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federal register

Thursday
July 31, 1980

Highlights

50699 **White House Coal Advisory Council** Executive order

50734 **Rent Subsidies** HUD/FHC amends Rental Assistance Payments (RAP) regulations by broadening eligibility at the discretion of sponsor, State, or local agencies financing projects, and the Secretary, effective 9-11-80

50855 **Crude Oil** DOE/ERA issues the domestic Cruide Oil Allocation program Entitlements Notice for May 1980.

50731 **Mortgage Insurance** HUD/FHC issues a rule concerning HUD-insured newly constructed and substantially rehabilitated projects; effective 9-10-80

50833 **Primary Drinking Water** EPA proposes amendment clarifying conditions under which variances from national standards may be granted; comments by 9-29-80; hearing on 9-4-80

50942, 50943 **Oil, Gas, and Sulphur** Interior/GS announces receipt of proposed development and production plans (2 documents)

50735 **Mortgages** HUD/GNMA amends regulations to permit "Combination loans" for mobile homes and lots; effective 9-11-80

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Highlights

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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.

51011 **Nuclear Energy** NRC announces availability of draft for new guide entitled "Nuclear Power Plant Simulators for Use in Operator Training"; comments by 9–12–80

50162 **Motor Vehicles** EPA issues a rule announcing fuel economy labeling requirements, and Gas Guzzler Tax statement and tax liability schedule; effective 9–2–80 (Part IV of this issue)

50736 **Income Tax—Agriculture** Treasury/IRS issues final rule regarding material participation requirements for, and method of valuing, certain farm real property according to actual use

50728 **Wetlands** DOT/FHA issues interim policy and procedures for evaluation and easement of adverse environmental impacts to privately owned wetlands caused by construction of Federal-aid highway projects; effective 7–25–80, comments by 10–29–80

50835 **Medicare** HHS/HCFA proposes revision to regulations regarding the collection of unpaid premiums

50705 **Nuclear Safety** NRC amends regulations to implement United States/International Atomic Energy Agency Safeguards Agreement

50102 **Improving Government Regulations** Interior/ Secy issues Semiannual Agenda of Rules scheduled for review or development (Part II of this issue)

50818 **Improving Government Regulations** Justice/ Bureau of Prisons issues Semiannual Agenda of Regulations

50818 **Improving Government Regulations** Justice/ Land and Natural Resources issues Semiannual Agenda of Regulations

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Presidential Documents

Title 3–

The President

Executive Order 12229 of July 29, 1980

White House Coal Advisory Council

By the authority vested in me as President by the Constitution of the United States of America and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on matters relating to the use of coal in meeting energy demand in the United States, it is hereby ordered as follows:

1–1. Establishment.

1–101. There is established the White House Coal Advisory Council.

1–102. The Council shall be composed of nine members appointed by the President, none of whom shall be an officer or a full-time employee of the United States Government. The President shall designate one of the members to Chair the Council.

1–2. Functions.

1–201. Whenever requested by the President or the Secretary of Labor, the Council shall advise the President and the Secretary of Labor on matters pertaining to labor-management relations in the coal industry, to mine safety, and to productivity in the coal industry.

1–202. The Council shall, from time to time, advise the President or the Secretary of Labor on other issues when the President or the Secretary specifically request the advice of the Council on a particular matter.

1–3. Administration.

1–301. The Secretary of Labor shall, to the extent permitted by law and subject to the availability of funds, provide the Council with such administrative services, funds, facilities, staff, and other support as may be necessary for the effective performance of its functions.

1–302. Members of the Council shall serve without compensation. While engaged in the work of the Council, members may receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

1–4. General Provisions.

1–401. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Council, shall be performed by the Secretary of Labor in accordance with the guidelines and procedures established by the Administrator of General Services.

1–402. The Council shall terminate one year from the date of this Order.

Jimmy Carter

THE WHITE HOUSE,
July 29, 1980.

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 656, Amdt. 1; Valencia Orange Reg. 657]

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 August 1–August 7, 1980, and increases the quantity of such oranges that may be so shipped during the period July 25–July 31, 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 August 1, 1980, and the amendment is effective for the period July 25–July 31, 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 July 29, 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 remains 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 908.957 is added as follows:

§ 908.957 Valencia Orange Regulation 657.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 1, 1980 through August 7, 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.

2. Paragraph (a) in § 908.956 Valencia Orange Regulation 656 (45 FR 49239), is hereby amended to read:

§ 908.956 Valencia Orange Regulation 656.

(a) * * *
(1) District 1: 447,000 cartons;
(2) District 2: 503,000 cartons;
(3) District 3: Open Movement.

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

Dated: July 30, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-23295 Filed 7-30-80; 12:26 pm]
BILLING CODE 3410-02-M

7 CFR Part 1007

[Milk Order No. 7; Docket No. A0366-A16]

Milk in the Georgia Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the order based on proposals considered at a public hearing held March 12, 1980. The amended order will provide a seasonal base and excess production incentive plan to replace the present Class I base plan, which will be terminated August 31. Under the amended order, producers each year would establish a new base determined by their deliveries of milk under the order during the base-forming months of September–January. A separate base would be computed for each farm operated by a producer. Producers would be paid not less than the uniform price for their milk deliveries during the base-forming months. During the other months, minimum payments to producers would be based on the amounts of base and excess milk marketed under the order. A producer's base could be transferred only if the producer discontinued milk production. These amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Diary Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5443.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued February 21, 1980; published February 27, 1980 (45 FR 12821).

Recommended Decision: Issued June 11, 1980; published June 16, 1980 (45 FR 40606).

Final Decision: Issued July 16, 1980; published July 21, 1980 (45 FR 48638).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth below.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Georgia marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The present Class I base plan no longer tends to effectuate the declared policy of the Act;

(3) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(4) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Georgia marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1007.10 [Amended]

1. In § 1007.10, replace the semicolon at the end of paragraph (d) with a period; delete the word "and" at the end of paragraph (d); and delete paragraph (e).

1a. In § 1007.32, paragraph (a) is revised to read as follows:

§ 1007.32 Other reports.

(a) Each handler described in § 1007.9 (a), (b) and (c) shall report to the market administrator on or before the seventh day after the end of each month of February through August the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of February through August the pounds of base milk received from each producer during the month.

* * * * *

§ 1007.60 [Amended]

2. In § 1007.60 insert the word "and" after paragraph (e); replace the semicolon at the end of paragraph (f) with a period; delete the word "and" at the end of paragraph (f); and delete paragraph (g).

3. Section 1007.61 is revised to read as follows:

§ 1007.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of September through January per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1007.60 for all handlers who filed the reports prescribed in § 1007.30 for the month and who made the payments pursuant to § 1007.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1007.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1007.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent shall be the weighted average price for each month and the uniform price for the months of September through January.

(b) For each month of February through August the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts:

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

4. Section 1007.62 is revised to read as follows:

§ 1007.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the applicable uniform price(s) pursuant to § 1007.61 for such month.

§ 1007.71 [Amended]

5. In paragraph (a)(2)(i) of § 1007.71, the section reference "1007.61(b)" is changed to "1007.61"; and in paragraph (a)(2)(ii) of § 1007.71, the word "uniform" is changed to "weighted average."

6. In § 1007.73, paragraph (a) is revised to read as follows:

§ 1007.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the last day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month not less than the Class III price for the preceding month per hundred-weight of milk received during the first 15 days of the month less proper deductions authorized in writing by such producer;

(2) On or before the 15th day of each month at not less than the applicable uniform price(s) for the quantities of milk or base milk and excess milk received adjusted by the butterfat differential computed pursuant to § 1007.74, and by the location adjustment computed pursuant to § 1007.75, subject to the following:

(i) Less payments made pursuant to paragraph (a)(1) of this section;

(ii) Less proper deductions authorized in writing by such producer;

(iii) Less deductions for marketing services made pursuant to § 1007.86; and

(iv) If by such date such handler has not received full payment from the market administrator pursuant to § 1007.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator.

* * * * *

§ 1007.75 [Amended]

7. In paragraph (b) of § 1007.75, the word "uniform" is changed to "weighted average," where it appears in the paragraph.

§ 1007.76 [Amended]

8. In paragraph (a)(4) of § 1007.76, the word "uniform" is changed to "weighted average," where it appears in the paragraph.

9. The centerheading immediately preceding § 1007.90 and §§ 1007.90 through 1007.97 are revoked and a new centerheading and new §§ 1007.90 through 1007.94 are substituted therefor.

Base-Excess Plan

§ 1007.90 Base milk.

"Base milk" means the producer milk of a producer in each month of February through August that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1007.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of February through August in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1007.92 Computation of base for each producer.

(a) Subject to § 1007.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through January by the number of days' production represented by such producer milk or by 145, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) Except as provided in paragraph (c) of this section, any producer who, during the preceding months of September through January, delivered milk to a nonpool plant that became a pool plant after the beginning of such period shall be assigned a base in the same manner as if the dairy farmer had been a producer during such entire period, calculated from the producer's deliveries during such September–January period to such plant. A base thus assigned shall not be transferable.

(c) Any producer who delivered milk to a newly constructed plant that first received milk approved by a duly constituted health authority for fluid consumption not more than three months prior to the date it became a pool plant pursuant to § 1007.7(a) after the beginning of the base-forming period, and whose first delivery of such approved milk to the new plant was made not more than four months after the date of such plant's first receipt of such milk, shall be assigned a base calculated from such producer's verifiable deliveries of approved milk to all plants during such entire base-forming period. A base thus assigned shall not be transferable. This paragraph shall not apply to a newly constructed plant that is a replacement plant (as determined by the market administrator) for a pool plant pursuant to § 1007.7(a).

§ 1007.93 Base rules.

(a) Except as provided in § 1007.92 (b) and (c), a base may be transferred only when a producer discontinues milk production and only in amounts of not less than 100-pound increments. A base transfer shall be effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective. In the case of intrafamily transfers, including transfers to the estate or from an estate to a member of the immediate family, such transfers may be effective on any day of the month if application for such transfer is filed with the market administrator within five days thereafter. An application for a base transfer shall be on a form approved by the market administrator and signed by the baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, the application must be signed by all joint holders or their heirs.

(b) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(c) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which

such combination of bases is to be effective.

§ 1007.94 Announcement of established bases.

On or before March 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through January and shall notify each producer and the handler receiving milk from such dairy farmer of the base established by the producer. If requested by a cooperative association, the market administrator shall notify the cooperative association of each producer-member's base.

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

Effective date: September 1, 1980.

Signed at Washington, D.C., on: July 28, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-23101 Filed 7-30-80; 8:45 am]

BILLING CODE 3410-02-M

[Milk Order Nos. 97 and 108; Docket Nos. AO-219-A36 and AO-243-A34]

7 CFR Parts 1097 and 1108

Milk in the Memphis, Tenn., and Central Arkansas Marketing Areas; Order Amending Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changing the pooling provisions of the Central Arkansas order and the location adjustment provisions under the Memphis order is based on industry proposals that were considered at a public hearing held April 15–17, 1980. The amendments provide for continued regulation under the Central Arkansas order of a distributing plant that was regulated under such order in the preceding month and that meets the pooling requirements of such order and of another Federal order during the current month even though the plant has more sales in the other market. For a plant located within the Central Arkansas marketing area, the amendments provide that the plant would continue to be pooled under the Central Arkansas order until the third consecutive month in which the plant has at least half of its sales in another Federal order market. For a plant located outside the marketing area, the Central Arkansas order would continue to regulate the plant until the third consecutive month in which the greater proportion of the plant's sales is made in another Federal order market. The amendment of the Memphis order eliminates any adjustment of the Class I and uniform prices for plant location for milk received at plants located within the Central Arkansas marketing area.

The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the regulated areas. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and an opportunity to file exceptions thereto were omitted.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agriculture Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing—issued March 26, 1980 (45 FR 20888). Supplemental notice of hearing—issued April 7, 1980, published April 10, 1980 (45 FR 24492). Extension of time for filing briefs—issued June 27, 1980, published July 3, 1980 (45 FR 45302). Emergency partial final decision—issued July 14, 1980, published July 18, 1980 (45 FR 48154).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Memphis, Tennessee and Central Arkansas orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Memphis, Tennessee, and Central Arkansas marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found with respect to each order that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional finding.* It is necessary in the public interest to make this order amending the Memphis, Tennessee, and Central Arkansas orders effective not later than August 1, 1980. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued July 14, 1980. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the said orders effective August 1, 1980 and that it would be contrary to the public interest to delay the effective date of the amended orders for 30 days after their publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the Memphis, Tennessee, and Central Arkansas marketing areas, to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the Memphis, Tennessee, and Central Arkansas orders, is the only practical means pursuant to the declared policy of the Act of advancing

the interests of producers as defined in the order as hereby amended;

(The following determination is made with respect to the order amending the order regulating the handling of milk in the Central Arkansas marketing area.)

(3) The issuance of the order amending the Central Arkansas order is favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(The following determination is made with respect to the order amending the order regulating the handling of milk in the Memphis, Tennessee, marketing area.)

(4) The issuance of the order amending the Memphis, Tennessee, order is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Memphis, Tennessee, and Central Arkansas marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1097—MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

In § 1097.52, all of that portion of the section preceding the table heading "Location of plant", is revised to read as follows:

§ 1097.52 Plant location adjustments for handlers.

For that milk which is received at a fluid milk plant (from producers or from a handler described in § 1097.9(c)), located outside the Arkansas counties of Clark, Conway, Craighead, Cross, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lee, Lonoke, Monroe, Phillips, Poinsett, Pope, Prairie, Pulaski, Saline, St. Francis, White, and Woodruff and 50 miles or more from the city hall in Memphis, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 1097.40(a) to another fluid milk plant and assigned to Class I pursuant to the calculation provided in this section, or otherwise classified as Class I milk, the price specified in § 1097.50(a) shall be adjusted at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received:

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

Section 1108.7(b)(2) is revised to read as follows:

§ 1108.7 Pool plant.

* * * * *

(b) * * *

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, unless one of the following conditions applies:

(i) If the plant is located within the marketing area and was a pool plant under this order during the immediately preceding month (except that prior pool plant qualification need not be met during the first month that the amended order is effective), it shall continue to be subject to all of the provisions of this part until the third consecutive month in which 50 percent or more of the plant's route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(ii) If the plant is located outside the marketing area and was a pool plant under this order in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of the plant's route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

* * * * *

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

Effective date: August 1, 1980.

Signed at Washington, D.C., on: July 28, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-23102 Filed 7-30-80; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40, 50, 70, 75, 150, and 170

Safeguards on Nuclear Material—Implementation of US/IAEA Agreement

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to enable the United States to implement the US/IAEA Safeguards Agreement, with respect to licensed activities, as soon as the Agreement enters into force. Implementation of the Agreement will require the cooperation of NRC and Agreement State licensees, in accordance with appropriate regulations. The rules published here are the means by which the Agreement will be implemented with respect to licensed activities.

EFFECTIVE DATE: Upon the Agreement's entry into force and publication of notice thereof in the **Federal Register.***

*Note.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The reporting requirements of this rule will not become effective until clearance is granted by the General Accounting Office following review as set forth in 44 U.S.C. 3512(c)(2). Comments regarding the report forms and instructions may also be submitted directly to the Commission. Submissions made within 21 days after GAO's publication, in the **Federal Register**, of notice of receipt of NRC's report proposals will be considered by the Commission before the forms are placed into use.

FOR FURTHER INFORMATION CONTACT: Mr. L. C. Solem, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–443–5903); Mr. James R. Wolf, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–492–8694); or Mr. Paul K. Morrow, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301–427–4004).

SUPPLEMENTARY INFORMATION: On May 25, 1978, the Nuclear Regulatory Commission published in the **Federal Register** (43 FR 22365) proposed amendments to Parts 40, 50, 70, and 150 and a new proposed Part 75 to Title 10, Code of Federal Regulations. Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments within

60 days after publication in the Federal Register. On November 21, 1978, the Commission published a notice (43 FR 54255) regarding the availability of certain supplemental documents and extending the period of comment for 30 days. On July 17, 1979, the Commission published revised proposed amendments (44 FR 41468). Interested persons were invited to submit written comments and suggestions. Upon consideration of the comments received from 7 licensees and the Texas Department of Health, the Nuclear Regulatory Commission has decided to adopt and publish, with modification, the revised proposed amendments to Title 10, Chapter I, Code of Federal Regulations. Copies of the comments and an analysis of them by the NRC staff are available in the Commission's Public Document Room.

Overview

The United States, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has joined with other nations in an effort to limit the spread of nuclear weapons. To encourage widespread adherence to the NPT by non-nuclear-weapon States, President Johnson in 1967 announced that the United States would permit IAEA to apply its safeguards to nuclear activities in this country—excluding only those with direct national security significance. This policy has been reaffirmed by each succeeding President and has been referred to by other Governments as a consideration affecting their decisions to ratify the NPT.

The instrument for applying IAEA safeguards in the United States would be a formal Agreement between the U.S. Government and the International Atomic Energy Agency, to which the U.S. Senate gave its advice and consent to ratification as a treaty on July 2, 1980. The US/IAEA Agreement contains provisions which parallel agreements between the IAEA and non-nuclear-weapon States, the principal difference being the exclusion of national security activities. Implementation of the Agreement will require the cooperation of NRC and Agreement State licensees, in accordance with appropriate regulations. The rules published here are the means by which the Agreement will be implemented with respect to licensed activities.

The provisions of the Agreement were the subject of hearings before the Senate Committee on Foreign Relations on June 22 and December 11, 1979. In the development of these rules, the Commission has considered the matters discussed during those hearings and subsequent Senate deliberations. In particular the rules reflect our intention to work closely with licensees so as to ensure, insofar as possible, that the Agreement can be implemented in a spirit of full cooperation. It is widely recognized that IAEA safeguards can help protect the international community from nuclear proliferation, and the Commission perceives a general willingness to join together in efforts toward that end.

Changes

In summary, differences from the proposed amendments published for comment on July 17, 1979, are: (1) The regulations now specifically refer to Facility Attachments (or Transitional Facility Attachments) negotiated under the Agreement and indicate that certain provisions of the Facility Attachments will be reflected in license conditions; (2) licensees' opportunities for consultation are expanded; (3) various clarifying amendments have been made to reflect more clearly the structure of the Agreement, particularly with respect to identifications made under either the principal text or the Protocol; (4) procedures are provided for resolution of certain issues outside the context of a show-cause proceeding; (5) inspections are categorized by type, with inspectors' access rights further defined; (6) reference is made to a licensee's opportunity to propose that a special material balance area be established around process steps involving commercially sensitive information; (7) the standard for measuring sufficiency of installation information is revised to correct the implication that determinations are made unilaterally by IAEA; (8) licensees are advised not to include details of physical security plans in installation information; (9) provisions for reporting of modifications affecting installation information have been clarified and relaxed, particularly with respect to emergency or unforeseen situations; (10) the Commission's intention to provide NRC representatives to accompany IAEA inspectors is stated more positively; (11) licensees are relieved of the responsibility to revise their material accounting and control procedures until the Facility Attachment has been completed; (12) requirements with respect to records and reports describing the isotopic composition of licensees' holdings have been made less burdensome; (13) the inventory change report provision includes a better definition of the "concise note" requirement and is conformed to domestic safeguards regulations, particularly with respect to submission formalities; (14) scheduling for material status reports is made more flexible and the occasions when such reports are required are described more precisely; (15) the special reports provision has been revised with a view to minimizing efforts beyond those called for under the Agreement; (16) the Commission's intent to give prompt notice to a licensee when its installation is no longer subject to application of IAEA safeguards is made explicit; (17) the regulations now state that the IAEA will "reimburse for" (instead of the less specific "bear the cost of") certain expenses; (18) the provision pertaining to the breaking of IAEA seals has been stricken; and (19) miscellaneous minor changes have been made for purposes of clarification.

The following discussion pertains primarily to items (1) through (19) above. In come cases, the discussion also treats related suggestions which were considered by the Commission, but which—for the reasons stated—were not accepted.

(1) *Facility Attachments.* Implementation of the Agreement will require that a Facility Attachment be prepared for each installation where nuclear material subject to IAEA safeguards is located. (A Transitional Facility Attachment, which may omit a number of provisions, such as those applicable to inspections and special reports, will have to be prepared for an installation identified under the Protocol to the Agreement.) The proposed rule made no explicit reference to the Facility Attachment, but instead simply noted that certain written communications (intended to be based upon the Facility Attachment) would be binding upon licensees.

The Commission believes that the addition of language that refers expressly to the Facility Attachment will clarify the implementation process. Thus, instead of affording a licensee an opportunity to be consulted with respect to any matters that are to be the "subject of Agency determinations," the final rules relate licensee participation specifically to the contents of the Facility Attachment (or Transitional Facility Attachments). A further clarification is achieved by providing that certain provisions of the Facility Attachment will be referred to or reflected in license conditions. These changes appear in § 75.4 (additional definitions), § 75.8 (dealing with Facility Attachments), and §§ 75.11. 75.21, 75.22, 75.34, 75.35, 75.36, 75.42, 75.45 and 75.46 (references to license conditions). However, because Agreement State licensees are not subject to NRC license conditions, § 150.17a has been amended

to indicate that the equivalent of license conditions would be provided, for such licensees, in the form of orders issued under section 274m of the Atomic Energy Act.

We have not implemented a suggestion that certain specific factors (e.g., cost-effectiveness) be identified as considerations that will influence the provisions of Facility Attachments. It is preferable to use general terms because of the wide range of provisions in the Agreement that must be given effect.

(2) *Consultation.* Several commenters once again noted the importance of licensees playing an active role in the negotiation of the Facility Attachment. The final rules accommodate these concerns by giving assurance that a licensee will be afforded a reasonable opportunity to participate in the development of the Facility Attachment and to review and comment upon it before it has been agreed to by the United States. (See § 75.8.) The Commission will give full and fair consideration to the comments of the licensee and will provide, on request, a statement of reasons for any conclusions it has reached that are contrary to the views of the licensee.

A number of commenters raised issues that will be addressed when Facility Attachments are prepared. The revised consultation provision gives further recognition to the rights of licensees to be heard at that time. It would be premature to accommodate such concerns in the rule, however, as their resolution will require agreement with the IAEA.

(3) *Terminology conforming to Agreement.* Several changes relate the language of the regulations more closely to that of the Agreement. Thus, as already mentioned, the final rules refer specifically to Facility Attachments and Transitional Facility Attachments. Similarly, where the context requires, the regulations now explicitly differentiate obligations arising under the principal text of the Agreement (relating to licensees whose installations are subject to the application of IAEA safeguards, including a program of inspections) from licensee obligations which arise under the Protocol to the Agreement.

The revised definition of "Agreement" points out that the term includes the Protocol "unless otherwise specified." Where the intent is to refer specifically either to the principal text on the one hand or to the Protocol on the other, the language so indicates. (See §§ 75.4(g), 75.4(q), 75.8, 75.41.) Although references to the Agreement in §§ 75.42 through 75.46 relate to activities under the principal text of the Agreement, and not the Protocol, limiting language was not inserted because in those sections the references back to § 75.41 adequately indicate that it is the principal text that is relevant.

Note also the addition of the defined term "identification under the Agreement" (§ 75.4(j)), which includes "identifications" (selections by IAEA from the eligible list) made under either Article 39(b) of the principal text of the Agreement or Article 2(a) of the Protocol. This term is used in the definitions of Facility Attachment and Transitional Facility Attachment, and in §§ 75.11, 75.21, 75.31, and 75.41. The significance of this addition is that it limits the implementation of the reporting and other provisions of the regulations to those installations which have been selected by IAEA under the principal text of the Agreement or the Protocol. In view of the applicable time constraints, the Commission had earlier contemplated that requests for installation information, in particular, might be made before formal identification by IAEA, but now believes that such a procedure should be avoided, at least at the outset, so to avoid any unnecessary burdens upon licensees. (Note that, in accordance with § 75.11(a), the Commission will specify the instrument under which the indentification has been made.)

(4) *Recourse procedures.* Some commenters requested that a procedure be established that would enable disputes with licensees to be resolved by means other than an enforcement proceeding. We construe this suggestion as relating particularly to proceedings instituted by a show-cause order under § 2.202. The Commission believes that this concern is answered, in part, by providing, in § 75.8, that requirements reflecting provisions of the Facility Attachments, unless agreed to by the licensee, will be issued in the form of license amendments under § 2.204 of the NRC rules of practice. A licensee has a right to a hearing with respect to an order entered pursuant to that regulation unless the Commission finds that the public health, safety, or interest requires the order to be made effective immediately. (In view of this change, the caption of § 75.51 has been changed from "Violations" to "Enforcement" and the references to § 2.201 and § 2.202 have been broadened to refer to Part 2, Subpart B instead.)

We have considered a suggestion that disputes arising in the course of IAEA inspections should be handled in a way that would allow a decision to be deferred until the cognizant Director (as specified in § 75.6(b)), after submission of the matter to him by interested parties, had made a determination. The proposal is unacceptable because, if applied, it could interfere with the IAEA's ability to implement a satisfactory safeguards regime. Another suggestion called for a special procedure to resolve disputes over installation information involving license applicants. This is unnecessary, however, because existing procedures allow for prompt resolution. For utilization facilities, the issues would arise in a context separate from the proceedings for the issuance of a construction permit or operating license. (A request would be issued under § 50.78 and would be determined, if necessary, under Part 2, Subpart B.) Applicants for materials licenses would be advised, should informal techniques prove to be unavailing, that the application does not comply with Commission regulations (§ 2.103) or that there has been a failure to supply required information (§ 2.108), and in either case a hearing could be scheduled promptly to resolve the issue.

(5) *Inspection categories.* One commenter took exception to the Commission's earlier statement that the regulations need not differentiate among types of inspections because in each case the obligations of licensees would be the same. We have reviewed the provisions of the Agreement once again and have determined that the locations to which an IAEA inspector may have access will depend upon the type of inspection. Section 75.42 has been modified to reflect the access provisions contained in Article 74.

(6) *Commercially sensitive process steps.* A commenter requested that the provisions of Article 46(b)(iv), which relates to the establishment of special material balance areas around process steps involving commercially sensitive information, should be incorporated in the regulations. While the proposed rule would have permitted a licensee to request such an MBA to be established, this is now made explicit in revised § 75.11(b)(4). It is anticipated, however, that this course would be followed only in exceptional situations and only where compatible with the terms and objectives of the Agreement.

(7) *"Agency determinations".* The provisions relating to submission of installation information (in § 75.11) have been amended to eliminate the term "Agency determinations." The matters involved are those to be included in the Facility Attachments, and thus the determinations will not be made unilaterally by IAEA. The new language corresponds more closely to its

counterpart in Article 46 of the Agreement.

(8) *Physical security plans.* The proposed rules provided for the withholding of details of physical security plans from physical transmission to the IAEA. We have determined, however, that such information need not ordinarily be included in installation information and have so indicated in § 75.11(e). Nevertheless, to provide a clear basis for denying access to such information (or other information), where consistent with the Agreement, we have retained (with modification) a portion of former § 75.12(c). (Paragraphs in § 75.12 have been rearranged for editorial reasons.)

(9) *Modifications to installation information.* Section 75.11(c) has been revised, in response to comments, so as to provide greater guidance and flexibility. First, the revised rules provide that the types of modifications that must be reported in advance will be set out in license conditions; this should result in greater specificity than the previously proposed language calling for such reporting when, among other things, a modification would decrease the effectiveness of the material accounting and control procedures. This amendment reflects the provision of Code 3.1.3 of the Subsidiary Arrangements, which contemplates that the types of modifications in question will be identified in the Facility Attachment. Second, a shorter reporting period is permitted, where approved by the Commission, in the event of unforeseen situations. This again implements Code 3.1.3, which requires that the longer notice period shall "normally" be provided. Third, since the modifications required to be reported under Article 45 are those "relevant for safeguards purposes," the duty to submit information with inventory change reports has correspondingly been restricted in § 75.11(c)(2). Finally, the deletion of the reference to "changes" (in addition to "modifications") is more faithful to Article 45.

(10) *IAEA inspections and visits.* In response to commenters' renewed urging that NRC inspectors accompany IAEA representatives, both §§ 75.13 and 75.42 have been revised to indicate that this will be done, to the extent feasible, unless the licensee agrees otherwise (instead of "upon request by a licensee"). However, to assure that the unavailability of NRC personnel does not result in a licensee's denying access to an IAEA inspector in violation of the Agreement, the regulations still require that unaccompanied inspectors be admitted.

A clarifying amendment with respect to the advance notice period has been included in § 75.13 to indicate that the allotted 3-day period does not commence at the time of posting of a written communication, but rather upon receipt of the information (whether by telephone or by mail). Further expansion of the minimum-notice period would be inconsistent with undertakings of the IAEA; nevertheless, licensees will be given as much notice as possible, since this should serve the interests of all in assuring that the IAEA visits are productive.

While a proposal that verification visits under § 75.13 be put off if key personnel are unavailable has not been accepted in full, that section has been revised to indicate that licensees should consult with the Commission immediately if this is the case. NRC would then proceed to take such action as necessary in light of Article 48 (relating to the sending of inspectors "in cooperation with the United States") and Article 9(c)(i), which provides that visits be arranged so as to "reduce to a minimum the possible inconvenience and disturbance" to the activities of the licensee concerned.

As noted above, § 75.42 has been modified to reflect the types of inspections authorized by the Agreement and to define more clearly inspectors' rights of access. In addition to giving licensees advance notification of inspections, in accordance with § 75.42(h), the Commission expects to periodically furnish licensees with other information regarding the IAEA inspection program.

(11) *Scope and implementation of procedures.* A commenter objected to the language in § 75.21 that would obligate a licensee to overhaul its procedures in advance of the negotiation of a Facility Attachment. Article 40(c), which allows the IAEA to apply safeguards on a interim basis, had been cited as the grounds for this provision. Upon further consideration, the conclusion reached is that Article 40(c) can be applied while the licensee continues to use its established material accounting and control procedures. It will be sufficient for the licensee to use those procedures so long as they allow inventory changes to be documented. (Code 10 of the Subsidiary Arrangements). As the schedule for implementation will be specified in license conditions, the reference (in former § 75.21(e)) to a 10-day period has been deleted. The qualifying language in § 75.21(b) also reflects the fact that the provisions of the Agreement may, for some installations, be achievable without procedures falling in each enumerated category.

Note the deletion of the reference to batch accounting, contained in former § 75.21(b). That provision was determined to be redundant.

The change in § 75.21(b)(6), substituting "a system of accounting and operating records" for "maintenance of" such records, adopts the parallel language of Article 32.

(12) *Records and reports of isotopic composition.* A commenter pointed out that the provision for including "isotopic composition" in the batch data defined in § 75.22(b) could be construed to call for a complete spectrum of major and minor isotopes present. This would go beyond the definition of "batch data" in Article 90D of the Agreement, which requires inclusion of isotopic composition "when appropriate." The extent to which the information is appropriate will depend upon the character of the activities involved. For a particular licensee it will be specified in the Facility Attachment. § 75.22(b) has accordingly been changed to relate the isotopic-composition recordkeeping requirement to license conditions (which will reflect the terms of the Facility Attachment).

The comment also prompted a change in § 75.45, which now calls for advance notifications of transfers to include isotopic composition data, other than fissile isotope weights, only to the extent specified by license conditions. This is more faithful to the provisions of the Subsidiary Arrangements.

(13) *Inventory change reports.* Section 75.34 has been amended to indicate that "concise notes," when appropriate, will be submitted on a separate form (DOE/NRC Form-740M, Concise Note) and to limit the requirement with respect to reports of the anticipated operational program so that it includes only matters that are specified in license conditions. The schedule for submission of the forms (former § 75.34(c)) has been deleted because it will be dealt with explicitly in the instructions; similar changes have been made in § 70.54 (nuclear material transfer reports in the domestic safeguards program) to assure consistency with Part 75. See also the conforming change in the source material regulations (§ 40.64).

(14) *Material status reports.* Revised material accounting procedures will require the use of two separate forms, a Material Balance Report (DOE/NRC Form-742) and a Physical Inventory Listing (DOE/NRC Form-742C). These are collectively referred to in § 75.35 as material status reports. Conforming changes also are made in § 40.64 (pertaining to source material) and

§ 70.53 (pertaining to special nuclear material), which sections also have been amended to eliminate conflict with the requirements of Part 75 (particularly with respect to scheduling).

Section 75.35 also has been modified to make it clear that physical inventory reports are required only for inventories which are taken in response to the requirements of Part 75. The reports need not be prepared for other inventories, such as those taken routinely for internal control purposes. Details with respect to entries on the forms have been deleted because they were incomplete and because the matter will be addressed specifically in the instructions for completing the forms. Further, the final rule allows for completion dates to be included in the license conditions; this may be necessary in some cases to assure compliance with Article 61(b) of the Agreement.

(15) *Special reports.* The Commission has once again reviewed comments to the effect that the special reports provision (§ 75.36) is unnecessarily burdensome, particularly with respect to losses of containment that occur "unexpectedly." Since the subject is one that will be treated in detail in the Facility Attachments, the Commission has determined that the requirements for particular installations should be treated in license conditions. Such conditions, tailored to the circumstances of individual licensees, will be phrased in a manner that will eliminate much of the concern that has been expressed. Language also has been inserted in § 75.31, which eliminates a perceived inconsistency in the regulations regarding the coverage of the special reports requirement.

(16) *Termination of installation designation.* The provision dealing with designation of installations (§ 75.41) has been expanded, in response to a suggestion, to indicate that the Commission will give a licensee prompt notice when its installation is no longer subject to the application of IAEA safeguards.

(17) *Expenses.* A commenter asked for the regulations to state the mechanism by which the IAEA is to "bear the cost" of certain expenses. The language concerned, in former § 75.47(a), was based upon Article 14 of the Agreement. The Commission understands that the reference to bearing the costs in question contemplates a reimbursement procedure. The proposed rule has accordingly been modified to substitute "reimburse a licensee for the cost" in place of "bear the cost." See new § 75.46. Should costs not be reimbursed with reasonable promptness, the Commission would, when deemed appropriate, seek to initiate action pursuant to § 75.46(d) and the dispute resolution articles of the Agreement.

(18) *Agency seals.* The section dealing with the breaking of IAEA seals (former § 75.46) has been deleted because there is no direct counterpart in the Agreement. This change is also responsive to concerns expressed by some licensees that the regulations could unduly interfere with operational requirements. The Facility Attachment will address matters relating to the integrity of IAEA seals and will take operational requirements into account.

(19) *Miscellaneous minor changes.* A number of editorial changes, though not substantive, merit brief comment. The term "IAEA" is used in place of "Agency" to avoid possible confusion that an agency of the United States government is being referred to. The explanation of "source data" in § 75.22 corresponds more closely to Article 90R of the Agreement. The former term "initial report" in § 75.32 is replaced by the more descriptive "initial inventory report." The additional statutory citations to sections 103 and 104 of the Atomic Energy Act provide a more explicit basis for including holders of construction permits within the scope of Part 75. Section 75.6(a), which specifies the NRC offices to whom specific communications are to be directed, has been changed so as to improve the efficiency of administering the regulations.

Discussion of Other Comments

In addition to the matters referred to above, the Commission has considered carefully all the issues identified in the comments received. Some of these, although not resulting in changes to the proposed rule, merit additional discussion, as follows:

Comment: Licensees should not be required to maintain two documents pertaining to material accounting and control, one for domestic purposes and one for IAEA purposes.

Response: As reflected in the final rule, NRC recognizes the desirability of reconciling the requirements of 10 CFR Parts 70 and 75 insofar as practicable. To the extent that duplication can be eliminated, we shall continue to make every effort to do so. Suggestions from licensees, drawn from their actual experience, will be welcome at any time.

Comment: Schedules for implementation of the Agreement do not allow sufficient time for licensees to make necessary preparations.

Response: The regulations, especially as revised, provide as much time as is permitted under the applicable provisions of the Agreement and Subsidiary Arrangements. Licensees are encouraged to make advance preparations so that installation information can be submitted promptly when requested by the Commission and so that applicable procedures, including initial inventory reporting, can be implemented in a timely fashion.

Comment: Experimental and research facilities should not be designated for the application of IAEA safeguards.

Response: Such facilities are within the scope of the Agreement. So long as selections are made in conformity with the Agreement and Subsidiary Arrangements, the Commission would have no occasion to urge any particular course of action upon the IAEA. In any event, the question cannot be dealt with in the context of the present rulemaking action.

Comment: NRC should provide, in the rule, more specific guidance regarding the information that must be submitted as installation information and as routine reports.

Response: Detailed guidance has been prepared by the NRC staff and is now available. This guidance includes various new or revised forms, together with instructions for their preparation. These are being submitted to the General Accounting Office for clearance pursuant to 44 U.S.C. 3512. GAO will publish notice of submission, at which time affected persons will have the opportunity to comment. Written data, views, or arguments regarding the forms and instructions may also be submitted directly to the Commission. Submissions made within 21 days after GAO's publication, in the **Federal Register**, of a notice of receipt of NRC's report proposals will be considered by the Commission before the forms are placed into use.

Comment: The regulations should indicate that the licensee need not include information beyond what is necessary for the Agency to make knowledgeable determinations.

Response: The proposed language fails to express affirmatively, as it should, just what a licensee must do. The formulation in § 75.11(d)—that the information shall be sufficiently detailed to enable knowledgeable determinations to be made in the development of Facility Attachments—is preferable.

Comment: The requirement that licensees submit a description of proposed procedures (as opposed to existing systems) is nebulous, may be applied unduly broadly, and is unnecessary in view of after-the-fact reports of changes in the safeguards system.

Response: The language in question (§ 75.11(b)(4)) implements Article 43(d) of the Agreement and accordingly has not been changed. However, as the forms supplied under § 75.11(d) will make clear, the licensee will not be called upon to propose any new procedures for purposes of compliance with the provisions of Part 75. The "proposed procedures" which must be described are those which the licensee intends to institute, for other reasons, but which are not yet in effect. (Our prior comments on this subject are withdrawn, to the extent they are inconsistent with this statement.) The details of the procedures, as opposed to a description thereof, would be required only when necessary for knowledgeable determinations to be made in the development of Facility Attachments.

Comment: The regulations should provide for defining in the Facility Attachment the categories of information that will be treated as being particularly sensitive.

Response: The commenter's concern relates to the avoidance of inadvertent loss of the protection contemplated by § 75.12(b)(1). The suggested amendment would be inappropriate, however, because the determination of particular sensitivity is to be made by the Commission; it is not a subject to be covered in the Facility Attachment. Indeed, the information in question most likely would be supplied to the IAEA before the Facility Attachment even has been prepared. To minimize the risk that available protection is lost through inadvertence, the forms supplied by the Commission (§ 75.11(d)), or the accompanying letter of transmittal, will call attention to the provisions of § 75.12. This may be done by reference to that section, by reciting it, or by including appropriate questions reflecting its terms.

Comment: Licensees should not be required to provide access to IAEA inspectors, under § 75.42, except "during normal working hours."

Response: To limit inspections to "normal working hours" could seriously interfere with the IAEA's ability to carry out its responsibilities. "During normal working hours" seems appropriate for visits under § 75.13 to verify installation information. However, the IAEA's safeguards regime cannot be effective if inspections outside of normal working hours are subject to restraints. In view of the relevant provisions of the Agreement (e.g., Article 9 (c)(i)), the scheduling of inspections, in practice, probably will not result in serious inconvenience to the licensee.

Comment: The rule should state that IAEA equipment will not be agreed to by the United States if it impinges upon certain specified interests of the licensee (such as safety, protection of proprietary information, and product quality).

Response: The recommended criteria are not included in the rule because they will not be utilized in precisely the terms proposed. They are relevant, however, in determining whether or not, for example, the safeguards "avoid undue interference . . . in the operation of the facilities," the information to be provided is the "minimum" required by the IAEA. The standards that will be applied are those contained in the Agreement itself, as made clear by the reference thereto in § 75.42(e)(2).

Comment: Advance notification should not be required, under § 75.43, with respect to routine shipments, such as those recycling uranium hexafluoride heels.

Response: The issue will be considered in the development of Facility Attachments. Relief may be provided, where appropriate, by granting an exemption under § 75.3(a).

Supplemental Rules

The Commission has determined that the rules set forth in this notice will permit timely implementation of the Agreement. However, certain additional details of the process will need to be treated by the time the Agreement enters into force, or shortly thereafter. For example, IAEA representatives must be assured of access to some items of classified information; to meet this need, appropriate rule changes, such as amendments to 10 CFR Parts 25 and 95, may be considered. Similarly, import and export regulations will be reviewed, with a view to adopting measures which will enable IAEA inspectors to discharge their functions without impediment. Any necessary rule changes will be made in accordance with established rulemaking procedures.

Notice

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, the following new Part 75 and the following amendments to Parts 40, 50, 70, 150, and 170 of Title 10, Chapter I, Code of Federal Regulations, are published as a document subject to codification.

PART 40—LICENSING OF SOURCE MATERIAL

1. The citation of authority is amended by adding a new paragraph as follows:

Authority: * * * Section 40.31(g) also issued under Sec. 122, 68 Stat. 939, 42 U.S.C. 2152.

2. A new paragraph (q) is added to § 40.4 to read as follows:

§ 40.4 Definitions.

* * * * *

(q) "Effective kilogram" means (1) for the source material uranium in which the uranium isotope uranium–235 is greater than 0.005 (0.5 weight percent) of the total uranium present: 10,000 kilograms, and (2) for any other source material: 20,000 kilograms.

3. A new paragraph (g) is added to § 40.31 to read as follows:

§ 40.31 Application for specific licenses.

* * * * *

(g) An applicant for a license to possess and use source material in a uranium hexafluoride production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material (except for ore processing, as defined in § 75.4 (o) of this chapter) should file with the Commission the installation information described in § 75.11 of this chapter; and the applicant shall permit verification thereof by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11–75.14 of this chapter. The Commission will grant an exemption from the requirements of this section, upon application, if it determines that the installation will not be included on the United States eligible list. The installation information should be filed at least 9 months prior to the date when the applicant desires to receive the source material (or earlier upon request by the Commission). Applicants who desire to receive the source material within 9 months after the effective date of this paragraph should submit the installation information as soon as possible.

4. Section 40.64 is amended to read as follows:

§ 40.64 Reports.

(a) Except as specified in paragraphs (d) and (e) of this section, each licensee * * *.

(b) Except as specified in paragraphs (d) and (e) of this section, each licensee * * *.

* * * * *

(e) Any licensee who is required to submit inventory change reports and material status reports pursuant to Part 75 of this chapter (pertaining to implementation of the US/IAEA

Safeguards Agreement) shall prepare and submit such reports only as provided in § 75.34 and § 75.35 (instead of as provided in paragraphs (a) and (b) of this section).

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

5. The citation of authority is amended by inserting the following statement between the first and second sentences:

Authority: * * * Section 50.78 also issued under sec. 122, 68 Stat. 939, 42 U.S.C. 2152"; and by inserting, in the last sentence, the phrase "and § 50.78" between the words "§§ 50.70–50.71" and "issued under sec. 161o
* * *

6. A new § 50.78, "Installation information and verification," with accompanying centerhead, is added to read as follows:

US/IAEA Safeguards Agreement

§ 50.78 Installation information and verification.

Each holder of a construction permit shall, if requested by the Commission, submit installation information, permit verification thereof by the International Atomic Energy Agency, and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6 and 75.11–75.14 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

7. A sentence is added to the citation of authority to read as follows:

Authority: * * * Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

8. Section 70.21 is amended by adding a new paragraph (g) to read as follows:

§ 70.21 Filing.
* * * * *

(g) An applicant for a license to possess and use more than one effective kilogram of special nuclear material should file with the Commission the installation information described in § 75.11 of this chapter; and the applicant shall permit verification thereof by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6 and 75.11–75.14 of this chapter. The Commission will grant an exemption from the requirements of this paragraph, upon application, if it determines that the installation will not be included on the United States eligible list. The installation information should be filed at least 9 months prior to the date when the applicant desires to receive the special nuclear material (or earlier upon request by the Commission). Applicants who desire to receive the special nuclear material within 9 months after the effective date of this paragraph should submit the installation information as soon as possible.

9. Section 70.53 is amended to read as follows:

§ 70.53 Material status reports.

(a)(1) Each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit to the Commission (on DOE/NRC Form-742, Material Balance Report) material balance reports concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of, or lost by the licensee. The licensee also shall prepare (on DOE/NRC Form-742C, Physical Inventory Listing) a statement of the composition of the ending inventory, which shall be submitted to the Commission as an attachment to each material balance report. All such reports shall be made as of March 31 and September 30 of each year and filed within thirty (30) days after the end of the period covered by the report. The Commission may permit a licensee to submit such reports at other times when good cause is shown. In preparing and submitting the reports described in this paragraph, the licensee shall comply with the printed instructions for completing the particular form.

(2) Any licensee who is required to submit routine material status reports pursuant to § 75.35 (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section (instead of as provided in paragraph (a)(1) of this section).

(b) * * *
* * * * * *

10. Section 70.54 is amended by deleting the last two sentences. As amended, the section reads as follows:

§ 70.54 Nuclear material transfer reports.

Each licensee who transfers and each licensee who receives special nuclear material shall complete and distribute a Nuclear Material Transaction Report on DOE/NRC Form-741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each licensee who receives such material from a foreign source shall complete both the suppliers and receivers portion of DOE/NRC Form-741; perform independent tests to assure the accurate identification and measurement of the material received, including its weight and enrichment; and indicate the results of these tests on the receivers portion of the form.

11. A new Part 75 is added to read as follows:

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

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Authority: Secs. 53, 63, 103, 104, 122, 161b. and o., Pub. L. 83–703, 68 Stat. 930, 932, 936, 937, 939, 948; sec. 5, Pub. L. 88–489, 79 Stat. 602; secs. 4, 5, Pub. L. 91–560, 84 Stat. 1472 (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201(b) and (o)); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).

Note.—For purposes of sec. 223, Pub. L. 83–703, 68 Stat. 958, as amended (42 U.S.C. 2273),

the provisions of this part issued under sec. 161o., Pub. L. 83–703, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

General Provisions

§ 75.1 Purpose.

This part establishes a system of nuclear material accounting and nuclear material control to implement, with respect NRC and Agreement State licensees, the Agreement between the United States and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States.

§ 75.2 Scope.

(a) Except as provided in § 75.3, the requirements in this part apply to all persons licensed by the Commission or Agreement States to possess source or special nuclear material at an installation, as defined in § 75.4(k), on the United States eligible list. They also apply, to the extent specified in §§ 50.78, 40.31(g), 70.21(g), and 150.17a of this chapter, to holders of construction permits and to persons who intend to receive source material or special nuclear material.

(b) The United States eligible list is a list of installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement which the Secretary of State or his designee files with the Commission, a copy of which shall be available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. In accordance with the provisions of the Agreement, there will be excluded from the United States eligible list:

(1) Activities having direct national security significance.

(2) Mining and ore processing activities.

§ 75.3 Exemptions.

(a) The Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of this part that it determines are authorized by law and consistent with the Agreement, are not inimical to the common defense and security, and are otherwise in the public interest.

(b) Without limiting the generality of paragraph (a) of this section, an exemption under this section may be granted with respect to nuclear material of the following types:

(1) Special nuclear material in gram quantities or less as a sensing component in instruments;

(2) Nuclear material used in non-nuclear activities, if such nuclear material is recoverable, and

(3) Plutonium with an isotopic concentration of plutonium–238 exceeding 80 percent.

§ 75.4 Definitions.

As used in this part:

(a) Unless otherwise defined in this section, the terms defined in § 40.4, § 50.2, and § 70.4 of this chapter have the same meaning when used in this part.

(b) "Agreement," except as used in the term "Agreement State," means the Agreement between the United States and the International Atomic Energy Agency for the Application of Safeguards in the United States. Unless otherwise specified, the term refers both to the principal text of the Agreement, consisting of 90 articles, and to the Protocol thereto.

(c) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act.

(d) "Batch" means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.

(e) "Containment"[1] means:

(1) The application of any devices designed to limit the mobility of nuclear material, the access of personnel, or the unauthorized operation of equipment such as transfer valves and sampler lines; and

(2) Structural elements, including the design of buildings and layout of equipment, which minimize and control access to nuclear material.

(f) "Effective kilogram" means a unit used in safeguarding nuclear material. The quantity is:

(1) For special nuclear material: The amount specified in § 70.4(t) of this chapter.

(2) For source material: The amount specified in § 40.4(q) of this chapter.

(g) "Facility Attachment" means that portion of the Subsidiary Arrangements to the principal text of the Agreement that pertains to a particular installation that has been identified pursuant to Article 39(b) thereof.

(h) "IAEA" means the International Atomic Energy Agency or its duly authorized representatives.

(i) "IAEA material balance area" means an area established for IAEA accounting purposes, such that:

(1) The quantity of nuclear material in each transfer into or out of each material balance area can be determined; and

(2) The physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures.

(j) "Identification under the Agreement" means identification by the IAEA pursuant to Article 39(b) of the principal text of the Agreement or Article 2(a) of the Protocol.

(k) "Installation" means:

(1) A production facility or utilization facility as defined in § 50.2 of this chapter;

(2) A uranium hexafluoride production plant;

(3) A fuel fabrication plant; or

(4) Any location where the possession of more than one effective kilogram of nuclear material is licensed pursuant to Parts 40 or 70 of this chapter, or pursuant to an Agreement State license.

(l) "Inventory change" means an increase or decrease, established in accordance with the procedures required by this part, in terms of batches of nuclear material in an IAEA material balance area.

(m) "Key measurement point" means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.

(n) "Nuclear material" means any source material or any special nuclear material.

(o) "Ore processing" means uranium milling and other procedures for producing U_3O_8 from uranium ore or from uranium concentrates produced as a byproduct from phosphate or other non-nuclear chemical production plants.

(p) "Surveillance" means instrumental or human observation to indicate or detect the movement of nuclear material.

(q) "Transitional Facility Attachment" means that portion of the Transitional Subsidiary Arrangements to the Protocol to the Agreement that pertains to a particular installation that has been identified pursuant to Article 2(a) thereof.

(r) "United States eligible list" means the list of installations described in § 75.2.

§ 75.5 Interpretations.

Except as authorized specifically by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or

[1] The term refers to nuclear material safeguards rather than radiological protection.

employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 75.6 Delivery of information, reports, and other communications.

(a) All information and reports required to be submitted pursuant to the provisions of this part and other communications concerning the regulations in this part shall be delivered as follows:

Item	Section	Manner of deliver
IAEA Representative	75.7	To the Cognizant Director.
Facility Attachments	75.8	Do.
Installation Information	75.11	Do.
Sensitive Information	75.12	Do.
Verification of Installation Information.	75.13	Do.
Supplemental Information.	75.14	Do.
General Requirements (Amplification).	75.31	As specified in the request.
Initial Inventory Report	75.32	In accordance with printed instructions for preparation of DOE/NRC Form-742.
Inventory Change Reports.	75.34	In accordance with printed instructions for preparation of DOE/NRC Form-741, and -740M.
Material Status Reports	75.35	In accordance with printed instructions for preparation of DOE/NRC Form-742, -742C, and -740M.
Special Reports	75.36	To the Regional Office of the NRC Office of Inspection and Enforcement.
Inspection	75.42	Do.
Transfers (advance notification).	75.43	Do.
Delays	75.44	Do.
Other Communications.		To the cognizant Director.

(b) If an installation is a nuclear power plant or a non-power reactor for which a construction permit or operating license has been issued, whether or not a license to receive and possess nuclear material at the installation has been issued, the cognizant Director is the Director, Office of Nuclear Reactor Regulation. For all other installations, the cognizant Director is the Director, Office of Nuclear Material Safety and Safeguards.

(c) Written communications to the Directors, Office of Nuclear Material Safety and Safeguards, or Office of Nuclear Reactor Regulation may be delivered by mail, addressed to such Director at the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or may be addressed to such Director and delivered in person at the Commission's offices 1717 H Street NW., Washington, D.C., or 7920 Norfolk Avenue, Bethesda, Maryland.

(d) Communications to the Regional Office of the NRC Office of Inspection and Enforcement shall be addressed to the office listed in Appendix A of Part 73 of this chapter for the region in which the installation is located.

§ 75.7 IAEA representatives.

Each licensee subject to the provisions of this part shall recognize as a duly authorized representative of the IAEA any person bearing IAEA credentials who at the time of a visit or inspection, or of any visit or inspection within the preceding two years, is or was accompanied by a Commission employee, provided, that if the IAEA representative is not accompanied by a Commission employee, his credentials shall have been confirmed by the Commission in writing for the particular visit or inspection or for a specified term. The licensee shall immediately communicate with the Commission, by telephone, with respect to the credentials of any other person who claims to be an IAEA representative and shall accept telephone confirmation of such credentials by the Commission.

§ 75.8 Facility Attachments.

(a) The Facility Attachment or Transitional Facility Attachment will document the determinations referred to in § 75.11 and will contain such other provisions as may be appropriate.

(b) The Commission will issue license amendments, as necessary, for implementation of the principal text of the Agreement and the Facility Attachment (as amended from time to time). The license amendments through reference to the Facility Attachment or Transitional Facility Attachment, or otherwise, will specify:

(1) IAEA material balance areas;

(2) Types of modifications with respect to which information is required, under § 75.11, to be submitted in advance;

(3) Procedures, as referred to in § 75.21;

(4) The extent to which isotopic composition must be included in batch data (under § 75.22) and advance notification (§ 75.45);

(5) Items to be reported in the concise notes accompanying inventory change reports, as referred to in § 75.34;

(6) Loss limits and changes in containment, as referred to in § 75.36 (pertaining to special reports);

(7) Actions required to be taken, in accordance with § 75.42(e)(2), at the request of an IAEA inspector;

(8) Procedures to be used for documentation of requests under § 75.46 (pertaining to expenses); and

(9) Such other matters as may be appropriate.

(c) The Commission will also issue license amendments, as necessary, for implementation of the Protocol to the Agreement and the Transitional Facility Attachment (as amended from time to time).

(d) License amendments will be made in accordance with the Commission's rules of practice (Part 2 of this chapter). Specifically, if the licensee does not agree to an amendment, an order modifying the license would be issued under § 2.204.

(e) Subject to constraints imposed by the Agreement, the Commission will afford the licensee a reasonable opportunity to participate in the development of the Facility Attachment or Transitional Facility Attachments applicable to the licensee's installation, and any amendments thereto, and to review and comment upon any such instrument before it has been agreed to by the United States. The Commission will provide to the licensee a copy of any such instrument that has been completed in accordance with the Agreement.

Installation Information

§ 75.11 Installation information.

(a) Each licensee subject to the provisions of this part shall submit installation information, in response to a written request from the Commission, with respect to any installation which the Commission indicates has been identified under the Agreement and in which the licensee carries out licensed activities. (The Commission request shall state whether the installation has been identified under Article 39(b) of the principal text of the Agreement or Article 2(a) of the Protocol.) The licensee shall submit such information to the Commission within the period, which shall be at least 45 days, specified in the Commission's request.

(b) Installation information includes:

(1) The identification of the installation, stating its general character, purpose, nominal capacity (thermal power level, in the case of power reactors), and geographic location, and the name and address to be used for routine purposes;

(2) A description of the general arrangement of the installation with reference, to the extent feasible, to the form, location and flow of nuclear material, and to the general layout of important items of equipment which use, produce, or process nuclear material;

(3) A description of features of the installation relating to material accounting, containment, and surveillance; and

(4) A description of the existing and proposed procedures at the installation for nuclear material accounting and

control, with special reference to material balance areas established by the licensee, measurement of flow, and procedures for physical inventory taking. (As part of this description, the licensee may identify a process step involving information which it deems to be commercially sensitive and for which it proposes that a special material balance area be established so as to restrict IAEA access to such information.)

(c) Each licensee shall thereafter submit to the Commission information with respect to any modification at the installation affecting the information referred to in paragraph (a) of this section. Such information shall be submitted:

(1) With respect to a modification of a type described in the license conditions: At least 70 days before the modification is scheduled to be completed, except that in an emergency or other unforeseen situation a shorter period may be approved by the Commission.

(2) With respect to any other modification relevant to the application of the provisions of the Agreement: At the time the first inventory change report is submitted after the modification is completed.

(d) The information specified in paragraphs (a) and (c) of this section shall be prepared on forms supplied by the Commission (including appropriate IAEA Design Information Questionnaire forms). The information shall be sufficiently detailed to enable knowledgeable determinations to be made in the development of Facility Attachments or amendments thereto, including:

(1) Identification of the features of installations and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;

(2) Determination of IAEA material balance areas to be used for IAEA accounting purposes and selection of those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material;

(3) Establishment of the nominal timing and procedures for taking of physical inventory of nuclear material for IAEA accounting purposes;

(4) Establishment of the records and reports requirements and records evaluation procedures;

(5) Establishment of requirements and procedures for verification of the quantity and location of nuclear material; and

(6) Selection of appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied.

(e) The licensee's detailed security measures for the physical protection of an installation shall be included in the installation information only when and to the extent specifically requested by the Commission.

§ 75.12 Communication of information to IAEA.

(a) Except as otherwise provided in this section, the Commission will furnish to the IAEA all information submitted under §§ 75.11 and 75.14.

(b)(1) A licensee may request that information of particular sensitivity, which it customarily holds in confidence, not be transmitted physically to the IAEA. A licensee who makes such a request should, at the time the information is submitted, identify the pertinent document or part thereof and make a full statement of the reasons supporting the request.

(2) In considering such a request, it is the policy of the Commission to achieve an effective balance between legitimate concerns of licensees, including protection of the competitive position of the owner of the information, and the undertaking of the United States to cooperate with the IAEA to facilitate the implementation of the safeguards provided for in the Agreement. The Commission will take into account the obligation of the IAEA to take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement.

