom Green County.

Smedley, Jesse H., 3950 Somerled Trail, College Park, Georgia, convicted on November 8, 1974, in the United States District Court for the Northern District of Georgia.

Stallings, David M., 1221 East 8th Street, Olympia, Washington, convicted on April 7, 1975, in the Superior Court of Washington for the County of Lewis.

Swilley, David N., Route 1, Box 36, Trenton, Florida, convicted on June 27, 1975, in the Circuit Court, Levy County, Florida.

Talbot, Gary P., 1801 Helena, Nederland, Texas, convicted on January 24, 1975 in the District Court, Jeffersen County, Texas.

Taylor, Eli M., 320 Cedar Street, Moses Lake, Washington, convicted on October 5, 1956, in the Grant County Superior Court, Grant County Washington.

Tibbs, Garry L., Route 1, Box 7HA, Howardsville, Virginia, convicted on February 11, 1977, in the Albemarle County Circuit Court, Charlottesville, Virginia.

Turner, Joseph V., 3330 Park Avenue, Richmond, Virginia, convicted on March 17, 1975, in the Richmond City Circuit Court, Richmond, Virginia.

Wallen, Bobby G., Route 2, Box 67, Clinchport, Virginia, convicted on April 24, 1974, in the Circuit Court, Scott County, Virginia.

Warne, Ralph R., Route 2, Belle Plaine, Kansas, convicted on August 1, 1977, in the United States District Court, Kansas.

Waters, Joseph W., 313 East Flint Park Boulevard, Flint, Michigan, convicted on August 22, 1944 in the Circuit Court for County of Genesee, Michigan.

Watts, Fred H., 12937 Camino Del Valle, Poway, California, convicted on October 1, 1973, in the United States District Court for the Southern District of California.

Williams, Billy B., 1714 Rosewood Drive, Monrovia, California, convicted on May 11, 1948, General Court Marshal.

Williams, Paul E., 4562 McColl Drive, Savage, Minnesota, convicted on January 21, 1976, in the United States District Court, Minneapolis, Minnesota.

Wisby, David, 3619 Texas Avenue, #187, Lake Charles, Louisiana, convicted on January 18, 1971, in the Fourteenth Judicial District Court for the Parish of Calcasieu, Lake Charles, Louisiana.

Wright, William C., 6360 South Burnt Mill Road, Beulah, Colorado, convicted on September 18, 1975, in the Pueblo District Court, Tenth Judicial District of Colorado.

York, Dee R., 3918 Balcom Street, Shreveport, Louisiana, convicted on August 23, 1976, in the United States District Court, Western District of Louisiana.

Young, Jerry A., 1830 Eastwood Court, Saginaw, Michigan, convicted on October 27, 1958, in the Circuit Court of Michigan, Saginaw County.

Compliance With Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the **Federal Register** of November 8, 1978.

Signed: June 5, 1980.

G. R. Dickerson,

Director.

[FR Doc. 80-17694 Filed 6-11-80; 8:45 am]

BILLING CODE 4810-31-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 115
Thursday, June 12, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Rights Commission	1
Commodity Futures Trading Commission	2, 3
Federal Deposit Insurance Corporation	4-6
Federal Election Commission	7
Federal Maritime Commission	8
Federal Mine Safety and Health Review Commission	9
Securities and Exchange Commission	10

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: June 16, 1980, 1:30-4:30; 5:00-7:30 p.m.

PLACE: Host Inn Harrisburg, 4751 Lindle Road, Conference Room 108, Harrisburgh, Pa.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of Congressional EEO Report.
IV. Discussion re Marshall Islands.
V. Staff Director's Report:
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Reports.
D. Correspondence.
1. Letter from HUD Secretary Moon Landrieu in response to Arkansas CDBG report.
VI. Civil Rights Developments in the Eastern Region.
VII. Transmittal of Maine Advisory Committee report entitled "The Status of Civil Rights in Maine."
VIII. Review of Affirmative Action Statement Update.
IX. Review of "Success of Asian Americans: Fact or Fiction?"
X. Review of Summary Design for Study of Racial and Ethnic Discrimination in Programs for Older Americans.

FOR FURTHER INFORMATION CONTACT: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S1140-80 Filed 6-10-80; 1:06 pm]

BILLING CODE 6335-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., June 17, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Amendments of the reparation rules.
Exchange merger—Policy discussion.
Amendments to the minimum financial rules.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1135-80 Filed 6-10-80; 11:35 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:45 a.m., June 17, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Rule enforcement review.
Financial rule enforcement review.
Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1136-80 Filed 6-10-80; 11:36 am]

BILLING CODE 6351-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, June 9, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Bank Leumi Trust Company of New York, New York (Manhattan), New York, for consent to purchase the assets of and assume the liability to pay deposits made in 13 banch offices of Bankers Trust Company, New York (Manhattan), New York, and for consent to establish these 13 offices as branches of Bank Leumi Trust Company of New York.

Recommendation regarding the liquidation of assets acquired by the Corporation from State Bank of Clearing, Chicago, Illinois (Case No. 44,348-L).

Recommendation regarding the liquidation of assets acquired by the Corporation from Donahue Savings Bank, Donahue, Iowa (Legal Division memorandum dated June 2, 1980).

The Board further determined, by that same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 9, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1137-80 Filed 6-10-80; 11:52 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 16, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed merger of Northern National Bank, Presque Isle, Maine, and Merchants National Bank of Bangor, Bangor, Maine.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed purchase of assets of and assumption of liability to pay deposits made in Columbia Bank, National Association, Kennewick, Washington, by Peoples National Bank of Washington, Seattle, Washington.

Memorandum proposing the appointment of an agent for service of process in the State of Nebraska.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Memorandum re: Attorneys' Fees Paid During April, 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 9, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1138–80 Filed 6–10–80; 11:52 am]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice 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 2:30 p.m. on Monday, June 16, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Western Community Bank of Corona/Norco, a proposed new bank, to be located at 360 North Main, Corona, California.

Liberty Bank of Owasso, a proposed new bank, to be located at 11633 East 86th Street, North, Owasso, Oklahoma.

Application for consent to exercise limited trust powers: The Bank of Belmont, Belmont, North Carolina.

Applications for consent to merge, establish branches, issue subordinated capital notes as an addition to capital, and for advance consent to their retirement at maturity: First Seneca Bank and Trust Company, Butler, Pennsylvania, an insured State nonmember bank, for consent to merge, under this charter and title, with Keystone Bank, Lower Burrell, Pennsylvania, and for consent to establish eighteen of Keystone Bank's twenty offices as branches of First Seneca Bank and Trust Company, for consent to issue subordinated capital notes, and for advance consent to their retirement at maturity.

Applications for consent to acquire assets and assume deposit liabilities and establish a branch:

Johnstown Bank and Trust Company, Johnstown, Pennsylvania, for consent to acquire the assets of and assume the liability to pay deposis made in the Rockwood Branch, Rockwood, Pennsylvania, of Keystone bank, Lower Burrell, Pennsylvania, and for consent to establish the Rockwood Branch as a branch of Johnstown Bank and Trust Company.

Three Rivers Bank and Trust Company, Jefferson Borough (P.O. Clairton), Pennsylvania, for consent to acquire the assets of and assume the liability to pay deposits made in the Washington Branch, Washington, Pennsylvania, of Keystone Bank, Lower Burrell, Pennsylvania, and for consent to establish the Washington Branch as a branch of Three Rivers Bank and Trust Company.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets: Case No. 44,334–L—International City Bank and Trust Company New Orleans, Louisiana.

Memorandum and Resolution re: Gateway National Bank of Chicago, Chicago, Illinois.

Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illinois.

Memorandum re: Truth in Lending Restitution on Assets Assumed Under a Purchase and Assumption Agreement.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceeding, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalities) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof: Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regardings appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.: Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers: Audit Report dated May 16, 1980.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 9, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1139–80 Filed 6–10–80; 11:52 am]

BILLING CODE 6714–01–M

7

FEDERAL ELECTION COMMISSION.

PLACE: 1325 K Street NW., Washington, D.C.

DATE AND TIME: Tuesday, June 17, 1980 at 10 a.m.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance.

* * *

DATE AND TIME: Thursday, June 19, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (Fifth floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory opinions:
Draft AO 1980–46 J. Curtis Herge, National Conservative PAC(NCPAC).
Draft AO 1980–51 Virgil H. Moore, Jr., President, First Farmers and Merchants National Bank of Columbia.
Draft AO 1980–55 Barbara B. Kennelly, secretary of state, Connecticut.
Draft AO 1980–57 Henry B. Gonzalez (Member of Congress).
Draft AO 1980–58 James W. Carpenter, chairman, Union Bank & Trust Co.
Letters to State and local party committees.
1980 election and related matters.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–1142–80 Filed 6–10–80; 3:10 pm]

BILLING CODE 6715–01–M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: June 18, 1980, 10 a.m.

PLACE: Hearing room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. T–3867: Wharfage agreement between Port of Portland and Six Japanese Lines.

2. Docket No. 80–18: Agreement No. 8370—Port of New York Ocean Freight Conference Agreement—Consideration of the record.

3. Docket No. 80–23: Free Time and Demurrage Charges on Export Cargo—Consideration of comments received in response to notice of proposed rulemaking.

4. Docket No. 76–11: In Re: Agreement Nos. 150 DR–7 and 3103 DR—Compliance with Commission order.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S–1143–80 Filed 6–10–80; 3:29 pm]

BILLING CODE 6730–01–M

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

June 9, 1980.

TIME AND DATE: 10 a.m., Wednesday, June 11, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Peabody Coal Company, Docket No. CENT 79–29, etc. (Petition for Discretionary Review)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–1141–80 Filed 6–10–80; 2:27 pm]

BILLING CODE 6820–12–M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [45 FR 37943 6/5/80].

STATUS: Open Meeting/Closed Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, June 3, 1980.

CHANGES IN THE MEETING: Additional items.

The following additional item will be considered at an open meeting scheduled for Tuesday, June 10, 1980 at 10:00 a.m:

Consideration of what response to make to the request of the Subcommittee on Consumer Affairs of the Senate Committee on Banking Finance and Urban Affairs for comments on S. 1928 and S. 1929, which are intended to expand the privacy rights of individuals. For further information, please contact Nicholas Gimbel at (202) 272–2425.

The following additional item will be considered at a closed meeting scheduled for Tuesday, June 10, 1980, immediately following the open meeting:

Personnel security matter.

The following additional items will be considered at a closed meeting scheduled for Thursday, June 12, 1980, at 9:00 a.m:

Consideration of *amicus* participations.

Chairman Williams and Commissioners Loomis and Evans determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postoned, please contact: Paul Lowenstein at (202) 272–2092.

June 9, 1980.

[S–1133–80 Filed 6–10–80; 8:51 am]

BILLING CODE 8010–01–M

federal register

Thursday
June 12, 1980

Part II

Environmental Protection Agency

1981 Model Year Light-Duty Vehicle Carbon Monoxide (CO) Emissions; Revised Standards and Applications for Waiver of Effective Date

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL 1508-6]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This regulation established CO emission standards for 1981 model year light-duty vehicles belonging to certain Ford Motor Company (Ford) engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). This regulation also includes technical corrections to rules accompanying previous CO waiver decisions.

EFFECTIVE DATE: July 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Varela, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

PUBLIC DOCKET: Information relevant to this rule is contained in Public Docket EN-80-1 at the Central Docket Section of the Environmental Protection Agency (EPA), Room 2903 B, 401 M Street, S.W., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (gpm).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Applications for waivers considered here were submitted by Ford Motor Company (Ford), and General Motors Corporation (GM). The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver applications, and my decisions to grant or deny the waiver applications appear in the consolidated decision along with this rule and published elsewhere in this issue of the **Federal Register**. In that consolidated decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the 1981 model year only:

Manufacturer and engine family

Ford Moter Company—1.3L, 1.6L/2 venturi, overhead camshaft.

Once I have decided to grant waiver applications for these two 1981 model year vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from 1981 model year vehicles of these Ford models to exceed 7.0 gpm. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver application in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the consolidated decision which requires the promulgation of this amended rule.

In addition, this amended rule corrects the designation of two BL Cars, Ltd. engine families which have received waivers and were mislabeled in the rule first published in conjunction with my first consolidated CO waiver decision. This amended rule also reorganizes the most recent version of the regulatory provision, published at 45 FR 17914 (March 19, 1980), to make it consistent with another prior version of the provision, published at 45 FR 14496 (March 5, 1980). These corrections are merely technical in nature.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking is impracticable and unnecessary.

Note.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Orders 11821 and 12044 and OMB Circular A-107.

In addition, because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking as well.

Dated: May 30, 1980.

Douglas M. Costle,

Administrator.

40 CFR Part 86 is amended as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks and 1977 and Later Motor Year New Heavy-Duty Engines

1. 40 CFR 86.081-8(a)(1)(ii) is revised to read as follows:

§ 86.081-8 Emissions standards for 1981 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide-3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer and Engine Family

American Motors Corporation—151 CID, 258 CID.
BL Cars, Ltd.—215 CID, 326 CID.
Chrysler Corporation—1.7 liter, 2.2 liter, 2.6 liter, 3.7 liter, 5.2 liter/2-V, 5.2 liter/4-V.
Ford Motor Company—1.3 liter, 1.6 liter/2V overhead camshaft.
General Motors Corporation—2.8 liter/173 CID-2V, 3.8 liter/231 CID-2V, 3.8 liter/231 CID-4V turbo.
Lotus Cars, Ltd.—2.0 liter.
Toyo Kogyo Co., Ltd.—91 CID, 120 CID.
Toyota Motor Company, Ltd.—88.6 CID.

* * * * *

2. Section 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emission standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide. 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer and engine family

American Motors Corp.—258 CID.
BL Cars, Ltd.—215 CID, 326 CID.
Chrysler Corp.—1.7 liter, 3,7 liter, 5.2 liter/4-V.
General Motors Corps.—2.8 liter/173 CID-2V, 3.8 liter/231 CID-2V.
Toyota Motor Co., Ltd.—88.6 CID.

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

[FR Doc. 80-17365 Filed 6-11-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1508-7]

Applications for Waiver of Effective Date of the 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Sixth Consolidated Decision of the Administrator

I. Introduction

This is the sixth consolidated decision I have issued under Section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b)(5), regarding applications from automobile manufacturers for waiver of the 3.4 grams per vehicle mile (gpm) carbon monoxide (CO) emission standard scheduled to apply to 1981 and 1982 model year light-duty motor vehicles and engines.[1]

As the introductions to the previous consolidated decisions explain, section 202(b)(1)(A) of the amended Act establishes a schedule for implementing standards applicable to CO emissions for 1977 and later model year light-duty motor vehicles and engines.[2] The 1977 amendments to the Act, however, included a new provision allowing the Administrator of the Environmental Protection Agency (EPA), under certain limited conditions, to delay for up to two model years implementation of the statutory 3.4 gpm CO standard scheduled to take effect for the 1981 model year.[3] However, these amendments require the Administrator to promulgate standards for vehicles granted waivers which do not permit CO emissions over 7.0 gpm.[4]

In response to waiver applications, EPA already has held four sets of public hearings and issued five consolidated decisions pursuant to section 202(b)(5)(A).[5] In those decisions, I denied waivers for certain engine families either because I determined that effective control technology [6] was available contrary to the requirement of section 202(b)(5)(C)(iii) of the Act or because the applicant failed to provide sufficient information to establish that effective control technology was not available. Furthermore, the applicants failed to establish that considerations of costs, driveability, or fuel economy gave me a basis for reaching a different conclusion. I granted the waiver applications covering the remaining engine families after determining for each of those families that the requisite technology was not available, considering costs, driveability, and fuel economy, and that each application met all of the remaining statutory criteria for receiving a waiver.

From January 8 through February 8, 1980, EPA received waiver applications from Renault, Peugeot, Ford and GM.[7] Specifically, Peugeot and Ford submitted new applications, while GM and Renault requested waivers for engine families denied waivers in the first [8] and second [9] consolidated decisions. EPA held hearings on these applications on February 12, 1980.[10]

This decision will address only the waiver requests from Ford and GM on the basis of previously offered and recently provided information from these manufacturers and from other sources.[11] I have addressed the waiver requests by Peugeot and Renault in a previous consolidated decision.[12]

II. Summary of Decision

I am granting Ford's waiver requests for its 1.3 liter (L) and 1.6L/2 venturi(V) overhead camshaft (OHC) engine families for only the 1981 model year. I am denying GM's waiver requests covering its 4.9L/4V turbocharged engine family for the 1981 and 1982 model years and Ford's waiver requests for its 1.3L and 1.6L/2V OHC engine families for the 1982 model year. As with previous waiver decisions, my determinations here were based primarily upon whether the applicant established that effective emissions control technology, considering costs, driveability, and fuel economy, was available to enable the engine family in question to meet the 3.4 gpm statutory CO standard for the 1981 and 1982 model years.

I have concluded that waiver applications covering the Ford 1.3L and 1.6L engine families meet each of the statutory criteria for receiving a waiver for the 1981 model year. I am therefore prescribing an interim CO emission standard of 7.0 gpm for the 1981 model year for these engine families.

GM failed to establish that effective control technology is unavailable to enable its 4.9L/4V turbocharged engine family to meet the statutory CO standard by the 1981 model year. Instead, the information in the record at this time indicates that such technology is available for this engine family. In addition, Ford has failed to provide information sufficient to establish that effective control technology is not available for its 1.3L and 1.6L/2V OHC engine families for the 1982 model year. Considerations of costs, driveability, or fuel economy, whether viewed

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[1] The preceding decisions were published as follows: 44 FR 53376 (September 13, 1979); 44 FR 69417 (December 3, 1979); 45 FR 7122 (January 31, 1980); 45 FR 17914 (March 19, 1980); FR (signed May 14, 1980).

[2] Regulations were promulgated on August 15, 1979, setting a CO standard of 3.4 gpm for 1981 and later model year vehicles. 40 CFR 86.081-8(a)(1)(ii), 44 FR 37972. This standard requires at least a 90 percent reduction in CO emissions from the CO standard applicable to 1970 model year vehicles.

[3] Section 202(b)(5)(C) of the Act provides, in part: The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if he determines that—

(i) such waiver is essential to the public interest or the public health and welfare of the United States;

(ii) all good faith efforts have been made to meet the standards established by this subsection;

(iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

(iv) studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii)) to meet such standards.

[4] As noted in previous decisions, Section 202(b)(5) of the Act requires that I make a separate assessment for each vehicle model covered by a waiver request. See, e.g., 44 FR 53376 (September 13, 1979); 44 FR 69416 (December 3, 1979); and 45 FR 7122 (January 31, 1980). Thus, these earlier consolidated decisions have included separate decisions for individual engine families. As in the previous decisions, I have distinguished among engine familes primarily on the basis of engine displacement. See footnote 17, second consolidated decision, 44 FR 69416, 69418 (December 3, 1979).

[5] I announced the fourth decision, in response to a consolidated waiver application by Chrysler, separately from the decision on applications by other manufacturers considered at the third hearing. 45 FR 17914 (March 19, 1980). EPA has included testimony received at these three hearings, as well as all other information considered in deciding these three groups of waiver applications, in EPA Public Dockets EN-79-4, EN-79-17, and EN-79-19, respectively. In addition, this decision incorporates by reference the record of the U.S. Environmental Protection Agency Hearings In the Matter of Proposed High Altitude Emission Standards, Region 8, March 5, 1980.

[6] As was the case in the earlier consolidated decisions, I am using the term "technology" in this decision to encompass the statutory language "technology, processes, operating methods, or other alternatives" included as part of section 202(b)(5)(C)(iii) of the Act.

[7] Respectively, Regie Nationale Des Usines Renault; Automobiles Peugeot; Ford Motor Company and General Motors Corporation.

[8] 44 FR 53376 (September 13, 1979), GM.

[9] 44 FR 69416 (December 3, 1979), Renault.

[10] The transcript from this hearing is located in EPA Public Docket EN-80-1. This decision uses the following abbreviations:

F. App.—Ford Application for CO Waiver, dated February 8, 1980.

GM Reapp.—GM Application for CO Waiver, dated February 8, 1980.

[11] See the discussion on my consideration of other sources of information in the previous waiver decisions, e.g. section III(B)(1)(C), 44 FR 69416, 69422 (December 3, 1979).

[12] FR (signed May 14, 1980).

separately or cumulatively, do not give me a basis for altering my determinations regarding the availability of technology for these engine families.

While these engine families may meet some, or all, of the remaining statutory criteria for receiving waivers, my determinations regarding available technology, considering costs, driveability, and fuel economy, preclude me from granting waivers covering these engine families for the model years which I have specified. The 3.4 gpm CO statutory standard will therefore remain in effect for the GM 4.9L/4V turbocharged engine family for the 1981 and 1982 model years and for the Ford 1.3L and 1.6L/2V OHC engine families for the 1982 model year.

III. Discussion

A. *Availability of Technology.* The decisions I have made here on whether to grant or deny requested waivers turn primarily on whether technology is available to enable an engine family covered by one of these waiver applications to meet the 3.4 gpm CO standard in the 1981 model year. Section 202(b)(5)(C)(iii) of the Act expressly assigns an applicant the task of establishing that effective CO control technology is not available, taking into consideration costs, driveability, and fuel economy. Even if the Administrator determined that an applicant has met this burden, section 202(b)(5)(C)(iv) requires that Administrator to consider whether NAS studies or other information indicate that technology is available, considering costs, driveability, and fuel economy, before granting a waiver request.

As was the case in the previous consolidated CO waiver decisions, this consolidated decision relies on information contained in the waiver applications and other information found in the public record.[13]

As part of my assessment of technology, I have considered the results of NAS studies and investigations [14] conducted under section 202(c) of the Act regarding available technology, processes, or other alternatives. For the reasons discussed in my earlier consolidated waiver decisions, the findings of the available NAS studies do not contradict my assessment regarding the availability of technology for these two engine families.[15]

To support contentions that effective control technology is not available, the waiver applicants have provided both descriptions of the systems they have been considering in trying to attain the 3.4 gpm CO emission standard and the results of emission tests performed on vehicles for the purpose of receiving certification. I have reviewed this information, as well as other information available to me, in reaching my decisions regarding availability of the requisite technology, considering costs, driveability and fuel economy.

1. *GM.* GM requested reconsideration of my earlier decision denying its application for a CO waiver for the 4.9L/4V turbocharged engine family for the 1981 and 1982 model years. I denied GM's previous waiver request because I determined that GM failed to provide sufficient information to establish that effective technology was not available.[16]

On February 8, 1980, GM reapplied for a waiver of the 3.4 gpm CO standard for the 4.9L/4V turbocharged engine family for the 1981 and 1982 model years. As part of its reapplication, GM submitted additional, newly available emission test data and further technical information. GM asserted generally that this information now establishes that technology is unavailable at this time to enable this engine family to meet a 3.4 gpm CO standard.

Specifically, GM stated that it is unable to incorporate emission control technology that would enable this engine family to meet the 3.4 gpm CO standard because of space constraints and temperature control problems related to the location of the turbocharger in the exhaust line.[17]

After reviewing GM's submission, I have determined that GM still has failed to establish that effective emission control technology, considering costs, driveability, and fuel economy, is not available to enable its 4.9L/4V turbocharged engine family to meet the 3.4 gpm CO standard for the 1981 and 1982 model years. In reaching this decision, I have concluded that this engine family is capable of meeting the 3.4 gpm CO standard without the addition of any components or adjustments to the available 1981 engine emission control system.[18]

Appendix A applies to extended-mileage certification emission data from GM's 4.9L/4V turbocharged certification "durability" vehicles a "Modified" Monte Carlo statistical simulation technique to protect the likelihood that a given engine family will be capable of certifying to applicable emission standards. This technique is similar to the "standard" Monte Carlo simulation technique used in previous suspension and waiver decisions and identical to that used in my fifth consolidated decision on Renault's 85 CID engine family.[19] The standard Monte Carlo technique applied in my first three consolidated waiver decisions included consideration of certain variabilities in projecting the likelihood of successful certification on the basis of emissions data from pre-production development vehicles.[20] Because data from actual certification test vehicles are now available for the 1981 model year 4.9L/4V turbocharged engine family, certain terms which in previous decisions had been incorporated in the standard Monte Carlo simulation to account for variabilities in emissions performance are no longer relevant.[21] EPA has therefore modified the Monte Carlo simulation technique used in the first three consolidated CO decisions by eliminating those variabilities which are no longer applicable when evaluating actual certification data.[22]

This Modified Monte Carlo analysis indicates with a high degree of statistical confidence that GM's 4.9L/4V turbocharged engine family, even with no improvements to its emissions control system, is capable of certification at the 3.4 gpm CO standard for the 1981 and 1982 model years. This Modified Monte Carlo analysis thus indicates that effective emissions control technology is available for the GM engine family.[23]

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[13] Much of this information was gathered for and included in the record for the previous consolidated CO waiver decisions. See EPA Public Dockets EN-79-4, EN-799-17, and EN-79-19. Those records have been incorporated by reference into the record for this fifth consolidated decision, EPA Public Docket EN-80-1.

[14] Report by the Committee on Motor Vehicle Emissions of the National Academy of Sciences, dated November, 1974. See also discussions of the applicability of NAS studies in previous CO waiver decisions, e.g., 44 FR at 53376, 53386 (September 13, 1979) and 44 FR at 69416, 69423, 69428 (December 3, 1979).

[15] See, e.g. 44 FR 53376, 53386 (September 13, 1979); 44 FR 69416, 69428 (December 3, 1979).

[16] 44 FR 53376 (September 13, 1979).

[17] GM Reapp., pp. 1-2. February 12, 1980 Transcript, pp. 188, 207-211, 217.

[18] Cf. my previous denial of this engine family, based on insufficient emissions test data. 44 FR 53376 (Sept. 13, 1979). See also App. A, Section V.

[19] — FR — (signed May 14, 1980).

[20] See, e.g., notes 21-23 — FR —, (signed May 14, 1980).

[21] App. A, Section III.

[22] For a detailed comparison between the standard and modified Monte Carlo simulation techniques, see — FR — (signed May 14, 1980). This decision also includes analysis of emissions data through the full 50,000 miles of certification testing. See App. A sections III, V.

[23] The first vehicles GM started in EPA's extended-mileage certification "durability" test marginaly failed the Modified Monte Carlo analysis applied to the certification emissions data available here. However, a later-starting GM certification vehicle (vehicle 1264) which included some emission control improvements easily passed the modified Monte Carlo analysis. App. A, section V.

In addition to the Modified Monte Carlo analysis available certification test results on GM's vehicle 1260 also demonstrate the ability of GM's 4.9L/4V turbocharged engine family to complete certification testing successfully through 50,000 miles.[24] Thus, with the 50,000-mile certification testing complete, available certification data confirm that the turbocharged version of this engine can pass certification at a level comfortably below the 3.4 gpm CO standard.

Consideration of costs, driveability, or fuel economy offers no basis for altering my conclusion that GM has failed to establish emissions control technology is not available for its 4.9L/4V turbocharged engine family.[25] Since the engine family/emissions control system for which GM has requested the waiver is the same system which has currently passed 1981 certification at the 3.4 gpm CO level, GM has not demonstrated any cost, driveability or fuel economy differentials between a system it plans to use under a 7.0 gpm CO standard and one targeted to meet the 3.4 gpm CO standard.

Other technology also is available to enable vehicles scheduled to use this engine family to meet the 3.4 gpm CO emissions standard. Specifically, GM acknowledged that the naturally aspirated version of this engine, which is capable of meeting the 3.4 gpm CO standard,[26] is available for the 1981 model year and could be substituted in all vehicles which GM has scheduled to use the turbocharged version of the 4.9L/4V engine.[27]

In this case, the information from GM only indicated some performance difference between the 4.9L/4V turbocharged version and the 4.9L/4V naturally aspirated version.[28] These potential performance effects which GM has raised, however, do not give me a basis for concluding that the naturally aspirated version of this engine does not constitute available effective control technology, considering costs, driveability, and fuel economy.[29]

2. *Ford.* Ford applied for waivers for its 1.3L and 1.6L/2V OHC engine families for the 1981 and 1982 model years. In support of this application, Ford provided some emission test data and other information regarding development of alternative emissions control systems. Ford contended that (1) effective emission control technology was not available to enable these engine families to meet a 3.4 gpm CO standard for the 1981 and 1982 model years; and (2) lead time problems prevented the introduction of alternative emissions control systems or components at this late period in Ford's production schedule.[30] Specifically, Ford claims[31] that unanticipated problems primarily associated with catalyst degradation and EGR system plugging prevent these engines families from certifying under the 1981 statutory emissions standards for the 50,000-mile statutory period.[32]

I have determined that Ford has established that effective emission control technology, considering costs, driveability, and fuel economy, is not available to enable its 1.3L and 1.6L/V OHC engine families to meet a 3.4 gpm CO emission standard for the 1981 model year, I have also concluded, however, that Ford has failed to establish that such technology will not be available to enable these engine families to meet the 3.4 gpm CO standard in the 1982 model year.

My evaluation of the technological capability of these Ford engine families is based upon the same Modified Monte Carlo statistical simulation employed in evaluating the GM 4.9L/4V turbocharged engine family and the Renault 85 CID engine family in my fifth consolidated decision.[33] In addition, my evaluation is based on certification data from vehicles that have completed the mandatory 50,000 mile certification testing procedure. Appendix A applies this Modified Monte Carlo statistical simulation technique to actual certification emission data from Ford's 1.3L and 1.6L/2V OHC certification vehicles.

Not one 1.6L/2V OHC vehicle demonstrated the capability to meet the 3.4 gpm CO standard, either under the Modified Monte Carlo analysis or through 50,000 miles of durability certification testing. As a result, I have determined that Ford has established that effective control technology is not available for this engine family.

One Ford 1.3L test vehicle, number 002, did demonstrate the ability to meet the 3.4 gpm CO standard after completing 50,000 miles of durability testing.[34] However, vehicle 002 was subjected to fairly extensive unscheduled maintenance and emission component replacement during the 50,000 mile test. This has raised concern as to whether vehicle 002 should be accepted as a durability data vehicle for purposes of either certification or the CO waiver. It may not be representative of the durability of emissions control components that vehicles of this engine family will actually exhibit in use, because such corrective maintenance and component replacement is not likely to be performed by vehicle owners in use.

Even if EPA accepted the durability testing data from vehicle 002 for certification purposes on the basis that the problems were being remedied, there remains the risk that basing waiver denial on the emissions performance of vehicle 002 would exacerbate the problems exhibited by vehicles in this engine family. Catalyst problems encountered during certification testing of vehicles in the 1.3L engine family indicate that vehicles in this engine family may exhibit catalyst degradation in actual operation during the useful life of the vehicles if required to meet the 3.4 gpm CO standard.[35] Even though vehicle 002 itself did not encounter identical difficulties, technical analysis of the vehicles with similar engine/emission control systems indicates that a significant risk exists that the catalyst problems would continue to occur in use.[36] Such catalyst degradation in use is likely to result in CO emissions at levels substantially higher than 3.4 gpm or even 7.0 gpm.[37] The least stringent CO standard I may impose during the waiver period is 7.0 gpm.

If the catalysts do experience significant degradation in use, the only

[24] App. A, section V.

[25] App. A, sections, VI, VII, VIII.

[26] The naturally aspirated version of this engine has completed certification "durability" testing under the 3.4 gpm CO standard. App. A, section V. February 12, 1980 Transcript, p. 204.

[27] February 12, 1980 Transcript, p. 205; App. A section V; GM supplemental submission, February 25, 1980, p. 4.

[28] GM stated, for example, that acceleration from 0 to 60 mph is approximately two and one half seconds faster with a turbocharged version than with a naturally aspirated version in the same vehicle. The turbocharged version also has better passing performance than a similar naturally aspirated version. The decrease in performance with a naturally aspirated version, however, is not significant enough to cause driveability problems. February 12, 1980 Transcript, pp. 248, 249.

[29] Cf. my decision on the Volkswagen 97 CID/FBC engine family. 44 FR 53376, 53385, 53387, 53388 (Sept. 13, 1979). In fact, GM stated that the naturally aspirated version of the 4.9L/4V engine family achieves better fuel economy than the 4.9L/4V turbocharged version. February 25, 1980 GM submission, p. 10. GM did not contend that the turbocharged version of this engine held any cost or driveability advantages over the naturally aspirated version.

[30] February 12, 1980 Transcript, pp. 112, 132, 138; Ford supplemental submission, March 19, 1980, p. 2.

[31] Ford App., section 3-B; App. A, section V; February 12, 1980 Transcript, pp. 124, 125, 128, 131.

[32] 42 U.S.C. 7521(d)(1)(1977).

[33] — FR — (Signed May 14, 1980).

[34] All other 1.3L engine family test vehicles for which Ford submitted emission test data failed to demonstrate the capability of meeting the 3.4 gpm CO standard. App. A, section V.

[35] Vehicles in the 1.6L/2V engine family also exhibited catalyst degradation. App. A, section V. The "useful life" of light-duty vehicles is five years or fifty thousand miles, whichever first occurs. 42 U.S.C. 7521(d)(1)(1977) and 40 C.F.R. 86.077-2.

[36] App. A, section V.

[37] App. A, section V.

way that the vehicles would be able to continue meeting a 3.4 gpm CO standard is by replacing the catalyst before its efficiency deteriorates excessively. Emissions control technology requiring catalyst replacement is unlikely to be effective in controlling emissions to the 3.4 gpm CO level, however, because it requires consumers to assume a substantial burden in ensuring that these engine families continue to meet the CO standard. Specifically, this would require consumers to be aware of the fact that their catalyst requires replacement, and then to assume additional costs or additional inconvenience (leaving a car for repairs), both of which there is a natural inclination to avoid.[38] Failing to perform the necessary repair or replacement of a catalyst which has experienced degradation probably would result in continuous emissions of CO at levels which could be well above the levels that would be produced under a 7.0 gpm standard.

Ford has indicated that it will attempt to eliminate its catalyst degradation problems by employing combined carburetor/secondary air management system changes which would produce CO emissions levels that most probably would exceed the 3.4 gpm standard. A 7.0 gpm CO standard could enable Ford to incorporate such a system and increase the likelihood that Ford will be able to correct its catalyst degradation problems without violating that standard.[39] As discussed in the public health and welfare discussion in section III C of this decision, the possibility that higher CO emission levels resulting from consumer failure to replace catalysts that have experienced significant degradation, poses potentially greater health risks than the higher emission levels that would result under a CO standard waived to 7.0 gpm.[40] My conclusion is based, in part, on the fact that the calibrations Ford could use to minimize catalyst degradation could be used only if the CO waiver were granted to a 7.0 gpm level.

Since test vehicles of the 1.3L engine family have not demonstrated satisfactorily that this engine family could meet the statutory CO standard without a significant risk of catalyst degradation during the useful life of the vehicles, I have concluded that Ford has established that effective control technology is not available for the 1.3L engine family to meet the 3.4 gpm CO standard in 1981.

Ford did not provide information sufficient to enable me to determine that effective emissions control technology would not be available for the 1982 model year to enable either the 1.3L or the 1.6L/2V OHC engine families to meet the 3.4 gpm CO emission standard. Additional technological alternatives for solving Ford's CO control problems are still available for Ford to evaluate and implement for 1982 model year vehicles of these engine families.[41] Ford did not supply sufficient information on these alternatives to demonstrate their effect on emissions from these two families.

Considerations of costs, driveability, or fuel economy, either separately or cumulatively, offer no basis for altering my conclusion that Ford has failed to establish that effective emissions control technology is not available for its 1.3L and 1.6L/2V OHC engine families for the 1982 model year.[42] Ford provided driveability information only for its 1.6L/2V OHC engine family. Although this driveability information indicated marginal driveability in some vehicles, Ford failed to establish that driveability would prove to be a problem in the 1982 model year.[43] Ford did not raise fuel economy as an issue and did not provide any information to support claims based upon this factor.

In addition, Ford has not established any cost differential between the system covered by this waiver request for a 7.0 gpm interim CO standard and a system it would need to meet the 3.4 gpm CO standard, because Ford has not indicated specifically what different technological alternatives it would consider using to improve the CO emissions of these engine families to meet the 3.4 gpm CO standard in the 1981 and 1982 model years or what the associated costs would be.

B. *Protection of Public Health.* Section 202(b)(5)(C) of the Act requires that before I grant a waiver covering a given engine family, I must find that protection of the public health does not require attainment of a 3.4 gpm CO standard by the vehicles of the engine family receiving the waiver. Thus, I have examined this issue with respect to Ford's 1.3L and 1.6L/2V OHC engine families for which I have determined that effective control technology, considering costs, driveability, and fuel economy, is not available in model year 1981. I have found as a result of this examination that any adverse health effects resulting from waiving the 3.4 standard for these 1981 model year engine families would be insignificant. The same statement is true regarding the combined health effects resulting from waiving the 3.4 standard for the 1981 model year for these engine families and for all the 1981 and 1982 model year engine families receiving waivers under the previous consolidated CO waiver decisions.[44] As a result, protection of the public health does not require attainment of the 3.4 gpm CO standard for the engine families for which I have determined that effective control technology is not available for the 1981 model year.[45]

According to the express terms of the statute, there is no need for me to determine whether waiver applications covering engine families for which applicants failed to establish the unavailability of effective control technology (considering costs, driveability, and fuel economy) meet any of the remaining statutory criteria in order for me to deny these applications.[46] The Act requires me to deny waiver applications where an applicant has failed to meet any one of the criteria, regardless of whether such applicant could meet the remaining criteria. Nevertheless, I will address these issues briefly in the course of discussing the remaining criteria in conjunction with those waiver

[38] See 44 FR 3380, 53381 (September 13, 1979).

[39] App. A, section V.

[40] In *International Harvester Co.* v. *Ruckelshaus*, the Court required EPA's Administrator, in deciding on a manufacturer's statutorily-authorized request for a delay in implementing more stringent emission standards, to consider the risk of any adverse environmental consequences which could raesult from denying that request. 478 F.2d 615,630 (D.C. Cir. 1973).

[41] App. A, section IX.

[42] App. A, sections VI, VII, and VIII.

[43] App. A, section VII.

[44] Moreover, in these cases waiver denials would give rise to a significant risk that the technology Ford has employed to enable these engine families to meet a 3.4 gpm CO standard will cause catalyst degradation, resulting in increased CO emissions above the levels that would be emitted under a 7.0 gpm standard. As previously stated, in section III A of this decision, there is a significant risk that the catalyst degradation would go unremedied in use. This risk outweighs the insignificant risk to public health which results from the slight increase in CO emissions from these engine families under granted waivers. Thus, by granting waivers and establishing a 7.0 gpm CO standard that will increase the likelihood that Ford can avoid its catalyst degradation problem, I can reduce the risk that vehicles in this engine family will experience significant degradation, and will emit levels of CO emissions well above the levels that they would emit under a 7.0 gpm standard.

[45] See e.g., the analysis of the effect of CO waivers on ambient air quality 44 FR 53376, 53402-53407 (September 13, 1979); and 44 FR 69416, 69456-69462 (December 3, 1979). The engine families receiving waivers under my previous CO waiver decisions only constitute approximately 20% of the total projected 1981 model year light-duty vehicle sales in the United States. Adding the engine families granted CO waivers here increases this figure to approximately 24%.