(3) If a request is denied, the Commission will notify the applicant with a statement of reasons. The notice of denial will specify a time, not less than ten (10) days after the date of the notice, when the information will be transmitted physically to the IAEA.

(4) If a request is granted, the Commission will determine a location where the information will remain readily available for examination by the IAEA, and will so inform the licensee.

(c) A request made under § 2.790(b) of this chapter will not be treated as a request under this section unless the application makes specific reference to this section, nor shall a determination to withhold information from public disclosure necessarily require a determination that such information not be transmitted physically to the IAEA.

(d) Where consistent with the Agreement, the Commission may at its own initiative, or at the request of a licensee, determine that any information submitted under §§ 75.11 and 75.14 shall not be physically transmitted to, or made available for examination by, the IAEA.

§ 75.13 Verification.

(a) Each licensee subject to the provisions of this part shall afford to the IAEA during normal working hours, pursuant to prior notice from the Commission, opportunity to visit the installation to verify the installation information submitted under § 75.11. The licensee may accompany IAEA representatives who visit the installation for such purpose, provided that the IAEA representatives shall not be delayed or otherwise impeded in the exercise of their functions.

(b) The notice from the Commission may be given by telephone or in writing and shall provide the licensee actual knowledge of the visit at least three days in advance. The licensee should consult with the Commission immediately if the visit would unduly interfere with its activities or if its key personnel cannot be available.

(c) The Commission will to the extent feasible, unless the licensee agrees otherwise, assign an employee to accompany an IAEA representative engaged in a visit described in this section.

§ 75.14 Supplemental information.

(a) At the time information is submitted by a licensee under § 75.11(a), and promptly whenever changes are made, such licensee shall submit to the Commission:

(1) Information on organizational responsibility for material accounting and control, including information with respect to separation of functions to provide internal checks and balances.

(2) Health and safety rules to be observed by the IAEA inspectors at the installation.

(b) Information submitted pursuant to this section shall indicate that the information is being supplied for purposes of implementation of the US/IAEA Safeguards Agreement.

Material Accounting and Control

§ 75.21 General requirements.

(a) Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall establish, maintain and follow written material accounting and control procedures.

(b) The material accounting and control procedures required by paragraph (a) of this section shall include, as appropriate:

(1) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from

inventory, and the quantities on inventory;

(2) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;

(3) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;

(4) Procedures, including frequency, for taking a physical inventory;

(5) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses; and

(6) A system of accounting and operating records.

(c)(1) The procedures shall, unless otherwise specified in license conditions, conform to the installation information submitted by the licensee under § 75.11.

(2) Until installation information has been submitted by the licensee, the procedures shall be sufficient to document changes in the quantity of nuclear material in or at its installation. Observance of the procedures described in § 40.61 or § 70.51 of this chapter (or the corresponding provisions of the regulations of an Agreement State) by any licensee subject thereto shall constitute compliance with this paragraph (c)(2).

(d) The requirements of this section are in addition to any other requirements of this chapter, relating to material accounting and control, that may apply to the licensee.

§ 75.22 Accounting records.

(a) The accounting records required by § 75.21 shall include, for each IAEA material balance area:

(1) All inventory changes, so as to permit a determination of the book inventory at any time;

(2) All measurement results that are used for determination of nuclear material quantities; and

(3) All adjustments and corrections that have been made with respect to inventory changes, book inventories and physical inventories.

(b) The records shall show, for each batch of nuclear material: material identification, batch data and source data. The "batch data" means a separate listing of the total weight of each element of nuclear material (including, as specified in the license conditions, isotopic composition for special nuclear material) with plutonium and enriched uranium measured in grams and natural or depleted uranium and thorium measured in kilograms. The "source data" are the data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data.

(c) For each inventory change, the records shall show the date of the inventory change and, when appropriate, (1) the originating IAEA material balance area or the shipper, and (2) the receiving IAEA material balance area or the recipient.

§ 75.23 Operating records.

The operating records required by § 75.21 shall include, as appropriate, for each IAEA material balance area:

(a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;

(b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures employed to control the quality of measurements, and the derived estimates of random and systematic error;

(c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, to ensure that it is correct and complete; and

(d) A description of the actions taken to ascertain the magnitude and cause of any accidental or unmeasured loss that might occur.

§ 75.24 Retention of records.

The records referred to in §§ 75.22 and 75.23 shall be retained by the licensee for at least five years.

Reports

§ 75.31 General requirements.

Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall make an initial inventory report, and thereafter shall make accounting reports, with respect to such installation; and, in addition, licensees who have been given notice, pursuant to § 75.41, that their installations are subject to the application of IAEA safeguards, shall make the special reports described in § 75.36. Such reports shall be based on the records kept in accordance with § 75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement. Such amplification or clarification shall be in writing and shall be submitted, to the address specified in the request, within twenty (20) days or such other time as may be specified by the Commission.

§ 75.32 Initial inventory report.

(a) The initial inventory reporting date shall be the last day of the calendar month in which the Commission gives the licensee notice that an initial inventory report is required.

(b) The initial inventory report, to be submitted to the Commission on DOE/NRC Form-742, Material Balance Report, in accordance with printed instructions for completing the form, shall show the quantities of nuclear material contained in or at an installation as of the initial inventory reporting date. The information in the initial inventory report may be based upon the licensee's book record.

(c) The initial inventory report shall be dispatched within twenty (20) days after the initial inventory reporting date.

§ 75.33 Accounting reports.

(a) The accounting reports for each IAEA material balance area shall consist of (1) inventory change reports showing all changes in the inventory of nuclear material and (2) material status reports showing the material balance based on a physical inventory of nuclear material actually present.

(b) The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

§ 75.34 Inventory change reports.

(a) Inventory change reports, to be submitted on DOE/NRC Form-741, Nuclear Material Transaction Report, and prepared in accordance with printed instructions for completing the form, shall specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate, (1) the originating IAEA material balance area or the shipper and (2) the receiving IAEA material balance area or the recipient.

(b) Inventory change reports, when appropriate, will be accompanied by concise notes submitted on DOE/NRC Form-740M, Concise Note, and prepared in accordance with printed instructions for completing the form:

(1) Explaining the inventory changes on the basis of the operating records provided for under § 75.23; and

(2) Describing, to the extent specified in the license conditions, the anticipated operational program for the installation, including particularly, but not exclusively, the schedule for taking physical inventory.

§ 75.35 Material status reports.

(a) A material status report shall be submitted for each physical inventory which is taken as part of the material accounting and control procedures required by § 75.21. The material status report shall include a Material Balance Report (on DOE/NRC Form-742) and,

attached thereto, a Physical Inventory Listing (on DOE/NRC Form-742C) which lists all batches separately and specifies material identification and batch data for each batch. Also, when appropriate, the material status report shall be accompanied by DOE/NRC Form-740M, Concise Note. The reports specified in this section shall be prepared and submitted in accordance with the printed instructions for completing the referenced forms.

(b) Unless otherwise specified in the license conditions, material status reports shall be dispatched as soon as possible and in any event within thirty (30) days after the start of the physical inventory.

§ 75.36 Special reports.

(a) This section applies only to licensees who have been given notice, pursuant to § 75.41, that their installations are subject to the application of IAEA safeguards.

(b) Each licensee who is subject to this section shall immediately make a special report to the Commission, by telephone (and also by telegraph, mailgram, or facsimile), in those situations described in license conditions.

(c) The situations referred to in paragraph (b) of this section include (1) the possibility of loss of nuclear material in excess of specified limits and (2) unexpected changes in containment to the extent that unauthorized removal of nuclear material has become possible.

§ 75.37 Disclosure of reports to IAEA.

The Commission may communicate to the IAEA any reports submitted to it pursuant to this part or any information contained in such reports.

Installations Designated for IAEA Safeguards

§ 75.41 Designation.

The Commission, by written notice, will designate those installations which, in accordance with identifications made from time to time by the IAEA, under Article 39(b) of the principal text of the Agreement, are subject to the application of IAEA safeguards. Such notice shall be effective until the Commission informs the licensee, in writing, that its installation is no longer so designated. Whenever a previously-designated installation is no longer subject to the application of IAEA safeguards, the Commission will give the licensee prompt notice to that effect.

§ 75.42 Inspections.

(a) Each licensee who has been given notice pursuant to § 75.41 shall afford to the IAEA, at all reasonable times, opportunity to inspect its designated installation as provided in this section. Licensee representatives may accompany IAEA inspectors, provided that the IAEA inspectors are not thereby delayed or otherwise impeded in the exercise of their functions.

(b) As provided in the Agreement, an inspection may be ad hoc, routine, or special (or a combination of the foregoing). An inspection shall be deemed to be routine unless the Commission has specifically advised the licensee otherwise.

(c) The locations to which IAEA inspectors shall have access in the performance of inspections shall be as follows:

(1) Ad hoc inspections to verify information contained in the licensee's initial inventory report or to identify and verify changes in the situation which have occurred since the initial inventory reporting date: any location where the initial inventory report or any inspections carried out therewith indicate that nuclear material subject to safeguards under the Agreement may be present.

(2) Ad hoc inspections to identify and if possible verify the quantity and composition of the nuclear material referred to in notifications given under § 75.43(b) (pertaining to exports) or § 75.43(c) (pertaining to imports): Any place where such nuclear material may be located.

(3) Routine inspections: The strategic points referred to in § 75.11 (or, until such strategic points have been specified, to the locations referred to in paragraph (c)(1) of this section) and the records maintained pursuant to this part.

(4) Special inspections: Any of the locations specified above and any additional locations where the Commission, in response to an IAEA request, finds access to be necessary.

(d) Each licensee shall permit the IAEA, in conducting any such inspections, to:

(1) Examine the records kept pursuant to § 75.21 of this part;

(2) Observe that the measurements of nuclear material at key measurement points for material balance accounting are representative;

(3) Verify the functioning and calibration of instruments and other measuring control equipment.

(4) Observe that samples at key measurement points for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples, and to obtain duplicates of such samples; and

(5) Arrange to use the IAEA's own equipment for independent measurement and surveillance.

(e) Each licensee shall, at the request of an IAEA inspector:

(1) Ship samples taken for the IAEA's use, in accordance with applicable packaging and export licensing regulations, by the method of carriage and to the address specified by the inspector; and

(2) Take other actions contemplated by the Agreement, as evidenced by the license conditions, including, for example:

(i) Enabling the IAEA to arrange to install its equipment for measurement and surveillance;

(ii) Enabling the IAEA to apply its seals and other identifying and tamper-indicating devices to containments;

(iii) Making additional measurements and taking additional samples for the IAEA's use;

(iv) Analyzing the IAEA's standard analytical samples;

(v) Using appropriate standards in calibrating instruments and other equipment; and

(vi) Carrying out other calibrations.

(f) Nothing in this section shall be deemed to require or authorize the licensee to carry out any operation that would otherwise constitute a violation of the terms of any applicable license, regulation, or order of the Commission.

(g) The Commission will to the extent feasible, unless the licensee agrees otherwise, assign an employee to accompany any IAEA representative engaged in an inspection described in this section.

(h) The Commission will normally provide a licensee advance notification of any inspection to be carried out by IAEA representatives. The licensee shall notify the Commission promptly, by telephone, whenever an IAEA inspector arrives at an installation without such advance notification.

§ 75.43 Circumstances requiring advance notification.

(a) Each licensee who has been given notice, pursuant to § 75.41, shall give advance written notification to the Commission with respect to the international and domestic transfers specified in this section.

(b) Exports. Notification shall be given of any proposed shipment of nuclear material for peaceful purposes under an export license issued pursuant to Part 110 of this chapter, in an amount exceeding one effective kilogram, directly or indirectly to any non-nuclear-weapon state (as referred to in Article III(2) of the Treaty on the Non-Proliferation of Nuclear Weapons, 21

U.S.T. 483). If the licensee anticipates that it will make two or more shipments for peaceful purposes, within any period of 90 days, directly or indirectly to destinations in the same non-nuclear-weapon state, notification shall be given of each shipment if the aggregate quantity of nuclear material to be transferred exceeds one effective kilogram.[2]

(c) *Imports.* (1) Notification shall be given (to the fullest extent possible on the basis of available information) with respect to nuclear material which immediately prior to export is subject to safeguards, under an agreement with the IAEA, in the country from which the material, directly or indirectly, is being exported. Such notification is only required, however, if the quantities of nuclear material are as specified in paragraph (c)(2) of this section.

(2) Notification shall be given with respect to any proposed import of nuclear material described in paragraph (c)(1) of this section in an amount exceeding one effective kilogram. If the licensee anticipates that it will receive two or more shipments of such nuclear material, within any 90-day period from points of origin in the same country, notification shall be given with respect to each shipment if the aggregate quantity of such nuclear material to be received exceeds one effective kilogram.

(d) *Domestic transfers.* Notification shall be given with respect to any shipments of nuclear material (other than small quantities in the form of samples containing less than 0.01 effective kilogram per sample) to a non-eligible destination. As used in this paragraph, a "non-eligible destination" means any destination in the United States other than an installation on the United States eligible list.

§ 75.44 Timing of advance notification.

(a) Except as provided in paragraph (b) of this section, notification to the Commission, where required by § 75.43, shall be given:

(1) In the case of exports and domestic transfers, at least twenty days in advance of the preparation of the nuclear material for shipment from the installation.

(2) In the case of imports, at least twelve days in advance of the unpackaging of nuclear material at the installation.

(b) For a particular receipt or shipment of nuclear material, the Commission will approve a shorter notice period than that specified by paragraph (a) of this section, for good cause, if it determines that observing the specified notification period would result in delay in shipment or unpackaging.

(c) The licensee shall inform the Commission, by phone, as soon as possible, with respect to any delay in the receipt (or unpackaging) or the shipment (or preparation for shipment) of nuclear material for which advance notification is required. New dates should be provided, if known.

§ 75.45 Content of advance notification.

(a) The notifications required by § 75.43 shall include the element weight of nuclear material being received or shipped, the chemical composition and physical form, the isotopic composition (to the extent specified by license conditions), the estimated date and place at the reporting installation where the nuclear material is to be unpackaged or prepared for shipment (and where the quantity and composition can be verified), the applicable IAEA material balance area at the reporting installation, the approximate number of items to be received or shipped, and the probable dates of receipt or shipment. The notification shall indicate that the information is being supplied pursuant to § 75.43.

(b) The notifications required with respect to export and import shipments shall also include

(1) If available, a general description of containers (including, in the case of exports, features that would permit sealing);

(2) Destination of export as authorized under an export license issued pursuant to Part 110 of this chapter, or origin of import (by country and, if known, place);

(3) Means of transport; and

(4) Expected date and place of arrival in the destination country (for exports) or in the United States (for imports).

§ 75.46 Expenses.

(a) Under the Agreement, the IAEA undertakes to reimburse a licensee who has been given notice, pursuant to § 75.41, for extraordinary expenses incurred as a result of its specific request: *Provided,* That the IAEA has agreed in advance to do so. The Agreement also contemplates that in any case the IAEA will reimburse a licensee for the cost of making additional measurements or taking samples at the specific request of an IAEA inspector.

(b) The Commission will inform the licensee, in the license conditions or other written communication, of those items of extraordinary expense which the Agency has agreed in advance to reimburse.

(c) The Commission will inform the licensee, in the license conditions, of the procedures to be used to document:

(1) An IAEA inspector's request for making additional measurements or taking additional samples; and

(2) An IAEA request for a particular action by the licensee that will give rise to reimbursable extraordinary expense.

(d) The Commission will take such action as it finds to be appropriate to assist the licensee with respect to the reimbursement of any expense which, under the Agreement, is to be borne by the IAEA.

Enforcement

§ 75.51 Enforcement.

(a) An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or Title II of the Energy Reorganization Act of 1974, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(b) The Commission may issue such orders to secure compliance with the provisions of this part or to prohibit any violation of such provisions as may be proper to protect the common defense and security. Enforcement actions, including proceedings instituted with respect to Agreement State licensees, will be conducted in accordance with the procedures set forth in Part 2, Subpart B of this chapter. Only NRC licensees, however, are subject to license modification, suspension, or revocation as such as a result of such enforcement actions.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

12. The citation of authority is amended by adding the following paragraph:

[2] All foreign countries, with the exception of the People's Republic of China, France, the Soviet Union, and the United Kingdom, are non-nuclear-weapon states. Treaty on the Non-Proliferation of Nuclear Weapons, Article IX(3).

* * * Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 150.17a issued under Sec. 161b., 68 Stat. 950 (42 U.S.C. 2201(b)).

§ 150.10 [Amended]

13. Section 150.10 is amended by inserting in the first sentence "150.17a," between "150.17" and "150.18".

14. A new § 150.17a is added to read as follows:

§ 150.17a Compliance with requirements of US/IAEA safeguards agreement.

(a) For purposes of this section, the terms "effective kilogram", "ore processing", "installation", and "United States eligible list" have the meaning set forth in § 75.4 of this chapter.

(b) Each person who, pursuant to an Agreement State License, is authorized to possess source material in amounts greater than one effective kilogram (except in ore processing) is subject to the provisions of Part 75 of this chapter and shall comply with its applicable provisions. However, with respect to such persons, the Commission will issue orders under section 274m. of the Act instead of making license amendments; and, to the extent Part 75 refers to license amendments and license conditions, such references shall be deemed, for purposes of this paragraph, to refer to orders under section 274m. of the Act.

(c) An applicant for an Agreement State License authorizing possession of source material in amounts greater than one effective kilogram (except in ore processing) shall file with the Commission, at least 9 months prior to the date when the applicant desires to receive such source material or earlier upon request by the Commission, the installation information described in § 75.11 of this chapter (except that in the case of applicants who desire to receive the source material within 9 months after the effective date of this section, the installation information shall be submitted as soon as possible) and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11–75.14 of this chapter. The Commission will grant an exemption from this requirement, upon application, if it determines that the installation will not be included on the United States eligible list.

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

15. Section 170.11 is amended by adding a new paragraph (a)(10) to read as follows:

§ 170.11 Exemptions.

(a) No application fees, licensee fees, renewal fees, or inspection fees shall be required for:

* * * * *

(10) Activities of the Commission undertaken, pursuant to Part 75 of this chapter, solely for the purpose of implementation of the US/IAEA Safeguards Agreement.

(Amendments to all parts issued pursuant to citations of authority codified in the respective parts)

Dated at Washington, D.C. this 25th day of July 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-23117 Filed 7-30-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Docket No. R-0320]

Short-Term Financial Intermediaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On July 3, 1980, the Board announced the termination of its special deposit requirement on money market mutual funds and other similar creditors, effective August 11, 1980. Comments received have indicated potential operational difficulties arising from the maintenance of the special deposits until August 11, 1980. In view of these concerns, the Board has determined that all special deposits maintained by covered creditors will be returned on July 28, 1980, and no deposits will be required to be maintained thereafter.

EFFECTIVE DATE: July 28, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), or Daniel L. Rhoads, Attorney (202/452–3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On July 3, 1980, the Board announced the termination of the credit restraints imposed on short term financial intermediaries under the Credit Control Act (12 U.S.C. §§ 1901–1909), as implemented by Executive Order 12201 (45 FR 46337). The effective date of this action was to be August 11, 1980, after which time a creditor subject to this Subpart would not be required to maintain a special deposit with the Federal Reserve System. In view of significant operational problems that may arise from the rescission of the special deposit requirement on that date, the Board has determined to terminate this Subpart effective July 28, 1980. Accordingly, special deposits will not be required to be maintained after July 28, 1980.

In view of the need to make this action effective on July 28, 1980, and because this action relieves a restriction, the Board for good cause finds that the notice and public procedure provisions of 5 U.S.C. 553. with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) effective July 28, 1980, the Board hereby rescinds Subpart B of its Credit Restraint regulation (12 CFR 229.11–229.15).

By order of the Board of Governors of the Federal Reserve System, July 25, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-23105 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 563

[No. 80-444]

Reserve Requirements

Dated: July 24, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: The Board has amended its reserve requirements for institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, by: (1) retaining the statutory reserve requirement while eliminating the separately-designated Federal Insurance Reserve Account; (2) giving institutions three years to change their reserve calculation period to the beginning of the fiscal year; and (3) providing for extension of the period of time allowed for meeting the one-time reserve requirement, to a maximum of 30 years from the granting of insurance,

on an application basis. The Board believes that these actions will aid its supervisory efforts by reflecting a more accurate picture of an institution's financial position, while continuing to maintain the safety and soundness of institutions by requiring an adequate reserve for losses.

(Please Note: see accompanying Board Resolution No. 80–445, published elsewhere in this issue for proposed changes to substantive net worth requirements for insured institutions.)

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Dale Riordan, Director, Office of Policy and Economic Research, (202) 377–6750, or Nancy L. Feldman, Associate General Counsel, (202) 377–6440, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On February 21, 1980, the Federal Home Loan Bank Board, by Resolution No. 80–104 (45 FR 12831, published on February 27, 1980) proposed amendments to its regulations pertaining to reserve requirements. The public comment period ended on April 28, 1980, with receipt of 105 comment letters from Federal and state-chartered savings and loan associations, trade groups, accountants and a law firm. The proposed amendments, providing for redesignation of the statutory reserve account, changes to the reserve calculation period, and a case-by-case extension of the time period for meeting the reserve requirement, were generally supported by all but half a dozen commenters, although many made recommendations for modification or clarification of one or more of the provisions. After reviewing the comments received and other available information, the Board has determined to adopt the proposed amendments with modifications, as described below.

Elimination of the Formally-Designated FIR Account

Subsection 403(b) of the National Housing Act, as amended (12 U.S.C. 1727), requires the Federal Savings and Loan Insurance Corporation, operated by the Board, to promulgate regulations providing for loss reserves. At present, §§ 563.11, 563.12, 563.13, and 563.14 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.11–563.14) require insured institutions to establish a separate account for this purpose, designated by the Board as the Federal Insurance Reserve (FIR).

The FIR serves as a component of net worth, as defined and regulated by the Board. However, it is the net worth calculation, and not the FIR alone, which the Board believes is a useful regulatory indicator of operating condition. It was therefore proposed to eliminate the statutory reserve as a formally separate account, while continuing to include the items constituting the FIR as part of the net worth calculation. This change was intended to simplify examination and supervision of institutions, by providing more comprehensive information regarding an institution's reserve needs.

Most commenters enthusiastically supported the proposed change, but a few were concerned that an undifferentiated net worth account might jeopardize the tax status granted to reserve accounts established specifically for absorption of losses, and might trigger a large one-time tax assessment against funds currently held in the FIR account at the time of "transfer" to the general net worth account. The Board's proposal maintained the statutory reserve requirement and calculation in proposed § 563.13(a), and indicated that only a slight procedural change was intended; nevertheless, it is persuaded that modification of the proposed language is appropriate to ensure against the possibility of unintended change in tax treatment of institutions' loss reserves. The Board's Office of General Counsel has advised that it is of the view that the change will have no effect on the federal tax treatment of institutions so long as they continue to maintain the taxation loss reserve accounts required by Internal Revenue Service Regulation 1.593–7, and that the language of new § 563.13(a) should preserve current state tax treatment.

The Board has therefore determined to amend its proposed § 563.13(a) ("statutory reserve account") to refer specifically to absorption of losses including bad debts. Furthermore, items credited to the old FIR account must be designated "restricted retained earnings" in the list of items comprising the net worth account, and may only be used for absorption of losses. The Board believes that the provision as modified will make it clear that institutions continue to be required to calculate and maintain loss reserves, while increasing institutions' flexibility regarding use of other surplus.

Recommendations for Substantive Changes

Although the Board noted that present exclusions from the statutory reserve and substantive net worth requirements were not within the scope of the proposal, many commenters offered suggested modifications in these areas. Current net worth requirements are renumbered and restated in these final regulations. Attention is invited to Board Resolution No. 80–445, adopted today, in which the Board discusses and proposes substantive amendments to the net worth requirements.

Statutory Benchmark Requirement

Subsection 403(b) provides that reserves shall be built up to reach a level of three to six percent (currently set at five percent) of insured accounts, within a 20-year period, or up to a 30-year period in the case of any insured institution if the FSLIC determines such action to be necessary to meet mortgage needs. Current § 563.13(a) extends the period to 26 years for all institutions. As proposed, the Board has adopted a reversion to the 20 year period (with a grandfathering of institutions now insured from 18 to under 26 years, at the 20-year level), and an application process for extensions up to 30 years in individual cases upon a finding that such action is necessary to meet mortgage needs. As proposed, the provision is further amended to limit the statutory reserve test to "all insured accounts", to follow the statutory language.

A number of commenters recommended that the thirty-year extension be adopted for all institutions or that the "mortgage needs" test be eliminated or replaced with a better set of criteria for determining need of an extension. The Board believes that the statute contemplates a more individual determination, and notes that subsection 403(b) specifically requires application of a "mortgage needs" test.

The Principal Supervisory Agent in the institution's Federal Home Loan Bank district will have delegated authority to approve extensions of the time period; denials will be referred to the Board for final decision. Comment was specifically solicited on the proposed standards to be used in making a determination that such action is "necessary to meet mortgage needs", in connection with applications for extension: the proposal allowed approval of an extension if the PSA determined that the institution has the opportunity and willingness to make additional mortgage loans but that, because of rapid growth or other factors, not including losses or poor business practices, it would be difficult to do so without an extension. A number of commenters objected to the vagueness of the standards, questioning determination of terms such as "rapid growth". One commenter objected to the possibility of different judgments on similar fact situations arising in different Bank districts; two commenters

suggested detailed standards based on demographic analysis, savings inflows and portfolio mix.

Upon reconsideration, the Board is reluctant to specify in detail the factors to be considered in making a determination that benchmark extension is necessitated by mortgage need in an area, on the ground that an attempt at specificity would be inflexible and unworkable. However, the Board does expect PSAs to make factual findings with regard to a determination that there is "opportunity" for mortgage investment by the institution, and to document the institution's "willingness" to maintain its mortgage loan program, and the Board will periodically review PSA determinations to help avoid substantial disparities among districts. Further, the Board has determined not to adopt the part of the proposed standard relating to an institution's reasons for needing the extension, because the Board believes these are not statutorily required. Rather, the Board has determined to substitute language authorizing the PSA to allow extensions where mortgage needs would be better served, if no supervisory objection is taken with regard to the institution's safe and sound operating condition.

Reserve Calculation Period

Present § 563.13 requires the reserve test to be calculated on the basis of account balances existing at the annual closing date. The Board had become aware of the difficulty, particularly in times of money market volatility, of "meeting a moving target", i.e. not knowing until the end of the year what the reserve requirements are and whether they have been met. The Board therefore proposed at § 563.13(b)(1) to change the regulation so that the reserve requirement for a given year would be calculated at the beginning of such year, with compliance required by the end of that year. A number of commenters recommended a choice of beginning- or end-of-year calculation, at the institution's option, pointing out that substantial savings outflows at year's end would distort the reserve amount necessary for the remaining base. The Board has determined to adopt the change in calculation period as proposed, but is persuaded on the basis of the foregoing comments to allow institutions three years to change to the beginning-of-year basis.

Section 563.14, regarding payment of dividends to insured members, restates current implementation of statutory requirements, but, as proposed, deletes the reference to "interest", which is not contained in subsection 403(b). Paragraph (a) of § 563.14 provides that dividends to insured members may not be paid out of the portion of net worth attributable to the statutory reserve. This provision was formerly found in § 563.11(a).

Paragraph (b) of amended § 563.14 maintains the present regulatory implementation of the section 403(b) statutory requirement that FSLIC approval be granted before dividends may be paid, in the event that losses are chargeable to the reserve. The provision is contained in present § 563.14.

The Board finds that the 30-day delay of effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because it is in the public interest that insured institutions with fiscal years ending during the 30-day period be authorized to apply the revised reserve requirements.

Accordingly, the Board hereby amends Parts 561 and 563 by amending § 561.13, deleting §§ 563.11 and 563.12, and revising §§ 563.13 and 563.14, to read as set forth below.

SUBCHAPTER D—RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

PART 561—DEFINITIONS

§ 561.13 [Amended]

1. Amend § 561.13 (the definition of "net worth") by changing the phrase "annual closing net worth requirement" in the second and third sentence of that section to read "annual net worth requirement".

PART 563—OPERATIONS

§ 561.11 [Deleted]

§ 561.12 [Deleted]

2. Delete §§ 563.11 and 563.12.

3. Amend § 563.13 by revising the title and paragraph (a) and paragraphs (b) (1) and (2); redesignating paragraph (b)(2) as (b)(3) and revising the first sentence of subdivision (i) thereof; amending and redesignating paragraph (b)(3) as (b)(4); redesignating paragraph (b)(4) as (b)(5); and amending paragraph (c) thereof; to read as set forth below.[1]

§ 563.13 Reserve accounts.

(a) *Statutory reserve requirement.* (1) This reserve requirement is established, pursuant to subsection 403(b) of the National Housing Act of 1934, as amended, solely for absorption of bad debts and other losses.

(2) The reserve requirement shall be an amount equal to five percent of insured account balances on the date of calculation, or the average of such account balances on such date and on one or more of the four immediately preceding annual calculation dates, provided all such dates are consecutive: *Provided,* That institutions that have not reached the twentieth anniversary of insurance of accounts shall calculate the reserve requirement by multiplying the above percentage by a fraction of which the numerator is the number of consecutive years of insurance and the denominator is twenty. The calculation period shall be as described in paragraph (b)(1) of this section.

(3) Institutions may count as reserves meeting the reserve requirement those items listed in the definition of net worth, as set forth in § 561.13 of this subchapter, except that the following items shall be excluded:

(i) Subordinated debt securities,

(ii) Capital stock accounts which contain mandatory retirement or redemption provisions, and

(iii) Specific loss reserves.

(4) Institutions shall maintain (until the next annual closing date) reserves as least equal to the dollar amount required at the last closing date.

(5)(i) Each institution shall, at any one annual closing date not later than the twentieth anniversary of insurance of accounts, have reserves equal to five percent of all insured accounts on such date except that institutions that have been insured from 18 to fewer than 26 years from the above date shall meet this requirement within 26 years of the date of insurance. (ii) Institutions may apply to the Corporation for extension of the time period, up to a maximum of the thirtieth anniversary, on the grounds that such action is necessary for the institution to meet mortgage needs. The Principal Supervisory Agent of the institution's Federal Home Loan Bank district is hereby delegated authority to approve such applications, upon a determination that the institution has the opportunity and willingness to make additional mortgage loans and s/he does not take supervisory objection to the probable effect of the extension on the institution's safe and sound operating conditions. If approval is denied, the application shall be forwarded for review and final decision by the Corporation.

(6) Items previously credited to the predecessor Federal Insurance Reserve Account shall be designated "restricted retained earnings" in the list of items comprising the net worth account, and shall be used only for absorption of losses. Items earmarked or otherwise designated but not credited to that

[1] Note: See accompanying Board Resolution No. 80-445, published elsewhere in this issue, for proposed changes to § 563.13 (a) and (b).

Account may be designated as restricted retained earnings.

(7) Payment of dividends to insured members must be made in accordance with § 563.14 of this Part.

(8) The term "insured accounts" as used in this paragraph has the meaning prescribed in § 561.6 of this subchapter.

(b) *Net worth requirements.* (1) *Calculation period.* The annual net worth requirement, as set forth in subparagraph (b)(2) of this section, shall be established at the beginning of each year, and shall be met at the end of the year: *Provided,* That institutions shall change to the beginning-of-year calculation by January 1, 1983, or sooner, but that if such change is made prior to that date, there may be no reversion to end-of-year calculation. "Year" refers to the fiscal period beginning after an institution's annual closing date following each anniversary of the date of insurance of accounts.

(2) *Minimum required amount.* (i) The following table shall be used in calculating net worth requirements:

Anniversary:	*Percentage*
2	0.50
3	0.75
4	1.00
5	1.25
6	1.50
7	1.75
8	2.00
9	2.25
10	2.50
11	2.75
12	3.00
13	3.25
14	3.50
15	3.75
16	4.00
17	4.25
18	4.50
19	4.75
20 and thereafter	5.00

An institution calculating its net worth requirement during the fiscal year in which insurance was issued shall multiply 3/10 of one percent by the fraction of the fiscal year which has elapsed since such issuance, calculated to the nearest month.

(ii) Net worth shall be at least equal to the greater of:

(*a*) An amount equal to the sum of:

(*1*) the amount obtained by multiplying the percentage corresponding to the anniversary date, as set forth in the table above, by either the amount of the institution's checking, tax and loan, and savings account balances on such date, or the average of such account balances on such date and on one or more of the four immediately preceding annual dates, provided all such dates are consecutive, (*2*) an amount equal to 20 percent of the institution's scheduled items, and (*3*) the additional amount required by paragraph (b)(5) of this section; or

(*b*) The amount determined under the Asset Composition and Net Worth Index set forth in subparagraph (b)(3) of this section, as adjusted by multiplying such amount by a fraction of which the numerator is the applicable percentage (from the table set forth above) and the denominator is 5.00 percent plus the additional amount required by subparagraph (b)(5) of this section.

(3) *Asset Composition and Net Worth Index.* (i) the Index referred to above is as follows: * * *

* * * * *

(4) *Maintenance of minimum level.* Institutions shall maintain (until the next annual closing date) net worth at least equal to the dollar amount required at the last closing date.

* * * * *

(c) *Failure to meet net worth requirements.* If any insured institution fails to meet the net worth requirements set forth in paragraph (b) of this section, the Corporation may, whether through enforcement proceedings (as provided in Parts 565 and 566 of this subchapter) or otherwise, require such institution to take one or more of the following corrective actions:

* * * * *

4. Revise § 563.14 to read as follows:

§ 563.14 Payment of dividends.

(a) No institution may pay dividends to insured members from its net worth, as determined pursuant to § 563.13(b) of this Part, unless the portion of the net worth account attributable to the statutory reserve requirement of § 563.13(a) of this Part (after deduction of dividend payments and the items listed in § 563.13(a)(3) (i) through (iii)) will be at least equal to the amount required under § 563.13(a)(2).

(b) No institution which has recognized losses of any kind chargeable to the portion of its net worth account attributable to its statutory reserve requirement may pay dividends to insured members, unless (1) its net worth account, after deduction of such losses, is at least equal to the amount required under § 563.13(a)(2), or (2) prior written approval is obtained from the Corporation. The Corporation hereby approves, for any such institution which has been insured for a period of 20 years or more and, prior to the charging of such losses, met the percentage requirement of § 563.13(a)(5), the declaration of dividends to insured members, if the institution provides not less than 25 percent of its net income (as defined in § 563c.12 of this subchapter) for the affected distribution period to the restoration of its reserve capacity.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437). Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 172 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-23042 Filed 7-30-80; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Pilot Program

AGENCY: Small Business Administration.

ACTION: Pilot Program; exemption from rule.

SUMMARY: The Small Business Act requires a loan applicant to establish to SBA's satisfaction that the financial assistance sought is not otherwise available on reasonable terms. SBA has a financial assistance pilot program for socially disadvantaged small automobile dealerships which will require proof of refusal to extend financial assistance only from the bank of account. This will dispense with the requirement for a second bank's refusal. This program is being established in response to Pub. L. 96–302 and prior to regulations implementing that act.

EFFECTIVE DATE: July 15, 1980.

FOR FURTHER INFORMATION CONTACT: Robert H. Bartlett, Chief, Program Operations Division, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202–653–6470.

SUPPLEMENTARY INFORMATION: The Small Business Act (Act), 15 U.S.C. 636(a)(1), and the regulations of the Small Business Administration (SBA), specifically 13 CFR 120.2(a)(1), required a loan applicant to establish to SBA's satisfaction that the financial assistance sought is not otherwise available on reasonable terms. Moreover, another section of the Act, 15 U.S.C. § 642, requires that applicant

> "to furnish the names of lending institutions to which such business enterprise has applied for loans, . . ."

This requirement is implemented by paragraph (i), (ii) and (iii) of the cited regulations, which required proof of refusal from the bank of account, a correspondent bank of the bank of account if the lending limit of the first bank is insufficient, and from another bank in cities with a population exceeding 200,000.

On July 2, 1980 President Carter approved Pub. L. 96–302 (84 Stat. 833),

Sec. 114 of which authorizes SBA, among other things, to authorize banks, pursuant to regulations to be adopted, to act for SBA in certain loan making and servicing functions.

Preparatory to the adoption of regulations implementing Sec. 114 of Pub. L. 96-302, SBA announces a financial assistance pilot program, for a limited period of time and limited to socially disadvantaged new car and truck franchised dealers (meeting SBA eligibility criteria), under which SBA will dispense with the requirement of a second bank's refusal, 13 CFR 120.2(a)(1)(iii).

Applicants will receive consideration in the statutory order, i.e. if it is established that the financial assistance applied for is not otherwise available on reasonable terms from non-Federal sources, a deferred participation (loan guaranty) up to 90 percent will be considered. If a deferred participation is also unavailable, an immediate participation will be considered, under which SBA and a financial institution would participate with each other contemporaneously in making a given loan to the applicant. If an immediate participation is also impossible, then SBA will itself make direct loan to otherwise eligible socially disadvantaged applicants. It is anticipated that minority-owned dealerships will be more frequently ineligible for participation loans, and therefore require direct loans, because they will tend to be relatively new businesses with less strong financial reserves, and will often be located in large metropolitan areas where markets are affected by recessions earlier and more severely than the rest of the country.

It should be noted, however, that SBA's financial assistance is not limited to such minority dealerships, but the availability of direct loans is limited to dealerships owned by the socially disadvantaged. Each applicant for financial assistance will be considered on its own merits.

At the conclusion of this pilot program SBA will determine whether the present requirement of a loan refusal by at least two financial institutions is appropriate to the lending program which the new statute authorizes.

Accordingly, and until further notice, SBA will require proof of refusal to extend financial assistance to socially disadvantaged small automobile dealerships only from the bank of account and, where that bank's lending limit is insufficient, from another lending institution whose lending capacity is adequate to cover the financial assistance applied for.

(Catalog of Federal Domestic Assistance No. 59.012 Small Business Loans)

Dated: July 23, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-23135 Filed 7-30-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-35-AD; Amdt. 39-3863]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Airworthiness Directive (AD) 80-02-02 (Amdt. 39-3660; 45 FR 2008) by adding a terminating action for the tests and inspections required by that AD. Installation of new designed refuel and vent line shrouds to replace the original and interim design shrouds will relieve the operator of the required tests and inspection intervals specified in Paragraphs A, B and C of the compliance requirements in the AD.

DATES: Effective date: August 12, 1980.

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

SUPPLEMENTARY INFORMATION: AD 80-02-02 requires an initial 600-hour inspection and test, with recurring 1500-hour interval inspections and tests on the Boeing design auxiliary body fuel tank refuel and vent system shrouds.

Subsequent to issuance of AD 80-02-02, the airplane manufacturer has developed, qualified and received FAA approval for new design shrouds which can replace the original and interim designs. The FAA has determined that the new shrouds will not require the initial and recurring inspections and tests required by AD 80-02-02.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-02-02 (Amdt. 39-3660) as follows:

A. By adding paragraph D under compliance requirements to read:

D. Installation of the following Boeing final design part numbered refuel and vent line shrouds for the corresponding original and/or interim design Boeing Part Number refuel and vent line shrouds will relieve the operator from compliance with the inspection and test requirements outlined in Paragraphs A, B and C above. This constitutes terminating action for the AD.

Original Design Part Numbers:

10-61707-35, 10-61707-36, 10-61707-37, 10-61707-38, 10-61707-39, 10-61707-41, and None.

Interim Design Part Numbers:

10-61707-65, 10-61707-66, 10-61707-67, 10-61707-68, 10-61707-69, 10-61707-71, and 10-61707-73.

Final Design Part Numbers:

10-61707-651, 10-61707-661, 10-61707-671, 10-61707-681, 10-61707-691, 10-61707-711, and 10-61707-731.

This amendment becomes effective August 12, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on July 23, 1980.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 80-22983 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-34-AD; Amdt. 39-3864]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Airworthiness Directive (AD) 80-02-01 (Amdt. 39-3659; 45 F.R. 2007) by adding a terminating action for the tests and inspections required by that AD. Installation of new designed refuel and

vent line shrouds to replace the original and interim design shrouds will relieve the operator of the required tests and inspection intervals specified in Paragraphs A, B and C of the compliance requirements in the AD.

DATE: Effective date: August 12, 1980.

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

SUPPLEMENTARY INFORMATION: AD 80-02-01 requires an initial 600-hour inspection and test, with recurring 1500-hour interval inspections and tests on the Boeing design auxiliary body fuel tank refuel and vent system shrouds.

Subsequent to issuance of AD 80-02-01, the airplane manufacturer has developed, qualified and received FAA approval for new design shrouds which can replace the original and interim designs. The FAA has determined that the new shrouds will not require the initial and recurring inspections and tests required by AD 80-02-01.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Airworthiness Directive 80-02-01 (Amdt. 39-3659) as follows:

A. By adding paragraph D under compliance requirements to read: D. Installation of the following Boeing final design part numbered refuel and vent line shrouds for the corresponding original and/or interim design Boeing part number refuel and vent line shrouds will relieve the operator from compliance with the inspection and test requirements outlined in Paragraphs A, B and C above. This constitutes terminating action for the AD.

Original Design Part Numbers

BE-650-12-78-6 [1], BE-650-12-528-6, BE-650-12-223-6, BE-650-12-450-6, BE-650-12-334-6, BE-650-12-240-6;
10-61707-19, 10-61707-20, 10-61707-21, 10-61707-22, 10-61707-23, 10-61707-24, 10-61707-25 [1]; 10-61707-26, 10-61707-27, 10-61707-28, 10-61707-29, 10-61707-30, 10-61707-31, 10-61707-32, 10-61707-33, 10-61707-34, 10-61707-40;
BE-650-12-78-6 [1];
10-61707-25 [1].

Interim Design Part Numbers

10-61707-43, 10-61707-44, 10-61707-45, 10-61707-46, 10-61707-47, 10-61707-48; 10-61707-49, 10-61707-50, 10-61707-51, 10-61707-52, 10-61707-53, 10-61707-54, 10-61707-55; 10-61707-56, 10-61707-57, 10-61707-58, 10-61707-59, 10-61707-60, 10-61707-61, 10-61707-62, 10-61707-63, 10-61707-64, 10-61707-70, 10-61707-74, 10-61707-75.

Final Design Part Numbers

10-61707-431, 10-61707-441, 10-61707-451, 10-61707-461, 10-61707-471, 10-61707-481; 10-61707-491, 10-61707-501, 10-61707-511, 10-61707-521, 10-61707-531, 10-61707-541, 10-61707-551; 10-61707-561, 10-61707-571, 10-61707-581, 10-61707-591, 10-61707-601, 10-61707-611, 10-61707-621, 10-61707-631, 10-61707-641, 10-61707-701, 10-61707-741, 10-61707-751.

This amendment becomes effective August 12, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the 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 Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on July 23, 1980.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 80-22984 Filed 7-31-80; 8:45 am]

BILLING CODE 4910-13-M

[1] Originally, 10-61707-25 and BE-650-12-78-6 served as both a vent shroud and a fuel shroud (used separately). In the final design, they are identified separately, and the drawings so indicate.

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14 CFR Part 71

[Airspace Docket No. 80-AAL-7]

Designation of a Transition Area at St. Paul Island, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at St. Paul Island, Alaska, to provide controlled airspace to protect aircraft executing the instrument approach being developed for St. Paul Island Airport.

EFFECTIVE DATE: September 4, 1980.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, 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) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot transition area and a 1,200-foot transition area at St. Paul Island Airport (45 FR 38404). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection. This is the same as that proposed in the notice. Section 71.181 of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 445).

The Rule

This amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates a transition area extending upward from 700 feet above the surface within a 10-mile radius of St. Paul Island Airport (Lat. 57°09'48"N., Long 170°13'06"W.), and that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the St. Paul Island Marine NDB excluding that portion that is west of a line 4.5 miles west of the 360°T(347°M) and 215°T(202°M) bearing from the St. Paul Island Marine NDB. This controlled airspace protects aircraft executing the instrument approach and instrument departure procedures being established.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT, September 4, 1980, by designating a St. Paul Island Transition Area as follows:

St. Paul Island, Alaska

That airspace extending upward from 700 feet above the surface within a 10-mile radius of St. Paul Airport (Lat. 57°09'48"N., Long. 170°13'06"W.), and that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the St. Paul Island Marine NDB excluding that portion that is west of a line 4.5 miles west of the 360°T and 215°T bearing from the St. Paul Island Marine NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565; 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 July 24, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-22981 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANW-1]

Realignment of V-4 Airway; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** on June 23, 1980 (45 FR 41912), the description of V-4 radials, effective September 4, 1980, was incorrect. The rule realigned V-4 Airway between Tatoosh, Wash., and Seattle, Wash. The radials describing the airway alignment were in error by three degrees, and this action corrects that error. Since this correction is a minor matter upon which the public would have no particular desire to comment, I find that notice and public procedure are unnecessary.

EFFECTIVE DATE: September 4, 1980.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, 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) 426-3715.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, **Federal Register** Document 80-18802 as published in the **Federal Register** on June 23, 1980, page 41912, is corrected under V-4 by deleting the words "via the INT of Tatoosh 099° and Seattle, Wash., 329° radials;" and substituting for them "via the INT of Tatoosh 102° and Seattle, Wash., 329° radials;"

(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 July 24, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-22980 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 80-AWA-12]

Alteration of J-523 and J-502

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route No. 523 between Tatoosh, Wash., and Port Hardy, British Columbia, Canada, and Jet Route No. 502 between Port Hardy, British Columbia, Canada, and Annette Island, Alaska. The Canadian Government advised FAA they intend to realign the Canadian portions of J-523 and J-502. This action is needed to maintain jet route designation and continuity for the small segments within the United States.

EFFECTIVE DATE: September 4, 1980.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, 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) 426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to realign J-523 between Tatoosh, Wash., and Port Hardy, British Columbia, Canada, and J-502 between Port Hardy, British Columbia, Canada, and Annette Island, Alaska. This is to coincide with airspace designations by the Canadian Government. These routes are presently aligned over Malcolm, British Columbia, Canada, which is to be decommissioned on September 4, 1980.

In order to maintain continuity for the route segments within the United States, J-523 and J-502 are altered. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1980 (45 FR 732).

Under the circumstances presented, the FAA concludes that there is an immediate need for flight safety benefits of this minor modification to the airspace designation in the affected area. In order to affect FAA action to coincide with the airspace action taken by Canada, this amendment is to be effective September 4, 1980. Accordingly, I find good cause that notice and public procedure thereon are impracticable and unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) is amended, effective 0901 GMT, September 4, 1980, as follows:

Under Jet Route No. 502, delete the words "Malcolm Island, Canada;" and substitute for them "Port Hardy, British Columbia, Canada;"

Under Jet Route No. 523, delete the words "Malcolm, British Columbia, Canada." and substitute for them "Port Hardy, British Columbia, Canada."

(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 July 24, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-22982 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 373

Amendment to Export Administration Regulations To Conform to Revised Commodity Control List

Correction

In FR Doc. 80-18860 appearing on page 43139 in the issue of Wednesday,

June 25, 1980, make the following correction:

In the third column of page 43140, the fifth line under the entry for *1460, 5460, 6460,* ". . . minimum of 25 persons . . ." should have read ". . . maximum of 25 persons . . .".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-11277]

Temporary Rule Providing Exemptions to Certain Money Market Funds

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting, on an emergency basis, a temporary rule under the Investment Company Act of 1940 ("Act"): (1) to permit certain registered investment companies and other persons to acquire portfolio instruments of a money market fund of which they are affiliated persons, and (2) to exempt certain registered investment companies from the provisions of two sections of the Act which might otherwise prohibit such companies from purchasing securities issued by another investment company. Now that the Board of Governors of the Federal Reserve System ("Board") has announced the rescission of its credit control regulations, the adoption of this rule should assist boards of directors of money market funds, organized after the adoption of credit control regulations by the Board on March 14, 1980, in taking various actions to address the implications of rescission with respect to the operations of such money market funds. The purpose of the temporary rule is to provide appropriate exemptive relief to minimize the undue disruptions of the operations of certain money market funds and other unnecessary hardships that might otherwise occur as a result of the termination of credit controls.

EFFECTIVE DATE: July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth S. Gerstein, Special Counsel (202-272-3023), or Jeffrey B. Bailey, Esq. (202-272-3033), Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On July 21, 1980, the Commission issued a general statement of policy expressing its views concerning the implications under the federal securities laws for registered investment companies, particulary "money market" funds, which have been subject to credit control regulations adopted on March 14, 1980, and thereafter amended, by the Board of Governors of the Federal Reserve System ("Board"), as a result of the Board's decision to rescind such regulations.[1] In addition to discussing some of the matters that the Commission believes should be considered by boards of directors of money market funds affected by the Board's action, the general statement of policy stated that the Commission would institute a rulemaking proceeding to propose a temporary rule, to be effective immediately, under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-1 *et seq.*] permitting certain transactions in order to enhance the ability of money market funds which have been subject to the Board's regulations to take certain steps to protect and to further the interests of shareholders and investors.

Accordingly, the Commission has adopted Rule 6c-5(T) [17 CFR 270.6c-5(T)]. Because the rule is designed to minimize the disruption of the operations of money market funds which might otherwise begin to occur on July 28, 1980, Rule 6c-5(T) is being adopted on an emergency basis. On appropriate notice, and at such time as the exemptions provided by the rule are no longer necessary, the rule may be rescinded in whole or in part.

The Need for the Rule

As discussed more fully in the general statement of policy issued on July 21, 1980, money market funds organized after March 14, 1980 ("new companies"), may experience significant net redemptions of their shares by investors beginning on July 28, 1980. In addition, it is likely that many such investors will seek to purchase shares of money market funds which were organized prior to March 14, 1980 ("existing companies"), and have, therefore, been affected to a lesser degree by the Board's regulations. As a result, among other things, boards of directors of new companies may find it necessary and appropriate to consider various methods of transferring the interests of shareholders from new companies to existing companies in a prompt and efficient manner, and of generating sufficient liquidity to satisfy the anticipated high level of new redemptions.

In this regard, two of the alternatives discussed in the general statement of policy were: (1) the use of offers of exchange made to shareholders of new companies, and (2) the sale of portfolio instruments by new companies to affiliated existing companies. Subject to various conditions, Rule 6c-5(T) will permit these transactions to be effected. However, prior to implementing such actions, boards of directors of each of the registered investment companies involved should satisfy themselves that such actions are appropriate and fair to shareholders, and should consider carefully each of the concerns expressed by the Commission in the general statement of policy respecting the types of transactions contemplated by the rule.

Operation of the Rule

Rule 6c-5(T) is exemptive in nature.[2] It provides three basic types of exemptions for two types of transactions, each of which is discussed below.[3] Paragraph (a) of the rule defines the terms "Board's regulations," "existing company," and "new company."

1. Sale of Portfolio Instruments.

Boards of directors of certain new companies may wish to transfer portfolio securities to affiliated persons of such companies as one way of enhancing liquidity and meeting redemptions. Such transactions would normally be prohibited by the provisions of Section 17(a) of the Act [15 U.S.C. 80a-17(a)].[4] However, under certain circumstances, the ability to effectuate these transactions might be an efficient and economical method to assist meeting the redemptions of shares anticipated to occur with respect to new companies. Such ability might also enable the companies and persons involved in the transaction to transfer and to obtain assets without some of the transactions costs normally associated with sales and purchases of portfolio instruments. The rule permits new

[1] Investment Company Act Release No. 11263 (July 21, 1980) [45 FR 49917, July 28, 1980]. The general statement of policy describes generally the nature of the regulations and the method by which such regulations will be eliminated.

[2] Although the rule may be available to a company, as noted above and as discussed more fully in the general statement of policy, certain matters should be considered by the boards of directors before electing to effect the transactions permitted by the rule.

[3] Transactions in reliance upon Rule 6c-5(T) must be effected prior to November 21, 1980.

[4] Registered investment companies that are part of the same "complex" of investment companies are generally affiliated persons of each other. Section 2(a)(3)(C) of the Act [15 U.S.C. 80a-2(a)(3)(C)]. Moreover, as here relevant, each series of shares of a registered open-end investment company meeting the provisions of Section 18(f)(2) of the Act [15 U.S.C. 80a-18(f)(2)] would be deemed to be separate companies which are affiliated persons of each other. *See* Section 2(a)(8) of the Act [15 U.S.C. 80a-2(a)(8)].

companies to tranfer or to sell portfolio instruments to affiliated investment companies, whether or not such affiliated company is a money market fund, and to other affiliated persons, where the five conditions of the rule are met.

Paragraph (b) of Rule 6c–5(T) is designed to permit money market funds which commenced the public offerings of their shares subsequent to March 14, 1980,[5] to transfer, sell or exchange their portfolio instruments for appropriate consideration to affiliated persons of such companies.[6] In order to protect the interests of each of the investment companies involved, paragraph (b)(1) of Rule 6c–5(T) requires boards of directors of such companies, including a majority of the directors who are not interested persons of such companies, to make certain specified findings.[7] In addition, to further minimize the potential for any material dilution, paragraph (b)(2) of the rule specifies the method used to determine the price at which instruments may be sold in reliance upon the rule.[8] Paragraph (b)(3) of Rule 6c–5(T) requires the board of directors of a new company to consider the potential financial impact upon shareholders when determining which portfolio instruments are to be transferred; in effect, it will have to consider the effect of transfers of portfolio instruments upon such company's yield and overall portfolio quality. Where such instruments are to be transferred to another registered investment company, paragraph (b)(4) of the rule requires that such instruments come within the investment limitations of such other company.

Finally, paragraph (b)(5) requires the maintenance of certain records in connection with the transactions permitted by the rule.

2. Offers of Exchange.

As noted above, boards of directors may, in some instances, determine to utilize offers of exchange as one method for transferring the interests of investors from new companies to existing companies. In situations where a money market fund has determined it to be appropriate to make such an offer of exchange to the shareholders of a new company, Rule 6c–5(T) provides two exemptions to the money market fund which will be acquiring securities issued by the new company. These exemptions will be necessary because: (1) the provisions of Section 12(d)(1) of the Act [15 U.S.C. 80a–12(d)(1)] generally prohibit any registered investment company from purchasing securities issued by another investment company in excess of certain percentage limitations, and (2) the fundamental policies of the money market funds making such acquisitions may preclude the purchase of securities issued by another investment company. In the latter case, the purchase of such securities would ordinarily violate Section 13(a)(3) of the Act [15 U.S.C. 80a–13(a)(3)], which prohibits a registered investment company from deviating from any investment policy which is changeable only if authorized by shareholder vote or from any "fundamental" policy recited in its registration statement pursuant to Section 8(b)(3) of the Act [15 U.S.C. 80a–8(b)(3)].[9]

Under the highly unusual circumstances now confronting money market funds as a result of the Board's action, the Commission has determined it to be appropriate to facilitate offers of exchange by granting certain exemptions to money market funds which seek to acquire, pursuant to offers of exchange, securities issued by a new company. Such offers of exchange might be an effective method for the efficient and orderly transfer of the interests of shareholders of new companies to other money market funds.

Paragraphs (c) and (d) of Rule 6c–5(T) exempt certain money market funds ("existing company") from the provisions of Sections 12(d)(1) and 13(a)(3) of the Act, respectively.[10] In each case, such exemptions are conditioned upon: (1) the board of directors of the existing company and of the new company approving the making of an offer of exchange (paragraph (c)(2)); (2) the ability of the existing company to purchase and to hold securities issued by another investment company consistent with applicable state law (paragraph (c)(3)) and (3) the existing company disposing of the securities issued by the new company prior to November 21, 1980 (paragraph (c)(1)). Finally, paragraph (c)(1) further requires that the investment adviser, and administrator (if any), of the existing company not charge any investment advisory fee or fee for administrative services to the existing company on account of the securities of the new company being held.

Procedural Matters

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

Text of the Rule

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

By adding § 270.6c–5(T) to read as follows:

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

§ 270.6c–5(T) Temporary exemptions for certain money market funds and certain affiliated persons thereof.

(a) Definitions.

(1) "Board's regulations" shall mean the credit control regulations applicable to registered investment companies adopted by the Board of Governors of the Federal Reserve System on March 14, 1980 [12 CFR 229.11 *et seq.*], and amended thereafter;

(2) "Existing company" shall mean any registered open-end, management investment company (or series of securities of such company) which commenced the continuous offering of its shares to the public on or prior to March 14, 1980, and which would be a "covered creditor" under the Board's regulations; and

(3) "New company" shall mean any registered open-end, management investment company (or series of securities of such company) which

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[5] Such companies, termed "new companies," are defined by paragraph (a)(3) of the rule to include any registered open-end management investment company which would be a "covered creditor" under the Board's regulations and which commenced the public offering of its shares subsequent to March 14, 1980.

[6] The term "affiliated person" is defined by Section 2(a)(3) of the Act [15 U.S.C. 80a–2(a)(3)].

[7] These findings are similar to those which must be made by directors of registered investment companies relying upon Rule 17a–8 under the Act [17 CFR 270.17a–8] in connection with mergers of affiliated investment companies.

[8] In this regard, the rule is similar to Rule 17a–7 under the Act [17 CFR 270.17a–7] as it has been proposed to be amended. *See* Investment Company Act Release No. 11136 (April 21, 1980) [45 FR 29067, May 1, 1980].

[9] Under the circumstances, the Commission would not require a money market fund to modify the stated policies contained in its registration statement where it temporarily acquires and holds securities issued by another money market fund pursuant to an offer of exchange of the type discussed herein.

[10] The money market funds so exempted must meet the definition of "existing company" set forth in paragraph (a)(2) of the rule (*i.e.*, be a money market fund making a continuous public offering of its shares before the imposition of credit controls).

commenced the public offering of its shares subsequent to March 14, 1980, and which would be a "covered creditor" under the Board's regulations.

(b) Any transaction occurring prior to November 21, 1980, whereby a new company transfers, sells or exchanges portfolio instruments for appropriate consideration to an affiliated person of such company shall be exempt from the provisions of section 17(a) of the Act; *Provided*, That:

(1) The boards of directors of each registered investment company participating in the transaction, including a majority of the directors of each such registered investment company who are not interested persons of such company, determine (i) that the interests of shareholders of their respective companies will not be diluted as a result of such transaction, and (ii) that participation in such transaction (A) in the case of the new company, is in the best interests of its shareholders, and (B) in the case of any registered investment company acquiring portfolio instruments of the new company, is reasonable and fair;

(2) The portfolio instruments of the new company are transferred, sold or exchanged at market value or, where market quotations are not readily available, at a price determined by reference to current market factors, except that portfolio instruments may be sold at their amortized cost values where, in the aggregate, the market value of all such instruments involved in the transaction (or the price of such instruments determined by reference to current market factors) does not differ by more than ½ of 1 percent from the amortized cost value of such instruments;

(3) The board of directors of the new company, in selecting those portfolio instruments to be transferred, sold or exchanged, considers the potential financial impact upon shareholders of the new company;

(4) Where such instruments are acquired by another registered investment company, the instruments meet all applicable investment restrictions and policies of such other company; and

(5) Each registered investment company involved in the transaction maintains, for a period of not less than five years (the first two years in an easily accessible place), a record of (i) its board of directors' consideration of the matters set forth in paragraphs (b)(1)–(4) of this section, including the basis for the board of directors' conclusions, and (ii) the value of any portfolio instruments sold and the method by which such value was determined.

(c) An existing company which, prior to November 21, 1980, purchases or otherwise acquires, pursuant to an offer of exchange, securities issued by a new company of which it is an affiliated person shall be exempt from the provisions of section 12(d)(1) of the Act to the extent necessary to permit such purchases or acquisitions; *Provided*, That:

(1) Such securities are sold, exchanged or otherwise disposed of prior to November 21, 1980, and no investment advisory fee, or fee for administrative services, is charged to the existing company by its investment adviser or administrator on account of the securities of a new company held by the existing company;

(2) The boards of directors of the existing company and the new company, including a majority of the directors thereof who are not interested persons of such company, each have considered and approved the making of such offer of exchange; and

(3) The existing company, pursuant to applicable state law, has the authority under the circumstances to purchase and to hold shares of another registered investment company.

(d) An existing company which, prior to November 21, 1980, purchases or otherwise acquires, pursuant to an offer of exchange, securities issued by a new company of which it is an affiliated person shall be exempt from the provisions of section 13(a)(3) of the Act to the extent necessary to permit such purchases or acquisitions, where the conditions set forth in paragraphs (c)(1)–(3) of this section are satisfied.

(Sec. 6(c) [15 U.S.C. 80a–6(c)] and Section 38(a) [15 U.S.C. 80a–37(a)] of the Act)

By the Commission.

George A. Fitzsimmons,

Secretary.

July 25, 1980.

[FR Doc. 80–23104 Filed 7–30–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 79–14]

Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

July 28, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357–8500.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of May 1980, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I—*Incremental Pricing Acquisition Cost Threshold Prices*

	January	February	March	April	May	June	July	August
Incremental pricing threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883
130% of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380

[FR Doc. 80–23130 Filed 7–31–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 777

[FHWA Docket No. 80-15]

Mitigation of Environmental Impacts to Privately Owned Wetlands

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Interim rule and request for comments.

SUMMARY: The FHWA is issuing interim policy and procedures for the evaluation and mitigation of adverse environmental impacts to privately owned wetlands caused by new construction of Federal-aid highway projects. Comments are invited and will be considered in the development of a final rule.

DATES: This rule is effective July 25, 1980. Comments must be received on or before October 29, 1980.

ADDRESS: Anyone wishing to submit written comments may do so. Comments should be sent, preferably in triplicate, to FHWA Docket No. 80-15, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8 a.m. and 4:30 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Charles DesJardins, Environmental Quality Division (HEV-22), Room 3215B, 202-426-9173, or Mr. Edward Kussy, Office of the Chief Counsel (HCC-40), Room 4230, 202-426-0791, 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: Executive Order (E.O.) 11990, "Protection of Wetlands" (42 FR 26961, May 25, 1977), requires all Federal agencies to "* * * avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands. * * *" Specifically, the order directs Federal agencies to avoid new construction in wetlands unless (1) there is no practicable alternative to such construction, and (2) the proposed action includes all practicable measures to minimize harm to wetlands which results from such construction. The Department of Transportation subsequently issued DOT Order 5660.1A, "Preservation of the Nation's Wetlands," which provides departmental policy and instruction for implementation of E.O. 11990.*

The provisions of E.O. 11990 and the DOT Order clearly establish that wetlands are a valuable national resource and that special efforts are required of all Federal agencies to preserve the beneficial values inherent in them.

Wetlands are a valuable resource for a number of reasons. They provide habitat for numerous plants and animals, including many commercially important species. In addition, wetlands can reduce the severity of flooding, control erosion, and remove contaminants from polluted waters.

Consequently, wetland preservation has become a matter of concern to Federal and State agencies charged with resource management responsibilities and is being given increasing emphasis by conservation and preservation groups.

An important element of E.O. 11990 is that each Federal agency must avoid, whenever practicable, impacts to wetlands. A highway location or design which will impact a wetland must be evaluated considering all relevant social, economic, and physical environmental values in addition to wetland values. Inevitably, there will be instances when reasoned and balanced judgments will result in the location of highways in wetlands and in the destruction or modification of those resources. In such cases, E.O. 11990 requires that "all practicable measures to minimize harm to the wetland(s) be incorporated into the project."

Section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f) and 23 U.S.C. 138), provides protection for certain environmentally significant publicly owned land areas including parks, wildlife refuges, and waterfowl refuges. When such lands must be used for a federally assisted highway project, Section 4(f) requires all possible planning to minimize harm to the protected area. When wetlands are included in these publicly owned 4(f) lands and the wetlands are used for a highway project, current FHWA policy permits Federal funds to participate in the acquisition of replacement wetlands as well as improvements to the wetlands. Federal participation must be based on a determination that such mitigation measures are necessary to meet the Section 4(f) requirement for all

*Copies of these documents are available for inspection and copying pursuant to 49 CFR Part 7, App. D.

possible planning to minimize harm. Federal assistance in these instances often involves spending Federal-aid funds for activities outside the normal property boundaries (right-of-way) of the highway. The mitigation of impacts to publicly owned wetlands is covered by Section 4(f) and the regulations issued under that section.

The FHWA recognizes that the importance of wetland preservation is not limited to publicly owned wetlands. For example, privately owned wetlands are often considered an important component of local, State, and Federal wetland management programs. In addition, the requirements of E.O. 11990 apply to wetlands regardless of ownership. Consequently, the FHWA is required to find that proposed Federal-aid projects include all practicable measures to minimize harm to privately owned wetlands adversely impacted by the projects. The FHWA's participation in the mitigation of impacts to privately owned wetlands has been limited to activities within the highway right-of-way.

As a result of the requirements of E.O. 11990 and the recognition of the importance of many privately owned wetlands, the FHWA will now permit the expenditure of Federal-aid highway funds for the mitigation of environmental damages to privately owned wetlands in appropriate instances, including measures taken outside the highway right-of-way. Those measures found by a State highway agency and the FHWA to be appropriate and necessary to mitigate significant adverse impacts to privately owned wetlands will be eligible for Federal participation where the impacts actually result from an FHWA action. Appropriate mitigation measures could include the acquisition of additional land or interests in land for the purpose of mitigating adverse environmental impacts to wetlands directly affected by a Federal-aid highway project.

The justification for the cost of proposed mitigation measures should be considered in the same context as any other public expenditure; that is, the proposed mitigation represents a reasonable public expenditure when weighed against other social, economic, and environmental values, and the benefit realized is commensurate with the proposed expenditure. Decisions on mitigation measures will give consideration to traffic needs, safety, durability, and economy of maintenance of the highway.

The regulation issued today is a formal expression of the FHWA's policy with respect to privately owned wetlands. In addition to the expression of Federal participation policy in § 777.5, the regulation also includes guidance and procedures to be followed in the evaluation (§ 777.7) and mitigation (§ 777.9) of impacts. Section 777.7 provides that the extent of Federal participation in mitigation measures should be directly related to the importance of the impacted wetlands and the significance of the highway impact on the wetlands. Section 777.9 identifies general categories of actions that can be taken to minimize the impact of highway projects on wetlands and lists those actions in the order in which they should be considered. First consideration in all cases will be given to the mitigation of wetland impacts within the highway right-of-way limits.

Like any other activity in which Federal funds participate, the use of those funds is governed by various restrictions and conditions established by Federal law and agency policy in order to protect the public interest and provide for sound program management. A number of these considerations are set forth in § 777.11, including consultation requirements and provisions for ownership and management of acquired lands. Depending upon the extent of mitigation justified under the provisions of § 777.7, § 777.11(f) permits Federal participation in the acquisition of up to one acre of replacement land for each acre of privately owned wetlands directly impacted by a Federal-aid highway project. Such privately owned lands thus acquired, above and beyond wetlands purchased for use as highway right-of-way, will thereafter be retained in public ownership and dedicated to future use as wetland. The maximum replacement ratio of 1 acre to replace 1 acre directly affected by a Federal-aid highway project was arrived at through an effort to achieve balance between the desire to mitigate wetland impacts, on the one hand, and considerations of fiscal responsibility and a desire to limit the adverse impact on the local tax base of converting land from private to public ownership, on the other. In determining the acreage of replacement land required to mitigate impacts to privately owned wetlands, the acreage of wetlands maintained, restored, or created within the right-of-way with Federal participation must be deducted and the amount of Federal participation in the improvement of public owned wetlands must be considered.

Section 777.11(h) is intended to emphasize the fact that while Federal funds are available for certain mitigation measures, those measures are not mandatory and apply only where permitted by (or consistent with) State law. Section 777.11(i) makes it clear that the FHWA's wetlands mitigation policy does not extend to the acquisition of lands outside the highway right-of-way for the purpose of mitigating impacts caused by the taking of privately owned lands that are not wetlands, but that have value as wildlife habitat which may be affected by a Federal-aid highway project.

This regulation is being issued as an interim final rule without prior opportunity for public notice and comment and without a 30-day delay in effective date due to the lack of discretion provided under E.O. 11990 and the pressing need for a policy statement and implementing procedures regarding Federal-aid participation in the mitigation of impacts to privately owned wetlands outside the highway right-of-way. Issuance of a policy statement alone would not require notice and comment rulemaking, but would also not provide for a sufficient degree of oversight with regard to the expenditure of Federal-aid funds.

The FHWA has also determined that it would be most advantageous to be able to prepare a final rule and, in particular, the procedures that will control the FHWA's participation in appropriate mitigation activities, on the basis of actual field experience. Issuance of this interim final rule will permit interested States and the FHWA to gain valuable experience in this area, including the acquisition of replacement lands outside the highway right-of-way.

Based upon a review of the projects developed under these interim procedures and the comments submitted to the public docket, a final rule will be prepared. If it appears that the final rule will be substantially different from the rule issued today, a notice of proposed rulemaking will be issued.

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. A regulatory evaluation is available in the public docket and may be obtained by contacting Mr. Charles DesJardins at the address specified above. (Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction; 23.003, Appalachian Development Highway System; 23.008, Appalachian Local Access Roads. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs.)

Issued on July 25, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

In consideration of the foregoing, Chapter I of Title 23 of the Code of Federal Regulations is amended by adding a new Part 777 as set forth below.

PART 777—MITIGATION OF ENVIRONMENTAL IMPACTS TO PRIVATELY OWNED WETLANDS

Sec.

777.1 Purpose.
777.3 Background.
777.5 Federal participation policy.
777.7 Evaluation of impacts.
777.9 Mitigation of impacts.
777.11 Other considerations.

Authority: 42 U.S.C. 4321 et seq.; 23 U.S.C. 109(h), 138, 315; E.O. 11990; DOT Order 5660.1A; 49 CFR 1.48(b).

§ 777.1 Purpose.

To provide policy and procedures for the evaluation and mitigation of adverse environmental impacts to privately owned wetlands caused by new construction of Fedral-aid highway projects.

§ 777.3 Background.

Executive Order 11990, Protection of Wetlands, and DOT Order 5660.1A, preservation of the Nation's Wetlands, emphasize the important functions and values inherent in the Nation's wetlands. Federal agencies are required to avoid new construction in wetlands unless the head of the agency determines that: (1) there is no practicable alternative to such construction, and (2) the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

§ 777.5 Federal participation policy.

(a) Those measures which the Federal Highway Administration (FHWA) and a State highway agency (SHA) find to be appropriate and necessary to mitigate significant, adverse, environmental impacts to privately owned wetlands are eligible for Federal participation where the impacts actually result from an FHWA action. The justification for the cost of proposed mitigation measures should be considered in the same context as any other public expenditure; that is, the proposed mitigation represents a reasonable public expenditure when weighed against other social, economic, and environmental values, and the benefit realized is commensurate with the proposed expenditure. Mitigation measures shall give like consideration to traffic needs, safety, durability, and economy of maintenance of the highway.

(b) It is FHWA policy to permit, consistent with the limits set forth in this Part, the expenditure of Federal-aid highway funds for the acquisition of land or interests therein for the purpose of mitigating environmental damages when privately owned wetlands are directly affected by a Federal-aid highway project.

§ 777.7 Evaluation of impacts.

(a) The extent of Federal-aid participation in measures to mitigate adverse highway impacts to privately owned wetlands should be directly related to:

(1) The importance of the impacted wetlands, and

(2) The significance of the highway impact on the wetlands.

(b) Evaluation of the importance of the impacted wetlands should consider:

(1) The primary functions of the wetlands (e.g., flood control, wildlife habitat, erosion control, etc.);

(2) The relative importance of these functions to the total wetland resource of the area; and

(3) Other factors such as uniqueness, esthetics, etc.

(c) A determination of the significance of the highway impact should focus on how the project affects the stability and quality of the wetlands. This evaluation should consider the short- and long-term effects on the wetlands and the significance of any loss such as:

(1) Flood control capacity,

(2) Erosion control potential,

(3) Water pollution abatement capacity, and

(4) Wildlife habitat value.

§ 777.9 Mitigation of impacts.

There are a number of actions that can be taken to minimize the impact of highway projects on privately owned wetlands. In order to qualify for Federal-aid highway funding, actions to minimize impacts should be considered in the order listed.

(a) First consideration must be given to the mitigation of wetland impacts within the highway right-of-way limits. This should include the enhancement of existing wetlands and the creation of new wetlands in the highway median, borrow pit areas, interchange areas, and along the roadside.

(b) There may, in some specific cases, be compelling reasons and sufficient justification to institute mitigation measures other than those set forth in paragraph (a) of this section. In these instances, the SHA may propose and the Regional Federal Highway Administrator may approve the following mitigation measures for implementation outside the highway right-of-way on a case-by-case basis. Such measures should be designed to reestablish, to the extent reasonable, a condition similar to that which would have existed if the project were not built.

(1) The use of Federal-aid funds to improve existing publicly owned wetlands. Improvements to existing wetlands can take such forms as water-level control and planting of wetland vegetation.

(2) The use of Federal-aid funds to purchase replacement wetlands. The first effort should be to create new wetlands or to restore wetlands. If this is not possible, then consideration should be given to the acquisition of interests in existing privately owned wetlands. In any case, the public interest in replacement wetlands must be sufficient to ensure that the area is maintained as a wetland.

§ 777.11 Other considerations.

(a) The development of measures proposed to mitigate wetlands impacts should include consultation with appropriate State and Federal agencies.

(b) The definition of wetlands on a project will be in accordance with the definition issued by the U.S. Army Corps of Engineers (33 CFR 323.2(c)).

(c) The acquisition of proprietary interests in replacement wetlands as a mitigation measure may be in fee simple or by easement, as appropriate.

(d) An SHA may acquire privately owned lands in cooperation with another public agency. Such an arrangement may accomplish greater benefits than would otherwise be accomplished by the individual agency acting alone.

(e) An SHA may either transfer the title of lands acquired outside the right-of-way, without credit to Federal funds, to an appropriate public agency (e.g., U.S. Fish and Wildlife Service or State natural resource agency) or enter into an agreement with such agency to manage such lands. When such transfer occurs, there shall be an explicit agreement that the lands or interests therein transferred shall remain in the grantee agency's ownership or control so long as the lands continue to serve the purpose of the original acquisition. In the event the area transferred no longer serves the purpose of the original acquisition, the lands or interests therein transferred shall revert to the SHA for proper disposition.

(f) Participation in the cost of acquiring lands or interests therein will be limited to those costs necessary to acquire lands sufficient to provide not

more than one acre of replacement lands for each acre of privately owned wetlands that is directly affected by a Federal-aid highway project. In determining the acreage of replacement land required, the acreage of wetlands maintained, restored, or created on the highway right-of-way (§ 777.9(a)) will be deducted and the amount of Federal participation in the improvement of publicly owned wetlands (§ 777.9(b)) will be considered.

(g) Federal-aid funds are not eligible for use to maintain or manage wetlands areas. Therefore, construction, improvement or acquisition of wetlands should not be considered unless arrangements can be made to assure the maintenance and viability of the wetlands resource.

(h) The acquisition of replacement wetlands as a mitigation measure is not mandatory and is applicable only where permitted by (or consistent with) State law.

(i) The policy set forth in this Part does not extend to the acquisition of interests in lands outside of the highway right-of-way for the purpose of mitigating impacts caused by the taking of privately owned lands (not wetlands) that have value as wildlife habitat which may be affected by a Federal-aid highway project.

[FR Doc. 80-22987 Filed 7-30-80; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, and 221

[Docket No. R-80-846]

Mortgage and Loan Insurance Programs; Amendments To Make Section 8 Replacement Reserve Provisions Applicable to HUD-Insured Section 8 Projects

AGENCY: Department of Housing and Urban Development, Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Final rule.

SUMMARY: This final rule makes HUD mortgage insurance regulations consistent with revised Section 8 regulations (Parts 880, 881 and 883) by specifying that the Section 8 replacement reserve provisions are applicable to HUD-insured Section 8 newly-constructed and substantially-rehabilitated multifamily projects. Partially-assisted HUD-insured Section 8 projects remain subject to the replacement reserve provisions contained in the applicable mortgage insurance regulation.

EFFECTIVE DATE: September 10 to September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph E. Malloy, Insured Loan Processing Branch, Development Division, Office of Multifamily Housing Development, Room 6118, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410; (202) 755-7172. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: A final regulation revising Section 8 New Construction (Part 880) and interim regulations revising Section 8 Substantial Rehabilitation (Part 881) and Section 8 State Housing Agencies (Part 883) were published in the **Federal Register** on October 15, 1979, January 30, 1980 and January 31, 1980 respectively. Each of these regulations contains provisions requiring that a replacement reserve be established and maintained for all Section 8 projects except partially-assisted projects (projects for non-elderly families which include more than 50 units of which 20 percent or fewer are assisted).

These amendments to Parts 207, 213 and 221 make HUD mortgage insurance regulations consistent with the revised Section 8 regulations by specifying that HUD-insured projects receiving Section 8 assistance under Parts 880, 881 or 883 are subject to the Section 8 replacement reserve provisions. Under the revised Section 8 regulations, partially-assisted projects are exempt from the Section 8 replacement reserve requirements. However, partially-assisted projects which are HUD insured remain subject to the replacement reserve requirements contained in the applicable mortgage insurance regulation. The mortgage insurance regulations exempt rehabilitation projects from the replacement reserve requirements where the mortgage does not exceed $200,000. Therefore, partially-assisted HUD-insured Section 8 rehabilitation projects where the mortgage does not exceed $200,000 are exempt from both Section 8 and mortgage insurance replacement reserve requirements.

Part 220 (at § 220.511) and Part 231 (at § 231.8) incorporate the amended section of Part 207, and therefore these amendments will also affect projects insured under Sections 220 and 231 of the National Housing Act which receive Section 8 assistance.

The undersigned has determined that advance notice, publication and public comment procedures are unnecessary because these amendments to Parts 207, 213 and 221 make the HUD mortgage insurance regulations consistent with the Section 8 regulations by incorporating provisions from the revised Section 8 regulations which have already undergone full Departmental and public review. The revised Section 8 New Construction regulation containing these provisions was published in the **Federal Register** in proposed form on June 12, 1979 for a 60-day public comment period. More than 200 individuals and organizations submitted written comments, and all comments were carefully considered before the regulation was published in final form on October 15, 1979.

It is also to the public benefit to make these amendments effective as soon as possible in order that mortgage insurance be available for use with Section 8 housing assistance. Due to the reasons stated in the previous paragraph, it is not necessary to delay the effective date of these amendments for the 30-day period provided in 5 U.S.C. Section 553(d). However, the Department is required to defer the effective date for 20 session days, pursuant to Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. Section 3535(o)).

A Finding of No Significant Impact under the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding will be available for public inspection during regular working hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Parts 207, 213 and 221 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. In § 207.19, the existing subparagraph (f)(3) is redesignated as (f)(3)(i) and a new (f)(3)(ii) is added to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(f) * * *

(3)(i) In all projects, except those involving rehabilitation where the mortgage does not exceed $200,000, a fund for replacements shall be established and maintained with the

mortgagee. The amount and type of such fund and the conditions under which it shall be accumulated, replenished, and used, shall be specified in the charter, trust agreement, or regulatory agreement.

(ii) For projects insured under this Part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies), the replacement reserve provisions of the applicable Section 8 regulation, contained at §§ 880.602, 881.602 or 883.703 respectively, shall apply; except that for partially-assisted Section 8 projects, as defined in Part 880, 881 or 883, whichever is applicable, paragraph (f)(3)(i) of this section shall apply.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

2. In § 213.30, the existing paragraph (c) is redesignated as (c)(1) and a new (c)(2) is added to read as follows:

§ 213.30 Methods of operation.

* * * * *

(c)(1) In all projects, except those involving rehabilitation where the mortgage does not exceed $200,000, a fund for replacements shall be established and maintained with the mortgagee so long as the mortgage insurance is in force. The amount and type of such fund and the conditions under which it shall be accumulated, replenished, and used, shall be specified in the charter.

(2) For projects insured under this Part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies), the replacement reserve provisions of the applicable Section 8 regulation, contained at §§ 880.602, 881.602 or 883.703 respectively, shall apply; except that for partially-assisted Section 8 projects, as defined in Part 880, 881 or 883, whichever is applicable, (c)(1) of this section shall apply.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

3. In § 221.530, the existing paragraph (c) is redesignated as (c)(1) and a new (c)(2) is added to read as follows:

§ 221.530 Supervision applicable to all mortgagors.

* * * * *

(c)(1) In all projects, except those involving rehabilitation where the mortgage does not exceed $200,000, a fund for replacements shall be established and maintained with the mortgagee. The amount and type of such fund and the conditions under which it shall be accumulated, replenished, and used, shall be specified in the charter, trust agreement, or regulatory agreement.

(2) For projects insured under this Part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies), the replacement reserve provisions of the applicable Section 8 regulation, contained at §§ 880.602, 881.602 or 883.703 respectively, shall apply; except that for partially-assisted Section 8 projects, as defined in Part 880, 881 or 883, whichever is applicable, paragraph (c)(1) of this section shall apply.

* * * * *

(Section 211 of the National Housing Act, as amended, 12 U.S.C. 1715b)

Issued at Washington, D.C., July 24, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-22906 Filed 7-30-80; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Parts 207, 213, 221

[Docket No. R-80-847]

Mortgage and Loan Insurance Programs; Limitation on Distributions Provisions Applicable to HUD-Insured Section 8 Projects

AGENCY: Department of Housing and Urban Development, Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Final rule.

SUMMARY: This final rule makes HUD mortgage insurance regulations consistent with revised Section 8 regulations (Parts 880, 881 and 883) by specifying that the rate of return for HUD-insured Section 8 newly-constructed and substantially-rehabilitated multifamily projects is limited to the distribution allowed under the applicable Section 8 provisions, and by requiring that surplus funds from HUD-insured Section 8 cooperatives be used only for project purposes in accordance with the applicable Section 8 provisions.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph E. Malloy, Insured Loan Processing Branch, Development Division, Office of Multifamily Housing Development, Room 6118, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410; (202) 755-7172. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: A final regulation revising Section 8 New Construction (Part 880) and interim regulations revising Section 8 Substantial Rehabilitation (Part 881) and Section 8 State Housing Agencies (Part 883) were published in the **Federal Register** on October 15, 1979, January 31, 1980 and January 30, 1980 respectively. Each of these regulations contains provisions limiting the distribution which can be made to an owner out of project funds at the end of each fiscal year of project operation after all project expenses and reserve requirements have been met. The limitation applies to all Section 8 projects except small projects (projects for non-elderly families which include 50 units or fewer) and partially-assisted projects (projects for non-elderly families which include more than 50 units of which 20 percent or fewer are assisted).

These amendments to Parts 207, 213 and 221 make HUD mortgage insurance regulations consistent with the revised Section 8 regulations by specifying that HUD-insured projects receiving Section 8 assistance under Part 880, 881 or 883 are subject to the Section 8 limitation on distribution, provisions, including cooperatives in which surplus funds can be used only for project purposes in accordance with the applicable Section 8 regulation.

Part 213 (at § 213.31(c)), Part 220 (at § 220.511) and Part 231 (at § 231.8(a)) incorporate the amended section of Part 207, and therefore these amendments will also affect projects insured under Sections 213, 220 and 231 of the National Housing Act which receive Section 8 assistance.

The undersigned has determined that advance notice, publication and public comment procedures are unnecessary because these amendments to Parts 207, 213 and 221 make the HUD mortgage insurance regulations consistent with the Section 8 regulations by incorporating provisions from the revised Section 8 regulations which have already undergone full Departmental and public review. The revised Section 8 New Construction regulation containing these provisions was published in the **Federal Register** in proposed form on June 12, 1979 for a 60-day public comment period. More than 200 individuals and organizations submitted written comments, and all comments were carefully considered

before the regulation was published in final form on October 15, 1979.

It is also to the public benefit to make these amendments effective as soon as possible in order that mortgage insurance be available for use with Section 8 housing assistance. Due to the reasons stated in the previous paragraph, it is not necessary to delay the effective date of these amendments for the 30-day period provided in 5 U.S.C. Section 553(d). However, the Department is required to defer the effective date for 20 session days, pursuant to Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. Section 3535(o)).

A Finding of No Significant Impact under the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding will be available for public inspection during regular working hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Parts 207, 213, and 221 are amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. In § 207.19, the existing paragraph (b) inclusive through (b)(2)(ii) is redesignated as (b)(1) (with the existing (b)(1) redesignated as (b)(1)(i), the existing (b)(1)(i) as (b)(1)(i)(A), the existing (b)(1)(ii) as (b)(1)(i)(B), the existing (b)(1)(iii) as (b)(1)(i)(C), the existing (b)(2) as (b)(1)(ii), the existing (b)(2)(i) as (b)(1)(ii)(A) and the existing (b)(2)(ii) as (b)(1)(ii)(B)), the sentence immediately following the existing (b)(2)(ii) is redesignated as (b)(2), and a new (b)(3) is added to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(b) *Rate of return.* (1) Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

* * * * *

(2) No distributions of any kind may be made from borrowed funds.

(3) Distributions may be made for projects insured under this Part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies) only in accordance with the provisions on limitation on distributions of the applicable Section 8 regulation, contained at §§ 880.205, 881.205 or § 883.306 respectively; except that for small projects and partially-assisted projects, as defined in Part 880, 881 or 883, whichever is applicable, paragraphs (b)(1) and (b)(2) of this section shall apply.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

2. In § 213.25, the existing section is redesignated as paragraph (a) and a new paragraph (b) is added. The new paragraph (b) is added to read as follows:

§ 213.25 Patronage refunds.

* * * * *

(b) For projects insured under this part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies), the provisions on use of project funds of the applicable Section 8 regulation, contained in §§ 880.601(e), 881.601(e) or § 883.702(e) respectively, shall apply; except that for partially-assisted projects, as defined in Part 880, 881 or 883, whichever is applicable, paragraph (a) of this section shall apply.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

3. In § 221.531, the existing paragraph (b) inclusive through (b)(2)(ii) is redesignated as (b)(1) (with the existing (b)(1) redesignated as (b)(1)(i), the existing (b)(1)(i) as (b)(1)(i)(A), the existing (b)(1)(ii) as (b)(1)(i)(B), the existing (b)(1)(iii) as (b)(1)(i)(C), the existing (b)(2) as (b)(1)(ii), the existing (b)(2)(i) as (b)(1)(ii)(A) and the existing (b)(2)(ii) as (b)(1)(ii)(B)), the sentence immediately following the existing (b)(2)(ii) is redesignated as (b)(2), and a new (b)(3) is added to read as follows:

§ 221.531 Supervision applicable to general mortgagors.

* * * * *

(b) *Rate of return.* (1) Dividends or other distributions, as defined in the charter, trust agreement, or regulatory agreement, may be declared or made only as of or after the end of a semiannual or annual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

* * * * *

(2) No distribution of any kind may be made from borrowed funds.

(3) Distributions may be made for projects insured under this part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies) only in accordance with the provisions on limitation on distributions of the applicable Section 8 regulation, contained at §§ 880.205, 881.205 or § 883.306 respectively; except that for small projects and partially-assisted projects, as defined in Part 880, 881 or 883, whichever is applicable, (b)(1) and (b)(2) of this section shall apply.

* * * * *

4. In § 221.532, a new paragraph (c) is added to read as follows:

§ 221.532 Supervision applicable to limited distribution mortgagors.

* * * * *

(c) For projects insured under this part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies), the provisions on limitation on distributions of the applicable Section 8 regulation, contained at §§ 880.205, 881.205 or 883.306 respectively, shall apply; except that for small projects and partially-assisted projects, as defined in Part 880, 881 or 883, whichever is applicable, paragraphs (a) and (b) of this section shall apply.

5. In § 221.534, paragraph (b) is revised to read as follows:

§ 221.534 Supervision applicable to cooperative mortgagors.

* * * * *

(b) Surplus funds, after meeting reserves and after meeting all obligations of the mortgagor, may be distributed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds. However, for projects insured under this part which are also assisted under Part 880 (Section 8—New Construction), Part 881 (Section 8—Substantial Rehabilitation) or Part 883 (Section 8—State Housing Agencies), the provisions on use of project funds of the applicable Section 8 regulation, contained at §§ 880.601(e), 881.601(e) or § 883.702(e) respectively, shall apply; except that for partially-assisted projects, as defined in Part 880, 881 or 883, whichever is

applicable, the first sentence of this paragraph shall apply.

(Sec. 211, National Housing Act, as amended, (12 U.S.C. 1715b))

Issued at Washington, D.C., July 24, 1980.

Lawrence B. Simons

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-22908 Filed 7-30-80; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 236

[Docket No. R-80-728]

Mortgage Insurance and Interest Reduction Payment for Rental Projects; Rental Assistance Payments, Non-Insured Section 236 Projects

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This final rule amends the Rental Assistance Payments (RAP) regulations by making all previously ineligible, non-insured Section 236 projects eligible for RAP at the discretion of the sponsor, State or local agencies financing the projects and the Secretary.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Lynda Murphy, Director, Office of State Agency and Bond Financed Programs, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 426-7113 (not a toll free number).

SUPPLEMENTARY INFORMATION: On October 24, 1979, the Department published an interim rule revising the Rental Assistance Payments Program, 44 FR 61177. Section 236.701(c) was changed to provide that all section 236 non-insured projects which were previously ineligible for Rental Assistance Payments (RAP) be eligible for RAP at the discretion of the sponsor, the State housing finance agency providing financing for projects and the Secretary. The interim rule became effective on November 23, 1979.

Only one comment was received by the due date of December 26, 1979, and this voiced full agreement with the change. As a result of the lack of adverse comments the rule is being published in final form without change.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This rule is listed as item number H-5-79 in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12044. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government. Copies of the Findings are available for inspection and copy in the Office of the Rules Docket Clerk Office of the General Counsel, Room 5218, HUD, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, 24 CFR, Part 236; Subpart D, is amended by revising § 236.701(c) to read as follows:

§ 236.701 Scope of rental assistance.

* * * * *

(c) Had received a reservation of section 236 contract authority (in the case of projects processed without HUD mortgage insurance and to be financed under a State or local government aided program pursuant to section 236(b) of the National Housing Act) on or before August 22, 1974, but are reprocessed with rental assistance pursuant to an Agreement between the sponsor, the State or local agency providing additional aid to the project, and the Secretary. Projects in this category which are converted from Rent Supplement shall have Rental Assistance Contracts with terms which do not exceed the unexpired terms of the Rent Supplement Contracts. Projects in this category which have no Rent Supplement Contract shall have Rental Assistance Contracts with terms which do not exceed the unexpired terms of Agreement for Interest Reduction Payments or equivalent documents or 40 years whichever is less; or

* * * * *

(Sec. 212, Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633)

Issued at Washington, D.C., July 24, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-22976 Filed 7-30-80; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 300

[Docket No. R-80-627]

General; List of Attorneys-in-Fact

Correction

In FR Doc. 80-6784 appearing at page 14026 in the issue of Tuesday, March 4, 1980, third column, the list under 2. Paragraph (c) . . ., "Pan Andrus" should be corrected to read "Pam Andrus".

BILLING CODE 1505-01-M

Government National Mortgage Association

24 CFR Part 390

[Docket No. R-80-689]

Amendment To Permit Combination Mobile Home and Lot Loans To Be Included in GNMA Mortgage-Backed Securities Program

AGENCY: Government National Mortgage Association, HUD.

ACTION: Final rule.

SUMMARY: The amendment will permit "combination loans," which finance the purchase of mobile homes and developed lots in a single transaction, to be included in pools of mobile home loans under the existing GNMA program for mobile home loan securities.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Warren Lasko, Government National Mortgage Association, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-8772. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On August 9, 1979, the Government National Mortgage Association published a Notice of Proposed Rulemaking (44 FR 46891) to amend regulations relating to the GNMA Mortgage-Backed Securities Program (24 CFR 390). The amendment allows "combination loans" to purchase a mobile home unit and developed lot in a single transaction to be included in pools of loans which back GNMA-guaranteed mobile home loans securities. Comments were invited until October 9, 1979.

Two comment letters were received. Both commended HUD for the proposed program revision. One of the letters noted that the rule will "provide broader homeownership opportunities for more low and moderate income persons to afford homes on land which they own."

Only one specific change to the proposed rule was recommended. The commentator pointed out that the term "developed lot" is not specifically defined. The commentator suggested that GNMA either set forth in the regulation the precise conditions under which it will consider a lot to be "developed," or, alternatively, rely upon the FHA and the VA to determine and promulgate the appropriate standards for lots eligible for the combination mobile home and lot programs under each agency's authority.

The final rule contains the same requirement as the proposed rule. That is, the combination loan must be for the

purpose of acquiring a mobile home unit on a "developed lot." It is GNMA's intention to provide further instructions in its handbook, the *Mortgage-backed Securities Guide,* (GNMA 5500.1) to explain what will be acceptable as developed lots. Reliance will be placed on relevant definitions provided by FHA and VA in connection with their respective programs. In the FHA combination loan program, a definition of the term "developed lot" is provided in the program regulations (24 CFR Part 201) and lots satisfying this definition will also satisfy GNMA with respect to FHA insured loans. In the VA mobile home loan program, the program handbook (VA Pamphlet 26–9) describes a developed lot as one "not requiring substantial preparation to render it suitable as a site for a mobile home." The VA, with respect to all mobile home loans it guarantees, also requires that the VA Administrator determine the lot "to be an acceptable mobile home site." Lots which satisfy both of these VA requirements, or any more specific definitions of developed lots that the VA may establish, will satisfy GNMA with respect to VA guaranteed loans.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government. Copies of the Findings are available for inspection and copy in the Office of the Rules Docket Clerk, Office of the General Counsel, room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, 24 CFR § 390.3(c)(3) is amended by revising the introductory paragraph to read as follows:

§ 390.3 [Amended]

* * * * *

(c) * * *

(3) For the issuance of modified pass-through securities based on and backed by mortgages on mobile homes (which for the purpose of this Part means either a loan for the purchase of a mobile home unit or a combination loan for the purchase of a mobile home and a developed mobile home lot in a single transaction)—* * *

* * * * *

(Sections 306(g) and 309(a) of the National Housing Act, 12 U.S.C. 1721(g) and 1723a(a))

Issued at Washington, D.C., July 24, 1980.

Ronald P. Laurent,

President, Government National Mortgage Association.

[FR Doc. 22977 Filed 7–30–80; 8:45 am]

BILLING CODE 4210–01–M

Office of Interstate Land Sales Registration

24 CFR Parts 1710 and 1715

[Docket No. R–80–778]

Land Registration, Purchaser's Revocation Rights, Sales Practices and Standards, and Formal Procedures and Rules of Practice

Correction

In FR Doc. 80–17871 appearing at page 40474 in the issue for Friday, June 13, 1980, make the following corrections:

(1) On page 40487, first column, the paragraph beginning with Exemption Notice, "Dil SR No" should be corrected to read "DILSR No".

(2) On page 40497, first complete paragraph starting § 1715.4 (a), 4th line, "§§ 1710.5–1710–16" should read "§§ 1710.5–1710.16".

(3) On page 40497, second column, below the first complete paragraph "§ 1710.6–1710.9 [Reserved]" should be corrected to read "§ 1715.6–1715.9 [Reserved]."

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 258

Indian Fishing; Hoopa Valley Indian Reservation

AGENCY: Department of the Interior.

ACTION: Interim rule.

SUMMARY: The Department of the Interior is prohibiting the placement of set nets within 400 feet of the site at the mouth of the Klamath River selected by the U.S. Fish and Wildlife Service for its test seining operation. This prohibition was published as one of a number of proposed amendments to the conservation regulations governing Indian fishing on the Hoopa Valley Indian Reservation on June 27, 1980, 45 FR 43434. This one provision is being promulgated on an emergency basis in order to assure that the Fish and Wildlife Service can begin tagging operations as soon as the run begins.

DATE: This rule becomes effective August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Joe Weller, Superintendent, Hoopa Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa Valley, California 95546, telephone (916) 625–4285.

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1457, 25 U.S.C. 2 and 9 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of federally reserved Indian fishing rights.

Placement of nets within 400 feet of the site being used by the U.S. Fish and Wildlife Service for its seining and tagging operation is being prohibited. Run size estimates are based on the proportion of tagged to untagged fish recovered upstream from the seining site. Those estimates are based on the assumption that tagged fish are no more likely to be caught in gill nets than untagged fish. Gill nets placed too close to the seining operation prevent the random mixing of tagged fish with untagged fish and, consequently, create serious errors in the run size estimates.

In order to determine the total number of fish entering the river tagging should be done at the mouth of the river before the fish are exposed to the river net fishery. Tagging should be done on the side of the river closest to the channel through which most fish pass. Based on these requirements, the seining operation should be operated from the South Spit at the mouth of the Klamath.

Although the major chinook run for 1980 has not yet begun, gill net gear has already been observed set at that location. In order to assure the development of a reliable run size estimate (which is the crucial figure needed for proper management of the fishery resource) this site must be cleared before the run commences in mid-July.

This rule is being promulgated before the expiration of the comment period and is being made effective only one day after publication in the **Federal Register** in order to permit the tagging operation to begin at the same time the run begins. A prompt start to tagging operations is needed to develop the reliable run size estimates required for proper management of both river and ocean fisheries. This proposed rule was circulated in the Indian community and discussed with Indian fishers two months before its publication as a proposed rule. Efforts have been underway for the past two weeks to

locate the person who placed the fishing gear at the test site to ask him or her to remove it. Under these circumstances, the Department finds there is good cause and that it is in the public interest to promulgate this amendment prior to the expiration of the comment period and to make it effective less than 30 days after publication in the **Federal Register.**

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: July 22, 1980.

Cecil D. Andrus,

Department of the Interior.

Section 258.8 of Title 25 of the Code of Federal Regulations is amended by adding a new subparagraph (e)(9) to read as follows:

§ 258.8 Permissible and prohibited fishing.

* * * * *

(e) Restrictions on fishing: * * *

(9) No set net may be placed within 400 feet of the test seining operation of the U.S. Fish and Wildlife Service.

[FR Doc. 80-22935 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 20, and 301

[T.D. 7710]

Income and Estate and Gift Taxes; Certain Farm Real Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to material participation requirements for and the method of valuing certain farm real property according to actual use. The document also contains final regulations on the procedure for electing the use valuation, for electing to extend payment of estate tax attributable to interests in closely held businesses, and for electing a special lien in lieu of personal liability for certain deferred amounts of estate tax as well as final regulations on material participation rules for certain tenants and owners of farms for self-employment income tax purposes. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Act of August 7, 1974 (Pub. L. 93-368, 88 Stat. 422). The regulations provide the public with the guidance needed to comply with those Acts. They affect farm owners and tenants, and estates comprised largely of farm and other closely-held business interests.

DATES: The regulations are effective as follows:

(1) For taxable years beginning after December 31, 1973, in the case of the provisions defining net earnings from self-employment; and

(2) For estates of decedents dying after December 31, 1976, in the case of the provisions on valuation of farm and closely held business real property, on extension of time to pay estate tax and on the special lien in lieu of personal liability for certain amounts of estate tax.

FOR FURTHER INFORMATION CONTACT: H. B. Hartley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3287 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On July 13, 1978, the **Federal Register** published proposed amendments to the Estate Tax Regulations (26 CFR Part 20) relating to procedures for making the elections provided under sections 2032A, 6166, and 6324A of the Internal Revenue Code of 1954 ("Code") (43 FR 30070). On December 21, 1978, amendments to these July 13, 1978, proposed regulations were published in the **Federal Register** (43 FR 59517). On July 19, 1978, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1402 (a) of the Code and to the Estate Tax Regulations (26 CFR Part 20) under section 2032A of the Code. (43 FR 31039). On September 10, 1979, a portion, proposed § 20.2032A-4 (b), of the July 19, 1978, proposed regulations was withdrawn by notice published in the **Federal Register** (43 FR 52698). Also on September 10, 1979, the **Federal Register** published new proposed regulations under section 2032A replacing the withdrawn proposal (44 FR 52696). All of these regulations were proposed to conform the regulations to section 10 (b) of the Act of August 7, 1974 (Public Law 93-368, 88 Stat. 422) and to sections 2003 (a) and 2004 (a) and (d) of the Tax Reform Act of 1976 (Public Law 94-455, 90 Stat. 1856, 1868).

A public hearing on the July 13, July 19, and December 21, 1978, proposed regulations was held on April 3, 1979. A public hearing was held on the September 10, 1979, proposed regulations on January 16, 1980. After consideration of all written and oral comments regarding the proposed amendments, final regulations are adopted by this Treasury decision.

Provisions of the Regulations

Net Earnings from Self-Employment

Section 1402 (a)(1) of the Code, as amended in 1974, defines more narrowly the circumstances in which the owner or tenant of land must include farm rentals in self-employment income, which is subject to social security tax. Farm rentals are considered self-employment income when three requirements are met. First, the owner or tenant must arrange for another individual to farm the land. Second, that arrangement must contemplate material participation by the owner or tenant in the operation of the farm. Third, the owner or tenant must in fact participate materially in the operation of the farm.

Consistent with the various court decisions rendered prior to the enactment of Public Law 93-368, the existing regulations provide that the actions of an employee or agent will be attributed to the owner or tenant in determining whether the three requirements for material participation have been met. Thus, owners or tenants of land who arranged with agents (such as professional farm management companies) to manage and supervise the farming of their land had to include the rentals they received in their self-employment income. This was so even though they did not personally participate in the farming operation at all. As a result of this rule, many persons who thought they were merely receiving investment income found themselves liable for social security taxes.

The amendment changed the rule as to agents and employees for years beginning after 1973. Thus, activities of agents and employees are no longer taken into account in determining under section 1402 whether an owner or tenant has materially participated in the farming operation.

Material Participation and Estate Tax Valuation

Code section 2032A allows an executor to elect to value qualified real property used in farming or other closely-held business activity based upon its qualified use rather than its fair market value determined under otherwise applicable estate tax rules. That section requires, however, that the

owner or a member of the owner's family materially participate in the operation of the farm or other business for specified periods both before and after the decedent's death.

Along with property owned individually by the decedent, real property owned by a qualified closely-held corporation or partnership or by a trust is permitted to be specially valued for determining the value of the decedent's interest in that business. The regulations provide that where the property is owned in this manner, the participating owner or family member may be an employee rather than be self-employed. Even though the participants are not self-employed, material participation is tested by viewing their activities as if they were self-employed.

Participation is judged in light of actual personal involvement by the decedent and family members. If the involvement occurs on less than a full-time basis, it must be pursuant to an arrangement entered into by the participant (or a member of the participant's family) calling for the activities that occur. Acts of an agent or an employee are not considered in determining whether material participation occurs unless the agent or employee is also a family member.

Material participation, if other than by full-time employment, means a regular process of consultation and inspection with active involvement in making management decisions. Advancing funds or assuming financial responsibility for the business operation are also required. Maintaining one's principal place of residence on the premises in the case of a farm or hotel is a factor in determining the degree of participation.

With corporations and partnerships, activities in the management and operation of the real estate component of the business as a whole are central. Merely holding corporate offices or being a partner in name and financial risk only is not sufficient participation. This is true even where an inactive partner returns his or her distributive share as earnings from self-employment and pays social security taxes on it. Finally, activities which are not contemplated by the required arrangement are not considered in determining whether material participation occurs.

Method of Valuing Farm Real Property Under Section 2032A(e)(7)

Section 2032A(e)(7) provides a special method for valuing qualified real property used for farming purposes. This method requires the executor to locate tracts of comparable real property which are rented solely for cash. A 5-year average of gross cash rentals from comparable real property, minus State and local real estate taxes, is then capitalized by the average annual effective interest rate charged by Federal land banks on new agricultural loans to farmers and ranchers. These regulations provide the definitions and other information necessary for valuing property according to this method.

If the section 2032A(e)(7) formula valuation method is used, the executor must document to the Internal Revenue Service the actual comparable property and cash rentals upon which the executor relies. If no such rentals are found, the executor may still value the farm real property based upon its current use under the provisions of section 2032A(e)(8).

The rules for valuing real property under section 2032A(e)(7) provided in these regulations apply only to estates where the specially valued real property is directly owned by the decedent. Regulations will be published at a later date detailing the applicability of this valuation method to property owned indirectly through a trust, a partnership, or a corporation.

Election of Use Valuation

The executor must elect special use valuation by attaching a notice of election to a timely filed estate tax return. Normally, this election is irrevocable; however, elections which are timely made on or before August 30, 1980, may be revoked during the 6-month period following that date (or any lesser period remaining before expiration of the statute of limitations). A revocation is to be accompanied by payment of any additional estate tax found due, plus interest.

An agreement signed by all parties with an interest in the property subject to the special use valuation election is also required under section 2032A. This agreement must accompany the notice of election.

Section 20.2032A–8 defines a person with an interest in the property to include all persons in being as of the date of death of the decedent who receive any vested or contingent interest in the property, who receive a power of appointment over the property, who are beneficiaries of a gift over in default of exercise of any such power, or who, under applicable state law, have any legal right which could affect the ultimate disposition of the property.

Alternate Extension of Time for Payment of Estate Tax

Section 6166 allows an executor to elect to defer payment of a percentage of the total estate tax, including the amount of certain deficiencies. The maximum percentage of tax which may be deferred corresponds to the percentage of the adjusted gross estate which is comprised of a closely held business interest (as defined in section 6166(b)(1)). Normally, the election is made at the time the estate tax return is filed; however, an election may subsequently be made to pay certain deficiencies in installments. Additionally, where the executor is uncertain as to whether the estate needs to defer payment of tax, a protective election may be made when the estate tax return is filed. If a protective election is made, the final election is to be made within 60 days after final values causing the estate to qualify are determined (or agreed to following examination of a return.)

Special Lien for Deferred Amount of Estate Tax

Section 6324A allows the executor of a decedent's estate to elect a lien in favor of the United States in lieu of bond or personal liability if an election under section 6166 or section 6166A is made. The election under section 6324A will not be effective unless all parties having an interest in the property subject to the lien sign an agreement in which they consent to the creation of the lien. The agreement must be filed with the notice of election of the lien. The election may be filed at any time prior to payment of the full amount of the estate tax.

Additional Considerations

These regulations are needed in order to provide guidance to the public as well as to government employees responsible for implementation of sections 1402(a), 2032A, 6166, and 6324A of the Code. Considering both the direct and indirect effects of these regulations, it is believed that they satisfactorily implement section 10(b) of the Act of August 7, 1974 (Public Law 93–368), and sections 2003(a) and 2004 (a) and (d) of the Tax Reform Act of 1976. Evaluation of the effectiveness of the regulations after issuance will be based upon comments received from offices within the Internal Revenue Service and the Treasury Department, from other government agencies and from members of the public.

Public Comments

Seventy-three comments were received in response to the four notices of proposed rulemaking. Two comments urged attributing activities of employees, but not agents, to owners for purposes of meeting both the social security and use valuation material participation

requirements. This suggestion was rejected because employees are agents of their employer.

Several comments urged an express statement that use valuation under section 2032A is available even if farming is the only potential use for the real property. Sections 20.2032A–3(a) and 20.2032A–8(a) were changed to reflect this position once the Treasury learned that section 2032A(e)(7) produces land values below even a true current use value and that inequities would result between suburban and strictly rural farms if the limitation were retained. Section 20.2032A–3(b) was changed to clarify that directly owned real property which is passively leased to the decedent's active closely held business (under section 6166(b)(1)) can be qualified property despite the passive lease. A new paragraph (b)(2) was added to § 20.2032A–3 to clarify the treatment of farm buildings as specially valued property under section 2032A.

Section 20.2032A–3(c) was changed in response to the comments to clarify that material participation must occur during periods totalling at least 5 calendar years before and after death and to provide rules under section 2032A(c) for property in which the heirs receive undivided or successive interests. In response to a commentor's question, § 20.2032A–3(c) now also states that simultaneous activities of multiple family members cannot be aggregated to find material participation. Rather, the activities of at least one family member, viewed alone, must constitute material participation at any given time. A statement was also added to clarify that no exception to the material participation requirements is made for periods when real property is owned by the decedent's estate. A new paragraph (d) was added to § 20.2032A–3 to answer questions raised by commentors about property acquired less than 5 years before death and real property, ownership of which is changed from direct to indirect in a nontaxable transfer under section 351 or 721 of the Code during that 5-year period. Proposed § 20.2032A–3(d) on activities required for material participation was renumbered § 20.2032A–3(e) and was modified to state that furnishing of farm equipment by a lessor is not a requirement. The same section now contains an expanded discussion of the relationship of material participation under sections 2032A and 1402(a)(1). Briefly stated, the rule is that payment of self-employment taxes alone is not conclusive as to the presence of material participation. However, when self-employment taxes have not been paid, material participation is presumed not to have occurred unless the executor supplies proof that such participation did in fact occur and demonstrates to the Internal Revenue Service why no such taxes were paid. In addition, any such taxes (plus interest and penalties) determined to be due must be paid.

A new sentence was added to paragraph (e) to reiterate that retention of a farm manager will not automatically disqualify a farm from special use valuation. Clarifying language was also added to that paragraph concerning activities necessary for material participation during nonproducing seasons.

Timber growers requested an explanation of the application of section 2032A to timber farms. A new example (7) has been added to § 20.2032A–3(g) in response to these comments. The example applies the material participation rules to a timber farm.

On September 10, 1979, the definition of gross cash rental contained in the originally published § 20.2032A–4(b) was withdrawn and reproposed. The reproposed section requires executors to rely on actual tracts of comparable property rented solely for cash in valuing farm real property under section 2032A(e)(7). That proposal also specified that state-wide averages of rentals and appraisals cannot be used to value property under section 2032(e)(7). After consideration of all oral and written comments, the Treasury believes that there is no statutory basis for changing the rule as proposed in the Federal Register for September 10, 1979 (44 FR 52696). Therefore, the final regulations adopt the position proposed on September 10, 1979. If comparable property rented solely for cash is not demonstrated by the executor for all specially valued property, all such property must be valued under section 2032A(e)(8).

Proposed § 20.2032A–8(a) required special use valuation elections to be made on a timely filed estate tax return. Several comments suggested accepting elections first made upon examination of a return. The requested suggestion was not adopted because of statutory restrictions. Several commentors asked that the final regulations include a rule on elections to specially value less than all qualified real property. A new § 20.2032A–8(a)(2) is added to the regulations permitting such partial elections, provided property sufficient to satisfy the statutory thresholds of section 2032A(b)(1) (B) and (C) is specially valued. Paragraph (a)(2) was also modified in response to the public comments to require a statement that specially valued property was owned at least 5 years before the date of the decedent's death rather than the date of acquisition. Further, the request for identification of periods of no material participation and use for farming purposes was restricted to the 8 years preceding the death.

Section 20.2032A–8(b) was changed in response to the comments to make clear that protective elections can be made even if tax is initially due and the estate qualifies based upon returned values.

A witness at the public hearing asked that final regulations include a statement on the duties of the agent designated in the agreement to the section 2032A election. Section 20.2032A–8(c) was amended to specify that the agent must have satisfactory evidence of authority to act for the parties to the agreement required under section 2032A (a)(1)(B) and (d)(2) and to indicate the agent's duties. The requirement that certain creditors sign the agreement, contained in proposed § 20.2032A–8(c)(2), was deleted.

Proposed § 20.6166–1(d) was amended to delete any implied limitations on the circumstances in which a protective election can be made. The new rule is consistent with that for protective elections under section 2032A.

Proposed § 20.6324A–1 was rewritten as a cross-reference to new § 301.6324A–1 with the substantive rules contained in proposed § 20.6324A–1 being adopted as § 301.6324A–1. This change was made to achieve consistency with other regulations on liens for taxes.

Drafting Information

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

Adoption of Amendments to the Regulations

Accordingly, amendments to the regulations (26 CFR Parts 1, 20, and 301), are hereby adopted as set forth below:

PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1980

§ 1.1402(a) [Deleted]

Paragraph 1. Section 1.1402(a) is deleted.

Par. 2. Section 1.1402(a)–4 is amended by revising paragraph (b)(5) and by

revising examples (5) and (6) in paragraph (b)(6) to read as follows:

§ 1.1402(a)-4 Rentals from real estate.

* * * * *

(b) *Special rule for "includible farm rental income"*— * * *

(5) *Employees or agents.* An agreement entered into by an employee or agent of an owner or tenant and another person is considered to be an arrangement entered into by the owner or tenant for purposes of satisfying the requirement set forth in paragraph (b)(2) that the income must be derived under an arrangement between the owner or tenant and another person. For purposes of determining whether the arrangement satisfies the requirement set forth in paragraph (b)(3) that the parties contemplate that the owner or tenant will materially participate in the production or management of production of a commodity, services which will be performed by an employee or agent of the owner or tenant are not considered to be services which the arrangement contemplates will be performed by the owner or tenant. Services actually performed by such employee or agent are not considered services performed by the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity. For taxable years beginning before January 1, 1974, contemplated or actual services of an agent or an employee of the owner or tenant are deemed to be contemplated or actual services of the owner or tenant under paragraphs (b)(3) and (b)(4) of this section.

(6) *Examples.* * * *

Example (5). I owned a farm several miles from the town in which he lived. He rented the farm to J under an arrangement which contemplated I's material participation in the management of production of wheat. I furnished one-half of the seed and fertilizer and all the farm equipment and livestock. He employed K to perform all the services in advising, consulting, and inspecting contemplated by the arrangement. I is not materially participating in the management of production of wheat by J. The work done by I's employee, K, is not attributable to I in determining the extent of I's participation. I's rental income from the arrangement is, therefore, not to be included in computing his net earnings from self-employment. For taxable years beginning before January 1, 1974, however, I's rental income would be includible in those earnings.

Example (6). L, a calendar-year taxpayer, appointed M as his agent to rent his fully equipped farm for 1974. M entered into a rental arrangement with N under which M was to direct the planting of crops, inspect them weekly during the growing season, and consult with N on any problems that might arise in connection with irrigation, etc., while N furnished all the labor needed to grow and harvest the crops. M did in fact fulfill its responsibilities under the arrangement. Although the arrangement entered into by M and N is considered to have been made by L, M's services are not attributable to L, and L's furnishing of a fully equipped farm is insufficient by itself to constitute material participation in the production of the crops. Accordingly, L's rental income from the arrangement is not included in his net earnings from self-employment for that year. For taxable years beginning before January 1, 1974, however, L's rental income would be includible in those earnings.

* * * * *

PART 20—ESTATE TAX; ESTATES OF DECENDENTS DYING AFTER AUGUST 16, 1980

Par. 3. The following new sections are added following § 20.2032-1:

§ 20.2032A-3 Material participation requirements for valuation of certain farm and closely-held business real property.

(a) *In general.* Under section 2032A, an executor may, for estate tax purposes, make a special election concerning valuation of qualified real property (as defined in section 2032A(b)) used as a farm for farming purposes or in another trade or business. If this election is made, the property will be valued on the basis of its value for its qualified use in farming or the other trade or business, rather than its fair market value determined on the basis of highest and best use (irrespective of whether its highest and best use is the use in farming or other business). For the special valuation rules of section 2032A to apply, the deceased owner and/or a member of the owner's family (as defined in section 2032A (e) (2)) must materially participate in the operation of the farm or other business. Whether the required material participation occurs is a factual determination, and the types of activities and financial risks which will support such a finding will vary with the mode of ownership of both the property itself and of any business in which it is used. Passively collecting rents, salaries, draws, dividends, or other income from the farm or other business is not sufficient for material participation, nor is merely advancing capital and reviewing a crop plan or other business proposal and financial reports each season or business year.