[46] These remaining criteria are found in Sections 202(b)(5)(C) of the Act. For discussion regarding these criteria in earlier waiver decisions, see, e.g., 44 FR 53376, 53378 (September 13, 1979); 44 FR 69416, 69420 (December 3, 1979); and 45 FR 7122, 7126 (January 31, 1980).

applications as I did in the five previous waiver decisions.

While waiving the 1981 and 1982 statutory CO standards for any of the engine families here would not significantly affect the public health, noticeable increases in ambient CO levels could result from granting waivers industry-wide.[47] In light of the fact that industry-wide waivers would not be protective of the public health, it is reasonable to grant waivers covering only that portion of the industry consisting of engine families for which I have determined that effective control technology, considering costs, driveability, and fuel economy, is not available (presuming these families also meet the remaining statutory criteria).[48]

C. *Essential to the Public Interest or to the Public Health and Welfare.* Before I may grant a waiver request, section 202(b) (5)(C)(i) of the Act requires that I determine that granting the waiver is essential to the public interest or the public health and welfare.

Ford asserted that granting the waiver requests for its 1.3L and 1.6L/2V OHC engine families is essential to the public interest to ensure Ford's ability to market these fuel-efficient vehicles and to avoid severe economic and social costs which could result from the failure to market these vehicles if a waiver were denied.[49] I have determined that granting one-year waivers to the two Ford engine families, for which I have determined that effective control technology is not available in the 1981 model year, is essential to the public interest. By granting these waivers, I will permit Ford to market two engine families which it otherwise most likely would not have been allowed to market because of their inability to certify. Granting waivers for this reason is essential to the public's interest in maintaining a diversified and competitive automotive industry for the United States market.[50]

I have determined that it is not essential to the public interest to grant waivers to the GM 4.9L/4V turbocharged engine family for the 1981 and 1982 model years, or to the Ford 1.3L and 1.6L/2V OHC engine families for the 1982 model year, because the applicants have failed to establish that these engine families are incapable of meeting a 3.4 gpm CO standard or are likely to incur significant costs (or driveability or fuel economy penalties) in meeting that standard for the model years in question.[51] Neither GM nor Ford established that technological problems, costs, or other penalties involved are so substantial as to present a significant risk in these cases to either waiver applicants' ability to produce and competitively market vehicles of these engine families, or vehicles generally.

GM contended that it is in the public interest to allow GM to market the specific technology represented by the 4.9L/4V engine family (turbocharging plus spark knock control).[52] In addition, GM claims that marketing this engine family is essential to the public interest because the turbocharger technology "allows a smaller engine to exhibit the performance capabilities of a larger engine * * * (and) granting this waiver request would provide for the additional accumulation of field experience with these technologies (turbocharging plus spark knock control)."[53]

This determination also applies to the situation presented by GM's waiver request even if GM's 4.9L/4V vehicles using GM's turbocharger technology for some unestablished reason cannot meet the 3.4 gpm standard. Because the 4.9L/4V naturally aspirated version of this engine family is a readily available alternative technology which is capable of meeting the 3.4 gpm CO emission standard, GM still would not have established that there is a significant risk to GM's ability to produce and market competitive vehicles scheduled for the 4.9L/4V turbocharged engine family, or vehicles generally.

If GM were to use the naturally-aspirated version of this engine, the only element of diversity which the United States market might lose is the asserted improvement in performance characteristics which the turbocharged technology potentially permits the GM vehicles in question to achieve. Otherwise, GM still can market these vehicles as planned. The Court in *International Harvester* recognized that the Act made clear that the need to achieve clean air objectives outweighs sacrifices that might result in the area of improved performance characteristics.[54] GM still will be able to market other vehicles using turbocharger and spark knock control technology, and thus gain field experience with this technology, in the 1981 model year.[55]

GM also contended that GM and the public would suffer significant adverse economic and social consequences were GM unable to market the 4.9L/4V turbocharged engine family.[56] However, because GM has not established that this engine family is incapable of complying with the 3.4 gpm CO emission standard, I find that there is no substantial risk that it will be unable to market the 4.9L/4V turbocharged engine family. In addition, GM claimed, but failed to establish, that it would suffer significant sales losses were GM to employ the 4.9L/4V naturally aspirated version of this engine in place of the 4.9L/4V turbocharged version in the vehicles in question.[57]

D. *Good Faith.* In order for me to grant a waiver to any applicant, section 202(b)(5)(C)(ii) of the Act requires that I determine that the applicant in question has made all good faith efforts to meet the established emission standards. As a result, I have examined information regarding each applicant's previous and projected efforts toward meeting a 3.4 gpm CO emission standard for the engine families in question.

Each of the waiver applicants has provided information to support the contention that it has acted in good faith in trying to meet the 3.4 gpm CO standard. In general, information in the record provides support for determining that each of the applicants has met the Act's good faith criterion in developing emission control technology to meet the 3.4 gpm CO standard.

Both of these applicants made only limited efforts to develop certain additional emissions control components which might be expected to

[47] Each of the applicants here has argued that granting a waiver to each of these engine families would have an insignificant impact on public health. For further discussion concerning these contentions, see the first decision, 44 FR 53376, 53381 and Appendix B at 44 FR 53402–53407 (September 13, 1979).

[48] See, e.g., 44 FR 53376, 53382, 53386–53387 (September 13, 1979).

[49] Ford App., section II–A.

[50] Additionally, by granting these waivers I can avoid giving rise to the potentially increased total CO emissions which could occur with suspect technology targeted to meet a 3.4 gpm standard and which could be well above the levels that would result under a 7.0 gpm standard. See section IIIC of this decision.

[51] This issue was discussed in the public interest analysis section in previous decisions regarding engine families denied waivers. See, e.g., 44 FR 53376, 53385 (September 13, 1979); 44 FR 69416, 69430 (December 3, 1979); 45 FR 7122 (January 31, 1980); and 45 FR 7914 (March 19, 1980). Appendix A contains a closer examination of the cost, driveability, and fuel economy issues. App. A, section V–IX. Previous decisions discussed more fully the effects of waiver denials on the public interest or public health and welfare. See e.g., 44 FR 53387 (September 13, 1979); and 44 FR 69429 (December 3, 1979).

[52] GM Reapp., p. 9.

[53] GM Reapp., p. 1, 2. February 12, 1980 Transcript, p. 188.

[54] 478 F.2d 615, 640 (D.C. Cir., 1973).

[55] For example, GM was granted a CO waiver for the 1981 model year for its 3.8L/4V turbocharged engine family in the third consolidated CO decision. 45 FR 7122, 7126 (January 31, 1980). GM also confirmed that it could use spark knock control with other, non-turbocharged engine families. February 12, 1980 Transcript, p. 255.

[56] GM Reapp., p. 9.

[57] GM provided projections of the effects on sales were it unable to market its 4.9L/4V engine family using turbocharger technology, but provided no substantiation for how it derived those figures. GM supplemental submission, February 25, 1980, p. 3.

improve the respective emissions control performance of these engine families. Specifically, Ford failed to develop and evaluate the possible advantages of using a closed-loop feedback carburetor system on its 1.3L and 1.6L/2V engine families. In addition, Ford has the opportunity to evaluate at least four other alternative CO emissions control improvements in time for model year 1982.[58] Ford should consider these options (along with any others which may be available) closely as part of its continued efforts to develop technology to enable 1982 model year vehicles of these engine families to meet the 3.4 gpm CO standard.

GM failed to do extensive monolith catalyst development on its 4.9L/V turbocharged engine family.[59] Nevertheless, in the absence of any other evidence supporting a contrary conclusion, I am unable to determine other than that both of these applicants have met the good faith criterion with respect to to the engine families under consideration in this decision.

E. *Risks in Determining Available Technology.* In *International Harvester Co.* v. *Ruckelshaus,*[60] the United States Court of Appeals for the District of Columbia Circuit reviewed the Administrator's decision to deny manufacturers' requests for a one-year suspension (from 1975 to 1976) of the effective date of the statutory hydrocarbon (HC) and CO standards mandated by the 1970 version of the Act. The Court stated, among other things, that the Administrator should have considered the risks associated with the possibility of erroneously denying the suspension requests versus the risk of erroneously granting those requests. The Court indicated that the Administrator should balance the economic costs (in terms of jobs and misallocated resources) or environmental costs possibly associated with an erroneous denial versus the possible environmental benefits lost through an erroneous grant.

Even though the health risks associated with erroneous grants for Ford's engine families in the 1982 model year and GM's engine family in both the 1981 and 1982 model years may not be great, the risks associated with erroneous denials (which do not involve health considerations) also are limited significantly. My findings that technology is available for an engine family to meet certification testing requirements are based on conservative projections.[61] The move from today's state of technology to the techology required to achieve the 3.4 gpm CO standard does not require any substantial shift to untried emission control methods. Furthermore, an incorrect determination here would have the potential to adversely affect the production of only one engine family, as opposed to the ability of the industry as a whole to produce cars for the public generally. In light of these counterbalancing risks, and in light of Congress' expressed intent to afford a statutory waiver only in exceptional circumstances rather than on an across-the-board basis,[62] I have concluded that it is appropriate to deny waiver applications insofar as they cover engine families for which the manufacturer has failed to establish that effective control technology, considering costs, driveability, and fuel economy, is not available.

IV. Conclusion

The two Ford engine families for which I determined that effective CO control technology is not available for the 1981 model year are covered by waiver applications which meet each of the remaining criteria under section 202(b)(5)(C) of the Act. As a result, I am granting a waiver of the effective date of the 1981 statutory CO emission standard for the Ford 1.3L and 1.6L/2V OHC engine families for the 1981 model year.

I have determined for GM's 4.9L/4V turbocharged engine family that effective control technology indeed is available to meet a 3.4 gpm CO standard by the 1981 model year, even after considering costs, driveability and fuel economy. For the Ford 1.3L and 1.6L/2V OHC engine families, I have determined that Ford has failed to establish that such technology, considering costs, driveability, and fuel economy, is not available for these engine families in the 1982 model year. Thus, even though these waiver applicants may meet one or more of the remaining criteria for receiving waivers, I nevertheless must deny the waiver applications covering the GM 4.9L/4V turbocharged engine family for the 1981 and 1982 model years and the Ford 1.3L and 1.6L/2V OHC engine families for the 1982 model year.

V. Interim CO Exhaust Emission Standards

As required by section 202(b)(5)(A) of the Act, I am simultaneously promulgating regulations elsewhere in this issue of the **Federal Register**, prescribing an interim CO emission standard of 7.0 gpm for 1981 model year vehicles of the two engine families receiving waivers. For these two engine families, this action continues in effect for one additional model year the CO emission standard applicable to all 1980 model year light-duty vehicles.

Dated: May 30, 1980.

Douglas M. Costle,

Administrator.

Appendix A—Summary of Technological Capability

Contents

I. Introduction
II. Summary of Technological Capability
III. Statistical Treatment of the Data
IV. Factors
V. Discussion of Individual Manufacturers' Technical Capability
VI. Cost Analysis
VII. Driveability
VIII. Fuel Economy
IX. Lead Time Considerations
X. References

I. Introduction

The exhaust emission standards for 1981 and later model year light-duty vehicles are currently 0.41 gram per mile HC, 3.4 grams per mile CO, and 1.0 gram per mile NOx. Section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) provides the opportunity for manufacturers to request a waiver of the 3.4 grams per mile CO standard to 7.0 grams per mile during model years 1981 and 1982.

The applicants being considered in this document are Ford and General Motors. This is the fourth group of CO waiver applications that have been considered by EPA. This is the third time that a waiver request has been considered by EPA from General Motors.

This appendix deals with the technological capability of Ford and General Motors to meet the 1981 and 1982 CO standard of 3.4 grams per mile.

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[58] App. A, section IX.

[59] February 12, 1980 Transcript, pp. 212–224. See App. A, sections V, IX.

[60] 478 F. 2d 615 (D.C. Cir. 1973). For further discussion of this case, see the discussion in my first consolidated decision. 44 FR 53376, 53388 (September 13, 1979).

[61] See section III(A)(1), supra. See also App. A, sections III, V. Although the Monte Carlo technique employed here differs slightly from that used in previous decisions, this Modified Monte Carlo produces a more accurate projection of liklihood of successful certification while still maintaining conservation variabilities where necessary. See the discussion in section III(A)(2). See also, App. A, sections III, V.

[62] See also the discussion of this issue in the following previous waiver decisions: 44 FR 53376, 53387 (September 13, 1979); 44 FR 69416, 69429 and 69430 (December 3, 1979). In my fourth consolidated decision I based my decision to grant waivers on the combined risks presented from two factors: (1) the severity of the adverse economic consequences which could occur as the result of an erroneous denial; and, (2) the likelihood that the denial, in fact, will turn out to be ill-founded. 45 FR 17914, 17917 (March 19, 1980). Neither Ford nor GM has established that these factors contradict my findings here.

This appendix relies on three previous technical appendixes, particularly for explanation of the basic concepts of the Monte Carlo simulation utilized in this analysis. These appendixes are:

1. Appendix B, Technical Appendix, to the Decision of the Administrator on Remand for the United States Court of Appeals for the District of Columbia Circuit, April 11, 1973.

2. Appendix A, Technical Appendix, to the Decision of the Administrator In re: Applications for Suspension of 1976 Motor Vehicle Exhaust Emission Standards, July 30, 1973.

3. Appendix A, Technical Appendix, to the Decision of the Administrator In re: Applications for Suspension of 1977 Motor Vehicle Exhaust Emission Standards, March 5, 1975.

As indicated in Section 202(b)(5)(c)(iii) of the Clean Air Act, the technological feasibility determination is based on the consideration of technological capability, cost, driveability, and fuel economy. This appendix contains discussion of each of the above topics.

II. Summary of Technological Capability

Tables II–1 and II–2 summarize the capability of the applicant manufacturers to meet the 1981 and 1982 emission standards. The standards considered in these tables are 0.41 HC, 3.4 CO, 1.0 NOx.

A guide to the summary tables is as follows. The first column lists engine displacement. The "as received" column refers to the emission data submitted by the manufacturer. "Improvements" refer to the projected technological improvements (factors) applied to the data submitted by the manufacturer. The "no data" category is an abbreviated notation for the lack of acceptable data to perform EPA's established technological analysis as referred to in EPA's published CO waiver guidelines. The applicants have known for about six years what sort of data is necessary for EPA to make a determination under its established methodology whether or not a given vehicle would be projected to pass or fail a set of standards. Unfortunately, in some cases there was a lack of useable data for vehicles using specific engines. This effectively precluded EPA from making a pass/fail determination for those vehicles through the established methodology. In these cases the vehicles using these engines are called "no data" and no pass/fail determination was made.

Table II–1.—Applicant: Ford

Engine	Pass as received?	Pass with improvement?
1.3L–2V	In 1981 No	N/A.[1]
	In 1982 No data	
1.6L–2V—OHC	In 1981 No	N/A.
	In 1982 No data	

[1] N/A means not applicable or that no hardware improvement factors were applied to these vehicles.

Table II–2.—Applicant: General Motors

Engine	Pass as received?	Pass with improvement?
4.9L–4V–TC	Yes	N/A.[1]

[1] N/A means not applicable or that no hardware improvement factors were applied to these vehicles.

III. Statistical Treatment of the Data

The standard Monte Carlo methodology has not been used for the analysis in this appendix. No changes have been made in the standard Monte Carlo methodology since its last use in a technical appendix. This methodology, which is the foundation for the Modified Monte Carlo methodology for certification vehicles has been discussed in three previous technical appendixes:

1. Appendix B, Technical Appendix, to the Decision of the Administrator on Remand for the United States Court of Appeals for the District of Columbia Circuit, April 11, 1973.

2. Appendix A, Technical Appendix, to the Decision of the Administrator In re: Applications for Suspension of 1976 Motor Vehicle Exhaust Emission Standards, July 30, 1973.

3. Appendix A, Technical Appendix, to the Decision of the Administrator In re: Applications for Suspension of 1977 Motor Vehicle Exhaust Emission Standards March 5, 1975.

A Modified Monte Carlo simulation has been developed and utilized in this appendix to handle a new situation which has arisen in this waiver proceeding. The new situation was that the Administrator had to make a decision to grant or deny waivers based on actual certification vehicles with less than complete mileage accumulation for a given model year which is also a year for which a waiver has been requested. This circumstance initially occurred in the technical appendix for the decision on Peugeot and Renault, and the circumstances have again occurred for both Ford and General Motors. Specifically, the initial circumstance was that Renault had a 1981 model year durability vehicle (vehicle 785) in EPA certification. Car 785 had accumulated over 40,000 of the mandatory 50,000 miles of durability mileage accumulations. Based on all current emission data points, the vehicle met the 1981 emission standards. Based on the least-squares-fit straight line through all current data, the vehicle was projected to pass the 1981–1982 standards. Based on the standard Monte Carlo methodology, the vehicle was projected to marginally fail CO emissions.

If the Renault vehicle had completed the 50,000 miles at the projected emission levels, the waiver would have probably been denied. And if the Renault vehicle were a prototype development vehicle instead of an actual 1981 certification vehicle, the vehicle would clearly have been considered to fail as in previous decisions.

The standard Monte Carlo is used to predict the probabilities of an untested certification vehicle passing the emission standards based on the test data from a prototype durability vehicle of identical construction. Car-to-car variability, test-to-test variability, and deterioration factor variability are applied to the prototype vehicle data. Use of the standard Monte Carlo methodology in the case of the Renault certification vehicle would be inappropriate to determine the probability of passing certification because the three variabilities would be applied to vehicle results for which there is no real life variability; i.e., the first 40,000 miles of data are actual certification data and will be used precisely as they exist to determine pass/fail in certification.

Because of the inappropriateness of the standard Monte Carlo for predicting the certification results of actual certification vehicles, a modified version of the Monte Carlo was developed such that the predictive methodology could be validly applied to certification vehicles.

In the standard Monte Carlo program, the following steps take place:

1. A d.f. value and a 50,000 mile intercept are calculated from the actual vehicle data and are input into the program.

2. The Monte Carlo program calculates the 4,000 mile intercept.

3. A random 4,000 mile point is selected form the normal distribution of car-to-car variability centered around the calculated 4,000 mile point.

4. A new d.f. line is fitted through the randomly selected 4,000 mile point. This new or second d.f. line is an increment of the actual d.f. line. This increment is randomly selected form the d.f. variability distribution.

5. From the adjusted d.f. line, which passes through the adjusted 4,000 mile

point, temporary points are then calculated at mileage increments of 5,000, 10,000, and 15,000, etc. Final values for these points are then chosen by randomly applying test-to-test variability to the temporary emission values.

6. A d.f., a 4,000 mile intercept, and a 50,000 mile intercept are calculated from the data points generated in step five.

7. The preceding steps are repeated 100 times.

In the Modified Monte Carlo for certification vehicles, the variability distributions for car-to-car, d.f. and test-to-test variabilities are not applied to actual certification test points. The variabilities are only used for the projected test points.

In the Modified Monte Carlo for certification vehicles, the following steps take place:

1. A d.f. value and a 50,000 mile intercept are calculated from the actual certification data and are input into the program.

2. The Monte Carlo program calculates the first projected test point beyond the actual test points.

3. A random value is selected for the first projected data point. For instance, if certification test data includes the 40,000 mile test point, the first projected point would be the 45,000 mile point. The value for the first projected point is randomly selected by applying car-to-car variability to the calculated test point. Since, in reality, car-to-car variability should not exist because there is no change in vehicles, this portion of the calculation adds conservatism to the analysis.

4. A new d.f. line is fitted through the randomly selected value for the first projected point. This new or second d.f. line is calculated by adding or subtracting a d.f. increment to the original d.f. line. This increment is also picked at random, from the d.f. variability distribution.

5. From the adjusted d.f. line, which passes through the adjusted value for the first projected data point, points are picked at 5,000 mile increments of up to 50,000 miles. Values are also projected for before and after scheduled maintenance test points. The values for these data points are randomly selected from the test-to-test variability distribution.

6. A d.f., a 4,000 mile intercept, and a 50,000 mile intercept are calculated from all the data points, both actual and projected.

7. The preceding steps are repeated *1000* times.

In the Modified Monte Carlo for certification vehicles, it should be apparent, from the preceding explanation, that the variability distributions for car-to-car, d.f. and test-to-test variabilities are only used in conjunction with the projected data points, and not with actual certification test points. The values of the variabilities are identical to those used in the standard Monte Carlo. Also the modified Monte Carlo is used only to analyze incomplete 1981 model year certification vehicles.

IV. Factors

With respect to the vehicle emission data submitted by the manufacturers for EPA analysis, vehicles are often run and tested over durability mileage accumulation schedules without using the best technology that is available to the manufacturer for certification in the 1981 or 1982 model years. There are many reasons why this occurs. First, such technology may have simply not been available in quantity when fleets of vehicles began mileage accumulation. Second, all vehicles submitted for EPA staff analysis may not have been specifically designed for the 1981 and 1982 Federal emission standards. Also, the manufacturer may wish to maintain some technologies (with known durability) in reserve if their low mileage testing indicates that such technology may not be needed for compliance with the target emission standards. In addition, technology may not appear on durability vehicles because the manufacturer has made a decision that the technology would be too costly for production vehicles.

Factors which have previously been developed, but generally not used in the following analysis include factors for:

- Warm up catalysts for 3W catalyst or 3W+OC systems
- Deletion of power enrichment
- Use of insulated or dual-walled exhaust pipes
- Use of exhaust port liners
- Use of throttle body fuel injection
- Use of multiple point fuel injection

Although the deletion of power enrichment was considered feasible for 1981, factors for this improvement were not used. Therefore, through these additional techniques, the manufacturers may have some additional cushion for certification over and above the factors used in EPA's analysis. Use of the other items was not considered possible for most manufacturers for most engine families before the 1982 model year.

No factors were used for emission control system improvements for vehicles in this analysis. The GM vehicles passed without factors so no additional emission control hardware was necessary for compliance with the emission standards. Development data was not provided by Ford and therefore no data was available for developing hardware improvement factors for 1982.

V. Discussion of Individual Manufacturers' Technical Capability

This section will discuss all vehicles which (1) were submitted by each of the two applicants and (2) also are acceptable for input into the Monte Carlo simulation. Acceptable for input means (1) that the vehicle is a durability vehicle which has accumulated a minimum of 20,000 miles with the same major emission control components and (2) that a minimum of four valid 1975 FTP tests have been conducted on the vehicle.

Details of the pass/fail determinations in section II are also presented here. To pass the 1981 and 1982 emission standard (of 0.41 HC, 3.4 CO, 1.0 NOx), the probabilities of passing each individual pollutant must be greater than or equal to 80% in the Modified Monte Carlo for certification vehicles. If the probability of passing only HC, for example, is less than or equal to 79%, the vehicle fails—even if the probabilities for CO and NOx greatly exceed the 80% cutpoint.

Ford Motor Company (Ford)

this is the first group of waiver applications received from Ford. In their current application, Ford has requested waivers to 7.0 CO for vehicles using their new 1.3 and 1.6 liter engines. The engines are currently considered by EPA to be in different engine families.

No prototype durability vehicles were tested by Ford; however, a substantial number of 1981 certification vehicles have been or are now being run by Ford.

All of the vehicles discussed in the Ford waiver application and subsequent waiver information provided by Ford are shown in table V–1. A few vehicles have been added by the EPA technical staff to complete the Ford certification outlook. Virtually all vehicles are 50-State certification vehicles.

Table V-1.—*Vehicles in Ford Waiver Application*

Engine	VIN	Emission control system	Entered in Monte Carlo?	If not entered in Monte Carlo—why?	Comment	Reference
1.3	001	BPEGR/AIR/OC	No	Insufficient mileage accumulation	1981 50-States certification vehicle—now cancelled.	2 at section IIIB and 3 at attachment IV.
1.3	002	BPEGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—complete, but data may not be accepted by EPA.	2 at section IIIB and 3 at attachment IV-V and 5 at attachment I.
1.3	003	Unknown	No	Insufficient mileage accumulation	1981 certification vehicle—disqualified due to head porosity.	EPA certification records.
1.3	004	BPEGR/AIR/3W [1]	Yes		1981 50-States certification vehicle—now cancelled.	2 at section IIIB and 3 at attachment IV.
1.6	[2]005	BPEGR/AIR/3W [1]	Yes		1981 50-States certification vehicle—active, 40k.	4 at attachment III, p 7-8.
1.6	006	SONIC EGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—now cancelled.	2 at section IIIB and 3 at attachment IV.
1.6	007	BPEGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—now cancelled.	2 at section IIIB and 3 at attachment IV.
1.6	008	SONIC EGR/AIR/3W/OC	No	Insufficient mileage accumulation	1981 certification vehicle—now cancelled.	EPA certification records.
1.6, 17-18	[2]190	BPEGR/AIR/3W/3W [1]	No	Insufficient mileage accumulation	1981 50-States certification vehicle—15K.	4 at attachment III, p.
1.6, 19-20	165	BPEGR/AIR/3W/OC	No	Insufficient mileage accumulation	1981 50-States certification vehicle—10K.	4 at attachment III, p.
1.6	070		No	Insufficient mileage accumulation	1981 50-States certification vehicle—5K.	EPA certification records.
1.6	164		No	Insufficient mileage accumulation	1981 certification vehicle—on hold	EPA certification records.
1.6	166	BPEGR/AIR/3W/3W [1]	No	Insufficient mileage accumulation	1981 50-States certification vehicle—10K.	EPA certification records.
1.6	167		No	Insufficient mileage accumulation	1981 certification vehicle—no mileage	EPA certification records.
1.3	337		No	Insufficient mileage accumulation	1981 certification vehicle	3 at attachment III.
1.3	168	BPEGR/AIR/3W/OC	No	Insufficient mileage accumulation	1981 50-States certification vehicle—OK.	3 at attachment III.
1.6	057	BPEGR/AIR/3W/OC	Yes		1981 50-States Certification vehicle—now cancelled.	2 at section IIIB, 3 at attachment IV.
1.6	9x49		No	Insufficient mileage accumulation	Development vehicle	3 at attachment VIII.
1.3	058	BPEGR/AIR/3W/3W [1]	No	Insufficient mileage accumulation	1981 50-States certification vehicle—now cancelled.	EPA certification records.
1.3	072	BPEGR/AIR/3W/OC	No	Insufficient mileage accumulation	1981 50-States certification vehicle—now cancelled.	4 at attachment III, p 1-2.
1.3	182	BPEGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—now cancelled.	4 at attachment III, p 3-4.
1.3	[2]329	BPEGR/AIR/3W/3W [1]	Yes		1981 50-States certification vehicle—20K.	4 at attachment III, p 5-6.
1.6	071	BPEGR/AIR/3W/OC	No	Insufficient mileage accumulation	1981 50-States certification vehicle—10K.	4 at attachment III, p 9-10.
1.6	075	BPEGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—30K.	4 at attachment III, p 11-12.
1.6	160	BPEGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—20K.	4 at attachment III, p 13-14.
1.6	161	BPEGR/AIR/3W/OC	Yes		1981 50-States certification vehicle—25K.	4 at attachment III, p 15-16.

[1] Apparently used as an oxidation catalyst.
[2] Reportedly cancelled after preparation of this table.

Pass/Fail Analysis of Ford Vehicles Using the 1.3 Liter 2V Engine

A total of four 1981 model year certification durability vehicles were included in the pass/fail analysis of this family. All vehicles except vehicle 002 were analyzed using the Modified Monte Carlo for certification vehicles which is discussed in section III of this document.

Since car 002 has completed durability mileage accumulation, no simulation of its certification capability is necessary. The car has completed durability testing at emission levels below the 0.41 HC, 3.4 CO, 1.0 NOx standard. The emission results from vehicle 002 and the remaining vehicles with 1.3 liter engines aer shown in table V-3.

Two of the four vehicles, cars 004 and 182, have been cancelled. One of the vehicles, car 329, is still accumulating mileage. Probabilities of passing were generated for these cars as shown in table V-2. Car 182 is projected to fail HC, CO, and NOx emissions, and car 329 is projected to fail HC and NOx emissions, and car 004 is projected to fail HC, CO and NOx emissions.

Although car 002 completed 50,000 miles of durability mileage accumulation at emission levels below the statutory HC, CO and NOx standards, Ford performed unscheduled maintenance and parts replacement on this vehicle to remedy fairly severe emission problems. As a result, car 002 does not represent a total engine/emission control system that has demonstrated compliance with emission standards for 50,000 miles, nor does it represent the vehicles that Ford plans to produce for sale in 1981. In addition to the question of whether the durability data from car 002 should be accepted for certification purposes, this raises the question of whether EPA should treat this vehicle as a certification vehicle for purposes of demonstrating compliance with the statutory CO standard, i.e., as the basis for waiver denial.

The durability data-certification issue currently is under consideration within the Agency. While it has not been decided whether durability data from car 002 will be accepted for certification, conditional or otherwise, the same factors to be considered in that decision provide the basis for rejecting car 002 as having demonstrated compliance with the statutory standards. This vehicle may not have met emission standards without unscheduled maintenance, so that vehicles in-use could very well exceed the standards even if a waiver is denied. Since vehicle 002 is being rejected as a data vehicle for purposes of this waiver decision the 1.3 liter

engine families are projected to fail in 1981 model year certification. Technological options for model year 1982 were not evaluated using the Monte Carlo as little information was provided by Ford on their capabilities for 1982.

TABLE V-2.—*Modified Monte Carlo Results of Ford Certification Durability Vehicles Using 1.3 Liter Engines*

VIN	IW	Certification engine family	3W catalyst code[2]	OC catalyst code[2]	Probability of pass			Comment
					HC	CO	NO_x	
002	2250	1.3AF	TR	XR	Not run—complete			EPA may not accept this vehicle data.
004	2250	1.3AB	TR	None	0	2	71	Cancelled.
182	2250	1.3AG	TR	XR	68	41	0	Cancelled.
329	2250	1.3AA	TT	TT	57	100	0	Cancelled recently.

Table V-3.—*Emission Results of 1981 For Certification Vehicles Using 1.3 Liter-2V Engines*

Miles	HC	CO	NO_x
VIN: [1]004			
4,829	0.22	1.91	0.62
9,840	.19	1.81	.64
14,811	.35	2.75	.73
19,906	.30	1.86	.62
24,954	.35	1.92	.75
29,880	.41	2.35	.87
29,952	.45	2.56	.93
34,816	.45	3.66	.82
39,826	.50	4.61	.80
Proj 4k[3]	.19	1.44	.61
Proj 50k[3]	.59	4.23	.95
df[3]	3.03	2.95	1.55
VIN: 002			
4,813	0.31	2.23	0.49
9,809	.37	2.58	.68
14,806	.31	2.40	.54
19,806	.29	2.21	.90
25,159	.35	2.53	.82
29,821	.30	3.07	.64
29,840	.26	1.82	.65
34,826	.37	2.72	.69
39,814	.30	3.18	.70
44,763	.28	3.33	.65
49,764	.23	2.67	.59
Proj 4k	.34	2.20	.65
Proj 50k	.27	3.00	.69
df	.80	1.36	1.06
VIN: [1]182			
4,807	0.26	1.62	0.96
9,810	.33	1.64	.93
14,764	.42	2.36	1.16
19,810	.26	2.16	2.78
Proj 4k[3]	.30	1.56	.51
Proj 50k[3]	.38	3.71	5.76
df[3]	1.27	2.38	11.27

Table V-3.—*Emission Results of 1981 For Certification Vehicles Using 1.3 Liter-2V Engines*—Continued

Miles	HC	CO	NO_x
VIN: [2]329			
4,814	0.21	1.84	0.61
9,828	.20	1.84	.68
14,798	.32	1.91	.78
19,808	.24	1.50	.89
Proj 4k[3]	.21	1.93	.58
Proj 50k[3]	.40	1.06	1.45
df[3]	1.93	.55	2.48

[1] Cancelled vehicle.
[2] Recently cancelled.
[3] Based on less than complete 50,000 mile durability.

Pass/Fail Analysis of Vehicles Using 1.6 Liter Overhead Camshaft Engines and 2V Carburetors

A total of seven 1981, model year certification durability vehicles using 1.6 liter engines were analyzed by the EPA technical staff. All vehicles were evaluated using the Modified Monte Carlo for certification vehicles. The projected Monte Carlo results are shown in table V–4. The seven vehicles are projected to badly fail the standards of 0.41 HC, 3.4 CO, 1.0 NOx. All vehicles except one (161) are projected to fail two or three pollutants.

Neglecting the Monte Carlo analysis and projected emissions temporarily and looking only in comparison to the emission standards at actual emission tests, the only vehicle which has accumulated 20,000 miles or more and is still active without exceeding one or more emission standards is vehicle 161. From those seven vehicles for which EPA calculated deterioration factors, this appears to be the only car with even a small chance of meeting the 0.41 HC, 3.4 CO, 1.0 NOx emission standard. The actual certification results of this and the other six durability vehicles are also shown in table V–5. CO emissions appear to be also deteriorating so rapidly on car 161 that it probably will not pass the 3.4 standard and even with a 7.0 CO waiver, car 161 appears to be the only car which may pass.[1]

	HC	CO	NOx
Proj. 4K	.179	2.39	.88
Proj. 50K	.286	4.33	1.01
df	1.60	1.81	1.15

There is no questionable maintenance reported on this vehicle, and the vehicle could probably be certified to a 0.41 HC, 7.0 CO, 1.0 NOx standard

[1] Car 075 was very recently reported to have completed the 50,000 mile durability process with the following emission results:

Table V-4.—*Modified Monte Carlo Results of Ford Certification Durability Vehicles Using 1.6 Liter Engines*

VIN	IW code[2]	Certification engine family[1]	3 W catalyst	OC catalyst codes[2]	Probability of pass			Comment
					HC	CO	NO_x	
005	2500	1.6AJ	TT	None	1	31	100	Complete, but now cancelled.
006	2500	1.6AB	TR	XR	1	0	0	Cancelled.
007	2500	1.6AH	TR	XR	0	5	0	Cancelled.
057	2500	1.6AC	TT	XR	0	98	0	Cancelled.
075	2500	1.6AG	TR	X	64	0	50	
161	2500	1.6AE	TT	XR	98	14	100	
160	2500	1.6AF	TT	X	48	0	100	

[1] Note that all vehicles are in different certification engine families.
[2] Identical catalyst codes do not always indicate catalysts. Different catalyst codes do indicate catalysts.

Table V-5.—*Emission Results of Ford Certification Vehicles Using 1.6 Liter-2V Engines*

Miles	HC	CO	NO_x
VIN: [1]057			
4,861	0.15	2.82	0.75
9,845	.19	2.38	.93
14,808	.33	2.76	.94
19,804	.36	2.66	1.25
24,807	.42	2.35	1.48
Proj 4K [2]	.14	2.74	.68
Proj 50 [2]	.79	2.13	2.33
df [2]	5.82	.78	3.40
VIN: [1]007			
4,806	0.24	2.42	0.83
9,844	.36	4.39	.83
14,779	.52	4.36	1.11
19,807	.50	2.87	1.29
Proj 4K [2]	.25	3.29	.74
Proj 50K [2]	1.11	4.51	2.27
df [2]	4.48	1.37	3.07
VIN: [1]006			
4,828	0.16	0.54	0.73
9,826	.13	2.60	.75
14,847	.28	3.95	1.56
20,011	.29	3.09	1.92
Proj 4K [2]	.13	1.06	.51
Proj 50K [2]	.62	9.20	4.50
df [2]	4.91	8.66	8.76
VIN: [1]005			
4,857	0.24	1.29	0.61
9,807	.32	1.52	.68
14,833	.34	1.72	.56
19,826	.38	2.98	.47
24,816	.31	1.62	.63
29,804	.33	2.62	.63
29,832	.45	3.03	.55
34,821	.54	2.96	.51
40,134	.37	2.91	.47
Proj 4K [2]	.27	1.34	.63
Proj 50K [2]	.50	3.63	.48
df [2]	1.83	2.72	.75
VIN: 075			
4,812	0.15	2.08	0.87
9,822	.17	2.59	.85
14,808	.22	3.07	.97
19,808	.21	3.00	.93
24,813	.22	2.67	1.04
29,807	.28	4.49	.92
29,836	.31	3.93	.96
Proj 4K [2]	.14	2.04	.87
Proj 50K [2]	.39	5.34	1.06
df [2]	2.74	2.60	1.21
VIN: [1]161			
4,817	0.12	1.01	0.79
9,789	.16	1.90	.65
14,819	.15	1.88	.80
19,829	.17	2.22	.64
24,815	.19	2.61	.63
Proj 4K [2]	.13	1.16	.77
Proj 50K [2]	.26	4.40	.47
df [2]	2.10	3.78	.61
VIN: [1]160			
4,830	0.24	1.81	0.86
9,826	.18	2.45	.74
14,811	.16	2.33	.75
19,807	.23	3.72	.56
24,805	.35	3.37	.75
Proj 4K [2]	.17	1.78	.82
Proj 50K [2]	.42	5.83	.45
df	2.43	3.27	.55

[1] Vehicle was cancelled.
[2] Based on less than complete durability.

Failure Analysis of Ford Certification Vehicles

As background information, the 1.6 liter engine for which a waiver has been requested is at best a distant derivation of the 1.6 liter Fiesta engine. The engine has been modified substantially from the 1.6 Fiesta engine in that the combustion chamber is totally new and the cam/valve arrangement has been changed from simply an overhead valve to an overhead camshaft arrangement. Thus, the cylinder head and engine block are new. We assume the pistons are new and that only the remaining lower end of the engine may be similar to the Fiesta engine. [2 at 7 to 8].

The new 1.6 liter engine has a cross flow head. This air flow pattern is normally chosen because it provides increased power output compared to an engine with the intake and exhaust manifolds on the same side of the engine. Inherent disadvantages in the cross flow head design are the need for longer EGR passages and difficulty in adapting an exhaust heated early fuel evaporation (EFE) system. Ford has not attempted to use exhaust heated EFE on these models. The 1.3 liter engine is much like the new 1.6 liter engine in design.

Table V-6 lists the Ford vehicles which have currently been dropped from the certification process. Six vehicles have been victims of catalyst failures. Half of the vehicles used 1.3 liter engines, and half used the 1.6 liter engines. Two vehicles are shown to have EGR system problems, but the problem is even more severe than shown here because some of the active vehicles have had repairs for EGR system plugging. The EGR problem has also occurred on vehicles with both the 1.3 liter and 1.6 liter engines.

Table V-6.—*Ford Vehicles That Have Been Dropped From 1981 Certification*

Ford explanation of failure	VIN	ENG	WAVE
Breakage of catalyst substrate due to overtemperature from choke malfunctions.	058	1.3	I
Catalyst deterioration due to CO spikes and excess oxygen.	057	1.6	I
Power loss and stalling	008	1.6	II
Catalyst deterioration due to excessive WOT enrichment with excess oxygen or plug wire off.	004	1.3	II
High oil consumption due to head porosity.	003	1.3	II
Catalyst deterioration due to CO spikes excess oxygen.	006	1.6	II
Catalyst melt due to CO spikes and excess oxygen.	007	1.6	II
Catalyst melt due to mixup of fuel and vent lines or choke problems.	001	1.3	III
Plugged EGR backpressure sensor tube.	182	1.3	IV
Plugged EGR backpressure sensor tube.	072	1.3	IV

Ford seems to have chosen a relatively inexpensive emission control system for use on the Escort/Lynx vehicles, compared to the systems they certified on other vehicles. Examples of areas where Ford has attempted to reduce cost on the 1.3/1.6L engines are:

(1) All of the vehicles Ford has attempted to certify use open loop carburetors and no oxygen sensors.