(b) *Types of qualified property*—(1) *In general.* Real property valued under section 2032A must pass from the decendent to a qualified heir or be acquired from the decedent by a qualified heir. The real property may be owned directly or may be owned indirectly through ownership of an interest in a corporation, a partnership, or a trust. However, real property is considered to be qualified real property only if a qualified heir receives or acquires a present interest in the property (determined under section 2503) from the decedent. Where the ownership is indirect, however, the decedent's interest in the business must, in addition to meeting the tests for qualification under section 2032A, qualify under the tests of section 6166 (b) (1) as an interest in a closely-held business on the date of the decedent's death and for sufficient other time (combined with periods of direct ownership) to equal at least 5 years of the 8 year period preceding the death. All specially valued property must be used in a trade or business. Directly owned real property that is leased by a decedent to a separate closely held business is considered to be qualified real property, but only if the separate business qualifies as a closely held business under section 6166 (b) (1) with respect to the decedent on the date of his or her death and for sufficient other time (combined with periods during which the property was operated as a proprietorship) to equal at least 5 years of the 8 year period preceding the death. For example, real property owned by the decedent and leased to a farming corporation or partnership owned and operated entirely by the decedent and fewer than 15 members of the decedent's family is eligible for special use valuation. Under section 2032A, the term trade or business applies only to an active business such as a manufacturing, mercantile, or service enterprise, or to the raising of agricultural or horticultural commodities, as distinguished from passive investment activities. The mere passive rental of property will not qualify. The decedent must own an equity interest in the farm operation. A trade or business is not necessarily present even though an office and regular hours are maintained for management of income producing assets, as the term "business" is not as broad under section 2032A as under section 162. Additionally, no trade or business is present in the case of activities not engaged in for profit. *See* section 183.

(2) *Structures and other real property improvements.* Qualified real property includes residential buildings and other structures and real property improvements occupied or used on a regular basis by the owner or lessee of real property (or by employees of the owner or lessee) for the purpose of operating the farm or other closely held

business. A farm residence occupied by the decedent owner of the specially valued property is considered to be occupied for the purpose of operating the farm even though a family member (not the decedent) was the person materially participating in the operation of the farm as required under section 2032A (b) (1) (C).

(c) *Period material participation must last. The required participation must last—*

(1) For periods totalling 5 years or more during the 8 years immediately preceding the date of the decedent's death; and

(2) For periods totalling 5 years or more during any 8 year period ending after the date of the decedent's death (up to a maximum of 15 years after decedent's death, when the additional estate tax provisions of section 2032A(c) cease to apply).

In determining whether the material participation requirement is satisfied, no exception is made for periods during which real property is held by the decedent's estate. Additionally, contemporaneous material participation by 2 or more family members during a period totalling a year will not result in that year being counted as 2 or more years for purposes of satisfying the requirements of this paragraph (c). Death of a qualified heir (as defined in section 2032A(e)(1)) before the requisite time has passed ends any material participation requirement for that heir's portion of the property as to the orignal decedent's estate if the heir received a separate, joint or other undivided property interest from the decedent. If qualified heirs receive successive interests in specially valued property (e.g. life estate and remainder interests) from the decedent, the material participation requirement does not end with respect to any part of the property until the death of the last qualified heir (or, if earlier, the expiration of 15 years from the date of the decedent's death). The requirements of section 2032A will fully apply to an heir's estate if an election under this section is made for the same property by the heir's executor. In general, to determine whether the required participation has occurred, brief periods (*e.g.*, periods of 30 days or less) during which there was no material participation may be disregarded. This is so only if these periods were both preceded and followed by substantial periods (*e.g.* periods of more than 120 days) in which there was uninterrupted material participation. *See* paragraph (e)(1) of this section which provides a special rule for periods when little or no activity is necessary to manage fully a farm.

(d) *Period property must be owned by decedent and family members.* Only real property which is actually owned by any combination of the decedent, members of the decedent's family, and qualified closely held businesses for periods totalling at least 5 of the 8 years preceding the date of decedent's death may be valued under section 2032A. For example, replacement property acquired in like-kind exchange under section 1031 is considered to be owned only from the date on which the replacement property is actually acquired. On the other hand, replacement property acquired as a result of an involuntary conversion in a transfer that would meet the requirements of section 2032A(h) if it occurred after the date of the decedent's death is considered to have been owned from the date in which the involuntarily converted property was acquired. Property transferred from a proprietorship to a corporation or a partnership during the 8-year period ending on the date of the decedent's death is considered to be continuously owned to the extent of the decedent's equity interest in the corporation or partnership if, (1) the transfer meets the requirements of section 351 or 721, respectively, and (2) the decedent's interest in the corporation or partnership meets the requirements for indirectly held property contained in paragraph (b)(1) of this section. Likewise, property transferred to a trust is considered to be continuously owned if the beneficial ownership of the trust property is such that the requirements of section 6166(b)(1)(C) would be so satisfied if the property were owned by a corporation and all beneficiaries having vested interests in the trust were shareholders in the corporation. Any periods following the transfer during which the interest in the corporation, partnership, or trust does not meet the requirements of section 6166(b)(1) may not be counted for purposes of satisfying the ownership requirements of this paragraph (d).

(e) *Required activities*—(1) *In general.* Actual employment of the decedent (or of a member of the decedent's family) on a substantially full-time basis (35 hours a week or more) or to any lesser extent necessay personally to manage fully the farm or business in which the real property to be valued under section 2032A is used constitutes material participation. For example, many farming operations require only seasonal activity. Material participation is present as long as all necessary functions are performed even though little or no actual activity occurs during nonproducing seasons. In the absence of this direct involvement in the farm or other business, the activities of either the decedent or family members must meet the standards prescribed in this paragraph and those prescribed in the regulations issued under section 1402(a)(1). Therefore, if the participant (or participants) is self-employed with respect to the farm or other trade or business, his or her income from the farm or other business must be earned income for purposes of the tax on self-employment income before the participant is considered to be materially participating under section 2032A. Payment of the self-employment tax is not conclusive as to the presence of material participation. If no self-employment taxes have been paid, however, material participation is presumed not to have occurred unless the executor demonstrates to the satisfaction of the Internal Revenue Service that material participation did in fact occur and informs the Service of the reason no such tax was paid. In addition, all such taxes (including interest and penalties) determined to be due must be paid. In determining whether the material participation requirement is satisfied, the activities of each participant are viewed separately from the activities of all other participants, and at any given time, the activities of at least one participant must be material. If the involvement is less than full-time, it must be pursuant to an arrangement providing for actual participation in the production or management of production where the land is used by any nonfamily member, or any trust or business entity, in farming or another business. The arrangement may be oral or written, but must be formalized in some manner capable of proof. Activities not contemplated by the arrangement will not support a finding of material participation under section 2032A, and activities of any agent or employee other than a family member may not be considered in determining the presence of material participation. Activities of family members are considered only if the family relationship existed at the time the activities occurred.

(2) *Factors considered.* No single factor is determinative of the presence of material participation, but physical work and participation in management decisions are the principal factors to be considered. As a minimum, the decedent and/or a family member must regularly advise or consult with the other managing party on the operation of the business. While they need not make all final management decisions alone, the

decedent and/or family members must participate in making a substantial number of these decisions. Additionally, production activities on the land should be inspected regularly by the family participant, and funds should be advanced and financial responsibility assumed for a substantial portion of the expense involved in the operation of the farm or other business in which the real property is used. In the case of a farm, the furnishing by the owner or other family members of a substantial portion of the machinery, implements, and livestock used in the production activities is an important factor to consider in finding material participation. With farms, hotels, or apartment buildings, the operation of which qualifies as a trade or business, the participating decedent or heir's maintaining his or her principal place of residence on the premises is a factor to consider in determining whether the overall participation is material. Retention of a professional farm manager will not by itself prevent satisfaction of the material participation requirement by the decedent and family members. However, the decedent and/or a family member must personally materially participate under the terms of arrangement with the professional farm manager to satisfy this requirement.

(f) *Special rules for corporations, partnerships, and trusts*—(1) *Required arrangement.* With indirectly owned property as with property that is directly owned, there must be an arrangement calling for material participation in the business by the decedent owner or a family member. Where the real property is indirectly owned, however, even full-time involvement must be pursuant to an arrangement between the entity and the decedent or family member specifying the services to be performed. Holding an office in which certain material functions are inherent may constitute the necessary arrangement for material participation. Where property is owned by a trust, the arrangement will generally be found in one or more of four situations. First, the arrangement may result from appointment as a trustee. Second, the arrangement may result from an employer-employee relationship in which the participant is employed by a qualified closely held business owned by the trust in a position requiring his or her material participation in its activities. Third, the participants may enter into a contract with the trustees to manage, or take part in managing, the real property for the trust. Fourth, where the trust agreement expressly grants the management rights to the beneficial owner, that grant is sufficient to constitute the arrangement required under this section.

(2) *Required activities.* The same participation standards apply under section 2032A where property is owned by a qualified closely held business as where the property is directly owned. In the case of a corporation, a partnership, or a trust where the participating decedent and/or family members are employees and thereby not subject to self-employment income taxes, they are to be viewed as if they were self-employed, and their activities must be activities that would subject them to self-employment income taxes were they so. Where property is owned by a corporation, a partnership or a trust, participation in the management and operation of the real property itself as a component of the closely held business is the determinative factor. Nominally holding positions as a corporate officer or director and receiving a salary therefrom or merely being listed as a partner and sharing in profits and losses will not alone support a finding of material participation. This is so even though, as partners, the participants pay self-employment income taxes on their distributive shares of partnership earnings under § 1.1402(a)–2. Further, it is especially true for corporate directors in states where the board of directors need not be an actively functioning entity or need only act informally. Corporate offices held by an owner are, however, factors to be considered with all other relevant facts in judging the degree of participation. When real property is directly owned and is leased to a corporation or partnership in which the decedent owns an interest which qualified as an interest in a trade or business within the meaning of section 6166(b)(1), the presence of material participation is determined by looking at the activities of the participant with regard to the property in whatever capacity rendered. During any periods when qualified real property is held by an estate, material participation is to be determined in the same manner as if the property were owned by a trust.

(g) *Examples.* The rules for determining material participation may be illustrated by the following examples. Additional illustrations may be found in examples (1) through (6) in § 1.1402(a)–4.

Example (1). A, the decedent, actively operated his 100-acre farm on a full-time basis for 20 years. He then leased it to B for the 10 years immediately preceding his death. By the terms of the lease, A was to consult with B on where crops were to be planted, to supervise marketing of the crop, and to share equally with B in expenses and earnings. A was present on the farm each spring for consultation; however, once planting was completed, he left for his retirement cottage where he remained until late summer, at which time he returned to the farm to supervise the marketing operation. A at all times maintained the farm home in which he had lived for the time he had owned the farm and lived there when at the farm. In light of his activities, assumption of risks, and valuable knowledge of proper techniques for the particular land gained over 20 years of full-time farming on the land involved, A is deemed to have materially participated in the farming business.

Example (2). D is the 70-year old widow of farmer C. She lives on a farm for which special valuation has been elected and has lived there for 20 years. D leases the land to E under an arrangement calling for her participation in the operation of the farm. D annually raises a vegetable garden, chickens, and hogs. She also inspects the tobacco fields (which produce approximately 50 percent of farm income) weekly and informs E if she finds any work that needs to be done. D and E share expenses and income equally. Other decisions such as what fields to plant and when to plant and harvest crops are left to E, but D does occasionally make suggestions. During the harvest season, D prepares and serves meals for all temporary farm help. D is deemed to participate materially in the farm operations based on her farm residence and her involvement with the main money crop.

Example (3). Assume that D in example (2) moved to a nursing home 1 year after her husband's death. E completely operated the farm for her for 6 years following her move. If E is not a member of D's family, material participation ceases when D moves; however, if E is a member of D's family, E's material participation will prevent disqualification even if D owns the property. Further, upon D's death, the section 2032A valuation could be elected for her estate if E were a member of her family and the other requirements of section 203A were satisfied.

Example (4). F, a qualified heir, owned a specially valued farm. He contracted with G to manage the farm for him as F, a lawyer, lived and worked 15 miles away in a nearby town. F supplied all machinery and equipment and assumed financial responsiblity for the expenses of the farm operation. The contract specified that G was to submit a crop plan and a list of expenses and earnings for F's approval. It also called for F to inspect the farm regularly and to approve all expenditures over $100. In practice, F visited the farm weekly during the growing season to inspect and discuss operations. He actively participated in making important management decisions such as what fields to plant or pasture and how to utilize the subsidy program. F is deemed to have materially participated in the farm operation as his personal involvement amounted to more than managing an investment. Had F not regularly inspected the farm and participated in management decisions, however, he would not be considered to be materially participating. This would be true even though F did assume financial responsibility for the operation and did review annual crop plans.

Example (5). Decedent I owned 90 percent of all outstanding stock of X Corporation, a

qualified closely-held business which owns real property to be specially valued. I held no formal position in the corporation and there was no arrangement for him to participate in daily business operations. I regularly spent several hours each day at the corporate offices and made decisions on many routine matters. I is not deemed to have materially participated in the X Corporation despite his activity because there was no arrangement requiring him to act in the manner in which he did.

Example (6). Decedent J was a senior partner in the law firm of X, Y, and Z, which is a qualified closely held business owning the building in which its offices are located. J ceased to practice law actively 5 years before his death in 1977; however, he remained a full partner and annually received a share of firm profits. J is not deemed to have materially participated under section 2032A even though he still may have reported his distributive share of partnership income for self-employment income tax purposes if the payments were not made pursuant to any retirement agreement. This is so because J does not meet the requirement of actual personal material participation.

Example (7). K, the decedent, owned a tree farm. He contracted with L, a professional forester, to manage the property for him as K, a doctor, lived and worked in a town 50 miles away. The activities of L are not considered in determining whether K materially participated in the tree farm operation. During the 5 years preceding K's death, there was no need for frequent inspections of the property or consultation concerning it, inasmuch as most of the land had been reforested and the trees were in the beginning stages of their growing cycle. However, once every year, L submitted for K's approval a proposed plan for the management of the property over the next year. K actively participated in making important management decisions, such as where and whether a pre-commercial thinning should be conducted, whether the timber was adequately protected from fire and disease, whether fire lines needed to be plowed around the new trees, and whether boundary lines were properly maintained around the property. K inspected the property at least twice every year and assumed financial responsibility for the expenses of the tree farm. K also reported his income from the tree farm as earned income for purposes of the tax on self-employment income. Over a period of several years, K had harvested and marketed timber from certain tracts of the tree farm and had supervised replanting of the areas where trees were removed. K's history of harvesting, marketing, and replanting of trees showed him to be in the business of tree farming rather than merely passively investing in timber land. If the history of K's tree farm did not show such an active business operation, however, the tree farm would not qualify for special use valuation. In light of all these facts, K is deemed to have materially participated in the farm as his personal involvement amounted to more than managing an investment.

Example (8). Decedent M died on January 1, 1978, owning a farm for which special use valuation under section 2032A has been elected. M owned the farm real property for 15 years before his death. During the 4 years preceding M's death (January 1, 1974 through December 31, 1977), the farm was rented to N, a non-family member, and neither M nor any member of his family materially participated in the farming operation. From January 1, 1970, until December 31, 1973, both M and his daughter, O, materially participated in the farming operation. The material participation requirement of section 2032A (b) (1) (C) (ii) is not satisfied because material participation did not occur for periods aggregating at least 5 different years of the 8 years preceding M's death.

§ 20.2032A-4 Method of valuing farm real property.

(a) *In general.* Unless the executor of the decedent's estate elects otherwise under section 2032A (e) (7) (B) (ii) or fails to document comparable rented farm property meeting the requirements of this section, the value of the property which is used for farming purposes and which is subject to an election under section 2032A is determined by—

(1) Subtracting the average annual state and local real estate taxes on actual tracts of comparable real property in the same locality from the average annual gross cash rental for that same comparable property, and

(2) Dividing the result so obtained by the average annual effective interest rate charged on new Federal land bank loans.

The computation of each average annual amount is to be based on the 5 most recent calendar years ending before the date of the decedent's death.

(b) *Gross cash rental—*(1) *Generally.* Gross cash rental is the total amount of cash received for the use of actual tracts of comparable farm real property in the same locality as the property being specially valued during the period of one calendar year. This amount is not diminished by the amount of any expenses or liabilities associated with the farm operation or the lease. *See,* paragraph (d) of this section for a definition of comparable property and rules for property on which buildings or other improvements are located and farms including multiple property types. Only rentals from tracts of comparable farm property which are rented solely for an amount of cash which is not contingent upon production are acceptable for use in valuing real property under section 2032A (e) (7). The rentals considered must result from an arm's-length transaction as defined in this section. Additionally, rentals received under leases which provide for payment solely in cash are not acceptable as accurate measures of cash rental value if involvement by the lessor (or a member of the lessor's family who is other than a lessee) in the management or operation of the farm to an extent which amounts to material participation under the rules of section 2032A is contemplated or actually occurs. In general, therefore, rentals for any property which qualifies for special use valuation cannot be used to compute gross cash rentals under this section because the total amount received by the lessor does not reflect the true cash rental value of the real property.

(2) *Special rules—*(i) *Documentation required of executor.* The executor must identify to the Internal Revenue Service actual comparable property for all specially valued property and cash rentals from that property if the decedent's real property is valued under section 2032A (e) (7). If the executor does not identify such property and cash rentals, all specially valued real property must be valued under the rules of section 2032A (e) (8) if special use valuation has been elected. *See,* however, § 20.2032A-8 (d) for a special rule for estates electing section 2032A treatment on or before August 30, 1980.

(ii) *Arm's-length transaction required.* Only those cash rentals which result from a lease entered into in an arm's-length transaction are acceptable under section 2032A (e) (7). For these purposes, lands leased from the Federal government or any state or local government, which are leased for less than the amount that would be demanded by a private individual leasing for profit are not leased in an arm's-length transaction. Additionally, leases between family members (as defined in section 2032A (e) (2)) which do not provide a return on the property commensurate with that received under leases between unrelated parties in the locality are not acceptable under this section.

(iii) *In-kind rents, statements of appraised rental value, and area averages.* Rents which are paid wholly or partly in kind (*e.g.*, crop shares) may not be used to determine the value of real property under section 2032A (e) (7). Likewise, appraisals or other statements regarding rental value as well as area-wide averages of rentals (*i.e.*, those compiled by the United States Department of Agriculture) may not be used under section 2032A (e) (7) because they are not true measures of the actual cash rental value of comparable property in the same locality as the specially valued property.

(iv) *Period for which comparable real property must have been rented solely for cash.* Comparable real property rented solely for cash must be identified for each of the five calendar years

preceding the year of the decedent's death if section 2032A (e) (7) is used to value the decedent's real property. Rentals from the same tract of comparable property need not be used for each of these 5 years, however, provided an actual tract of property meeting the requirements of this section is identified for each year.

(v) *Leases under which rental of personal property is included.* No adjustment to the rents actually received by the lessor is made for the use of any farm equipment or other personal property the use of which is included under a lease for comparable real property unless the lease specifies the amount of the total rental attributable to the personal property and that amount is reasonable under the circumstances.

(c) *State and local real estate taxes.* For purposes of the farm valuation formula under section 2032A (e) (7) state and local taxes are taxes which are assessed by a state or local government and which are allowable deductions under section 164. However, only those taxes on the comparable real property from which cash rentals are determined may be used in the formula valuation.

(d) *Comparable real property defined.* Comparable real property must be situated in the same locality as the specially valued property. This requirement is not to be viewed in terms of mileage or political divisions alone, but rather is to be judged according to generally accepted real property valuation rules. The determination of properties which are comparable is a factual one and must be based on numerous factors, no one of which is determinative. It will, therefore, frequently be necessary to value farm property in segments where there are different uses or land characteristics included in the specially valued farm. For example, if section 2032A (e) (7) is used, rented property on which comparable buildings or improvements are located must be identified for specially valued property on which buildings or other real property improvements are located. In cases involving multiple areas or land characteristics, actual comparable property for each segment must be used, and the rentals and taxes from all such properties combined (using generally accepted real property valuation rules) for use in the valuation formula given in this section. However, any premium or discount resulting from the presence of multiple uses or other characteristics in one farm is also to be reflected. All factors generally considered in real estate valuation are to be considered in determining comparability under section 2032A. While not intended as an exclusive list, the following factors are among those to be considered in determining comparability—

(1) Similarity of soil as determined by any objective means, including an official soil survey reflected in a soil productivity index;

(2) Whether the crops grown are such as would deplete the soil in a similar manner;

(3) The types of soil conservation techniques that have been practiced on the two properties;

(4) Whether the two properties are subject to flooding;

(5) The slope of the land;

(6) In the case of livestock operations, the carrying capacity of the land;

(7) Where the land is timbered, whether the timber is comparable to that on the subject property;

(8) Whether the property as a whole is unified or whether it is segmented, and where segmented, the availability of the means necessary for movement among the different segments;

(9) The number, types, and conditions of all buildings and other fixed improvements located on the properties and their location as it affects efficient management and use of property and value per se; and

(10) Availability of, and type of, transportation facilities in terms of costs and of proximity of the properties to local markets.

(e) *Effective interest rate defined* —(1) *Generally.* The annual effective interest rate on new Federal land bank loans is the average billing rate charged on new agricultural loans to farmers and ranchers in the farm credit district in which the real property to be valued under section 2032A is located, adjusted as provided in paragraph (e) (2) of this section. This rate is to be a single rate for each district covering the period of one calendar year and is to be computed to the nearest one-hundredth of one percent. In the event that the district billing rates of interest on such new agricultural loans change during a year, the rate for that year is to be weighted to reflect the portion of the year during which each such rate was charged. If a district's billing rate on such new agricultural loans varies according to the amount of the loan, the rate applicable to a loan in an amount resulting from dividing the total dollar amount of such loans closed during the year by the total number of the loans closed is to be used under section 2032A. Applicable rates may be obtained from the district director of internal revenue.

(2) *Adjustment to billing rate of interest.* The billing rate of interest determined under this paragraph is to be adjusted to reflect the increased cost of borrowing resulting from the required purchase of land bank association stock. For section 2032A purposes, the rate of required stock investment is the average of the percentages of the face amount of new agricultural loans to farmers and ranchers required to be invested in such stock by the applicable district bank during the year. If this percentage changes during a year, the average is to be adjusted to reflect the period when each percentage requirement was effective. The percentage is viewed as a reduction in the loan proceeds actually received from the amount upon which interest is charged.

(3) *Example.* The determnination of the effective interest rate for any year may be illustrated as follows:

Example. District X of the Federal land bank system charged an 8 percent billed interest rate on new agricultural loans for 8 months of the year, 1976, and an 8.75 percent rate for 4 months of the year. The average billing rate was, therefore, 8.25 percent [(1.08 × 8/12) + (1.0875 × 4/12)=1.0825]. The district required stock equal to 5 percent of the face amount of the loan to be purchased as a precondition to receiving a loan. Thus, the borrower only received 95 percent of the funds upon which he paid interest. The applicable annual interest rate for 1976 of 8.68 percent is computed as follows:

8.25 percent × 1.00 (total loan amount)=8.25 percent (billed interest rate) divided by 0.95 (percent of loan proceeds received by borrower) = 8.68 percent (effective interest rate for 1976).

§ 20.2032A-8 Election and agreement to have certain property valued under section 2032A for estate tax purposes.

(a) *Election of special use valuationT1—(1) In general.* An election under section 2032A is made as prescribed in paragraph (a)(3) of this section and on Form 706, United States Estate Tax Return. Once made, this election is irrevocable; however, see paragraph (d) of this section for a special rule for estates for which elections are made on or before August 30, 1980. Under section 2032A(a)(2), special use valuation may not reduce the value of the decedent's estate by more than $500,000. This election is available only if, at the time of death, the decedent was a citizen or resident of the United States.

(2) *Elections to specially value less than all qualified real property included in an estate.* An election under section 2032A need not include all real property included in an estate which is eligible for special use valuation, but sufficient property to satisfy the threshold

requirements of section 2032A(b)(1)(B) must be specially valued under the election. If joint or undivided interests (e.g. interests as joint tenants or tenants in common) in the same property are received from a decedent by qualified heirs, an election with respect to one heir's joint or undivided interest need not include any other heir's interest in the same property if the electing heir's interest plus other property to be specially valued satisfy the requirements of section 2032A (b) (1) (B). If successive interests (e.g. life estates and remainder interests) are created by a decedent in otherwise qualified property, an election under section 2032A is available only with respect to that property (or portion thereof) in which qualified heirs of the decedent receive all of the successive interests, and such an election must include the interests of all of those heirs. For example, if a surviving spouse receives a life estate in otherwise qualified property and the spouse's brother receives a remainder interest in fee, no part of the property may be valued pursuant to an election under section 2032A. Where successive interests in specially valued property are created, remainder interests are treated as being received by qualified heirs only if (i) a qualified heir receives a present interest in that real property, (ii) all preceding interests in the property are vested absolutely in qualified heirs, and (iii) such remainder interests are not contingent upon surviving an alternate taker who is not a member of the decedent's family or are not vested subject to divestment in favor of a nonfamily member. For the definition of present interest, *see* section 2503 and the regulations thereunder.

(3) *Time and manner of making election.* An election under this section is made by attaching to a timely filed estate tax return the agreement described in paragraph (c)(1) of this section and a notice of election which contains the following information:

(i) The decedent's name and taxpayer identification number as they appear on the estate tax return;

(ii) The relevant qualified use;

(iii) The items of real property shown on the estate tax return to be specially valued pursuant to the election (identified by schedule and item number);

(iv) The fair market value of the real property to be specially valued under section 2032A and its value based on its qualified use (both values determined without regard to the adjustments provided by section 2032A (b) (3) (B));

(v) The adjusted value (as defined in section 2032A (b) (3) (B)) of all real property which is used in a qualified use and which passes from the decedent to a qualified heir and the adjusted value of all real property to be specially valued;

(vi) The items of personal property shown on the estate tax return that pass from the decedent to a qualified heir and are used in a qualifed use under section 2032A (identified by schedule and item number) and the total value of such personal property adjusted as provided under section 2032A (b) (3) (B);

(vii) The adjusted value of the gross estate, as defined in section 2032A (b) (3) (A);

(viii) The method used in determining the special value based on use;

(ix) Copies of written appraisals of the fair market value of the real property;

(x) A statement that the decedent and/or a member of his or her family has owned all specially valued real property for at least 5 years of the 8 years immediately preceding the date of the decedent's death;

(xi) Any periods during the 8-year period preceding the date of the decedent's death during which the decedent or a member of his or her family did not own the property, use it in a qualified use, or materially participate in the operation of the farm or other business within the meaning of section 2032A (e) (6);

(xii) The name, address, taxpayer identification number, and relationship to the decedent of each person taking an interest in each item of specially valued property, and the value of the property interests passing to each such person based on both fair market value and qualified use;

(xiii) Affidavits describing the activities constituting material participation and the identity of the material participant or participants; and

(xiv) A legal description of the specially valued property.

If neither an election nor a protective election is timely made, special use valuation is not available to the estate. *See* sections 2032A (d) (1), 6075 (a), and 6081 (a).

(b) *Protective election.* A protective election may be made to specially value qualified real property. The availability of special use valuation pursuant to this election is contingent upon values as finally determined (or agreed to following examination of a return) meeting the requirements of section 2032A. A protective election does not, however, extend the time for payment of any amount of tax. Rules for such extensions are contained in sections 6161, 6163, 6166, and 6166A. The protective election is to be made by a notice of election filed with a timely estate tax return stating that a protective election under section 2032A is being made pending final determination of values. This notice is to include the following information:

(1) The decedent's name and taxpayer identification number as they appear on the estate tax return;

(2) The relevant qualified use; and

(3) The items of real and personal property shown on the estate tax return which are used in a qualified use, and which pass to qualified heirs (identified by schedule and item number).

If it is found that the estate qualifies for special use valuation based upon values as finally determined (or agreed to following examination of a return), an additional notice of election must be filed within 60 days after the date of such determination. This notice must set forth the information required under paragraph (a)(3) of this section and is to be attached, together with the agreement described in paragraph (c)(1) of this section, to an amended estate tax return. The new return is to be filed with the Internal Revenue Service office where the original return was filed.

(c) *Agreement to special valuation by persons with an interest in property*—(1) *In general.* The agreement required under section 2032A (a)(1)(B) and (d)(2) must be executed by all parties who have any interest in the property being valued based on its qualified use as of the date of the decedent's death. In the case of a qualified heir, the agreement must express consent to personal liability under section 2032A(c) in the event of certain early dispositions of the property or early cessation of the qualified use. *See* section 2032A(c)(6). In the case of parties (other than qualified heirs) with interests in the property, the agreement must express consent to collection of any additional estate tax imposed under section 2032A(c) from the qualified property. The agreement is to be in a form that is binding on all parties having an interest in the property. It must designate an agent with satisfactory evidence of authority to act for the parties to the agreement in all dealings with the Internal Revenue Service on matters arising under section 2032A and must indicate the address of that agent.

(2) *Persons having an interest in designated property.* An interest in property is an interest which, as of the date of the decedent's death, can be asserted under applicable local law so as to affect the disposition of the specially valued property by the estate. Any person in being at the death of the decedent who has any such interest in the property, whether present or future,

or vested or contingent, must enter into the agreement. Included among such persons are owners of remainder and executory interests, the holders of general or special powers of appointment, beneficiaries of a gift over in default of exercise of any such power, co-tenants, joint tenants and holders of other undivided interests when the decedent held only a joint or undivided interest in the property or when only an undivided interest is specially valued, and trustees of trusts holding any interest in the property. An heir who has the power under local law to caveat (challenge) a will and thereby affect disposition of the property is not, however, considered to be a person with an interest in property under section 2032A solely by reason of that right. Likewise, creditors of an estate are not such persons solely by reason of their status as creditors.

(3) *Consent on behalf of interested party.* If any person required to enter into the agreement provided for by paragraph (c)(1) either desires that an agent act for him or her or cannot legally bind himself or herself due to infancy or other incompetency, or to death before the election under section 2032A is timely exercised, a representative authorized under local law to bind such person in an agreement of this nature is permitted to sign the agreement on his or her behalf.

(4) *Duties of agent designated in agreement.* The Internal Revenue Service will contact the agent designated in the agreement under paragraph (c)(1) on all matters relating to continued qualification under section 2032A of the specially valued real property and on all matters relating to the special lien arising under section 6324B. It is the duty of the agent as attorney-in-fact for the parties with interests in the specially valued property to furnish the Service with any requested information and to notify the Service of any disposition or cessation of qualified use of any part of the property.

(d) *Special rule for estates for which elections under section 2032A are made on or before August 30, 1980.* An election to specially value real property under section 2032A that is made on or before August 30, 1980, may be revoked. To revoke an election, the executor must file a notice of revocation with the Internal Revenue Service office where the original estate tax return was filed on or before January 31, 1981 (or if earlier, the date on which the period of limitation for assessment expires). This notice of revocation must contain the decedent's name, date of death, and taxpayer identification number, and is to be accompanied by remittance of any additional amount of estate tax and interest determined to be due as a result of valuation of the qualified property based upon its fair market value. Elections that are made on or before August 30, 1980, that do not comply with this section as proposed on July 13, 1978 (43 FR 30070), and amended on December 21, 1978 (43 FR 59517), must be conformed to this final regulation by means of an amended return before the original estate tax return can be finally accepted by the Internal Revenue Service.

§ 20.6081-1 [Amended]

Par. 4. The third sentence of paragraph (c) of § 20.6081-1 is amended by striking out the first word and inserting in lieu thereof "Except as provided in § 20.2032A-8(d) and § 20.6166-1(h), the".

§ 20.6166 [Deleted]

Par. 5. Section 20.6166 is deleted.

[66] 20.6166-1, 20.6166-2, 20.6166-3 and 20.6166-4 Redesignated as [66] 20.6166A-1, 20.6166A-2, 20.6166A-3, and 20.6166A-4.

Par. 6. Sections 20.6166-1, 20.6166-2, 20.6166-3, and 20.6166-4 are redesignated §§ 20.6166A-1, 20.6166A-2, 20.6166A-3, and 20.6166A-4 respectively.

Par. 7. The following new section is added following § 20.6165-1:

§ 20.6166-1 Election of alternate extension of time for payment of estate tax where estate consists largely of interest in closely held business.

(a) *In general.* Section 6166 allows an executor to elect to extend payment of part or all of the portion of the estate tax which is attributable to a closely held business interest (as defined in section 6166(b)(1)). If it is made at the time the estate tax return is filed, the election is applicable both to the tax originally determined to be due and to certain deficiencies. If no election is made when the estate tax return is filed, up to the full amount of certain later deficiencies (but not any tax originally determined to be due) may be paid in installments.

(b) *Time and manner of election.* The election provided under section 6166(a) is made by attaching to a timely filed estate tax return a notice of election containing the following information:

(1) The decedent's name and taxpayer identification number as they appear on the estate tax return;

(2) The amount of tax which is to be paid in installments;

(3) The date selected for payment of the first installment;

(4) The number of annual installments, including the first installment, in which the tax is to be paid;

(5) The properties shown on the estate tax return which constitute the closely held business interest (identified by schedule and item number); and

(6) The facts which formed the basis for the executor's conclusion that the estate qualifies for payment of the estate tax in installments.

In the absence of a statement in the notice of election as to the amount of tax to be paid in installments, the date selected for payment of the first installment, or the number of installments, the election is presumed to be for the maximum amount so payable and for payment thereof in 10 equal installments, the first of which is due on the date which is 5 years after the date prescribed in section 6151 (a) for payment of estate tax.

(c) *Treatment of certain deficiencies*—(1) *No election before assessment of deficiency.* Where a deficiency is assessed and no election, including a protective election, has been made under section 6166 (a) to pay any tax in installments, the executor may elect under section 6166 (h) to pay the portion of the deficiency attributable to the closely held business interest in installments. However, this is true only if the estate qualifies under section 6166 based upon values as finally determined (or agreed to following examination of a return). Such an election is exercised by filing a notice of election with the Internal Revenue Service office where the estate tax return was filed. The notice of election must be filed within 60 days after issuance of notice and demand for payment of the deficiency, and it must contain the same information as is required under paragraph (b) of this section. The notice of election is to be accompanied by payment of the amount of tax and interest, the date for payment of which has arrived as determined under paragraphs (e) and (f) of this section, plus any amount of unpaid tax and interest which is not attributable to the closely held business interest and which is not eligible for further extension (or currently extended) under another section (other than section 6166A).

(2) *Election made with estate tax return.* If the executor makes an election under section 6166 (a) (other than a protective election) at the time the estate tax return is filed and a deficiency is later assessed, the portion of the deficiency which is attributable to the closely held business interest (but not any accrued interest thereon) will be prorated to the installments payable

pursuant to the original section 6166 (a) election. Any part of the deficiency prorated to an installment, the date for payment of which has arrived, is due upon notice and demand. Interest for any such period, including the deferral period, is payable upon notice and demand.

(3) *Portion of deficiency attributable to closely held business interest.* Only that portion of any deficiency which is attributable to a closely held business interest may be paid in installments under section 6166. The amount of any deficiency which is so attributable is the difference between the amount of tax which the executor has previously elected to pay in installments under section 6166 and the maximum amount of tax which the executor could have elected to pay in installments on the basis of a return which reflects the adjustments that resulted in the deficiency.

(d) *Protective election.* A protective election may be made to defer payment of any portion of tax remaining unpaid at the time values are finally determined (or agreed to following examination of a return) and any deficiencies attributable to the closely held business interest (within the meaning of paragraph (c)(3) of this section). Extension of tax payments pursuant to this election is contingent upon final values meeting the requirements of section 6166. A protective election does not, however, extend the time for payment of any amount of tax. Rules for such extensions are contained in sections 6161, 6163, and 6166A. A protective election is made by filing a notice of election with a timely filed estate tax return stating that the election is being made. Within 60 days after values are finally determined (or agreed to following examination of a return), a final notice of election which sets forth the information required under paragraph (b) of this section must be filed with the Internal Revenue Service office where the original estate tax return was filed. That notice of final election is to be accompanied by payment of any amount of previously unpaid tax and interest, the date for payment of which has arrived as determined under paragraphs (e) and (f) of this section, plus any amount of unpaid tax and interest which is not attributable to the closely held business interest and which is not eligible for further extension (or currently extended) under another section (other than section 6166A).

(e) *Special rules*—(1) *Effect of deficiencies and protective elections upon payment.* Upon election to extend the time for payment of a deficiency or upon final determination of values following a protective election, the executor must prorate the tax or deficiency attributable to the closely held business interest among all installments. All amounts attributed to installments which would have been due had the election been made at the time the tax was due to be paid under section 6151 (a) and all accrued interest must be paid at the time the election is made.

(2) *Determination of date for payment of first installment.* The executor may defer payment of tax (but not interest) for any period up to 5 years from the date determined under section 6151 (a) for payment of the estate tax. The date chosen for payment of the first installment of tax is not required to be on an annual anniversary of the original due date of the tax; however, it must be the date within any month which corresponds to the day of the month determined under section 6151 (a).

(f) *Rule for computing interest.* Section 6601 (j) provides a special 4 percent interest rate for the amount of tax (including deficiencies) which is to be paid in installments under section 6166. This special interest rate applies only to that amount of tax which is to be paid in installments and which does not exceed the limitation of section 6601 (j) (2). Where payment of a greater amount of tax than is subject to section 6601 (j) (2) is extended under section 6166, each installment is deemed to be comprised of both tax subject to the 4 percent interest rate and tax subject to the rate otherwise prescribed by section 6621. The percentage of any installment subject to the special 4 percent rate is equal to the percentage of the total tax payable in installments which is subject to the 4 percent rate. Where an election is made under the provisions of paragraphs (b) or (c) (1) of this section, the 4 percent rate applies from the date on which the estate tax was originally due to be paid. If only a protective election is made, section 6601 (j) applies to the amount which is to be paid in installments, limited to the amount of any deficiency, from the due date for payment of estate tax. After the date upon which the section 6166 election is made final, section 6601 (j) applies to the entire amount to be paid in installments.

(g) *Relation of sections 6166 and 6166A.* No election may be made under section 6166 if an election under section 6166A applies with respect to an estate. For example, no election can be made under section 6166 (h) where an executor has made an election under section 6166A. If an election is timely made under either section 6166 or section 6166A, however, a protective election can be made under the other section at the same time. If the executor then files a timely notice of final election under the section protectively elected and pays any amounts determined to be due currently following final determination of (or agreement as to) estate tax values, the original election under the other provision will be deemed never to have applied to the estate.

(h) *Special rule for estates for which elections under section 6166 are made on or before August 30, 1980.* An election to extend payment of estate tax under section 6166 that is made on or before August 30, 1980, may be revoked. to revoke an election, the executor must file a notice of revocation with the Internal Revenue Service office where the original estate tax return was filed on or before January 31, 1981 (or if earlier, the date on which the period of limitation on assessment expires). This notice of revocation must contain the decedent's name, date of death, and taxpayer identification number, and is to be accompanied by remittance of any additional amount of estate tax and interest determined to be due.

(i) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1)—(i). Based upon values shown on decedent A's timely filed estate tax return, 60 percent of the value of A's adjusted gross estate consisted of a farm which was a closely held business within the meaning of section 6166. A's executor, B, made a protective election under section 6166 when he filed A's estate tax return. B also applied for an extension of time under section 6161 to pay $15,000 of the $30,000 of estate tax shown due on the return. The requested extension was granted and was renewed at the end of 1 year. Eighteen months after the return was filed and after examination of A's estate tax return, the value of the farm was found to constitute 67 percent of the adjusted gross estate. B entered into an agreement consenting to the values as established on examination and to a deficiency of $5,000. B then filed a final notice of election under section 6166, choosing a 5-year deferral followed by 10 annual installment payments and thereby terminated his extension under section 6161 because that amount of tax was then included under the section 6166 election. B could have extended payment of 67 percent of the total estate tax, or $23,450. $23,450 is eligible for installment payments under section 6166 and the section section 6166 election is considered to be for that amount. B is considered to have prepaid $3,450 of tax since only $20,000 of tax remained unpaid. The $3,450 is attributed to the first installment of $2,345 and to $1,105 of the second installment which would have been payable under the section 6166 election.

(ii) Had B been granted an extension of time under section 6161 to pay $20,000 of tax,

$25,000 would remain upaid when the final section 6166 election is made. Payment of the full $23,450 (67 percent) of tax which is attributable to the closely held business interest is included under the section 6166 election. The balance of unpaid tax ($1,550) is due upon expiration of the estate's section 6161 extension.

(iii) Assume the facts under example (1) (i). B must pay all unpaid accrued interest with his notice of final election. Since only 18 months have passed, no installments of tax are due. Interest on the $5,000 deficiency is computed at 4 percent per annum for the entire 18 months, and interest for 12 months of that period is currently due to be paid. Interest for the remaining 6 months is due at the next succeeding date for payment of interest. Interest on the $15,000 of tax extended under section 6161 is computed at the rate determined under section 6621 until the date of the final section 6166 election and is due upon termination of the section 6161 extension. After that date, the interest on the $15,000 will also accrue at 4 percent per annum.

Example (2). Assume the facts as in example (1), except B initially made an election under section 6166A and made no protective election under section 6166. Following final determination of values, B is not permitted to make any election under section 6166; however, had B protectively elected section 6166 at the time he made the section 6166A election, he could have terminated the section 6166A election and finally elected under section 6166. In such a case, the full $23,450 of tax attributable to the farm would have been eligible for extension under section 6166. The 4 percent interest rate would apply to the $5,000 deficiency from the original due date of the tax, and, as with the extension under section 6161, it would apply to the amounts extended under section 6166A only from the date on which the election under section 6166 was finalized.

Example (3). C died in 1977. His estate owes Federal estate taxes of $750,000, $500,000 of which is attributable to a closely held business interest. Payment of the $500,000 was extended under section 6166. A 5-year deferral followed by 10 annual installment payments was chosen by C's executor. Under paragraph (f) of this section, only 63.16 percent of each installment will be subject to the special 4 percent interest rate and the remainder will be subject to the rate determined under section 6621. The same rule applies in computing interest for the 5 years during which payment of tax is deferred. (This is so because the 4 percent interest rate applies only to a maximum of $345,800 of tax less the $30,000 of credit allowable under section 2010(a) rather than to the entire $500,000 extended amount).

Par 8. The following new section is added following § 20.6324–1:

§ 20.6324A–1 Election of and agreement to special lien for estate tax deferred under section 6166 or 6166A.

For regulations concerning the election of and agreement to the special lien for estate tax deferred under section 6166 or 6166A, *see* § 301.6324A–1 of this Chapter (Regulations on Procedure and Administration).

PART 301—PROCEDURE AND ADMINISTRATION

Par. 9. The following new section is added following § 301.6324–1:

§ 301.6324A–1 Election of and agreement to special lien for estate tax deferred under section 6166 or 6166A.

(a) *Election of lien.* If payment of a portion of the estate tax is deferred under section 6166 or 6166A, an executor of a decedent's estate who seeks to be discharged from personal liability may elect a lien in favor of the United States in lieu of the bonds required by sections 2204 and 6165. This election is made by applying to the Internal Revenue Service office where the estate tax return is filed at any time prior to payment of the full amount of estate tax and interest due. The application is to be a notice of election requesting the special lien provided by section 6324A and is to be accompanied by the agreement described in paragraph (b) (1) of this section.

(b) *Agreement to lien*—(1) *In general.* A lien under this section will not arise unless all parties having any interest in all property designated in the notice of election as property to which the lien is to attach sign an agreement in which they consent to the creation of the lien. (Property so designated need not be property included in the decedent's estate.) The agreement is to be attached to the notice in which the lien under section 6324A is elected. It must be in a form that is binding on all parties having any interest on the property and must contain the following:

(i) The decedent's name and taxpayer identification number as they appear on the estate tax return;

(ii) The amount of the lien;

(iii) The fair market value of the property to be subject to the lien as of the date of the decedent's death and the date of the election under this section;

(iv) The amount, as of the date of the decedent's death and the date of the election, of all encumbrances on the property, including mortgages and any lien under section 6324B;

(v) A clear description of the property which is to be subject to the lien, and in the case of property other than land, a statement of its estimated remaining useful life; and

(vi) Designation of an agent (including the agent's address) for the beneficiaries of the estate and the consenting parties to the lien for all dealings with the Internal Revenue Service on matters arising under section 6166 or 6166A, or under section 6324A.

(2) *Persons having an interest in designated property.* An interest in property is any interest which as of the date of the election can be asserted under applicable local law so as to affect the disposition of any property designated in the agreement required under this section. Any person in being at the date of the election who has any such interest in the property, whether present or future, or vested or contingent, must enter into the agreement. Included among such persons are owners of remainder and executory interests, the holders of general or special powers of appointment, beneficiaries of a gift over in default of exercise of any such power, co-tenants, joint tenants, and holders of other undivided interests when the decedent held a joint or undivided interest in the property, and trustees of trusts holding any interest in the property. An heir who has the power under local law to caveat (challenge) a will and thereby affect disposition of the property is not, however, considered to be a person with an interest in property under section 6324A solely by reason of that right. Likewise, creditors of an estate are not such persons solely by reason of their status as creditors.

(3) *Consent on behalf of interested party.* If any person required to enter into the agreement provided for by this paragraph either desires that an agent act for him or her or cannot legally bind himself or herself due to infancy or other incompetency, a representative authorized under local law to bind the interested party in an agreement of this nature is permitted to sign the agreement on his or her behalf.

(4) *Duties of agent designated in agreement.* The Internal Revenue Service will contact the agent designated in the agreement under paragraph (b)(1) on all matters relating to continued qualification of the estate under section 6166 or 6166A and on all matters relating to the special lien arising under section 6324A. It is the duty of the agent as attorney-in-fact for the parties with interests in the property subject to the lien under section 6324A to furnish the Service with any requested information and to notify the Service of any event giving rise to acceleration of the deferred amount of tax.

(c) *Partial substitution of bond for lien.* If the amount of unpaid estate tax plus interest exceeds the value (determined for purposes of section 6324A(b)(2)) of property listed in the agreement under paragraph (b) of this section, the Internal Revenue Service may condition the release from personal

liability upon the executor's submitting an agreement listing additional property or furnishing an acceptable bond in the amount of such excess.

(d) *Relation of sections 6324A and 2204.* The lien under section 6324A is deemed to be a bond under section 2204 for purposes of determining an executor's release from personal liability. If an election has been made under section 6324A, the executor may not substitute a bond pursuant to section 2204 in lieu of that lien. If a bond has been supplied under section 2204, however, the executor may, by filing a proper notice of election and agreement, substitute a lien under section 6324A for any part or all of such bond.

(e) *Relation of sections 6324A and 6324.* If there is a lien under this section on any property with respect to an estate, that lien is in lieu of the lien provided by section 6324 on such property with respect to the same estate.

(f) *Section 6324A lien to be in lieu of bond under section 6165.* The lien under section 6324A is in lieu of any bond otherwise required under section 6165 with respect to tax to be paid in installments under section 6166 or section 6166A.

(g) *Special rule for estates for which elections under section 6324A are made on or before August 30, 1980.* If a lien is elected under section 6324A on or before August 30, 1980, the original election may be revoked. To revoke an election, the executor must file a notice of revocation containing the decedent's name, date of death, and taxpayer identification number with the Internal Revenue Service office where the original estate tax return for the decedent was filed. The notice must be filed on or before January 31, 1981 (or if earlier, the date on which the period of limitation for assessment expires).

This Treasury decision is issued under the authority contained in sections 2032A and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1856, 68A Stat. 917, 26 U.S.C. 2032A, 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: July 18, 1980.

Emil M. Sunley,

Acting Assistant Secretary of the Treasury.

[FR Doc. 80-23029 Filed 7-28-80; 3:16 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 78-86]

Drawbridge Operation Regulations; Coalbank Slough and Willamette River, Oreg.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Southern Pacific Transportation Company, the Coast Guard is changing the regulations governing the operation of the Southern Pacific Railroad Drawbridge across Coalbank Slough, mile 0.1, and the Southern Pacific Railroad drawbridges across the Willamette River at Albany, mile 119.6, and Salem, mile 84.3, to permit the draws to remain closed to navigation. This change is being made because no requests have been made to open the bridge across Coalbank Slough since 1974; for the bridge across the Willamette River at Albany since 1971; and for the bridge across the Willamette River at Salem since 1970. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw.

EFFECTIVE DATE: This amendment is effective on August 31, 1980.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: On March 12, 1979, the Cost Guard Published a proposed rule (44 FR 13543) concerning this amendment. The Commander, Thirteenth Coast Guard District, also published these proposals as a Public Notice date March 14, 1979. Interested persons were given until April 12, 1979 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

Five comments were received. Two had no objection to the proposal. One had no objection to temporarily closing the bridge at Coalbank Slough, provided it should become operable within a reasonable time if navigational needs require it. The other two objected to any closure of the Coalbank Slough bridge because of future plans for development. In view of the lack of marine traffic and the stated willingness of the owner of the bridges to return them, individually or collectively, to operable condition within six months after notification to take such action, the Coast Guard believes this change will not unduly restrict navigation.

A review of existing regulations undertaken in the preparation of this amendment revealed that paragraphs (f)(2) and (f)(15) of § 117.759b impose different operating requirements on the same bridge. Paragraph (f)(2) is being deleted as part of this rulemaking. This matter was neglected at the time the regulations for the affected bridge were revised through the addition of paragraph (f)(15). As this is merely an editorial change, it is being accomplished without prior notice or opportunity for public comment.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.755(a) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.

(a) Southern Pacific Transportation Co. Drawbridge at Salem. The draw need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

* * * * *

2. Revising § 117.759b(f)(1), (2) and (6) to read as follows:

§ 117.759b Drawbridges across navigable waters in Oregon where constant attendance is not required.

* * * * *

(f) * * *

(1) Southern Pacific Transportation Co. drawbridge across Coalbank Slough. The draw need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the

Commandant, U.S. Coast Guard, to take such action.

(2) [Reserved]

* * * * *

(6) Southern Pacific Transportation Co. drawbridge across the Willamette River at Albany. The draw need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

* * * * *

(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: July 24, 1980.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 80-23093 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to Bermuda

AGENCY: Postal Service.

ACTION: Final on demand international express mail rates to Bermuda.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is beginning International Express Mail on Demand Service with Bermuda at rates indicated in the table below. An International Express Mail agreement with Bermuda has recently been modified to include On Demand Service.

EFFECTIVE DATE: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: George W. Screws, (202) 245-5624.

SUPPLEMENTARY INFORMATION: On June 25, 1980, the Postal Service published for comment in the **Federal Register** proposed rates of postage for International Express Mail On Demand Service to Bermuda, 45 FR 42688. The proposal invited interested persons to submit written data, views or arguments concerning these rates. However, no comments were received.

Accordingly, the Postal Service adopts without change the rates of postage for International Express Mail On Demand Service set out in the following table (designated 8-10 for inclusion in Publication 42, International Mail, incorporated by reference 39 CFR 10.1).

(39 U.S.C. 401, 403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

TABLE 8-10.—*Bermuda International Express Mail on Demand Service*

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
1	16.20	16.23	16.27	16.31	16.35	16.40	16.45
2	16.90	16.96	17.04	17.12	17.20	17.30	17.40
3	17.60	17.69	17.81	17.93	18.05	18.20	18.35
4	18.30	18.42	18.58	18.74	18.90	19.10	19.30
5	19.00	19.15	19.35	19.55	19.75	20.00	20.25
6	19.70	19.88	20.12	20.36	20.60	20.90	21.20
7	20.40	20.61	20.89	21.17	21.45	21.80	22.15
8	21.10	21.34	21.66	21.98	22.30	22.70	23.10
9	21.80	22.07	22.43	22.79	23.15	23.60	24.05
10	22.50	22.80	23.20	23.60	24.00	24.50	25.00
11	23.20	23.53	23.97	24.41	24.85	25.40	25.95
12	23.90	24.26	24.74	25.22	25.70	26.30	26.90
13	24.60	24.99	25.51	26.03	26.55	27.20	27.85
14	25.30	25.72	26.28	26.84	27.40	28.10	28.80
15	26.00	26.45	27.05	27.65	28.25	29.00	29.75
16	26.70	27.18	27.82	28.46	29.10	29.90	30.70
17	27.40	27.91	28.59	29.27	29.95	30.80	31.65
18	28.10	28.64	29.36	30.08	30.80	31.70	32.60
19	28.80	29.37	30.13	30.89	31.65	32.60	33.55
20	29.50	30.10	30.90	31.70	32.50	33.50	34.50
21	30.20	30.83	31.67	32.51	33.35	34.40	35.45
22	30.90	31.56	32.44	33.32	34.20	35.30	36.40
23	31.60	32.29	33.21	34.13	35.05	36.20	37.35
24	32.30	33.02	33.98	34.94	35.90	37.10	38.30
25	33.00	33.75	34.75	35.75	36.75	38.00	39.25
26	33.70	34.48	35.52	36.56	37.60	38.90	40.20
27	34.40	35.21	36.29	37.37	38.45	39.80	41.15
28	35.10	35.94	37.06	38.18	39.30	40.70	42.10
29	35.80	36.67	37.83	38.99	40.15	41.60	43.05
30	36.50	37.40	38.60	39.80	41.00	42.50	44.00
31	37.20	38.13	39.37	40.61	41.85	43.40	44.95
32	37.90	38.86	40.14	41.42	42.70	44.30	45.90
33	38.60	39.59	40.91	42.23	43.55	45.20	46.85

NOTE.—Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

[FR Doc. 80-23051 Filed 7-30-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1554-7]

Air Quality Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to indicate final rulemaking action for revisions to the New Source Review (NSR) provisions of regulations in the Washington State Implementation Plan (SIP) governing Kraft and Sulfite Pulping Mills and Primary Aluminum Plants to satisfy requirements in Part D, Section 173 of the Clean Air Act (hereafter referred to as Act). Final action consists of conditional approval on all revisions. In accordance with conditional approvals, the State of Washington is required to submit to EPA additional materials to satisfy the conditions no later than November 1, 1980.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Richard R. Thiel, P.E., Chief, Air Programs Branch, M/S 629, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No: (206) 442-1230, FTS: 399-1230.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. Background
III. Regulation Review
  A. Kraft Pulping Mills
  B. Sulfite Pulping Mills
  C. Primary Aluminum Plants
IV. Additional SIP Requirements

I. Introduction

EPA finds that good cause exists for making the action taken in this notice immediately effective for the following reasons: (1) Implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the portion of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

On June 16, 1980, the Environmental Protection Agency (EPA) published in the **Federal Register** a notice of proposed rulemaking (45 FR 40623) which described the nature of the SIP revision, discussed certain provisions which, in the opinion of EPA, did not comply with the Act, and requested public comment. No comments from the State or public were received.

EPA is today taking the following action on each element of the revision:

1. Kraft Pulping Mills: WAC 173–405—*Conditional Approval.*
2. Sulfite Pulping Mills: WAC 173–410—*Conditional Approval.*
3. Primary Aluminum Plants: WAC 18–52—*Conditional Approval.*

In this notice the deficiencies in the proposed Washington SIP revisions are summarized. In addition, the notice describes final action with regard to conditional approval of the Washington SIP and identifies November 1, 1980 as the date by which information to correct the deficiencies must be submitted to EPA. It should be noted that only the requirements pertaining to Part D of the Act are discussed in this notice.

Final EPA action is then described for each deficiency noted.

II. Background

The Washington SIP revision, developed in accordance with the requirements* in the Act as amended in 1977, was submitted by the Governor to EPA on April 27, 1979. EPA published proposed rulemaking on the SIP on November 9, 1979 (44 FR 65084) which describes additional background information. As part of the proposed rulemaking, EPA proposed to disapprove regulations for kraft and sulfite pulping mills (WAC 173–405 and –410) and primary aluminum plants (WAC 18–52) because the regulations did not provide for new source review (NSR) as required by Sections 110 and 172 of the Act.

As a result the State adopted revisions to those regulations on March 27, 1980, and submitted them to EPA on April 1, 1980. These revisions are based on the requirements contained in the Offset Interpretive Ruling (44 FR 3274) published January 16, 1979.

EPA published new requirements for NSR on May 13, 1980 (45 FR 31304) and will publish additional EPA rulemaking on NSR shortly as a result of the *Alabama Power Co. v. Costle* decision, 13 ERC 1225 (D.C. Cir., June 18, 1979). The Washington SIP revisions, which are the subject of this rulemaking, do not include provisions to satisfy these requirements. Separate revisions will be submitted by the State of Washington at a later date to satisfy the new NSR requirements.

III. Regulation Review

This section is divided into three sub-sections as described above. For each sub-section any deficiencies discovered in the review of that sub-section will be described along with the necessary corrective action.

A. Kraft Pulping Mills: WAC 173–405

1. Emission Standards. a. WAC 173–405–031(4) and (5) define emission limitations in terms of a sum total of all recovery furnaces and lime kilns, respectively. Instead, these limitations must apply to individual emission points for compliance determination purposes.

b. WAC 173–405–031 must specify oxygen (O_2) correction for use in determining compliance with emissions standards.

2. New Source Review. WAC 173–410–086 does not specify or reference procedures to be used in determining case-by-case offsets, such as those described in EPA's Offset Interpretive Ruling. Similar procedures must be included as part of the SIP.

3. Source Compliance Determination. WAC 173–405–071 specifies general requirements for monitoring and reporting emissions from each source category in a kraft pulp mill. It must contain (or refer to) specific methods by which compliance with each emission limitation can be determined by source testing.

B. Sulfite Pulping Mills: WAC 173–410

1. Emission Standards. WAC 173–410–036(8) and 041(1) provide for the adoption of different emission standards than are specified Section 031 and 036 of the adopted regulations. Any such revisions to these regulations and their accompanying DOE Regulatory Orders must be submitted as SIP revisions.

2. New Source Review. WAC 173–410–086 does not specify or reference procedures to be used in determining case-by-case offsets, such as those described in EPA's Offset Interpretive Ruling. Similar procedures must be included as part of the SIP.

3. Source Compliance Determination. WAC 173–410 must contain (or refer to) specific methods by which compliance with each emission limitation can be determined by source testing.

C. Primary Aluminum Plants: WAC 18–52

1. Emission Standards. WAC 18–52–031(2) and 041 provide for the adoption of more stringent emission standards than are specified Section 031 of the adopted regulations. Any such revisions to these regulations and their accompanying DOE Regulatory Orders must be submitted as SIP revisions.

2. New Source Review. WAC 18–52–056 does not specify or reference procedures to be used in determining case-by-case offsets, such as those described in EPA's Offset Interpretive Ruling. Similar procedures must be included as part of the SIP.

3. Source Compliance Determination. WAC 18–52 must contain (or refer to) specific methods by which compliance with each emission limitation can be determined by source testing.

IV. Additional SIP Requirements

Other requirements which apply to all SIPs are stated in 45 FR 37821—Final Rulemaking for the Washington SIP and will not be restated here. These include a discussion of the "conditional approval" mechanism as it relates to Part D SIP's.

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

This notice of Final rulemaking is issued under the authority of Sections 110, 173 and 173 of the Clean Air Act as amended.

(Secs. 110(a), 172, and 173 Clean Air Act (42 U.S.C. 7410(a), 7502 and 7503)

*The basic criteria for an approvable Part D (nonattainment area plans) SIP are summarized in "General Preamble" published in the April 4, 1979 **Federal Register** (44 FR 20372) as supplemented in the **Federal Register** on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182). These criteria are incorporated by reference and will not be restated here. General requirements for all SIP's are found in EPA regulations in 40 CFR Part 51.

Dated: July 25, 1980.

Douglas M. Costle,

Administrator.

Subpart WW—Washington

1. In § 52.2470 paragraph (c)(22) is added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(22) On April 1, 1980 the State submitted revised regulations for kraft and sulfite pulping mills and primary aluminum plants.

2. In § 52.2479 paragraphs (a)(4) through (a)(6) are added as follows:

§ 52.2479 Rules and regulations.

* * * * *

(a) * * *

(4) WAC 173–405—Kraft Pulping Mills is approved as satisfying Part D requirements provided the State submits information by November 1, 1980 to satisfy the following conditions:

(i) The revision of recovery furnace and lime kiln emission standards to apply to individual emission points.

(ii) The specification of an oxygen correction factor when determining compliance with emission standards.

(iii) The addition of procedures by which case-by-case offset can be determined.

(iv) The addition of procedures by which compliance with each emission limitation can be determined.

(5) WAC 173–410—Sulfite Pulping Mills is approved as satisfying Part D requirements provided that the State submits information by November 1, 1980 to satisfy the following conditions:

(i) That revisions to emission standards in WAC 173–410–036(8) and –041 for specific sources and their accompanying Regulatory Orders be submitted as SIP revisions.

(ii) The addition of procedures by which case-by-case offsets can be determined.

(iii) The addition of procedures by which compliance with each emission limitation can be determined.

(6) WAC 18–52—Primary Aluminum Plants is approved as satisfying Part D requirements provided that the State submits information by November 1, 1980 to satisfy the following conditions:

(i) That revisions to emission standards in WAC 18–52–031(2) and –041 for specific sources and their accompanying Regulatory Orders be submitted as SIP revisions.

(ii) The addition of procedures by which case-by-case offsets can be determined.

(iii) The addition of procedures by which compliance with each emission limitation can be determined.

[FR Doc. 80-23047 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 60

[FRL 1392-6]

Standards of Performance for New Stationary Sources: Delegation of Authority to Commonwealth of Pennsylvania; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule, correction.

SUMMARY: On December 7, 1979 the Environmental Protection Agency amended 40 CFR 60.4 to relect delegation to the Commonwealth of Pennsylvania for authority to implement and enforce certain Standards of Performance for New Stationary Sources. The notice appeared in the **Federal Register** on Wednesday, January 16, 1980 (45 FR 3034). Due to an oversight that notice contained an error in the lettering of the amendment of § 60.4 Address. Today's notice provides an amendment and revision to correct that error.

FOR FURTHER INFORMATION CONTACT: Joseph Arena, Environmental Scientist, Air Enforcement Branch, Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone (215) 597–4561.

SUPPLEMENTARY INFORMATION:

Correction: On page 3035, Column 1, § 60.4 Address is corrected to read as follows:

1. NN(b) is added to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(A)—(NN)(a) * * *

(NN) (b) Commonwealth of Pennsylvania, Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania 17120.

2. (OO) is revised to read as follows:

* * * * *

(OO) State of Rhode Island, Department of Environmental Management, 83 Park Street, Providence, Rhode Island 02908.

* * * * *

Dated: July 17, 1980.

Stanley L. Laskowski,

Acting Director, Enforcement Division.

[FR Doc. 80-23133 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1555-1]

Redesignation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On May 7, 1980 USEPA proposed to change the ozone air quality designations for the State of Minnesota for Carlton, Lake, St. Louis, and Olmsted Counties from nonattainment to attainment and for Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington and Sherburne Counties from nonattainment to unclassified. The purpose of today's notice is to finally approve the proposed ozone air quality designations for these counties.

DATE: This final rulemaking becomes effective on July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Richard J. Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6035.

Copies of the redesignation request, technical support document and the supporting air quality data and USEPA's evaluation of the request are available at the address cited above and at: Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) directing each state to submit to the Administrator of the USEPA a list of those areas within the state which had ambient air concentrations of specific pollutants [i.e., sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_x), carbon monoxide (CO) and ozone (03)] above the USEPA established National Ambient Air Quality Standards (NAAQS) level for each of these pollutants. These areas were designated as nonattainment areas. The areas within each State which had ambient air concentrations below the NAAQS level were designated as attainment; whereas those areas which lacked sufficient monitoring data to accurately determine their status were designated as unclassified.

In the March 3, 1978 (43 FR 8962), September 11, 1978 (43 FR 40412) and in the October 5, 1978 **Federal Register** (43 FR 45993) the Administrator of the USEPA promulgated lists of the

nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State. In Minnesota, the following areas were designated as nonattainment for ozone in the March 3, 1978 **Federal Register**: Carlton, Lake, St. Louis, Olmsted, Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne Counties. All other areas within the State were designated as attainment for ozone.

In the February 8, 1979, **Federal Register** (44 FR 8202) the USEPA, in accordance with the provisions of sections 108 and 109 of the Clean Air Act Amendments, revised the NAAQS for ozone. In that **Federal Register**, USEPA relaxed the primary and secondary NAAQS for ozone from 0.08 ppm to 0.12 ppm. The method for determining "attainment of the ozone standard" was also changed in the February 8, 1979 **Federal Register**.

Due to the change in the ozone NAAQS and the revised methodology for determining the ozone attainment status, the State of Minnesota reanalyzed the air quality data for the aforementioned ozone nonattainment areas. Based on this reanalysis, the State, on February 15, 1980, submitted to the USEPA a request for the redesignation of all the ozone nonattainment areas. Specifically, the State requested that USEPA change the designation of Carlton, Lake, St. Louis and Olmsted Counties from nonattainment to attainment for ozone and change the designation for Anoka, Dakota, Carver, Hennepin, Ramsey, Scott, Washington, and Sherburne Counties from nonattainment to unclassified for ozone. Additionally, for the unclassified counties, after the 1980 ozone data were collected and analyzed, the State would reconsider the designation and propose either attainment or nonattainment.

USEPA reviewed the redesignation request and determined that it satisfied the requirements of the Clean Air Act and USEPA guidance. Therefore, in the May 7, 1980 **Federal Register** (45 FR 30091) USEPA proposed to approve the request. Furthermore, USEPA requested interested parties to submit comments by June 6, 1980. No public comments were received on that proposed rulemaking action.

The Administrator has determined that the requirements of the Clean Air Act and USEPA guidance have been satisfied and therefore, designates the Counties of Carlton, Lake, St. Louis, and Olmsted as attainment for ozone. Furthermore, the Counties of Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne are designated as unclassified for ozone.

USEPA has determined that good cause exists for making these designations immediately effective. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the Clean Air Act will be lifted from the State of Minnesota. Specifically, the growth restrictions apply to those designated nonattainment areas for which the State has failed to have a State Implementation Plan (SIP) which meets the requirements of Part D, after the final date for SIP approval specified in the Act. USEPA has determined that since these areas are being reclassified as attainment/unclassified for ozone the requirements of Part D for ozone nonattainment areas are no longer applicable. Therefore, it would be contrary to public interest to continue the restrictions on industrial growth in these areas for thirty days after the publication of this notice.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant," and therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979, by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

This Notice of Final Rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended.

(Sec. 107 of the Clean Air Act as amended, 42 U.S.C. 7407)

Dated: July 24, 1980.

Douglas Costle,

Administrator.

PART 81—AIR QUALITY CONTROL REGIONS CRITERIA AND CONTROL TECHNIQUES

Subpart C—Section 107 Attainment Status Designations

Section 81.324 of Part 81, Chapter I, Title 40, Code of Federal Regulations is amended as follows. In the table for "Minnesota Ozone" the entries for AQCR 131, St. Louis, Sherburne, Carlton, Lake and Olmsted Counties are revised to read as follows:

§ 81.324 Minnesota.

* * * * *

Minnesota—Ox

Designated area	Does not meet primary standards	Cannot be classified [1]
AQCR 131		x
Sherburne County		x
St. Louis County		x
Carlton County		x
Lake County		x
Olmsted County		x
Remainder of State		x

[1] Or better than national standards.

[FR Doc. 80-23116 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Special Rules Applicable to Surface Coal Mining Hearings and Appeals

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule.

SUMMARY: Certain regulations governing adjudicative proceedings under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201–1328 (Supp. I 1977), are being changed to alleviate problems which have arisen because of the present language of those regulations.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Bruce R. Harris, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203, (703) 557–9037.

SUPPLEMENTARY INFORMATION: The first change, found in 43 CFR 4.1107(f), concerns the filing date for documents which initiate proceedings with the Hearings Division, Office of Hearings and Appeals. The present language

explains that the filing date is the date the document is received in the office in Arlington, Virginia. Filing times begin to run when an operator or permittee receives a notice of violation, a cessation order, a civil penalty assessment, or the results of an assessment conference. Mail delays of as much as 8 or 9 days from parts of Kentucky substantially erode the amount of time an operator or permittee has to file. In some cases mail delays have resulted in proceedings being dismissed for lack of filing timely. The change seeks to alleviate the problem caused by such delays by considering an initiating document sent by mail to be filed timely if it is postmarked within the time allowed for filing. It is necessary to retain the requirement that initial filings be directed to Arlington, Virginia, in order to allow the Chief Administrative Law Judge to maintain control over the Hearings Division docket and to prevent certain field offices from being inundated with cases.

The second regulation change, found in 43 CFR 4.1109(c), involves the standard for determining when service of documents is complete. Presently, initiating documents are considered served when they are received, and for any other documents service, if by mail, is complete upon mailing. Mail delays have decreased the time available for parties to respond to documents filed in a proceeding. Changing the service time to date of receipt for all documents eliminates the problem of mail delays.

The third change deals with 43 CFR 4.1267(b). That regulation presently allows a party to a section 525 review proceeding who is denied temporary relief by an Administrative Law Judge to appeal to the Board or, in one special circumstance, the alternative of seeking direct review of the denial in Federal court. That particular situation is when temporary relief is sought of a cessation order and the party seeking the relief has complied with the requirements of, and the Administrative Law Judge's decision has been rendered pursuant to, 43 CFR 4.1266(b). The change would make the alternative of judicial review available in any situation in which temporary relief was denied by an Administrative Law Judge. The basis for the change is that experience thus far under the Act dictates that any party denied temporary relief in any section 525 review proceeding should have the option of appealing that denial to the Board or of seeking review of the denial in Federal court. This will allow operators or permittees quick access to Federal court when temporary relief has been denied and will ordinarily permit a more rapid response than is available in the administrative setting.

Since these changes are merely procedural in nature, the regulations are being published in final. *See* 5 U.S.C. 553(b)(A) (1976).

Drafting Information: The principal author of these revisions is Bruce R. Harris, Office of Hearings and Appeals, Department of the Interior.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Exec. Order No. 12044 and 43 CFR Part 14.

Dated: July 25, 1980.

James A. Joseph,

Under Secretary of the Interior.

1. Section 4.1107(f) is revised to read:

§ 4.1107 Filing of documents.

* * * * *

(f) The effective filing date for documents initiating proceedings before the Hearings Division, OHA, Arlington, VA, shall be the date of receipt in that office, if filed by hand, or the date such document is postmarked, if filed by mail.

2. Section 4.1109(c) is revised to read:

§ 4.1109 Service.

* * * * *

(c) Service of copies of all documents is complete at the time of personal service or, if service is made by mail, upon receipt.

3. Section 4.1267(b) is revised to read:

§ 4.1267 Appeals.

* * * * *

(b) Any party desiring to appeal a decision of an Administrative Law Judge denying temporary relief may appeal to the Board or, in the alternative, may seek judicial review pursuant to section 526(a) of the Act.

[FR Doc. 80-23121 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 5738

[I-10293]

Idaho; Withdrawal for Recreational Site.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 54 acres of public land and reserves them for protection of their recreational, natural and scenic values.

EFFECTIVE DATE: July 31, 1980.

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

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, (30 U.S.C., Ch. 2), and reserved for protection of their recreation, natural and scenic values.

Boise Meridian

Huckleberry Recreation Site

T. 45 N., R. 3 E.,
Sec. 4, Lot 14;
Sec. 9, Lot 4.

The area described contains 54 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

July 22, 1980.

[FR Doc. 80-23106 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5741

[AR-04855]

Arizona; Transfer of Jurisdiction: Withdrawal of Lands for the Painted Rock Dam Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 4,880 acres of public land from operation of the general land laws, including the mining laws, and transfers administrative jurisdiction of the Painted Rock Dam Project to the Corps of Engineers.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Chief, Branch of Lands and Minerals Operations, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602) 261-4774.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat.

2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws, 30 U.S.C., Ch. 2, and reserved for the Corps of Engineers, Department of the Army, for administration of the Painted Rock Dam Project and recreational facilities.

Gila and Salt River Meridian

T. 4 S., R. 7 W.,
Sec. 7, SW¼NW¼, SW¼;
Sec. 17, S½, S½NW¼;
Sec. 18;
Sec. 19, N½, N½SE¼, SE¼SE¼, E½SW¼SE¼;
Secs. 20 and 28;
Sec. 29, N½, SE¼, E½E½SW¼, NW¼NE¼SW¼;
Sec. 30, E½E½NE¼;
Sec. 32, NE¼NE¼NW¼, N½NW¼NE¼, NE¼NE¼, N½SE¼NE¼, N¼SE¼NW¼NE¼;
Sec. 33, NW¼NW¼, N½SW¼NW¼, N½SE¼NW¼, N½SE¼SW¼NW¼, N½S½SE¼NW¼, S½SE¼SE¼NW¼, NW¼SE¼, SE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, E½NE¼SW¼, N½NE¼SE¼SW¼.
T. 4 S., R. 8 W.,
Sec. 12;
Sec. 13, N½, NE¼SE¼.

The area described aggregated 4,880 acres in Maricopa County.

2. All of the land described above in T. 4 S., R. 7 W., except the SW¼NW¼ and SW¼ sec. 7, are also withdrawn for power site purposes by Power Site Classification No. 402, issued June 6, 1949.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only with the concurrence of the Corps of Engineers, Department of the Army, if the Corps of Engineers finds that the proposed use of the land will not interfere with the purposes of this withdrawal. All rights-of-way associated with the Project will be issued by the Corps of Engineers, Department of the Army, unless otherwise mutually agreed.

Grazing and wildlife habitat will continue to be administered by the Bureau of Land Management.

4. This withdrawal shall remain in effect for a period of 100 years from the date of this order.

Guy R. Martin,

Assistant Secretary of the Interior.

July 24, 1980.

[FR Doc. 80-23016 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5865]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elasped since identification of the community as having flood-prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

The Catalog of Domestic Assistance Number is 83.100 "Flood Insurance".

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Suspended Communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Alabama	Sumter	Livingston, city of	010195B	Apr. 26, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 31, 1974 July 2, 1976	Aug. 15, 1980.
Arkansas	Jefferson	Altheimer, city of	050107B	Sept. 16, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 10, 1974 June 4, 1976	Do.
Arizona	Maricopa	Tempe, city of	040054B	Nov. 18, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	June 28, 1974 Sept. 5, 1975	Do.
California	Stanislaus	Modesto, city of	060387B	Oct. 10, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	July 19, 1974 Aug. 15, 1975	Do.
Do	Santa Clara	Mountain View, city of	060347B	June 24, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	June 14, 1975 Sept. 19, 1975	Do.
Do	Contra Costa	Pinole, city of	060032B	July 2, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 24, 1974 Oct. 10, 1975	Do.
Do	....do	Pittsburg, city of	060033B	June 17, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	June 21, 1974 Nov. 28, 1975	Do.
Illinois	Cook	Elmwood Park, village of	170089A	June 14, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Nov. 1, 1974	Do.
Do	Lake	Riverwood, village of	170387B	Aug. 21, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Mar. 1, 1974 Jan. 30, 1976	Do.
Iowa	Wapello	Ottumwa, city of	190272B	June 2, 1972, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Mar. 15, 1974 July 2, 1976	Do.
Kansas	Butler	Augusta, city of	200038B	June 25, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Feb. 1, 1974 April 23, 1976	Do.
Do	Sedgwick	Clearwater, city of	200482A	March 29, 1976, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Sept. 5, 1975	Do.
Do	Johnson	Unincorporated areas	200159B	Sept. 17, 1979, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Sept. 6, 1977	Do.
Do	Sedgwick	Kechi, city of	200429A	Aug. 3, 1979, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	April 23, 1976	Do.
Do	Leavenworth	Lansing, city of	200189B	Oct. 21, 1976, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Aug. 23, 1974 Nov. 28, 1975	Do.
Kentucky	Campbell	Dayton, city of	210037B	Aug. 21, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Feb. 1, 1974 Mar. 5, 1976	Do.
Louisiana	LaFourche	Lockport, town of	220254B	Aug. 22, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Jan. 10, 1975 Dec. 19, 1975	Do.
Michigan	Wayne	Wayne, city of	260245B	Apr. 3, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 31, 1974 Oct. 31, 1975	Do.
Mississippi	Rankin	Florence, town of	280144B	Oct. 7, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Aug. 23, 1974 Jan. 30, 1976	Do.
Do	Simpson	Magee, city of	280158A	Dec. 20, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Aug. 1, 1975	Do.
Nebraska	Cumming	West Point, city of	310048B	Apr. 24, 1975, emergency, Aug. 15, 1980, emergency, Aug. 15, 1980, suspended.	Jan. 9, 1974 Aug. 29, 1975	Do.
New Hampshire	Belknap	Laconia, city of	330005B	Jan. 16, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	June 28, 1974 Nov. 19, 1976	Do.
New York	Westchester	Greenburgh, town of	360911B	Feb. 23, 1973, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	June 21, 1974 July 30, 1976	Do.
Do	Steuben	Savona, village of	361049B	Feb. 8, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 17, 1974 June 4, 1976	Do.
Do	Westchester	Yonkers, city of	360936B	Apr. 13, 1973, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Jan. 9, 1974 Oct. 6, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Ohio	Franklin	Grandview Heights, city of	390172B	June 6, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 17, 1974 Aug. 20, 1976	Do.
Do	Sandusky	Green Springs, village of	390492B	Apr. 2, 1976, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Mar. 1, 1974 June 11, 1976	Do.
Do	Washington	Macksburg, village of	390571B	Apr. 23, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Aug. 23, 1974 May 21, 1976	Do.
Pennsylvania	Bradford	Asylum, township of	421048B	June 10, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Sept. 13, 1974 Nov. 21, 1975	Do.
Do	Perry	Buffalo, township of	421948	Mar. 27, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Jan. 31, 1975	Do.
Do	Luzerne	Dorrance, township of	421826A	Aug. 7, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Jan. 24, 1975	Do.
Do	Allegheny	East Deer, township of	421061B	Feb. 5, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Sept. 20, 1974 May 14, 1976	Do.
Do	Tioga	Lawrenceville, borough of	420821C	Apr. 4, 1973, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Sept. 14, 1973 Sept. 24, 1976 Dec. 31, 1976	Do.
Do	Lycoming	McKenry, township of	420975A	Sept. 7, 1973, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Oct. 15, 1976	Do.
Do	York	Monaghan, township of	422225B	June 10, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Nov. 8, 1974 Apr. 16, 1976	Do.
Do	Lackawanna	Scranton, city of	420538B	Jan. 12, 1973, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Jan. 23, 1974 May 28, 1976	Do.
Do	Allegheny	Tarentum, borough of	420076B	Apr. 7, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Feb. 15, 1974 May 14, 1976	Do.
Do	Lackawanna	Taylor, borough of	420539B	Mar. 26, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Feb. 1, 1974 May 7, 1976	Do.
Do	Tioga	Tioga, township of	420628B	Apr. 17, 1973, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Feb. 8, 1974 Jan. 7, 1977	Do.
Do	Allegheny	West Homestead, borough of	420084B	May 14, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Dec. 28, 1973 June 18, 1976	Do.
Vermont	Orange	Chelsea, town of	500070B	July 25, 1975, emergency, Aug. 15, 1980 regular, Aug. 15, 1980, suspended.	June 28, 1974 Dec. 3, 1976	Do.
Do	Grand Isle	North Hero, town of	500225A	Jan. 14, 1976, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Jan. 10, 1975	Do.
Virginia	Montgomery	Christiansburg, town of	510101B	Apr. 29, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 31, 1974 Apr. 25, 1975	Do.
Do	Independent City	Franklin, city of	510060C	July 19, 1974, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Feb. 22, 1974 Dec. 27, 1974 Apr. 2, 1976	Do.
Wisconsin	Marathon	Athens, village of	550246B	July 3, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 31, 1974 May 14, 1976	Do.
Do	Dodge	Horicon, city of	550098B	July 7, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Nov. 30 1973 Mar. 26, 1976	Do.
Do	....do	Hustisford, village of	550557B	July 25, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Nov. 30, 1973 Sept. 12, 1975	Do.
Do	Marathon	Marathon City, village of	550252B	June 24, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	Nov. 30, 1973 May 21, 1976	Do.
Do	Fond du Lac	Ripon, city of	550140B	July 2, 1975, emergency, Aug. 15, 1980, regular, Aug. 15, 1980, suspended.	May 24, 1974 May 28, 1976	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 23, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80-22992 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5866]

Communities With Flood Insurance Rate Map Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the community listed below, has determined that there is an immediate need to provide higher rates of insurance coverage through issuance of a Flood Insurance Rate Map. Existing conditions indicate that the area is unlikely to be developed in the foreseeable future and there is no immediate availability of existing detailed study methodology to determine the base Flood elevations for the Special flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In this community, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the community listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 Community with a flood insurance rate map.

State	County	Community name	Date of conversion to regular program
Washington	(Uninc. Areas).	Cowlitz County.	Aug. 1, 1980.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 15, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80–23003 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket No. FEMA 5867]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Utah	Wasatch	Town of Charleston.	Aug. 5, 1980.
Utah	Sanpete	City of Moroni	Aug. 5, 1980.
Utah	Sanpete	City of Spring City.	Aug. 5, 1980.
Utah	Tooele	Town of Stockton.	Aug. 5, 1980.
New York	Orleans	Town of Albion.	Aug. 6, 1980.
New York	Cayuga	Village of Cato.	Aug. 6, 1980.
North Dakota	Dunn	City of Dodge	Aug. 12, 1980.
North Dakota	Bottineau	City of Lansford.	Aug. 12, 1980.
North Dakota	Stark	City of Taylor.	Aug. 12, 1980.
North Dakota	Cache	City of Richmond.	Aug. 12, 1980.
North Dakota	Burleigh	City of Wing	Aug. 19, 1980.
Utah	Cacha	Town of Clarkston.	Aug. 19, 1980.
Utah	Wasatch	City of Midway.	Aug. 19, 1980.
Utah	Tooele	Town of Wendover.	Aug. 19, 1980.
Iowa	Shelby	City of Panama.	Aug. 26, 1980.
Kansas	Stafford	City of Stafford.	Aug. 26, 1980.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 23, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80–23004 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket No. FEMA 5868]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion ot the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Missouri	St. Louis	City of Ellisville.	Sept. 9, 1980.
Alabama	Jefferson	Town of Mulga.	Sept. 19, 1980.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator

Issued: July 23, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator)

[FR Doc. 80–23005 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5864]

Letter of Map Amendment for the City of Houston, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0035B indicates that Tracts Two and Three, a 51.3718 and a 36.4749 acre tract of land, respectively, being a portion of a 293.833 acre tract of land out of the George S. Garner Survey, Abstract No. 288, Houston, Texas recorded as Document Number C443330 in Volume 6644, Pages 305 through 315, in the Office of the Clerk, Harris County, Texas, are partially within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0035B is hereby corrected to reflect that the above mentioned tracts are not within the Special Flood Hazard Area identified on December 11, 1979. These tracts are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator).

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–22998 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5864]

Letter of Map Amendment for the City of Houston, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of

Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0150B, indicates that Lots 2 through 17, Block 1; and Lots 5 through 8, Block 2, Southwood Place, Section One; Lots 2 through 7, Block 1; and Lots 1 through 4, Block 2, Southwood Place, Section Two; and Lots 11 through 17, Block 1, Southwood Place, Section Four, Houston, Texas, as recorded in Volume 239, Page 60; Volume 244, Page 120; and Volume 253, Page 1, respectively; a 14.3358 acre tract of land out of the Demas Elliot Survey A–1071, Houston, Texas, as recorded under File Code No. F613033 and Film Code No. 196–01–2369 through 196–01–2374; and a 260.76 acre tract of land, being a portion of a 1,842.231 acre tract of land out of the J.R. Black Survey A–134, James Varrier Survey A–824, B.B.B. & C. R.R. Co. Survey A–180, John N. Ely Survey A–249, John Talbott Survey A–758, M.C. Friedenhaus Survey A–1260, Demas Elliott Survey A–1071, and H.T. & B. R.R. Co. Survey A–396, Houston, Texas, as recorded in Volume 7644, Pages 31 through 45, under File Code No. C929245 and Film Code No. 106–23–2454 through 106–23–2468, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0150B is hereby corrected to reflect that Lots 2 through 17, Block 1; and Lots 5 through 8, Block 2, Southwood Place, Section One; Lots 2 through 7, Block 1; and Lots 1 through 4, Block 2, Southwood Place, Section Two; and Lots 11 through 17, Block 1, Southwood Place, Section Four, are not within the Special Flood Hazard Area identified on December 11, 1979. These lots are in Zone C.

Map No. H & I 480296 Panel 0150B is also corrected to reflect that the 14.3358 acre tract of land and the 260.76 acre tract of land, with the exception of the areas deeded to the Harris County Flood Control District in the recorded Deeds cited above, are not within the Special Flood Hazard Area identified on December 11, 1979. These properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–22999 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5864]

Letter of Map Amendment for the City of Houston, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps indentifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 480296 Panel 0055B, indicates that Unrestrictive Reserve D, Block Three, Candlelight Trails, Section 3, as recorded in Volume 291, Page 11, in the Office of the Clerk, Harris County, Texas, is partially within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0055B is hereby corrected to reflect that the above mentioned property, with the exception of the area designated for Drainage Easement on the recorded plat map cited above, is not within the Special Flood Hazard Area identified on December 11, 1979. This property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-23000 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5864]

Letter of Map Amendment for the City of Houston, Tex.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW, Washington, D.C. 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0055B, indicates that Lots 20 through 27 and 33, Block 3, Antoine Forest Estates, Houston, Texas, as recorded in Volume 291, Page 120 of Map Records, under File No. G287014 in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0055B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on December 11, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-23001 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FI-4532]

Letter of Map Amendment for the City of Hazelwood, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Hazelwood, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Hazelwood, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451, Seventh Street, S.W., Washington, DC 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290357 Panel 0005B, published on November 7, 1979, in 44 FR 64424, indicates that the existing Buildings 3, 4, 9, 16 through 19, and 23, Hazelcrest, Hazelwood, Missouri, as recorded in Book 113, Pages 8 and 9, in the Office of the Recorder, St. Louis County, Missouri, are within the the Special Flood Hazard Area.

Map No. H & I 290357 Panel 0005B is corrected to reflect that the above mentioned buildings are not within the the Special Flood Hazard Area identified on April 1, 1980. These structures are in Zones B and C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: June 5, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-22990 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5864]

Letter of Map Amendment for the City of Houston, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Houston, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Houston, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480296 Panel 0120B indicates that Condominium Structure Numbers 7 through 10, Park Memorial Condominiums, located on a 4.8575 acre tract of land out of the John Reinerman Survey, Abstract Number 642, Houston, Texas, recorded under File Code Number G150046 and Film Code Numbers 132–97–1890 through 132–97–1894, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480296 Panel 0120B is hereby corrected to reflect that the above mentioned structures are not within the Special Flood Hazard Area identified on December 11, 1979. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: June 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–22997 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FI–5176]

Letter of Map Amendment for the Town of Norwood, Mass., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Norwood, Massachusetts. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Norwood, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 250248, Panel 0005B, published on July 18, 1979, in 44 FR 41805 indicates that Lot 50, Park Place, Vanderbilt Avenue, Norwood, Massachusetts, is within the Special Flood Hazard Area.

Map No. H & I 250248, Panel 0005B is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on February 1, 1980. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–22991 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FI–4296]

Letter of Map Amendment for the City of Phoenix, Ariz., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 040051 Panel 0095B, published on July 5, 1979 in 44 FR 39167 indicates that a portion of Lot 5, Arrow Acres, Phoenix, Arizona, as recorded in Docket 9250, pages 552 and 553, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0095B is hereby corrected to reflect that the existing structure for the above mentioned property is not within the Special Flood Hazard Area identified on December 4, 1979. The existing structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-22969 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13; Amdt. 5]

The Foreign Commerce of the United States; Terminal Rules, Charges and Allowances, Free Time Allowed at New York; Revocation

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission revokes § 536.9(d) of Title 46, Code of Federal Regulations, which provides that every tariff naming rates on export traffic shipped through the port of New York or the port of Philadelphia shall contain a rule in compliance with Part 541 of the Commission's rules. The regulation is no longer necessary because Part 541 was revoked on July 9, 1980.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: Section 536.9(d) of Title 46, Code of Federal Regulations, provides that every tariff naming rates on export traffic shipped through the port of New York or the port of Philadelphia shall contain a rule in compliance with Part 541 of the Commission's rules. Part 541 prescribes regulations governing free time, consolidation time, and demurrage charges on export cargo at the ports of New York and Philadelphia. Part 541 was rescinded on July 9, 1980, therefore, § 536.9(d) is no longer a required regulation.

§ 536.9 [Amended]

Now, therefore, pursuant to section 43 of the Shipping Act, 1916, (46 U.S.C. 841(a)), and section 4 of the Administrative Procedure Act, (5 U.S.C. 553), *it is ordered,* That, effective July 31, 1980, § 536.9(d), Code of Federal Regulations is rescinded.

By the Commission July 21, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-22921 Filed 7-30-80; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Sport Hunting; Opening of Crescent Lake National Wildlife Refuge, Nebr., to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Crescent Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Hunting for sharp-tailed grouse and ring-necked pheasant shall be in accordance with all applicable State regulations and seasons.

FOR FURTHER INFORMATION CONTACT: C. Fred Zeillemaker, Refuge Manager, Crescent Lake NWR, Ellsworth, NE 69340; telephone: (308) 762–4893.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; sport hunting; upland game; for individual wildlife refuge areas.

Sport hunting is permitted on the Crescent Lake National Wildlife Refuge, Nebraska, only on areas designated by signs as being open to hunting. These areas, comprising approximately 40,900 acres, are delineated on maps available at the refuge headquarters (Refuge Manager, Crescent Lake NWR, Ellsworth, NE 69340). Sport hunting shall be in accordance with all applicable State regulations subject to the following additional conditions:

1. A self-service permit available at official refuge entrances must be used.
2. Vehicle entrance and travel will be permitted only on designated, well defined trails. No vehicle travel is permitted beyond posted points or off the designated trails in the hills or meadows.
3. Overnight camping is prohibited.
4. Open fires are prohibited.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act

requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Crescent Lake National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement Under Executive Order 11949 and OMB Circular A–107.

Dated: April 30, 1980.

C. Fred Zeillemaker,

Refuge Manager.

[FR Doc. 80-22936 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Sport Hunting; Opening of Crescent Lake National Wildlife Refuge, Nebr., to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Crescent Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES:

Antelope—Archery: August 20 through October 31, 1980, exclusive of period open to rifle hunting.

Antelope—Rifle: September 27 through October 5, 1980.

Deer—Archery: September 20 through December 31, 1980, exclusive of period open to rifle hunting.

Deer—Rifle: November 8 through November 16, 1980.

FOR FURTHER INFORMATION CONTACT:

C. Fred Zeillemaker, Refuge Manager, Crescent Lake NWR, Ellsworth, NE 69340, telephone: (308) 762–4893.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; sport hunting; big game; for individual wildlife refuge areas.

Sport hunting is permitted on the Crescent Lake National Wildlife Refuge, Nebraska, only on areas designated by signs as being open to hunting. These areas, comprising approximately 40,900 acres, are delineated on maps available at the refuge headquarters (Refuge Manager, Crescent Lake NWR, Ellsworth NE 69340). Sport hunting shall be in accordance with all applicable State regulations subject to the following additional conditions:

1. A self-service permit available at official refuge entrances must be used.
2. Vehicle entrance and travel will be permitted only on designated, well defined trails. No vehicle travel is permitted beyond posted points or off the designated trails in the hills or meadows.
3. All animals must be checked in at refuge headquarters which is an official big game check station.
4. Overnight camping is prohibited.
5. Open fires are prohibited.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Crescent Lake National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code for Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Dated: April 30, 1980.

C. Fred Zeillemaker,

Refuge Manager.

[FR Doc. 80-22937 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Sport Hunting; Opening of Mingo National Wildlife Refuge, Missouri to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to squirrel hunting of Mingo National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: August 1, 1980 through September 30, 1980.

FOR FURTHER INFORMATION CONTACT:

Gerry Clawson, Refuge Manager, Mingo National Wildlife Refuge, R.R. #1, Box 8, Puxico, Missouri 63960. Telephone (314) 222–3589

SUPPLEMENTARY INFORMATION: Hunting is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to hunting. These areas comprising 6,500 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, United States Department of Interior, Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, Missouri 64116.

§ 32.22 Special regulations; upland games; for individual wildlife refuge areas.

Squirrel hunting is permitted in the areas designated by signs or maps as being open to hunting subject to the following conditions:

(1) The open season for hunting squirrels on the refuge extends from opening date of Statewide season, August 1, 1980, through September 30, 1980.

(2) All hunters must register when entering the refuge and record kill when leaving.

(3) Dogs are not permitted for squirrel hunting.

(4) Hunters are not permitted to enter those areas shown as being closed on the refuge hunting map.

(5) Hunters are permitted on the refuge from one hour before sunrise until one hour after sunset.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The provisions of these special regulations supplement the regulations which generally govern hunting on wildlife refuge areas and which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: July 22, 1980.

Tom A. Saunders,

Area Manager.

[FR Doc. 80-23107 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Salmon Fishery; Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Final regulations.

SUMMARY: This document makes final the regulations that implement the 1980 Amendment to the fishery management plan for the commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California. These regulations were originally published on May 1, 1980 as both proposed rulemaking and emergency interim regulations. The emergency regulations are superseded by this final rulemaking.

EFFECTIVE DATE: 0001 hours PDT July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Kruse, Acting Regional Director, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, Telephone (206) 442-7575.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan (FMP) for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California was approved by the Secretary in 1978 and amended in 1979. The 1980 amendments to the FMP and the corresponding Supplemental Environmental Impact Statement were initially proposed by the Pacific Fishery Management Council (Council) in January, 1980. Hearings were held during the public review period (January 25, 1980–March 9, 1980).

The Assistant Administrator has reviewed the 1980 Amendment and the proposed regulations during the 60-day comment period, and determined that they are consistent with the provisions of the Fishery Conservation and Management Act, 16 U.S.C. 1801, (Act) and other applicable law.

The most recent spawning escapement and stock assessment data indicated that many of the 1980 salmon runs would be depressed, particularly coastal coho stocks, California chinook stocks, and upper Columbia River chinook stocks. The 1980 regulations include more restrictive management measures for the commercial troll fishery but slightly less restrictive management measures for the ocean recreational fishery than those governing the fishery during 1979. Provision is also made for in-season regulatory changes in the all-species season off Washington and Oregon to provide flexibility for responding to the strength of the coho run and the amount of fishing effort.

Emergency and proposed regulations were published on May 1, 1980 (45 FR 29250). On May 13, 1980, the Pacific Coast Federation of Fishermen's Association, Inc. filed a suit against the Secretary of Commerce and the Commandant of the Coast Guard in the U.S. District Court for the Northern District of California. In that suit, members of the salmon troll industry challenged the emergency interim regulations that restricted commercial salmon fishing off the coast of California. Specifically, they contended that (1) the 1980 amendment failed to adequately consider economic factors associated with the concept of optimum yield as required by Section 303(a)(3) of the Act; (2) the 1980 amendment and regulations are invalid because the council and the Secretary failed to regulate Indian gillnet fishing on the Klamath River; and (3) the Secretary unlawfully issued emergency regulations.

The Court in denying plaintiff motion for preliminary injunction noted that the Council had considered economic factors when formulating its plan and that the Secretary did not have jurisdiction over inland fisheries. Further, the Court indicated that the Secretary reasonably concluded that promulgation of regulations on an emergency basis was essential to prevent the imminent overfishing of ocean salmon, particularly of some stocks that were identified as severely depressed. The case is currently pending in the District Court.

During the last week in June and first week in July, legal actions were also filed against the Secretary of Commerce by the Yakima and Quinault Indian Nations and the Hoh Indian Tribe. In those suits the plaintiffs alleged that the 1980 FMP Amendment and implementing regulations failed to fulfill the adjudicated fishing rights of those treaty tribes. These cases were brought in the United States District Court for the District of Columbia. The Court has not yet ruled.

An emergency hearing was held by the Council on July 5, 1980, in Portland, Oregon, to hear testimony by representatives of the All Coast Fishermen's Marketing Association, the Federation of Independent Seafood Harvesters, and other interested parties regarding the severity of the economic impact of the emergency interim regulations. Extensive testimony was also heard regarding the apparent increased abundance of coho salmon which many speakers had observed. As a result of the hearing the council recommended that the Secretary of Commerce take no action. Testimony revealed that, although the economic impact of the regulations was marked, there was no indication that an opening of the all-species commercial salmon fishing season before July 15, 1980, as had been requested, would serve to alleviate the impact in any significant way. Further it was determined that the best scientific evidence available did not support the conclusion that coho salmon were more abundant than had been originally predicted and that a premature opening of the season could further impact seriously depressed stocks. Testimony also indicated that the allowable ocean harvest of salmon could be taken without a longer season.

Comments

Over 200 comments were received on the regulations prior to the close of the public review period. Comments received generally fit into two categories. Respondents from the commercial fishing groups (particularly from California) opposed the imposition of more restrictive ocean fishing regulations for the purpose of providing additional salmon escapements to inshore areas. They believed that the commercial trollers were bearing a disproportionate share of the responsibility for conserving some

critically depressed salmon stocks, particularly Klamath River chinook. Moreover, many commercial fishing respondents said that no evidence existed that would justify more restrictive regulations than those imposed during 1979. Several commenters pointed to the adverse economic impacts of the closed season on members of their user groups and cited early season catch statistics that they felt indicated a healthier resource status than the Council had predicted in the 1980 amendment.

The second category of comments generally supported more restrictive regulations to provide more salmon to the inside fisheries, particularly the Treaty Indian fisheries. Representatives of treaty tribes recommended that more restrictive ocean fishing regulations should be implemented immediately, particularly for protection of upper Columbia River chinook stocks and Washington coastal coho stocks. Some treaty fishing representatives believed that the 1980 emergency regulations failed to assure compliance with the treaty fishing rights of the tribes. They urged the Secretary to withdraw the emergency regulations and replace them with regulations which would provide increased escapement to tribal usual and accustomed fishing grounds. The Makah Tribe of northwestern Washington asked for relief from the requirements of a 28-inch minimum size for commercially-caught salmon and the use of barbless hooks.

Response to Comments

In examining the status of the resource and the public comments, the Assistant Administrator for Fisheries has concluded that there is no basis for modifying earlier conclusions regarding the ocean fishing regulations for 1980.

The Pacific Fishery Management Council's Salmon Plan Development Team in a status report of the ocean commercial and recreational fisheries (July 7, 1980) noted that insufficient evidence existed which would support the proposition that the preseason predictions of the 1980 salmon runs were in error. After a thorough review of the latest data concerning the ocean salmon fisheries, the Assistant Administrator for Fisheries concurs in this finding of the salmon team and of the action taken by the Council on July 5, 1980. He has concluded that the regulations are essential to ensure sufficient spawning escapement and necessary to manage the ocean salmon fisheries in a manner consistent with the United States obligations to Indians with treaty-reserved fishing rights. The recently reported large catches of coho by the recreational fishery off Oregon and Washington are an insufficient basis for modifying the preseason predictions of salmon abundance or for amending the regulations at this time. Provisions for making inseason adjustments to these predictions and possible modifications to the restrictions when updated data are available are already a part of the 1980 regulations.

The Assistant Administrator is aware of the adverse economic impacts of the salmon regulations. However, there does not appear to be much that can be done to alleviate such impacts. The data upon which these regulations are based has not changed in any material way.

Maintaining the inside fisheries, particularly those of the tribes with adjudicated treaty fishing rights, was of major concern when the 1980 regulations were developed. Even if fishing effort is above that predicted at the beginning of the season or coho abundance is lower than expected, or both, the inseason management measures will, nevertheless, allow treaty tribe fishing requirements to be met.

The May 21 final pre-season forecast by the Washington Department of Fisheries, per WDF computer analysis, indicated that an ocean harvest of 857,000 coho would meet escapement goals to Puget Sound and provide, in the aggregate, 51% of 53% of the coho harvest to the north coast treaty fisheries. According to WDF biologists, the computer analysis shows this to include a 42% treaty harvest on the Queets River (−1400 coho); a 44% treaty harvest on the Hoh (−600); a 58% treaty harvest on the Quinault (+2400); a 63% harvest on the Quillayute summer run (+10,700) and 44% of the fall run (−2500); and a Gray's Harbor treaty harvest of between 37% and 48% (−4700 to −700)—depending on whether a non-Treaty test fishery is permitted. An alternative management system that would have part of the non-treaty share (about 36,000 coho) harvested by newly established ocean terminal area fisheries was considered not to be practicable as it could pose a serious conservation threat to the depressed mixed salmon species in the area without necessarily assuring appropriate stock redistribution, increase mortality of immature fish, and reduce ocean harvest by 250,000 coho with at least 35,800 coho and substantial numbers of chinook transferred from U.S. to Canadian fisheries. Absent such terminal area harvest, according to WDF's computer analysis, the ocean fishery would take 34% of the north coast coho harvest. In season management based on coho can also reduce effort on chinook, especially upper Columbia River fall chinook. A quota on chinook was not considered a reasonable management alternative given the lack of reliable abundance information and the difficulty of co-ordinating such a mechanism in a mixed-species fishery. Whether coho stocks returning to usual and accustomed areas along the north coast of Washington may be aggregated for purposes of ocean management is presently being litigated. Similarly the question of whether the 1980 Amendment adequately meets obligations to treaty Tribes which harvest upper Columbia River Fall Chinook is being considered in Federal Court.

The use of barbless hooks significantly decreases the mortality of immature coho and chinook which must be returned to the ocean. Therefore, that requirement will be continued for the treaty commercial fishery for sound conservation reasons.

The 28" size limit for chinook is intended to increase the total weight of production, reduce the catch of immature 3-year-old fish increase escapement of salmon from the ocean fisheries both for conservation and for inland treaty Indian and other fisheries. Smaller chinook (24") may be retained by recreational and commercial fisheries. The regulations balance this difference by imposing daily bag limits on recreational fisherman.

The Assistant Administrator for Fisheries finds that because the 1980 season is already underway and fishermen are already familiar with the regulations, there is good cause to make these regulations effective immediately. Final regulations are being published in order to provide continuity of an orderly fishery following the time when the emergency regulations terminate on July 30, 1980. If changes are made in response to legal proceedings, notice will be given through appropriate broadcast media, as well as by notice in the **Federal Register.**

The Notice of Availability of the Final Supplemental Environmental Impact statement has been filed with the Environmental Protection Agency and mailed to commenters.

In accordance with Executive Order 12044, the Administrator of the National Oceanic and Atmospheric Administration has approved these regulations and a regulatory analysis. A copy of that analysis may be obtained by writing to Dr. Thomas E. Kruse, address given above.

Signed at Washington, D.C., on the 28th day of July, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 661 is revised to read as follows:

PART 661—SALMON FISHERY

Sec.

661.1 Purpose.
661.2 Relation to U.S.-Canada Sockeye and Pink Salmon Convention.
661.3 Relation to State laws.
661.4 [Revised].
661.5 Definitions.
661.6 Salmon management sub-areas.
661.7 General restrictions.
661.8 Facilitation of enforcement.
661.9 Penalties.
661.10 Commercial fishing.
661.11 Recreational fishing.
661.12 In-season adjustments.
661.13 Treaty Indian fishing.
661.14 Emergency regulations.
661.15 Catch reports.
661.16 Test fisheries.

AUTHORITY: 16 U.S.C. 1801 et seq.

§ 661.1 Purpose.

The purpose of this Part 661 is to provide for the management of the commercial and recreational salmon fisheries off the coasts of Washington, Oregon and California in the Fishery Conservation Zone (also known as the 3-to-200 mile zone) over which the United States exercises exclusive fisheries management authority (i.e., the Pacific Fishery Management Council Fishery Management Area). This Part 661 implements the Pacific Council's Fishery Management Plan for commercial and recreational salmon fisheries off the coasts of Washington, Oregon and California, pursuant to authority conferred by the Fishery Conservation and Management Act of 1976, as amended.

§ 661.2 Relation to United States-Canada Sockeye and Pink Salmon Convention.

This Part 661 does not apply to fishing for pink and sockeye salmon conducted under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon fishery of the Fraser River System as amended by the Pink Salmon Protocol, in U.S. Convention Waters between 48° North latitude and the provisional international boundary between the United States and Canada.

§ 661.3 Relation to State laws.

This Part 661 recognizes that any State law which pertains to vessels registered under the laws of that state while in the Pacific Council Fishery Management Area, and which is consistent with the Salmon Management Plan, including any State landing law, shall continue to have force and effect with respect to fishing activities addressed herein.

§ 661.4 [Reserved]

§ 661.5 Definitions.

(a) "Act"—means the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1801-1882), as amended.

(b) "Authorized Officer"—means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard;

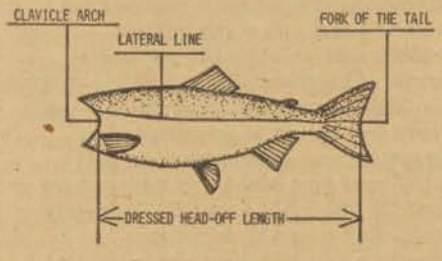
(2) Any certified enforcement agent or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of Transportation to enforce the provisions of the Act; and

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (b)(1) of this section.

(c) "Commercial fishing"—means fishing for the purpose of sale or barter of the catch.

(d) "Dressed, Head-off Length of Salmon"—means the shortest distance between the mid-point of the clavicle arch (see illustration) and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails.



(e) "Dressed, Head-off Salmon"—means salmon that have been beheaded, gilled and gutted, without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

(f) "Fishing"—means:

(1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish; or

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish.

(g) "Fishing Vessel"—means any boat, ship or other floating craft which is used for, equipped to be used for, or of a type which is normally used for fishing.

(h) "Freezer Trolling Vessel"—means a salmon trolling vessel which has capabilities for (1) on-board freezing of the catch, *and* (2) storage of the fish in a frozen condition until they are landed.

(i) "Fishery Management Area"—means the fishery conservation zone off the coasts of Washington, Oregon and California between 3 and 200 miles offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by the International Boundary between the U.S. and Mexico.

(j) "Land or Landing"—means bringing fish to shore or off-loading fish from a fishing vessel.

(k) "ODF&W"—means the Oregon Department of Fish and Wildlife.

(l) "Oregon Production Index (OPI) Regulatory Area"—means that part of the Pacific council's Fishery Management Area (as defined in § 661.5(i) between a line extended due west from Leadbetter Point, Washington at 46°38'10" North latitude, southerly to a line extended due west at the Oregon-California border at 42°00'00" North latitude.

(m) "Recreational fishing"—means fishing with recreational fishing gear as defined in § 661.5(1) for personal use of the catch and for personal benefits of the fishing experience. The catch, if any, is not used for sale or barter.

(n) "Recreational fishing gear"—means conventional angling tackle consisting of a rod, reel, line, and hooks with bait or lures attached; recreational fishing gear must be held by hand by the angler while the angler is playing a hooked fish and reducing it to possession.

(o) "Regional Director"—means the Regional Director or Acting Regional Director of the Northwest Region of the National Marine Fisheries Service.

(p) "Salmon"—means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including but not limited to:

Chinook (King) salmon—*Oncorhynchus tshawytscha*
Coho (Silver) salmon—*Oncorhynchus kisutch*
Pink (Humpback) salmon—*Oncorhynchus gorbuscha*
Chum (Dog) salmon—*Oncorhynchus keta*
Sockeye (Red) salmon—*Oncorhynchus nerka*

(q) "Secretary"—Means the Secretary of Commerce or a designee.

(r) "Single, barbless hook"—Means a hook with a single shank and point, with no secondary point or barb curving or

projecting in any other direction. Hooks manufactured with barbs can be made "barbless" by forcing the point of the barb flat against the main part of the point.

(s) "Sub-area"—Means one of the five salmon management subdivisions of the Pacific Fishery Management Council's Fishery Management area as specifically described in § 661.5 below.

(t) "Total length of salmon"—Means the shortest distance between the tip of the snout or jaw (whichever extends farthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

(u) "Troll gear"—Means commercial fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, *and* which lines originate from a spool or receptacle which is fixed to the vessel during the fishing operation, *and* no part of this fishing gear is disengaged from the vessel at any time during the fishing operation.

(v) "Washington Production Projection (WPP) Regulatory Area"—means that part of the Pacific Council's Fishery Management area (as defined in § 661.5(i) between the U.S.-Canada boundary (as defined in § 661.6(a)(1)(i) and (ii) and a line extended due west from Cape Falcon, Oregon at 45°46'00" North latitude.

(w) "WDF"—Means the Washington Department of Fisheries.

§ 661.6 Salmon management subareas.

(a) The Pacific Fishery Management Council's Fishery Management Area shall be divided into the following Sub-Areas for regulation of commercial and recreational salmon fishing, with the following designations and boundaries:

(1) *Sub-Area A.*—(i) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, Washington, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the U.S. and Canada (at 48°29'37" N. lat., 124°43'33" W. long.), and northerly of the point where that line intersects with the boundary of the U.S. Territorial Sea.

(ii) Northern and northwestern boundary is a line* connecting the following coordinates:

48°29'37.19" N. lat., 124°43'33.19" W. long.;
48°30'11." N. lat., 124°47'13" W. long.;
48°30'22." N. lat., 124°50'21" W. long.;
48°30'14." N. lat., 124°52'52" W. long.;
48°29'57." N. lat., 124°59'14" W. long.;
48°29'44." N. lat., 125°00'06" W. long.;
48°28'09." N. lat., 125°05'47" W. long.;
48°27'10." N. lat., 125°08'25" W. long.;
48°26'47." N. lat., 125°09'12" W. long.;
48°20'16." N. lat., 125°22'48" W. long.;
48°18'22." N. lat., 125°29'58" W. long.;
48°11'05." N. lat., 125°53'48" W. long.;
47°49'15." N. lat., 126°40'57" W. long.;
47°36'47." N. lat., 127°11'58" W. long.;
47°22'00." N. lat., 127°41'23" W. long.;
46°42'05." N. lat., 128°51'56" W. long.;
46°31'47." N. lat., 129°07'39" W. long.;

(iii) Southern boundary: A line extended due West from Cape Falcon, Oregon, at 45°46'00" N. lat.

(2) *Sub-Area B.*—(i) *Northern Boundary:* A line extended due west from Cape Falcon, Oregon, at 45°46'00" N. lat.

(ii) *Southern Boundary:* A line extended due west from Cape Blanco, Oregon, at 42°50'20" N. lat.

(3) *Sub-Area C.* (i) *Northern Boundary:* A line extended due west from Cape Blanco, Oregon, at 42°50'20" N. lat.

(ii) *Southern Boundary:* A line extended due west from the California-Oregon border at 42°00'00" N. lat.

(4) *Sub-Area D.* (i) *Northern Boundary:* A line extended due west from the California-Oregon border at 42°00'00" N. lat.

(ii) *Southern Boundary.* A line extended due west from Cape Vizcaino, California at 39°43'30" N. lat.

(5) *Sub-Area E.*—(i) *Northern Boundary:* A line extended due west from Cape Vizcaino, California at 39°43'30" N. lat.

(ii) *Southern Boundary.* The United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35'22" N. lat., 117°27'49" W. long.;
32°37'37" N. lat., 117°49'31" W. long.;
31°07'58" N. lat., 118°36'18" W. long.;
30°32'31" N. lat., 121°51'58" W. long.;

(b) Any person fishing subject to this Part 661 shall be bound by the above described international boundaries, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

(c) The inner boundary of the Fishery Management Area is a line coterminous with the seaward boundaries of the States of Washington, Oregon and California (the "3-mile limit").

(d) The outer boundary of the Fishery Management Area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

§ 661.7 General Restrictions.

The following restrictions apply to all commercial and recreational salmon fishing in Sub-Areas A through E, except that the restrictions in this Part 661 shall not apply to fishing for pink and sockeye salmon regulated under the Convention for the Protection, Preservation, and Extension of the Sockeye Salmon Fishery of the Fraser River System, as amended by the Pink Salmon Protocol, north of 48° North latitude.

(a) No person shall use nets to fish for salmon in the Fishery Management Area except that a hand-held net may be used to bring hooked salmon on board a vessel.

(b) No person shall fish for, or take and retain any species of salmon:

(1) During closed seasons or in closed areas specified in this part;

(2) Once any catch limit specified in this part is attained;

(3) By means of gear or methods prohibited by this part.

(4) In violation of any field order issued under § 661.12.

(c) No person shall take and retain any species of salmon which is less than the minimum length specified in this part (see §§ 661.5 (d), (e)) and (h), 661.7 (f), (g), (h), and (i), 661.10 (c); and § 661.11 (c), regarding "Dressed, Head-off" salmon aboard a "Freezer Trolling Vessel").

(d) No person shall fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this part.

(e) No person shall possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land, any species of salmon or salmon part which was taken in violation of the Act, this Part 661, or any regulation issued under the Act.

(f) No person shall possess on board a fishing vessel in the Pacific Council's Fishery Management Area any salmon for which a minimum total length is set by these regulations, in such condition that its total length cannot be determined; except that "Dressed, Head-off" salmon, (as defined in § 661.5(e) may be possessed aboard a "Freezer Trolling Vessel" (as defined in § 661.5(h)). (Exception: See following paragraph.)

(g) No person shall remove the head of any salmon caught in the Pacific Council's Fishery Management area, nor possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin,

* The line joining these coordinates is the provisional international boundary of the U.S. FCZ as shown on NOAA/NOS Charts #18480 and #18002.

which missing fin indicates that a Coded Wire Tag has been implanted in the head of the fish.

(h) No person while fishing shall possess on a fishing vessel during an open season in any Pacific Council Sub-Area, any salmon which is less than the minimum total length for that species in that Sub-Area; except that "Dressed, Head-off" salmon (as defined in § 661.5(e)) aboard a "Freezer Trolling Vessel" (as defined in § 661.5(h)) shall not be less than the "Dressed, Head-off length", (as defined in § 661.4(d)) for that species in that Sub-Area. (See exception in § 661.7(g).)

(i) No person, while on board a fishing vessel, shall mutilate or otherwise disfigure any salmon in a manner which extends its length to conform to any minimum "Total Length" or "Dressed, Head-off length" requirement specified in this part. Salmon may be gilled and gutted, if in doing so there is no separation of vertebrae. In addition, on board a "Freezer Trolling Vessel" (as defined in § 661.5(h)) salmon may be prepared (as defined in § 661.5(e)) for on-board freezing, if in doing so there is no further separation of vertebrae. (See exception in § 661.7(g).)

(j) No person shall:

(1) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this part, or any other regulation issued under the Act;

(2) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (j)(1) of this subsection;

(3) Resist a lawful arrest for any act prohibited by this part; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person by any Authorized Officer, for any act prohibited by this part.

§ 661.8 Facilitation of enforcement.

The operator of each fishing vessel shall immediately comply with instructions given by Authorized Officers to facilitate safe boarding and inspection of the vessel for purposes of enforcing the Act and this part.

§ 661.9 Penalties.

Any person or fishing vessel found to be in violation of this Part 661 will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act.

§ 661.10 Commercial fishing.

(a) *Open seasons and areas.* The Fishery Management Area is closed to commercial salmon fishing except as opened by this Part 661 or superseding regulations. All open fishing periods shall commence at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) Sub-Area A (U.S.-Canada Border to Cape Falcon, Oregon):

(i) The season for all salmon species except coho, shall begin on May 1, and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on September 8.