(2) None of the vehicles Ford has attempted to certify use an electronic or microprocessor control unit. Ford has used these for control of air/fuel ratio, spark advance, and exhaust gas recirculation on other models.

(3) Only two of the vehicles Ford has attempted to certify have used the more expensive sonic EGR system as opposed to the back pressure EGR system.

(4) Catalyst volumes have generally been reduced from the 152 and 128 cubic volumes certified on the Fiesta in 1980 (for compliance with the less stringent 1980 emission standards).

The design and cost decisions made by Ford may have had an impact on Ford's ability to certify these models. The Escort/Lynx are expected to be the most inexpensive vehicles offered by Ford. Pricing competition for low cost models appears to be the motivation for many of the Ford decisions. As explained by Ford at the altitude hearings, lower first cost is the reason Ford is attempting to certify many of their vehicles using open loop emission control systems [11 at 173 to 186].

The most serious emission related problems which have been encountered by Ford in their certification efforts have been loss of catalyst efficiency and plugging of EGR systems.

Ford initially thought the EGR system problems would be solved by a change in intake manifold design. After plugging was encountered with the new manifold design, Ford now believes that the problem is due to insufficient exhaust gas temperatures in the EGR system. Ford has proposed to remedy the situation by using an "appropriate insulated sock" and other modest system modifications. The latest fix has not yet been installed on a durability vehicle. Another solution, although necessarily a longer term one, could be to design a passage through the cylinder head to reduce the passage length.

The catalyst deterioration problem may not be as close to resolution. Ford stated that they believe the major problem is the result of both CO spiking and excess oxygen provided by the AIR system [1 at 123 to 132]. Ford has stated that they are able to maintain stoichiometry about 80 percent of the time and the addition of feedback control would not provide a substantial emission control benefit [1 at 130 to 131] [3 at 3]. Attachment VII of reference 3 provides their support for these statements. This attachment, which is a plot of air/fuel ratio versus time over portions of the FTP, does not support the Ford statements. Stoichiometry is

maintained only rarely with considerable time spent in the rich and lean regimes. The system went to rich or richer than 3.7 air/fuel ratio on about ten occasions over the portion of the test shown by Ford. Some of the rich excursions are fairly long in duration and EPA believes that these rich excursions may be the source of the high catalyst temperatures experienced by certification vehicles. If this is the case, the use of a feedback control system could provide a substantial improvement in emission control.

Based on current literature [19], an optimal air/fuel metering system for maximum 3-way catalyst efficiency utilizes air/fuel ratio modulation of higher frequency and low amplitude. The open loop carburetion selected by Ford is as close to the opposite of optimal for 3-way control as will be used by any vehicle manufacturer in 1981. The amplitude of modulation is high and the frequency is low.

The solutions being pursued by Ford to solve the catalyst over-temperature problems are:

- Reduced normal air injection flow rates
- Dumping of air injection on wide open throttle accelerations
- Dumping of air at idle
- Use of throttle dashpots
- An improved choke
- Carburetor recalibration
- Underfloor 3-way plus oxidation catalyst systems
- Revised WOT spark [3 at attachment III]

Several variations of catalyst locations (flangemount versus underfloor), catalyst types (3W only, 3W plus OC, OC only), and catalyst formulations (varying noble metal ratios and loadings) have been utilized by Ford in their certification efforts. The most important variations in terms of catalyst overtemperature are location and type. Ford seems to have eliminated 3-way only catalyst systems and oxidation catalyst only systems from consideration for 1981. This leaves the 3-way plus oxidation catalyst system as the only remaining alternative. Also the flangemounted catalyst location has been dropped to help resolve the overheating problem.

Most of the catalyst overtemperature problems have been with the system which include at least one flangemounted catalyst. One overtemperature problem (car 007) has occurred with a vehicle having all catalysts located under the floor.

It is the judgment of the EPA technical staff that a 7.0 CO standard for vehicles using the 1.3 and 1.6 liter engines can provide an additional margin of safety to protect against catalyst overtemperature problems if Ford utilizes the additional CO margin for reduction of injected secondary air. If sufficient catalyst overheating occurred, it is likely that overall Lynx/Erika emissions could be higher without a waiver than with a waiver. If this extra margin is utilized for other purposes, such as increased enrichment for improved driveability, catalyst overtemperature problems could remain.

The open loop oxidation catalyst system with sonic EGR may also offer considerable promise if Ford has achieved a reasonably fast burn rate in this engine. This type of system has been tried by Ford in the 1981 model year program without sonic EGR.

The Newest Ford Certification Vehicles

The emission control system descriptions for the latest Ford certification durability vehicles are not totally complete; however, most appear to use underfloor 3-way plus oxidation catalyst systems, back pressure EGR, and reduced AIR strategies. Open loop carburetion has also been retained. At least one of the vehicles (071) was reported to have a substantially reduced 3-way catalyst loading compared to prior vehicles.

As shown in the V–7 only car 168 shows potential for meeting 3.4 CO. We suspect that this vehicle also has a reduced catalyst loading and will deteriorate rapidly in CO.

Table V–7.—*Active Ford Certification Vehicles That Were Not Included in the Monte Carlo Analysis*

[Last Emission Test]

VIN	ENG	MI (1000)	HC	CO	NO_x
070	1.6	5	.28	3.05	.66
071	1.6	10	.24	3.29	.56
165	1.6	10	.23	4.70	.43
166	1.6	10	.19	2.96	.62
168	1.3	0	.21	1.21	.54
164	1.6	(1)			

(1) On hold, wrong build.

General Motors (GM)

This is the third CO waiver application that EPA has considered from General Motors. The prior waiver applications were:

(1) for all 1981 and 1982 model year vehicles; and

(2) for vehicles using 3.8 L/231 CID turbocharged engines with four barrel, feedback carburetors.

The current application is for vehicles powered by the 4.9 L/301 CID turbocharged engine using a four barrel, feedback carburetor.

Data were not reported by GM from any development durability vehicles; however, data were reported for a total of five 1981 50—State certification durability vehicles and numerous development vehicles at low mileage. All the certification vehicles were equipped with about the same emission control system except for the catalysts. The system included feedback carburetion (FBC), backpressure exhaust gas recirculation (BPEGR), switched air injection (AIR), electronic spark advance (ESA), electronic idle speed control (EIS), and pelleted 3-way plus oxidizing catalysts (3W/OC). Variations in catalyst parameters were the most distinguishable engine family determinators.

A complete list of the vehicles presented by GM in their waiver application is shown in the table V–8. All five certification vehicles were considered in the pass/fail analysis, and four vehicles were entered into the Modified Monte Carlo analysis. These include vehicles 1261, 1262, 1263, and 1264. Vehicle 1260 is a completed 1981 certification vehicle. Since it is complete, a computer simulation of its capability to certify is not needed. One additional vehicle (1245) was also entered into the analysis by the EPA technical staff to illustrate a technological option open to GM. Car 1245 is powered by a naturally aspirated version of the 4.9L engine. This latter engine is not the subject of the GM waiver request.

Emission results which have been obtained from the six 1981 model year durability vehicles are presented in the table V–9 and table V–10. These results include all GM tests provided to EPA prior to about April 4, 1980. It should be noted that vehicles 1260 and 1245 have both completed the 50,000 mile durability test and have passed the 1981 emission standard of 0.41 HC, 3.4 CO, 1.0 NOx. Since these are completed 1981 model year durability vehicles from certification, there is no need for a Monte Carlo simulation to determine the probability of success of an identical vehicle in certification. A simple pass/fail determination can be made from the current data. Both vehicles 1260 and 1245 pass.

From table V–11 is clear that the emission control system on vehicle 1264 has demonstrated excellent emission control through the 30,000 miles which have been accumulated on the vehicle. There appear to be two identifiable reasons for the improved emissions of this car. First, it has a more heavily loaded catalyst than any of the other cars, and second, the integral and proportional gain rates used for

feedback control of the air/fuel ratio are substantially different than used on the other vehicles. The gain rate changes alone were reported by GM to result in substantial CO emission reductions [7 at 8].

Table B-8.—*Vehicles in GM Waiver Application*

Engine	VIN	Emission control system	Entered in Monte Carlo?	If not entered in Monte Carlo—why?	Comment	Reference
4.9L-TC-4C	9782	FBC/BPEGR/AIR/ESA/3W/OC.	No	Insufficient mileage accumulation	Development vehicle	6 at 15 to 16 and 6 at A-27 and 7 at 5 to 6.
4.9L-TC-4V	1260	FBC/BPEGR/AIR/ESA/EIS/3W/OC.	No	Vehicle is complete	1981 50-State certification vehicle	6 at A-5 to A-7.
4.9L-TC-4V	1261	FBC/BPEGR/AIR/ESA/EIS/3W/OC.	Yes		1981 50-State certification vehicle	6 at A-9 to A-11.
4.9L-TC-4V	1262	FBC/BPEGR/AIR/ESA/EIS/3W/OC.	Yes		1981 50-State certification vehicle	6 at A-13 to A-15.
4.9L-TC-4V	1263	FBC/BPEGR/AIR/ESA/EIS/3W/OC.	Yes		1981 50-State certification vehicle, cancelled.	6 at A-17 to A-19.
4.9L-TC-4V	1264	FBC/BPEGR/AIR/ESA/EIS/3W/OC.	Yes		1981 50-State certification vehicle	6 at A-21 to A-23.
4.9L-TC-4V	8722	FBC/BPEGR/AIR/ESA/3W/OC.	No	Insufficient mileage accumulation	Development vehicle	6 at 15 to 16 and 6 at A-25.
4.9L-TC-4V	97135	FBC/BPEGR/AIR/ESA/3W/OC.	No	Insufficient mileage accumulation	Development vehicle	6 at 15 and 6 at A-26 and 7 at 9 and 7 at 12.
4.9L-NA-4V [1]	9787	FBC/BPEGR/AIR/ESA/3W/OC.	No	Insufficient mileage accumulation	Development vehicle	6 at 15 and 7 at A-28.
4.9L-NA-4V [1]	97141	FBC/BPEGR/AIR/ESA/3W/OC.	No	Insufficient mileage accumulation	Development vehicle	6 at 15 and 6 at A-29.
4.9L-NA-4V [1]	97120	FBC/BPEGR/AIR/ESA/3W/OC.	No	Insufficient mileage accumulation	Development vehicle	6 at 15 and 6 at A-30.
4.9L-TC	27R03		No	Insufficient mileage accumulation	Development vehicle	7 at 2.
4.9L-TC	273		No	Insufficient mileage accumulation	Development vehicle	7 at 2.
4.9L-TC	9732	3W/OC	No	Insufficient mileage accumulation	Development vehicle	7 at 5.
4.9L-TC	97134		No	Insufficient mileage accumulation	Development vehicle	7 at 8 and 7 at 12.
4.9L-TC	97119		No	Insufficient mileage accumulation	Development vehicle	7 at 2 and 7 at 12.
4.9L-TC	97109		No	Insufficient mileage accumulation	Development vehicle	8 at 2.
4.9L-TC	97153		No	Insufficient mileage accumulation	Development vehicle	8 at 2.
4.9L-TC	8760		No	Insufficient mileage accumulation	Development vehicle	8 at 3.
4.9L-TC	8770		No	Insufficient mileage accumulation	Development vehicle	8 at 3.
4.9L-TC	1880		No	Insufficient mileage accumulation	Development vehicle	8 at 3.

[1] NA means naturally aspirated as opposed to turbocharged, the waiver application is for the turbocharged engine.

Table V-9.—*The Status of 1981 Certification Vehicles Using 4.9 Liter Turbocharged Engines*

[As of Apr. 4, 1980]

Miles	HC	CO	NO_x
Engine family: 12S4ABD—VIN: 1260			
5,067	0.286	2.47	0.78
10,043	.303	2.47	.82
15,205	.324	3.05	.87
19,790	.284	2.68	90
25,127	.326	4.31	1.00
29,778	.324	2.05	.82
29,814	.336	2.65	.88
34,898	.345	2.62	.93
40,038	.317	2.73	.95
44,787	.344	3.24	.89
49,823	.359	3.20	.88
calc 4k	.291	2.63	.83
calc 50K	.353	3.07	.93
df	1.21	1.17	1.12
Engine family: 12S4ACD—VIN: 1261			
4,792	0.274	3.64	0.79
10,067	.295	3.61	.85
15,146	.266	2.48	.79
20,084	.324	4.04	.98
25,103	.367	5.59	.94
30,070	.400	5.00	.89
30,118	.353	4.32	.88
34,852	.371	6.13	.94
calc 4K [1]	.26	2.90	.81
calc 50K [1]	.45	6.76	1.01
df [1]	1.71	2.33	1.25

Table V-9.—*The Status of 1981 Certification Vehicles Using 4.9 Liter Turbocharged Engines*—Continued

[As of Apr. 4, 1980]

Miles	HC	CO	NO_x
Engine family: 12S4ADD—VIN: 1262			
5,076.0	0.245	2.02	0.73
9,840.0	.352	2.86	.79
14,896.0	.255	2.19	.72
20,184.0	.284	3.88	.76
24,973.0	.237	1.61	.80
29,775.0	.294	2.87	.82
29,806.0	.305	2.97	.76
34,859.0	405	2.98	.74
39,776.0	.318	3.22	.83
45,005.0	.440	4.58	.88
calc 4K [1]	.24	2.07	.73
calc 50K [1]	.39	3.89	.85
df [1]	1.66	1.88	1.17
Engine family: 12S4AED—VIN: 1263			
5,143	0.315	3.87	0.69
10,121	.302	3.74	.67
14,887	.373	4.22	.82
19,860	.360	4.29	.65
25,122	.371	4.20	.68
Vehicle cancelled			
calc 4K [1]	.31	3.80	.71
calc 50K [1]	.46	4.91	.67
df [1]	1.48	1.29	.94
Engine family: 12S4ARD—VIN: 1264			
5,007	0.277	2.00	0.55
10,117	.269	1.17	.55
15,065	.273	1.71	.58

Table V-9.—*The Status of 1981 Certification Vehicles Using 4.9 Liter Turbocharged Engines*—Continued

[As of Apr. 4, 1980]

Miles	HC	CO	NO_x
Engine family: 12S4ARD—VIN: 1264			
20,069	.283	1.65	.58
24,820	.285	2.25	.57
30,068	.299	1.62	.56
30,104	.313	1.49	.60
Continuing			
calc 4K [1]	.27	1.69	.55
calc 50K [1]	.32	1.72	.61
df [1]	1.20	1.02	1.10

[1] Based on less than complete durability.

Table V-10.—*1981 Certification Results of Vehicles 1245 Using the 4.9 Liter Naturally Aspirated Engine*

[Engine Family [12S4AD]

Miles	HC	CO	NOx
5115	0.190	2.08	0.70
10046	0.241	2.41	0.66
14906	0.202	1.90	0.66
20141	0.208	2.54	0.76
24878	0.230	2.22	0.74
29775	0.246	2.57	0.78
29812	0.294	2.76	0.79
35144	0.263	3.16	0.71
39969	0.249	2.66	0.75
45122	0.241	2.57	0.74
49780	0.291	3.46	0.83
calc 4k	0.202	2.01	0.68
calc 50k	0.278	3.11	0.80
df	1.38	1.55	01.17

Table V-11.—*Monte Carlo Results of GM Durability Vehicles Using 4.9L-TC-4V Engines*

VIN	IW	Certification engine family[1]	3W catalyst code[2]	OC catalyst code[2]	Probability of pass			Comment
					HC	CO	NO_x	
1260	4000	1254ABD	3047(P)	2934(P)	Not run			Has completed full 50K dura.
1261	4000	1254ADC	3522(P)	4079(P)	24	0	82	Has completed 35K test.
1262	4000	1254ADD	3543(P)	4079(P)	79	3	100	Has completed 45K test.
1263	4000	1254AED	3522(P)	4060(P)	27	0	100	Has completed 25K test, cancelled at 28,655 miles.
1264	4000	1254ARD	3293(P)	2576(P)	94	100	100	Has completed 30K ASM test. Vehicle incorporation improved catalyst and revised integral and proportional control rates in ECU [7 at 8].

[1] Note that all vehicles represent different engine families.
[2] The catalyst code is a GM code number. It is always prefixed with the letters HN. The suffixes (P) or (M) mean pelleted or monolithic catalysts.

Since the gain rate modifications and higher catalyst loading were present on car 1264, and since car 1264 is projected to easily achieve the 0.41 HC, 3.4 CO, 1.0NOx standard, there was no need to apply emission improvement factors to additional vehicles.

Vehicle 1263 was cancalled by GM at 28,655 miles, apparently due to high CO emissions. HC emissions had not exceeded the standard, but were also high. This vehicle had a comparatively low catalyst loading.

Vehicles using the 4.9 liter turbocharged engine are capable of passing the 1981 emission standard, based on car 1260 which has completed 50,000 mile certification testing below the required emission levels and based on car 1264, which is projected to pass the emission standards at emission levels substantially below those achieved by car 1260.

Should any of the different 4.9 liter turobcharged engine families encounter future troubles in certification, GM has stated that they have the alternative of using the naturally aspirated, 4.9 liter engine in place of the turbocharged engine in 1981 and 1982 [1 at 205–206 and 7 at 4].

VI. Cost Analysis

EPA Cost Estimates

The costing methodology used here is essentially the same as that used in the five previous CO waiver decisions [13], [14 at 53400], [15 at 69450], [16 at 7133], [17 at 17915]. Responses to the EPA subpoena of August 8, 1979 enabled EPA to revise cost estimates and certain emission control devices, notably monolithic three-way and oxidation catalysts. The subpeona requested prices that suppliers charge the automobile manufacturers for emission control devices or systems.

Described below are EPA estimates of cost to the consumer of compliance with 3.4 vs. 7.0 CO (due to lead time problems for certain emission control devices, separate estimates are often necessary for 1981 and 1982). The changes in cost were calculated by individual engine size. These changes are based on the differences in emission control hardware between (a) systems targeted to meet 7.0 CO, as described by each manufacturer in their applications and (b) systems judged capably by EPA of meeting 3.4 CO, based on Monte Carlo results or successful certification of similar vehicles. Cars which pass the Monte Carlo often need improved emission control hardware to do so, and in such cases these technological improvements are all costed in.

Both GM and Ford exhibit no cost differential between compliance with a 3.4 and a 7.0 g/mile CO standard. EPA did not find an increase in cost for GM's 4.9 liter engine to achieve. 3.4 CO in 1981 or 1982. This is due to the fact that the system GM has designated as their 7.0 CO system is the same as the system which has passed 1981 certification (vehicle 1260) and the modified Monte Carlo analysis (vehicle 1264). Ford's 1.3 and 1.6 liter engines also display no cost differential between 3.4 and 7.0 CO because the cost issue does not arise for engine sizes which are labeled "fail" (1981) or "no data" (1982) in the Monte Carlo analysis.

Manufacturer's Cost Estimates

Neither GM nor Ford presented manufacturers' estimates of cost to the consumer of compliance with the 3.4 CO standard over cost of meeting 7.0 CO. GM claimed that they could not achieve 3.4 CO with their 4.9 liter engine and therefore did not differentiate between 3.4 and 7.0 system costs [1 at 197]. Ford estimated that the cost of complying with the 1981 statutory passenger car emission standards would add approximately $400 (retail price equivalent) to the cost of an average car relative to the average cost of meeting the 1977 model year standard.

They qualified that statement by adding that it is difficult to make a like comparison specifically for the 1.3/1.6 engines because both of these engines are new for 1981 [2 at IIB]. The 1977 CO standard was 15 g/mile. No estimate was given by Ford for the cost differential between 3.4 and 7.0 CO.

VII. Driveability

The technological feasibility of meeting the 1981–1982 emission standards is, in part, determined by the applicants ability to maintain acceptable driveability while attaining these standards.

a. GM—While maintaining that they are incapable of meeting the 1981–1982 emission standards, GM has not indicated that a waiver would be necessary for the turbocharged 4.9 liter engine family to maintain acceptable driveability. No driveability data were submitted for this engine family by GM. GM representatives stated at the public hearing that they cannot assess the effect on driveability of going from a 7.0 to a 3.4 g/mi CO standard because they cannot achieve the 3.4 CO level as yet [1 at 247]. Therefore, driveability is not one of the determining factors in assessing the ability of GM to comply with a 3.4 g/mi CO standard.

b. Ford—Ford has submitted driveability data for their 1.6 liter engine family [10 at attachment]. The data shows tailpipe emissions and driveability ratings of 4K development vehicles for 33 of the 97 tests run. The remaining 64 tests are presented with their corresponding emission results, but lack driveability ratings. Eight of the 33 tests for which driveability was

assessed were run with vehicles equipped with a manual transmission. The average CO level for these tests is 1.52 g/mile with an average driveability rating of 4.56 (borderline to acceptable driveability as assessed by Ford). The remaining 25 tests for which driveability was assessed were run with vehicles equipped with an automatic transmission. The average CO level for these tests is 3.12 g/mile with an average driveability rating of 4.98 (borderline to acceptable driveability as assessed by Ford). It is important to note, however, that this represents only 28% of tests run on vehicles equipped with an automatic transmission.

No driveability data were submitted for 1.3 liter engine family vehicles.

Initially, Ford planned to use a Holley 5200 carburetor mounted on the transverse 1.6 liter engine. Driveability proved to be unsatisfactory with this carburetor due specifically to what Ford termed "hesitation under cornering conditions." They then decided to go with a non-feedback version of the Weber 740 carburetor for the 1.6 liter engine. It was judged by Ford that the emission standards of .41 HC, 3.4 CO, 1.0 NO_x could be met, and that it would be more cost effective, to alter the combustion chamber design to improve combustion burn rate rather than switch to feedback carburetion [2 at IIIA].

Ford representatives testified at the March 5, 1980 High Altitude Emission Standards hearing that they plan to convert their six cylinder California engines from open to closed loop during the 1981 model year to improve cold and hot start driveability with these vehicles [11 at 174]. The EPA staff believes that the use of feedback carburetion on the 1.6 liter engine, though calibrated for the Federal CO standard, could improve its driveability also.

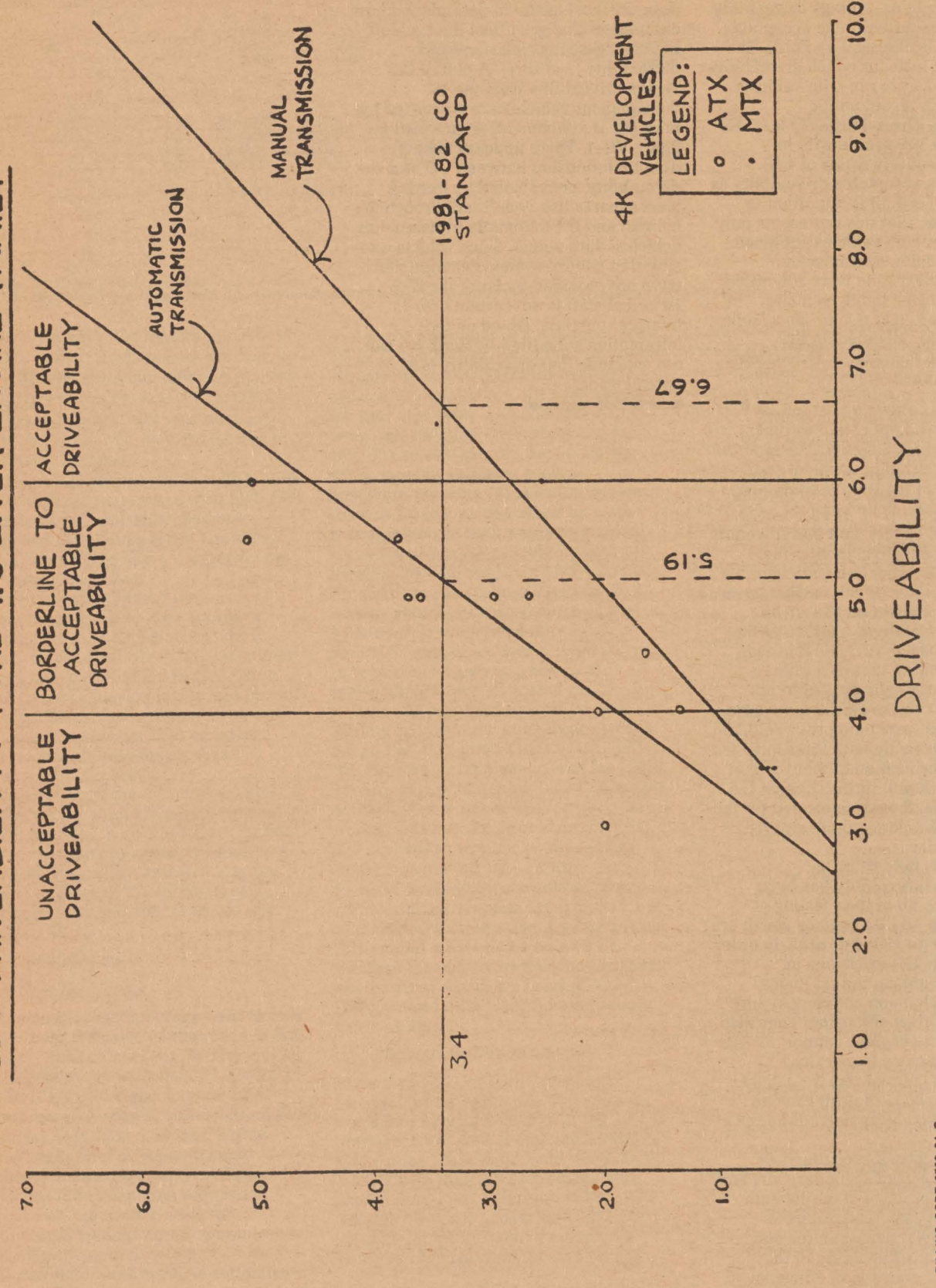
Ford reports borderline to unacceptable driveability has been experienced in all of their testing of vehicles using 1.6 liter engines which are calibrated for 3.4 CO [2 at IIIA]. In order to achieve low CO emissions in certification Ford calibrated their vehicles for minimum enrichment and maximum catalyst efficiency. They also claim that these engines cannot tolerate air/fuel ratios much leaner than stoichiometry without requiring higher EGR rates (for NO_x control) causing significant driveability degradation [2 at IIIA].

Ford has proposed secondary air revisions (decreased secondary air) and air/fuel ratio enrichment during both heavy and light load conditions to minimize catalyst temperatures and improve vehicle driveability at the expense of CO conversion efficiency [2 at IIIA]. This strategy assumes a 7.0 g/mile CO standard.

Ford indicated that 4K development data are most useful in determining how calibration changes affect the tradeoff between gaseous emissions and driveability [2 at IIIA]. A plot of CO versus driveability from the 4K development vehicle data submitted by Ford [10 at attachment] is provided in figure VII–1. There appears to be a direct relationship between CO and driveability as evaluated by Ford. A least squares line was fitted through the manual and the automatic transmission vehicles' data points. Since vehicle and emission control system descriptions were not provided by Ford, the EPA technical staff is not certain how to interpret the data. Based on the information submitted by Ford, we can not conclude that driveability is a critical issue.

BILLING CODE 6560-01-M

Figure VII-1



BILLING CODE 6560-01-C

VIII. Fuel Economy

Ford

Ford's CO waiver request did not address the effects of a 3.4 versus a 7.0 CO standard on the fuel economy of their 1.3L and 1.6L engines. Ford described a situation wherein if they could not meet the 3.4 CO standard and they were denied a CO waiver, the effect on their CAFE would cause severe disruptions [1 at IIA]. In testimony given at the first CO waiver hearing Ford said the following:

> The direct driveability and fuel economy effects of attempting to meet a 3.4 gram per mile CO standard are expected to be minimal because the changes primarily affect exhaust after-treatment devices. The changes in calibration and componentry individually cause some changes in fuel economy, but in combination, the improvement and losses are a near wash. [12 at 209]

Based on the above testimony, and because Ford did not establish that compliance with a 3.4 g/mi CO standard would have a deleterious affect on the fuel economy of the 1.3L/1.6L engines, EPA can only conclude that fuel economy is not a crucial issue in the determination of technical feasibility.

General Motors—GM testimony indicates that they are not claiming a fuel economy penalty for the 4.9 liter turbocharged engine as a result of the difference between a 7.0 CO standard and a 3.4 CO standard because they do not believe that they have an emission control system capable of meeting a 3.4 CO standard [1 at 196–197].

Investigation by the technical staff between the turbo and non-turbocharged durability vehicles, V.I. numbers 1260 and 1245 respectively, show that both vehicles meet the 1981 emission standards, and that the naturally aspirated vehicle has better fuel economy. Data provided by GM show the naturally aspirated version of the 4.9 L engine has a fuel economy benefit of 1.4 MPG_u 0.5 MPG_h and 1.2 MPG_c over the turbocharged 4.9 L engine [7 at 10]. Both of these engines' fuel economies are below the 1981 and 1982 CAFE standards of 22 and 24 MPG_c. The above comparison between the turbocharged and naturally aspriated vehicles is a comparison at constant engine displacement. Another comparison which could be made is a comparison at constant power output. G.M. did not supply any data at constant power; however, it is anticipated that some fuel economy benefits could be shown for the turbocharged 4.9 L engine as compared to using a larger displacement, naturally aspriated engine of equivalent power.

In summary, the fuel economy differential between 3.4 and 7.0 CO standards is not an issue for General Motors because the system which they considered to be a 7.0 CO system has successfully certified at 3.4 CO.

IX. Lead time Considerations

General Motors.

Several options are avaialbe in the 1981–82 model years for GM to investigate to further reduce CO emissions below the 3..4 g/mile standard for the turbocharged 4.9 liter engine family.

In their February 25, 1980 submission, GM stated that steady-state and dynomometer tests taken in mid-December 1979 showed potential for CO conversion efficiency gains for the turbocharged 4.9 liter V–8 by using much higher proportional steps and integration rates for fuel control than those customarily used in naturally aspirated V–8 engines [7 at 8]. Vehicle 97134 showed a 48% decrease in CO emissions as a result of modified fuel control, and GM stated that certification durability car No. 1264 has already incorporated this technology. In order to meet their scheduled start of 1981 production, GM claims that lead time considerations require them to provide final electronic control unit calibrations to their supplier division by Mid-May 1980 [1 at 188]. Vehicle 1264 will be complete or nearly complete in certification by then to let GM choose between this newer air/fuel ratio control strategy and the strategy used on their other successful certification vehicle. Another option available to GM in both 1981 and 1982, is to replace the 4.9 liter turbo with the 4.9 liter naturally aspirated engine. GM has confirmed that there are no lead time problems associated with this change for 1981 or 1982, and that there is sufficient capacity in their naturally aspirated engine facilities to do so [1 at 205] [7 at 4].

Alternatives available to GM in 1982 include the use of stainless steal exhaust manifolds, investigation of higher volume monolithic catalysts, increased catalyst noble metal content, and additional calibration changes.

Vehicle 97135 demonstrated a 44 percent decrease in CO emissions using a tubular stainless steel exhaust manifold on the left bank when compared to the conventional cast iron left hand exhaust manifold. This type of manifold has been designed, purchased and released for the left bank of the 1982 MY 4.9 liter turbocharged V–8 engine [1 at 243, 245] [7 at 9]. GM has also actively instituted a program with their turbocharger supplier to go to a fabricated turbo housing to further reduce the thermal inertia of that system [1 at 247].

Representatives of GM explained that although they should be investigated for 1982, larger volume monolithic converters were excluded from 1981 consideration due to lack of data [1 at 223]. They indicated to EPA that not only do the monoliths weigh considerably less [7 at 6], but they also reach a higher converter efficiency quicker than the dual bed pelleted converter at volumes of 170 to 250 cubic inches [1 at 219].

Another area that will be looked at for 1982 is increased noble metal loading. GM has reported some gains in CO control from more heavily loaded catalysts [1 at 239–40].

Additional emission control system improvements were discussed by GM; however, the need for additional improvements is now questionable due to the success of current engine families in 1981 model year certification.

Ford. One of the obstacles preventing Ford from meeting the 3.4 g/mile CO standard in 1981 is their claim that leadtime is not available to apply appropriate new technology on the 1.3 and 1.6 engine family vehicles. Specific technology which may be at issue in Ford's attempts to certify these vehicles are (1) the use of feedback carburetors or throttle body injection, (2) the development of electronic fuel injection, and (3) revisions to the air management system.

When the hardware selection process was made, Ford judged that feedback carburetion would not be necessary for the 1.3 and 1.6 liter engines because they believed they could achieve adequate air fuel ratio control near stoichiometry with the non-feedback Holley-Weber 740 carburetor [1 at 131] [2 at III C–20].

It was also felt that the non-feedback carburetor system, in addition to being the most cost effective alternative, could control emissions from engines of this size without the use of electronics [1 at 109]. Ford has had produced experience with feedback control on their 2.3 liter California engine since 1978 but does not have any data for this specific application [1 at 111]. Representatives at the public hearing estimated that if Ford were to put a feedback carburetor on the 1.3/1.6 liter engine, they would be unable to do so until job one, 1983 [1 at 138]. Ford has, however, submitted other information to EPA indicating that feedback carburetors are under consideration for use in 1982 on Ford's small four cylinder engines as part of their high altitude compliance plan for passenger cars [18 at attachment II].

What Ford would rather do, as far as identifying a high confidence system for meeting the statutory standards, is go to a system using electronic fuel injection [1 at 138]. They are programming an electronic fuel injected 1.6 liter engine for production in 1982 1/2, though at the present time, they do not believe that it would be cost effective to pursue a central fuel injection system for a four cylinder engine [1 at 112].

One of the main problems reported with the 1.3/1.6 liter engine is thermal degradation of the catalyst. Ford stated at the hearing that it is their intent to modify their secondary air delivery schedule to achieve the catalyst efficiency that they have demonstrated on all of their other products [1 at 119]. The principal air controls used to manage air for CO control is a combination bypass and air diverter valve. The valve, when interfaced by an EEC or MCU control module or in this case a temperature sensing device, will divert secondary air upstream into the exhaust manifold on cold-start or open-loop modes for three-way catalyst applications. After a time or temperature chosen to correspond to catalyst light-off, the air may be switched downstream between the catalyst beds or vented, depending on the specific model strategy desired. A variation of this valve will divert a portion of the air flow upstream and the balance downstream as required on particular modes. Ford indicated in their application that for the 1981/82 model years, a secondary air management system, such as described above, may be used on the 1.3 and 1.6 liter engine families [2 at III C–12, 13]. They also stated that from past model usage of the basic secondary air system, such factors as component durability, reliability, and other factors were known and only refinements to components or control strategy were required. EPA concludes that there are no leadtime difficulties in updating the current secondary air strategy for the 1981 model year and that additional flexibility could be attained for later use if the primary logic control system is converted to an EEC or MCU control module. With the updated secondary air system the probability of attaining 3.4 is very low although the likelihood of a more durable catalyst is increased.

Solutions which the technical staff believes could be investigated for 1982 are:

- Closed loop air/fuel metering
- Gulp valves for deceleration HC and CO control
- Exhaust port liners
- Increased rhodium in the 3-way catalyst
- Increased 3-way and oxidation catalyst volumes

X. References

1. *Transcript of Proceeding, U.S. Environmental Protection Agency, In the Matter of: Public Hearings on Applications for Waiver of the 1981 and 1982 CO Emission Standard for Light Duty Vehicles* February 12, 1980, Acme Reporting Company.

2. *Application for Waiver of 1981 and 1982 Carbon Monoxide Emission Standard,* Ford Motor Company, February 1980.

3. *Supplemental Information for Application for Waiver of 1981 and 1982 Carbon Monoxide Emission Standard,* Ford Motor Company, February 1980.

4. Letter from Ms. H. O. Petrauskas (Ford) to Mr. C. N. Freed (EPA) dated March 19, 1980.

5. Letter from Ms. H. O. Petrauskas (Ford) to Mr. C. N. Freed (EPA) dated March 25, 1980.

6. *General Motors Application for Waiver of 1981 and 1982 Carbon Monoxide Emission Standard (Turbocharged 4.9 Liter Engine Family),* February 8, 1980.

7. Attachment to letter from Mr. T. M. Fisher (GM) to Mr. Charles N. Freed (EPA) dated Feb. 25, 1980. Attachment is entitled "General Motors Response to Questions Raised by the Environmental Protection Agency Panel During General Motors Testimony at the Carbon Monoxide Waiver Hearing of February 12, 1980".

8. Letter from Mr. T. M. Fisher (GM) to Mr. Robert Wagner (EPA) dated March 18, 1980.

9. Letter from Mr. K. M. Brown (Ford) to Mr. Robert Wagner (EPA) dated April 2, 1980.

10. Letter from Mr. K. M. Brown (Ford) to Mr. Robert Wagner (EPA) dated March 31, 1980.

11. *Transcript of Proceeding, U.S. Environmental Protection Agency Region 8, In the Matter of: Proposed High Altitude Emission Standards for 1982 and 1983 Passenger Cars and Light Duty Trucks, and Proposed High Altitude Performance Adjustment Regulations, and High Altitude Emission Standards for 1984 and Beyond Passenger Cars and Light Duty Trucks,* March 5, 1980, reported by Mr. Holman E. Milks.

12. *Transcript of Proceeding—Environmental Protection Agency—In the Matter of: 1981 and 1982 Emission of Carbon Monoxide Waiver Hearings* dated July 10, 1979, Acme Reporting Company.

13. Leroy H. Lindgren, *Cost Estimations for Emission Control Related Component-Systems and Cost Methodology Description* EPA Pub. #460/3–78–002, March 1978.

14. *Federal Register,* Vol. 44, No. 179, September 13, 1979.

15. *Federal Register,* Vol. 44, No. 223, December 3, 1979.

16. *Federal Register,* Vol. 45, No. 22, January 31, 1980.

17. *Federal Register,* Vol. 45, No. 55, March 19, 1980.

18. Letter and attachments from D. A. Jensen (Ford) to Mr. Michael P. Walsh (EPA), April 30, 1980.

19. C. D. Falk and J. J. Mooney, "Three-Way Conversion Catalysts: Effect of Closed-Loop Feed-Back Control and Other Parameters on Catalyst Efficiency", SAE paper 800462, February 1980.

[FR Doc. 80–17366 Filed 6–11–80; 8:45 am]

BILLING CODE 6560–01–M

federal register

Thursday
June 12, 1980

Part III

Department of Health and Human Services

Health Care Financing Administration

Fiscal Year 1980 Regulation Plan

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Ch. IV

Fiscal Year 1980 Regulation Plan

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of regulation plan.

SUMMARY: HCFA has adopted a new regulation management system which includes a process for developing a regulation plan at the beginning of each fiscal year. Each initiative in the plan is designed to achieve specific programmatic goals and objectives in accordance with priorities. The plan includes a projected schedule for publishing each regulatory initiative in priority order.

The annual HCFA plan supplements the Semi-Annual Agenda of Regulations published by HHS in June and December of each year in accordance with Executive Order 12044 "Improving Federal Government Regulations" (See 43 FR 12661 published March 23, 1978), and the Department's procedures which implement the Executive Order (See 43 FR 23119 published May 30, 1978, and 44 FR 59662 published October 16, 1979).

The HCFA plan includes: (1) initiatives which appear in the Semi-Annual Agenda of Regulations because HCFA and the Secretary of HHS have concluded that specific regulation changes are needed; (2) new initiatives at an early stage of consideration where HCFA and the Secretary have not yet concluded that specific regulation changes are needed; and (3) routine initiatives that provide guidelines for existing regulations.

HCFA is publishing the plan to provide the public with advance notice as early as possible of regulation initiatives that are planned or under active consideration. HCFA welcomes comments on the content of the plan, the priority set for each initiative, and projected publication targets.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17082, Baltimore, Maryland 21235.

Comments will be available for public inspection beginning approximately two weeks after publication, in Room 309G, Hubert H. Humphrey Building, of the Department's office at 200 Independence Avenue, Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. Telephone (202) 245–7890.

FOR FURTHER INFORMATION CONTACT: Jodi Dunn, Director, Office of Regulations Management, Health Care Financing Administration, (301) 594–7952.

SUPPLEMENTARY INFORMATION:

Background

In Fiscal Year 1981, HCFA will spend over 50 billion dollars to provide health care services for over 50 million Medicaid and Medicare beneficiaries. HCFA carries out its responsibilities with a Federal staff of 4,600. HCFA funds are administered by the full time equivalent of about 68,000 individuals, including employees of States, Medicare intermediaries and carriers, and Medicaid fiscal agents who make payments to over 400,000 providers of health care services.

Regulations are a critical part of HCFA's activities since they articulate the policies upon which the administration of HCFA's programs is based. They define and influence who can receive health care benefits under HCFA's programs, how beneficiaries become aware of services for which they are eligible, whether those services are accessible, and whether they are provided in an effective manner. They provide incentives to promote efficiency and quality within the total health care delivery system. They ensure that HCFA's programs are administered in the most effective way.

In July of 1978, HCFA implemented a reorganization plan based on its three primary functions which are to:

1. Establish and issue clear policy governing eligibility for HCFA's programs, coverage and reimbursement of health care services, standards for providers, and program administration;

2. Develop comprehensive agreements with contractors and States which stipulate the conditions under which HCFA programs are carried out, the performance standards that must be met in their administration, and the programmatic results to be achieved; and

3. Monitor performance of contractors and States in administering HCFA programs consistent with program and performance standards, and monitor health care providers to assure that programmatic goals are achieved.

An effective regulation development system is critical to each of these functions.

HCFA Regulation Management System

As a result, HCFA has adopted a new regulation management system. An important feature of the system is a process for developing a regulation plan at the beginning or each year.

HCFA uses the regulation planning process to:

1. determine what regulation changes are needed to achieve specific program objectives;

2. assess the relative priority of each regulation in the plan; and

3. set a schedule for completing each regulation.

The result of the process is a plan which is designed to ensure that HCFA's regulatory activities are consistent with the goals and objectives set for the programs, and that they are completed in priority order.

The annual regulation plan included three types of initiatives:

1. *Tentative Regulatory Changes*—These areas of possible regulatory activity are in a very early stage of consideration. They have not yet completed the review process by which HCFA and the Secretary conclude that the regulations changes are justified. As part of that process and before a decision is made to begin the development of specific regulation changes, the ideas are reviewed to determine whether changes are justified; to assess potential costs and burden; and to determine the most appropriate alternatives available to achieve desired results.

Normally, if the Secretary makes a decision to begin the development of regulation changes, HCFA publishes a Notice of Decision to Regulate in the **Federal Register.** Once the Department decides to issue a regulation, information about the initiative will appear in the next version of the Semi-Annual Agenda of Regulations published by the Department in May and December of each year. If a decision is made not to proceed with regulatory changes, HCFA will delete the initiative from its plan.

2. *Ongoing Regulatory Changes*—These regulatory changes ar actively under development because HCFA and the Secretary have concluded that regulation changes are justified.

3. *Regulatory Implementation Initiatives*—These initiatives are typically published in the form of notices. They implement, but do not change, existing regulations. For example, HCFA periodically publishes guidelines for reimbursing certain types of services. These are not regulatory changes; therefore, they do not appear in the Semi-Annual Agenda of Department Regulations.

Each initiative in the plan is assigned a priority classification which is determined by applying a set of criteria to each regulation and a classification method to group regulations of similar priority.

Regulations are classified into one of four priority categories depending upon the extent to which the criteria apply. The critieria are:

1. *Critical deadlines* which arise from the passage of new legislation, internal decisions or external commitments by the Secretary of HEW or the Administrator of HCFA, budget or other administrative deadlines, or court orders;

2. *Program improvement/implementation initiatives* which are set during the annual planning process to achieve specific objectives;

3. *Outside interest* in regulatory changes which arises from Congress, States, interest groups, or individual members of the public; and

4. *Consequences of delaying or not issuing the regulation* which concerns opportunities to achieve specific objectives such as to reduce institutional costs, increase beneficiary access to services, or eliminate burdensome reporting requirements.

HCFA will designate regulations of the highest priority based on these criteria as Class I. Regulations of the lowest priority will receive a Class IV designation.

Once priorities are determined, HCFA sets schedules for completing each initiative considering the following factors:

1. The priority of the initiative;
2. Whether a critical deadline must be met in order to achieve particular program objectives;
3. How much time is needed for HCFA and the Department to assess adequately the costs, burden and alternatives of proposals being considered;
4. How much time is needed to obtain adequate public input;
5. How much time is needed to adequately analyze public comments and prepare a final document; and
6. The amount of staff time available to develop regulation changes.

When the schedules are complete, they will be included in a management tracking system which HCFA uses to make sure that regulations are completed on time.

In considering priorities and schedules for the tentative regulatory activities, HCFA is making only a preliminary estimate, since these initiatives have not received approval from the Secretary. As indicated earlier, some of the initiatives are in the early consideration stage and may eventually be deleted from the plan if regulation changes are not needed. From time to time, initiatives which were not anticipated at the beginning of the fiscal year will be added to the plan. HCFA will periodically update its plan to reflect these changes as well as any scheduling changes which may be necessary.

HCFA will publish its annual plan in the **Federal Register** each year in order to inform the interested public at the earliest possible time about initiatives that may potentially affect them. Active public participation in the regulatory process is critical to the development of workable regulations which achieve intended objectives. We believe that early notice will result in an improved regulatory process and better regulations.

Fiscal Year 1980 Regulation Plan

The Fiscal Year 1980 regulation plan includes 99 initiatives. Initiatives may be in the form of regulation changes or notices. Regulation changes or notices may be published in proposed and/or final form during the fiscal year. Although several Fiscal Year 1980 initiatives have now been published in final form, we have included them in order to provide the public with a comprehensive overview of the fiscal year plan.

Of the 99 initiatives in the Fiscal Year 1980 plan:

- 19 implement legislative provisions;
- 28 correct problems caused by defects or omissions in current regulations;
- 29 are a result of an assessment (sometimes called a sunset review) of existing rules to eliminate unnecessary or burdensome requirements, update them to reflect the state of the art of health care, make them more equitable, simplify program administration, provide incentives for efficiency, or make them more understandable;
- 14 are initiatives that implement, but do not change existing regulations;
- 8 are miscellaneous technical or administrative regulation changes; and
- 1 is required by court order.

Each initiative is classified in the plan according to its principal program objective, which in turn has particular impact on one of four major goals:

- to ensure quality health care for Medicare and Medicaid beneficiaries;
- to improve access of Medicare and Medicaid beneficiaries to quality care under each objective;
- to reform and control Medicare and Medicaid reimbursement; and
- to improve management control.

The regulation plan is organized first, according to broad program goals, and second, according to the objectives that support each goal. The goal is listed as the first heading on the page, the objective is the second heading. For each set of objectives, are a series of initiatives. These initiatives are listed by a title which appears in the first column of the plan. The title for each initiative includes an identification number (e.g., HSQ–53–P). This is the number HCFA uses to identify the initiative. The three digit letters (*HSQ*–53–P) refer to the Bureau or Office that is responsible for preparing the initiative:

HSQ—Health Standards and Quality Bureau.
BPP—Bureau of Program Policy.
BPO—Bureau of Program Operations.
RDS—Office of Research, Demonstrations and Statistics.
BQC—Bureau of Quality Control.

The next two or three digit number (e.g., HSQ–*53*–P) is a chronological number. The next one or two digit letters refer to the stage of development that the initiative is currently in (e.g., HSQ–53–*P*).

P—Proposed Rule.
F—Final Rule.
FC—Final Rule with a Comment Period.
PN—Proposed Notice.
FN—Final Notice.

If the initiative is one of the tentative items at a stage where it has not yet received approval from the Secretary to begin development of regulations, the title will include an asterisk.

If the initiative has appeared in the latest version of the Semi-Annual Agenda of Regulations (44 FR 72728) which was published December 14, 1979, the title will include the identification number for the initiative when it was published in the Semi-Annual Agenda together with the **Federal Register** citation for the Semi-Annual Agenda (e.g., See HCFA 13, 44 FR 72728). The title will include two asterisks if the schedule for completing the initiative has been revised since the last Semi-Annual Agenda was published.

The second column of the plan identifies the priority classification that HCFA has assigned to the initiative in accordance with the criteria previously described (e.g., an initiative with a category I is one which HCFA considers a high priority). The third column is a brief description of the initiative. The fourth column indicates the results we hope to achieve by implementing the regulation changes. The fifth column is a schedule for publishing a proposed and/or final notice or rule. If a document has already been published, the date is indicated; otherwise a target publication period is indicated.

The Fiscal Year 1980 plan follows. In order to facilitate the location of particular initiatives, we have included an index.

Dated: April 8, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: May 27, 1980.

Patricia Roberts Harris,

Secretary.

HCFA Regulation Plan Index; Fiscal Year 1980 (October 1979–September 1980)

GOALS AND OBJECTIVES

Goal A: Ensure Quality Health Care for Medicare and Medicaid Beneficiaries

Objective 1: Revise health and safety conditions of participation for providers to eliminate unnecessary requirements, acknowledge recent developments in medical practice, and emphasize patient care goals rather than compliance with procedural conditions.

Objective 2: Improve effectiveness and efficiency of utilization review programs.

Goal B: Improve Beneficiary Access to Quality Care

Objective 1: Eliminate barriers to care and strengthen mechanisms which increase access to care.

Objective 2: Provide coverage for the most appropriate range of safe and effective items and services which are reasonable and necessary.

Objective 3: Support protection of patient rights.

Goal C: Reform and Control Reimbursement

Objective 1: Refine institutional reimbursement policies to eliminate costs that are not necessary for the efficient delivery of needed health care.

Objective 2: Implement more rigorous cost limit methodologies to eliminate excessive costs while allowing flexibility for exceptional circumstances.

Objective 3: Clarify physician charge reimbursement policies and develop cost saving innovations for reimbursement supplies and services under Medicare and Medicaid.

Objective 4: Develop innovative reimbursement policies for special types of providers, including prospective rate systems, with incentives for more efficient delivery of health care.

Goal D: Improve Management Control

Objective 1: Obtain better information on the delivery and cost of health care to improve HCFA's ability to make rational and equitable reimbursement decisions; monitor the quality of health care; and evaluate program performance.

Objective 2: Improve the financial management, efficiency, and accountability of Professional Standards Review Organizations and End State Renal Disease Networks.

Objective 3: Improve Medicare and Medicaid contracting to promote competition and improve quality and cost effectiveness of HCFA operations.

Objective 4: Maximize Stage and Federal resources by improving capacity to detect and deter system abuse in the programs.

Objective 5: Simplify the administrative process by making Medicare and Medicaid more consistent and reducing burdensome requirements.

Objective 6: Clarify ambiguities in existing policies that have given rise to inaccurate decisions, administrative disputes and litigation; or clarify regulations to improve understanding.

Objective 7: Carry out miscellaneous administrative actions necessary for program operations.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979–September 1980]

Goal A: Ensure Quality Health Care for Medicare and Medicaid Beneficiaries.

Objective 1: Revise health and safety conditions of participation for providers to eliminate unnecessary requirements, acknowledge recent developments in medical practice, and emphasize patient care goals rather than compliance with procedural conditions.

Regulation		Description	Intent	Publication Schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Conditions of Participation for Nursing Homes HSQ–53–P (See HCFA–13 44 FR 72728) [2].	I	The proposed regulations would revise present regulations governing conditions of participation for skilled nursing and intermediate care facilities under the Medicaid and Medicare programs.	Eliminate unnecessary requirements, make Medicare and Medicaid requirements uniform, promote patient care management.	April–June 1980	Fiscal year 1981.
Fire Safety Evaluation System for Long Term Care Facilities and Hospitals HSQ–66–FN.	I	This notice will define the combinations of widely accepted fire safety systems and structural arrangements which can be used by health care facilities to meet safety standards equal to or exceeding those in the Life Safety Code.	Provide a framework which guarantees that the high standards of fire safety necessary to protect patients will be met and which is flexible enough to allow for new advances in safety technology and practice.	Notice published, June 28, 1979.	April–June 1980.
Conditions of Coverage of Suppliers: End Stage Renal Disease (ESRD) HSQ–73–P [2].	II	This regulation would contain the conditions which ESRD facilities must meet to be approved as suppliers of end-stage renal disease services.	Permits approval of facilities furnishing self-dialysis only.	July–September 1980.	Fiscal year 1981.
Moratorium on Minimum Utilization Rates (MUR) for End Stage Renal Disease (ESRD) Facilities HSQ–68–FC [2].	II	This regulation would temporarily waive MUR requirements that ESRD facilities must meet to continue participating in the Medicare program.	Eliminate the need to de-certify ESRD facilities that fail to meet the MUR requirements until an evaluation of the effectiveness of MUR can be completed.	NPRM waived ...	April–June 1980.
Conditions of Participation for Hospitals HSQ–16–F (See HCFA–6 44 FR 72728) [2].	II	The proposed regulation would revise conditions for participation for hospitals under the Medicare and Medicaid programs. It would simplify the language and update the requirements to reflect changes in legislation and advances in technology.	Eliminate unnecessary procedural requirements for complying with conditions.	April–June 1980	Fiscal year 1981.
Sprinkler Systems for Nursing Homes HSQ–56–P (See HCFA–15 44 FR 72728) [2].	II	This proposed regulation would require fire extinguishment systems in certain skilled nursing and intermediate care facilities.	Improve patient safety in nursing home fires by requiring sprinkler systems in some homes.	April–June 1980	Fiscal year 1981.
Revocation of End Stage Renal Disease (ESRD) Electrical Requirements HSQ–42–F (See HCFA–10 44 FR 72728).	III	This regulation revokes requirements for emergency generators and ground fault interrupters in freestanding end-stage renal disease centers because they have proven unnecessary.	Reduce costs by eliminating electrical requirements in ESRD facilities which are not necessary for health and safety in ESRD facilities.	NPRM published Nov. 7, 1978.	Final published Apr. 10, 1980.
Validation of Joint Commission on Accreditation of Hospitals (JCAH) Surveys HSQ–15–F (See HCFA–5 44 FR 72728) [2].	III	This regulation authorizes surveyors to validate whether Medicare hospitals that have been accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association are meeting the specific Medicare statutory and regulatory conditions for participation.	Assure that hospitals comply with Medicare conditions of participation even though they are considered to meet those requirements through accreditation by JCAH.	NPRM published Apr. 27, 1979.	July–September 1980.
Certification of Long Term Care Facilities with Repeat Deficiencies HSQ–54–F.	III	The regulations would eliminate the current requirements prohibiting renewal of provider agreements with long term care facilities if minor deficiencies persist through successive certification surveys.	Focus survey and certification resources on providers with significant problems.	NPRM published Mar. 14, 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979—September 1980]

Goal A: Ensure Quality Health Care for Medicare and Medicaid Beneficiaries.
Objective 2: Improve effectiveness and efficiency of utilization review programs.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Professional Standards Review Organizations (PSROs) Sanctions on Practitioners and Providers HSQ-2-F (See HCFA-1 44 FR 72728)[2].	II	This regulation specifies criteria for invoking sanctions against a health care practitioner or provider who claims payment for services which are medically unnecessary or inappropriate, do not meet professionally recognized standards, or are not adequately documented as to medical necessity or quality.	Permit enforcement of PSRO sanctions against providers delivering inappropriate care.	NPRM published Jan. 17, 1978.	Final published Feb. 20, 1980.
Professional Standards Review Organizations (PSROs) Confidentiality and Disclosure HSQ-37-F (See HCFA-8 44 FR 72728)[2].	II	This regulation sets forth criteria governing the acquisition, protection, and disclosure of information obtained or generated by PSROs.	Adequately safeguard patient and provider specific data collected by PSROs and allow release of other data which is helpful to organizations and institutions involved in health planning and quality care assessment.	NPRM published Jan. 15, 1979.	Fiscal year 1981.
Hospital Utilization Review HSQ-9-F (See HCFA-4 44 Fr 72728)[2].	II	This regulation would revise requirements and procedures for utilization review in health care institutions participating in Medicare and Medicaid programs. These regulations would provide for review of the medical necessity of admissions and continued stays, the appropriateness of utilization of facility and health professional services.	Permit enforcement of hospial utilization review requirements designed to reduce medically unnecessary care.	NPRM published Mar. 3, 1980.	Fiscal year 1981.
Extension of Professional Standards Review Organizations (PSROs) Review to Intermediate Care Facilities (ICFs) HSQ-46-F (See HCFA-12 44 FR 72728).	III	This regulation sets forth conditions under which PSROs will assume responsibility from State Medicaid agencies for reviewing the quality and necessity of health care services provided in intermediate care facilities and intermediate care facilities for the mentally retarded.	Permit enforcement of statutory requirement for PSROs to assume utilization review in ICFs when State review is inefficient or ineffective.	NPRM published Feb. 14, 1979.	Final published Feb. 22, 1980.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979—September 1980]

Goal B: Improve Beneficiary Access to Quality Care.
Objective 1: Eliminate barriers to care and strengthen mechanisms which increase access to care.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
End Stage Renal Disease (ESRD) Networks OSP-1-F (See HCFA-30 44 FR 72728)[2].	II	The regulation would require that networks establish goals to maximize use of self-dialysis and kidney transplantation and that there be at least one patient representative on each network coordinating council and executive committee. It would also require networks to submit annual reports; ESRD facilities to make individual patients available to their network medical review boards upon request; and that network meetings be advertised and open to the public.	Improve beneficary access to ESRD services by strengthening ESRD networks.	NPRM published July 18, 1979.	July-September 1980.
Deeming of Income Between Spouses BPP-48-F (See HCFA-32 44 FR 72728).	II	This regulation would revise current rules for determining medical financial eligibility for the aged, blind, or disabled in States and territories using more restrictive eligibility requirements than Supplemental Security Income (SSI) requirements.	Reduce the financial hardship faced by spouses of institutionalized persons because they are required to pay for part of the care.	NPRM published Nov. 21, 1979.	July-September 1980.
Recodification: Part A Eligibility and Entitlement, Benefits, Limitations and Exclusions BPP-9-F (See HCFA-25 44 FR 72728)[2].	III	This regulation would clarify, simplify, and update existing regulations pertaining to: (1) entitlement to Medicare hospital insurance for certain groups; (2) the Medicare inpatient hospital coinsurance, and the blood deductible; and (3) entitlement to Medicare benefits on the basis of ESRD.	Clarify portions of the Medicare, Part A regulations so that beneficiaries and potential beneficiaries can more easily understand the conditions that would make them eligible for Medicare and how much money they would have to contribute toward the cost of their hospital care.	NPRM published May 30, 1980.	Fiscal year 1981.
Medicaid Eligibility—First Full Month of Institutionalization BPP-73-P[1].	III	This regulation would revise current Medicaid policy that does not recognize a change in living arrangements until an individual has been institutionalized throughout a full month.	Alter current restrictions	July-September 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979—September 1980]

Goal B: Improve Beneficiary Access to Quality Care.
Objective 2: Provide coverage for the most appropriate range of safe and effective items and services which are reasonable and necessary.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Criteria for Home Use of Oxygen BPP-24-FN.	II	This notice would specify principles and criteria for use in determining coverage of oxygen services at home in individual cases.	Assure that oxygen used in the home is medically necessary and reimbursed at reasonable cost.	Proposed Notice published Feb. 22, 1980.	Fiscal year 1981.
Cost Guidelines—Respiratory Therapy BPP-58-PN.	II	This notice would update the schedules of guidelines for respiratory therapy services. The guidelines are used by Medicare program fiscal intermediaries to determine the maximum hourly amount to be reimbursed to providers for respira-	Assure that payment to institutions for the services of respiratory therapists is reasonable.	Proposed Notice published June 3, 1980.	

HCFA Regulation Plan.—*Fiscal year 1980*—Continued

[October 1979—September 1980]

Goal B: Improve Beneficiary Access to Quality Care.
Objective 2: Provide coverage for the most appropriate range of safe and effective items and services which are reasonable and necessary.

Regulation		Description	Intent	Publication schedule	
		tory therapy services furnished Medicare beneficiaries under an arrangement. In addition, the guidelines would include a calculation for non-registered/non-certified therapists.			
Reasonable and Necessary Services and Items BPP-5-P [1].	II	The regulations would: (1) establish HEW's authority to publish national determinations of what services are covered under Medicare; (2) set out the criteria used in determining whether an item or service is excluded from program coverage under this provision; (3) provide for issuance of national determinations on specific items and services; (4) discuss the related responsibilities of Medicare intermediaries and carriers and Professional Standards Review Organizations in this area; and (5) make national coverage determinations binding on administrative law judges.	Assure uniform coverage determinations by establishing criteria and a process that will be used to make coverage determinations.	July-September 1980.	Fiscal year 1981.
Family Planning Services BPP-39-F (See HCFA-36 44 FR 72728) [2].	III	This regulation specifies Federal requirements for the provision of family planning services under Medicaid. It also specifies types and ranges of services that may be included by States.	Assure uniform coverage of family planning services by establishing a clear definition.	NPRM published Aug. 9, 1979.	Fiscal year 1981.
Ambulance Services under Medicare BPP-31-P.	III	The regulation would expand ambulance coverage under Medicare to provide for transportation of hospital inpatients to other types of facilities for needed medical services, and to more distant hospitals if the nearest hospital is not adequately staffed or equipped to treat the patient's condition.	Make ambulance services under Medicare more responsive to patient's needs, more cost effective and consistent with changes in the health care delivery system.	July-August 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979—September 1980]

Goal B: Improve Beneficiary Access to Quality Care.
Objective 3: Support protection of patient rights.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Recodification: Fair Hearings for Medicaid Applicants and Recipients BPP-43-P.	II	This regulation would clarify the hearing process available for persons whose claim for assistance are denied or not acted upon promptly.	Support client protection of their rights through the hearing process.	July-September 1980.	Fiscal year 1981.
Protection of Patient Funds HSQ-45-F (See HCFA-11 4 FR 72728) [2].	II	This regulation expands standards for protection of personal funds of Medicare and Medicaid patients in skilled nursing and intermediate care facilities.	Assure that patient funds are appropriately protected by nursing homes.	NPRM published Sept. 1, 1978.	July-September 1980.
Waiver of Liability (Without Fault) HSQ-4-P (See HCFA-2 44 FR 72728) [2].	II	This regulation would propose criteria for determining when a patient or provider would not be held liable for knowing that the services were medically unnecessary or otherwise inappropriate before the services have been disapproved by PSROs for Medicare and Medicaid payments.	Protect beneficiaries and providers from liability for medically unnecessary services.	July-September 1980.	Fiscal year 1981.
Permissable Charges to Patient Funds HSQ-62-P [1].	II	The proposed regulation would define those costs that may be charged to the personal funds of Medicare and Medicaid patients in skilled nursing or intermediate care facilities.	Safeguard personal funds of Medicare/Medicaid patients in nursing homes.	July-September 1980.	Fiscal year 1981.
Payment for Inpatient Services of Foreign Hospitals (See HCFA-20 44 FR 72728).	III	This regulation provides for payment based on 100 percent of customary charges for covered inpatient hospital services furnished by foreign hospitals that elect to receive payment directly from the Medicare program.	Sets forth procedures and criteria for Medicare payments for covered inpatient services furnished to beneficiaries by foreign hospitals.	NPRM Published Jan. 12, 1979.	Final Published Nov. 26, 1979.
Professional Standards Review Organization Reconsiderations and Appeals (PSROs) HSQ-5-F (See HCFA-3 44 FR 72728) [2].	III	This regulation sets forth procedures for the reconsideration of the determinations of PSROs and the review of such reconsideration by Statewide PSRO councils.	Protect beneficiaries from financial liability for inappropriate denials of coverage by PSROs.	NPRM Published Mar. 5, 1979.	July-September 1980.
Limits on Psychosurgery BPP-51-p (See HCFA-44 44 FR 72728) [2].	IV	This regulation would mandate specific requirements for the performance of psychosurgical procedures. The regulation would establish a mechanism for assuring that any psychosurgical procedures would be performed with appropriate safeguards and offer a model for State and local governments as well as for other concerned organizations.	Protect beneficiaries from inappropriate use of psychosurgery by establishing conditions which must be met before surgery is covered.	April-June 1980	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979—September 1980

Goal C: Reform and Control Reimbursement

Objective 1: Refine institutional reimbursement policies to eliminate costs that are not necessary for the efficient delivery of needed health care.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Reimbursement of Special Care Units BPP-12-F (See HCFA-28 44 FR 72728) [3].	II	This regulation would refine the definition of hospital special care units and clarify the requirements for their reimbursement under the Medicare program.	Assure that reimbursement to hospitals at the higher level of care implied by special care units is warranted.	NPRM published May 16, 1979.	April-June 1980.
Reimbursement of Related Organizations BPP-13-F (See HCFA-29 44 FR 72728) [3].	II	This regulation would clarify existing policy on Medicare reimbursement for services, facilities, and supplies furnished to a provider of services by an organization related to a provider by common ownership or control. They also codify policy now in program instructions in manuals.	Eliminate disputes by providers over the application of current rules.	NPRM published Jan. 26, 1979.	July-September 1980.
Educational Program Reimbursement BPP-15-p (See HCFA-33 44 FR 72728) [3].	II	This regulation would revise the current regulation governing Medicare payment for provider costs of education programs.	Eliminate disputes by providers over the application of rules governing reimbursement of the costs of education programs by establishing a uniform policy on payment for costs of provider and non-provider programs and encouraging providers to transfer responsibility for classroom training to educational institutions in their communities.	July-September 1980.	Fiscal year 1981.
Reimbursement of Internship and Residency Programs BPP-10-F (See HCFA-26 44 FR 72728).	II	This regulation will eliminate the requirement that a provider's costs be reduced by the amounts of certain grants and donations when calculating the reimbursement allowed under Medicare, Medicaid, or the Maternal and Child Health program. There grants and donations are those which support approved internship and residency programs in family practice, general medicine, and general pediatrics.	Allow providers to realize the full benefit of grants for primary care residency programs by not deducting these grants from incurred provider cost before determining Medicare and Medicaid reimbursement.	NPRM published Aug. 10, 1979.	July-September 1980.
Termination of Federal Financial Participation (FFP)—Long-Term Care Facilities BPP-49-p (See HCFA-16 44 FR 72728) [3].	II	The proposed regulation would establish guidelines for terminating FFP for a facility that is appealing a termination of a provider agreement.	Clarify Medicaid policy for continuation of Federal funding in cases where a facility's provider agreement is not renewed or is terminated.	July-September 1980.	Fiscal year 1981.
Reimbursement for Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs) BPP-40-F (See HCFA-37 44 FR 72728) [3].	III	This regulation will clarify and expand requirements for State methods of payment for SNF and ICF services under State Medicaid programs.	Promote efficiency in the areas of cost reporting, audits, and payment determinations for long-term care facility services under State Medicaid programs.	NPRM published Apr. 18, 1979.	Fiscal year 1981.
Stockholder Servicing Costs BPP-16-p [1].	III	This regulation would establish provisions governing the reimbursement of stockholder servicing costs under Medicare.	Eliminate unnecessary reimbursement for costs.....	July-September 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979—September 1980]

Goal C: Reform and Control Reimbursement.

Objective 2: Implement more rigorous cost limit methodologies to eliminate excessive costs while allowing flexibility for exceptional circumstances.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Schedule of Limits for Home Health Agencies (HHAs) (Notice) BPP-55-FN.	I	The notice would set forth an updated schedule of limits on HHA costs, established by type of service on reimbursable costs per visit, that may be reimbursed under the Medicare program beginning July 1, 1980.	Reduce unnecessary reimbursement and promote efficiency by establishing limits on administrative costs in HHAs in accordance with Section 223 of Public Law 92-603.	Proposed Notice published Feb. 15, 1980.	April-June 1980.
Schedule of Limits on Hospital Inpatient Costs (Notice) BPP-59-FN.	I	This notice would set forth a proposed schedule of limits on hospital inpatient general routine operating costs that may be reimbursed under Medicare, effective for cost reporting periods beginning July 1, 1980..	Reduce unnecessary reimbursement and promote efficiency by establishing limits on hospital costs in accordance with Section 223 of Public Law 92-603.	Proposed Notice published Apr. 1, 1980.	April-June 1980.
Schedule of Limits on Skilled Nursing Facility (SNF) Costs (Effective October 1, 1980) BPP-64-PN.	I	This notice would set forth an updated schedule of limits on SNF costs that may be reimbused under the Medicare program beginning October 1, 1980.	Reduce unnecessary reimbursement and promote efficiency in SNFs by establishing limits on administrative costs in accordance with Section 223 of Public Law 92-603.	April-June 1980	July-September 1980.
Cost Reporting Requirements for Home Health Agencies (HHAs) BPP-30-F.	I	This regulation would propose that non-provider based HHAs use the step-down method of cost-finding and all HHAs use a single method of cost apportionment known as "cost-per-visit-by-type-of-service-method".	Improve administration and reduce costs by adopting a single method of cost finding and apportionment for HHAs.	NPRM published Feb. 15, 1980.	July-September 1980.
Durable Medical Equipment BPP-7-F (See HCFA-23 44 FR 72728) [3].	II	This regulation specifies criteria for requiring purchase (on a lease purchase or other basis) of an item of durable medical equipment when purchase would be less costly or more practical than rental. Procedures are proposed for waiving the purchase requirement and coinsurance in specified circumstances.	Reduce unnecessary expenditures for durable medical equipment by authorizing purchase rather than rental.	NPRM published Dec. 14, 1978.	April-June 1980.

HCFA Regulation Plan.—*Fiscal Year 1980*—Continued

[October 1979—September 1980]

Goal C: Reform and Control Reimbursement.

Objective 2: Implement more rigorous cost limit methodologies to eliminate excessive costs while allowing flexibility for exceptional circumstances.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Lowest Charge Level-Durable Medical Equipment (DME) and Laboratory Services BPP-21-FN (See HCFA-34 44 FR 72728)[2].	II	This notice would add to the list of items and services subject to the lowest charge criteria, 15 of the most frequently performed laboratory services for Medicare/Medicaid beneficiaries and 5 items of durable medical equipment most frequently rented or purchased. A laboratory test or service on this list could be subject to the lowest charge provision regardless of whether it was performed on an individual basis (manually or on automated equipment) or as part of an automated battery..	Promote competition and reduce costs by limiting reimbursement for durable medical equipment and laboratory services to that which a "prudent buyer" would pay on the open market.	Proposed Notice published Mar. 26, 1979.	Fiscal year 1981.
Use of Federal Funds for Certain Prescribed Drugs BPP-46-P (See HCFA-55 44 FR 72728) [2].	II	This regulation would prohibit use of Federal funds under Medicare and Medicaid for certain drugs that have been classified as less than effective by the Food and Drug Administration (FDA) and drugs that are illegal in inter-state commerce.	Eliminate payments for ineffective drugs	April-June 1980	Fiscal year 1981
Maximum Allowable Cost (MAC) Drug Limits (Notice) BPP-65-FN.	II	This notice sets MAC limits on certain drugs as determined by the Pharmaceutical Reimbursement Board.	Reduce unnecessary program expenditures by limiting the amounts paid for specific drugs.	Proposed Notice published Apr. 10, 1979.	Final published Feb. 14, 1980.
Limits on Costs and Charges for New Technology BPP-14-P.	II	The regulation would establish a process for setting reasonable charge limits for certain items and services under the Medicare program.	Control inappropriate program payments	April-June 1980	Fiscal year 1981.
Limitations on Reasonable Charges for Computerized Tomography Scan Services BPP-79-PN.	II	The regulation would establish limits on reasonable charge reimbursement for computerized tomography scans under Medicare.	Control inappropriate program payments for computerized tomography scan services.	July-September 1980.	Fiscal year 1981
Blood Reimbursement BPP-75-P [1]	III	This regulation would set forth requirements for the proper determination of the actual costs of blood and blood products, and application of the blood deductible.	Reduce program costs and improve the accuracy of reimbursement to providers of the reasonable costs of blood and blood products, and eliminate ambiguity about the application of the blood deductible.	July-September 1980.	Fiscal year 1981.
Reimbursement on the Basis of Prudent Practices BPP-68-P.	III	This regulation would clarify that Medicare can disallow provider costs that exceed what a prudent buyer would have paid.	Promote efficiency in the health care delivery system.	July-September 1980.	Fiscal year 1981.

HCFA Regulation Plan—*Fiscal Year 1980*

[October 1979-September 1980]

Goal C: Reform and Control Reimbursement.

Objective 3: Clarify physician charge reimbursement policies and develop cost saving innovations for reimbursement supplies and services under Medicare and Medicaid.

Regulation		Description	Intent	Publication Schedule	
Title	Priority classification			Proposed	Final
Reimbursement of Physician Costs in Teaching Hospitals BPP-11-P. (See HCFA-27 44 FR 72728) [2].	I	This regulation would propose criteria under which Medicare would pay reasonable charges for physician services in teaching hospitals or would reimburse teaching hospitals for the reasonable costs of physician services. It would also specify the manner and extent to which payments would be made for certain medical school costs and for services of volunteer physicians.	Eliminate inappropriate payments to hospital based physicians for care not directly furnished by those physicians. This regulation would implement Section 227, Pub. L. 92-603.	April-June 1980	Fiscal year 1981.
Services by Hospital-Based Physicians BPP-18-FN.	II	This notice republishes provisions of the regulations regarding Medicare reimbursement for services furnished by hospital-based physicians. It reaffirms the rule that identifiable professional services will be reimbursed under Part B on a reasonable charge basis only if the services require performance by a physician in person and they contribute to the diagnosis and treatment of the patient. All other services performed by a hospital-based physician will be reimbursed to the hospital on a reasonable cost basis.	Enforce existing regulations governing reimbursement of hospital-based physicians.	NA	Final Notice published March 11, 1980.
Hearing Aid and Eyeglass Reimbursement BPP-41-F (See HCFA-39 44 FR 72728) [2].	II	The regulation will require Medicaid agencies to esatablish an acquisition (AC) cost or volume purchase plan (VPP) or a combination of both as a method of purchasing eyeglasses and hearing aids for Medicaid recipients. The regulation will also set conditions for purchase of hearing aids by Medicaid agencies.	Reduce unnecessary expenditures for hearing aids and eyeglasses.	NPRM published May 25, 1979.	July-September 1980.
Radiological Services BPP-2-F (See HCFA-17 44 FR 72728).	II	Thie regulation will define the scope of radiology services for which Medicare will reimburse at 100 percent of reasonable charges.	Make the definition clear in regulations	NPRM published Jan. 25, 1979.	July-September 1980.

HCFA Regulation Plan—*Fiscal Year 1980*

[October 1979-September 1980]

Goal C: Reform and Control Reimbursement.

Objective 4: Develop innovative reimbursement policies for special types of providers, including prospective rate systems, with incentives for more efficient delivery of health care.

Regulation		Description	Intent	Publication Schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Rural Health Clinic Services—Prospective Reimbursement BPP-22-P (See HCFA-35 44 FR 72728) [3].	I	This regulation would establish a prospective payment method for rural health clinic services under Medicare and Medicaid. Under the proposed Method, clinics would be paid an all inclusive rate that would be based on prior costs plus an increase factor, and there would be no year end payment adjustment.	Provide incentives for more efficient delivery of rural health clinics.	April-June 1980	Fiscal year 1981.
Incentive Reimbursement—End Stage Renal Disease (ESRD) OSP-2-P (See HCFA-31 44 FR 72728).	I	This regulation proposes to establish prospective reimbursement for outpatient maintenance dialysis treatments furnished to patients dialyzing in a hospital or other renal dialysis facility.	Encourage providers and facilities to deliver services on a cost-effective basis by establishing an incentive reimbursement system.	April-June 1980	Fiscal year 1981.
Reimbursement of Health Care Prepayment Plans BPP-3-P (See HCFA-18 44 FR 72728) [3].	II	This regulation would establish qualifying conditions and principles of reimbursement for health care prepayment plans (HCPPs), other than health maintenance organizations, which elect to receive reimbursement under the Medicare Supplementary Medical Insurance Program.	Improve the cost accountability of HCPPs by establishing qualification and reimbursement criteria.	April-June 1980	Fiscal year 1981.
End Stage Renal Disease (ESRD) Target Rates (Effective January 1, 1980) OSP-3-FN.	III	This notice revises the schedule of target reimbursement rates for home dialysis and ESRD patients.	Set limits on reimbursement for home dialysis	NA	Final Notice published Mar. 5, 1980.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979—September 1980]

Goal D: Improve Management Control.

Objective 1: Obtain better information on the delivery and cost of health care to improve HCFA's ability to make rational and equitable reimbursement decisions; monitor the quality of health care; and evaluate program performance.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Annual Hospital Report RDS-1-F (See HCFA-49 44 FR 72728).	I	The regulations would require all hospitals that receive payments under the Medicare and Medicaid programs to report cost-related information, such as cost of operation, volume of services, and capital assets, in a prescribed uniform manner. Comments received in response to proposed regulations published on January 23, 1979, have been considered in developing this revised NPRM.	Improve usefulness of hospital cost and utilization information to develop a more rational and equitable reimbursement system; to conduct year to year and inter-institutional comparisons of cost and utilization trends and conduct policy analysis, develop new approaches to cost containment and improve the capacity to detect fraud and abuse.	NPRM published Mar. 19, 1980.	Fiscal year 1981.
Hospital Discharge and Data Reports RDS-3-P (See HCFA-51 44 FR 72728) [3].	I	This regulation would require all hospitals to report discharge and billing data in a uniform manner.	Improve usefulness of hospital discharge and billing data for use in developing quality assurance policy.	Fiscal year 1981.	To be determined.
Medicaid Management Information Systems (MMIS)/Additional Data Requirements BPO-5-F (See HCFA-42 44 FR 72728).	I	This regulation will add flexibility to the requirements under Medicaid for mechanized claims processing and information retrieval systems.	Improve the usefulness of MMIS to meet program needs by permitting expanded or revised requirements.	NPRM Published Apr. 6, 1979.	Final published Mar. 5, 1980.
Medicaid Management Information Systems (MMIS) Peformance Standards RDS-9-P [1].	I	This notice would establish performance standards for MMIS. The notice would also set requirements for uniform coding sytems under MMIS.	Improve the usefulness of data on health care services.	July—September 1980.	Fiscal year 1981.
Conditons of Federal Financial Participation (FFP) for Medicaid Management Information Systems (MMIS) BPO-10-N [1].	I	This notice would set forth procedures reducing FFP for failure to meet MMIS performance standards.	Insure that MMIS are being used effectively to manage the Medicaid program.	July—September 1980.	Fiscal year 1981.
Home Health Agency (HHA) Cost and Utilization RDS-5-P (See HCFA-53 44 FR 72728) [3].	II	This regulation would propose uniform systems that HHAs that participate in the Medicare or Medicaid program must use to report cost of operation, volume of services, and capital assets.	Improve usefulness of HHA cost and utilization data for developing reimbursement policy.	Fiscal year 1981.	Fiscal year 1981
Medicaid Overpayment Reporting Requirements BPO-7-P.	II	This regulation would require States to establish procedures to identify provider overpayments and report them to HCA on a timely basis.	Assure that Medicaid overpayments are properly identified and to allow comparison of provider overpayments in the Medicare and Medicaid programs.	July—September 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979—September 1980]

Goal D: Improve Management Control.