(2) Sub-Area B (Cape Falcon to Cape Blanco, Oregon):

(i) The season for all salmon species, except coho, shall begin on May 1, and terminate on May 31. The season for all salmon species except coho, with fishing limited to specific terminal gear as defined in § 661.10(b)(3), shall begin on June 16 and terminate on June 30, from Cape Falcon, south to Cape Blanco.

(ii) The season for all salmon species including coho, shall begin on July 15, and terminate on September 8.

(iii) The season for all salmon species except coho shall begin on September 9, and terminate on October 31.

(3) Sub-Area C (Cape Blanco to Oregon-California border):

(i) The season for all salmon species except coho, shall begin on May 1 and terminate on May 31.

(ii) The season for all salmon species, including coho, shall begin on July 15, and terminate on September 8.

(iii) The season for all salmon species except coho shall begin on September 9, and terminate on October 31.

(4) Sub-Area D (Oregon-California border to Cape Vizcaino):

(i) The season for all salmon species except coho, shall begin on May 1, and terminate on May 15.

(ii) The season for all salmon species, including coho, shall begin on May 16, and terminate on May 31.

(iii) The season for all salmon species, including coho, shall begin on July 16, and terminate on September 30.

(5) Sub-Area E (Cape Vizcaino to U.S.-Mexico border):

(i) The season for all salmon species except coho, shall begin on May 1 and terminate on May 15.

(ii) The season for all salmon species, including coho, shall begin on May 16. This early season shall terminate on May 31.

(iii) The season for all salmon species, including coho, shall begin on July 1, and terminate on September 30.

(b) *Gear restrictions.* (1) No person shall engage in commmercial salmon fishing using other than troll gear in the Pacific Council's Fishery Management Area; however, in Sub-Areas D and E, troll gear need not be fixed to the fishing vessel as specified in § 661.5(o).

(2) No person shall engage in commercial salmon fishing in the Pacific Council Fishery Management Area using other than single, barbless hooks during any open season prior to July 15 in Sub-Areas A, B and C, or prior to May 16, in Sub-Areas D and E, except that bait hooks with natural bait attached as the primary attraction and hooks on artificial salmon plugs may be barbed. Spoons, wobblers, dodgers, and flexible plastic lures shall not be considered artificial salmon plugs under this sub-paragraph, and therefore must be equipped with barbless hooks in all Sub-Areas during the time periods described in this § 661.10(b)(2).

(3) During the period June 16 to June 30 in Sub-Area B (Cape Falcon to Cape Blanco) no person shall use any baits or lures except:

(i) Whole, natural baits with hook sizes of six-ought (6/0) or larger with a distance between the inside of the hook-shank and the point of the hook of not less than three-fourths (¾) of an inch, or 19 millimeters, or

(ii) Artificial salmon plugs, the bodies of which are not less than six (6) inches in length.

(c) *Length Restrictions.* Minimum total lengths of salmon and minimum dressed, head-off lengths of salmon are as follows:

		Minimum total length [1]	Minimum dressed head-off length [1]
Sub-area A	Chinook	28	21½
	Coho	16	12
Sub-areas B and C.	Chinook	26	19½
	Coho	16	12
Sub-areas D and E.	Chinook	26	19½
	Coho	22	16½
All sub-areas	Species other than Chinook and Coho.	None	None

[1] In inches.

(d) *Vessel Inspection and Certification.* Any vessel 26 feet or longer with coho salmon on board in Sub-Areas D and E between May 15 and May 24, shall have on board documentation of a current fishing-vessel hold inspection as required by the State of California.

(e) *Steelhead.* No person engaged in commercial salmon fishing shall take and retain or possess any steelhead

(*Salmo gairdneri*) within the Pacific Council's Fishery Management Area.

(f) *Restriction on recreational fishing from commercial troll vessel*—No person while on a fishing vessel with operable troll gear on board shall engage in recreational fishing for salmon during any period closed to commercial fishing for salmon.

§ 661.11 Recreational fishing.

(a) *Open seasons and areas.* The Pacific Council's Fishery Management Area is closed to recretational salmon fishing except as opened by this Part 661 or by superseding regulations. All seasons shall begin at 0001 hours and terminate at 2400 hours local time on the dates specified herein.

(1) In Sub-Areas A, B and C the season for all salmon species shall begin on May 10, and terminate on September 14.

(2) In Sub-Areas B and C a season *for Chinook salmon only* shall begin on September 15, and terminate on October 31.

(3) In Sub-Areas D and E the season for all salmon species shall begin on February 17, and terminate on October 13.

(b) *Gear restrictions.* (1) No person shall engage in recreational salmon fishing in the Pacific Council's Fishery Management Area using other than recreational fishing gear as defined in § 661.5(n), to which may be attached not more than one artificial lure or natural bait, with no more than four single or multiple hooks.

(2) No person shall use more than one rod and line for recreational salmon fishing in Sub-Areas A, B and C; there shall be no limit to the number of rods and/or lines used for recreational salmon fishing in Sub-Areas D and E.

(3) No person engaged in recreational fishing for salmon in Sub-Areas D and E may use weights of more than four (4) pounds attached directly to the line.

(c) *Length restrictions.* Minimum total lengths of salmon are as follows:

		Minimum total length (in inches)
Sub-area A	Chinook	24
	Coho	16
Sub-areas B and C	Chinook	22
	Coho	16
Sub-areas D and E	Chinook and Coho	22[1]
All sub-areas	Species other than Chinook and Coho.	None

[1] Except that one chinook or coho salmon per day may be less than 22 inches but not less than 20 inches.

(d) *Catch limits.* (1) No person shall fish for, or take and retain, or possess more than three salmon per day while recreationally fishing in Sub-Areas A, B or C.

(2) No person recreationally fishing in Sub-Areas A, B, or C following any reduction in the daily bag limit from three salmon to two salmon, as provided for in § 661.12, shall fish for, or take and retain, or possess more than two salmon per day.

(3) No person shall fish for, or take and retain, or possess more than two salmon per day while recreationally fishing in Sub-Areas D and E.

§ 661.12 In-season adjustments.

(a) The Regional Director (RD) may reduce the recreational daily catch limit for salmon set forth in § 661.11 from 3 to 2 fish in any portion of Subareas A, B, or C (with exceptions as noted in § 661.2) by issuing a field order in accordance with the provisions of this section if the RD finds that:

(1) The total catch by the recreational fishery in the Washington Production Projection (WPP) Regulatory Area (as defined in § 661.5(v)) as of September 14 will exceed 333,000 coho salmon; or

(2) The total catch by the recreational fishery in the Oregon Production Index (OPI) Regulatory Area (as defined in § 661.5(l)) as of September 14 will exceed 240,000 coho salmon.

The catch figures specified in paragraphs (a) (1) and (2) of this section may be modified on the basis of new information leading to revised estimates of coho salmon abundance.

(b) RD may modify the open seasons and catch limits set forth in §§ 661.10 and 661.11 in any part of Subareas A, B or C (with exceptions as noted in § 661.2) by issuing a field order in accordance with the provisions of this section, if the RD finds that:

(1) Actual conditions of abundance and distribution of salmon and fishing efforts and catches differ from conditions anticipated prior to May 1; and

(2) In-season modifications are reasonably necessary to provide adequate escapement for spawning, to meet treaty-Indian allocation requirements, or to maintain, in so far as possible, the historical harvest ratio between commercial and recreational salmon fisheries.

(c) Procedures for in-season evaluation of the recreational daily catch limits.

(1) Preliminary projection: On the working day nearest to July 29, the RD, after consulting with the Chairman of the Council, the Director of WDF, and the Director of the ODF&W, shall assess the coho salmon catch of the recreational fishery in the WPP Regulatory Area and the OPI Regulatory Area and make a preliminary projection of the total catch to September 14 in each Regulatory Area. The RD shall consider the following factors in making these projections:

(i) Coho salmon stock abundance, as updated during the season, in the WPP Regulatory Area and the OPI Regulatory Area; and

(ii) Catch and effort in the recreational fishery to date; and

(iii) The effort trends to date compared with average efforts as specified in paragraphs (d)(2)(i) and (ii) of this section and with projected effort to September 14.

These projections shall be published in the **Federal Register** and other public news media on July 29 or as soon as practicable thereafter.

(2) Final Projections and Field Orders:

(i) On August 7 or the working day closest thereto, the Regional Director, following consultation with the Chairman of the Council, the Director of the WDF, and the Director of the ODF&W, and taking into consideration all information received under paragraph (g) of this section, all factors considered in making the preliminary projections under paragraph (c)(1)(i) of this section, and any additional relevant scientific information received, shall make a final projection of the total coho salmon catch by the recreational fishery in the WPP Regulatory Area and the OPI Regulatory Area to September 14.

(ii) The final projection by the Regional Director and any field order issued under paragraph (a) of this section shall be published in the **Federal Register** and the news media on August 7 or as soon as practicable thereafter, together with the reasons therefor. Recreational fishing may be subject to other in-season modification under paragraph (b) of this section.

(d) Procedures for in-season evaluation of coho abundance and total harvest.

(1) Preliminary Determinations: On August 7, or the working day closest thereto, the Regional Director, following consultation with the Chairman of the Council, the Director of the WDF, and the Director of the ODF&W, shall estimate coho salmon stock abundance in Sub-Areas A, B, and C, and make a preliminary projection of total ocean harvests that will occur by the scheduled end of the fishing season in those Sub-Areas by the commercial and

recreational fisheries. The Regional Director shall consider the following factors in making the preliminary projections:

(i) The number of participants, levels and distribution of fishing effort, and coho salmon catches of the commercial and recreational fisheries as of August 7 compared to similar data and time periods in prior years; and

(ii) The current and historical harvest ratios between the commercial fishery and the recreational fishery, as set forth in paragraph (e) of this section; and

(iii) Abundance estimates and catches of coho stocks in the WPP Regulatory Area as of August 7 compared to the WPP estimate of coho salmon abundance and catch data for the 1974–1976 period; and

(iv) Abundance estimates and catches of coho stocks in the OPI Regulatory Area as of August 7, including private hatchery fish, compared to their original OPI predictions; and

(v) Data from marked-fish recoveries, including analysis of recoveries of coho salmon with implanted coded-wire tags; and

(vi) Any other scientific information relevant to the abundance and distribution of coho stocks, total fishing efforts and catches that is available as of August 7.

These preliminary projections and determinations shall be published in the **Federal Register** and distributed through public news media on August 7 or as soon as practicable thereafter.

(2) Final Determinations and Field Orders: On August 22 or the working day closest thereto, the Regional Director, following consultation with the Chairman of the Council, the Director of the WDF, and the Director of the ODF&W, and taking into consideration all information received under paragraph (g) of this section, all factors considered in making the preliminary projections under paragraph (d)(1) of this section and any additional relevant scientific information received, shall estimate coho stock abundances in Sub-areas A, B, and C and make a final projection of fishing effort and total ocean harvests that will occur by the end of the scheduled fishing season in Sub-Areas A, B, and C by the commercial and recreational fisheries. The following factors shall be considered in projecting ocean fishing effort:

(i) For the WPP Regulatory Area, actual effort as of August 22 compared to average effort for the 1974–76 period and for 1979; and

(ii) For the OPI Regulatory Area, the actual effort trend as of August 22 compared to 1979 boat-days and to average effort derived by aerial surveillance for the 1976–79 period; and

(iii) Any relevant scientific information submitted by the WDF, the ODF&W or any other source.

The final determinations by the Regional Director and any field order issued under paragraph (b) of this section shall be published in the **Federal Register** and other public news media on August 22 or as soon as practicable thereafter, together with the reasons therefor.

(e) Commercial and Recreational Ocean Fisheries Harvest Ratio: Any modification made by the Regional Director under paragraph (b) of this section, shall insofar as possible, maintain the historical coho harvest ratios between the commercial and recreational fisheries as follows:

(1) For the WPP Regulatory Area a 60:40 coho harvest ratio between the commercial and recreational fisheries;

(2) For the OPI Regulatory Area a 71:29 coho harvest ratio between the commercial and recreational fisheries.

(f) Availability of Data: The Regional Director shall compile in aggregate form all data relevant to the preliminary projections and final determinations under paragraphs (c) and (d) of this section, and shall make them available for public review during normal office hours at the Northwest Regional Office of the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109. Telephone (206) 442–7575.

(g) Public Comments: Comments from the public that are relevant to projections and determinations in paragraphs (c) of this section may be submitted to the Regional Director until August 6. Comments from the public that are relevant to the projections and determinations in paragraph (d) of this section may be submitted to the Regional Director until August 21.

(h) Field Orders—Effective Date: Any field order issued under paragraph (a) or (b) of this section shall be effective upon filing with the Office of the Federal Register, and shall remain in effect until the expiration date stated in the order, or until rescinded or superseded, and shall be announced through public news media.

(i) Nothing contained in this Section shall limit the authority of the Secretary to issue emergency regulations under Section 305(e) of the Act as specified in § 611.14.

§ 661.13 Treaty Indian fishing.

(a) Persons entitled to exercise rights under the Treaty with the Makah may fish for all salmon species in that portion of Sub-Area A north of 48°07′36″ North latitude (Sandy Point) from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this paragraph (a), such persons are subject to the provisions of this Part 661, the Act, and any other regulation issued under the Act.

(b) Members of the Quileute and Hoh Tribes entitled to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 48°07′36″ North latitude (Sandy Point) and north of 47°31′42″ North latitude (mouth of Queets River) from 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this paragraph (b), such persons are subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

(c) Members of the Quinault Tribe entitled to exercise rights under the Treaty of Olympia, may fish for all salmon species in that portion of Sub-Area A south of 47°40′6″ North latitude (Destruction Island) and north of 46°53′3‴ North latitude (Point Chehalis) form 0001 hours on May 1, to 2400 hours on October 31. Except as specified by this paragraph (c), such persons are subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

(d) The Secretary will give due consideration in promulgating emergency regulations under § 661.14 to the treaty fishing rights of Indian tribes with usual and accustomed fishing grounds in the area affected by such regulations.

§ 661.14 Emergency regulations.

(a) The Secretary may issue emergency regulations under Section 305(e) of the Act, if an emergency involving the salmon resource is determined to exist. Emergency regulations will be announced by publication of a notice in the **Federal Register**. Information on emergency regulations will be disseminated to affected persons through public news media.

(b) The Council may, at any time, make recommendation to the Secretary for emergency regulations under this section.

§ 661.15 Catch reports.

This Part 661 recognizes that catch and effort data necessary for implementation of this Fishery Management Plan shall be collected by the states of Washington, Oregon and California under existing State data-collection provisions. No additional catch reports will be required of fishermen or processors as long as the data-collection and reporting systems

operated by state agencies continue to provide the Secretary with statistical information adequte for management. Reporting requirements may be promulgated by emergency regulations if this reporting system becomes inadequate for management purposes.

§ 661.16 Test fisheries.

The Secretary may, upon recommendation from the Pacific Council, allow for scientific purposes limited test fisheries for salmon in the Fishery Management Area as may be proposed by the Pacific Council, the Federal Government, State Governments, and Treaty Indian Tribes having fishing rights in usual and accustomed fishing grounds in the Pacific Council's Fishery Management Area.

[FR Doc. 80-23196 Filed 7-30-80; 8:45 am]
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Proposed Rules

Federal Register
Vol. 45, No. 149
Thursday, July 31, 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 SAFETY OVERSIGHT COMMITTEE

1 CFR Part 476

Privacy Act of 1974; Proposed Regulations for Implementation

AGENCY: Nuclear Safety Oversight Committee.

ACTION: Proposed rule.

SUMMARY: The following proposed regulations drafted in accordance with section (f) of 5 U.S.C. 552a, the privacy Act of 1974, are hereby offered for public comment. The purposes of these regulations are to establish procedures by which an individual can determine if the Committee maintains a system of records[1] which included a record pertaining to that individual and also to establish procedures for individual access to the records for purposes of review, amendment and/or correction.

DATE: Comments are due on or before September 2, 1980.

ADDRESS: Send comments to the Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Steven Ebbin (202) 653–8468.

Signed this 22nd day of July, 1980.

Steven Ebbin,

Executive Director.

It is proposed to add the following Part 476 to Title 1 of the CFR.

PART 476—PRIVACY ACT IMPLEMENTATION

Sec.

476.1 Purpose and scope.
476.2 Definitions.
476.3 Procedures for requests pertaining to individual records in a records system.
476.4 Times, places, and requirements for the identification of the individual making a request.
476.5 Access to requested information by the individual.
476.6 Request for correction or amendment to the record.
476.7 Agency review of request for correction or amendment of the record.
476.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
476.9 Disclosure of record to a person other than the individual to whom the record pertains.
476.10 Fees.

Authority: 5 U.S.C. 552a: Pub. L. 93–579.

§ 476.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Nuclear Safety Oversight Committee hereafter known as the Committee maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 476.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Committee, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under control of the Committee from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 476.3 Procedures for requests pertaining to individual records in a records system.

An individual shall submit a request to the Administrative Officer to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Executive Director of the Committee which states the individual's desire to review his or her record.

§ 476.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Officer of the Committee pursuant to Section 476.3 shall present the request at the Committee offices. 1133 15th Street, NW., Room 307, Washington, DC 2005, on any business day between the hours of 9 a.m. and 5 p.m. The individual submitting the request should present himself or herself at the Committee's offices with a form of identification which will permit the Committee to verify that the individual is the same individual as contained in the record requested.

§ 476.5 Access to requested information by the individual.

Upon verification of identity the Committee shall disclose to the individual the information contained in the record which pertains to that individual.

§ 476.6 Request for correction or amendment to the record.

The individual should submit a request to the Administrative Officer which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with provisions of § 476.4.

§ 476.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Officer will acknowledge in writing such receipt and promptly either—

[1] For the proposed systems of records maintained by the Nuclear Safety Oversight Committee, see the Notices section of this issue of the **Federal Register.**

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, and the procedures established by the Committee for the individual to request a review of that refusal.

§ 476.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Officer to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the requests, the individual may file with the Committee a concise statement setting forth the reasons for his or her disagreement with the refusal of the Committee and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 476.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Committee will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Committee's notices of its system of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 476.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

[FR Doc. 80-23115 Filed 7-30-80; 8:45 am]

BILLING CODE 6820-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

[Docket No. AO-86-A39-RO1]

Milk in the Nebraska-Western Iowa Marketing Area; Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the order provisions pertaining to location adjustments for pricing producer milk and pool plant qualification standards for supply plants. It also recommends adoption of a charge for late payments by handlers to the market administrator. The decision is based on industry proposals considered at a public hearing held October 24–27, 1978, and October 23–25, 1979. The recommended changes are necessary to reflect current marketing conditions and to assure orderly marketing in the area.

DATE: Comments are due on or before August 20, 1980.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued September 29, 1978; published October 4, 1978 (43 FR 45881).

Extension of time for filing briefs: Issued January 15, 1979; published January 19, 1979 (44 FR 3989).

Recommended decision: issued July 24, 1979; published July 30, 1979 (44 FR 44523).

Extension of time for filing exceptions: Issued August 29, 1979; published September 5, 1979 (44 FR 51813).

Notice of reopening of hearing: Issued October 1, 1979; published October 4, 1979 (44 FR 57103).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nebraska-Western Iowa marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement of 1937, as amended (7 U.S.C. 601 *et. seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before August 20, 1980. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Omaha, Nebraska, on October 24–27, 1978, and October 23–25, 1979, pursuant to notices thereof issued September 29, 1978 (43 FR 45881) and October 1, 1979 (44 FR 57103).

The material issues on the record of the hearing relate to:

(1) Pooling standards for supply plants.

(2) Diversion of producer milk.

(3) Class I price zones and location adjustments.

(4) Payments to producers and cooperative associations.

(5) Charges on overdue accounts.

(6) Market administrator's reports and announcements concerning classification.

On the basis of the evidence received at the October 24–27, 1978, hearing, the Deputy Administrator, Marketing Program Operations, issued a recommended decision (44 FR 44523) which contained a detailed discussion of the findings and conclusions regarding the proposals under consideration. Interested parties were invited to submit written exceptions, and a number of exceptions were received. Several parties in their exceptions claimed that some of the recommendations contained in the recommended decision concerning Class I price zones and location adjustments went beyond the scope of the proposals specifically set forth in the hearing notice. These parties indicated that had they known that certain order changes tentatively adopted in the recommended decision were under consideration, they would have submitted specific testimony regarding the possible changes. Accordingly, the parties asked that they be given an opportunity to present

additional evidence on the proposed order changes at a reopened hearing.

Based on these requests, it was concluded that in the public interest the hearing should be reopened for the purpose of receiving additional evidence concerning the economic and marketing conditions related to any of the proposals set forth in the original notice of hearing (43 FR 45881) and to any of the recommendations of the Department set forth in the recommended decision of this proceeding. The reopened hearing was held October 23–25, 1979, in Omaha, Nebraska.

The findings and conclusions set forth below represent an analysis of the evidence presented at both the initial and reopened hearings.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearings and the record thereof:

1. *Pooling standards for supply plants.* Several modifications should be made in the pooling standards for supply plants.

First, the period during which a supply plant must ship milk to a pool distributing plant to be eligible for automatic pooling status in a later period should be changed from September through December to September through March. Correspondingly, the months of automatic pooling should be changed from January through August to April through August.

Second, producer milk that is delivered by the operator of a supply plant directly from producers' farms to pool distributing plants should count as qualifying shipments from the supply plant for purposes of determining the supply plant's pooling status. However, the quantity of direct deliveries that may count as qualifying shipments should be limited to 50 percent of the total shipments required for pooling.

Third, the Director of the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, should be given authority to increase or decrease supply plant shipping requirements by up to 20 percentage points if additional shipments are needed or to prevent uneconomic shipments to distributing plants.

Presently, a supply plant must transfer 40 percent of its receipts of milk to pool distributing plants during the month to qualify as a pool plant. However, if the supply plant qualifies as a pool plant during each of the months of September through December, it automatically qualifies as a pool plant during the following months of January through August.

The order also provides that a supply plant operated by a cooperative association may qualify as a pool plant on the basis of the cooperative's total milk movements to distributing plants either by transfer or directly from member producers' farms. Under this provision, a plant operated by a cooperative qualifies as a pool plant if at least 51 percent of the cooperative's milk pooled each month is delivered to pool distributing plants of other handlers. For the purpose of this discussion, such a plant shall be referred to as a "cooperative balancing plant."

Several proposals dealing with supply plant performance standards were considered at the hearing. Mid-America Dairymen, Inc. (Mid-Am), proposed that shipping requirements be increased to 50 percent of Grade A receipts during each of the months of September through December and 30 percent during each of the months of January through August. It also proposed that the market administrator be given the authority to increase or decrease these shipping requirements by up to 20 percentage points if he finds such revision is necessary to obtain needed milk shipments or to prevent uneconomic shipments.

A proposal by Wells Dairy, Inc., would increase the supply plant shipping requirements to 60 percent each month, except that if a supply plant qualified as a pool plant during each of the months of August through December, it would have to ship only 40 percent of its receipts during the following months of January through July.

A proposal by Roberts Dairy Company would have increased shipping requirements for supply plants to 50 percent each month of the year. At the hearing, however, proponent withdrew its proposal and said it would instead support either Mid-Am's proposal or the proposal of Wells Dairy. The proposal of Roberts Dairy was not supported by any other interested party.

Fairmont Foods Company also proposed that supply plants be required to ship every month of the year. Fairmont proposed that shipping requirements be equal to about 90 percent of the projected Class I utilization for the month and that such shipping requirement be announced on the 5th day of the month. In further elaboration of its proposal, a spokesman for Fairmont indicated that supply plant operators should be allowed to include deliveries directly from producers' farms to pool distributing plants as part of their qualifying shipments.

Associated Milk Producers, Inc. proposed a modification of the present supply plant pooling standards. AMPI proposed that the present 40 percent shipping requirement be maintained but that a cooperative association that operates a supply plant be allowed to include as qualifying shipments from the plant milk that is delivered directly from producers' farms to pool distributing plants.

A proposal by Kraft, Inc., provides for two options under which a supply plant could qualify for pool plant status. The first option would modify the present supply plant provision by allowing supply plant operators to include, as qualifying shipments, milk delivered directly from producers' farms to pool distributing plants.

The second option proposed by Kraft would provide for what may be called a "reserve supply plant" provision. Under this provision, which would be restricted to supply plants in the marketing area or within 100 miles of the nearest edge of the marketing area, a handler would notify the market administrator of his estimated receipts for the month, and the market administrator would call on the handler to ship milk when and where it was needed that month. The market administrator would have to give the handler 24 hours' notice for such shipments and could not require the handler to ship more than 90 percent of the milk received by the handler on any given day. For the entire month, a handler could not be required to ship a percentage of its supply that is higher than the Class I utilization for the same month of the preceding year.

Basically, two views emerged at the hearing regarding pooling standards for supply plants. One view held that higher supply plant shipping standards are needed to offset a shortage of milk at distributing plants caused by Mid-Am's decision to hold back pooled milk for its manufacturing operations. This view formed the basis for the several proposals that would require significantly higher shipping requirements for supply plants.

A second view presented at the hearing was that there is no shortage of milk for the fluid market; that any so-called shortage was a contrived shortage; that higher shipments were not needed; and that more milk could be made available to pool distributing plants if the order would permit supply plant operators to ship milk to distributing plants directly from producers' farms.

A representative for Mid-Am, which is the market's major supplier of raw milk, testified that his organization has been shipping an ever-increasing percentage of its milk to pool distributing plants.

thereby resulting in a decreasing volume of milk available for processing at its manufacturing plants. He claimed that at the same time other suppliers (i.e., supply plant operators) have been holding back milk for manufacturing purposes. This, he said, has resulted in an increasing difference in manufacturing plant efficiencies between those organizations shipping a large percentage of their milk to pool distributing plants and those shipping lower percentages. The end result, according to this witness, has been that Mid-Am has been at a competitive disadvantage in terms of pay prices to producers as its manufacturing plants have become less and less efficient because of the reduced volume of milk being processed.

The witness indicated further that Mid-Am concluded that it could no longer continue to supply the fluid needs of the market at levels which were considerably above those required by the order.[1] Mid-Am then advised handlers of its decision to reduce fluid sales in order to improve the efficiency of its manufacturing plants.

After trying to secure alternative supplies of milk, these handlers asked Mid-Am to develop an import program to secure the necessary supplies of milk. According to the witness, Mid-Am then arranged to import milk from plants in the Upper Midwest and Chicago Regional order markets. Mid-Am charged handlers an additional 12 cents per hundredweight on all milk (pooled milk as well as imported milk) purchased from Mid-Am to cover the cost of obtaining the imported milk.

Mid-Am's witness pointed out that in September 1978, when Mid-Am imported 4.5 million pounds of milk from plants regulated under other orders, the Class I utilization in the Nebraska-Western Iowa market was only 51 percent. This witness stressed that the need to import this milk would not have been necessary if the order had required realistic shipments from supply plants. He said that presently a supply plant could qualify for pooling by shipping only 13 percent of its annual receipts to pool distributing plants.[2] While noting that this figure is below the percent shipped by all supply plants during the period from 1977 through September 1978, he emphasized it is well below the 78 percent shipped by Mid-Am during this period.

The witness summarized Mid-Am's position by stating that Mid-Am did not intend to ship milk at the levels it had in the past to the detriment of the economic position of its members when other suppliers on the market are not shipping comparable amounts. He therefore maintained that the order should be amended to force other parties in the market to ship more milk in order to fill this void.

Several distributing plant operators or their representatives testified about the "shortage" of milk in the market. While disturbed about the higher price charged by Mid-Am, almost all witnesses acknowledged an understanding of Mid-Am's position—in particular, the need to stay competitive in terms of producer pay prices with other cooperatives and proprietary handlers who were competing for producers. On questioning, these witnesses conceded that there was not an actual shortage of milk in the market, but that instead a profitable manufacturing milk market was making it very difficult to attract supplies of milk for their total plant needs at a price which the distributing plant operators considered reasonable.

The distributing plant operators claimed that the order was failing in its alleged objective of making adequate supplies of milk available to distributing plants for their total Class I and Class II needs at competitive prices. In support of this claim, they emphasized that the 12-cent per hundredweight additional import charge for all milk purchased from Mid-Am distorted their milk costs and impeded their ability to compete with handlers in surrounding nearby Federal order markets. It was their belief that they should not have to pay "exorbitant" over-order prices to obtain adequate supplies while at the same time many of the pool supply plants are engaged principally in cheese production.[3] It was their contention that the order should "force" milk out of these supply plants by requiring them to ship a higher percentage of their milk supply to distributing plants.

A representative of Fairmont Foods testified that his company had no objection to allowing all Grade A producers in the area to share in the marketwide pool. However, he said, such producers and the plants to which they ship should have an obligation to contribute their fair share toward supplying the Class I and Class II needs of the market. In this connection, he indicated that, as the number of supply organizations and supply plants with extensive manufacturing capabilities increases, shipping requirements must be higher to assure that all such operations are furnishing their fair share of milk for the Class I and Class II needs of the market.

AMPI opposed the proposals to increase the supply plant shipping percentages. The spokesman for the cooperative indicated that higher shipping requirements would not make more milk available to distributing plants, as proponents claimed, but could in fact cause milk supplies to be removed from the market. The witness stressed that higher shipping requirements could result in increased costs to AMPI in qualifying its pool supply plant with such higher costs being borne by producers and consumers. He maintained that the order's present 40 percent shipping requirement is proper and provides the necessary transition in supply plant pooling standards between the lower Class I utilization markets to the north and the higher utilization markets to the south of the Nebraska-Western Iowa market. The cooperative's spokesman stated further that he believed that the supply problem of distributing plants was not related to the order's pool plant shipping requirements but was due, instead, to a business decision of Mid-Am to retain pooled milk in its plant for manufacturing.

Kraft, which operates a pool supply plant in the market, also opposed the proposals to increase the supply plant shipping requirements on the basis that a need for an increase in shipping requirements is not supported by market requirements. The spokesman for the handler stated that pooling standards must reflect the Class I needs of the market. He stated that its proposal to pool a supply plant as a reserve supply plant provided the most practical and efficient method of meeting the objectives of the order's supply plant provisions by providing for supply plant shipments to the market when such shipments are needed and by avoiding the costly inefficiencies inherent in requiring shipments in excess of the market's needs.

He also testified that Kraft is willing to ship its pro rata share of milk supplies to distributing plants, but that Kraft has not been able to consistently do so for several reasons. He said that distributing plant operators do not want to replace direct-ship milk with supply plant milk; that distributors do not receive milk 7 days a week; and that bad weather has often made it difficult

[1] During the first 9 months of 1978, Mid-Am shipped from 68 to 89 percent of its milk supply on this market to pool distributing plants. The order requires at least 51 percent each month under the pooling provisions being used by Mid-Am.

[2] This apparently is derived by multiplying the 40 percent supply plant shipping requirement by the 4 qualifying months of September–December and then dividing the product by 12.

[3] Most of the supply plants referred to throughout this decision are manufacturing plants specializing in cheese production.

to ship the milk, especially since the milk first has to be received at its supply plant and then transshipped to a distributing plant. He indicated that allowing shipments directly from producers' farms to pool distributing plants to count as qualifying shipments for supply plants would make it easier for Kraft to associate more of its milk supply with pool distributing plants.

Five other proprietary supply (cheese) plant operators also testified with respect to changing the pooling standards for supply plants. While opposed to any increase in the shipping requirements, these handlers testified in support of allowing deliveries directly from producers' farms to count as qualifying shipments for their supply plants. They stated that this change would allow them to deliver milk more efficiently. They cited several examples where their farm pick-up trucks go right by a distributing plant on the way to their supply plants. The milk then has to be unloaded at their plants and then reloaded and shipped back to the distributing plant.

One supply plant operator described how he would be able to make more milk available to distributing plants if the milk could move directly from producers' farms. He said that the cost of having to haul milk first to his plant and then to a distributing plant often makes it uneconomical to make such sales. In addition, he said at times it has been impossible to find over-the-road tankers to haul milk from his plant to a distributing plant.

It is obvious from the testimony presented that there are rather sharp differences of opinion regarding what proportion of a supply plant's receipts should be shipped to a pool distributing plant to qualify the supply plant as a pool plant. Essentially, however, the minimum shipping requirements of the order should assure that those supply plants that are sharing in the Class I proceeds of the fluid market will make needed milk supplies available to distributing plants for fluid use. It is within this context that supply plant shipping requirements must be considered.

The adoption of substantially higher shipping requirements on a year-round basis, as provided under several proposals, should be based on an indication that distributing plants are experiencing difficulty in obtaining an adequate supply of milk for Class I use. Data introduced into the record show that deliveries of milk to pool distributing plants by all suppliers have consistently been in excess of the fluid needs of such plants. For example, during the 26-month period of August 1977–September 1979, the ratio of total receipts at distributing plants from producers and pool supply plants to total Class I producer milk averaged 124, ranging from a low of 115 in December 1978 to a high of 129 in October 1977, July 1978, and July 1979. In fact, this ratio was 122 in September 1978, the first month in which Mid-Am held back local supplies for its manufacturing operations. These data indicate that distributing plants are obtaining from all suppliers regularly associated with the market an adequate supply to meet their fluid needs.

The record does not support proponents' claim that an increase in shipping requirements would make available to distributing plants significant quantities of additional milk supplies. Exhibits of the market administrator introduced into the record show that the same 8 supply plants that were pooled continuously during the 31-month period of January 1977–July 1979 have been shipping milk each month at levels substantially above the order's present minimum shipping requirements. In this regard, Table 1 shows the percentage of the producer milk at each of these plants that was shipped to distributing plants during the following periods: September–December 1977 and 1978; January–March 1978 and 1979; and April–August 1978 and 1979.

Table 1.—*Percentage of Producer Milk Received at 8 Pool Supply Plants That Was Transferred to Pool Distributing Plants in the Nebraska-Western Iowa Market During Selected Time Periods* [1]

Plant	September–December		January–March		April–August	
	1977	1978	1978	1979	1978	1979 [2]
A	79	78	79	81	77	72
B	68	54	64	63	50	52
C	69	56	57	55	44	43
D	43	42	12	25	11	8
E	54	58	34	50	35	48
F	44	43	33	38	25	28
G	81	73	7	65	6	60
H	52	53	48	50	43	66

[1] For each time period, the percentage for each plant is the simple average of the plant's monthly percentages for that period.

[2] Average for April–July only.

From this table, it can be seen that Mid-Am's proposed shipping requirements of 50 percent during the months of September–December and 30 percent during January–August would not have had much practical effect in making more milk available to distributing plants because most of the supply plants on the market already were shipping well above those levels. Likewise, Fairmont's proposal for higher shipping requirements would have had little effect in this regard during the seasonal low-production months when the greatest need for supply plant milk occurs. Those plants that were below these levels are fairly small plants so that any additional milk made available by an increase in shipments from these plants would have been relatively insignificant. While we recognize that the proposal by Wells Dairy would have required a somewhat higher level of shipments, we do not agree that such an increase can be justified.

As indicated, the record established that suppliers have consistently delivered more than the Class I needs of pool distributing plants. A substantial quantity of this extra milk is used in Class II products. In 1979, for example, 10.8 percent of the producer milk in this market was used for Class II use.[4] Presumably, such use occurred largely at pool distributing plants in conjunction with the fluid operations of those plants. It is not the intent of the order to require supply plants to ship milk to distributing plants for Class II use. The order provisions are not structured to encourage such movements since this normally is an uneconomic marketing arrangement for producers.

There is no demonstration on the record that a shipping percentage higher than the present 40 percent is necessary to assure that supply plants will make adequate quantities of milk available to distributing plants for fluid use. Instead, it is apparent that distributing plants are able to acquire from supply plants whatever milk supplies are needed and when needed for fluid uses. In this connection, it is significant to note that several supply plant operators stated on the record that between the time Mid-Am announced its decision to reduce local supplies to distributing plants and the initial October 1978 hearing none of the distributing plant operators had contacted them for supplemental milk supplies.

Although the supply plant shipping requirements should not be increased above the present 40 percent level, several changes should be made in the pooling standards to encourage greater efficiency in supply plant operations and to assure that distributing plants can continue to obtain adequate supplies for fluid uses from supply plants.

As indicated previously, several of the proposals under consideration would provide for year-round shipping requirements for supply plants. Proponents argued that such requirements should be adopted because distributing plants need milk every month of the year and not just

[4] Official notice is taken of "Market Administrator's Report," issued monthly by the Nebraska-Western Iowa Market Administrator, for October, November, and December 1979.

during the months when milk production drops off. They also expressed the view that all supply plants in the market should share on a pro rata basis in supplying the needs of the market each month of the year.

The risk in requiring year-round shipments is that at times supply plants may be forced to make uneconomic shipments merely to qualify for pooling. During the months of heavier milk production, practically all of the fluid needs of the market can be met by direct shipments from producers' farms. For this reason, it is preferable in this market to allow market forces to dictate how much milk is needed from supply plants during the months of highest milk production.

One proposal under consideration, Kraft's, would provide complete flexibility in this regard by requiring no regular shipments from supply plants. Instead, the market administrator would call on supply plants to ship whenever he deemed such shipments were necessary. The problem with this approach is that the market administrator could become overly involved with directing month-to-month and even day-to-day shipments. In addition, he would be in the controversial position of having to determine when additional shipments from supply plants are actually warranted.

There is no doubt that in this market regular shipments are needed from supply plants, as is evident by the fact that most supply plants are now shipping well above the minimum levels required by the order. In view of this, it is desirable to maintain at least a minimum level of shipments during those months when the market is most in need of such shipments.

Table 2 indicates that the average Class I utilization of this market during the past 6 years is highest during the months of September through March. Data in this table indicate that during the months of January, February, and March, months when no shipments are now required, the average Class I utilization has been about the same as the utilization during the months of September through December, when shipments must now be made.

Table 2.—*Class I Utilization in the Nebraska-Western Iowa Market, 1974–79* [1]

	1974	1975	1976	1977	1978	1979	Average
January	61	55	57	50	56	52	55
February	59	54	53	49	57	53	54
March	55	55	53	54	50	56	54
April	53	54	50	48	50	49	51
May	47	48	44	44	48	46	46
June	42	44	42	44	44	42	43
July	44	46	43	44	44	41	44
August	47	50	44	49	47	46	47
September	53	59	50	58	51	46	53
October	58	61	53	57	59	51	55
November	56	57	55	60	49	53	55
December	53	56	51	58	50	49	53
Average	52	53	49	50	50	49	

[1] Official notice is taken of the 1975 and 1976 annual summaries of "Federal Milk Order Market Statistics" published by the Agricultural Marketing Service, USDA.

These data lead to the conclusion that the order should be amended to include January, February, and March, along with September, October, November, and December, as the months during which minimum shipments are required from supply plants. A supply plant that meets the shipping requirement during these months would not have to meet the shipping requirement during the succeeding months of April through August. This is not to say that no shipments are needed from supply plants during these months; but at the risk of requiring unnecessary shipments, it is preferable to let market forces determine who ships to whom during those months when production is the highest relative to the Class I needs of the market.

In their exceptions to the initial recommended decision, both AMPI and Kraft opposed the above change of adding January, February, and March as qualifying months in which supply plants would have to make shipments to distributing plants. Also, at the reopened hearing, Kraft reiterated its position regarding this matter.

The basis of AMPI's and Kraft's opposition to changing the qualifying months for supply plants was essentially that it would force supply plants to make uneconomic shipments in order to maintain pool status or it could cause some plants to lose their pool status during the automatic pooling months. They claimed that marketing conditions as portrayed on the record did not support changing the qualifying months. Additionally, AMPI argued that it would be inconsistent to expand the qualifying period for supply plants in light of the current market situation where the number of qualifying outlets (distributing plants) has declined. The cooperative pointed out that since the close of the initial hearing, three distributing plants had closed.

The record does not support opponents' claim that the adopted change in the qualifying period would result in significant pooling problems for supply plant operators. As indicated, in recent years the market's Class I utilization during the months of January-March has been at about the same level as during the months (September, October, November, and December) when shipments are now required to be made by supply plants. Moreover, during the January-March 1979 period, 6 of the 8 supply plants' actual shipments to distributing plants exceeded the order's minimum 40 percent shipment requirement by at least 10 percentage points. Under these cicumstances, the limited increase in shipping standards adopted herein should not have any major impact on the pooling situation for supply plant operators. Accordingly, the arguments advanced by opponents on this issue provide no compelling basis to modify the change in shipping requirements for supply plants as adopted herein.

The order also should be amended to provide for a temporary upward or downward adjustment of the shipping percentages for supply plants if the Director of the Dairy Division determines that additional supplies are needed at distributing plants or to prevent uneconomic shipments of milk to such plants. The adjustment should be limited to 20 percentage points.

Under such an arrangement, the Director would investigate the need for revision, either at the Director's own initiative or at the request of interested persons. If the investigation showed that a revision might be appropriate, the Director would issue a notice stating that a temporary revision of the shipping requirements is being considered and

inviting views of interested persons with respect to the proposed revision. After evaluating such views, the Director would then decide whether a temporary revision was warranted.

The evidence developed regarding the supply plant pooling issue suggests the possiblity that an emergency situation affecting the market's supply-demand situation could develop for a short time which warrants an immediate adjustment (up or down) in the shipping percentages. Presently, any needed change in the shipping requirement for supply plants can be accomplished only through a time-consuming amendment proceeding or by suspension. Such changes that could be accomplished through suspension, however, are limited because of procedural requirements to relaxing rather than increasing shipping requirements. Inclusion of a provision to adjust temporarily supply plant shipping percentages will enhance the ability of the order to deal with short-run emergency situations on a timely basis.

AMPI opposed the adoption of this type of provision. The spokesman for the cooperative contended that there has been very limited experience in other markets in using the "call" pooling feature and that its impact basically remains untested. He also stressed that the procedures that would have to be followed in implementing the temporary adjustment would be lengthy. He concluded that any need to adjust shipping standards to cope with emergency situations could be accomplished equally well through an emergency amendment proceeding.

A similar provision to the one proposed herein has been in the Chicago Regional order since 1969. From all indications, this provision has operated satisfactorily in that market. It is possible, as contended by certain parties, that this provision may not be as useful in this market as it has been in the Chicago market because of the different supply arrangements in the two markets. Nevertheless, the fact that it may be less useful to this market is no basis for denying its use entirely.

Through this type of provision, the pooling standards can be changed on very short notice. By contrast, the amendment procedure has become, if anything, more lengthy as various new hearing procedure requirements have been implemented. For this reason, we believe that inclusion of the proposed temporary revision of the supply plant shipping percentage would be of benefit to the market in an emergency situation and, therefore, should be adopted.

In their exceptions to the initial recommended decision and in testimony presented at the reopened hearing, several pool supply plant operators disagreed with the above findings and conclusions supporting the adoption of a flexible pooling provision. They claimed that the record was devoid of any evidence which supports the need for this type of provision. In this connection, they argued that past experience in the market does not indicate there would be occasions when a temporary aberration in the supply-demand situation of distributing plants would warrant adjusting shipping requirements of supply plants by the type of pooling provision adopted herein.

This claim overlooks an essential part of the entire pooling issue that was considered in this proceeding: namely, whether or not supply plant shipping requirements should be increased. From a procedural standpoint, a review of this facet of the pooling issue presumably could have been accommodated under the temporary adjustment procedure. If it had been determined that marketing conditions warranted a change in the shipping requirement, it could have been implemented in a timely manner under the adopted procedure.

Several of the supply plant operators also expressed concern that the proposed provision would not apply to the proponent's (Mid-Am) three balancing plants but rather only to those plants that qualify as pool supply plants pursuant to § 1065.7(b) on the basis of shipments from the plant. In this regard, it is their belief that Mid-Am, which is the major supplier of milk for pool distributing plants in this market, could trigger a temporary upward adjustment in the shipping requirements of a supply plant simply by withholding milk supplies from distributing plants for manufacturing purposes. They concluded that it would be unfair to apply the flexible pooling provision only to "7(b)" pool supply plants.

Each pooling problem that would be considered under this provision would be carefully reviewed, and the decision reached would take into account the marketing interests of each entity involved. All parties in the market would have an opportunity to express their views on any proposed change before any adjustment in the pooling standards would be made. A temporary change in such standards would be made only if an investigation indicates that an appropriate basis exists warranting such action.

We cannot agree with AMPI's claim in its exceptions that the proposed flexible pooling provision would interfere with the normal supply arrangements that suppliers and buyers enter into for milk on a long-term basis (usually on a 12-month basis). AMPI fails to demonstrate persuasively how the temporary adjustment procedure would interfere with planning and negotiations by buyers concerning long-term commitments for milk supplies.

To the extent possible, the order should encourage milk to move to distributing plants in the most efficient way possible. One means of providing greater efficiency in milk handling practices in this market is to allow handlers to count as a qualifying shipment from their supply plants milk that they deliver directly from producers' farm to distributing plants. The attached proposed order provides for this by allowing a supply plant to qualify as a pool plant at least partially on the basis of direct deliveries from producers' farms as well as by transfers from the plant.

Current order provisions provide that only transfers to pool distributing plants count towards meeting the supply plant shipping requirement. Testimony indicates that because of this requirement milk pooled through supply plants is being received at such plants, reloaded into tank trucks, and then delivered to pool distributing plants when some of the milk could be delivered more efficiently directly to distributing plants initially. Also, a further deterrent under the current order provisions to moving the milk directly from farms to distributing plants is the requirement that the distributing plant operator be the accountable handler for the milk rather than the supply plant operator. In this case, the producers would receive payment through the distributing plant rather than the supply plant. Allowing direct deliveries to count as qualifying shipments would remove the need to supply milk through a supply plant for purposes of pooling the supply plant or maintaining the producers on the supply plant operator's payroll.

The amount of direct-ship milk that can be used to qualify a supply plant as a pool plant should be limited to 50 percent of the plant's total required shipments for pooling. Also, a supply plant operator's deliveries of producer milk directly to distributing plants from producers' farms should be limited to those producers who are located within 150 miles of the supply plant (as based on the post office address of the producer). Although these limitations were not proposed at the hearing, the current milk handling arrangements in this market indicate a need for such limitations.

A supply plant customarily demonstrates its association with the fluid market by shipping milk to

distributing plants for fluid use. Normally, the supply plant obtains such milk from producers who are located within a reasonable hauling distance from the supply plant. As indicated at the hearing, some of the producers associated with a supply plant are located between the supply plant and the distributing plant to which the supply plant is shipping milk. Presumably, other producers delivering milk to the supply plant are located more distant from the distributing plant than the supply plant. While the procurement patterns may vary somewhat among the supply plants in the market, it is reasonable to presume that the limited change in the pooling standards would adequately accommodate most supply plants that desire to move part of their milk supply directly from farms to distributing plants.

Permitting a supply plant to qualify for pooling solely on the basis of direct deliveries not only would go beyond what is needed in the market but also could result in the development of milk handling arrangements not typical of supply plant operations that could be disruptive to the fluid market. If a pool supply plant did not have to ship milk received at the plant, a manufacturing plant located quite some distance from the market could attach itself to the market merely through the delivery of milk to pool distributing plants from producers located near the market center who had no real association with the manufacturing plant. This could result in the attachment of new milk supplies to the market solely for manufacturing with little intent on the part of the plant operator of making such milk available for fluid use. Also, without some limitation regarding the producers whose milk may be diverted, a supply plant operator could seek out producers anywhere in the milkshed without regard to whether they are located within a reasonable hauling distance of the supply plant. This could be disruptive to the normal procurement arrangements of other handlers. The order changes adopted herein are intended to accommodate the supply plant operations as they now exist in the Nebraska-Western Iowa market. They should not encourage new milk handling arrangements that could result in disorderly conditions for the market.

Additionally, limiting the amount of direct deliveries that can count as a qualifying shipment for a supply plant provides a distinction from an operational standpoint between a pool supply plant and a cooperative balancing plant. The order now provides that milk delivered directly from farms to distributing plants can count as a qualifying shipment, without limitation, in the case of a balancing plant operated by a cooperative association (§ 1065.7(c)). Under this type of pooling arrangement, the cooperative must deliver 51 percent of its member producer milk to distributing plants each month of the year to qualify such plant. Also, no automatic pooling status is provided during the heavy production months, as is the case for pool supply plants.

Under this pooling arrangement, a situtation could arise where a supply plant operator, although having met the overall shipping requirement, failed for some reason to transfer a sufficient quantity of milk from the supply plant itself to meet this facet of the shipping standard. In administering the order in this case, a portion of the supply plant operator's diversions to distributing plants should not be considered as part of the supply plant's total receipts if this would result in the plant meeting the shipping standard. The milk disassociated from the supply plant would be whatever amount is necessary to make the remaining diversions to distributing plants equal (or be less than) the quantity of transfers to such plants. The disassociated milk should then be treated as producer milk of the distributing plant operator, who would be required to account to the pool for such milk and pay the producers involved. Under this situation, it would be necessary for the supply plant operator to designate the dairy farmers who are to be disassociated from the supply plant. If he fails to do so, then the plant should not qualify as a pool plant.

The disassociation of some of a supply plant's diverted milk would result in the pooling of the supply plant only in those cases where a large proportion of the plant's total supply had been moved to distributing plants. As one reduces the total deliveries, a point would be reached where mathematically the pooling standard could not be met. In this case, the supply plant would be a nonpool plant and all of the milk claimed by the plant operator as having been diverted to a distributing plant would be treated as producer milk of the distributing plant operator.

At the reopened hearing, representatives of AMPI and several proprietary supply plants opposed the above recommendation to limit the amount of direct deliveries that can be used as a qualifying shipment for a supply plant. Essentially, they contended that such limitation is artificial and arbitrary and impedes the ability of a supply plant operator to maximize the economics and efficiencies that are inherent in supplying distributing plants on a direct-ship basis. It was their position that a supply plant should be allowed to meet its qualifying shipments to distributing plants either by transfers from the supply plant or, without limitation, by direct delieveries from producers' farms, as the order now provides in the case of a cooperative balancing plant.

It is obvious from the position taken by these supply organizations that they want to qualify their supply plants on essentially the same basis as a balancing plant but at a substantially lower performance level than now applies to a balancing plant. If such a pooling arrangement were permitted for a supply plant, there would be no practical basis for retaining the present pooling requirements that now apply to a cooperative balancing plant. As the spokesmen for AMPI and the several proprietary supply plants point out, it may well be there is no basis for having a pooling distinction between the two types of plants. Instead, perhaps it would be more appropriate that the order should provide only for "balancing plants" that could qualify on the basis of either direct deliveries from producer farms or by transfers from supply plants or both. To achieve this desired result in a way that would be equitable to all entities on the market, a new performance standard would have to be developed. However, the record in the present proceeding does not provide an adequate basis to make such a determination which would be equitable to all parties concerned. Accordingly, for all of the reasons previously stated, limiting the amount of direct deliveries that may be used as qualifying shipments for a supply plant is concluded to be appropriate.

In their exceptions to the recommended decision, AMPI and Kraft objected to the proposed requirement that only milk moved directly from producers' farms that are located within 150 miles of the supply plant may count as a qualifying shipment for such plant. Exceptors claimed that the record provides no basis to support such limit. Also, AMPI argued that the proposed limitation "would nullify the usefulness of the recommended provision allowing direct deliveries to count as qualifying shipments." Finally, AMPI contended that such limit ignores the manner in which milk is assembled and moved from farms to distributing plants in the Nebraska-Western Iowa market.

Contrary to exceptors' assertions, we believe there was an adequate basis established on the record for the "150-mile limitation." Although witnesses did not testify specifically on this facet of the pooling issue, consideration must be given to the total record as it reflects the marketing conditions in this market. On the basis of the evidence developed in this proceeding, and for the reasons already cited, limiting direct deliveries that may count as qualifying shipments to those from producers' farms located within 150 miles from the supply plant is reasonable under the present marketing situation.

Further, we have no reason to believe that the "150-mile limitation" will negate the economics of allowing direct deliveries to count in qualifying a supply plant as AMPI contends. While AMPI may have member milk that is located in excess of 150 miles from its Freeman, South Dakota, and Sibley, Iowa, pool supply plants which could be efficiently delivered to distributing plants, there is no indication from the record that any of this milk is now physically associated with either supply plant. Neither was there any indication that any of the milk now physically associated with either of AMPI's two supply plants was obtained from members' farms located in excess of 150 miles of either plant. Apparently, the cooperative's concern in this regard is based on a misunderstanding that it could qualify its two supply plants with milk it delivers to other pool plants as a § 1065.9(c) handler, which is not the case. Only milk that is reported as being associated with a supply plant during the month may be diverted directly to pool distributing plants and count as a qualifying shipment for such supply plant.

At the reopened hearing, Kraft proposed that the definition of a "supply plant" be revised. The handler sought the change to eliminate the basis for the administrative requirement that a supply plant, in order to maintain continuous pool status during the automatic pooling months, must transfer to a distributing plant at least one load of milk per month.

This proposal should not be adopted. The spokesman for the handler did not present any specific testimony on this matter other than stating that such requirement is not necessary to establish that a supply plant is properly associated with the Order 65 pool. There was no other testimony regarding this issue. Moreover, the record provides no evidence of pooling problems encountered by any of the supply plant operators, including Kraft, with the requirement.

AMPI proposed at the initial hearing that the cooperative balancing plant pooling provision (§ 1065.7(c)) be eliminated in view of the fact that there would be little practical difference in terms of the pooling standards between a supply plant and a cooperative balancing plant if the unlimited direct delivery feature for supply plants were adopted. Counsel for Mid-Am objected to the proposal on the basis that it was not part of AMPI's original proposal as published in the hearing notice and thus was outside the proper scope of the hearing. The Administrative Law Judge presiding at the hearing did not rule on the objection but instead concluded that whether or not AMPI's proposed modification is "legally sustainable" was a matter for consideration by the Secretary. In view of the order changes adopted herein relative to pooling standards for supply plants, the legal issue raised in the objection is moot. Accordingly, there is no need to pursue the legal issue raised by the objection.

2. *Diversion of producer milk.* (a) *Diversions to nonpool plants.* Rules concerning the diversion of producer milk from pool plants to nonpool plants should be modified. During the months of September through March, a cooperative association should be allowed to divert to nonpool plants (except producer-handler plants) a quantity of milk not in excess of 40 percent of the quantity of producer milk that the association causes to be delivered to or diverted from pool plants during the month. During the months of April–August, the cooperative should be allowed to divert 50 percent of such receipts. The operator of a pool plant (other than a cooperative association) should be allowed to divert to nonpool plants (except producer-handlers' plants) any milk that is not under the control of a cooperative association that is likewise diverting milk to nonpool plants during the month. The quantity of milk that the operator of a proprietary plant may divert should not exceed 40 percent during the months of September–March and 50 percent during the months of April–August of the milk received at or diverted from such pool plant that is eligible to be diverted by the plant operator.

The order also should provide that at least one day's production of a producer must be physically received at a pool plant during each month in order for the milk of such producer to be eligible for diversion to a nonpool plant as producer milk.

Presently, diversions to nonpool plants are limited to 30 percent of producer milk received at pool plants during the months of January, February, March, September, October, and November, and 40 percent of such receipts during other months of the year. To be eligible for diversion, the order now requires that at least 2 days' production of a producer be received at a pool plant during each month.

AMPI proposed that diversion eligibility for a producer be reduced to 1 day's production received at a pool plant and that diversion limits be increased to 40 percent during each of the months of September–December and 50 percent during each of the months of January–August. A spokesman for AMPI testified that the present diversion limits cause unnecessary, uneconomic, and costly milk movements, including unnecessary pumping and handling of the milk. The unnecessary hauling wastes thousands of gallons of fuel every month, he said, while the extra pumping damages the quality of the milk.

The witness indicated that AMPI regularly hauls producer milk from farms in Minnesota and South Dakota to its supply plant at Sibley, Iowa, solely for the purpose of meeting the present diversion limitations. He estimated that this unnecessary hauling of milk costs AMPI approximately $10,000 per month. Also, he said, because of the difficulty in estimating beforehand the exact quantity of milk that may be diverted, AMPI has over-diverted several times in the last couple of years, causing milk regularly associated with the pool to be excluded.

A spokesman for Mid–Am testified in opposition to AMPI's proposal. This witness argued that the present diversion limits are adequate because data introduced into the record showed that the amount of milk being diverted by all handlers in the market was well within the existing limits. He stated that liberalization of the diversion provisions would make less milk available to the fluid market at a time when market conditions call for greater shipments.

Although most handlers are able to operate within the diversion limits presently in the order, it is apparent from the testimony already described that at least one—AMPI—is not able to do so. It should be noted in this connection that Mid-Am qualifies its large manufacturing plant at Norfolk as a pool plant. In addition, 4 of the 6 proprietary supply plants on the market also have manufacturing facilities. Accordingly, milk not needed by these handlers for fluid use is manufactured right at these pool plants instead of having to be diverted to nonpool plants. At the time of the October 1978 hearing, however, AMPI had only one plant

pooled under the order, which is the supply plant at Sibley. The plant has no manufacturing facilities. Thus, reserve supplies associated with this plant are diverted by AMPI to nonpool plants for manufacturing. This is why AMPI has had difficulty staying within the diversion limits while other handlers in the market have not.

The present diversion limits are unduly tight and discriminate between handlers that operate pool manufacturing plants and those that do not. For example, during the month of October, a handler operating a pool supply plant which also manufactures cheese could ship 40 percent of its milk to a pool distributing plant to qualify for pooling and manufacture the remaining 60 percent of its milk into cheese. A cooperative that operates a pool supply plant without manufacturing facilities could also manufacture 60 percent of the milk pooled through that plant by sending it to one of its nonpool manufacturing plants. However, in this example, only 30 percent of the total receipts could be diverted directly to the manufacturing plant; the remaining 30 percent would have to be received first at the supply plant and then transferred to the manufacturing plant, possibly resulting in unnecessary hauling and handling of the milk. In the case of a cooperative that does not operate a pool supply plant but which does have a nonpool manufacturing plant, 70 percent of the cooperative's milk would have to be shipped to pool plants; the cooperative could divert the remaining 30 percent to its nonpool manufacturing plant. AMPI falls within these latter 2 categories, pooling part of its milk through its Sibley and Freeman supply plants and pooling the remainder as a handler on bulk tank milk.