Objective 2: Improve the financial management, efficiency, and accountability of Professional Standards Review Organizations and End Stage Renal Disease Networks.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Funding of Professional Standards Review Organization (PSRO) Hospital Review HSQ-32-F (See HCFA-7 44 FR 72728) [3].	II	This regulation sets forth a prospective method for reimbursing the cost of hospital reviews by PSROs. It applies to review of hospital care provided to patients eligible under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children's programs.	Strengthen prospective PSRO budgeting process designed to keep PSRO costs within congressionally mandated appropriation limit.	NPRM published May 7, 1979.	July-September 1980.

HCFA Regulation Plan.—*Fiscal year 1980*—Continued

[October 1979—September 1980]

Goal D: Improve Management Control.

Objective 2: Improve the financial management, efficiency, and accountability of Professional Standards Review Organizations and End Stage Renal Disease Networks.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Professional Standards Review Organization (PSRO) Designations HSQ-71-P.	II	The proposed change in the PSRO area designation regulations would permit area redesignation for the purpose of increased administrative efficiency and remove the State and County specific PSRO area descriptions from the regulations and publish these in the future by notice.	Reduce program costs for PSRO management and promote consolidation of PSRO areas where appropriate.	July–September 1980.	Fiscal year 1981.
Redesignation of Professional Standards Review Organization (PSRO) Areas in California HSQ-67-F.	II	The proposed regulation would redesignate PSRO areas in California in order to combine PSRO Areas XIX and XXIII. It will also facilitate initiation of PSRO activity in the currently uncovered area of Los Angeles, California.	Achieve a more effective coordination between PSROs and Medicare/Medicaid fiscal agents and a higher degree of congruence with the Health Service Area designations.	NPRM published Dec. 17, 1979.	July–September 1980.
Financial Assistance Agreements for End Stage Renal Disease (ESRD) Networks OSP-5-P.	II	This regulation would establish a formal mechanism (assistance agreements) for funding ESRD Network Coordinating Councils.	Streamline and standardize the funding process to make it more accountable.	July–September 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979–September 1980]

Goal D: Improve Management Control.

Objective 3: Improve Medicare and Medicaid contracting to promote competition and improve quality and cost effectiveness of HCFA operations.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Fiscal Intermediary Performance BPO-1-F (HCFA-22 44 FR 72728) [2].	I	These regulations specify standards, criteria, and procedures for determining the efficiency and effectiveness of fiscal intermediaries and for assigning providers to intermediaries. They also recodify existing regulations dealing with contracts between the Secretary and Medicare fiscal intermediaries.	Improve intermediary performance by setting standards for evaluation and procedures for suspending or terminating agreements.	NPRM published Nov. 9, 1978.	April–May 1980.
Notice of Performance Standards for Evaluating Intermediary Performance BPO-2-FN.	I	This notice establishes statistical standards for fiscal year 1980 to measure the efficiency of Part A intermediary operations with respect to unit cost of claims processing, timeliness of claims processing, and timeliness of cost report settlements.	Establish clear standards for evaluating intermediary performance to improve Medicare contracting.	NA	April–May 1980.
Notice of Performacne Standards for Fiscal Intermediaries BPO-8-FN.	I	This notice establishes statistical standards for fiscal year 1981 to measure the efficiency of Part A intermediary operations with respect to unit cost of claims processing, timeliness of claims processing, and timeliness of cost report settlements.	Establish clear standards for evaluating intermediary performance to improve Medicare contracting.	NA	July–September 1980.
Medicaid State Contracts BPO-3-P (See HCFA-38 44 FR 72728) [2].	II	This regulation would propose requirements to strengthen protections against questionable contract practices and possible program abuse and to remedy ambiguities and omissions in existing regulations.	Strengthen State Medicaid contracting practices by establishing Federal standards and review procedures.	July–September 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979–September 1980]

Goal D: Improve Management Control.

Objective 4: Maximize State and Federal resources by improving capacity to detect and deter system abuse in the programs.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Medicaid Quality Control Fiscal Disallowance BQC-2-F (See HCFA-43 44 FR 72728) [2].	I	This regulation sets a uniform national error target rate of 4 percent to be achieved by all States.	Reduce inaccurate Medicaid eligibility determinations and expenses by reducing the error rate tolerance.	NPRM published Sept. 25, 1979.	Final published Jan. 25, 1980.
Assignment of Benefits; Collection of Medical Support and Payments BPP-42-F (See HCFA-40 44 FR 72728) [2].	I	These regulations specify new procedures (1) allowing States to require Medicaid recipients to assign their right to private insurance payments or other medical support to the States; (2) authorizing child support enforcement agencies to assist in collection of medical support; and (3) prohibiting Federal payment to any Medicaid recipient who is covered by a private health insurance policy having a Medicaid exclusion clause.	Reduce erroneous Medicaid payments to services covered by insurance or support orders by increasing third party recoveries.	NPRM published Aug. 29, 1978.	Final published Feb. 11, 1980.
Time Frames for Medicaid Quality Control (MQC) Review BQC-1-P (See HCFA-41 44 FR 72728) [2].	II	The regulation would specify time requirements for State completion of reviews of the cases in the Medicaid quality control monthly samples. The regulations would also require a monthly report on eligibility and payment error findings.	Expedite reporting of the results of State eligibility quality control reviews to strengthen Federal monitoring.	April–June 1980	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal Year 1980*—Continued

[October 1979–September 1980]

Goal D: Improve Management Control.
Objective 4: Maximize State and Federal resources by improving capacity to detect and deter system abuse in the programs.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Verification of Services BQC–3–F (See HCFA–45 44 FR 72728).	II	This regulation would require all States to implement a written verification of services program with Medicaid recipients in order to improve the capability to detect and deter fraud and abuse.	Strengthen fraud and abuse detection through improved systems for verifying with beneficiaries whether billed services were received.	NPRM published Dec. 21, 1979.	Fiscal year 1981.
Title XIX Administrative Sanctions BQC–5–P (See HCFA–47 44 FR 72728) [3].	II	This regulation would estasblish State Plan requirements and procedrues which require State Medicaid agencies to exclude from Medicaid program reimbursement, providers who defraud or abuse the Medicaid program.	Clarify and strengthen State Medicaid agency fraud and abuse detection and investigation requirements and to give States the regulatory authority to pursue appropriate administrative remedies in cases of fraud and abuse.	April–June 1980	Fiscal year 1981.
Prohibition Against Reassignment BPP–8–F (See HCFA–24 44 FR 72728) [3].	III	This regulation specifies criteria and procedures to prohibit providers, physicians and other suppliers, with certain exceptions, from assigning claims for reimbursement of services to other persons for collection. It also imposes administrative sanctions against providers, physicians, and suppliers who violate this prohibition.	Permit enforcement of statutory prohibitions of reassignment of claims by providers to billing agents.	NPRM Published Aug. 23, 1978.	Final published Apr. 21, 1980.
Withholding of Payments to Physicians, Providers, and Suppliers of Services BQC–4–P (See HCFA–46 44 FR 72728) [3].	III	This regulation would clarify due process procedures that must be followed when payments to providers, physicians, and suppliers of services under the Medicare program are withheld because of suspected fraud or willful misrepresentation.	Protect the due process rights of the practitioner, provider or supplier of services whose payments have been withheld because of suspected fraud or abuse.	April–June 1980	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979–September 1980]

Goal D: Improve Management Control.
Objective 5: Simplify the administrative process by making Medicare and Medicaid more consistent and reducing burdensome requirements.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Survey and Certification HSQ–69–P.	I	This regulation would streamline, simplify, and integrate, to the extent possible, survey and certification procedures for providers and suppliers under Medicare and Medicaid.	Eliminate inconsistencies between Medicare and Medicaid requirements; eliminate unnecessary burden by focusing survey resources on problem providers.	Fiscal year 1981 (Public hearings April–May 1980).	Fiscal year 1981.
Provider Agreement: Recodification and Substantive Changes on Effective Date and Change in Ownership HSQ–55–FC (See HCFA–14 44 FR 72728) [3].	II	These regulations will make Medicare and Medicaid rules identical on: (1) the beginning effective dates of nursing home provider agreements and; (2) the effect of a change of ownership on the continuation of Federal payments to nursing homes. These substantive changes will be combined with rewrite and redesignation of the entire subpart under Part 405 on Medicare provider agreements.	Eliminate inconsistencies between Medicare and Medicaid policies on when a provider agreement begins and reimbursement is permitted, and implement Operation Common Sense by making Medicare regulations simpler and clearer.	NPRM published Feb. 5, 1979.	Final published Apr. 4, 1980.
Common Audit Requirements BPO–6–F [1].	II	This regulation would prohibit Federal matching of State costs for Medicaid hospital audits if they duplicate Medicare audits.	Eliminate duplicative audits completed for the same provider by Medicare or Medicaid and encourage sharing of audit information.	NPRM published June 3, 1980.	Fiscal year 1981.
Restoration of "Deemed to Meet" to Clinical Laboratories in American Osteopathic Association (AOA) Accredited Hospitals HSQ–70–F.	II	This regulation retroactively restores "deemed to meet" status to clinical laboratories located in hospitals accredited by AOA to acknowledge the quality care and proficiency testing standards of AOA are equivalent to Medicare/Medicaid standards.	Eliminate the need to separately survey clinical laboratories located in AOA hospitals to determine whether they meet conditions of participation for Medicare and Medicaid.	NPRM waived ...	Final published Mar. 31, 1980.
Reconsiderations and Hearings for Providers and Suppliers BPP–35–P.	III	This regulation would clarify and redesignate the procedures for making and reviewing determinations that affect the status of entities that participate in the Medicare program, or seek reimbursement under that program for services provided to Medicare beneficiaries. It will also incorporate substantive changes relating to informal reconsideration procedures.	Make the regulations easier to understand and eliminate inconsistencies between Medicare and Medicaid in provider appeals processes.	July–September 1980.	Fiscal year 1981.

HCFA Regulation Plan.—*Fiscal year 1980*

[October 1979—September 1980]

Goal D: Improve Management Control.
Objective 6: Clarify ambiguities in existing policies that have given rise to inaccurate decisions, administrative disputes and litigation; clarify regulations to improve understanding.

Regulation		Description	Intent	Publication schedule	
TITLE	PRIORITY CLASSIFICATION			PROPOSED	FINAL
Provider Reimbursement Determinations BPP–6–F (See HCFA–21 44 FR 72728) [3].	II	This regulation would revise Provider Reimbursement Review Board (PRRB) procedures. It will make HCFA a party to Board proceedings, define the sources of authority for PRRB decisions, establish selective criteria for Administrator's review, and simplify procedures for review where a dispute only involves legal issues.	Clarify and improve PRRB hearing procedures. It will eliminate the need for extensive relitigation of issues previously decided by the PRRB and by the Administrator.	NPRM published Feb. 14, 1980.	October–December 1980.

HCFA Regulation Plan.—*Fiscal year 1980*—Continued

[October 1979—September 1980]

Goal D: Improve Management Control.

Objective 6: Clarify ambiguities in existing policies that have given rise to inaccurate decisions, administrative disputes and litigation; clarify regulations to improve understanding.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Requirements for Federally Funded Hysterectomies BPP-82-F.	II	This regulation would waive the requirement that to obtain a Federally funded hysterectomy, a woman must acknowledge receipt of information about the effects of a sterilization even if she is already sterile or requires emergency treatment.	Eliminate administratively burdensome procedures not needed to protect patients.	NPRM waived ...	July-September 1980.
Recodification: Applications and Eligibility BPP-45-P.	III	This regulation would set forth procedures for States and local agencies for processing applications and determining eligibility.	Revise, recodify, simplify, clarify, and reorganize existing regulations.	July-September 1980.	Fiscal year 1981.
Recodification: Medicare Entitlement and Benefits, Limitations, and Exclusions: Supplementary Medical Insurance BPP-37-F.	III	This recodification will revise certain regulations dealing with supplementary medical insurance. It will clarify, reorganize, and renumber the eligibility requirements, enrollment procedures and the coverage period, the types of benefits provided and the limitations on these benefits.	Revise, recodify, simplify, clarify, and reorganize existing regulations.	NPRM waived ...	July-September 1980.
Recodification: Medicare Limitations on Exclusions of Benefits BPP-33-P.	III	This recodification would rewrite and renumber the provisions that identify the types and items of services that are not paid for by Medicare; and that specify the circumstances under which expenses for items and services usually paid for by Medicare may not be reimbursed.	Revise, recodify, simplify, clarify, and reorganize existing regulations.	July-September	Fiscal year 1981.
Recodification: Medicare Overpayments, Recoveries, and Withholding BPP-34-P.	III	This recodification would rewrite and renumber procedures for determining and adjusting incorrect payments and the circumstances under which adjustment will be waived and if not recovery of overpayments.	Revise, recodify, simplify, clarify, and reorganize existing regulations.	July-September 1980.	Fiscal year 1981.
Recodification: Medicare Provider Reimbursement Determinations and Appeals BPP-36-F.	III	This recodification will renumber and clarify the procedures for providers or their legal representatives to appeal reimbursement determinations or decisions under Medicare. It covers time constraints for filing appeals, parties authorized to participate at each hearing level, composition of each review body and legal aspects of hearing and appeals system, and procedures for reopening determinations and decisions.	Revise, recodify, simplify, clarify, and reorganize existing regulations.	NA	October-December 1980.
Recodification: Medicare Conditions for Payment BPP-38-P.	III	This recodification will renumber and clarify the provisions relating to the conditions under which hospital insurance and supplementary medical insurance payments will be made.	Revise, recodify, simplify, clarify, and reorganize existing regulations.	July-September 1980.	Fiscal year 1981.
Written Notice for Non-Reimbursable Services BPP-4-F (See HCFA 19 44 FR 72728).	IV	This regulation clarifies that a beneficiary cannot be found liable for certain noncovered items or services if the beneficiary had not been notified in writing that the items or services in question are excluded from Medicare coverage.	Clarifies the circumstances under which a Medicare beneficiary will be entitled to a presumption of ignorance concerning program coverage.	NPRM Published Dec. 7, 1978.	Final published Nov. 29, 1979.
Civil Rights Requirements BPP-52-P[1].	IV	This regulation would renumber and clarify the regulatory provisions that implement civil rights legislation. The requirements apply to each individual, program, or entity that receives Federal financial assistance through HCFA.	Facilitate location of civil rights requirements in HCFA regulations.	July-September 1980.	Fiscal year 1981.
Part B Premium BPP-60-FN.....	II	This notice, published annually, announces the Supplementary Medical Insurance Monthly Premium Rate and Monthly Adequate Actuarial Rates for the 12 month period beginning July 1, 1980.	Inform the public of revised rates.....	NA	July 1980.
Part A Inpatient Hospital Deductible and Coinsurance (Effective January 1, 1981) BPP-77-FN.	II	This notice, published annually, announces Medicare's inpatient hospital deductible for spells of illness beginning in 1981.	Inform the public of revised rates.....	NA	June 1980.
Economic Index Notice (Effective July 1, 1980) BPP-78-FN.	II	This notice, published annually, was authorized by the 1972 Amendments and establishes a level at which Medicare reimbursement for physician services provided under Part B of the Medicare program is set based on the program Economic Index data.	Inform the public of revised rates.....	NA	July-September 1980.
Hospital Insurance Premium BPP-83-FN.	II	This notice, published annually, announces the Hospital Insurance Premium Rate for Aged, Uninsured Persons.	Inform the public of revised rates.....	NA	December 1980.

HCFA Regulation Plan.—*Fiscal Year 1980*

[October 1979-September 1980]

Goal D: Improve Management Control.

Objective 7: Carry out miscellaneous administrative actions necessary for program operations.

Regulation		Description	Intent	Publication schedule	
Title	Priority classification			Proposed	Final
Medicaid Provider Records and Professional Standards Review Organization (PSRO) Grant Regulations—Technical Amendments HSQ-72-F.	III	This regulation makes technical changes to existing rules governing Medicaid agency recordkeeping functions and grants to PSROs.	Conform individual grant program regulations to HEW wide grant regulations found at 45 CFR Part 74.	NPRM waived...	Final published May 8, 1980.
Medicaid Recodification: General Requirements BPP-50-F (See HCFA-48 44 FR 72728)[1].	IV	These amendments will make technical corrections to the rewritten Medicaid regulations published on September 29, 1978 and March 23, 1979.	Make necessary changes either of technical errors or of inadvertent omissions, or improper wording that may have appeared to make substantive changes.	NA	Final published Apr. 11, 1980.

[1] The initiative is at a tentative stage and has not yet been approved as an initiative by the Secretary.

[2] The schedule for the regulation document has been revised since the document appeared in the Semi-Annual Agenda of Regulations.

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federal register

Thursday
June 12, 1980

Part IV

Department of Transportation

Federal Highway Administration

National Standards for Traffic Control Devices

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625, 646, and 655

[FHWA Docket 80-11]

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Railroad-Highway Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This document solicits comments on the following two items relative to railroad-highway crossings.

Item I. As a result of an advance notice of proposed rulemaking (ANPRM) published in the **Federal Register** on August 10, 1978 (FHWA Docket 78-13) the FHWA is considering revising Part VIII of the Manual on Uniform Traffic Control Devices (MUTCD) to include national criteria for the selection of specific highway traffic control systems at railroad-highway crossings. Three alternative methods or options are presented for revising Part VIII as follows:

(a) The establishment of national criteria expressed as a baseline hazard index.

(b) The establishment of criteria for selecting specific traffic control systems at railroad-highway crossings based on a quantitative approach. This procedure would involve the computation of hazard index levels and their comparison to development threshold values.

(c) The establishment of criteria based on a descriptive approach. This method would include a listing of descriptive factors which would be utilized in the selection of highway traffic control systems for installation at railroad-highway crossings.

Item II. The FHWA is also considering the desirability of revising Part VIII of the MUTCD to eliminate the use of flashing light signals without the use of automatic gates.

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

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 80-11, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard. The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($18.00).

FOR FURTHER INFORMATION CONTACT: Mr. Justin True, Office of Traffic Operations, (202) 426-0411, or Virginia Cherwek, Office of the Chief Counsel, (202) 426-0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA prepares and issues the national standards for traffic control devices used on all streets and highways open to public travel. These standards are published in the MUTCD which has been incorporated by reference into title 23, Code of Federal Regulations, Parts 625 and 655. The FHWA both receives requests and initiates recommendations for changes to the MUTCD.

Part 646, Subpart B and Part 924 of title 23, Code of Federal Regulations, contain policies and procedures pertaining to Federal-aid projects involving railroad facilities.

This ANPRM is being issued so that interested persons and organizations may have an opportunity to participate by commenting on proposed changes to the MUTCD. Based upon the comments received and its own review, the FHWA will prepare a notice of proposed rulemaking for those changes that the agency proposed to make in the MUTCD. Any final changes which result from that action will be published in the **Federal Register** and incorporated by reference in title 23, Code of Federal Regulations.

In this ANPRM there is frequent reference to hazard level and hazard index. These refer to a computed prediction of expected accidents at a particular crossing expressed in terms of accidents per year. A hazard index of 0.05 would describe a situation where one accident is expected every 20 years. Several hazard index formulas are in use by highway agencies. A procedure developed by the Department of Transportation (DOT) is explained in Appendix A.

Discussion of Comments on Previous ANPRM

A prior ANPRM developed by the FHWA appeared in the **Federal Register** on August 10, 1978, at 43 FR 35491, FHWA Docket 78-13, inviting interested persons to comment specifically in regard to the following questions:

1. Should the FHWA in cooperation with the Federal Railroad Administration develop uniform criteria for the selection of highway traffic control systems at railroad-highway grade crossings?

2. What specific factors and conditions should be considered for the several types of warning devices used at grade crossings?

3. Are there any other pertinent comments concerning the development of criteria for the installation of traffic control systems at railroad-highway grade crossings?

A total of 77 written responses was received from the following five groups:

Respondent group	Number of responses
State Highway/Transportation Departments	32
Local/County Governments	11
Public Utility/Service Commissions	6
Railroads	15
Organizations and individuals	13
Total	77

In analyzing the results, nine of the 77 responses were not used, as two railroad respondents and seven individuals did not address the questions posed. The remaining 68 responses to the first question concerning the desirability of developing uniform criteria were classified as follows:

(a) Respondent favors the establishment of uniform criteria.

(b) Respondent favors criteria, provided the criteria would allow some flexibility at the local level. Some examples of flexibility would be recommendations of a diagnostic team, or consideration of such factors as hazardous materials traffic or other factors that might be pertinent at an individual crossing.

(c) Respondent opposes uniform criteria.

Table 1 presents a summary of the responses of each of the five groups classified by the three different types of responses.

Table 1.—*Summary of Responses to Question No. 1*

Responding group	Favor uniform criteria	Favor criteria that provides flexibility	Oppose uniform criteria
State Highway/Transportation Departments	14	11	7
Local/County Governments	7	1	3
Public Utility/Service Commissions	0	1	5
Railroads	5	2	6

Table 1.—*Summary of Responses to Question No. 1*—Continued

Responding group	Favor uniform criteria	Favor criteria that provides flexibility	Oppose uniform criteria
Organizations and individuals	5	1	0
Totals	31	16	21

Forty-seven, or 69 percent, of those responding favored development of uniform criteria or the development of criteria that would allow some flexibility at the local level of decisionmaking. Twenty-one, or 31 percent, of those responding were opposed to the development of uniform criteria; in other words, it would appear they are satisfied with the existing method of determining the type of highway traffic control system to be installed at a particular railroad-highway crossing.

The second question posed in the previous ANPRM requested information on specific factors and conditions that should be considered in determining the type of highway traffic control systems to be installed at railroad-highway crossings. Table 2 presents a summary, including frequency, of the factors suggested by the respondents which should be considered in determining the type of highway traffic control systems to be installed at railroad-highway crossings. Table 2 also identifies the factors that are presently included in the U.S. DOT–AAR* National Rail-Highway Crossing Inventory.

* Association of American Railroads.

Table 2.—*Summary of Responses to Question No. 2*

Factors suggested for use in determining type of traffic control systems	Number of respondents suggesting
Number of vehicles per day [1]	41
Number of trains per day [1]	40
Sight distance	35
Train speed [1]	34
Accident history [2]	30
Vehicle speed	30
Number of (school) buses/passengers	23
Number of tracks [1]	23
Type of railroad movement (switching, through trains, etc.) [1]	16
Vertical/horizontal alignment of highway	16
Number of passenger trains/passengers	16
Adjacent intersection [1]	15
Number of trucks [1]	14
Number of highway lanes [1]	13
Hazardous materials potential on highway	12
Vertical/horizontal alignment of railroad	11
Existing warning devices [1]	10
Crossing angle [1]	10
Hazardous materials potential on railroad	7
Simultaneous railroad movement potential	7
Urban or rural setting [1]	6
Crossing rideability	5

Table 2.—*Summary of Responses to Question No. 2*—Continued

Additional factors with less than five responses
Maintenance costs.
Availability of power. [1]
High speed trains.
Number of night trains. [1]
Train length.
Terrain.
Crossing width.
Local ordinances.
Driver expectancy.
Distractions/obstructions.
Type of device at neighboring crossing.
Projected train and highway volumes.
Weather conditions.
Pedestrian traffic.
Train speed variations. [1]
Emergency vehicle movement.
Maintenance adequacy.

[1] Factors that are included in the U.S. DOT-AAR National Rail-Highway Crossing Inventory

[2] Available in Federal Railroad Administration files regarding train-involved accidents.

The third and last question in FHWA Docket 78–13 requested any other pertinent comments concerning the development of criteria for the installation of traffic control systems at railroad-highway grade crossings.

A number of respondents raised questions in the following areas:

1. The need to provide flexibility in any national criteria.
2. The complexity of the situation resulting in an inability to develop national criteria.
3. The lack of funding for future installations.
4. The problem of liability.

These four points will be addressed in the following paragraphs in a statement-and-answer format.

Statement 1: Sixteen of the respondents agreed with the need to develop uniform criteria for the selection of highway traffic control systems at railroad-highway crossings provided there was some flexibility in the criteria. There was concern that the decisionmaking powers currently being exercised at the State or local level of government will be usurped.

Answer: The development of uniform criteria does not necessarily preclude local flexibility. The alternatives set forth in this ANPRM provide for flexibility depending on the conditions at a particular site.

Statement 2: Several respondents (especially those who oppose development of uniform criteria) felt there were so many factors to consider that national criteria could not be developed and any attempt would be both futile and meaningless.

Answer: It is true that there are a great number of factors to consider. However, many of these factors, such as train and vehicular volumes, can be measured. Of the 22 factors mentioned more than five times in response to the previous ANPRM, 11 of them are included in the U.S. DOT–AAR National Rail-Highway Crossing Inventory. Other factors which may not be available on a national basis or which cannot easily be quantified can be evaluated at the local level. Meaningful national criteria can be developed while still providing flexibility at the local level.

Statement 3: Several respondents were concerned that even if uniform criteria were developed there is no assurance that funds will be available in the future for the installation of the highway traffic control systems that the criteria may prescribe.

Answer. There is no assurance that sufficient Federal or local funding to achieve desirable safety levels would be available. Improvements at railroad-highway crossings, as with other capital improvements, will require a systematic establishment of priorities. The establishment of reasonable criteria should assist in the development of priorities and in the definition of program needs at Federal, State and local levels.

Statement 4: Another potential problem cited by several respondents dealt with their liability if an accident occurred at a crossing which had not been improved to the standard called for in the uniform criteria.

Answer. The question of liability is serious, and is not confined to the railroad-highway crossing situation. The FHWA believes that a State or local jurisdiction which establishes a systematic program to meet Federal, State or local standards can successfully defend itself against lawsuits even if all locations have not yet been improved to the established program standards.

National Criteria for Selection of Traffic Control Systems

Item I(a). Proposed Establishment of National Criteria Expressed as a Baseline Hazard Index

There has been a continuing program for safety improvements at railroad-highway crossings for many years. The FHWA is considering the establishment of national criteria which can be quantified so that progress can be measured. One approach is to establish a baseline hazard level or hazard index. The objective would be the development of programs by all highway agencies to reduce the hazard level at all crossings to or below that of the established baseline.

This option would not mandate the type of improvement required at each crossing, but would recognize that various actions could be taken to improve safety conditions at individual crossings and thereby reduce the

existing hazard index. For example, improvements could involve increased sight distances, more effective advance warning treatments, higher quality crossing surfaces, and improved roadway geometrics, as well as the installation of active warning devices. Improvements could be made either singularly or in combination to effect an overall reduction of the hazard index to or below the baseline hazard level established.

Since the specific treatment to be applied to an individual crossing would not be prescribed, responsible highway authorities would be required to establish or estimate the effectiveness of proposed treatments in reducing the existing hazard index and to provide for sufficient improvement to lower the hazard index to or below that of the established baseline.

Several past studies have developed effectiveness values for active traffic control systems. The effectiveness values used in the development of this ANPRM are shown in Table 3.

The hazard index after an improvement can be estimated as follows:

$H_A = H_B (1-E)$

where H_A = Hazard index after improvement
H_B = Hazard index before improvement
E = Effectiveness of improvement which is expressed as the fraction of accidents the improvement is expected to eliminate. See Table 3.

Table 3.—*Effectiveness for Various Traffic Control Systems*

Existing traffic control systems	Effectiveness		
	Improved to flashing lights	Improved to gates	Improved to grade separation
Passive	0.7	0.9	1.0
Flashing lights		0.67	1.0
Gates			1.0

Using this technique it would be possible to determine threshold hazard index levels for each type of active warning device as a function of the baseline hazard index selected. It would also be possible to establish the upper hazard index limit for which gates would reduce the hazard index to the baseline selected. All crossings above that level would require grade separations.

Table 4 has been prepared using data from the U.S. DOT–AAR National Rail-Highway Crossing Inventory. Table 4 shows the number of crossings that would be affected under this procedure and the required improvements for three different baseline levels. The table includes the installation of flashing lights, gates and grade separations but does not consider other improvements such as sight distance improvements or closures.

Table 4.—*Nationwide Actions Required To Reduce All Railroad-Highway Crossings to or Below Various Baseline Hazard Levels*

Baseline hazard level (accid/year)	Action required					
	Passive to grade separation	Passive to flashing lights	Passive to gates	Flashing lights to gates	Flashing lights to grade separation	Gates to grade separation
0.10	2	12,561	595	11,070	2,218	3,164
0.12	2	9,040	296	9,249	1,447	2,129
0.15	2	5,673	104	7,128	812	1,197

For example, referring to Table 4, if a baseline hazard level of 0.12 were established this would require improvements at 22,163 crossings.

Interested persons and organizations are invited to comment in regard to the following:

1. Should national criteria in the form of a hazard level or hazard index be established for the railroad-highway crossing program and included in Part VIII of the MUTCD?

2. Depending on the answer to question 1, what should the value be and what time period should be established to bring all crossings to or below the established baseline hazard index?

3. What is the lowest baseline hazard index which would be prudent and practical?

Item I (b). Proposed Quantitative Procedure for Selecting Traffic Control Systems at Railroad-Highway Crossings

With this approach the determination of the type of highway traffic control system to be installed at railroad-highway crossings would involve the computation of hazard index levels and their comparison to developed threshold values. It is suggested that language similar to the following (indicated by quotation marks) be included in Part VIII of the MUTCD:

"Before any improvement is made at a railroad-highway crossing, an engineering study should be undertaken to determine what actions should be taken to enhance safety at the crossing. The action may include the installation of traffic control systems or other improvements which have a demonstrated capacity to enhance safety and operations at the crossing.

With regard to traffic control systems the following would apply:

(a) As a minimum, crossbucks, advance warning signs, and pavement markings as prescribed elsewhere in Part VIII shall be installed.

(b) The determination of the type of highway traffic control system, other than the minimum as required in paragraph (a) above, at a particular crossing would be a two-step process. The first step would be to calculate a hazard index or hazard level of the crossing in question. The hazard index would be expressed in accidents per year. Using the calculated hazard index and knowing the existing type of highway traffic control system at the crossing, the calculated hazard index is then compared to threshold values in a table to determine the type of traffic control system that should be installed." Table 5 is an example of threshold values which could be utilized. The threshold values shown in Table 5 were calculated on the basis of reducing the hazard index to within a range of 0.08 to 0.12. A description of how these threshold values were calculated is contained in Appendix B.

"TABLE 5.—*Quantitative Procedure*

Existing traffic control device	Calculated hazard index (H)	Recommeded action or improvement
Passive	0.08 to 0.12[1]	See note below.
	0.12 to 0.15	Flashing lights.
	0.15 to 0.23	Flashing lights or gates and flashing lights.
	0.23 to 12.4	Gates and flashing lights.
	12.4 to 18.5	Gates and flashing lights or grade separation.
	greater than 18.5	Grade separation.
Flashing lights	0.12 to 0.18[1]	See note below.
	0.18 to 3.7	Gates and flashing lights.
	3.7 to 5.6	Gates and flashing lights or grade separation.
	greater than 5.6	Grade separation.
Gates	1.32 to 1.98[1]	See note below.
	greater than 1.98	Grade separation.

[1] When the calculated hazard index falls within this range the decision may be do nothing, improve the existing traffic control system, install a different type of traffic control system or make some other improvement at the crossing.

(c) In using the quantitative procedure described in paragraph (b), where a diagnostic team recommends the installation of a traffic control system different from that indicated by the threshold values, or recommends another type of crossing improvement, the recommendations of the diagnostic team shall take precedence over the quantitative procedure.

Other improvements which may be considered for enhancing crossing safety include:

1. Improving sight distances, to detect the presence of the crossing and the train,

2. Closing the crossing,

3. Improving the approach alignment and/or grade of the roadway,

4. Instituting and enforcing railroad and/or highway operating regulations,

5. Improving the crossing surface, and
6. Illuminating the crossing."

The following two examples describe how Table 5 would be used.

Referring to Table 5, assume the calculated hazard index at a crossing is 0.4 and the existing traffic control device at the crossing is "passive." From Table 5, the 0.4 value falls within the range of 0.23 to 12.4, therefore, the recommended improvement would be gates and flashing lights.

Again referring to Table 5, assume the calculated hazard index is 0.10 and the existing traffic control system at the crossing is "passive." The 0.10 value falls within the range of 0.08 to 0.12, therefore, the recommendation would be either to leave the crossing as it is or install flashing lights. The final determination as to the type of traffic control system that would be appropriate for this site would be determined by considering such factors as sight distance, number of school buses, vehicles carrying hazardous materials or other appropriate factors.

It is intended that the quantitative method be flexible and responsive to individual crossing characteristics. Flexibility with the quanititative approach is provided in three ways. First, the engineering study may indicate the need for improvements other than or in addition to traffic control systems. Second, the establishment of ranges in the threshold values where one of two types of highway traffic control systems are recommended provides flexibility. Third, the recommendations of a diagnostic team would override the action recommended by the quantitative procedure.

Interested persons and organizations are invited to comment in regard to the following:

1. Should the quantitative procedure for selecting traffic control systems at railroad-highway crossings be included in Part VIII of the MUTCD?

2. (a) Depending on the answer to question 1, does the approach suggested provide sufficient flexibility for States and local jurisdictions to implement?

(b) If not, what changes should be made?

3. (a) Depending on the answer to question 1, are the suggested threshold values appropriate?

(b) If not, what changes should be made?

Item I (c). Proposed Descriptive Procedure for Selecting Traffic Control Systems at Railroad-Highway Crossings

With this approach the determination of the type of highway traffic control systems to be installed at railroad-highway crossings would be in accordance with a listing of descriptive conditions or factors. It is suggested that language similar to the following (indicated by quotation marks) be included in Part VIII of the MUTCD:

"Before any improvement is made at a railroad-highway crossing an engineering study should be undertaken to determine what actions should be taken to enhance safety at the crossing. Such actions shall include, as a minimum, the installation of adequate warning devices and may include other improvements which have a demonstrated capability to enhance safety and operations at the crossing. The selection of the type of highway traffic control system shall be in accordance with the following:

(a) As a minimum, crossbucks, advance warning signs, and pavement markings as precribed elsewhere in Part VIII shall be installed.

(b) Flashing light signals shall be installed when either of the following conditions exist:

1. There is restricted sight distance in any quadrant at a crossing. In determining the minimum sight triangle the maximum train speed and the larger of the posted highway speed or the 85th percentile speed of highway traffic shall be used.

2. A diagnostic team recommends the installation of flashing light signals.

(c) Automatic gates and flashing light signals shall be installed when one or more of the following conditions exist:

1. Multiple main line railroad tracks.

2. Multiple tracks at or in the vicinity of the crossing which may be occupied by a train or locomotive so as to obscure the movement of another train approaching the crossing.

3. Any crossing of a track with restricted sight distance in any quadrant on which trains operate at 50 mph or more. In determining the minimum sight distance the larger of the posted highway speed or the 85th percentile speed of highway traffic shall be used.

4. Any crossing at which the sight distance is such that the driver of a motor vehicle stopped at the stop line or 15 feet from the nearest rail is not capable of detecting a train in time to avoid a collision before the motor vehicle clears the tracks when proceeding from a stopped condition and operating in a reasonable and legal manner.

5. A combination of high speeds and moderately high volumes of highway and railroad traffic.

6. Either a high volume of vehicular traffic, high number of train movements, substantial numbers of school buses or trucks carrying hazardous materials, unusually restricted sight distance, continuing accident occurrences, or any combination of these conditions.

7. Any crossing with existing flashing light signals which has an accident potential of one accident or more per 10 years as determined by accident history or accident prediction analysis.

8. A diagnostic team recommends the installation of automatic gates and flashing light signals.

(d) Other actions which may be considered for enhancing crossing safety include:

1. improving sight distances, to detect the presence of the crossing and the train,

2. closing the crossing,

3. improving the approach alignment and/or grade of the roadway,

4. instituting and enforcing railroad and/or highway operating regulations,

5. improving the crossing surface, and

6. illuminating the crossing."

Interested persons and organizations are invited to comment in regard to the following:

1. Should a listing of descriptive conditions or factors for the selection of highway traffic control systems at railroad-highway crossings be included in Part VIII of the MUTCD?

2. (a) Depending on the answer to question 1, does this suggested approach provide sufficient flexibility for State and local jurisdictions to implement?

(b) If not, what changes should be made?

3. (a) Depending on the answer to question 1, are the descriptive factors presented adequate and/or appropriate?

(b) If not, what changes should be made?

4. If this approach or the approaches described in Item I(a) on the establishment of a baseline hazard index and in Item I(b) on the establishment of a quantitative procedure as part of the MUTCD are not desirable, is there some other approach for developing national criteria which would be more appropriate?

Item II. Proposed Revision of Part VIII of the MUTCD To Eliminate the Use of Flashing Light Signals Without the Use of Automatic Gates

Sections 8C–2 and 8C–3, Part VIII, of the MUTCD describe the use and operation of flashing light signals. Section 8C–4 discusses automatic gates.

There has been a growing concern that flashing light signals when used without gates are not completely accomplishing their intended function of improving safety at railroad-highway crossings. This concern is supported by the data presented in the report "Rail-Highway Crossing Accident/Incident

and Inventory Bulletin No. 1, Calendar Year 1978" prepared by the Office of Safety, Federal Railroad Administration. Table 23 in this report shows the following:

—Out of a total of 11,999 accidents/incidents involving motor vehicles at public railroad-highway crossings in 1978, 3,779 or about 31 percent occurred at crossings with standard flashing light signals or cantilevered flashing light signals.

—Of the 3,779 accidents/incidents, in 2,400 cases the motorist's action was listed as "did not stop;" in 298 cases the motorists's action was listed as "stopped and then proceeded;" and in the remaining 1,081 cases the motorist's action was listed as "other" or "unknown."

It would appear from the above data that flashing light signals do not guarantee the desired driver response, which is to stop and proceed only when it is safe to do so.

However, the data in Table 23 also show that 1,233 accidents/incidents occurred at public railroad-highway crossings where gates are present. Of these 1,233 accidents/incidents, the motorist's action is listed as follows: in 596 cases "drove around or through the gate;" in 36 cases "stopped and then proceeded;" in 153 cases "did not stop;" and in 448 cases the motorist's action is listed as "other" or "unknown."

Interested persons or organizations are invited to comment on the following:

Should Part VIII of the MUTCD be revised so that flashing light signals can be used only in conjunction with automatic gates?

This advance notice of proposed amendments to the MUTCD is issued under the authority of 23 U.S.C. 109(b) and (d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. Due to the preliminary nature of this inquiry, a full regulatory evaluation has not been prepared at this time.

Issued on: June 6, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

Appendix A.—Rail-Highway Crossing Hazard Index Prediction Procedure

The purpose of this appendix is to describe a procedure developed by the DOT to predict the hazard index at rail-highway crossings.[1] A crossing's hazard index is defined as the expected number of accidents per year at that crossing. The eight classes of warning devices identified in the DOT–AAR Crossing Inventory [2] have been combined into three categories to simplify the analysis and to realistically reflect the accuracy of the data. These three categories consist of: (1) warning device classes 1 to 4 called "passive" devices, (2) warning device classes 5 to 7 called "flashing lights" and (3) warning device class 8 called "gates." A separate formula is used for each category.

The three hazard formulas have been structured to express the hazard index, H, for the three classes of crossings as the product of a series of factors. Each factor represents a characteristic of crossings described in the DOT–AAR Crossing Inventory. The value of each factor is related to the influence that the corresponding characteristic was found to have in contributing to a crossing hazard index. Only those characteristics that were found to have significant contribution were included in the final formulation. The three hazard formulas are listed below:

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[1] Peter Mengert, "Rail-Highway Crossing Hazard Prediction Research Results," U.S. Department of Transportation, Report No. FRA–RRS–80–02, March 1980.

[2] Warning Device Class 1: No signs or signals.
Warning Device Class 2: Other signs.
Warning Device Class 3: Stop signs.
Warning Device Class 4: Crossbucks.
Warning Device Class 5: Special; e.g., flaggers.
Warning Device Class 6: Highway signal, wigwags or bells.
Warning Device Class 7: Flashing lights.
Warning Device Class 8: Automatic gates.

1. Passive crossings (warning device classes 1 to 4)

$$H_{1-4} = EI_{1-4} \times DT_{1-4} \times MT_{1-4} \times HP_{1-4} \times P_{1-4} \times FC_{1-4}$$

where:

$$EI_{1-4} = 0.389\ e^{1.500X}$$

$$X = -0.137 + 0.381A - 0.668A^2 - 0.192A^3$$

$$A = -3.026 + 1.158 \text{ Log } (T+1) + 0.487 \text{ Log } (C+1) - 0.221\ \overline{\text{Log } (T+1)}^2$$

$$DT_{1-4} = (DT+1)^{0.169}$$

$$MT_{1-4} = e^{0.350\ MT}$$

$$HP_{1-4} = e^{0.356\ HP}$$

$$P_{1-4} = e^{0.091\ P}$$

$$FC_{1-4} = e^{-0.263\ FC}$$

2. Crossings with flashing lights (warning device classes 5 to 7)

$$H_{5-7} = EI_{5-7} \times DT_{5-7} \times MT_{5-7} \times P_{5-7} \times FC_{5-7} \times L_{5-7}$$

where:

$$EI_{5-7} = 1.084e^{2.084Y - 0.195\overline{\text{Log } (T+1)}^2}$$

$$Y = -2.840 + 0.755 \text{ Log } (T+1) + 0.083\ \overline{\text{Log } (C+1)}^2$$

$$DT_{5-7} = (DT+1)^{0.105}$$

$$MT_{5-7} = e^{0.275\ MT}$$

$$P_{5-7} = e^{+0.038\ P}$$

$FC_{5-7} = e^{-0.073\ FC}$

$L_{5-7} = e^{0.036\ L}$

3. Crossings with gates (warning device class 8)

$H_8 = EI_8 \times MT_8 \times L_8$

where:

$EI_8 = 0.154\ e^{1.497Z}$

$Z = -1.967 + 0.186\ \text{Log}\ (T+1)\ \text{Log}\ (C+1)$

$MT_8 = e^{0.383\ MT}$

$L_8 = e^{0.188\ L}$

Symbols

H = Hazard index, accidents per year.

EI = Exposure index.

DT = Number of day through trains.

MT = Number of main tracks.

HP = Highway paved (yes or no?). HP = 1 if paved, 0 if not paved.

P = Population. This is the tens digit of functional classification[1/] of highway over crossing.

FC = Functional class of road. This is the units digit of functional classification[1/] of road over crossing.

L = Number of highway lanes.

T = Number of total train movements.

C = Average daily highway traffic.

1/ Functional classification is a two-digit code contained in the inventory and explained in the Procedures Manual, National Railroad-Highway Crossing Inventory, U.S. DOT-AAR, September 1, 1973.

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The appropriate value used for factors in the hazard prediction formulas are given in Tables A–1 through A–6. Tables A–1 and A–2 are used for the hazard formula for crossings with warning device classes 1 to 4 (formula with subscripts 1–4). Tables A–3 and A–4 are used for warning device classes 5 to 7 (formula with subscripts 5–7), and Tables A–5 and A–6 for warning device class 8 (formula with subscript 8). The first of the two tables that apply to each hazard prediction formula is used to obtain the exposure index (EI), while the second table is used to obtain the values of the other factors. In computing the hazard index, all of the factors contained in the hazard formulas must be considered.

To illustrate use of the formulas and tables in determining the hazard index of a rail-highway crossing, the following example is provided with characteristics which are available from the DOT-AAR Crossing Inventory. The characteristics of the crossing in the example are:

Present warning device	Crossbucks
Annual average daily highway traffic	400
Total number of trains per day	10
Number of day through trains per day	5
Number of main tracks	2
Highway paved?	Yes
Population (thousands)	5–10
Functional class of road	Minor Arterial

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Because this crossing has a class 4 warning device (crossbucks), Tables A-1 and A-2 and formula H_{1-4} are used to calculate the hazard index. First, the exposure index (EI_{1-4}) is found using Table A-1, based on the crossing's highway and train traffic ($EI_{1-4} = 0.12$). Next, the values of the other factors are found using Table A-2: $DT_{1-4} = 1.35$, $MT_{1-4} = 2.01$, $HP_{1-4} = 1.43$, $P_{1-4} = 1.10$, and $FC_{1-4} = 0.35$. The final hazard index is computed by multiplying the exposure index by the other factors as follows:

$$H_{1-4} = EI_{1-4} \times DT_{1-4} \times MT_{1-4} \times HP_{1-4} \times P_{1-4} \times FC_{1-4}$$

$$H_{1-4} = 0.12 \times 1.35 \times 2.01 \times 1.43 \times 1.10 \times 0.35$$

$$H_{1-4} = 0.18 \text{ accidents per year.}$$

TABLE A-1. EXPOSURE INDEX EI_{1-4} - WARNING DEVICE CLASSES 1,2,3,4*

TOTAL TRAINS PER DAY	ANNUAL AVERAGE DAILY HIGHWAY TRAFFIC												
	1-100	101-300	301-500	501-700	701-900	901-1500	1501-3000	3001-5000	5001-7000	7001-9000	9001-15000	15001-30000	>30000
<1	0.02	0.02	0.03	0.03	0.03	0.04	0.04	0.06	0.06	0.07	0.08	0.10	0.14
1	0.02	0.03	0.04	0.05	0.05	0.06	0.08	0.10	0.11	0.12	0.14	0.17	0.23
2	0.02	0.04	0.06	0.07	0.07	0.08	0.10	0.13	0.15	0.16	0.18	0.21	0.27
3	0.03	0.05	0.07	0.08	0.09	0.10	0.12	0.15	0.17	0.19	0.21	0.24	0.30
4	0.03	0.06	0.08	0.09	0.10	0.12	0.14	0.17	0.20	0.21	0.24	0.27	0.32
5	0.03	0.07	0.09	0.10	0.11	0.13	0.16	0.19	0.21	0.23	0.25	0.28	0.33
6	0.04	0.08	0.10	0.11	0.12	0.14	0.17	0.20	0.23	0.24	0.27	0.29	0.33
7	0.04	0.08	0.11	0.12	0.13	0.15	0.18	0.22	0.24	0.26	0.28	0.30	0.34
8	0.04	0.09	0.11	0.13	0.14	0.16	0.19	0.23	0.25	0.27	0.29	0.31	0.34
9	0.04	0.09	0.12	0.14	0.15	0.17	0.20	0.24	0.26	0.27	0.30	0.32	0.34
10	0.05	0.10	0.12	0.14	0.16	0.18	0.21	0.24	0.27	0.28	0.30	0.32	0.34
11-20	0.06	0.12	0.15	0.17	0.18	0.20	0.24	0.27	0.30	0.31	0.32	0.34	0.33
21-40	0.07	0.15	0.19	0.21	0.22	0.25	0.28	0.31	0.33	0.33	0.34	0.34	0.31
41-60	0.08	0.17	0.21	0.23	0.25	0.27	0.30	0.33	0.34	0.34	0.34	0.33	0.28
61-80	0.09	0.19	0.23	0.25	0.27	0.29	0.31	0.33	0.34	0.34	0.34	0.33	0.27
81-100	0.10	0.20	0.24	0.26	0.27	0.29	0.32	0.34	0.34	0.34	0.34	0.32	0.26
>100	0.10	0.20	0.24	0.26	0.28	0.30	0.32	0.34	0.34	0.34	0.33	0.32	0.25

*Warning Device Classes: 1 - No signs or signals
2 - Other signs
3 - Stop signs
4 - Crossbucks

TABLE A-2. EXPOSURE INDEX MULTIPLIERS - WARNING DEVICE CLASSES 1,2,3,4

DAY THROUGH TRAINS	DT_{1-4}	MAIN TRACKS	MT_{1-4}	HIGHWAY PAVED	HP_{1-4}	POPULATION (000)	P_{1-4}	HIGHWAY FUNCTIONAL CLASS	FC_{1-4}
0	1.00	0	1.00	No	1.00	<5	1.00	Rural and Urban Interstate	0.77
1	1.12	1	1.42	Yes	1.43	5-10	1.10	Rural Principal and Urban Freeway and Expressway	0.59
2	1.20	2	2.01			10-25	1.20	Rural Minor Arterial and Urban Principal Arterial	0.45
3	1.26	3	2.86			25-50	1.31	Rural Major Collector and Urban Minor Arterial	0.35
4	1.31	4	4.05			>50	1.44	Rural Minor Collector and Urban Collector	0.27
5	1.35	5	5.75					Rural and Urban Local	0.21
6	1.39	>5	8.17						
7	1.42								
8	1.45								
9	1.48								
10	1.50								
11-20	1.60								
21-30	1.74								
31-40	1.83								
>40	1.94								

TABLE A-3. EXPOSURE INDEX EI_{5-7} - WARNING DEVICE CLASSES 5,6,7*

TOTAL TRAINS PER DAY	ANNUAL AVERAGE DAILY HIGHWAY TRAFFIC														
	1-100	101-300	301-500	501-700	701-900	901-1300	1301-1700	1701-2100	2101-2500	2501-3000	3001-4000	4001-5000	5001-6000	6001-7000	7001-8000
<1	0.00	0.01	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.02	0.03	0.03	0.03	0.04	0.04
1	0.01	0.01	0.02	0.02	0.02	0.02	0.03	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.06
2	0.01	0.02	0.02	0.02	0.03	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.07	0.07	0.08
3	0.01	0.02	0.02	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.06	0.07	0.08	0.09	0.10
4	0.01	0.02	0.03	0.03	0.03	0.04	0.05	0.05	0.06	0.06	0.07	0.08	0.09	0.10	0.11
5	0.01	0.02	0.03	0.03	0.04	0.04	0.05	0.06	0.06	0.07	0.08	0.09	0.10	0.11	0.12
6	0.01	0.02	0.03	0.04	0.04	0.05	0.06	0.06	0.07	0.08	0.09	0.10	0.11	0.12	0.13
7	0.01	0.03	0.04	0.04	0.04	0.05	0.06	0.07	0.07	0.08	0.09	0.10	0.12	0.13	0.14
8	0.01	0.03	0.04	0.04	0.05	0.06	0.06	0.07	0.08	0.09	0.10	0.11	0.12	0.14	0.15
9	0.01	0.03	0.04	0.04	0.05	0.06	0.07	0.08	0.08	0.09	0.10	0.12	0.13	0.14	0.16
10	0.01	0.03	0.04	0.05	0.05	0.06	0.07	0.08	0.09	0.10	0.11	0.12	0.14	0.15	0.16
11-15	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09	0.10	0.11	0.12	0.14	0.16	0.17	0.18
16-20	0.02	0.04	0.05	0.06	0.07	0.08	0.09	0.10	0.11	0.13	0.14	0.16	0.18	0.20	0.21
21-25	0.03	0.04	0.06	0.06	0.07	0.09	0.10	0.11	0.13	0.14	0.16	0.18	0.20	0.22	0.24
26-30	0.03	0.05	0.06	0.07	0.08	0.10	0.11	0.12	0.13	0.15	0.17	0.19	0.22	0.24	0.26
31-40	0.03	0.05	0.07	0.08	0.09	0.11	0.12	0.14	0.15	0.17	0.19	0.22	0.24	0.27	0.29
41-60	0.04	0.06	0.08	0.09	0.11	0.12	0.14	0.16	0.17	0.19	0.21	0.25	0.28	0.30	0.33
61-80	0.04	0.07	0.09	0.11	0.12	0.14	0.16	0.18	0.20	0.22	0.24	0.28	0.31	0.34	0.37
81-100	0.05	0.08	0.10	0.12	0.13	0.15	0.17	0.19	0.21	0.24	0.27	0.31	0.34	0.37	0.41
>100	0.05	0.08	0.10	0.12	0.14	0.16	0.18	0.20	0.22	0.25	0.28	0.32	0.35	0.39	0.42

*Warning Device Classes: 5 - Special protection
6 - Highway signals, wigwags, & bells
7 - Flashing lights

TABLE A-3. EXPOSURE INDEX EI_{5-7} - WARNING DEVICE CLASSES 5,6,7 (CONT.)

TOTAL TRAINS PER PAY	ANNUAL AVERAGE DAILY TRAFFIC												
	8001-9000	9001-10000	10001-12000	12001-14000	14001-16000	16001-18000	18001-20000	20001-24000	24001-28000	28001-32000	32001-40000	40001-50000	>50000
<1	0.04	0.05	0.05	0.06	0.06	0.07	0.07	0.08	0.09	0.10	0.11	0.13	0.18
1	0.07	0.07	0.08	0.09	0.10	0.10	0.11	0.12	0.14	0.15	0.17	0.20	0.29
2	0.09	0.09	0.10	0.11	0.12	0.13	0.14	0.16	0.17	0.19	0.22	0.25	0.37
3	0.10	0.11	0.12	0.13	0.15	0.16	0.17	0.19	0.21	0.23	0.26	0.30	0.43
4	0.12	0.12	0.14	0.15	0.16	0.18	0.19	0.21	0.24	0.26	0.29	0.34	0.49
5	0.13	0.14	0.15	0.17	0.18	0.20	0.21	0.23	0.26	0.29	0.32	0.38	0.55
6	0.14	0.15	0.16	0.18	0.20	0.21	0.23	0.25	0.28	0.31	0.35	0.41	0.59
7	0.15	0.16	0.18	0.19	0.21	0.23	0.25	0.27	0.30	0.33	0.38	0.44	0.64
8	0.16	0.17	0.19	0.21	0.23	0.25	0.26	0.29	0.32	0.36	0.40	0.47	0.68
9	0.17	0.18	0.20	0.22	0.24	0.26	0.28	0.31	0.34	0.38	0.43	0.50	0.72
10	0.18	0.19	0.21	0.23	0.25	0.27	0.29	0.32	0.36	0.39	0.45	0.52	0.75
11-15	0.20	0.21	0.23	0.26	0.28	0.31	0.33	0.36	0.40	0.44	0.50	0.58	0.85
16-20	0.23	0.25	0.27	0.30	0.33	0.35	0.38	0.42	0.47	0.51	0.58	0.68	0.98
21-25	0.26	0.27	0.30	0.33	0.36	0.39	0.42	0.47	0.52	0.57	0.65	0.76	1.09
26-80	0.28	0.30	0.33	0.36	0.40	0.43	0.46	0.51	0.57	0.62	0.70	0.82	1.19
31-40	0.31	0.33	0.36	0.40	0.44	0.48	0.51	0.56	0.63	0.69	0.78	0.91	1.32
41-60	0.35	0.38	0.41	0.46	0.50	0.54	0.58	0.64	0.71	0.79	0.89	1.04	1.50
61-80	0.40	0.43	0.47	0.52	0.57	0.61	0.66	0.73	0.81	0.89	1.01	1.18	1.70
81-100	0.44	0.47	0.51	0.57	0.62	0.67	0.72	0.79	0.89	0.98	1.10	1.29	1.86
>100	0.46	0.49	0.53	0.59	0.64	0.70	0.75	0.82	0.92	1.01	1.15	1.34	1.93

TABLE A-4. EXPOSURE INDEX MULTIPLIERS - WARNING DEVICE CLASSES 5,6,7

DAY THROUGH TRAINS	DT_{5-7}	MAIN TRACKS	MT_{5-7}	LANES	L_{5-7}	POPULATION (000)	P_{5-7}	HIGHWAY FUNCTIONAL CLASS	FC_{5-7}
0	1.00	0	1.00	1	1.04	< 5	1.00	Rural and Urban Interstate	0.93
1	1.08	1	1.32	2	1.07	5-10	1.04	Rural Principal and Urban Freeway and Expressway	0.87
2	1.12	2	1.73	3	1.11	10-25	1.08	Rural Minor Arterial and Urban Principal Arterial	0.80
3	1.16	3	2.28	4	1.16	25-50	1.12	Rural Major Collector and Urban Minor Arterial	0.75
4	1.18	4	3.00	5	1.20	>50	1.16	Rural Minor Collector and Urban Collector	0.70
5	1.21	5	3.95	6	1.24			Rural and Urban Local	0.65
6	1.23	>5	5.20	7	1.29				
7	1.24			8	1.34				
8	1.26			>8	1.38				
9	1.27								
10	1.29								
11-20	1.34								
21-30	1.41								
31-40	1.46								
>40	1.51								

TABLE A-5. EXPOSURE INDEX EI_8 - WARNING DEVICE CLASS 8*

TOTAL TRAINS PER DAY	ANNUAL AVERAGE DAILY HIGHWAY TRAFFIC														
	1-100	101-300	301-500	501-700	701-900	901-1500	1501-3000	3001-5000	5001-7000	7001-9000	9001-13000	13001-20000	20001-30000	30001-50000	750000
<1	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008
1	0.009	0.010	0.010	0.010	0.010	0.010	0.011	0.011	0.011	0.011	0.011	0.012	0.012	0.012	0.012
2	0.010	0.011	0.011	0.012	0.012	0.012	0.013	0.013	0.013	0.014	0.014	0.014	0.015	0.015	0.016
3	0.010	0.012	0.013	0.013	0.013	0.014	0.014	0.015	0.015	0.016	0.016	0.017	0.017	0.018	0.018
4	0.010	0.013	0.013	0.014	0.014	0.015	0.015	0.016	0.017	0.017	0.018	0.019	0.019	0.020	0.021
5	0.011	0.013	0.014	0.015	0.015	0.016	0.017	0.018	0.018	0.019	0.019	0.020	0.021	0.022	0.023
6	0.011	0.014	0.015	0.016	0.016	0.017	0.018	0.019	0.020	0.020	0.021	0.022	0.023	0.024	0.026
7	0.011	0.014	0.016	0.016	0.017	0.018	0.019	0.020	0.021	0.022	0.022	0.023	0.025	0.026	0.028
8	0.011	0.015	0.016	0.017	0.018	0.018	0.020	0.021	0.022	0.023	0.023	0.024	0.026	0.028	0.030
9	0.011	0.015	0.017	0.018	0.018	0.019	0.021	0.022	0.023	0.024	0.025	0.026	0.028	0.029	0.032
10	0.011	0.016	0.017	0.018	0.019	0.020	0.021	0.023	0.024	0.025	0.026	0.027	0.029	0.031	0.034
11-20	0.012	0.018	0.019	0.021	0.021	0.023	0.025	0.027	0.029	0.030	0.031	0.033	0.035	0.038	0.042
21-40	0.015	0.021	0.024	0.026	0.027	0.029	0.032	0.036	0.040	0.041	0.043	0.046	0.050	0.055	0.062
41-60	0.016	0.024	0.028	0.030	0.032	0.035	0.040	0.045	0.050	0.052	0.055	0.059	0.066	0.072	0.082
61-80	0.016	0.027	0.031	0.034	0.036	0.040	0.045	0.052	0.059	0.061	0.065	0.071	0.078	0.087	0.101
81-100	0.016	0.028	0.034	0.037	0.040	0.043	0.050	0.058	0.066	0.068	0.073	0.081	0.089	0.100	0.116
>100	0.017	0.029	0.035	0.038	0.041	0.045	0.052	0.061	0.069	0.072	0.077	0.085	0.093	0.106	0.123

*Warning Device Class 8 - Automatic gates.

TABLE A-6. EXPOSURE INDEX MULTIPLIERS - WARNING DEVICE CLASS 8

MAIN TRACKS	MT_8	LANES	L_8
0	1	1	1.21
1	1.47	2	1.46
2	2.15	3	1.76
3	3.15	4	2.12
4	4.62	5	2.56
5	6.78	6	3.08
>5	9.95	7	3.72
		8	4.49
		>8	5.42

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Appendix B.—Hazard Index Thresholds

This appendix contains a description of one method for calculating threshold values. It is not intended that the resource allocation procedure described in this appendix be used as the sole means for determining improvements at railroad-highway crossings. It is included to describe the logic used to calculate the threshold values in Table 5.

A resource allocation procedure has been developed that produces the optimum mix of traffic control systems selection for a given level of funding. This procedure determines which crossings will receive safety improvements consisting of flashing lights, gates or grade separation so as to maximize the benefit in accidents prevented per year for a given funding level. The allocation procedure is applied to a set of crossings until every crossing in the set with a hazard index greater than H_o has been selected for the installation of an active warning device (i.e., flashing lights or gates) or grade separation. The application of the resource allocation procedure to this case can be shown to result in a set of hazard index thresholds which will be used to determine the optimum safety improvement decisions at each crossing. Using the notation—

P=Passive
FL=Flashing Lights
G=Gates
GS=Grade Separation

and assuming that all crossing fall into the three groups—passive, flashing lights, and gates—the following six thresholds are to be determined:

Haxard index threshold	Improvement action
$H_{FL.P}$	Passive to flashing lights.
$H_{G.P}$	Passive to gates.
$H_{G.FL}$	Flashing lights to gates.
$H_{GS.P}$	Passive to grade separation.
$H_{GS.FL}$	Flashing lights to grade separation.
$H_{GS.G}$	Gates to grade separation.

From the resource allocation logic and the warning device parameters, it can be shown that for passive crossings the inequalities $H_{FL.P}]H_{GP}]H_{GS.P}$ hold. The meaning of these thresholds is that if a passive crossing has a hazard index greater than $H_{FL.P}$ but less than $H_{G.P}$, then flashing lights should be installed. If the hazard index is greater than $H_{G.P}$ but less than $H_{GS.P}$, then a gate should be installed. If the hazard index is greater than $H_{GS.P}$, then a grade separation should be constructed.

For flashing light crossings, the inequality produced by the resource allocation logic is $H_{G.FL}]H_{GS.FL}$. Thus, if a flashing light crossing has a hazard index greater than $H_{G.FL}$ but less than $H_{GS.FL}$, then a gate should be installed. If the hazard index is greater than $H_{GS.FL}$, then a grade separation should be constructed.

For gate crossings, there is only one threshold $H_{GS.G}$, corresponding to the fact that there is only one improvement possible. Thus, if the hazard index is greater than $H_{GS.G}$, a grade separation should be constructed.

To calculate these hazard index thresholds the following symbols for effectiveness and cost are used:

Improvement action	Effectiveness	Cost
GS at all crossings	1.0	$1,000,000
P to FL	E_1	C_1
P to G	E_2	C_2
FL to G	E_3	C_3

Note that the cost of constructing a grade separation is assumed to be the same for all crossings. Also, the effectiveness of a grade separation has a value of 1.0 at all crossings.

The approach objective is to install active warning devices or grade separations in the most cost-effective way at all crossings with a hazard index greater than a given baseline hazard index H_o. The logic of the resource allocation procedure is based upon making decisions sequentially from a ranked list of incremental benefit/cost ratios, where benefit is measured in accidents prevented per year. Each ratio on this list corresponds to a warning device decision at a specific crossing with an implied benefit and cost. A cumulative cost is maintained as the algorithm moves down the list and the process is stopped when this cumulative cost equals the given budget level. The decisions that are made as the algorithm proceeds can involve either new crossings or represent a different safety improvement at a crossing previously upgraded. The calculation is stopped and the decisions recorded when the smallest crossing hazard index reaches H_o, the baseline hazard index. As will be demonstrated below, the baseline hazard index always occurs at a passive crossing and the most cost-effective improvement that can be made at passive crossings is installing flashing lights. This leads to the conclusion that $H_{FL.P} = H_o$.

When the allocation procedure is stopped after the last passive crossing with a hazard index greater than H_o is selected for flashing lights, there is no other crossing for which it is more cost-effective to install another safety improvement rather than to install flashing lights at the passive crossing with a hazard index of H_o. For example, there is no crossing which has already been selected for the installation of flashing lights for which it is more cost effective to install gates. One of the thresholds which is to be calculated for the uniform criteria is the hazard index above which gates should be installed at a passive crossing rather than flashing lights (the symbol for this threshold is $H_{G.P}$). In the above example, $H_{G.P}$ is the lowest hazard index for a crossing at which it is more cost-effective to install gates rather than retain a previous decision to install flashing lights when the last passive crossing with a hazard index greater than H_o was selected for flashing lights. The following equation expresses the condition when it would be equally cost-effective to install flashing lights at a passive crossing with hazard index H_o as it would be to change a previous flashing light decision to a gate decision at a passive crossing with hazard index $H_{G.P}$.

Benefit/cost ratio of installing flashing lights at a passive crossing with hazard index H_o equals incremental benefit/cost ratio of installing gates rather than flashing lights at a crossing with hazard index $H_{G.P}$. ($H_{G.P}$ to be calculated from equation.)

This equation can be written using the symbols defined previously as:

$$H_o \times E_1/C_1 = H_{G.P} \times (E_2-E_1)/(C_2-C_1)$$

The benefit/cost ratio on the left side is calculated by the hazard index of the passive crossing (i.e., average number of accidents per year) multiplied by the effectiveness of installing flashing lights (i.e., fractional change in hazard index for installing flashing lights) divided by the cost of installing flashing lights. The right side of the equation is the incremental benefit/cost ratio of installing gates rather than flashing lights at a crossing which originally had a passive warning device. The right side is the hazard index of the originally passive crossing (called $H_{G.P}$ since this is the value of a hazard index which would result in the decision to install gates at a passive crossing) multiplied by the change in effectiveness if gates rather than flashing lights are installed at the crossing (i.e., E_2-E_1) divided by the change in cost of installing gates rather than flashing lights (i.e., C_2-C_1).

The value of $H_{G.P}$ obtained from the above formula is set so that flashing lights will be installed at crossings with hazard index immediately above $H_{G.P}$. The formula states that if it has already been decided to install flashing lights at a passive crossing with a hazard index slightly higher than $H_{G.P}$, then if more money were to be spent it would be most cost-effective to change that decision and install the more costly gates instead, in preference to installing

new flashing lights at another passive crossing with hazard index H_o. However, it would be more cost-effective to install flashing lights at a passive crossing with hazard index H_o than it would be to change a previously made decision to install flashing lights at a passive crossing with a hazard index slightly less than $H_{G.P}$. By the same token, it would be more cost-effective to install flashing lights at a passive crossing with a hazard index slightly higher than H_o than it would be to change a previous decision to install flashing lights to a decision to install gates at a passive crossing with a hazard index equal to $H_{G.P}$. The equation can be solved for $H_{G.P}$ since the values for warning device cost and effectiveness and the value of H_o can be specified.

The previous formula was developed for when it would be as cost-effective to install flashing lights at a passive crossing with hazard index H_o as it woud be to change a previous flashing light decision to a gate decision at a crossing with hazard index $H_{G.P}$. Similarly, equations can be developed for when it is equally cost-effective to install flashing lights at a passive crossing with hazard index H_o as it would be to: (1) install gates at a flashing light crossing with hazard index $H_{G.FL}$, (2) change a previous gate decision to a grade separation decision at a passive crossing with hazard index $H_{GS.P}$, (3) change a previous gate decision at a flashing light crossing with hazard index $H_{GS.FL}$, or (4) install a grade separation at a gate crossing with a hazard index of $H_{GS.G}$. The equations for these conditions containing the other four thresholds are:

$$H_o \times E_1/C_1 = H_{G.FL} \times E_3/C_3$$

$$H_o \times E_1/C_1 = H_{GS.P} = (1-E_2)/(1000-C_2)$$

$$H_o \times E_1/C_1 = H_{GS.FL} \times (1-E_3)/(1000-C_3)$$

$$H_o \times E_1/C_1 = H_{GS.G} \times 1.0/1000$$

The expression on the left side of the equations is the incremental benefit/cost ratio of installing a flashing light at a passive crossing which has a hazard index of H_o. The expression on the right side of the equation, containing a hazard index threshold of the form $H_{A.B}$, is the incremental benefit/cost ratio obtained by installing warning device or grade separation A, in preference to the warning device that is the next less effective one to A, at a crossing which now uses warning device B.

$H_{G.P}$, $H_{GS.P}$, $H_{G.FL}$, $H_{GS.FL}$ and $H_{GS.G}$ can be calculated from the above equations using the values of cost and effectiveness from Table B–1 and specifying a value for H_o.

Table B–1.—*Cost and Effectiveness Parameters for Various Traffic Control Systems*

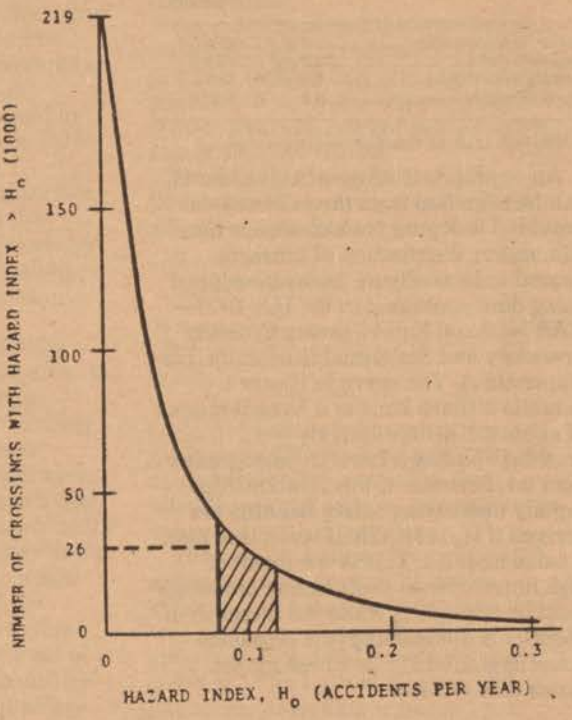
Improvement action	Effectiveness	Life-Cycle [1] cost ($1000)
Passive to flashing lights	0.7 (E_1)	42.5 (C_1)
Passive to gates	0.9 (E_2)	65.3 (C_2)
Flashing lights to gates	0.67 (E_3)	61.1 (C_3)
Grade separation	1.0	1000.0

[1] Life-cycle costs are based on national averages.

An appropriate range of values for H_o can be specified from the information provided in Figure 1 which shows the cumulative distribution of crossing hazard indices. Figure 1 was developed using data contained in the U.S. DOT–AAR National Rail-Highway Crossing Inventory and the formulas described in Appendix A. The curve in Figure 1 exhibits a sharp knee at a hazard index of about 0.1, with relatively few crossings having a hazard index greater than 0.1. Because of this relationship, rapidly decreasing safety benefits are derived if H_o is specified much less than a value near 0.1. This is the result of high improvement costs (many crossings must be upgraded) while the increase in benefits is diminishing (the crossings being upgraded are less hazardous).

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FIGURE 1. CUMULATIVE DISTRIBUTION OF CROSSING HAZARD INDICES



For purposes of establishing national criteria for improving railroad-highway crossings, two values of H_0 were specified to encompass a narrow band around 0.1. The values selected for H_0 were 0.08 and 0.12. Substituting these values of H_0 and the appropriate cost and effectiveness values into the threshold equations defined above produces the following results:

Specified Value of H_0	Hazard Index Thresholds				
	$H_{G,P}$	$H_{G,FL}$	$H_{GS,P}$	$H_{GS,FL}$	$H_{GS,G}$
0.08	0.15	0.12	12.4	3.7	1.32
0.12	0.23	0.18	18.5	5.6	1.98

The above hazard index thresholds were used to develop Table 5, used in Item 1(b) of thi-

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federal register

Thursday
June 12, 1980

Part V

Department of Energy

Economic Regulatory Administration

Motor Gasoline Allocation Revision

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-80-16]

Motor Gasoline Allocation Revision

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing proposed changes to its gasoline allocation program which would:

1. Revise ERA's Guidelines for making allocation assignments to new motor gasoline retail outlets. The current presumption in favor of making assignments for new retail outlets would be eliminated. Assignments would not generally be made to a proposed new outlet unless (i) the immediate supplier and all other suppliers to it (including the refiner-supplier) were willing to supply it and (ii) each supplier had an allocation fraction of greater than one or some other fraction specified by ERA. Applications would also be denied if independent competitors could demonstrate that the assignment would seriously jeopardize their viability. Assignments would be made, however, if necessary to satisfy *new* demand growth regardless of the suppliers' allocation fractions or their willingness to supply.

Under an alternative revision of the Guidelines, adjustments and assignments would be made if all suppliers to the outlet would be willing to supply the applicant, regardless of the suppliers' allocation fractions. Unwilling suppliers would not be assigned under this alternative. Market forces would be relied upon to satisfy new demand; however, refiners would not be permitted to increase the proportional amount of gasoline supplied to company-operated outlets.

2. Permit existing retail outlets to apply for adjustments to their base period used under the same standards that would apply to new outlets.

3. Delete current provisions which (i) allow resellers to supply new retail outlets on an interim basis upon the filing of an application for an allocation and (ii) require refiner-suppliers to furnish the additional volumes upon a certification to them pending ERA action.

4. Allow resellers and refiners increased flexibility to reassign base period volumes of company-operated and closed independent retail outlets so long as the proportional share of the gasoline the supplier provides to independent dealers would be preserved. The supplier would be permitted to use at its discretion the volumes that had been supplied to the closed outlets to supply new retail outlets or to shift such volumes to other existing outlets. An alternative would limit this flexibility and require volumes to be kept within the same geographic area.

5. Revise prospectively the current unusual growth adjustment. To be eligible, a firm's average monthly gasoline purchases during the period October 1978 through Februry 1979 would have had to have been at least ten percent greater than its average purchase during the same period a year earlier, rather than greater than its purchases during the base period month as is now the case. A ten percent deductible would also be established. The current unusual growth adjustment would no longer be operative and firms currently receiving unusual growth volumes would have to qualify anew to receive any unusual growth adjustment. The revision would be intended to reduce the seasonality and other biases associated with the present provision.

6. Permit resellers which receive more than one brand of motor gasoline from other firms to maintain separate allocation fractions for their different brands of gasoline supplied to purchasers that maintain the same respective brands.

7. Allow state governors to require suppliers to shift gasoline supplies within states on the same basis that suppliers can presently take such actions.

8. For purposes of the allocation regulations *only*, classify vehicle leasing firms as wholesale purchaser-consumers with an allocation level of one hundred percent of base period use subject to an allocation fraction.

ERA is also seeking comment on the option of exempting motor gasoline from mandatory allocation regardless of whether price controls are retained. Provisions that would remain in effect under such an exemption would include the state set-aside program, ERA's redirection authority and the authority of DOE's Office of Hearings and Appeals.

The proposed changes are all designed to make DOE's allocation program more responsive to the impacts of a gasoline shortage. No decision will be made to adopt any of the proposed changes until a complete public discussion of the issues can be effected.

DATES: Written comments by August 19, 1980; requests to speak by July 14, 1980, 4:30 p.m.; Hearing dates: Washington, D.C. hearing: July 28 and 29, 1980; Atlanta, Georgia hearing: July 17, 1980; Kansas City, Missouri hearing: July 21, 1980; San Francisco, California hearing: July 24, 1980. If necessary, each hearing will continue at 9:30 a.m. the following day.

ADDRESSES: All written comments and requests to speak for the Washington, D.C. hearing to: Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-80-*16*, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Other requests to speak: Atlanta hearing—U.S. Department of Energy, Region IV, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309, Attn: Betty Camp, (404) 881-2096; San Francisco hearing—U.S. Department of Energy, Region IX, 333 market Street, San Francisco, California 94111, Attn: Terry Osborn, (415) 764-7027; Kansas City hearing—U.S. Department of Energy, Region VII, 324 East Eleventh Street, Kansas City, Mo. 64106, Attn: Larry Meyer, (816) 374-2936.

Hearing Locations: Washington, D.C. hearing—Room 2105, 2000 M Street, N.W., Washington, D.C. Atlanta hearing—The Squire Inn, N.E., 2115 Piedmont Rd., N.E., Atlanta, Georgia; San Francisco hearing—The Jack Tar Hotel, California Room, 1101 Van Ness Avenue, San Francisco, California; Kansas City hearing—Federal Building, Room 140, 601 East 12th Street, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Comment Procedures), Economic Regulatory Administration, Room 2214-B, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3757.

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

William Caldwell (Regulations & Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3256.

Alan T. Lockard (Office of Petroleum Operations), Economic Regulatory Administration, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3443.

William Funk or Joel M. Yudson (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6736 or 252-6744.

SUPPLEMENTARY INFORMATION:

I. *Background.*
II. *Amendments Proposed.*
A. Assignments to New Outlets and Adjustments For Existing Outlets.
B. Unusual Growth Adjustment.
C. Interim Supplies and Adjustments.
D. Increased Refiner and Wholesale Marketer Flexibility.
E. Separate Allocation Fractions for Separate Brands.
F. Miscellaneous Amendments.
G. Governor's Redirection Authority.
H. Vehicle Leasing Firms.
III. *Further Comments Requested.*
Allocation Deregulation.
IV. *Procedural Matters.*
V. *Written Comment and Public Hearings Procedures.*

I. Background

Immediately preceding and during the shortage months of 1979, we made major changes to the gasoline allocation program. These included updating the base period from 1972 to November 1977 through October 1978, adopting an unusual growth provision to account for demand shifts following the base period, and changing the allocation entitlements for priority users from current requirements to an historical base.