Theoretically, the diversion allowance for plant operators should be equal to the reciprocal of the shipping requirements for a supply plant or a cooperative balancing plant. In this way, milk that is not needed at pool distributing plants can be diverted to manufacturing plants.

At the reopened hearing, an AMPI spokesman, citing this statement, testified that the diversion limits should be increased to 60 percent during the months of September through December and to 80 percent during the months of January through August. These percentages, he said, would be the reicprocal of the present 40 percent shipping requirement during September through December and their (AMPI's) proposed 20 percent shipping requirement during January through August.

This proposal should not be adopted because it does not accurately reflect the situation in this market. Over 50 percent of the milk on this market is pooled through cooperative balancing plants. The cooperative operating these plants must ship at least 51 percent of its milk every month to pool distributing plants. Information on the record indicates that the level of performance by the cooperative is actually well above this minimum of 51 percent. Similarly, many of the proprietary supply plants on the market are shipping from 55 to 60 percent of their receipts to pool distributing plants during the present qualifying months of September through December.

In view of this record of actual market performance and need, the diversion allowances, as initially adopted, are appropriate for this market. If there is any discrepancy between the proposed diversion limits and the supply plant shipping requirements, it probably indicates that the latter are somewhat low in relation to the actual needs of the market. In any event, we can find no basis for increasing the diversion allowances high than the levels initially adopted.

Recognizing the need for coordination between supply plant shipping requirements and diversion limitations, AMPI proposed that the present months of more limited diversions be changed from September–November and January–March to September – December to coincide with the shipping requirement months for supply plants. As noted earlier, the shipping requirement months for supply plants would be extended to September–March. For this reason, January–March should remain as months in which lower diversion limits apply and, as suggested by AMPI, December also should be included with these months.

The change in diversion limits would have no effect on the amount of milk that a supply plant operator—either a proprietary handler or a cooperative association—would have to make available to distributing plants. The amount of milk that a supply plant operator must make available to pool distributing plants is governed by supply plant shipping requirements. The change in diversion limits, however, will allow more milk that is not needed at a pool supply plant to be diverted to a nonpool manufacturing plant instead of first having to be received at the pool supply plant and then transferred to the nonpool plant. In this way, the change in diversion limits will permit greater efficiency in handling the market's reserve milk supplies.

It is not necessary to require 2 day's production of a producer to be received at a pool plant in order for milk of the producer to be eligible for diversion to a nonpool plant. One day's production received at a pool plant is sufficient to demonstrate that a producer has some association with the fluid market.

An AMPI spokesman testified that the present 2-day requirement has occasionally caused problems when one day's production of a large producer has been picked up in the same bulk tank truck that was also picking up 2 days' production of smaller producers. The spokesman indicated that the cooperative, having assumed that all producers whose milk was on the truck had met the 2-day production requirement, would not discover the error until after the end of the month, when it was too late to correct the problem. Requiring that only one day's production be received at a pool plant during the month should eliminate this problem.

The initial recommended decision provided that milk of a dairy farmer shall not be eligible to be diverted as producer milk unless during the month at least 1 day's production of milk of such diary farmer is physically received at the pool plant from which it is diverted. Kraft, Inc., at the reopened hearing, recommended that this producer delivery requirement should not apply to the milk of a dairy farmer that is diverted to another pool plant because there is no question about the eligibility of such milk for pooling.

This suggested modification should be adopted. The modification will prevent unnecessry hauling and pumping of milk in the case of producer whose farm is situated such that his milk could be diverted to another pool plant throughout the month. It is sufficient that a producer's milk be received at any pool plant during the month to establish the producer's identity with the fluid market. Accordingly, no purpose would be served in requiring such producer's milk to be received at least once during the month at the pool plant from which diverted.

As proposed by Mid-Am, the order should allow the Director of the Dairy Division to increase or decrease the diversion limits by up to 20 percentage points. However, the provision should depart slightly from Mid-Am's proposal by allowing the Director to revise diversion limits independently of any change in the supply plant shipping requirements. This will provide greater flexibility in accommodating situations in which an adjustment may be needed in shipping requirements but necessarily in diversion limits or vice-versa.

Temporary adjustment of diversion limits may be needed for the same reasons as a temporary increase or decrease in supply plant shipping requirements, i.e., the market may need more milk for fluid use or there may be an excessive amount of milk being delivered for fluid use. A decrease or increase in diversion limits will help to accommodate these situations, particularly with regard to milk being pooled by a cooperative acting as a handler on bulk tank milk.

A cooperative acting as a handler on bulk tank milk, unlike a supply plant, does not have any particular standard to meet as far as delivering a certain percent of its milk to pool distributing plants. However, the amount of milk such a coopeative may divert is directly dependent upon the pounds of milk the cooperative delivered to pool plants.

In view of this, to require a cooperative bulk tank hanler to deliver more milk to pool distributing plants it is necessary to reduce the amount of milk the cooperative may divert the nonpool plants. On the other hand, if the market is oversupplied with milk for fluid use, it would be necessary to increase diversion limits so the cooperative could divert more of its milk to nonpool plants for manufacturing use.

In computing diversion limits, the base on which the diversion percentage is computed should be equal to the amount of producer milk delivered to pool plants plus the amount diverted to nonpool plants. Presently, diversion limits are based only on the amount of producer milk delivered to pool plants.

This change will provide for the computation of diversion limits on the same basis as shipping requirements for supply plants. This will insure greater uniformity in market performance between supply plant operators and cooperative bulk tank handlers.

When a handler diverts milk in excess of the limits perescribed in the order, the quantity that is over-diverted cannot qualify as producer milk and be priced under the order. Presently, the diverting handler is required to designate the dairy farmers whose milk is over-diverted. If the handler fails to do so, the order disqualifies all milk diverted by the handler during the month.

This procedure should be modified slightly. In the case of over-diverted milk, the diverting handler should continue to have the prerogative of designating the dairy farmers whose milk is over-diverted. If the handler fails to designate the over-diverted milk, the market admistrator would disqualify all of the milk by the handler on the last day of the month, then all the milk diverted on the second-to-last day, and so on in daily allotments until of the over-diverted milk is accounted for. For example, if a handler over-diverted 10,000 pounds of milk for the month, but diverted 45,000 pounds on the last day of the month, the entire 45,000 pounds would be disqualified.

This procedure, which was proposed by Kraft, Inc., and supported by AMPI, will provide a less severe penalty for an handler who inadvertently over-diverts. In the event a handler does not identify which producers' milk is over-diverted, the new procedure will allow the market administrator to make this determination in a fair and orderly manner.

(b) *Diversions between pool plants.* Kraft, Inc., proposed that the order be amended to provide for diversions between pool plants. This proposal was a corollary change to its proposal to allow supply plants to qualify for pool status on the status of deliveries by the supply plant operator to distributing plants directly from producer's farms.

The order should be amended to provide for diversions between pool plants. This will provide the technical means under the order for milk to be delivered by supply plant operators directly from producers' farms to pool distributing plants and still count as shipments from the supply plant. Also, it will allow the operator of any pool plant to divert milk suppies to another pool plant and retain the producer milk status and payroll responsibility for such milk. Without this provision, a handler wishing to retain his regular producers on his payroll for the entire month would have to physically receive the milk of such producers into his plant (so that it will be considered "producer milk"), then pump it back into the truck, and deliver it to the other pool plant. Such milk would then be considered a transfer from one plant to another with the transferor-handler accounting to the pool for the milk and paying those producers as well.

This practice is obviously uneconomic, resulting in unnecessary and costly movements of milk. In addition, the unnecessary pumping of milk is damaging to its quality. Permitting diversions of milk between pool plants will promote the efficient handling of milk.

In the case of diversions between pool plants, the question arises as to whether such diversions should be considered as a receipt at the divertor plant, the divertee plant, or both for the purpose of determining whether such plants have met the pooling requirements of the order. As adopted herein, such diversions would be treated in the same manner as transfers between pool plants.

The order now includes milk that is transferred from one distributing plant to another in the receipts of the transferor plant. The transfer is excluded from the receipts of the transferee plant. Diversions between pool distributing plants should be treated in the same way.

Milk that is transferred from a pool supply plant to a pool distributing plant is presently included in the receipts of both the supply plant and the distributing plant. Accordingly, diversions from a pool supply plant to a pool distributing plant should be considered in the receipts of both plants.

Fluid milk products that are transferred from a pool distributing plant to a pool supply plant are included in the receipts of the distributing plant but excluded from the receipts of the supply plant. Diversions from a pool distributing plant to a pool supply plant should also be treated this way.

For accounting purposes, milk diverted between pool plants will continue to be the "producer milk" of the diverting handler.

3. *Class I price zones and location adjustments.* The Class I pricing structure under the order should be revised to provide for two pricing zones in place of the three zones now in the order and to modify the application of location adjustments. Map No. 1 illustrates the revised pricing zones. As shown, Zone 1 should have a Class I differential of $1.60, and Zone 2 should have a Class I differential of $1.75.

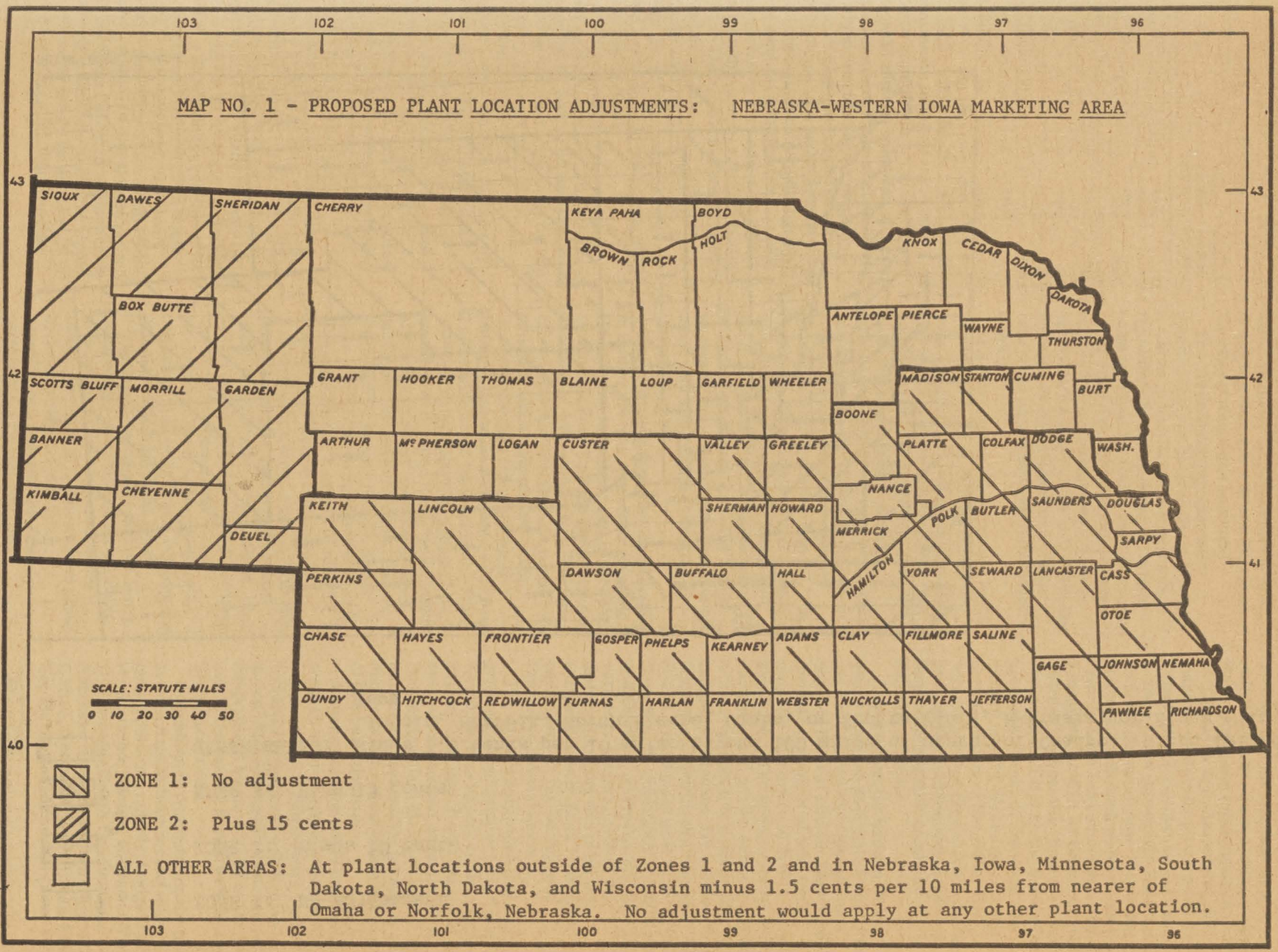
Location adjustments outside of these two zones should apply only at plants in Nebraska, South Dakota (east of State Highway Number 73 only), North Dakota, Minnesota, Wisconsin, and Iowa. In these areas, a minus location adjustment should apply. The location adjustment should be computed at the rate of 1.5 cents per hundred-weight per 10 miles and should be based on the distance from Omaha or Norfolk, Nebraska, whichever is closer. A comparison of location adjustments at selected plant locations outside of Zones 1 and 2 is shown on Table 3.

Currently, the marketing area is divided into three pricing zones. These zones are shown on Map No. 2. The Class I price at plants located in Zone 1 is $1.60 over the basic formula price. The Zone 2 Class I price is 10 cents below the Zone 1 price, while the Zone 3 Class I price is 15 cents higher than the Zone 1 price. Uniform prices in each of these zones bear the same relationship, i.e., the Zone 2 price is 10 cents below the Zone 1 price, and the Zone 3 price is 15 cents above the Zone 1 price.

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NEBRASKA

MAP NO. 1 - PROPOSED PLANT LOCATION ADJUSTMENTS: NEBRASKA-WESTERN IOWA MARKETING AREA



ZONE 1: No adjustment

ZONE 2: Plus 15 cents

ALL OTHER AREAS: At plant locations outside of Zones 1 and 2 and in Nebraska, Iowa, Minnesota, South Dakota, North Dakota, and Wisconsin minus 1.5 cents per 10 miles from nearer of Omaha or Norfolk, Nebraska. No adjustment would apply at any other plant location.

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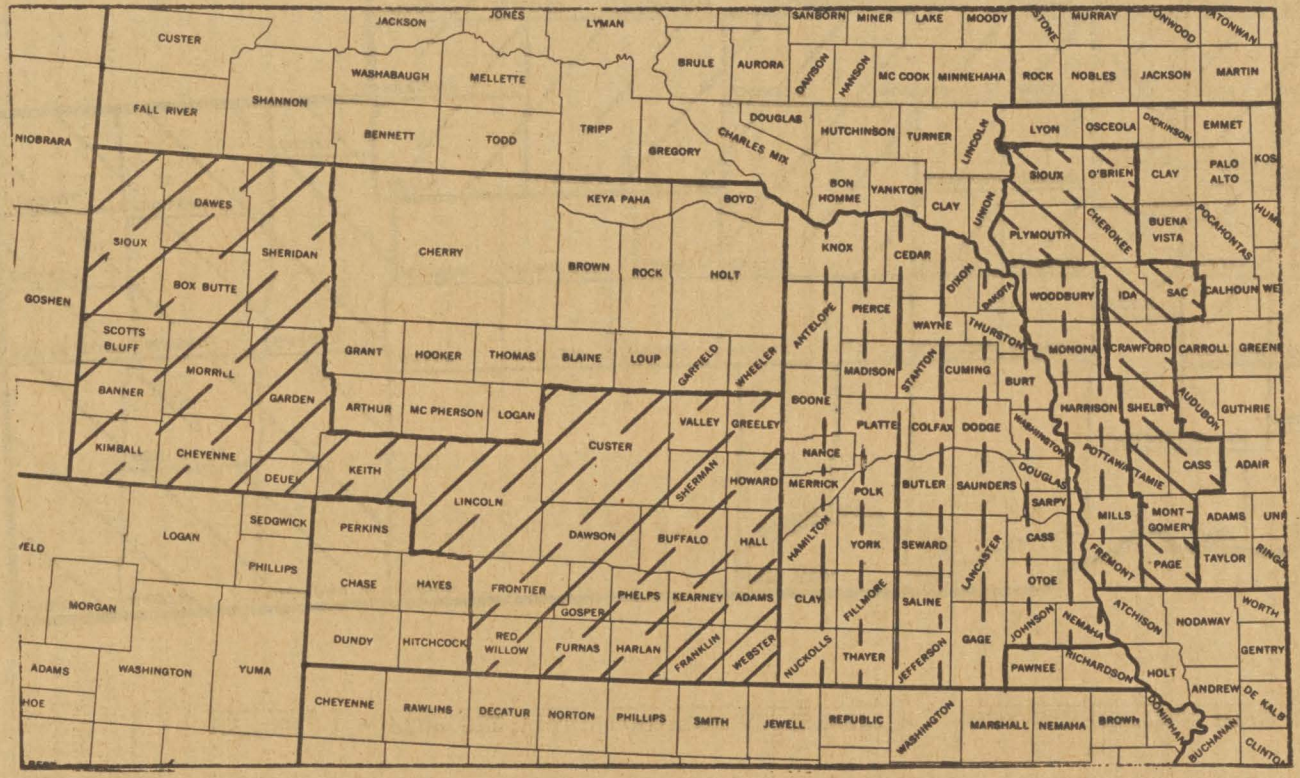
MAP NO. 2 - PRESENT LOCATION ADJUSTMENTS: NEBRASKA-WESTERN IOWA MARKETING AREA

ZONE 1: No adjustment

ZONE 2: Minus 10 cents

ZONE 3: Plus 15 cents

OTHER AREAS: Minus 1.5 cents per 10 miles beyond 100 miles of nearer of Chadron, Grand Island, Lincoln, Norfolk, North Platte, Omaha, or Scotts Bluff, Nebraska, or Sioux City, Iowa.



BILLING CODE 3410-02-C

Table 3.—*Present and Proposed Plant Location Adjustments at Selected Plant Locations*

[Cents per hundredweight]

	Present location adjustment	Proposed location adjustment
O'Neill, Neb.	None	−12
Orchard, Neb.	None	−9
Hartington, Neb.	None	−7
LeMars, Iowa	−10	−16.5
Sibley, Iowa	−10	−24
Atwood, Kan.	+12	None
Clarkfield, Minn.	−22	−39
Freeman, S.D.	None	−15
Kimbalton, Iowa	−10	−10.5
Lake Benton, Minn.	−16	−31.5
Lake Preston, S.D.	−12	−29.5
Laurel, Neb.	None	−6
Lytton, Iowa	−10	−18
New Ulm, Minn.	−23.5	−44
Plainview, Neb.	None	−6
Sanborn, Iowa	−10	−22.5
West Point, Neb.	None	−7.5
Whittemore, Iowa	−16	−33

The order also provides that at a plant located outside of the marketing area and within 100 miles of the nearest specified basing point, the applicable Class I and uniform prices at such plant are the prices applicable in the nearest pricing zone. At plants located outside of the marketing area and more than 100 miles from the nearest specified basing point, the Class I and uniform prices are reduced at the rate of 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is located more than 100 miles from the nearest basing point.

a. *Initial proposals and testimony.* (Based on the hearing held in Omaha on October 24–27, 1978.) Proposals to revise the pricing structure were made by two proprietary handlers and two cooperative associations.

Roberts Dairy, which at the time of the hearing [5] operated distributing plants at Omaha and Grand Island, Nebraska, submitted a proposal that would have combined Zones 1 and 2 into a single zone for pricing purposes. At the hearing, however, it abandoned this proposal. The proposal was not supported by any other party.

Wells Dairy, Inc., of LeMars, Iowa, (presently located in Zone 2) submitted a proposal that would reduce the Class I differential in Zone 2 from $1.50 to $1.40. A representative of Wells Dairy testified that the present $1.50 Class I differential puts it at a disadvantage relative to its competitors under the Eastern South Dakota, Upper Midwest, and Iowa Federal orders. (The Class I differential under the Eastern South Dakota order is $1.40; the Class I differential applicable to competing handlers under the Upper Midwest order would be either $1.06 or $1.12, depending upon their location; and the Class I differential to competing handlers under the Iowa order is $1.40 or slightly less, again depending upon the respective plant's location.)

The Wells Dairy representative testified that the other markets in which it claims to be at a price disadvantage represent about 65 percent of its total sales territory. He stated that the current order price plus the over-order charges imposed by cooperative associations supplying his plant result in Wells Dairy having a 33-cent price disadvantage relative to its competitors under other orders.

Mid-Am proposed that Zones 1 and 3 be revised so as to shift 20 Zone 3 counties in central Nebraska into Zone 1. A Mid-Am spokesman testified that conditions have changed significantly since these pricing zones were established in 1967. He said that Zone 3 was primarily established to attract an adequate supply of milk for plants located in central and western Nebraska. Also, he noted that attention was given to alignment of prices with the Eastern Colorado order based on the historical premise that as milk moved westward the prices should increase at a rate that approximated the cost of transporting milk.

The spokesman testified that supplies in Zone 3 are now more than adequate. He said that only 46 percent of the milk received at Zone 3 plants during the first 9 months of 1978 was actually used in Class I and that this did not include milk of Mid-Am that was pooled on the Eastern Colorado order but which formerly had been associated with Zone 3 plants. He noted that inclusion of the latter milk supplies in the Order 65 pool would have dropped the Zone 3 Class I utilization to about ⅓ of the Grade A supplies potentially available. From these figures, he concluded a higher price is no longer needed in this area to obtain an adequate supply of milk for distributing plants in that zone.

A second argument made by Mid-Am was that the plus 15-cent differential, which is applicable to the uniform price paid to producers as well as to the Class I price, is, in effect, subsidizing producers in Zone 3 at the expense of producers in Zone 1. This is because the pounds of Class I milk on which handlers pay the 15-cent higher Class I price is only about half of the producer milk in Zone 3 on which producers receive the 15-cent higher uniform price. Mid-Am estimated that this subsidization reduced the Zone 1 uniform price by one cent per hundredweight during 1977.

A spokesman for Fairmont Foods [6] testified that his company supported a reduction of the Class I price at North Platte, Nebraska (now included in Zone 3). This witness indicated that the majority of the milk produced in the Zone 3 counties proposed to be included in Zone 1 now moves into Zone 1. He said that Fairmont now distributes over half of the milk from its North Platte Plant in Zone 1 in competition with Zone 1 handlers. In 1976, he noted, most of the distribution from this plant was west and north of North Platte, mainly in the northwest corner of Colorado, the eastern edge of Wyoming, and the northwest part of Nebraska. The witness also testified that a reduction in price at North Platte would not jeopardize the milk supply for Fairmont's plant.

A spokesman for Roberts Dairy, which operates pool distributing plants at Grand Island and Omaha and a nonpool plant at Lincoln, Nebraska, also testified in support of Mid-Am's proposal to transfer 20 Zone 3 counties into Zone 1. The witness stated that this change would put his entire operation in a better competitive position relative to competing handlers. He testified that while some distribution from the Grand Island Zone 3 plant goes to areas in Zone 3, such as McCook, North Platte, and Ogallala, Nebraska, and also into northwest Kansas, most of the distribution from this plant is in competition with Zone 1 handlers, particularly in the Norfolk and Columbus-Seward areas.

The witness contended that the proposed lower price at Grand Island would have no impact on the supply of milk at that plant. It was his belief that, even at the reduced price, the Order 65 distributing plant at Grand Island would remain the best market for supply plants and cooperatives operating in this part of the marketing area.

A spokesman for AMPI testified in support of the proposed transfer of Zone 3 counties also. While noting that AMPI had no producers or outlets in Zone 3, he said that his organization supported the proposal because it did not feel the rest of the market should be subsidizing Zone 3 producers.

Opposition to restructuring the pricing in Zone 3 came from several supply plant operators, namely, Dodge Dairy Products, Inc., Dodge, Nebraska (Zone 1); Ravenna Cheese Co., Ravenna, Nebraska (Zone 3); Oxford Cheese Co., Oxford, Nebraska (Zone 3); Neu Cheese Co., Hartington, Nebraska (Zone 1); and

[5] Roberts Dairy was acquired by Mid-America Dairymen, Inc., on January 14, 1980.

[6] Fairmont discontinued operations in the market as of June 30, 1979.

Orchard Dairy Products, Inc., Orchard, Nebraska (Zone 1).

These handlers took the position that redefining Zone 3 as proposed would substantially reduce the price to dairy farmers delivering milk to Zone 3 plants. They contended that such a reduction would jeopardize the milk supplies of distributing plants located in Grand Island and North Platte (and, presumably, the Zone 3 plants of Oxford Cheese and Ravenna Cheese) because producers delivering to those plants would find a more attractive outlet in the Eastern Colorado market.

Three individual producers who ship milk to Zone 3 plants also testified against any reduction in price at such plants. They testified that if this price were reduced, they would probably look for higher-priced markets in Kansas or Colorado.

A final pricing proposal was made by Land O'Lakes, Inc. (LOL). This cooperative, which has no producers on the Nebraska-Western Iowa market, proposed a change in the application of location adjustments to plants located outside of the marketing area. Presently, such location adjustments are not applied within 100 miles of a basin point. Only beyond 100 miles do they begin at the rate of 1.5 cents per 10 miles from the nearest basing point. Under LOL's proposal, location adjustments would apply within this 100 mile area. The effect of the proposal, therefore, would be to reduce Class I and uniform prices at plant locations outside the marketing area.

A spokesman for LOL testified that the purpose of its proposal is to resolve a price misalignment problem between the Nebraska-Western Iowa and Eastern South Dakota orders in the general procurement area of eastern South Dakota. He claimed that this misalignment had caused it to lose producers on the Eastern South Dakota market because such producers were able to obtain greater returns by having their milk pooled under the Nebraska-Western Iowa order.

Mid-Am supported the LOL proposal to remove the 100-mile buffer zone applicable to location adjustments. The cooperative's spokesman indicated that the pricing structure of the order should encourage milk to move to the primary market. He noted, however, that under the present order provisions there is little incentive for milk to move from southern South Dakota, where Mid-Am competes with AMPI and LOL for milk supplies, to Omaha.

Several examples were cited in support of this argument. The Mid-Am witness testified that a nonpool plant at Freeman, South Dakota, which is roughly 200 miles from Omaha, now carries the Zone 1 price. Producer milk under Order 65 is diverted to this plant. Another nonpool plant is located at Lake Preston, South Dakota, which is about 260 miles from Omaha. This plant also receives diverted milk pooled under Order 65. The price at this plant is only 12 cents below the Zone 1 price.

Also cited by the spokesman for Mid-Am was the Order 65 price for diverted milk at nonpool plants at Clarkfield, Minnesota, and Lake Benton, Minnesota. Although the Lake Benton plant is roughly 265 miles from Omaha, the price at Lake Benton is only 16 cents less than at Omaha. The price at Clarkfield, which is about 275 miles from Omaha, is 22 cents below the Omaha price.

Mid-Am contends that the present order provisions encourage milk to be kept at these distant plants for manufacturing purposes rather than to be moved to the population centers to meet the fluid needs of the market.

AMPI testified in opposition to the proposal of Well's Dairy to reduce the price in Zone 2 and to LOL's proposal to modify location adjustments. An AMPI spokesman testified that there was no basis to reduce the Zone 2 price. He noted that the proposal had been considered at an earlier hearing and turned down. It was his position that there had been no changes in the market since that prior decision which would warrant adoption of the proposal at this time.

With respect to the LOL proposal, this witness testified that he did not believe there was a misalignment of prices in eastern South Dakota between the Nebraksa-Western Iowa order and the Eastern South Dakota order. He contended that there has been little or no shift of producers from Order 76 to Order 65; that any attempt to align the uniform prices of the respective orders would be futile; and that adoption of the proposal would misalign prices in eastern South Dakota, southwestern Minnesota, and along the eastern edge of the Order 65 marketing area.

b. *Additional testimony adduced at the October 23–25, 1979 hearing.* At the reopened hearing, an AMPI spokesman testified further in opposition to the proposals to reduce the Zone 2 price and to increase location adjustments at plants located outside the marketing area. The witness testified that the market was presently being adequately supplied with milk; that there was enough milk produced close to the major population centers of the market so that AMPI's more distant milk in South Dakota and Minnesota was only needed occasionally as a supplemental source of supply; and that, therefore, the premise contained in the initial recommended decision—that greater location adjustments were needed to attract distant milk to the market—was wrong since the distant milk is rarely needed in the market center. He went on to state that "the milk in Minnesota and South Dakota is not totally unneeded in the market. But it is obviously *less economic* to the market. It's *less desirable* to the market than the close-in milk from an economic standpoint . . ." [emphasis added]

Several supply plant operators also testified in opposition to the pricing structure adopted in the initial recommended decision.

Kraft Foods, Inc., which operates a supply plant at O'Neill, Nebraska, in Holt County, opposed any price change at its O'Neill plant. A spokesman stated that if prices in areas north of the marketing area nevertheless are reduced, then Holt, Antelope, Pierce, and Cedar Counties should be excluded from such changes. The witness explained that Kraft and its nearby competitors have supply plants in these counties.

The Kraft spokesman testified that any lowering of its price at O'Neill would put it at a competitive procurement disadvantage compared to Mid-Am's supply plant at North Platte, Nebraska. The North Platte plant, he said, is pooled under the Eastern Colorado order. At the North Platte location, which is about 200 miles southwest of O'Neill, the Eastern Colorado blend price has averaged about 50 cents above the Nebraska–Western Iowa Zone 1 blend price. He said this puts Kraft at a competitive disadvantage in competing for producers in the Nebraska counties of Holt, Rock, Brown, Blaine, Loup, and Garfield. As a result of the price differences, he claimed, Kraft in April 1979 started paying its producers a price above the minimum order price and was continuing to pay such a premium at the time of the reopened hearing in October 1979. He said that adoption of a 12-cent location adjustment at O'Neill, as proposed in the initial recommended decision, would make this situation worse.

A spokesman for Ravenna Cheese Company, Ravenna, Nebraska, testified in opposition to the proposed transfer of 20 Zone 3 counties into Zone 1. He said this would lower the uniform price at his plant location and make it more difficult for Ravenna to attract a Grade A milk supply in competition with Mid-Am, which procures milk in the same general area for the Eastern Colorado market. The witness suggested as an alternative

to the proposed change that only 5 Zone 3 counties (Greeley, Howard, Hall, Adams, and Webster) be transferred to Zone 1. He said this would eliminate any competitive problem between Zone 3 distributing plants (the Roberts Dairy plant at Grand Island in Hall County and the Abbotts Dairy plant at Hastings in Adams County) and Zone 1 distributing plants. Also, he said, this would allow Ravenna Cheese and the Oxford Cheese plant in Furnas County to remain in Zone 3. The witness testified that milk from his plant is transferred to the Roberts distributing plant at Grand Island.

The president of the Neu Cheese Company plant at Hartington, Nebraska, testified that he had no objection to the price change set forth in the initial recommended decision, but also said that he was satisfied with the existing price structure in the order.

The president of Orchard Dairy Products, Orchard, Nebraska, said that he was opposed to the minus 9-cent location adjustment proposed in the initial recommended decision and would prefer the existing pricing structure.

The general manager of Gillette Dairy, which operates a distributing plant at Norfolk, Nebraska, testified against the proposed price changes, particularly as they relate to the 6.5-cent lower Class I price at the Wells Dairy plant at LeMars, Iowa. He said Gillette Dairy, which now has a Class I differential of $1.60, competes extensively with Wells Dairy throughout northeastern Nebraska and eastern South Dakota. For this reason, he said, the lower Class I price at LeMars would disrupt the historical price relationship between Norfolk and LeMars and would result in Gillette Dairy being placed at a disadvantage in relation to its major competitor.

He noted that, like the LeMars area, the Norfolk area is a heavy milk production area. His plant, he said, is largely supplied from farmers within a 65–mile radius of Norfolk. The spokesman indicated that while their preference would be to keep the order's pricing structure as it is now, Gillette Dairy would support as an alternative to the proposed changes a reduction in the Class I differential at Norfolk to $1.47. According to the spokesman, this would put Gillette Dairy in a better competitive position in relation to handlers regulated under the nieghboring Eastern South Dakota and Iowa orders, as well as to the Wells Dairy at LeMars.

A Wells Dairy spokesman testified in support of the pricing structure adopted in the initial recommended decision. However, as discussed later, he stated that additional changes were needed in the order so that the location adjustments provided for in the initial recommended decision would not be disallowed.

c. *Findings and conclusions based on the two hearing sessions.* The location pricing provisions under the order (zone prices and location adjustments at distant plants) assist in encouraging the movement of milk from supply areas to the principal population centers where it is processed for fluid use. Such provisions reflect the lesser value of milk when received at an outlying plant location or when diverted to an outlying location. Additionally, the location pricing provisions assist in maintaining a proper price alignment with nearby markets, which is essential to the attraction of raw milk supplies to various locations where needed.

Class I prices throughout the Federal order system generally increase with distance from the surplus milk producing region of Minnesota and Wisconsin. This is why, for example, the Class I differential under the Upper Midwest order is $1.12, while it is $1.40 under the Eastern Sourth Dakota order, $1.60 under Nebraska-Western Iowa, and $2.30 under Eastern Colordao. The progessively higher prices reflect the theory that the Class I price in a market should not exceed the cost of importing milk from alternative sources of production. Since the Minnesota-Wisconsin area is the only are capable of supplying substantial quantities of supplemental Grade A milk to other markets east of the Rocky Mountains, it is used as the basing point for setting Class I prices applicable to the principal central market of each order.

Location adjustments serve several purposes, one of which is to attract a sufficient supply of milk to the market's distributing plants. If all of the distributing plants in a market were located in one central location, it might be appropriate to have minus location adjustments surrounding the central market to encourage milk to move there from outlying locations where it is produced. However, if there is a distributing plant in the area south or west of the central market (such as at Lincoln or Grand Island, for example), a lower price at that plant's location could jeopardize its supply of milk since the milk in that area could be marketed on an adjacent Federal order market and receive a higher return. Therefore, while location adjustments are needed to encourage milk to move from outlying market locations, consideration also must be given to the need for aligning prices between neighboring markets. For this reason, many Federal orders provide for minus location adjustments in a northerly direction from the market and either plus location adjustments or no location adjustments in a southerly direction from the market.

The pricing structure for the Nebraska-Western Iowa market should insure that adequate supplies of milk for fluid use are available to handlers in the principal population centers of the market. Of the 1.9 million population in the Nebraska-Western Iowa marketing area, by far the largest metropolitan area is Omaha-Council Bluffs with an estimated 1977 population of 581,000. The next largest area is Lincoln with a population of 184,000. The only other metropolitan area is Sioux City with a population of 120,000.

The 3 pool distributing plants in the Omaha-Council Bluffs area and the single distributing plant in the Lincoln area process a relatively large proportion of the Class I milk priced under the order. (There are no distributing plants in Sioux City.) They are not only the major distributors in these areas but also have substantial distribution in other parts of the marketing area. Producer supplies of milk are moved to plants in these major population centers in the market from various locations throughout the marketing area and beyond.

The order's present pricing structure does not adequately encourage or compensate for the movement of milk from supply areas to plants in these population centers. This has been particularly true in the situation where the prices applicable to milk delivered to the Omaha-Lincoln area are the same or only slightly higher than the order prices applicable at outlying plant locations in northeastern Nebraska, northwestern Iowa, eastern South Dakota, and southwestern Minnesota.

Much of the milk supply in this market originates from these northern areas. In May 1979, 15 percent of the producer milk on the market came from 15 counties in southwestern Minnesota; 19 percent of the producer milk came from western Iowa; and 13 percent of the market's milk came from eastern South Dakota. In total, these 3 areas account for 47 percent of the milk on the market. In all of this territory, there are only 3 pool plants on this market—a pool distributing plant located at LeMars, Iowa, a pool supply plant located at Sibley, Iowa, and a pool supply plant at Freeman, South Dakota.

In northeastern Nebraska, there is an 11-county area in which 14 percent of the market's milk was produced in May 1979. In these 11 counties, there are 2 pool plants, both of which are cheese manufacturing plants that are qualified as pool supply plants. The Class I and

uniform prices in this area are the same as those in Omaha and Lincoln.

Several examples will highlight the pricing problems that now exist under the present pricing provisions.

A pool supply plant outside the marketing area is located at Sibley, Iowa. Sibley is about 175 miles from Omaha. The order now provides a transportation allowance of 1.5 cents per 10 miles to transport 100 pounds of bulk milk. At this rate, the price difference between Sibley—which is in a heavy production area—and Omaha—the largest city in the market—should be 27 cents ($.015×18=$.27). However, the price at Sibley is now only 10 cents below the Omaha price. (Omaha has a Class I differential of $1.60 compared to $1.50 at Sibley.)

One of the recipients of AMPI's Sibley milk is Wells Dairy at Le Mars, Iowa. The distance between Le Mars and Sibley is about 52 miles. At 1.5 cents per 10 miles, the allowance for hauling milk from Sibley to Le Mars would be 9 cents per hundredweight. Under the order, however, there is no difference in the prices at these two locations.

Kraft, Inc., operates a pool supply plant at O'Neill, Nebraska. Milk from this plant is shipped to a pool distributing plant at Lincoln, Nebraska. The distance from O'Neill to Lincoln is roughly 200 miles, yet there is no difference in prices between O'Neill, which is in a sparsely populated rural area, and Lincoln, the second largest city in the State.

Similar comparisons can be made with respect to the pool supply plants at Orchard, Nebraska and Hartington, Nebraska. There is presently no price adjustment to cover the cost of transporting milk from these supply plants to distributing plants to the south. Consequently, these costs must either be absorbed by the supply plant operator or, more likely, passed on to the distributing plant operator buying the milk.

Not only does the present pricing structure discourage the movement of milk to the population centers through supply plants, it also provides little or no incentive to move it to distributing plants on a direct-ship basis. Since producers generally bear the cost of transporting milk from their farms to the processing plant, they seek to find outlets which will provide the highest price and the least transportation cost. If a cheese plant happens to be the closest plant, and a product can get the same price there that he can by shipping milk a farther distance to a distributing plant, he naturally will ship his milk to the cheese plant.

The current pricing provisions contribute to the problems described by distributing plant operators of getting a sufficient supply of milk at a reasonable price. By revamping Zone 1 as proposed herein and changing the application of location adjustments to outlying plants, the Zone 1 uniform price will be much more attractive relative to supply areas to the north. It will better insure the availability of milk at plants in the market's population centers.

The LOL and Wells Dairy proposals considered at the October 1978 hearing would have reduced the present Zone 2 price by 10 cents and would have increased by a maximum of 15 cents per hundredweight location adjustments outside the marketing area. By themselves, these proposals would have caused serious problems in price alignment in northeastern Nebraska and in areas bordering the marketing area to the east, as pointed out by AMPI in its brief. Accordingly, it was provided in the initial recommended decision that minus location adjustments be applied in several northeastern Nebraska counties in order to provide an orderly transition in pricing from the major population center of the market to outlying plant locations. In conjunction with this change, it was also recommended that the 8 basing points in the order be replaced with only two, Norfold and Omaha, Nebraska.

In the exceptions to the initial recommended decision, several handlers in northeastern Nebraska complained that they had no knowledge that price changes were being contemplated for their location; that the changes made were wrong; that they were denied the opportunity to testify as to the proper prices at their plant locations; and that in the ensuing 10 months since the initial hearing was held, marketing conditions had changed substantially enough to warrant reopening of the hearing.

As described earlier, these same handlers in northeastern Nebraska did testify at the reopened hearing against the price changes made in the intitial recommended decision. After a thorough review of this additional testimony, we continue to believe that the changes initially recommended are justified and appropriate under the current marketing conditions.

The only pool distributing plant outside the State of Nebraska is Wells Dairy, Inc., at Le Mars, Iowa. Wells Dairy is about 100 miles from its closest Order 65 regulated competitors, Gillette Dairy at Norfolk and Muller Dairy at Howells, Nebraska. Wells Dairy also competes with several other Zone 1 handlers in Omaha and Lincoln. The distance from Le Mars to Omaha is about 125 miles, and from Le Mars to Lincoln it is about 180 miles.

As adopted herein, the Class I differential at Le Mars would be reduced from $1.50 to $1.435. Several Zone 1 handlers expressed opposition to any decrease in price at Le Mars, claiming that it would have an adverse effect on their ability to compete throughout much of eastern Nebraska where their sales overlap with those of Wells Dairy. They urged that the present 10-cent difference in Class I prices that now exists for milk received at Le Mars and at Zone 1 plants be retained.

Based on the order's transportation allowance of 1.5 cents per 10 miles, which is only about one-half of the actual cost of hauling bulk milk, the 125-mile distance from Le Mars to Omaha would suggest a hauling cost of about 20 cents per hundredweight. Thus, it is not reasonable to expect that the adopted 16.5-cent lower price at Le Mars would be disruptive to Zone 1 handlers in competing with Wells Dairy for fluid milk sales in the Omaha-Lincoln area.

As noted earlier, the manager of Gillette Dairy at Norfolk testified that the 6.5-cent lower Class I price at Le Mars would put Gillette Dairy at a competitive disadvantage with Well Dairy in northeastern Nebraska and southeastern South Dakota, where both handlers compete for sales. It is not the purpose of the order to gurantee a handler equal pricing with his competition regardless of where he chooses to market his milk. When a handler chosses to market his milk in a lower-priced area, this is a business decision he makes.

Milk prices are not established on the basis of resale competition among handlers. Indeed, if this were the case, there would be one Class I price throughout the country. Instead, they are established at a level that will insure an adequate supply of milk for that location. As mentioned before, this has resulted in a pricing system that increases with distance from the Minnesota-Wisconsin area.

The price at Le Mars in relation to Norfolk reflects the lesser value of milk at the Le Mars location. While the traditional 10-cent relationship between these two points has been increased to 16.5 cents, this only reflects the order's transportation allowance of 1.5 cents per 10 miles. It in no way gives Wells Dairy a raw milk cost advantage over Gillette Dairy at Norfolk or any place southwest of Norfolk, since the 16.5-cent location adjustment is roughly half of the actual cost of hauling milk from Le Mars to Norfolk.

Although at the reopened hearing Gillette Dairy proposed a reduction in

the Class I price in Zone 1 from $1.60 to $1.47, there was no indication from the handler as to what he is now paying for his milk supplies or how he arrived at the $1.47 other than it would put him in a better competitive position with respect to handlers regulated under the neighboring Iowa order.

There was nothing on the record which would indicate how the present price at Norfolk was placing Gillette Dairy at a competitive disadvantage in competing with either Wells Dairy or handlers regulated under the Iowa order. To the contrary, in those areas southwest of Norfolk, where Gillette Dairy has the great majority of its sales, it clearly has a cost advantage over Wells Dairy or any competing Iowa handlers because of the sharply higher transportation costs for moving packaged milk. Accordingly, we can find no basis for reducing the Zone 1 Class I differential to $1.47.

Contrary to AMPI's position, there have been significant changes in the market since the 1976 hearing that support the changes adopted herein. At the time of the last hearing, October 1976, there were no proposals to change location adjustments at plant locations outside the marketing area. As a result, there would have been serious problems—as pointed out by AMPI—in changing the Zone 2 price without also changing the price in the areas bordering the marketing area. In addition, in October 1976, there was a pool distributing plant located in Sioux City, which has since been closed, that was located about 25 miles from the Wells Dairy distributing plant in Le Mars. It would have been disruptive at that time to lower the Le Mars price without also adjusting the price at Sioux City.

The location adjustments adopted will not cause any misalignment in the eastern South Dakota—southwestern Minnesoat area, as claimed by AMPI. The proposed location adjustments provide for better alignment with the Eastern South Dakota order and Upper Midwest order than do the existing location adjustments. As revised, the Order 65 Class I price differential at Sioux Falls, South Dakota, would be $1.39 compared to $1.40 at that location uder the Eastern South Dakota order. The Order 65 Class I differential at New Ulm, Minnesota, where AMPI operates a nonpool manufacturing plant, would be $1.16, compared to $1.12 under the Upper Midwest order.

AMPI is correct that the proposal of Land O'Lakes would have caused some price misalignment under the existing price zones. However, with the elimination of 11 northeastern Nebraska counties (Antelope, Burt, Cedar, Cuming, Dakota, Dixon, Knox, Pierce, Thurston, Washington, and Wayne) and 6 Iowa counties (Freemont, Harrison, Monana, Mills, Pottawattamie, and Woodbury) from the present Zone 1 and the complete elimination of the present Zone 2, as provided herein, the adopted location adjustments zone from Norfolk and Omaha, Nebraska, will provide a smooth transition in pricing from Zone 1 to areas outside of Zone 1.

It is impossible to tell from the information on the record whether or not producers from Order 76 have shifted to Order 65, as contended by Land O'Lakes. In any event, whether they have or have not is not critical to the issue at hand. What is significant is that the Order 65 Class I price and uniform price adjusted to the South Dakota locations are too high relative to the prices in Zone 1 of the Nebraska-Western Iowa order. The AMPI witness admitted as much when he stated that "there really is inadequate incentive for any milk to move to the market in this Federal order."

AMPI contended in its brief of the initial hearing that "whenever a system of zone pricing is adopted in an order, such as the Order 65 system of zone prices, there can never be an incentive to move milk." Mid-Am's support of the proposal, AMPI argues, is "simply an argument to redestribute pool proceeds by reducing the price paid to AMPI producers and increase the prices received by Mid-America producers at its intra-market manufacturing plants."

With the present broad pricing zones and insufficient location adjustments, it is true that there is little or no incentive to move milk from production areas to distributing plants. However, by modifying the pricing structure, as adopted herein, a solution can be reached whereby significantly greater pricing incentives to move milk can be incorporated in the order, while at the same time the benefits of flat pricing for competing handlers in the heart of the marketing area can be maintained.

As mentioned earlier, at the reopened hearing an AMPI spokesman testified that its milk in eastern South Dakota and southwestern Minnesota is rarely needed in the market center. Therefore, he contended, while the proposed Class I location adjustments will compensate the cooperative for transportation costs when its milk is actually shipped to distributing plants from it outlying plants, at other times the proposed location adjustments will merely reduce the uniform price to AMPI members for no apparent reason.

The order should properly reflect the greater economic value of milk delivered to distributing plants nearer the market center in relation to plants more distant from the market. Conversely, it must also recognize the lesser value of the milk when it is manufactured at an outlying manufacturing plant. To achieve this end, the same location adjustments must be applied to the uniform price as well as to the Class I price. If this were not done, a producer would have no incentive to deliver his milk directly to a city distributing plant instead of to a closer pool plant outlet. Accordingly, the order must be constructed so that location adjustments apply to both the Class I price and the uniform price, without regard to the quantity of milk actually shipped from a supply plant to a distributing plant.

The basing points for determining location adjustments should be limited to Norfolk and Omaha. These points were chosen as basing points because: (1) they are already used as basing points in the present order; (2) there are distributing plants located at both locations; (3) their use results in price alignment with other Federal order markets to the north and east; and (4) they provide the necessary price alignment at the various plant locations within the marketing area.

There is no reason to maintain Chadron, Grand Island, Lincoln, North Platte, Scottsbluff, and Sioux City as basing points. As provided herein, Grand Island and North Platte would be included in pricing Zone 1, while Lincoln is already in Zone 1. Milk moving into Zone 1 comes from north and east of the zone. Since Norfolk and Omaha are at the northern and eastern perimeters of the zone, it is not necessary to maintain the other basing points except for the purpose of having minus location adjustments to the south and west of the marketing area. However, milk does not move to the market from those areas—and is not likely to—because higher prices in neighboring Federal order markets to the south and west tend to attract the milk to those markets. In view of the fact that no milk moves into the market from the southern and western areas, no purpose would be served in maintaining minus location adjustments there.

There are no plants at either Chadron or Scottsbluff,[7] which are in northwestern Nebraska. In fact, in that part of the present Zone 3 that would be retained in the plus 15-cent price zone, there is only one small distributing plant, which is at Kimball, Nebraska, 45

[7] At the October 1979 hearing, reference was made to a distributing plant that is under construction and that is scheduled to open in Scottsbluff in the spring of 1980.

miles south of Scottsbluff. There is no indication on the record that removal of Scottsbluff and Chadron as basing points would have any effect on this handler's operations.

As discussed previously and as shown on Map No. 1, Zone 1 would be enlarged by including 20 central Nebraska counties now in Zone 3 and 7 additional Nebraska counties not now included in any pricing zone. The 20 counties now included in Zone 3, all of which are in the marketing area, are Keith, Lincoln, Frontier, Red Willow, Custer, Dawson, Gosper, Furnas, Phelps, Harlan, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Kearney, Adams, Franklin, and Webster. The 7 counties now outside any pricing zone, and which also are outside the marketing area, are Perkins, Chase, Dundy, Hayes, Hitchcock, Pawnee, and Richardson. There are no plants receiving producer milk in any of these 7 counties, which are added to Zone 1 to facilitate the designation of the appropriate price in those areas.

The only 2 pool distributing plants that would be affected by this price change are located adjacent to the present Zone 1. One of the plants is located at Grand Island in Hall County and the other is at Hastings in Adams County.

While it is necessary to use the pricing mechanism to insure adequate supplies of milk, it is not in the public interest to provide any higher prices than are necessary for this purpose. Based on the evidence in the record, there appears to be no basis for maintaining a Class I differential of $1.75 in central Nebraska.

Opposition to the proposal was largely speculative in that it was based on what might happen if the price were lowered. There was not convincing evidence to support such speculation, nor was there any substantive testimony as to how the market would be adversely affected by the loss of present Zone 3 supply plants now on the market should such plants shift to another market because of more attractive prices. It is true that a lower price in central Nebraska would widen the difference between the Eastern Colorado uniform price and the Nebraska-Western Iowa uniform price. However, the difference would not appear to be wide enough to make it worthwhile for supply plants to shift regulation to the Eastern Colorado market. In any event, there is no indication that milk supplies for distributing plants in this market would be jeopardized under the pricing changes adopted herein.

The suggestion by Ravenna Cheese to transfer only 5 Zone 3 counties (Greeley, Howard, Hall, Adams, and Webster) to Zone 1 would leave Ravenna Cheese and Oxford Cheese in Zone 3. It would make no sense to adopt this suggestion, since this would make the price at these 2 supply plants higher than the price at the distributing plants to which they ship their milk. Thus, not only would there not be a transportation allowance built into the pricing structure, but there would actually be a disincentive to ship milk to distributing plants because the milk would be worth more when physically received at the supply plants.

To accommodate the revised pricing structure adopted herein, certain non-substantive conforming changes have been made in the order language. Pricing zones are no longer defined in the marketing area definition but instead are set forth in the provisions relating to plant location adjustments for handlers. Also, certain "dead" language has been removed from the sections concerning class prices and announcement of class prices.

d. *Application of Location Adjustment Credits.* The provision now in the order that assigns location adjustment credits on bulk milk transferred as Class I between pool plants should be modified in two respects. First, the credits should be increased by 10 percent to provide an allowance for unavoidable Class II and III use associated with a Class I operation. Second, when a location adjustment is not allowed on transferred milk, the transferor-handler should only be required to pay the Class I price at the transferee-plant rather than the Zone 1 Class I price.

Under the order's present procedure, Class I location adjustment credits on bulk transfers between pool plants (except transfers made on an agreed-upon Class II or III utilization) are determined by assigning the Class I utilization at the transferee-plant to the various sources supplying the plant. The Class I utilization is first assigned to other source milk (i.e., from other order plants and unregulated supply plants); next, the Class I utilization is assigned to milk received directly from producers (including milk received from a cooperative association or by diversion from another pool plant); and finally, any remaining Class I milk is assigned to bulk receipts from other pool plants, beginning first with transferor-plants with no location adjustment and then in sequence beginning with the plant at which the least location adjustment applies.

At the reopened hearing, representatives of Wells Dairy and Kraft, Inc., opposed this procedure. A Wells Dairy spokesman testified that additional changes were needed in the order so that the location adjustments provided for in the initial recommended decision would fully apply to Class I bulk transfers of milk between pool plants. Specifically, he proposed that the present provision—§ 1065.52(b)(2)—that allocates location adjustment credits to milk transferred between pool plants be eliminated. As a result of the present provision, he said, location adjustments provided for in the initial recommended decision would be restricted or eliminated entirely on bulk milk transfers between pool plants. He claimed that this would raise the cost of the milk to the transferee-handler.

The Wells spokesman contended that the present procedure will not encourage the movement of milk to distributing plants, which was the basis for restructuring the prices applicable at the various plants associated with the market. He testified that "provisions of the order should encourage the movement of milk to distributing plants. They should make it immaterial to the receiving handler as to whether the milk comes directly from farms or from other plants."

Although opposed to any change in the order's present location adjustment provisions, the Kraft representative testified that, if the proposed location adjustments are ultimately adopted, the Class I location adjustment credits on bulk transfers between pool plants should be modified in two ways: First, all transferor plants should share on a pro rata basis the amount of Class I disposition available at the transferee-plant. (In other words, no preference should be given to other source milk, direct-ship milk, or to any other transferor-plant shipping milk to the transferee-plant.) Second, the amount of location adjustment credits at the transferee-plant should be increased to 110 percent of such plant's total Class I utilization.

As pointed out by the spokesman for Kraft, because of the variations in daily demand for supply plant milk, some milk that is moved to bottling plants and intended for use as Class I milk cannot be so utilized and must be processed into manufactured products. He proposed that an allowance of 10 percent be provided for such unavoidable Class II and Class III uses in determining the aggregate amount of Class I milk that may be assigned to transferor-plants for location adjustment credit purposes. Presently, no allowance for unavoidable Class II and Class III uses associated with a Class I operation is provided under the order.

The procedure for applying Class I location adjustment credits should be modified to provide an allowance of 10 percent for unavoidable Class II and III uses associated with supplying the Class I needs of the transferee-plant. This allowance should be sufficient to accommodate the unavoidable Class II and Class III uses in balancing the receipts from supply plants with day-to-day bottling requirements of distributing plants.

The pro-rata assignment of location adjustment credits provided for in the Kraft proposal should not be adopted; neither should the proposal of Wells Dairy which eliminates the assignment procedure entirely.

Essentially, both the Wells Dairy and Kraft Proposals would result in the full location adjustment credit on all bulk transfers that were classified in Class I, regardless of whether or not such milk was needed for Class I use at the transferee-plant. Thus, adoption of either proposal under the order could serve to encourage the movement of milk to distributing plants for Class II or III use.

Only that milk needed for Class I use should be encouraged to move from production areas to bottling plants. This is why location adjustments for handlers apply only on Class I milk. No location adjustments are applied to Class II and III milk, so as not to encourage the movement of milk for such uses.

It would not be appropriate under the order to encourage the movement of milk to the city for Class II use unless handlers paid for such transportation under the order. Otherwise, the handlers would get free transportation of this milk at the expense of all producers in the market. If distributing plant operators want milk for other than Class I uses, they should bear the transportation costs involved, either under the order or outside the order. Under the order, this could be accomplished by increasing the Class II price. Location adjustments could then be incorporated in the order to accommodate the movement of milk for this use. Any further accommodation for the movement of milk for Class II use should be accompanied by some restructuring of the classification and pricing provisions for such milk under the order, which is beyond the scope of this proceeding.

The location pricing structure adopted herein (which includes the announced Class I price for Zone 1 with plus or minus price adjustments at other locations) requires a further modification in the application of Class I location adjustment credits.

Under the present order provisions, a disallowed location adjustment credit could result in a Class I price to the transferor-handler that is higher than the value of the milk at the transferee-plant. This should be changed so that the transferor-plant would have to account for such milk at the Class I price at the transferee-plant. For example, if milk were transferred from a plant with a minus 15-cent location adjustment to a plant with a minus 10-cent location adjustment, and there was no location adjustment credit allowed for the transferor-handler, then the transferor-handler would have to account to the pool for such transferred Class I milk at the Class I price at the transferee-plant, i.e., a Class I differential of $1.50 (minus a 10-cent location adjustment). Since the maximum location value of the milk in this example is the Class I differential price of $1.50, the order should not impose the higher f.o.b. market price—i.e., $1.60—on any of the transferred milk.

In the event that bulk milk is transferred as Class I milk from a plant with a location adjustment to a plant with a greater location adjustment (for example, a movement from a plant with a $1.50 Class I differential price to another plant with a $1.40 Class I differential price), the Class I differential price to the transferor-handler would be the price at his location (i.e., $1.50 in this example) without regard to assignment of location adjustment credits. Such assignment would not apply to this type of transfer, since movements of milk from a higher-priced area to a lower-priced area should not be encouraged.

4. *Payments to producers and cooperative associations.* The order should be amended to allow handlers, in making partial payments to producers, to make proper deductions from such payments if authorized in writing by the producer.

Presently, the order allows handlers to make authorized deductions from producer payments only when making the final payment on the 15th day of the month. As adopted herein, the order also would allow such handler to make authorized deductions when making the partial payment on or before the 27th day of the month.

Kraft, Inc., proposed this change in the order, citing difficulties caused by the present provisions. A Kraft spokesman testified that there are now occasions when the balance owed to a producer at the time of final payment is less than the authorized deductions for that month. He said that deductions from producers' milk checks are made as an accommodation to producers who have executed assignments in favor of creditors and is a common practice within the dairy industry. He also stated that, when such deductions may only be made from the final payment, there is a wide disparity in the net amount of the final payment as compared to the partial payment. Producers, he said, have expressed dissatisfaction with this procedure, preferring instead to receive approximately equal semi-monthly payments.