A reevaluation of some of the major features of the program may be useful to avoid a recurrence of last summer's problems, particularly the emergence of lines in certain areas. In this proposal, we are proposing a number of alternatives on which public comment is sought. We will not adopt any amendment until a full airing of the issues associated with the amendment is achieved. We may ultimately conclude that, in light of the September 30, 1981 expiration of the program, the costs associated with implementing the various proposals outweigh the need for the changes despite the imperfections in the current program. Some of the proposed changes, such as those involving assignments and adjustments for new and existing retail outlets, have been under DOE scrutiny for a long period of time and relate to problems requiring immediate resolution. Thus, we may adopt final rules on these issues fairly quickly to reduce dislocations that are already occurring while action may be delayed on other issues, for which more extensive analysis may be needed.

Before we discuss the specific proposals, we wish to point out particular features of the program for which no modifications are expected. Most importantly, the use of the historical period November 1977 through October 1978 on which to base the program will remain unchanged. similarly, the categories of ultimate consumers that receive first priority treatment are expected to remain the same.

II. Amendments Proposed

A. Assignment to New Outlets and Adjustments for Existing Outlets

The DOE has received much comment on the need to examine the disparate treatment afforded new and existing retail sales outlets under the current regulations. Many persons have requested that DOE eliminate a perceived bias in favor of new outlets. Some have suggested that DOE impose a complete moratorium on granting allocations to new outlets. We have received petitions for rulemakings that deal with this issue, including one from the Small Business Administration. The following discussion and proposal respond to our concerns in this area.

Current Guidelines

ERA currently makes allocation assignments to new retail sales outlets in accordance with the *Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Ratail Outlets* (Guidelines). These were issued originally in 1975 (41 FR 20342, May 9, 1975), and revised in 1976 and 1977, during a period when gasoline supplies were ample.

The Guidelines contain a strong presumption in favor of approving a supplier/purchaser relationship for a proposed new retail sales outlet. Basically they provide that, absent countervailing circumstances, a firm which can find a willing supplier will be granted an allocation equal to that of the average retail outlet of similar size and nature in the same market area. For instance, a typical high volume self-serve station applying for an assignment would receive a considerably higher allocation than existing full-service stations in its market area. The requirement for a willing supplier may be satisfied by an agreement with any mid-level marketer, regardless of whether the mid-level marketer has its own supply or is an affiliate of the applicant. After an assignment is made, the regulations require the mid-level marketer's refiner-supplier to provide the extra volumes whether or not it is a willing supplier.

The new outlet assignment procedures have had a number of unintended effects. First, each new supply obligation to a supplier with an allocation fraction of less than one has reduced the volumes available to its other historical customers. Second, each high volume station that is granted a new allocation in an area can cause adverse competitive effects on existing outlets in the area that may be receiving reduced supplies. In addition, there has been no overall effort to insure that new outlets are opening in areas which need the product.

Furthermore, in periods of substantially reduced supply, new assignments can result in new outlets obtaining an unfair advantage over existing retail outlets. Assignment applications for new stations typically are made on the basis of volumes necessary to assure their profitability even if the assigned suppliers will have sharply reduced allocation fractions. Already existing stations, however, generally cannot receive adjustments to their base period volumes when their suppliers maintain low allocation fractions unless they can show to DOE's Office of Hearings and Appeals (OHA) severe hardship or gross inequity.

Although there has been recent guidance (45 FR 15975, March 12, 1980) sent to ERA's Regional Offices explaining various countervailing factors that would rebut the current presumption in favor of granting allocations for new outlets, the Guidelines themselves need revision. Thus, under this proposal, the Guidelines would be revised to eliminate the presumption altogether. In this notice, we are proposing to codify the portion of the Guidelines that we intend to revise. In the final rule we intend to codify not only the revised portion, but also the remainder of the Guidelines which would continue unchanged.

First Alternative Proposal

We are proposing that except in certain limited situations described herein, ERA would grant an allocation for a new retail outlet only if all of the applicant's suppliers (including its refiner-supplier) have maintained for three consecutive months immediately prior to the filing of the application allocation fractions of greater than one (1.0) or some other allocation fraction specified by the national office of ERA. Such a rule would minimize the impact of an assignment on the suppliers' other customers. ERA would be permitted to specify a fraction other than one (1.0) above which assignments may be made so as to account for situations when existing demand is generally satisfied at a lower fraction.

Currently, gasoline demand appears to be satisfied and stocks are at high levels, but prime suppliers' allocation fractions for May 1980 averaged 0.89 (Preliminary DOE estimate derived from submissions by prime suppliers of Form EIA–25). We solicit your comments as to

what allocation fraction should be designated as the cutoff below which suppliers should not currently receive new supply obligations. For example, under such conditions, would it be appropriate for ERA to refrain from imposing new supply obligations only upon suppliers with allocation fractions of less than 0.89?

ERA's current policy is generally not to assign an unwilling immediate supplier to supply an outlet because such assignments would be undesirable interference with market mechanisms. On the same theory, we are proposing to extend this policy to situations where there are unwilling refiner-suppliers because such suppliers would be required to supply the additional volumes under § 211.13(c). (As explained *infra*, under this first alternative the requirement for a willing supplier would not apply if an area has experienced a real growth in demand which remains unsatisfied.)

We specifically solicit comments on whether requiring refiner-suppliers to be willing to supply is likely to result in an increase in the number of retail outlets operated by refiner-suppliers at the expense of the independent segment of the industry. If this might occur, should we adopt a sub-alternative of requiring a willing refiner-supplier only when the immediate supplier, such as a jobber, would otherwise be the willing supplier for one of its own company-owned outlets?

If the allocation fractions of the applicant's immediate supplier and its refiner-supplier would be greater than one (or such other faction designated by ERA), we are proposing that applications should be denied if those opposing such applications could demonstrate that the granting of an assignment would seriously jeopardize the competitive viability of existing independent marketers as a class or individually. In this connection, the comments solicited from independent and small refiners and branded and non-branded independent marketers operating stations within the same trading area as the applicant would be carefully reviewed. To deny an application, we would require substantial evidence that granting the application would result in probable severe and irreversible damage to the existing independent segment in the proposed market *or particular members thereof.* Such evidence could consist of a showing of probable financial impairment to a particular independent marketer, or evidence that the volume of business enjoyed by the independent segment in the marketplace would probably be substantially and permanently reduced. However, such a showing could not rest upon unsubstantiated assertions or mere speculation. There would have to be evidence of the specific adverse impacts of an assignment. This standard is already included generally in 10 CFR 211.12(e)(4).

Under the first alternative Guidelines revision, assignments would also be made if an applicant could demonstrate clearly that the area where it proposes to sell the additional volumes had experienced real growth that existing stations could not satisfy. This would be a sufficient showing upon which to make an assignment regardless of suppliers' allocation fractions or willingness to supply.

Typically, a firm would not invest in a new outlet or convert an existing outlet unless it is relatively certain that it can sell the gasoline at that outlet. Yet, the ability of a firm to sell gasoline in a market may only evidence the seller's ability to compete successfully for existing demand and not to satisfy new demand. Thus, for ERA to make an assignment on the basis of increased demand, there should be substantial evidence that there has been a growth in gasoline demand in the area that has not been satisfied by other new or existing stations.

Evidence of growth could typically include a demonstration of population increases in the area since March 1, 1979, increases in vehicle registration, increases in the traffic count in the area or other demographic changes. In addition, it may be be useful if governmental officials would attest to the nature and magnitude of the new demand. Comments from such officials could be requested at the same time that aggrieved persons are asked for their comments. We are concerned with developing specific yardsticks by which to measure new demand and invite your comments in this regard.

Existing Station Adjustments

We intend to eliminate the current restrictive treatment of existing retail outlets and propose that they be permitted to receive adjusments under the same limited circumstances that assignments would be made for new outlets. The size of an adjustment for an existing retail outlet would be determined in the same manner as the allocation of a new outlet. Thus, if an existing outlet were to covert its operations from a full service operation to a high volume, self-service operation, the adjusted base period volume would be that of other comparable outlets in the marketing area. As with new assignments, adjustments for existing outlets would not be made if the suppliers' allocation fractions are less than one (or another fraction specified by ERA) or if the suppliers are not willing to provide the additional volumes. Similarly, if the allocation of the existing outlet already approximates the size of allocations for comparable retail outlets in the area, no adjustment will be allowed. However, if an applicant can demonstrate that the adjustment is necessary to meet unsatisfied new demand in the area, an adjustment would be made.

Size of Allocations

We request comments as to whether the size of allocations to new outlets and adjustments for existing outlets should be limited to the average volume of all stations in the market area rather than the average volume of comparable outlets in the existing market area. Other alternative methods of determining the appropriate size of an outlet's allocation on which we seek comments are (1) The averaging of volumes of all stations in the county in which the applicant is located or (2) setting up a discrete number of uniform base period uses nationally or regionally for a few types of stations. Under this last alternative each successful applicant would receive an allocation equal to the base period use of the category of outlet to which it would be most closely matched.

Priority Among Applicants

Under the first proposed alternative, it is likely that ERA would receive requests for additional gasoline from more than one existing or new outlet in the same area to meet new demand in that area. A question arises as to the extent each request should be granted. In such a situation, we expect that if any of the applicants have willing suppliers with allocation fractions greater than one, those applicants would receive assignments or adjustments to provide allocations commensurate with comparable outlets. If after such assignments or adjustments are made there remains unsatisfied new demand, ERA would grant in part the requests of the other applicants and prorate the additional volumes based on each applicant's annual base period use. Your comments in this regard would be welcomed.

Second Alternative Proposal

The second alternative proposal would also treat equally applications to DOE for assignments to new retail outlets and adjustments for existing outlets. Under this alternative, neither

assignments nor adjustments would be made to an outlet unless all suppliers to that outlet, including the refiner-supplier, would be willing to supply the outlet. The alternative proposal would also discourage refiners from being willing to supply additional volumes only to company-operated outlets. It would prohibit any refiner from increasing the proportion of gasoline sold at company-operated outlets above the proportion of its total gasoline sales sold at such outlets during a recent period, such as May 1980. Thus, the market share of non-refiner operated outlets would be preserved. We seek comment on whether this alternative should also include a provision that would preserve the market share of other categories of independent marketers, such as jobbers.

There would be no threshold allocation fraction which a supplier would have to maintain before an assignment or adjustment could be made. Under this alternative, unwilling suppliers would not be assigned. It is presumed that if unsatisfied demand exists in an area, market forces will cause some suppliers to be willing to supply additional product to the area and that DOE would not be required to interfere with market mechanisms and obligate unwilling firms. As under the first alternative, if a competitor of the applicant could demonstrate that the assignment or adjustment would significantly impair its competitive viability, the application would be denied.

The size of adjustments for existing outlets would not be determined by referring exclusively to the average base period uses of comparable outlets in the marketing area. We are proposing under this alternative that existing outlets could receive adjustments from willing suppliers to raise their base period uses to the average of other outlets of similar type and nature in the area (the comparable outlet standard) *or* up to 60,000 gallons per month, *whichever is greater.* The 60,000 gallon per month figure was selected to provide a generally suitable increment to allow adjustments for existing outlets to meet new demand. By limiting the size of adjustments for existing outlets, the provision would moderate the effects of possible preference shown by refiners to particular independent outlets. Would a volumetric limit on adjustments different from 60,000 gallons per month be appropriate or should a percentage limit be employed? (A percentage limit would tend to favor stations with higher base period volumes.)

An additional matter deserves consideration under this alternative. To the extent that firms' supply obligations may increase as a result of assignments and adjustments to retail outlets, wholesale purchaser-consumers and bulk purchasers could receive fewer volumes as allocation fractions decrease. We are concerned whether this effect would severely reduce product available to ultimate consumers. Your comments are invited on this matter, as well as on the merits of both alternative proposals. Any final rule adopted on this topic may combine some of the features of both alternative proposals.

B. Unusual Growth Adjustment

We are proposing to replace the present unusual growth adjustment provison set forth at section 211.104 with a new provision which, like the current provision, is based on a firm's average monthly gasoline purchases during the five-month averaging period October 1978 through February 1979.

Eligibility for an adjustment in a future month would not be determined by comparing purchases during the averaging period with purchases during the corresponding month of the base period, as the present provision provides. Such a comparison, required by the existing provision, has introduced an unwarranted seasonal bias. In summer months firms qualify for adjustments by comparing an average consisting primarily of winter purchases with purchases during the summer months. Firms in areas where gasoline demand is high in winter months, as compared to summer demand, thus more easily qualify for growth adjustments than firms in areas in which the situation is reversed.

Under the proposal, a firm's growth would be measured by comparing average monthly purchases during October 1978 through February 1979 with average monthly purchases during the corresponding five month period a year earlier. A minimum of ten percent growth between the two periods would be required for a firm to qualify for an unusual growth adjustment and a firm would be required to have purchased gasoline during at least three months of the October 1977 through February 1978 period.

Adjustments for qualifying firms would be calculated by adding to a firm's unadjusted base period volumes for *each* month a percentage increment equal to the firm's percentage growth between the two averaging periods less ten percent. The ten percent deductible provision would be established to avoid disparate treatment resulting from the ten percent growth threshold to qualify. For instance, under the proposal, firms that grew by eleven percent between the two periods would receive a one percent adjustment in each month while firms that grew by nine percent would receive no adjustment. Under the present provision, no such deductible exists. Because a percentage adjustment could lead to large volumetric changes in some situations, no firm would be permitted under the proposal to receive greater than a one hundred percent adjustment, i.e., in any month its base period use could no more than double.

Firms that have received adjustments to their base period volumes since May 1, 1979 from DOE's Office of Hearings and Appeals would not be affected by the proposal. The OHA orders would remain in effect and such firms would not be able to receive further adjustments under proposed § 211.104.

We recognize that if the proposed revision to the unusual growth provision is adopted, it will take time to implement. Those retail sales outlets, wholesale purchaser-consumers and end users eligible to receive adjustments would be required to request such adjustments from their supplier. Suppliers would be required to notify their purchasers that upward adjustments based on the current provision would no longer be effective and that such purchasers would no longer receive such volumes. Should suppliers also be required to notify purchasers that they are eligible to receive unusual growth adjustments? Intermediate suppliers would have to aggregate their additional supply obligations and certify such volumes to their suppliers. To mitigate the confusion that could result from these multiple notifications, we propose that the revised unusual growth provision would not become effective until a few months after it is issued, for instance, on January 1, 1981.

We expect that fewer firms would qualify for unusual growth adjustments under the proposed provision than under the current provision and that if the proposal were adopted, suppliers' allocation fractions could increase.

We solicit your comments on all aspects of this provision, including data in support of your position. In particular, would the administrative complexities associated with the change outweigh the benefits to be derived from imposing the new provision? Moreover, would the proposed provision that would separately allow existing retail outlets to receive adjustments to their base period uses obviate the need to revise the unusual growth provision?

C. Interim Supplies and Adjustments

As part of our proposal to eliminate the presumption in favor of granting allocations for new retail sales outlets, we are also proposing to eliminate the provisions in section 211.105(a)(1) and (3) which permit a wholesale purchaser-reseller (1) to begin supplying a new outlet merely upon the filing of an application for an assignment and (2) to certify such volumes to its supplier as an interim adjustment to its base period volume. The interim supply provision was adopted to permit new retail outlets to begin receiving supplies without having to await final resolution by the agency of pending applications.

Over the past year, our experience with the interim supply provision indicates that it may have been abused and may have resulted in large volumes of gasoline being diverted away from regions of need and to regions in which there was no need for additional product. In some instances, wholesale purchaser-resellers have opened new outlets for which they are their own willing supplier and have upward certified the interim base period volumes to unwilling prime suppliers with allocation fractions of less than one. Such supply arrangements, which may continue for a number of months while applications are pending, may not be approved under the proposed Guidelines revision. Elimination of the interim supply and certification provision would limit the diversion of gasoline from existing outlets.

We solicit comments as to whether the rule change should apply to all such interim arrangements that would be in existence at the time a final rule may be adopted, whether it should be applicable only to interim supply arrangements that begin after the date of this proposal or whether it should be prospective from the date of a final rule.

D. Increased Refiner and Wholesale Marketer Flexibility

Although we are proposing to make it more difficult for additional volumes of gasoline to be assigned for new retail sales outlets, we are proposing to provide more flexibility to refiners and wholesale marketers to shift their current entitlements to gasoline from some retail outlets to others. Under our proposal, suppliers would be permitted to distribute the base period uses of their company-operated outlets among those outlets in any way they choose. They would also be permitted the flexibility to reassign volumes from closed independent outlets they supplied to other independents. They would not be permitted to increase the total base period uses of their company operated outlets, nor could such shifts be upward certified to their suppliers as additional supply obligations. In addition, no existing independent marketer would lose its right to receive product. Finally, this proposal would not allow base period uses to be shifted when an allocation is transferred to a successor on the same site.

Our proposal, which allows resellers to retain their base period uses when their customers go out of business, is contrary to our earlier principal downward certification proposal which would have decreased resellers' entitlements.[1] As the various alternatives to our principal downward certification proposal remain under consideration by DOE, we wish to receive your comments on the relative merits of this proposal as compared to the alternative downward certification proposals.

Many of the comments we received in connection with our downward certification rulemaking highlighted the economic justification for gasoline suppliers to be able to move their supplies of gasoline among the various retail outlets they supply, including those they operate. For instance, a firm, such as a jobber or chain retailer, that operates two stations and has a supplier with a low allocation fraction could find it uneconomical to operate both stations. Typically, such a firm may wish to consolidate its operations by closing one station and selling the gasoline that would have gone to the closed station at its other station. The current regulations (in section 211.106(b)(3)(ii)) permit any entity to transfer only up to thirty percent of its supplies from one station it operates to another. The proposal would eliminate this limitation.[2]

Refiners that directly supply retail outlets have pointed out inequitable treatment experienced by them and the areas they serve. Under the current regulations a jobber that has supplied a station that closed is required to offer the closed station's volume to its historical customers, which typically are confined to one geographic region. On the other hand, when a large refiner that directly supplied an outlet that closed offers such product to all of its historical customers, those volumes are effectively put back into its national distribution system and are thus removed from the geographic area. As an example, one refiner testified at a recent public hearing that in the city of Detroit, Michigan a number of outlets that it supplied directly went out of business. By eliminating its supply obligations to those outlets, it reduced its gasoline supplies to Detroit when there was no apparent decrease in demand.

The current regulations do not permit the gasoline that was sold at the stations that closed to be redistributed exclusively at other existing stations in the same area. The only manner in which the area can receive additional gasoline (absent a showing of severe hardship or gross inequity that would support exceptions relief) is for new outlets to open in that area.

We are proposing to revise section 211.106 to allow both wholesale purchaser-resellers and refiner-suppliers to reassign volumes that they previously supplied to closed independent dealers. Under the proposal, if an independent dealer were to go out of business, its supplier could reassign part or all of the base period use of the closed station to other new or existing *independent* outlets it supplied (and not to company-operated stations). If a supplier would choose to make such adjustments, they would be made without ERA approval and could only be made if:

(1) The supplier that physically delivered product to the closed outlet would be able to supply the retail sales outlets at the other locations;

(2) The allocation would not be transferred either to a successor on the same site or to another outlet operated by the same entity that operated the closed outlet; and

(3) The firm making the adjustment would maintain a contemporaneous written record of the adjustment (which would be available for DOE audit).

The proposed requirement that volumes that were part of the allocation of independent dealers continue to be part of the allocation base of independent dealers is designed to preserve the market share of the independents.

The suppliers of company-operated retail outlets would be given the same broad flexibility, and the current thirty percent limitation on movement of volumes would be removed. The base period volumes of company-operated stations could be reassigned to other company-operated stations or to independent dealers.

[1] On April 21, 1980, we issued a notice (45 FR 28148, April 28, 1980) stating our intention not to adopt the principal downward certification proposal and stated that the alternative proposals would only be considered after receiving public comment on a regulatory analysis.

[2] The provisions of section 211.13(f) would remain unaffected. Thus, if the needs decline at an outlet for which an upward adustment has been granted, downward certification would be required for the adjusted volumes and such volumes would not be available to be shifted to other locations. We ask whether section 211.13(f) should apply when suppliers desire to shift volumes to other locations?

As an alternative to ensure volumes stay within the general geographic area, we solicit comments as to whether the allocation entitlement from a company-operated or closed outlet that was within an SMSA should remain within the same SMSA or, if the outlet was not within an SMSA, should remain within the same or contiguous counties. Note that there is no geographic limit currently included on the permissible thirty percent shift. We wish to know whether if suppliers are given broad flexibility to shift volumes it is likely that any geographic area would lose needed gasoline. Under this alternative, if a supplier would desire to reassign the allocation of a closed or company-operated outlet to outlets outside of the immediate geographic area, it would be permitted to do so only after an application would be filed with ERA and authorization given. Such adjustments could not be certified upward under § 211.13(c).

We also solicit comments on whether a better measure of local geographic area would be available than the same SMSA and contiguous county concept. For example, the volumes could only be required to be kept within the same ERA region, state or Petroleum Administration for Defense District (PADD).

E. Separate Allocation Fractions For Separate Brands

We are proposing to give resellers the descretion to maintain uniform allocation fractions or to have separate allocation fractions for different brands of product.

Under the current regulations, suppliers are required, in general, to maintain uniform allocation fractions. However, under either their supply contracts or state branding laws, resellers that receive two or more brands of gasoline from two different suppliers may not be permitted to commingle the branded product. In such circumstances, resellers could comply with the allocation regulations either by distributing gasoline at the lowest allocation fraction of any of its suppliers or by offering one brand of product to retail outlets maintaining a different brand. To ease this difficult choice, we are proposing to amend § 211.107(b) to provide that a wholesale purchaser-reseller which purchases more than one brand of motor gasoline from other firms may maintain separate allocation fractions for its different brands of gasoline supplied to purchasers that maintain the same respective brands.

Allowing resellers to maintain different allocation fractions for different customers may divert gasoline away from certain customers. In addition to supplying branded retail outlets, typically resellers may also supply independent unbranded outlets, unbranded outlets they operate themselves and ultimate consumers. In some cases, these other unbranded customers receive gasoline which was branded when the reseller received it. Under our legislative mandate, we are required to protect the competitive viability of the independent sector of the industry, including unbranded marketers. Thus, any rule that would allow resellers to maintain separate allocation fractions for branded marketers must also insure that unbranded marketers as a class will not suffer disproportionate harm.

Accordingly, we are proposing that a wholesale purchaser-reseller maintaining separate allocation fractions for different brands of motor gasoline would be required to supply motor gasoline to its independent unbranded wholesale purchaser-resellers, the unbranded retail outlets that it operates and ultimate consumers at one allocation fraction. This allocation fraction could be not less than the lowest allocation fraction supplied to any branded purchaser. Requiring a minimum allocation fraction for unbranded customers would insure that suppliers could not deprive such purchasers of adequate product. A firm would also be required to maintain a contemporaneous written record of its determination to maintain separate allocation fractions.

We request comments on whether a reseller maintaining separate allocation fractions should be required to maintain minimum or maximum allocation fractions for its unbranded purchasers. If you believe that such limits should not be set, please provide examples of specific situations under which the proposal would be impractical or inequitable and reasons why limits would not be appropriate to solve the problem.

If we adopt the proposal allowing suppliers to maintain separate allocation fractions for separate brands, resellers doing so, which have received DOE assignments or adjustments, would be required to certify adjustments or assignments for branded outlets entirely to the supplier providing that brand of product, rather than to all suppliers on a prorated basis as is currently required by § 211.13(c).

F. Miscellaneous Amendments
Cross-Branding

We are proposing to amend § 211.17 to make explicit the existing authority of a state to assign any prime supplier to supply state set-aside volumes, regardless of whether the supplier maintains a brand different from the firm which would receive it.

End User Priorities

We are proposing to delete a sentence in § 211.10(d)(2) which currently permits local governments and suppliers together to set priorities for end users purchasing product. To our knowledge, that part of § 211.10(d)(2) has not been used in the past. If it were to be used, there could be conflicting priorities established between overlapping local jurisdictions. No standards are set forth to guide local governments. If representatives of local governments think that such authority is desirable or necessary, they are invited to comment and provide suggestions as to how this provision could be improved.

Base Period Volumes for "Missing" Months

We are also proposing to amend § 211.105(a) to permit ERA to "fill in" the base period use for "missing" months when retail outlets made purchases in some months of the base period year and not others. The base period use would be permitted to be determined by averaging the purchases in those months of the base period year in which there were purchases. The purpose of this change would be to avoid anomalous assignments that can result from the strict application of the Guidelines.

Telecommunications Services

A category of first priority motor gasoline use set forth in § 211.103(b) is "telecommunications services." "Telecommunications services" is defined in § 211.51 to mean the repair, operation, and maintenance of voice, data, telegraph, video, and similar communications services to the public by a communications common carrier, *during periods of substantial disruption of normal service.* (Emphasis supplied) By including the phrase "during periods of substantial disruption of normal service," such services could appear to be first priority during some times and second priority during others. This has caused some confusion. We are proposing to eliminate the confusion by removing the phrase. In addition, we would explicitly exclude sales and administrative activities of such firms which would thus be part of the second priority as commercial uses.

G. Governors' Redirection Authority

We are also proposing to provide state governors with specific authority to redirect product within their states in addition to their authority under the

state set-aside program. Currently, under Ruling 1979–2, refiners seeking to make *intrastate* supply shifts under § 211.14(b) are insulated from DOE review if the governor makes a determination of need. However, if refiners are unwilling to make such shifts, governors are not empowered to require them to do so. We seek your views on whether § 211.14(b) should be amended to allow state governors to require suppliers to shift supplies under the same standards that refiners can presently take such actions.

H. Vehicle Leasing Firms.

For purposes of the allocation regulations only, we are proposing to classify vehicle leasing firms as wholesale purchaser-consumers with an allocation level of one hundred percent of base period use subject to an allocation fraction. This proposal is not intended to affect the treatment of such firms as retailers under the price regulations.

Petitions for rulemaking have been filed by the American Car Rental Association and the Truck Renting and Leasing Association requesting that ERA initiate a rulemaking to establish that firms engaged in the business of vehicle leasing are "wholesale purchaser-consumers" under the allocation regulations for motor gasoline. As wholesale purchaser-consumers, under § 211.108, leasing firms could receive larger allocations of unleaded gasoline in certain situations. One firm has also indicated its desire to be classified as a provider of "passenger transportation services" for allocation purposes. This classification would affect the allocation level for vehicle leasing firms.

Vehicle leasing firms normally maintain bulk facilities for the acquisition, storage, use and transfer of motor gasoline. For gasoline acquired and used for vehicle maintenance, the shuttling of vehicles between a firm's locations and other internal uses, such firms in this respect already qualify as "wholesale purchaser-consumers." A significant proportion of the gasoline acquired, however, is sold to lessees for use in the leased vehicles, either on a net replacement basis to restore the vehicle to the condition at the time of leasing or on a "full service" lease basis, whereby the lessor provides all fuel during the term of the lease.

Under current rules, vehicle leasing firms that sell gasoline to their customers are subject to the allocation requirements applicable to "wholesale purchaser-resellers." These provisions are designed to maintain supplier-purchaser relationships among marketers and thereby govern the supply activities of firms engaged principally in the business of reselling petroleum products. Industry representatives have asserted that application of the "reseller" classification to these firms has caused considerable confusion in the industry. We have tentatively concluded that for allocation purposes, vehicle leasing firms should qualify in the future as wholesale purchaser-consumers.

We are not proposing that vehicle leasing firms be given a first priority allocation level under the category of passenger transportation services. First priority users are not subject to a supplier's allocation faction. Instead we are proposing that vehicle leasing be listed as a category of use under the second priority allocation level, i.e., one hundred percent of base period use subject to an allocation fraction. This allocation level is equivalent to the allocation level these firms have currently and is the same allocation level enjoyed by commercial users. No compelling reason has been demonstrated to raise the allocation level of other commercial enterprises.

III. Further Comments Requested

Allocation Deregulation

Since August 1977, a proposal to exempt motor gasoline from both the price and allocation regulations has been pending before the DOE and its predecessor, the Federal Energy Administration. On March 29, 1978, the Federal Energy Regulatory Commission recommended approval of the exemption.

During the shortages of 1979, there was considerable criticism that the rigidity of our allocation regulations exacerbated the shortages. As can be seen from the discussion of the foregoing proposals, adding flexibility to the system and attempting to sensitize it to the dynamics of a shifting marketplace is difficult to do. Since one of our aims is the simplification of the regulations, serious consideration should be given to the option of exempting motor gasoline from mandatory allocation. This should be considered regardless of whether sales of gasoline are exempted from the price regulations.

Although the marketplace cannot optimally perform its distribution functions with the price of gasoline subject to ceiling prices, it might function more smoothly without allocation than with the present allocation system or with the alternatives proposed in this rulemaking. Moreover, if refiners' unrecovered cost banks under the price regulations have increased to levels where it can be fairly concluded that the price regulations are not generally constraining prices at the refiner level, then perhaps the necessary degree of competition could occur under allocation deregulation to allow the marketplace to function equitably.

Under deregulation, supplier/purchaser relationships would no longer be frozen, nor would the base period concept apply. However, as a safeguard to relieve hardships, a number of key features of the present system would be retained. First, the state set-aside program would continue. During the 1979 shortages, this program provided an invaluable tool for state governors to lessen local problems through intrastate supply shifts. Second, the redirection authority in section 211.14(a) would be left in place under which DOE could shift product to alleviate serious supply dislocations or other shortage impacts such as gas lines. In addition, DOE's Office of Hearings and Appeals would retain its jurisdiction to relieve severe hardship or gross inequity when the means available to ERA would be inadequate.

IV. Procedural Matters

A. Section 404 of the DOE Act

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (Pub. L. 95–91, DOE Act), we are referring this proposed rule to the Federal Energy Regulatory Commission (FERC) for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The FERC will have until the close of the comment period to make this determination.

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. Such comments shall be published together with publication of notice of the proposed action.

A copy of the notice was sent to the EPA Administrator. The Administrator commented that he does not foresee these actions having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the EPA.

C. Executive Order 12044

Executive Order 12044 (43 FR 12661, March 23, 1978) requires the agencies subject to it to prepare a regulatory analysis for those significant regulations which can be expected to have major economic consequences. A draft regulatory analysis has been prepared which analyzes the potential benefits and costs of the major proposals in this rulemaking as well as other alternatives that have been considered. The summary of the draft regulatory analysis is included as Appendix A.[3]

D. NEPA Requirements

The National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment. On July 13, 1979, DOE issued proposed guidelines for compliance with NEPA (44 FR 42136, July 18, 1979). In accordance with these guidelines, we will take the action required to comply with NEPA, including the possible preparation of an environmental assessment or environmental impact statement.

V. Written Comment and Public Hearings Procedures

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the matters contained in this notice. Comments should be submitted by 4:30 p.m., e.d.t., on the date set forth in the "Dates" section of this notice, to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope and on the document with the docket number and the designation: "Motor Gasoline Allocation Revision." Ten copies should be submitted.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

[3] Another document that was reviewed during the preparation of this proposal was the December 11, 1979 Draft Final Report entitled *Evaluation of the Gasoline Allocation Program*, prepared by R. Shriver Associates.

B. Public Hearings

1. *Procedure for Requests to Make Oral Presentation.* If you have any interest in the matters discussed in the notice, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make oral presentation at any of the hearings by 4:30 p.m., local time, on the date set forth in the "Dates" section of this notice. You should also provide a phone number where you may be contacted through the day before the particular hearing at which you will speak.

If you are selected to be heard at one of the hearings, you will be so notified before 4:30 p.m., local time, on the next to the last business day before the particular hearing. You will be required to submit one hundred copies of your statement to the hearing location on the morning of the hearing.

2. *Conduct of the hearings.* We reserve the right to select the persons to be heard at the hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. They will not be judicial-type hearings. Questions may be asked only by those conducting the hearings. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at any hearing to the addresses indicated above for requests to speak before 4:30 p.m., local time, on the day before the hearing. If you wish to have a question asked at one of the hearings, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room 5B–180, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. You may purchase copies of the transcripts of the hearings from the reporters.

(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. 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 propose to amend Part 211 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., June 6, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. Subparagraph (d)(2) of § 211.10 is revised to read as follows:

§ 211.10 Supplier's method of allocation.

* * * * *

(d) *Purchasers without allocation levels.*

* * * * *

(2) The second priority for each supplier shall be to distribute equitably the remainder of the supplier's allocable supply among all end-users or wholesale purchaser-consumers which are not entitled to an allocation level. A state may require or authorize priorities to or among such end-users or wholesale purchaser-consumers purchasing the allocated product for the uses listed in the allocation levels for that product in the subpart of this part applicable to the particular allocated product. Priority treatment, per se, when granted in accordance with the provisions of this subparagraph, shall not be considered a form of discrimination among purchasers or any other prohibited conduct under § 210.62 of this chapter.

* * * * *

2. Paragraph (b) of § 211.14 is amended to read as follows:

§ 211.14 Redirection of products.

* * * * *

(b) Refiners and importers are authorized to reduce the monthly allocable supply to purchasers of those allocated products covered under

Subparts D, E, F, G, H (except Civil Air Carriers) and I (except utilities) for any region or area by up to five (5) percent and to increase the total quantity of any of these allocated products available in another region or area experiencing shortages significantly greater than are being experienced elsewhere in the nation to meet regional imbalances due to weather variation, seasonal demand, or other circumstances beyond their control. Such action may be accomplished without prior approval from the Administrator, ERA, and may be required by a state governor with respect to redirection of product within that state, but must be reported immediately after the adjustment occurs to the National ERA, the appropriate regional ERA, and the State Office of any State within a region or area directly affected by the reduction or increase. Redistribution involving reduction of product volumes greater than five (5) percent from any State shall require approval from the Administrator, ERA, prior to any action by any refiner or importer. The adjustment provided for in this section shall not be cumulative. Allocation fractions for a region or area which are reduced by such a reduction of an allocated product shall be returned to prereduction levels as soon as practicable.

* * * * *

3. Subparagraph (d)(2) of § 211.17 is revised to read as follows:

§ 211.17 State set-aside.

* * * * *

(d) *State action.*

* * * * *

(2) If a State Office approves a hardship or emergency application, it shall assign a prime supplier and amount from the state set-aside to the applicant. Any prime supplier to the state may be assigned regardless of whether its brand, if any is different from the brand, if any, of the applicant. To determine an appropriate prime supplier, the State Office may coordinate with the State representatives of the prime suppliers.

* * * * *

4. Section 211.51 is amended by revising the definition of "telecommunications services" to read as follows:

§ 211.51 General definitions.

* * * * *

"Telecommunications services" means the repair, operation, and maintenance of voice, data, telegraph, video, and similar communications services to the public by a communications common carrier excluding sales and administrative activities.

* * * * *

5. Section 211.103 is amended by revising paragraph (a) and adding a new subparagraph (c)(5) to read as follows:

§ 211.103 Allocation levels.

(a) *General.* The allocation levels listed in this section only apply to allocations made by suppliers to end-users which are bulk purchasers and to wholesale purchaser-consumers. Supplier shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline for all uses under an allocation level subject to reduction by application of an allocation fraction shall receive second priority. For purposes of this section, a firm which is a wholesale purchaser of gasoline and resells gasoline solely to end-users for a use set forth in paragraph (b) of this section shall be deemed to be a wholesale purchaser-consumer with respect to the volumes so sold. For purposes of this part only, a firm engaged in the business of vehicle leasing shall be deemed to be a wholesale purchaser-consumer.

* * * * *

(c) *Allocation levels subject to an allocation fraction.* One hundred (100) percent of base period use (as reduced by application of the allocation fraction) for the following uses:

* * * * *

(5) Vehicle leasing.

* * * * *

6. Section 211.104 is revised to read as follows:

§ 211.104 Unusual growth adjustment.

(a)(1) Beginning in January 1981, if a retail sales outlet, wholesale purchaser-consumer or a bulk purchaser of motor gasoline with an allocation level determined by reference to a base period use purchased gasoline during at least three of the months during the period October 1978 through February 1979 and the monthly average volume of such purchases from all suppliers in the months it purchased gasoline was at least ten percent greater than the monthly average volume of its gasoline purchases from all suppliers during the months of the period October 1977 through February 1978 when it purchased motor gasoline, it is eligible for an unusual growth adjustment. A firm's unusual growth factor equals its average monthly purchases during the October 1978 through February 1979 period divided by its average monthly purchases during the period October 1977 through February 1978, less one tenth. However, (i) the unusual growth factor for any firm shall not exceed 200 percent and (ii) firms that made no purchases during at least three months of the period October 1977 through February 1978 will not be eligible for an unusual growth adjustment. If eligible, a firm may substitute as its base period use for the current month its unadjusted base period volume for the corresponding base period month multiplyed by its unusual growth factor. The firm's base period suppliers will be required to supply the adjusted volumes as determined in paragraph (b) of this section.

(b) The supply obligation for each base period supplier of a firm eligible to receive an unusual growth adjustment will increase in each month by the firm's unusual growth factor.

(c) A supplier shall be required to make the unusual growth adjustment under paragraph (a) of this section upon being notified by a base period purchaser that it is eligible to receive such an adjustment.

(d) An adjustment to a purchaser's base period use for a particular month determined under this section will automatically become part of the supplier's supply obligations and that supplier in turn may adjust upward its base period use and under the procedures of § 211.13(c) may certify the adjustment upward to its base period suppliers. If requested by its base period supplier, the supplier's certification must contain a sworn statement that the information contained therein is true. If requested by its base period supplier, the supplier must also state the proportion of motor gasoline that it purchased from its base period supplier in the corresponding base period month.

(e) Beginning in January 1981, adjustments made under § 211.104 as it was effective from May 1, 1979 through December 31, 1980 will no longer remain effective. Suppliers will inform their base period purchasers of the downward adjustments resulting therefrom and that if eligible, such purchasers may request upward adjustments.

(f) This section does not apply to firms that since May 1, 1979 have received

upward adjustments to their base period volumes from the Office of Hearings and Appeals of the Department of Energy.

7. Section 211.105 is amended by revising subparagraph (a)(1), revising paragraph (a)(2), deleting subparagraph (a)(3), revising subparagraph (b)(1), revising subparagraph (b)(2) and adding new paragraph (h) to read as follows:

§ 211.105 Supplier/purchaser relationships.

(a) *New wholesale purchasers.* (1) Where a firm made no purchases from any supplier during a base period month, a supplier and the purchaser shall attempt to agree mutually to a base-period use. That agreed-upon volume does not become formally effective until an ERA regional office, upon application, issues an assignment order.

(2)(i) If the purchaser purchased motor gasoline during at least three months of the October 1978 through February 1979 period, and the monthly average of those purchases reflect an appropriate base period volume, ERA may assign a base-period use which equals those average monthly purchases. If a retail outlet purchased motor gasoline during some but not all of the months during the base period year, ERA may determine the base period use for the months in which there were no purchases by averaging the purchases in the months in which there were purchases.

(ii) As to a new retail sales outlet which does not qualify for a determination of a base period use under paragraph (2)(i) above, a determination whether to assign, and the magnitude of, a base period use will be made by the ERA Regional Office under the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlets."

(b) *Supplier responsibility for assignments made after November 1, 1977.* This paragraph applies to firms which had no previous base period supplier and received an assignment of a base period volume and supplier from ERA after the beginning of the base period (that is, after November 1, 1977).

(1) If such a firm was eligible for a growth adjustment under § 211.104 as it was in effect between May 1, 1979 and December 31, 1980, i.e., it had a monthly average volume in the October 1978 through February 1979 period which was at least 10 percent greater than the firm's actual purchases in a base period month (as had been determined under § 211.104(a)), then the firm's base period suppliers will be determined as follows:

(i) The assigned supplier must supply the assigned or adjusted base period volumes, whichever is higher, for (A) the base period months between November 1, 1977 and the assignment's effective date and (B) the base period months between the effective date of the assignment and October 31, 1978 in which the firm made no purchases, and

(ii) The firm's actual suppliers must supply the adjusted base period volumes for the base period months between the assignment's effective date and October 31, 1978 in which there were purchases.

The portion of the adjustment each supplier must supply shall be derived on the basis described in § 211.104(b).

(2) If such a firm was not eligible to receive an automatic adjustment in a month under § 211.104 as it was in effect between May 1, 1979 and December 31, 1980 (because either its October 1978 through February 1979 average monthly purchases were not at least ten (10) percent higher than its average monthly purchases during the base period month or it purchased motor gasoline in fewer than three months of the October 1978 through February 1979 period), then actual purchases and suppliers during the base period month will determine base period volumes and suppliers.

(3) Assignments made under Activation Order No. 1 and the guidelines thereto will remain valid, but ERA may, upon application, make an upward adjustment to a firm's base period use based upon the assignment procedures set forth in paragraph (a) of this section.

* * * * *

(h) *Existing Station Adjustment.*

(1) An operator of a retail sales outlet may apply to an ERA Regional Office for an adjustment to its base period use in accordance with the procedures of Supbart B of Part 205 of this Chapter and the provisions of this paragraph.

(2) ERA will grant an adjustment only if:

(i)(A) The allocation fractions of the immediate supplier to the outlet and all other suppliers to the outlet (including the prime supplier) is greater than or equal to one (1.0) or such other fraction specified by the national office of ERA and has been at that level for at least three months;

(B) All of the suppliers (including the refiner-supplier) to that outlet are willing; and

(C) An adjustment is necessary because the applicant's base period use does not approximate the average base period use for retail sales outlets of a similar size and nature in the same market area; or

(ii) The adjustment is necessary to satisfy real growth in gasoline demand that cannot be met by other outlets in the area.

(3) Notwithstanding that the conditions in subparagraph (h)(2) of this section may be satisfied, the DOE may deny the application if the granting of an adjustment would seriously jeopardize the competitive viability of existing independent marketers as a class or individually. A denial may be based upon a finding that an adjustment would cause probable serious financial impairment to a particular independent marketer, or that the volume of business enjoyed by the independent segment in that marketplace would be substantially and permanently reduced.

[Note.—Subparagraphs (h)(2)(i)(A) and (C) and (h)(2)(ii) would not be included under the second alternative proposal. Provisions would be included to prohibit refiners from increasing the proportional base period uses of company operated outlets to a level greater than the proportion of such uses to the total base period uses of its base period purchasers during May 1980, and to allow any outlet to receive up to 60,000 gallons per month.]

8. Section 211.106 is amended to read as follows:

§ 211.106 Retail sales outlets.

(a) *General.* Notwithstanding the provisions of § 211.11, the provisions of this section shall apply to retail sales outlets which sell motor gasoline.

(b) *Retail sales outlets as a firm.* (1) Each firm or part of a firm which operates an ongoing business at a retail sales outlet shall be considered a separate firm with respect to each such outlet for purposes of this subpart and, therefore, shall be a separate wholesale purchaser-reseller. The entity which merely holds a real property interest in a retail sales outlet on which another entity operates the ongoing business shall not be considered the wholesale purchaser-reseller with respect to that outlet.

(2) A supplier's obligation to provide motor gasoline shall be determined separately for each retail sales outlet for which it has a supply obligation without distinguishing between retail sales outlets operated by the supplier and retail sales outlets not operated by the supplier.

(c) *Company-operated retail outlets.*—(1) *Automatically allowable reassignments.* Each entity which operates two or more retail sales outlets which are supplied by a common supplier may reassign without ERA approval all or any part of the allocation entitlement of a retail sales outlet which it operates (including the allocation from

a retail sales outlet at which it intends to go out of business) to another retail sales outlet which it operates or supplies or will operate or supply, provided that:

(i) the supplier that physically delivered product to the outlet from which the allocation is reassigned is able to supply the other locations;

[*Alternative* in addition to subparagraphs (i) and (iii): (ii) the allocation entitlement from an outlet within an SMSA will remain within the same SMSA or, if the outlet is not within an SMSA, the allocation entitlement will remain within the same or contiguous counties;]

and

(iii) the firm making the adjustment maintains a contemporaneous written record of the adjustment.

[Alternative, if alternative in paragraph (c)(1) is included: (2) *Adjustments upon application.* An entity which operates more than one retail sales outlet and which intends to go or goes out of business at one or more such retail sales outlets may apply to ERA for an adjustment to the base period volumes of its retail sales outlets which will remain in business and to which it is not permitted to reassign the allocation under paragraph (c)(1) of this section. ERA may allow such adjustments to the extent that the vacating of business at a particular retail sales outlet does not result in an inequitable distribution of motor gasoline in the market areas served by the entity and that such an adjustment would not otherwise be inconsistent with the objectives of the allocation program. Adjustments made under this paragraph may not be certified to a wholesale purchaser-reseller's supplier under § 211.13(c).]

(d) *Directly-supplied independent retail sales outlets.* The supplier of an independent retail sales outlet that goes out of business may reassign without ERA approval all or any part of the allocation of the outlet to other independent retail sales outlets that it supplies, or will supply, provided that:

(1) the supplier that physically delivered product to the closed outlet is able to supply the retail sales outlets at the other locations;

[*Alternative* that would be included in alternative in paragraph (c) is included: (2) the allocation entitlement from a closed outlet that was within an SMSA will remain within the same SMSA or, if the closed outlet was not within an SMSA, will remain within the same or contiguous counties;]

(3) the allocation is not transferred to a successor on the same site under paragraph (g) of this section;

(4) the allocation is not reassigned under paragraph (c) of this section to other outlets operated by the same entity that operated the closed outlet; and

(5) the firm making the adjustment maintains a contemporaneous written record of the adjustment.

(e) *Loss of allocation entitlement for going out of business.* (1) A wholesale purchaser-reseller which operates a retail sales outlet shall be deemed to have gone out of business with respect to that outlet for purposes of § 211.11 if it vacates the site on which it conducts such business. Notwithstanding the foregoing, an independent marketer shall not be deemed to have gone out of business if (i) the independent marketer vacates the site on which it formerly operated a retail sales outlet, (ii) the former site is closed as a retail sales outlet or is operated as such by a firm that is not an independent marketer, and (iii) the independent marketer that occupied the former site, within a reasonable period of time, as determined by ERA, reestablishes another retail sales outlet at another location serving substantially the same customers or market that was served by the former site.

(f) *Suppliers of retail sales outlets.* (1) The supplier of a retail sales outlet shall be that firm which actually furnishes or physically delivers the gasoline to the retail sales outlet. The operator of one or more retail sales outlets shall not be considered the supplier of its own retail sales outlets unless it operates a terminal facility from which it furnishes a product to each outlet or unless it otherwise physically delivers the gasoline to each outlet.

(2) Whenever an operator of a retail sales outlet goes out of business with respect to that retail sales outlet under paragraph (e) of this section, the supplier of that outlet shall, in calculating its allocation fraction, remove the amount of the allocation entitlement of that retail sales outlet from its supply obligation, unless the right to such allocation has transferred to a successor wholesale purchaser-reseller under paragraph (g) of this section or has been reassigned to other retail sales outlets under paragraphs (c) and (d) of this section, in which case the supply obligation is transferred to said other outlets.

(g) *Transfer of entitlement.* Whenever a wholesale purchaser-reseller is deemed to have gone out of business in accordance with paragraph (c) of this secton, the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor on the site, provided such successor established the same ongoing business on the site within a reasonable period of time, as determined by ERA, after its predecessor vacates the premises.

9. Paragraph (b) of § 211.107 is revised to read as follows:

§ 211.107 Method of allocation.

* * * * *

(b)(1) *General.* Except as provided in this paragraph, allocations of motor gasoline to retail sales outlets and other purchasers shall be made as specified in § 211.10.

(2) *Separate fractions for separate brands.* (i) A wholesale purchaser-reseller which purchases more than one brand of motor gasoline from other firms may maintain separate allocation fractions for its different brands of motor gasoline supplied to purchasers which maintain the same respective brands.

(ii) A wholesale purchaser-reseller maintaining separate allocation fractions for different brands of motor gasoline under subparagraph (b)(2)(i) of this section shall supply motor gasoline to its independent unbranded wholesale purchaser-resellers, unbranded retail sales outlets that it operates and ultimate consumers at any one allocation fraction of no less than the lowest allocation fraction supplied to any branded purchaser and no greater than the highest allocation fraction that it maintains for any branded purchaser.

(iii) A wholesale purchaser-reseller shall maintain a contemporaneous written record of its determinations to maintain separate allocation fractions.

(iv) Notwithstanding the provisions of § 211.13(c)(2) of this Part, a wholesale purchaser-reseller which maintains separate allocation fractions under this paragraph, and is eligible to receive an adjustment under subsection 211.13(c)(1) as a result of a DOE assignment of or adjustment to the base period use of a branded wholesale purchaser-reseller, may certify to and shall receive an upward adjustment to its base use from its supplier from whom it purchases the particular brand of motor gasoline supplied to the firm which receives the assignment or adjustment.

(v) Prime Suppliers maintaining separate allocation fractions under this section shall report on the form EIA–25 as if they maintained a uniform allocation fraction.

* * * * *

10. The following Guidelines are added following § 211.110 to read as follows:

Guidelines for Evaluation of Applications for Assignments of Supplier and Base Period Use to New Gasoline Retail Sales Outlets

Substantive Criteria Applicable to Assignment of Supplier and Base Period Use.

(a) *General.* The procedural regulations set forth in § 205.35(b) the criteria applicable to the evaluation of applications for assignment of a supplier and new base period use. These criteria restate the criteria set forth in Section

4(b)(1) of the Emergency Petroleum Allocation Act of 1973 applicable to DOE's overall duties in promulgating and applying the Mandatory Petroleum Allocation and Price Regulations.

Like the criteria of Section 4(b)(1) of the EPAA, the various criteria of § 205.35(b) are to be applied only "to the maximum extent possible." As applied to a particular set of circumstances, these criteria may not only be difficult to apply but also conflicting. As the courts have said in applying the various goals of Section 4(b)(1),

. . . "[t]he goals are inherently inconsistent, and no regulation could promote all of them at the same time. Congress recognized this in saying that the regulations shall provide for them 'to the maximum extent practicable.' A balancing of goals is required, and Congress has left the details of this balancing to the [Department of Energy]. *Union Oil Co.* v. *FEA*, — F. Supp. —, Fed. Energy Guidelines ¶26,007, at p. 26,098 (C.D. Cal. 1974); *see also Air Trans. Ass'n of America* v. *FEA*, 382 F. Supp. 437 (D.C. 1974)." Thus, DOE should be guided by the criteria of § 205.35(b) but should have considerable discretion in balancing one against the other.

(b) *Whether to Assign a Supplier/Purchaser Relationship.*

(i) DOE will establish a supplier relationship only if:

(A)(I) The allocation fraction of the immediate supplier to the outlet and all other suppliers to the outlet (including the refiner-supplier) is greater than or equal to one (1.0) or such other fraction specified by the national office of ERA and has been at that level for at least three months; and

(II) All of the suppliers (including the refiner-supplier) to the outlet are willing; or

(B) The assignment is necessary to satisfy real growth in gasoline demand that cannot be met by other outlets in the area. [Note: Under the second alternative proposal, subparagraphs (b)(i)(A)(I) and (b)(i)(B) would not be included. A provision would be included to prohibit refiners from increasing market shares of company-operated outlets.]

(ii) Notwithstanding that the conditions in subparagraph (i) above may be satisfied, the DOE may deny the application if the granting of an assignment would seriously jeopardize the competitive viability of existing independent marketers as a class or individually. A denial may be based upon a finding that an assignment would cause probable serious financial impairment to a particular independent marketer, or that the volume of business enjoyed by the independent segment in that marketplace would be substantially and permanently reduced.

(iii) *Consideration of Applications for Retail Sales Outlets to be Built in the Future.* DOE has encouraged operators of potentially new retail sales outlets to apply for DOE assignment of a supplier/purchaser relationship and a base period use prior to construction of the new outlet. *See* § 211.12(e). This policy was established to prevent any hardship which might result from a failure to obtain an assigned supplier or base period use following the operator's expenditure of construction funds and assumption of other obligations connected with the proposed new retail sales outlet. Consequently, consideration of an application should not be delayed merely because a retail sales outlet is not currently operational. However, aggrieved persons must be given an opportunity to demonstrate that they will experience harm caused by the assignment; such a demonstration cannot normally be made until the likely supply/demand situation at the time the assignemnt will become effective is known.

Approvals of such applications may be conditioned upon the retail sales outlets being operational within a certain period of time. Of course, such assignments should be made effective only upon the retail sales outlet's becoming operational.

(iv) *New Retail Sales Outlets Operating Solely on Supplies of Surplus Product.* In some cases new retail sales outlets are being operated with gasoline purchased from suppliers which have certified their gasoline to be surplus product as permitted by § 211.10(g). Such retail sales outlets, however, are new suppliers as defined by § 211.10(e) which must receive DOE approval before they commence operations. Such approval should ordinarily be freely granted to gasoline retail sales outlets provided it is made clear that such approvals do not create a supplier/purchaser relationship between the retail sales outlet and the supplier of the surplus product and does not establish a base period use for the retail sales outlet. Approvals pursuant to § 211.10(e)(2) need not be conditioned upon application for a supplier and an assigned base period use. Operators of new retail sales outlets under § 211.10(e)(2) should understand, however, that unless they have been assigned a supplier and a base period use pursuant to § 211.12(e), they have no future claim to a supplier or a pro rata share of available supplies in a period when there is no surplus product.

[Note.—This appendix will not appear in the CFR.]

Appendix A

Executive Summary of Draft Regulatory Analysis

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is required to prepare a regulatory analysis of those proposed regulations which either may have a major impact on the general economy, individual industries, or geographic regions and levels of government, or may be significant in that they affect important DOE policy concerns and are the object of public interest.[a] The regulatory analysis provides a written and comprehensive review of the level and incidence of impact associated with the proposed regulatory actions. The analysis also provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives to solve the problems, including non-regulatory alternatives.[b] The purpose of the analysis is to ensure that the regulatory agency systematically and comprehensively considers all available alternatives, so that the public welfare can be enhanced in the most efficient and cost effective way.

[a] See executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 23, 1978) and the Department of Energy's Implementing DOE Order 2030.1, "Procedures for the Development and Analysis of Regulations, Standards and Guidelines" (44FR 1032, January 3, 1979).

A. Objectives of the Motor Gasoline Allocation Program

This analysis examines the problems and proposed solutions contained in the Economic Regulatory Administration's Notice of Proposed Rulemaking and Public Hearings on the Motor Gasoline Allocation Program.

The ERA's mandate for this program is set out in the Emergency Petroleum Alloction Act of 1973. Under this Act, the President is empowered to enforce, at his discretion, price and alloction controls on petroleum and petroleum products, including gasoline, through September 30, 1981. The Act sets the following allocation goals:

- protect public health;
- maintain public services and agricultural operations;
- foster competition in the petroleum industry;
- distribute petroleum among industry sectors and U.S. regions equitably; and
- minimize economic disruption and unnecessary interference with market mechanisms.

Through the revisions proposed in this rulemaking, ERA is seeking to further all of these goals. But in particular, the revisions focus upon promoting competition, ensuring equitable distribution of available supplies, and minimizing economic disruption.

B. Limitations of the Gasoline Allocation Program

The Gasoline Allocation Program is designed to distribute a fixed supply of gasoline to a variety of purchasers, including gasoline wholesalers who distribute it through a retail outlet to end users. The allocation program does not apply to the entire production, refining, and marketing process. Rather, it is responsible for gasoline distribution after gasoline leaves the refinery gate. Unlike a gasoline rationing plan or an unregulated market which allocates product, the allocation program focuses on wholesalers and bulk consumers. This distinction is significant because the program is limited in its ability to respond to end use demand changes, either short or long term.

[b] *Federal Energy Guidelines*, Volume III, p. 39554.

Any inability to respond would stem from inherent limitations in the program. These limitations, which are described in detail below, are not criticisms of the program. Rather, they are components of almost any regulatory structure and must be understood when examining how the program does not and cannot respond to changes in gasoline supplied and demanded in the same manner as a free market would.

To expect the gasoline allocation program to mimic perfectly a free market system is unreasonable. No changes to the program can accomplish that feat. The program distributes fixed supplies of motor gasoline to wholesalers, based on their purchases during an historical period. The emphasis of the program is on the allocation of limited supplies, not upon increasing supplies or reducing demand. Like many regulations, the program is historically based, linking current gasoline supplies with base period demand. And, the product supply guarantees are to wholesalers and to industrial and commercial users. The guarantee does not necessarily extend to motorists.

C. Definition of the Problem Areas and Proposed Solutions

The Economic Regulatory Administration has identified two serious problem areas related to the distribution of gasoline. The first problem area relates to the ongoing nature of the gasoline alloction program, which does not allow the market to respond well to demand patterns tht are changing over time. The second problem area is crisis related and concerns the inability of the program to adapt to demand patterns that shift temporarily during a gasoline shortage such as the one experienced in the summer of 1979.

Market Structure and Long-term Demand Changes

A serious shortcoming of a base period oriented allocation program is that it risks distorting the normal evolution of supplier-purchaser relationships or market structure. For example, by determining supplier-purchaser relationships, the allocation program ensures that short supplies will generally be distributed *pro rata* among a supplier's historic or assigned customers, wholesalers, and retailers. However, this also means that firms wishing to enter new markets or to experiment with new marketing concepts and to respond to shifts in demand cannot readily obtain additional supplies through open bidding. Thus, efficient firms may be limited in their ability to expand operations, while inefficient firms are protected. As a result, the evolution of the gasoline market in response to competition is hindered.

The regulatory analysis describes three major approaches to alleviating the adverse effects of the inflexible market structure imposed by the motor gasoline allocation program. They are: make no program changes; revise the program; eliminate the program.

1. Make no Changes

Maintenance of the established program with its flaws would be the least disruptive in the marketplace and, in light of the program's expiration date of September 30, 1981, may be the most desirable course.

2. Replace the current unusual growth adjustment with a revised unusual growth adjustment provision

The current rule provides for one-time upward adjustment for firms whose average monthly purchases during the October 1978 through February 1979 period were at least ten percent higher than its purchases in a base period month. The current adjustment may be an inadequate indicator of real growth because it tends to reflect seasonal variations in demand rather than sustained growth. The proposed adjustment would correct this effect by comparing the average monthly purchases of the October 1978 through February 1979 period to the average monthly purchases during the same period the year before. The new provision would also limit any such adjustment to the amount in excess of a ten percent increase.

The draft regulatory analysis concludes that:

The proposed adjustment would mitigate the seasonal effect of the existing adjustment and would measure real growth more accurately.

The new proposed ten percent deductible feature could dramatically reduce the number of firms qualifying for the adjustment.

The large number of base period relationships that the change could affect could result in substantially increased administrative costs.

3. Adopt New Guidelines for New and Existing Station Assignments

The current presumption in favor of new station assignments would be eliminated, and assignments would not be made unless all suppliers were willing. The proposed change would also provide operators of existing retail sales outlets with substantially increased opportunity to qualify for upward allocation adjustments. Two alternative proposals are suggested. In the first proposal, assignments would be made only if the supplier had an allocation fraction of greater than one or some other fraction specified by ERA. The rationale is that new assignments are not appropriate where supplies are inadequate to meet existing station demand. The second proposal requires only willing suppliers. An application otherwise qualifying could also be denied upon a demonstration that the assignments would seriously jeopardize the competitive viability of other outlets within the affected market. In the first proposal, assignments could be made, irrespective of the foregoing, if necessary to meet new demand within a market. The second proposal also limits the increased volumes that an existing station could receive to 60,000 gallons per month or to volumes of a comparable station, whichever volume is greater.

The draft regulatory analysis concludes that:

The allocation fraction is probably an inadequate indicator of local supply conditions and, thus, for assessing the appropriateness of new outlet assignments.

Requiring all suppliers to be willing could potentially grant refiners final say over all new assignment decisions. Currently, a jobber can declare himself a "willing supplier" without the consent of his suppliers. However, no conclusive evidence is available to support the conclusion that refiners would exert undue influence over new station applications.

Restricting the procedures for granting new assignments would provide some protection to existing stations and could impede development of new, more efficient outlets.

The first proposal would alleviate inequities being felt by independent lessee dealers under the current provisions by granting equal access to upward adjustments to reflect new demand, and this could contribute to economic efficiency.

The second proposal allows limited opportunity for current stations to convert to higher volume outlets. Even under the proposed restrictions that applicants would be required to obtain willing suppliers with a minimum allocation fraction, potential administrative backlogs at regional offices could be increased significantly. The analysis estimates that a 25 percent increase in regional staff might be required to respond to existing station applications.

4. Eliminate Interim Assignment Provisions

The proposal would delete the current provisions which (i) allow resellers to supply new retail outlets on an interim basis upon the filing of an application and (ii) require their suppliers to furnish the additional volumes pending ERA action.

Our regulatory analysis concludes that: The proposed change would tend to curb apparent reseller abuses without inhibiting legitimate new station applications.

5. Increase Supplier Flexibility to Shift Allocation Entitlements

The proposal would grant resellers and refiners increased flexibility to reassign base period volumes of closed outlets so long as the proportional share of product among company-operated and independent classes of purchaser is maintained. An alternative proposed would require volumes to be kept within the same market or defined geographic area.

The draft regulatory analysis concludes that:

The rule would increase suppliers' ability to respond to demand changes since the base period and could contribute to more efficient distribution systems.

Its impact on overall supply patterns may be minimal. Without a downward certification requirement, jobbers generally enjoy this flexibility presently.

The "market area" alternative would be difficult to define and apply.

Suppliers may be in a position to use the flexibility to exert competitive pressures.

6. Allow Resellers Separate Allocation Fractions for Separate Brands

The proposed change would permit resellers discretion to maintain uniform allocation fractions or to have separate allocation fractions for different brands of product. Currently, jobbers supplied by more than one brand must apply a uniform allocation fraction to all purchasers irrespective of brand.

The draft regulatory analysis concludes that: Under the proposal, gasoline jobbers would be allowed to place their customers on separate allocation fractions whenever the jobber's suppliers implement separate fractions. The regulations do not set upper or lower boundaries on the allocation fraction to be applied by jobbers to branded retail outlets. Accordingly, although the regulations do provide the flexibility required for jobbers to deal with separate refiner allocation fractions, the regulations also leave sufficient room for discriminatory distribution policies by jobbers.

7. Eliminate the Program

An alternative to continuing current allocation rules or revising them would be to eliminate government regulation of the allocation of gasoline. The draft regulatory analysis concludes:

Elimination of the allocation program would provide a more responsive and efficient reallocation of gasoline during a shortage characterized by regional shifts in demand.

A more efficient allocation of gasoline during non-shortage periods, with or without price controls, would result.

Some retail outlets might exit the market.

The market for gasoline would remain competitive with low levels of seller concentration and low barriers to entry.

Temporary Regional Gasoline Shortages

Two major provisions of the DOE allocation regulations provide flexibility for reallocation of gasoline when shifts in demand caused excess supply. The first is the state set-aside program. The program was designed to allow states to meet any hardships or special needs that might arise during a shortage.

A second provision grants the DOE authority to "redirect" gasoline in response to imbalances. The redirection authority provided by Section 211.14 of the allocation regulations was designed to give the DOE additional flexibility when, for example, demand patterns change as they did in 1979.

The two mechanisms of the allocation program designed to alleviate excess supply and demand were not responsive to shifts in demand which occurred in the summer of 1979. As a result, the excess supply of gasoline in rural areas was not reallocated to urban areas. This, in turn, let to excess demand in some urban areas, most dramatically evidenced by long lines of motorists at gasoline stations, which persisted even though gasoline was available. Available reallocation mechanisms were not used effectively to reallocate surplus supply. The ERA has considered five proposals to improve the responsiveness of the allocation program during any future disruption in the supply of gasoline. Several of these proposals are not included in the Notice of Proposed Rulemaking, but have been analyzed.

1. Continue Reliance on the State Set-aside Provision

The state set-aside program faced a major challenge in the spring and summer of 1979 when it was called upon to help bring relief to localized supply disruptions as evidenced by long gasoline lines. The crises brought forth problems of set-aside program as it then existed.

The regulatory analysis concludes that:

The ERA is currently making changes to the state set-aside program that should improve its efficiency.

The state set-aside program cannot solve either multi-state supply-demand problems, and should not be relied upon to correct long-term supply imbalances.

2. Grant Priority Allocation Level for Low Volume Stations

This proposal, which has not been included in the NOPR, would provide that the first 20,000 gallons-per-month of the base period use of all retail sales outlets would not be subject to a supplier's allocation fraction. An alternative approach would limit this new priority allocation level to outlets located in certain urban SMSA's or other defined urban areas. No further action on this proposal is anticipated.

The draft regulatory analysis concludes that:

Even if allocations flow to stations as intended, the proposed levels would probably not provide an adequate incentive to decrease hours of operation.

Adjustments would be made at the expense of non-priority users which, during a shortage, could tend to aggravate lines at retail outlets.

Gasoline would tend to flow from larger, more efficient size outlets to smaller, less efficient outlets.

If rural areas are served by a large proportion of small gasoline stations, gasoline could be reallocated from urban areas to rural areas.

3. Provide Temporary Allocation Adjustments for Areas Experiencing Shortages

Provide ERA with authority to redirect gasoline to areas in which the majority of the retail outlets are experiencing significant gasoline lines. One proposal would authorize the ERA to increase by 1,000 gallons per month the base period use of all outlets located in certain SMSA's or other defined geographic areas. An alternative proposal would allow an increase of two percent of an outlet's base period volume up to a ceiling of 5,000 gallons.

The draft regulatory analysis concludes that: Because a number of factors can combine to contribute to localized shortages that result in gasoline lines, there probably is no single set of common characteristics that are present in each case. Supply availability, inventory management practices, and demand psychology can

all result in lines. Furthermore, it is fair to assume that future shortages will affect areas with different numbers of outlets and different size distribution of outlets. The shortages themselves, moreover, will probably vary in magnitude and duration. Thus, any fixed reallocation method based on pre-defined geographic designations, outlet size and location is inappropriate.

4. Redirect Gasoline to Areas Experiencing Significant Gasoline Lines.

To combat the problem of shifts in demand during a shortages of gasoline that leave some areas with temporary surpluses and others with exacerbated shortages, the ERA could be authorized to reallocate gasoline to areas in which a majority of retail outlets face customer queues. This authority could be used after the states and localities exhausted the means of their disposal to solve the problem. The draft regulatory analysis finds that:

The information necessary for implementation of such a program during a shortage takes several months, even under optimal conditions and efficiency. This is too long to be of much assistance in a shortage such as the 1979 shortage.

The required state and local actions, verification and allocation mechanism would be too awkward and slow to provide the prompt reallocation of gasoline required.

In shortages more protracted than the one that occurred in 1979, there is no guarantee of excess supply will appear in rural areas for reallocation to urban areas.

5. Allow Governors to Redirect State Supplies

The proposal would enable the governor to require suppliers to redirect petroleum product from surplus to shortage areas within the state. Current regulations, which allow refiners and importers to redirect at their discretion, have been ineffective in diminishing or equalizing intrastate shortages.

The regulatory analysis concludes that: The proposal needs clarification. Moreover, the objectives can be more readily attained by amending the set-aside authority rather than changing § 211.14(b).

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Federal Register

Vol. 45, No. 115

Thursday, June 12, 1980

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523-3517	
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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
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523-3408	Automation
523-4534	Special Projects
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FEDERAL REGISTER PAGES AND DATES, JUNE

37175-37396.....2
37397-37680.....3
37681-37800.....4
37801-38022.....5
38023-38334.....6
38335-39236.....9
39237-39492.....10
39493-39788.....11
39789-40092.....12

CFR PARTS AFFECTED DURING JUNE

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

465.....37397

3 CFR

Administrative Orders:

Presidential Determination:

No. 80-19 of May 28, 1980.....37681

Proclamations:

4762.....39237

5 CFR

213.....38023-38024

Proposed Rules:

Ch. 1.....37610
330.....39277
352.....37452
720.....38061

6 CFR

705.....37397, 38335

7 CFR

10.....37175
301.....38024
711.....37398
908.....37801, 38339, 39789
910.....37683, 38033
911.....39854
923.....38034
944.....39854
947.....37178
1004.....39239
1438.....39493
1701.....37399
1804.....39789
1821.....39789
1822.....39789
1872.....39789
1901.....39789
1924.....39789
1933.....39789
1942.....39789
1943.....39789
1944.....39789
1945.....39789

Proposed Rules:

725.....39277
760.....37453
916.....38386
917.....38062, 38387
930.....38063
999.....39507
1493.....37854
1701.....37454, 38064
2842.....38064

8 CFR

207.....37392
208.....37392
209.....37392
238.....38339
245.....37392
343b.....38340

9 CFR

3.....37616
78.....38035
92.....38036

Proposed Rules:

83.....38071

10 CFR

32.....38340
35.....39829
73.....37399
95.....37410
140.....37410
205.....37683
212.....38038, 39240
445.....37685
500.....38276
501.....38276
502.....38276
503.....38302
505.....38302
507.....38276

Proposed Rules:

34.....39856
71.....39519
211.....37697, 40078
212.....37697
455.....39856
474.....39520

12 CFR

204.....39494
217.....37685
229.....39495
341.....37179
343.....37179
590.....38342
605.....39495
614.....39496
701.....39241
1204.....37801-37803

Proposed Rules:

618.....39507
701.....39279
1204.....38072, 38388

13 CFR

111.....39496
305.....39242

Proposed Rules:

Ch. III.....37972
Ch. V.....37972
120.....37454

14 CFR

11.....38342
21.....38342

25 38342
29 38342
37 38342
39 ..... 37179-37181, 37805-37811, 38349, 39829-39833
71 ..... 37811, 38352, 39835-39837
73 38352
91 38342
97 ..... 37181, 39837
121 38342
127 38342
135 38342
249 37812

Proposed Rules:
Ch. I 38073
39 ..... 37221, 37222, 38402
71 ..... 37858, 38404, 39857
139 39857

15 CFR

370 37183
373 37415
374 37415
376 37415
379 ..... 37183, 37435
385 37415
386 37183
399 37415

Proposed Rules:
Ch. I 37972
Ch. II 37972
Ch. III 37972
Ch. VIII 37972
Ch. XII 37972
19 37374
938 ..... 39507, 39511

16 CFR

1 39244
2 39244
3 39244
4 39244
13 ..... 37686, 38039, 38352
460 37674
1508 37418

Proposed Rules:
13 39865
705 37386
1405 39434

17 CFR

240 ..... 37687, 39838
249 39838

Proposed Rules:
16 39280
270 38407

18 CFR

1 38354
141 ..... 37420, 38354
260 37812
271 37185
281 39497
282 37185
292 38040

Proposed Rules:
281 39283
282 38080

19 CFR

22 39244
54 ..... 38040, 38355
353 39498

20 CFR

651 39454
653 39454
658 39454

Proposed Rules:
Ch. I 37648
Ch. IV 37648
Ch. V 37648
Ch. VI 37648
Ch. VII 37648
404 39309

21 CFR

101 37420
102 39247
103 37422
146 39251
175 39251
177 39252
207 38042
510 ..... 37424, 38048
522 37425
558 ..... 37424, 38048-38049
573 38049

Proposed Rules:
310 37455

22 CFR

41 39499
208 37688

Proposed Rules:
6 37456
6f 37456
171 37456

23 CFR

Proposed Rules
625 40062
646 40062
655 40062

24 CFR

220 38356

Proposed Rules:
115 37697
203 38410

25 CFR

221 37688

26 CFR

1 38050
7 38050
31 39499

Proposed Rules:
1 ..... 39512, 39869
48 38411

27 CFR

Proposed Rules:
19 38258
70 38258
240 38258
245 38258
250 38258
270 ..... 38258, 38271
275 ..... 38258, 38271

28 CFR

0 39841
42 37620
43 39841

29 CFR

42 39486
102 37425

Proposed Rules:
Subtitle A 37648
Ch. II 37648
Ch. IV 37648
Ch. V 37648
Ch. XVII 37648
Ch. XXV 37648
1613 38083
2550 38084
2610 38415

30 CFR

250 37816-37817
715 39446
816 ..... 37818, 39446
817 39446

Proposed Rules:
Ch. I 37648
Ch. VII 37223, 37697, 38088
55 38087
56 38087
57 38087
70 39310
71 39310
90 39310
716 39448
785 39448

31 CFR

15 39841
103 37818
535 ..... 37679, 37688

32 CFR

536 39253
562 39502
888a 39502
907 39502

32A CFR

Proposed Rules:
Ch. VI 37972

33 CFR

117 ..... 39845, 39846
147 37186
165 37187

Proposed Rules:
117 39871
183 38417
235 39412

34 CFR

5b 37426
30 37426
73 37426
100 37426
104 37426
106 37426

36 CFR

251 38324
920 38056

37 CFR

Proposed Rules:
Ch. I 37972

38 CFR

17 ..... 38356, 39846
36 38056

39 CFR

111 37426-37427

Proposed Rules:
111 38419

40 CFR

52 39503
62 37431
80 37197
81 39255
86 40030
162 39848
180 ..... 39257, 39503
418 37198
423 37432
426 37198
432 37198

Proposed Rules:
51 37466
52 ..... 37224, 37699, 38419, 39310
60 39766
80 37225
86 38422
162 ..... 38087, 39311
180 37700

41 CFR

Ch. 1 39504
Ch. 14 39504
Ch. 101 ..... 37199, 37432
1-15 39848
3-4 37693
101-11 37433
101-17 37199
101-18 37199
101-19 37199
101-45 ..... 37693, 38369
105-61 39258

Proposed Rules:
Ch. 25 39871

42 CFR

59 37433

Proposed Rules:
Ch. IV 40050
405 37858
441 37858
447 ..... 37466, 39872

43 CFR

2710 39416
2730 39416
2750 39416
2760 39416

Public Land Orders:
5726 37438
5727 37439
5728 37837
5729 38369

44 CFR

64 37207
65 ..... 37442, 37694, 39258
67 37208-37209
70 38370-38379
205 37440

Proposed Rules:
67 ..... 37226, 37227, 37861, 39312-39315

45 CFR

74 ..... 37666, 38380
100c 37442

1063 39849
1067 39849
1211 39270

Proposed Rules:
Ch. VI 39871
63 37700
100b 39708
116 39712
116a 39712
1050 37867
1336 39316

46 CFR

66 38384
283 37442
527 37694
536 38057

Proposed Rules:
Ch. II 37972
Ch. IV 37703

47 CFR

0 39850
19 39850
73 ..... 37210, 37838, 38057
74 37839

Proposed Rules:
2 37237
22 37237
68 37704
73 ..... 37238–37246, 37468, 37868–37869
90 37237

49 CFR

229 39851
450 37212
451 37212
452 37212
453 37212
571 38380
800 37842
1033 ..... 37219, 37220, 37843–37845, 38057–38059, 38382, 39275, 39852
1041 37218
1047 39853

Proposed Rules:
Ch. X 39316, 39317
71 38423
391 39872
575 37870
1047 39874
1056 39519
1100 39317
1320 39519
1321 39519
1322 39519
1323 39519
1324 39519

50 CFR

20 37847
222 39875
223 39875
224 39875
225 39875
226 39875
227 39875
230 37451
255 37852
260 39275
611 ..... 37695, 39876

Proposed Rules:
Ch. II 37972
Ch. VI 37972
91 39317
661 37870

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REMINDERS

Rules Going Into Effect Today

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

31604 5–13–80 / Urban Waste Demonstration Facilities Guarantee Program

FEDERAL ELECTION COMMISSION

31292 5–13–80 / Federal Election Campaign Act; access to public records

31291 5–13–80 / Public records and Freedom of Information; implementation

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

31303 5–13–80 / Use of dimethylsulfoxide (DMSO) in humans; clinical testing and investigational use requirements revoked

TRANSPORTATION DEPARTMENT

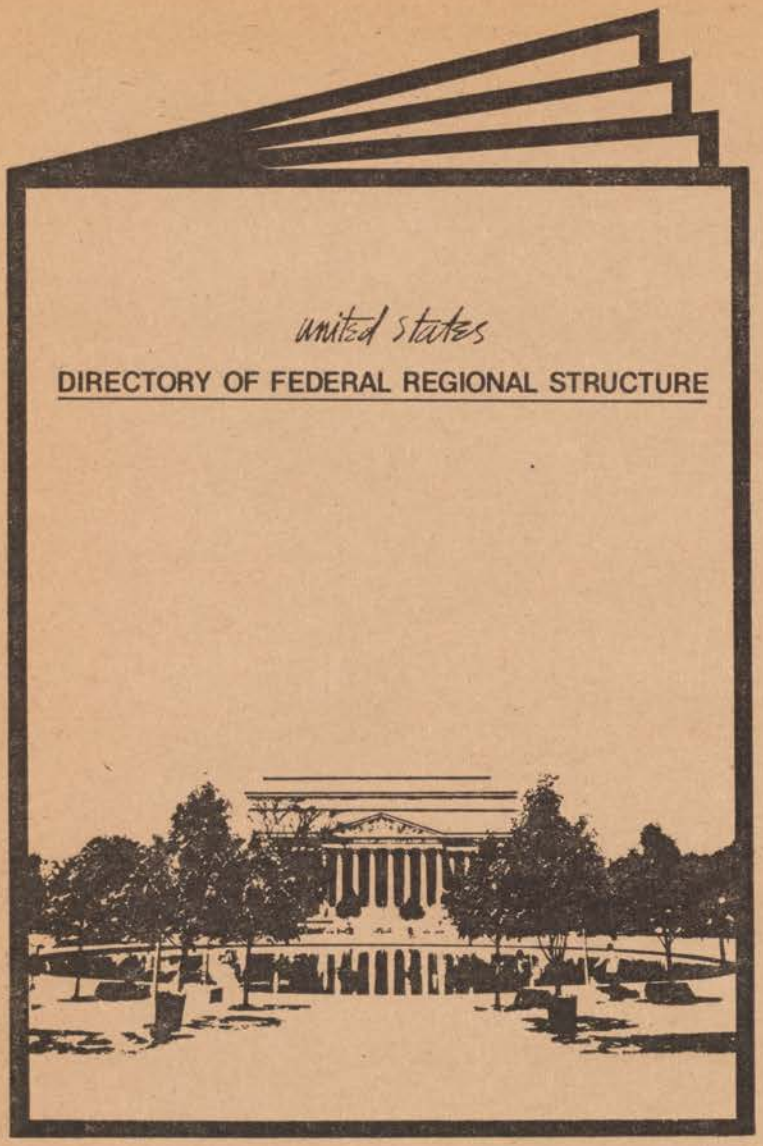
Coast Guard—

31110 5–12–80 / Unslaked lime shipping requirements

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