The order should allow authorized deductions to be made at the time of partial payment as well as at the time of final payment. This will help insure that producers' obligations can be met through deductions from their checks. It will also aid producers in financial planning by providing equal or nearly equal payments twice a month.

5. *Charges on overdue accounts.* The order should provide a charge on all handler obligations to the market administrator that are overdue. Such charge should be 1 percent per month and should apply on the first day that a payment is overdue and on the same day of each succeeding month until the obligation is paid. Payments subject to the charge would be those due the market administrator for the producer-settlement fund, order administration, marketing services, and audit adjustments.

The institution of a late-payment charge was proposed by Mid-Am. As set forth in the hearing notice, the cooperative proposed that such charge apply to any overdue account due the market administrator by a handler. The late-payment charge, as proposed, would be three-fourths of 1 percent and would apply beginning the day following the date on which payment of an obligation is due.

At the hearing, Mid-Am proposed three changes to its original proposal: First, the application of the late-payment charge would be expanded to apply also to overdue handler obligations to producers and cooperative associations; second, the rate of the late-payment charge would be changed to the prime rate plus two percentage points; and third, the charge would apply on a daily basis rather than on a monthly basis, beginning the first day after an obligation was due.

Mid-Am held that adoption of its proposal, as revised, would provide handlers with the necessary incentive for making prompt payments of both their order obligations to the market administrator and to producers and cooperative associations. Proponent cited the collection problems being experienced by the market administrator and indicated that

producers have an interest in timely payments. In this connection, the Mid-Am spokesman pointed out that in the last year and a half there were at least 4 occasions when the payment due Mid-Am from the market administrator out of the producer-settlement fund was either late or reduced because handlers were delinquent in making their payments to the producer-settlement fund. In addition, he indicated that those handlers making late payments have a competitive advantage in their business operations relative to handlers making timely payments.

In support of the proposed late-payment charge, Mid-Am contended that the charge should be at least as much as the cost of obtaining a loan from commercial sources since delinquent handlers are in effect borrowing money from producers. The cooperative's spokesman indicated that a charge based on the prime rate plus 2 percentage points is in line with current interest rates on commercial loans. In urging that the charge be apportioned on a daily basis, the witness contended that assessing a charge for only the number of days that payment is actually late, rather than on a monthly basis, would encourage more timely payments.

A spokesman for Fairmont Foods Company supported the adoption of a charge on handler obligations that are late to the market administrator. He proposed that such charge be one percent per month and that it be applied on the first day that a delinquency occurs. The principal reason cited by Fairmont in supporting a late-payment charge was that it would prevent handlers who are delinquent in their payments to the market administrator from having a competitive advantage relative to those handlers making timely payments.

A number of handlers who did not testify at the hearing on this issue submitted briefs in opposition to Mid-Am's proposal to assess a late-payment charge on handler obligations to producers and cooperative associations. Generally, they held that inadequate notice was given to interested parties to fully explore at the hearing the various ramifications of applying a late-payment charge on such transactions. Moreover, it was their position that this modification would improperly involve the government in the affairs of private parties.

The record evidence indicates that handlers in this market have been chronically late in paying their various order obligations to the market administrator. Data submitted into evidence by the market administrator's office demonstrated the severity of the problem. For example, during the 12-month period of October 1978–September 1979, the market administrator issued 193 billings to handlers. These covered monthly obligations of handlers to the producer-settlement, administrative expense, and marketing service funds, which were due by the 13th, 14th, and 15th day, respectively, of the month. For this 12-month period, none of the payments due the producer-settlement fund were received by the market administrator on time. Only 2.5 percent of the payments had been received by the 15th day of the month.

This record of payment delinquency likely can be attributed in part to the relatively short time between the mailing of the billings to handlers and the due date when such payments are due the market administrator. For example, in the case of payments to the producer-settlement fund, the market administrator's office completes such billings at the latest by the 12th of the month, and on the following day these payments are due from the handler. Nevertheless, even by the 20th day of the month, which should have been sufficient time to complete the billing and payment cycle through the mail, only 112 payments, or 58 percent of the payments due, were received by the market administrator. As late as the end of the month, 15 percent of the payments had still not been made.

It is essential to the effective operation of the order that handlers make their payments to the market administrator on time. Under the marketwide pooling arrangement, it is necessary that handlers with Class I utilization higher than the market average pay part of their total use value of milk to the producer-settlement fund. Through this means, money is made available to handlers with lower than average Class I utilization so that all handlers in the market, irrespective of the way they use the milk, can pay their producers the uniform price. The success of this arrangement depends on the solvency of the producer-settlement fund.

Also, the prompt payment of amounts due the administrative expense and market service funds is essential to the performance by the market administrator of the various administrative functions prescribed by the order. Delinquent payments to these funds could impair the ability of the market administrator to carry out his duties in a timely and efficient manner.

Payment delinquency also results in an inequity among handlers. Handlers who pay late are, in effect, borrowing money from producers. In the absence of any late-payment charge that approximates the cost of borrowing money from commercial sources, handlers who are delinquent in their payments have a financial advantage relative to those handlers making timely payments.

Because of the late-payment problem that exists in the market, it is appropriate to adopt a late-payment charge of 1 percent per month of the unpaid balance on overdue handler obligations to the market administrator and to apply this charge the first day the obligation is overdue. Whether a charge of 1 percent will be a sufficient inducement to handlers to make their payments to the market administrator on time can be determined only through experience. However, if such a charge is to have an impact, it must be an amount that approximates what a delinquent handler is charged by commercial banks for money borrowed for short-term purposes. If the charge is established at a somewhat lesser rate, handlers who may have payment problems would be encouraged to delay their payments, knowing that the late-payment charge is cheaper than borrowing money commercially at a higher loan rate. At the time of the hearing, the spokesman for Mid-Am indicated that the interest charge on short-term loans in the market was slightly over 12 percent per annum of 1 percent per month. In view of this, a monthly charge of 1 percent should provide reasonable assurance that producer funds do not represent a cheaper source of money.

A late-payment charge of this amount should apply irrespective of whether the obligation is paid 1 day late or 10 days late. If the late-payment charge were treated as interest and computed on a daily basis, as suggested by Mid-Am, the order would merely represent a banking service for handlers who desire to use producer funds as an alternative source of money at the going interest rate. This is not the intended purpose of the late-payment charge. Rather, it is to be a charge that will induce handlers to pay their obligations to the market administrator on time.

Under the provisions adopted herein, overdue handler obligations that are payable to the market administrator would be increased by 1 percent on the day after the due date. Any remaining unpaid portion of the original obligation would be further increased by 1 percent on the same date of each succeeding month until the obligation is paid. The late-payment charge would apply not only to the original obligation but also to any unpaid charges previously assessed.

As proposed at the hearing, the order should apply a late-payment charge on

overdue obligations of a handler operating a partially regulated distributing plant. Under certain conditions, such a handler may be required to make payments to the producer-settlement and administrative expense funds. In the absence of any late-payment charge, a partially regulated handler could have an advantage on his order obligations relative to fully regulated handlers who are subject to the additional charge when they fail to make timely payments. Also, as pointed out earlier, prompt payments to the administrative expense fund are essential to the market administrator's performance of his duties.

A late-payment charge should not apply on handler obligations to producers and cooperatives, as Mid-Am proposed at the initial hearing. Under the present payment practices, it would be difficult to know with certainty when payment has been made. This, of course, presents a problem of knowing when a late-payment charge should apply. The record does not provide an adequate basis for overcoming this problem, such as through the use of different payment or reporting procedures. Thus, such a charge should not be adopted without further exploration of this issue at another hearing.

Both Mid-Am and AMPI excepted to the above conclusion, arguing that payment dates to cooperatives and individual producers are ascertainable and enforceable. However, neither cooperative nor any other party testified at the reopened hearing on this issue. In the absence of evidence indicating a serious problem in this regard, we continue to believe that producers and cooperatives in this market are in the best position to ensure prompt payments for their milk. Accordingly, we reaffirm our earlier conclusion that a late payment charge should not apply to this type of transaction.

Counsel for Kraft, through an objection raised at the hearing, argued that Mid-Am's proposal to apply a late-payment charge on handler obligations to producers and cooperatives should not be considered in this proceeding because proper notice was not provided to the public since the original late-payment proposal of Mid-Am that was included in the hearing notice applied only to handler obligations due the market administrator. The administrative law judge did not rule on the objection, but indicated that the objection should be resolved at the decision-making level in connection with the entire late-payment issue. Since it is concluded that there should be no late-payment charges on handler obligations to producers and cooperatives, there is no need to consider Kraft's objection.

As noted previously, part of the lateness in payments to the market administrator can be attributed in part to the relatively short time between the mailing of the market administrator's billings to handlers and the date by which such billings are to be paid. Presently, the uniform price is announced on the 12th day of the month (the latest date that billings are completed by the market administrator's office), and payments of such billings to the producer-settlement fund are due on the next day. It is obvious that this time interval is insufficient to allow for the transmission of the billings and payments through the mail. Similarly, it is unrealistic to expect the market administrator to make payment from the producer-settlement fund on the 14th day of the month, as now required by the order, if the necessary payments to the producer-settlement fund have not been received. Finally, if the market administrator is unable to make payments out of the producer-settlement fund by the 14th day of the month, those handlers receiving such payments cannot be expected to pay cooperative associations by the 14th day of the month or producers by the 15th day of the month, as the order requires.

A proposal that would have allowed more time for the submission of billings and payments through the mails was included in the notice of hearing. At the hearing, the proponent, Mid-Am, abandoned the proposal. In its brief, however, the cooperative indicated that it would be proper to consider its proposed change in payment dates in order to make the various payment dates under the order more practical and realistic in terms of achieving timely payments. A witness for Fairmont Foods Company indicated support for the proposal but did not elaborate. No other parties either supported or opposed the proposal.

It would not be reasonable to impose a late-payment charge on handler obligations to the market administrator without providing handlers an opportunity to comply with the order in making the required payments. It is within this context that the changes in dates adopted herein are made.

The various payment dates in the order must be coordinated. The first payment due, the payment to the producer-settlement fund, must be coordinated with the announcement of the uniform price. It is only after this price is available that the obligations to and from the producer-settlement fund can be determined and payments made to producers and cooperatives.

The order provides for announcement of the uniform price by the 12th day of the month. Payments to the producer-settlement fund, therefore, should be made by the 15th of the month; payments to handlers from the producer-settlement fund should be made by the 16th day of the month; and payments to producers should be made by the 18th day of the month and to cooperative associations 1 day earlier. These payment dates give handlers a reasonable amount of time to comply with the order in making the required payments.

In conjunction with other changes adopted herein, the dates by which handlers are required to pay administrative and marketing service assessments to the market administrator also should be changed. Such payments are now due on the 14th day of the month for administrative assessments and 1 day later for marketing service assessments. No purpose is served by requiring payments to the producer-settlement, administrative expense, and marketing service funds on different dates. Accordingly, payments to the administrative expense and marketing service funds should be due on the same date that payments to the producer-settlement fund are due.

6. *Market administrator's reports and announcements concerning classification.* A proposal by Mid-America Dairymen, Inc., to require the market administrator to report to a cooperative association the classification of milk received by a handler from the cooperative's supply plant should be denied.

The testimony on the record did not clearly indicate the intent and need for this change in the order. Moreover, Mid-Am proposed in its brief that no action be taken on the proposal. There was no other support for the proposal.

Ruling on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties were inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

A brief filed after the reopened hearing on behalf of Gillette Dairy Products, Orchard Dairy Products, New Cheese Company, Oxford Cheese Corporation, Ravenna Cheese Company, and Dodge Dairy Products alleges that this proceeding is legally deficient because: (1) proper notice was not given for all of the order amendments adopted in the initial recommended decisions; and (2) there was a lack of substantial evidence to support such changes. Counsel for AMPI took a similar position at the reopened hearing and also in his brief.

Although the order changes set forth in the initial recommended decision were within the scope of the first hearing notice, the Department concluded on the basis of industry exceptions that interested parties should have an opportunity to address further the issues at a reopened hearing. Parties were permitted to testify not only on the original proposals but also on the order changes that the Department had set forth in its initial recommended decision.

With respect to the alleged lack of evidence, we find no basis for agreeing with this conclusion. The record provides an adequate basis for the proposed amendments adopted herein.

Six proprietary handlers, in their brief, requested that the proceeding be terminated because of the significant impact that they believe Mid-Am's acquisition of Roberts Dairy will have on the market's competitive structure. On the basis of this development, it was further requested that interested parties be allowed to submit proposals for consideration at a new hearing.

The acquisition of Roberts Dairy, which was a major fluid milk distributor in the market, occurred after the reopened hearing. Thus, the record of the two hearing sessions does not reflect this development. However, there is no persuasive demonstration in the brief of the six handlers that this development nullifies the evidence received at the hearing or would materially affect the outcome of this proceeding if the knowledge of this event were made a part of the hearing record. Therefore, the request that the proceeding be terminated at this point is denied.

Handlers, of course, may submit proposals to the Department for consideration at a hearing at any time. Any proposals received will be reviewed by the Department to determine if they are appropriate for a hearing.

General Findings

The following findings and determinations supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and affirmed, except where they conflict with those set forth below.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The rarity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the market area. The minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions of such agreement would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Nebraska-Western Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1065.2 is revised to read as follows:

§ 1065.2 Nebraska-Western Iowa marketing area.

The "Nebraska-Western Iowa marketing area" (hereinafter referred to as the "marketing area") means all the territory within the boundaries of the counties and townships listed below, including such territory as is now occupied and as may be occupied in the future by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments. Where such establishment is partly within and partly without the designated boundaries, the marketing area shall include the entire area encompassed by such establishment.

(a) Nebraska Counties: Adams, Antelope, Banner, Boone, Box Butte, Buffalo, Burt, Butler, Cass, Cedar, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Gosper, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kearney, Keith, Kimball, Knox, Lancaster, Lincoln, Madison, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Phelps, Pierce, Platte, Polk, Red Willow, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York.

(b) Iowa Counties: Cass, Cherokee, Crawford, Fremont, Harrison, Ida, Mills, Monona, Montgomery, O'Brien, Page, Plymouth, Pottawattamie, Sac, Shelby, Sioux, and Woodbury.

(c) South Dakota Counties: That portion of Union County comprising Jefferson Township, North Sioux City, and the unorganized territory adjacent thereto, as defined and mapped in the United States 1960 Census of Population.

2. In § 1065.7, the word "January" in paragraph (d)(3) is changed to "April," and paragraphs (a) and (b) are revised as follows:

§ 1065.7 Pool plant.

* * * * *

(a) A distributing plant from which there is:

(1) Route disposition (except filled milk) in the marketing area during the month equal to not less than 15 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of transfers and diversions from plants qualifying as pool plants pursuant to this paragraph), and handlers described in § 1065.9(c); and

(2) Total route disposition (except filled milk) during the month or the immediately preceding month equal to not less than 35 percent of the Grade A milk received at the plant during such month from the sources specified in paragraph (a)(1) of this section.

(b) A supply plant from which during the month the volume of fluid milk products, except filled milk, transferred and diverted to pool distributing plants is 40 percent or more of the total Grade A milk received at the plant from dairy farmers (including producer milk diverted from the plant but excluding producer milk diverted to the plant pursuant to § 1065.13) and handlers described in § 1065.9(c), subject to the following additional conditions:

(1) Not more than one-half of the shipping percentage specified in this paragraph may be met through the diversion of milk from the supply plant to pool distributing plants;

(2) The volume of fluid milk products included as qualifying shipments pursuant to this paragraph shall be reduced by the volume of any fluid milk products transferred or diverted from any pool distributing plant to the supply plant or to any other plant operated by the operator of the supply plant;

(3) The shipping requirements of this paragraph may be increased or decreased up to 20 percentage points by the Director of the Dairy Division if that person finds such revision is necessary to obtain shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments; and

(4) A supply plant that qualifies as a pool plant in such of the months of September through March shall be a pool plant for the following months of April through August unless written application is filed with the market administrator by the plant operator requesting the plant be designated a nonpool plant. In such case, nonpool status will be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of transfers and diversions. Any plant that qualifies as a pool plant pursuant to this paragraph will be subject to any shipping requirement announced pursuant to paragraph (b)(3) of this section.

* * * * *

3. In § 1065.9, paragraph (c) is revised to read as follows:

§ 1065.9 Handler.

* * * * *

(c) A cooperative association with respect to milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association. The milk shall be deemed to have been received from producers by the cooperative association at the location of the plant to which it is delivered. Milk delivered pursuant to this paragraph shall not include milk of its member producers diverted to pool plant by the association as a handler pursuant to paragraph (a) of this section;

* * * * *

4. Section 1065.13 is revised to read as follows:

§ 1065.13 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat contained in milk from producers that is:

(a) Received at a pool plant directly from a producer or a handler described in § 1065.9(c), excluding such milk that is diverted from another pool plant;

(b) Received by a handler described in § 1065.9(c) from producers in excess of the quantity delivered to pool plants;

(c) Diverted from a pool plant for the account of the handler operating such plant to another pool plant. Milk delivered pursuant to this paragraph by a supply plant operator shall be limited to those producers who are located within 150 miles of the supply plant (as based on the post office address of the producer). Such milk shall be priced at the plant to which diverted; or

(d) Diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1065.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless during the month at least one day's production of milk of such dairy farmer is physically received at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the month may not exceed 40 percent in the months of September through March, and 50 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The operator of a pool plant (other than a cooperative association) may divert for his account any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d)(2) of this section. The total quantity so diverted during the month may not exceed 40 percent in the months of September through March, and 50 percent in other months, of the milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator

(4) The diversion limits of this paragraph may be increased or decreased up to 20 percentage points by the Director of the Dairy Division if that person finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the Director shall investigate the need for revision either at the Director's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that the revision is being considered and invite data, views, and arguments;

(5) Any milk diverted in excess of the limits prescribed in paragraph (d)(2), (3), and (4) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the over-diverted milk is accounted for; and

(6) Diverted milk shall be priced at the location of the plant to which diverted.

5. In § 1065.41, paragrap (b)(2) is revised to read as follows:

§ 1065.41 Shrinkage.

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1065.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

* * * * *

6. In § 1065.42, paragraph (a) is revised to read as follows:

§ 1065.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1065.44(a)(12) and the corresponding step of § 1065.44(b);

(2) If the transferor-plant or divertor-plant received during the month other

source milk to be allocated pursuant to § 1065.44(a)(7) or the corresponding step of § 1065.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1065.44(a)(11) or (12) or the corresponding step of § 1065.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

* * * * *

§ 1065.44 [Amended]

7. In § 1065.44(a)(8)(ii)(*a*), the introductory text of (a)[(11), and (a)(12)(i)(*b*), the words "and diversions" are added following the word "transfers" in the parenthetical expression and in § 1065.44(a)(13) the reference to "§ 1065.42(a)(1)" is changed to "§ 1065.42(a)."

8. In § 1065.50, paragraph (a) is revised as follows:

§ 1065.50 Class prices.

(a) Class I price. The Class I price shall be the basic formula price for the second preceding month plus $1.60.

* * * * *

9. Section 1065.52 is revised to read as follows:

§ 1065.52 Plant location adjustments for handlers.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include the Nebraska counties of Adams, Boone, Buffalo, Butler, Cass, Chase, Clay, Colfax, Custer, Dawson, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Lancaster, Lincoln, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Valley, Webster, and York.

(2) Zone 2 shall include the Nebraska counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.

(b) For producer milk received at a pool plant (or diverted to a nonpool plant) and which is classified as Class I milk wihout movement in bulk form to a pool plant at which a higher Class I price applies, the Class I price specified in § 1065.50(a) shall be adjusted for the location of the plant receiving the milk as follows:

(1) In Zone 1, no adjustment;

(2) In Zone 2, plus 15 cents;

(3) At a plant located outside of Zones 1 and 2 and in the States of Nebraska, Iowa, Minnesota, North Dakota, South Dakota (east of State Highway 73 only) or Wisconsin, the price shall be reduced by 1.5 cents per 10 miles or fraction thereof (by shortest hard-surfaced highway and or all weather road distance as measured by the market administrator) that such plant is located from the nearer of the city halls in Norfolk or Omaha, Nebraska; and

(4) At any other location, no adjustment.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

(d) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I remaining at the transferee-plant after the computations pursuant to § 1065.44(a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Subtract the pounds of bulk fluid milk products received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1065.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining to transferor-plants in sequence beginning with the plant at which the least adjustment would apply; and

(5) Multiply the pounds so computed for each transferor-plant by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

10. Section 1065.53 is revised to read as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the 5th day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1065.71 [Amended]

11. In § 1065.71(a), the number "13th" is changed to "15th".

§ 1065.72 [Amended]

12. In § 1065.72, the number "14th" is changed to "16th".

13. Section 1065.73 is revised to read as follows:

§ 1065.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for whom payment is not made pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the 27th day of the month, the handler shall pay each producer who had not discontinued shipping milk to such handler for milk delivered during the first 15 days of the month. The amount to be paid for each hundredweight of milk delivered shall be not less than the applicable uniform price for the preceding month less proper deductions authorized in writing by such producer;

(2) On or before the 18th day after the end of the month, the handler shall pay to each producer for each hundredweight of milk delivered the uniform price pursuant to § 1065.61, as adjusted pursuant to §§ 1065.74 and 1065.75, less the following amounts:

(i) The payments pursuant to paragraph (a)(1) of this section;

(ii) Deductions for marketing services pursuant to § 1065.86; and

(iii) Any proper deductions authorized in writing by the producer. However, if by the date specified above the handler has not received full payment for such month pursuant to § 1065.72, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) Each handler shall pay a cooperative association as follows for milk received from producers if the cooperative association has filed a written request for payment with the handler and if the market administrator has determined that such cooperative association is authorized to collect payment:

(1) On or before the 26th day of the month, an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section, less any deductions authorized in writing by such cooperative association; and

(2) On or before the 17th day after the end of each month an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section, less proper deductions authorized in writing by such cooperative association.

(c) Each handler shall pay a cooperative association for receipts of milk for which such cooperative association is the handler pursuant to § 1065.9(c) as follows:

(1) On or before the 26th day of the month, the handler shall pay for milk received during the first 15 days of the month. The amount to be paid for each hundredweight of milk delivered shall be not less than the applicable uniform price for the preceding month; and

(2) On or before the 17th day after the end of each month, the handler shall pay for each hundredweight of milk delivered the uniform price, as adjusted by the butterfat differential specified in § 1065.74, applicable at the location of the receiving handler's plant, less the amount paid pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer or diversion from a pool plant operated by the cooperative association as follows:

(1) On or before the 26th day of the month, the handler shall pay for each hundredweight of fluid milk products received during the first 15 days of the month not less than the Class III price for the preceding month, adjusted by the butterfat differential pursuant to § 1065.74 for the preceding month; and

(2) On or before the 17th day after the end of the month, the handler shall pay for each hundredweight of fluid milk products pursuant to § 1065.42 at not less than the applicable class prices specified in § 1065.50, adjusted for the location of the transferee plant and by the butterfat differential specified in § 1065.74, less payment made pursuant to paragraph (d)(1) of this section;

(e) In making payments to producers pursuant to paragraphs (a) and (b) of this section each handler shall furnish each producer or cooperative association with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to the producer is required under the provisions of §§ 1065.61, 1065.74, and 1065.75;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed pursuant to § 1065.86 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(g) Nothing in this section shall abrogate the right of a cooperative association to make payments to its member producers in accordance with the payment plan of such cooperative association.

14. Section 1065.75 is revised to read as follows:

§ 1065.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1065.61 for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1065.52.

(b) For purposes of computations pursuant to §§ 1065.71(a)(2)(ii), the uniform price shall be adjusted at the rates set forth in § 1065.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

15. A new § 1065.78 is added as follows:

§ 1065.78 Charges on overdue accounts.

Any obligation of a handler pursuant to §§ 1065.71, 1065.76, 1065.77(a), 1065.85, and 1065.86, for which remittance has not been made (or, if mailed, postmarked) by the date specified for such payment, shall be increased one percent, and any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall include unpaid charges previously made pursuant to this section. For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

§ 1065.85 [Amended]

16. In the preamble of § 1065.85, the number "14th" is changed to "15th".

Note.—This revised recommended decision has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant" under those criteria. This decision constitutes the Department's Draft Impact Analysis Statement for this proceeding.

Signed at Washington, D.C., on: July 24, 1980.

William T. Manley,

Deputy Administator, Marketing Program Operations.

[FR Doc. 80-22899 Filed 7-30-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 80-445]

Reserve Accounts

Dated: July 24, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulations.

SUMMARY: The Board proposes the following changes to the net worth requirements imposed on institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation: (1) replace the current net worth requirement of five percent of insurable accounts plus five percent of secured borrowings with a requirement of four percent of liabilities, (2) eliminate the Asset Composition and Net Worth Index plus the five percent of secured borrowings requirement, (3) provide for up to a ten percent reduction in the otherwise applicable net-worth requirement proportionate to the amount of long-term debt, flexible-yield mortgages and short-term liquid assets held, and (4) provide a limited waiver of the net worth and reserve requirements for institutions that sell residential mortgages carrying an interest rate of seven and one-half percent or less. The Board also proposes to reduce the current statutory reserve requirement from an amount equal to five percent of insured accounts to an amount equal to four percent of insured accounts.

DATE: Comments must be received by: September 29, 1980.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Jerry Hartzog, Office of Policy and

Economic Research (telephone number: (202) 377–6777), or Kenneth F. Hall, Office of General Counsel, (telephone number (202) 377–6466), at the above address.

SUPPLEMENTARY INFORMATION: As part of its overall objective of restructuring and liberalizing the reserve requirement without compromising the financial stability of insured institutions, the Board has reviewed its current net worth requirements. The current net worth requirements (12 CFR 563.13(b), as amended by FHLBB Resolution No. 80–444, July 24, 1980), provide for a net worth of the greater of (1) five percent of insurable accounts plus five percent of secured borrowings with original maturities greater than one year plus 20 percent of scheduled items, *or* (2) an amount determined through use of the Asset Composition and Net Worth Index formula, plus five percent of secured borrowings with original maturities of more than one year.

The Board seeks not only to simplify the net worth requirements but also to ensure the requirements more accurately reflect the reserve needs of each insured institution. Toward these ends, the Board proposes the following revisions to the net worth requirements:

(1) replacement of the current requirement of five percent of insurable accounts plus five percent of secured borrowings with a requirement of four percent of liabilities;

(2) elimination of the Asset Composition and Net Worth Index plus the five percent of secured borrowings requirement;

(3) reduction by up to ten percent of the otherwise applicable net worth requirement in proportion to the amount of long-term debt, flexible-yield mortgages and short-term liquid assets held by an association; and

(4) waiver of the net worth and reserve requirements of institutions that sell residential mortages carrying an interest rate of seven and one-half percent or less.

The Board also proposes to reduce the statutory reserve requirement, set out at 12 CFR 563.13(a), from five to four percent of insured accounts. The Board requests comment on all aspects of these proposed changes, which are discussed below.

Replacement of Current Net Worth Requirement With a Liability Test

The reason for the proposed change from a base keyed only to savings to a liabilities base, which includes both savings and borrowings, is a concern that the future growth of non-deposit sources of funds will make a savings-based test increasingly inadequate as an indicator of financial soundness. Due to increasing competition from nondepository institutions such as money market funds, the planned phase-out of deposit rate controls and the rate differential, and a projected strong demographic demand for housing and mortgage loans in the 1980s, the rate of growth of deposits in the future is likely to be insufficient to meet the demand for mortgage loans. It is expected, therefore, that associations will increasingly utilize non-deposit sources of funds to eliminate that short-fall, particularly in light of recent revisions of the Board's outside borrowing regulations that provide greater flexibility for associations to tap outside sources of funds. Because this would mean the amount of savings as a proportion of total liabilities will decrease, the Board believes that total liabilities will prove to be a better measure of the reserve needs of insured institutions than the current savings base.

Since changing to a liabilities standard would enlarge the base against which the percentage requirement is applied, leaving the percentage at five percent would result in an increase in the net worth requirement for insured institutions. The Board believes it would be inappropriate at this time to increase the net worth requirement and, therefore, proposes to change the percentage requirement to four percent.

Elimination of Asset Composition and Net Worth Index

The current net worth regulation provides that insured institutions shall maintain a level of net worth calculated in accordance with the Asset Composition and Net Worth Index ("ACNWI") (see 12 CFR 563.13(b)(2)) plus five percent of secured borrowings with an original stated maturity of more than one year (see 12 CFR 563.13(b)(4)), if such a level is greater than that based on the percentage-of-savings test. Approximately 22 percent of insured institutions utilize the ACNWI while the remainder employ the savings-based test.

The proposed elimination of the ACNWI would significantly simplify the Board's regulations. Currently, institutions must calculate the results of both the ACNWI test and the five percent of savings test. Under the proposal, institutions would only have one net worth test to meet. This simplification is in accordance with the Board's continuing commitment to meet the simplification objective of Executive Order 12044 ("Improving Government Regulations") as well as the requirements of § 803(3) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96–221, 94 Stat. 132 (1980)), which requires that, to the maximum extent possible, regulations shall minimize "compliance costs, paperwork, and other burdens on the financial institutions, consumers, and public . . . ."

A second reason for the proposed elimination of the ACNWI is the difficulty of measuring the relative riskiness of individual asset categories. The purpose of the ACNWI requirement has been to control excessive risk-taking by making an institution's net worth requirement vary with the riskiness of the types of assets held by the institution. It has proved quite difficult, however, to establish reserve requirements for particular types of assets that accurately reflect the comparative risks of holding those assets. In addition, the risks of holding various types of assets tend to change over time, necessitating a continuing assessment of the risks associated with each type of asset. In light of these problems with the ACNWI, the Board believes its usefulness and practicality are limited.

Qualifying Balance Deduction

This proposed change would reduce the net worth requirements for insured institutions holding certain qualifying balances. The reduction is structured so that it would reflect the lower reserve needs of institutions that hold such qualifying balances because of reduced risk. The amount of the reduction would be proportionate to the amount of qualifying balances held by an institution. Since a lowering of the net worth requirements would make more funds available for investment in mortgage loans through increased growth, the proposed reduction should encourage institutions to increase their holdings of the qualifying balances.

The qualifying balances include (1) interest-bearing liquid assets, as described in 12 CFR 523.10 (including assets that would qualify within that definition except for their maturities), that will mature within one year, (2) up to one-half of all flexible-yield mortgages (*e.g.*, renegotiable rate mortgages, variable rate mortgages), and (3) fixed-rate, liability sources of funds (e.g., outside borrowings, Federal Home Loan Bank advances, certificate accounts) that have a remaining term to maturity of more than five years. The Board specifically requests comment on whether certificate accounts should be included as a qualifying balance, since such accounts are subject to prepayment and therefore may not exhibit the true

characteristics of a long-term liability source of funds.

Under the proposed change, the dollar amount of an institution's net worth requirement would be decreased by three cents for every dollar of qualifying balances held, in an amount up to ten percent of the net worth that would otherwise be required by § 563.13(b)(2). This figure was reached after study of the historical behavior of interest rates and of the manner in which S & L profitability fluctuates.

The proposed change focuses on the problem institutions face of an imbalance between the maturities of their liabilities and their assets. This is the "borrow short/lend long" problem. The maturity imbalance of an institution is the difference between the average duration (or effective average maturity) of its assets and the average duration of its liabilities. If an institution's assets and liabilities have equal durations, cyclical fluctuations in interest rates will not cause fluctuations in profitability. The maturity imbalance of the typical savings and loan association causes its cost of funds to fluctuate more widely over the cycle than its asset yield, thereby causing cyclical fluctuations in profitability.

The fact that institutions with maturity imbalance problems will encounter periods of unusually low profits means they must maintain a high net worth to ensure the availability of sufficient reserve funds during those periods. Conversely, institutions that have maturity-balancing assets and liabilities are less vulnerable to fluctuations in profitability. Therefore, they need not maintain as high a level of reserves.

In the past, restricted asset and liability powers made it difficult for many insured institutions to alleviate maturity imbalances. At present, however, due to expanded borrowing authority, RRM and VRM authority, and a growing control over deposit composition resulting from the phase-out of deposit rate controls, the Board believes these associations have the ability to begin to alleviate their maturity imbalances. Through this proposal, the Board seeks to structure the net worth requirements to reflect the reserve needs of institutions holding maturity-balancing assets and liabilities and to provide institutions with maturity imbalance problems with an incentive for restructuring their holdings of assets and liabilities and to make cyclical fluctuations in profitability more manageable.

Waiver Relating to Sale of Mortgages

Currently, many insured institutions hold a significant number of low-interest, fixed-rate mortgage loans. Since today's substantially higher market rates require these institutions to pay more for the money they use to make mortgages, they are finding themselves in the midst of an earnings squeeze. This earnings squeeze will not ease until the amount institutions take in as income matches more closely the amount they pay to depositors to attract savings and the cost of their borrowings.

The Board is concerned with the detrimental effects this earnings squeeze has had on the nation's mortgage market. Therefore, the Board proposes to provide a limited waiver of the net worth and reserve requirements relating to the sale of mortgages with interest rates of seven and one-half percent or below. Without such a waiver, fewer institutions would be able to sell their low-yielding mortgages because the losses they would incur from such sales would reduce their net worths and reserves below the regulatory minimums. This proposal would provide insured institutions with a means of reducing the number of low-yielding mortgages in their portfolios and, thus, of improving their income streams.

The proposed regulation would grant a waiver subject to the following conditions:

(1) Failure to meet the minimum net worth and reserve requirements would result from losses from the sale of fixed-rate residential mortgages that have an original interest rate of seven and one-half percent or lower and that have a remaining term at the time of sale of at least five years;

(2) The total book value of such mortgages sold does not exceed ten percent of the total book value of the institution's residential mortgage assets, and the book value of such mortgages sold in any one fiscal year does not exceed five percent of the total book value of the institution's residential mortgage assets;

(3) All of the proceeds of such sales are reinvested in residential mortgage loans within 60 days;

(4) The regulation may not be used to reduce the institution's stautory reserve to less than three percent;

(5) No waiver shall be effective for more than five years from the date of the sale in connection with which the waiver is granted; and

(6) The institution must complete records of all transactions undertaken pursuant to the proposed regulation.

The waiver would also be conditional on the institution establishing and maintaining a plan setting forth (1) that all conditions set out above shall be met, (2) the benefits, including the cash-flow benefits, the institution expects to gain from the waiver, (3) the institution's plan for building up its net worth to the minimum amount required within five years of the date of the sale in connection with which the waiver is granted, and (4) a summary of any prior sales made pursuant to the waiver provision.

Any sale made under the provisions of the regulation would have to occur on or before December 31, 1982. Thus, institutions would have a limited time period within which to take advantage of the waiver provisions.

Retention of Scheduled Items Requirement

The proposed regulation would retain the current provision that 20 percent of scheduled items be included as part of the net worth requirement. The Board believes the 20 percent requirement should be retained because scheduled items are indicative of risky assets that may default and so result in a loss of principal to an institution. In addition, scheduled items represent already occurring losses in the form of late payments. Finally, it is believed that the amount of scheduled items represents a measure of the level of expertise in loan underwriting by institution management. Retention of the requirement, therefore, will be value to the Board in assessing the financial soundness of institutions.

Reduction of Statutory Reserve Component of Net Worth

Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)), as amended by Section 409 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (*supra*), provides that the statutory reserve shall be no greater than six percent nor less than three percent of insured accounts, as determined by the Board. The Board proposes to reduce the existing statutory reserve requirement of five percent (see 12 CFR 563.13(a)(2)) to four percent of insured accounts. The purpose of this reduction is to ensure that the statutory reserve requirement operates in tandem with the net worth requirement, which the Board would utilize as its primary measure of the reserve needs of insured institutions.

The Board is also taking this opportunity to withdraw Board Resolution No. 76–758 (41 FR 44057; published on October 6, 1976), proposing amendments to the Federal Insurance Reserve Account regulation.

Accordingly, the Board proposes to amend 12 CFR 563.13 as set forth below.

SUBCHAPTER D—INSURANCE OF ACCOUNTS

PART 563—OPERATIONS

1. Amend paragraphs (a)(2) and (a)(5)(i) of § 563.13 by deleting "five" and substituting in its place "four."

2. Revise paragraphs (b)(2) thru (4) of § 563.13 and add a new paragraph (d) to that section, to read as follows:

§ 563.13 Reserve accounts.

* * * * *

(b) *New worth requirement.*

* * * * *

(2) *Minimum required amount.* On the annual closing date of the twentieth anniversary of insurance of accounts and on each annual closing date thereafter, an insured institution shall have net worth at least equal to (i) four percent of the sum of (*a*) the amount of the institution's checking, tax and loan, and savings account balances on such closing date, or the average of such account balances on such closing date and on one or more of the four immediately preceding annual closing dates, provided all such dates are consecutive, and (*b*) the amount on such closing date of all other on-balance-sheet liabilities of the institution, including the unpaid principal amount of all outstanding borrowings (including borrowings from a Federal Home Loan Bank or a State-chartered central reserve institution), whether secured or unsecured and regardless of maturity, and (ii) an amount equal to 20 percent of the institution's scheduled items. Commencing with the annual closing date after the fiscal year in which a certificate of insurance is issued, each insured institution that has not reached the twentieth anniversary of insurance of accounts shall have a net worth at least equal to the amount required of institutions with twenty or more consecutive years of insurance multiplied by a fraction of which the numerator is the number of consecutive years of insurance of accounts and the denominator is twenty.

(3) *Maintenance of minimum level.* Institutions shall maintain (until the next annual closing date) net worth at least equal to the dollar amount required at the last closing date.

(4) *Qualifying balance deduction.* The amount of the minimum net worth requirement imposed by subparagraph (b)(2) of this section will be reduced by three cents for each dollar of "qualifying balances" held by the institution in an amount not exceeding ten percent of the amount of net worth that would otherwise be required by subparagraph (b)(2). "Qualifying balances," as used in this subparagraph, means (i) interest-bearing liquid assets, as described in § 523.10 of this chapter (including assets that would qualify within that definition except for their maturities), provided that they will mature within one year, (ii) up to one-half of all mortgages on which the interest rate may fluctuate, and (iii) fixed-rate, liability sources of funds (*e.g.*, outside borrowings, Federal Home Loan Bank advances, certificate accounts) that have a remaining term to maturity of more than five years.

* * * * *

(d) *Waiver relating to sale of mortgages.* An insured institution shall not be required to meet the minimum net worth requirement set out in paragraph (b)(2) of this section or the statutory reserve requirement set out in paragraph (a)(2) of this section, subject to the following conditions:

(1) Failure to meet the minimum net worth and reserve requirements shall result solely from losses recongized upon the sale of fixed-rate residential mortgages that have an original interest rate of seven and one-half percent or below and that have a remaining term at the time of sale of at least five years;

(2) The total book value of such mortgages sold shall not exceed ten percent of the total book value of the institution's residential mortgage assets, and the book value of such mortgages sold in any one fiscal year shall not exceed five percent of the total book value of the institution's residential mortgage assets;

(3) All of the proceeds of such sales shall be reinvested in residential mortgage loans within 60 days;

(4) The regulation shall not be used to reduce the institution's statutory reserve to less than three percent;

(5) No waiver shall be effective for more than five years from the date of the sale in connection with which the waiver is granted;

(6) The institution establishes and maintain a plan setting forth (*i*) that all of the conditions set out above shall be met, (*ii*) the benefits, including cash-flow benefits, the institution expects to gain from the waiver, (*iii*) the instituion's plan for building up its statutory reserve to the minimum amount required by paragraph (a)(2) of this section and its net worth to the minimum amount required by paragraph (b)(2) of this section within five years of the date of the sale in connection with which the waiver is granted, and (*iv*) a summary of any prior sales made pursuant to this paragraph; and

(7) The institution shall maintain complete records of all transactions undertaken pursuant to this paragraph.

In no event shall any sale made under the provisions of this paragraph occur after December 31, 1982.

(Sec. 409, 94 Stat. 160. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 stat. 736, as amended (12 U.S.C. 1425a, 1437). Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 172 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-23043 Filed 7-30-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-CE-23-AD]

Airworthiness Directives; Beech Models 58P, B60, 65-90, C90, 65-A90, B90, E90, F90, H90 (Military Model T-44A), A100, B100, 200, 200C, 200T, A100-1 (Military Model RU-21J) A200 (Military Model C-12A and C-12C), and A200C (Military Model UC-12B) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD) applicable to Beech Models 58P, B60, 65-90, C90, 65-A90, B90, E90, F90, H90, (Military Model T-44A), A100, B100, 200, 200C, 200T, A100-1 (Military Model RU-21J), A200 (Military Model C-12A and C-12C), and A200C (Military Model UC-12B) airplanes. The AD would require initial and repetitive inspections of the cabin pressurization system outflow and safety valves, and the replacement of those valves found defective. This AD would further require that these valves be reinspected/replaced before another pressurized flight, following any in-flight instance in which abnormal operation of the pressurization system is noted. A system functional check and report to the FAA is also required following reinstallation of these valves. The proposed AD is necessary to verify the integrity of the balance diaphragm retention ring which is a part of these valves. Failure of the retention ring could result in a reduction in the structural integrity of the cabin or a potentially unsafe overpressure condition.

DATES: Comments must be received on or before September 4, 1980.

ADDRESSES: Send comments on the proposal to: FAA, Central Region, Office of the Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 80–CE–23–AD, 601 East 12th Street, Kansas City, Missouri 64106.

Beechcraft Class I Service Instructions No. 1109, coded 180 1, which is identified in this proposed AD may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201, telephone (316) 681–7261. Copies of this service letter are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and/or Room 916, 800 Independence Avenue, SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ed Mosman, ACE–213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4281.

SUPPLEMENTARY INFORMATICN:

Comments Invited

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

There have been reports in which both the outflow and safety valves failed. In one instance the right windshield was blown out of the airplane. In another occurrence where the right windshield was lost, debris entered the cockpit, and the sun visor reportedly dislodged and damaged the propeller. Investigation of the failed outflow and safety valves showed that the outflow valve balance diaphragm retention ring had cracked and broken away from the diaphragm assembly. When this occurred, the valve closed and did not perform its normal pressure relief and depressurization function.

In the event of failure of both the outflow and safety valves, the resulting increase in cabin pressure would not be called to the crew's attention by a warning device, but could be detected by observing the cabin pressure indicator. Should the crew fail to note this rise in cabin pressure a resulting overpressure condition can occur.

The outflow/safety valve manufacturer and the affected Central Region aircraft manufacturers have issued various service instructions pertaining to this problem which contain various times to initially inspect, inspection intervals, inspection techniques, and both in-flight and ground functional tests. The FAA has reviewed these various manufacturers' approaches and determined:

1. A visual inspection for displacement of the diaphragm retention ring into the poppet seating area is an after-the-fact indication of valve failure.

2. An in-flight or ground functional test with vacuum pressure at or near the system extreme, without a retention ring inspection, may provide a false indication of system worthiness since the test cycle may very well enlarge a small or latent leak and cause a valve failure in subsequent opration.

3. In view of the degree of hazard, an initial visual inspection for a broken diaphragm retention ring within the next one hundred (100) hours time-in-service is an economically feasible response to the public safety.

4. A visual inspection to determine if the diaphragm retention ring is broken provides short-term assurance there is no impending valve failure.

5. The number of reports in the 300 to 400 hours time-in-service range indicates a repetitive 200-hour visual retention ring inspection would find most failed values before an unsafe condition developed.

6. Until a fix or proven solution to the problem is presented, repetitive visual inspections for a broken retention ring are indicated.

This condition may result in structural damage to the cabin, explosive decompression or limit the ability to depressurize the airplane. Since the condition described herein is likely to exist on other airplanes of the same type or similar type design, an AD is being proposed, applicable to certain serial numbers of Beech Model 58P, B60, 65–90, C90, 65–A90, B90, E90, F90, H90 (Military Model T–44A), A100, B100, 200, 200C, 200T, A100–1 (Military Model RU–21J), A200 (Military Model C–12A and C–12C), and A200C (Military Model UC–12B) airplanes. The AD would require initial and repetitive visual inspections for a broken diaphragm retention ring found in the outflow and safety valves utilized in the cabin pressurization system, and the replacement of those valves found defective. A further visual inspection of the outflow and safety valve diaphragm retention rings would be required prior to the next pressurized flight, in the event an abnormal in-flight operation of the cabin pressurization was noted, where an overpressure condition or the cabin pressure could not be regulated within plus or minus one-half pound per square inch differential (±½ psid). A system functional check in accordance with the manufacturer's applicable maintenance manual and a subsequent report to the FAA would also be required following reinstallation of these valves.

The Proposed Amendment

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

Beech: Applies to the following airplanes certified in all categories:

Model	Serial No.
58P	TJ–3 through TJ–264.
B60	P–308 through P–539.
65–90	LJ–77 through LJ–113 (with 4.6 psi pressure differential pressurization system).
C90	LJ–502 through LJ–894.
65–A90	LJ–76, LJ–114 through LJ–317.
B90	LJ–318 through LJ–501.
E90	LW–1 through LW–331.
F90	LA–2 through LA–30.
H90	LL–1 through LL–61 (Military T–44A).
A100	B–1 through B–247.
B100	BE–1 through BE–85.
200	BB–2, BB–6 through BB–185, BB–187 through BB–202, BB–204 through BB–269, BB–271 through BB–407, BB–409 through BB–468, BB–470 through BB–488, BB–490 through BB–590, BB–511 through BB–529, BB–531 through BB–550, BB–552 through BB–564, BB–566 through BB–572, BB–574 through BB–590, BB–592 through BB–608, BB–610 through BB–626, and BB–628 through BB–630.
200C	BL–1 through BL–8.
200T	BT–1 through BT–14.
A100–1	BB–3, BB–4, BB–5 (Military RU–21J).
A200	BD–1 through BD–30 (Military C–12A), BC–1 through BC–61 (Military C–12A), BC 62 through BC–75 (Military C–12C).
A200C	BJ–1 through BJ–18 (Military UC–12B).

Compliance: Required as indicated, unless previously accomplished. To prevent dual failure of the cabin pressurization outflow and safety valves which can result in structural damage from overpressurization or limit the ability to depressurize the cabin, accomplish the following:

(A) Within the next 100 hours time-in-service after the effective date of this AD, and Each 200 hours time-in-service thereafter,

visually inspect all installed (vertical and horizontal mounted) outflow/safety valves, as follwos:

1. Carefully raise poppet evenly by grasping with hands about 180 degrees apart as shown in Figure 1 attached. Gently attempt to rotate the retention ring with fingertips. If ring does not rotate or unseat from poppet, use a small mirror and examine entire periphery of the ring to ensure no cracks or breaks in the ring are present.

2. Visually check to determine if diaphragm retention ring is broken and/or displaced from diaphragm support to poppet seating area as shown in Figure 1.

3. If diaphragm retention ring is broken and/or found in poppet seating area prior to the next pressurized flight, remove and replace the outflow/safety valve with an airworthy valve.

(B) In the event of an in-flight condition where cabin overpressure is noted or the cabin cannot be regulated within ±½ psid, accomplish Paragraph A of this AD prior to the next pressurized flight. Airplanes may be operated an additional 200 hours following such an inspection before the next required repetitive inspection.

(C) Perform a functional check of the cabin pressurization system in accordance with the manufacturer's applicable maintenance instructions following the reinstallation of these outflow/safety valves.

Note.—For those airplanes where inspection of the diaphragm retention ring cannot be accomplished while the valve is installed in the airplane removal, reinstallation and any subsequent functional checks should be accomplished in accordance with the manufacturer's applicable maintenance manual.

(D) The time-in-service for initial and between repetitive inspections required herein may be adjusted up to 10 hours to facilitate accomplishing them concurrent with other scheduled maintenance on the airplane.

(E) Within 72 hours after finding an outflow or safety valve requiring replacement because of a broken and/or displaced diaphragm retention ring, report same to the Federal Aviation Administration (FAA) at telephone (316) 942–4281. Collect calls will be accepted for these reports. (Reporting approved by the Office of Management and Budget under OMB No. 04–RO–174.) Failure to comply with this paragraph subjects owners/operators to agency enforcement action.

(F) Airplanes may be flown unpressurized in accordance with FAR 21.197 to a location where this AD may be accomplished.

(G) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209. Beechcraft Class I Service Instructions, No. 1109, coded 180 1, contains information related to this AD.

(Secs. 313(a), 601 and 603 of the 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)); Sec. 11.85 of the Federal Aviation Regulations (14 CFR Sec. 11.85))

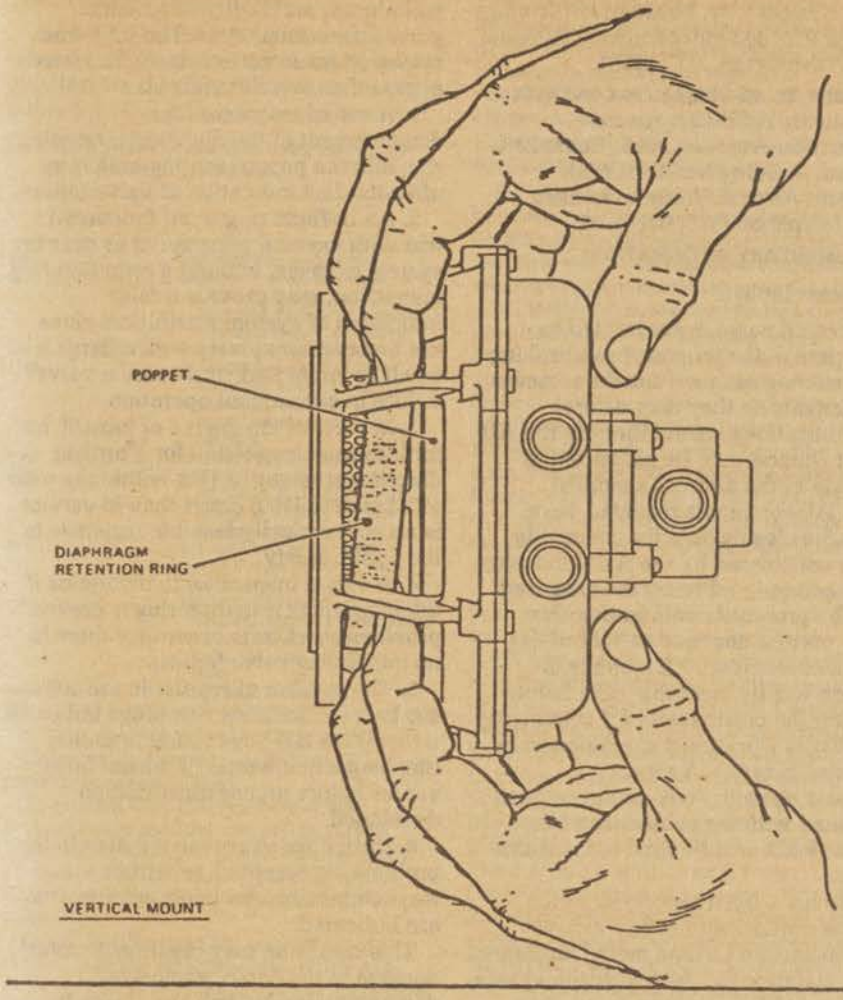
Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 80–CE–23–AD, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374–5446.

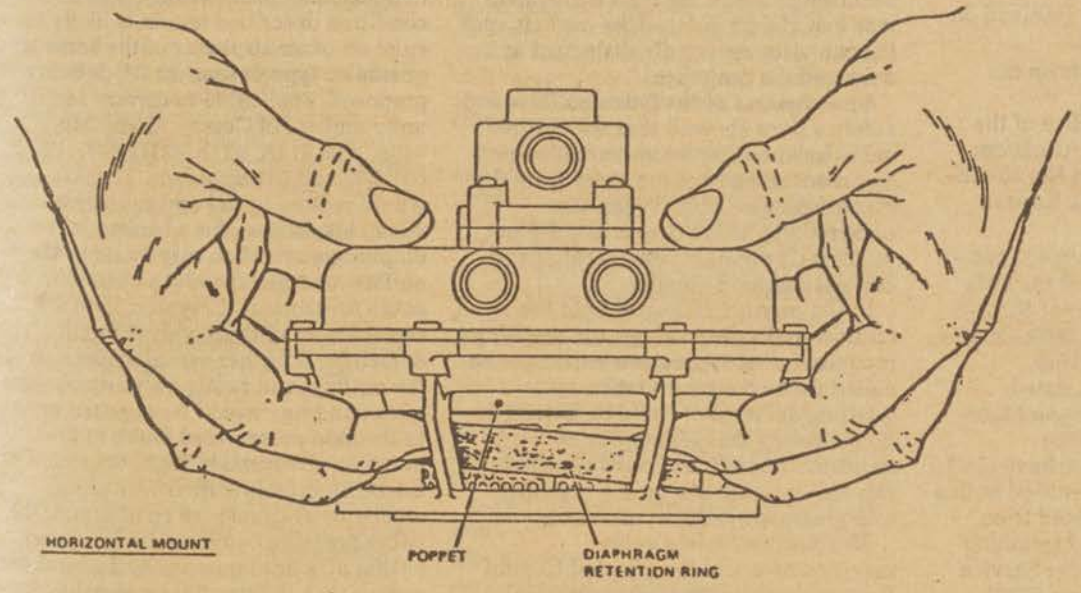
Issued in Kansas City, Missouri, on July 18, 1980.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M





Inspection of Typical Outflow/Safety Valve Except Part No. 130406
Figure 1

[FR Doc. 80-22745 Filed 7-30-80; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 80-CE-22-AD]

Airworthiness Directives; Cessna Models 340, 340A, 414, 414A, 421B, 421C, 441, 500, 501, 550, and 551 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD) applicable to Cessna Models 340, 340A, 414, 414A, 421B, 421C, 441 and Cessna 500 and 550 serial/unit numbered (Models 500, 501, 550 and 551) airplanes. The AD would require initial and repetitive inspections of the cabin pressurization system outflow and safety valves, and the replacement of those valves found defective. This AD would further require that these valves be reinspected/replaced before another pressurized flight, following any in-flight instance in which abnormal operation of the pressurization system is noted. A system functional check and report to the FAA is also required following reinstallation of these valves. The proposed AD is necessary to verify the integrity of the balance diaphragm retention ring which is a part of these valves. Failure of the retention ring could result in a reduction in the structural integrity of the cabin or a potentially unsafe overpressure condition.

DATES: Comments must be received on or before September 4, 1980.

ADDRESSES: Send comments on the proposal to:

FAA, Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 80-CE-22-AD, 601 East 12th Street, Kansas City, Missouri 64106.

Cessna Citation Service Letter SL550-21-5, Revision 2, dated April 11, 1980; Cessna Citation Service Letter SL21-7, Revision 2, dated April 11, 1980; Cessna Propjet Customer Care Service Information Letter PJ79-33, dated December 14, 1979; and Cessna Multi-engine Customer Care Service Information Letter ME79-43, Revision 1, dated February 6, 1980, identified in this proposed AD may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201, telephone (316) 685-9111. Copies of these service letters are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and/or Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ed Mosman, ACE-213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION:

Comments invited

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

There have been reports in which both the outflow and safety valves failed in certain Cessna model airplanes. In one instance the right windshield was blown out of the airplane. In another occurrence where the right windshield was lost, debris entered the cockpit, and the sun visor reportedly dislodged and damaged the propeller.

Investigation of the failed outflow and safety valves showed that the outflow valve balance diaphragm retention ring had cracked and broken away from the diaphragm assembly. When this occurred, the valve closed and did not perform its normal pressure relief and depressurization function.

In the event of failure of both the outflow and safety valves, the resulting increase in cabin pressure would not be called to the crew's attention by a warning device, but could be detected by observing the cabin pressure indicator. Should the crew fail to note this rise in cabin pressure a resulting overpressure condition can occur.

The outflow/safety valve manufacturer and the affected Central Region aircraft manufacturers have issued various service instructions pertaining to this problem which contain various times to initially inspect, inspection intervals, inspection techniques, and both in-flight and ground functional tests. The FAA has reviewed these various manufacturers' approaches and determined:

1. A visual inspection for displacement of the diaphragm retention ring into the poppet seating area is an after-the-fact indication of valve failure.

2. An in-flight or ground functional test with vacuum pressure at or near the system extreme, without a retention ring inspection, may provide a false indication of system worthiness since the test cycle may very well enlarge a small or latent leak and cause a valve failure in subsequent operation.

3. In view of the degree of hazard, an initial visual inspection for a broken diaphragm retention ring within the next one hundred (100) hours time-in-service is an economically feasible response to the public safety.

4. A visual inspection to determine if the diaphragm retention ring is broken provides short-term assurance there is no impending valve failure.

5. The number of reports in the 300 to 400 hours time-in-service range indicates a repetitive 200-hour visual retention ring inspection would find most failed valves before an unsafe condition developed.

6. Until a fix or proven solution to the problem is presented, repetitive visual inspections for a broken retention ring are indicated.

This condition may result in structural damage to the cabin, explosive decompression or limit the ability to depressurize the airplane. Since the condition described herein is likely to exist on other airplanes of the same type or similar type design, an AD is being proposed, applicable to certain serial/unit numbers of Cessna Model 340, 340A, 414, 414A, 421B, 421C, 441, 500, 501, 550 and 551 airplanes. The AD would require initial and repetitive visual inspections for a broken diaphragm retention ring found in the outflow and safety valves utilized in the cabin pressurization system, and the replacement of those valves found defective. A further visual inspection of the outflow and safety valve diaphragm retention rings would be required prior to the next pressurized flight, in the event an abnormal in-flight operation of the cabin pressurization was noted, where an overpressure condition or the cabin pressure could not be regulated within plus or minus one-half pound per square inch differential (±½ psid). A system functional check in accordance with the manufacturer's applicable maintenance manual would also be required following reinstallation of these valves.

The Proposed Amendment

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

Cessna: Applies to the following airplanes certified in all categories:

Model	Serial No.
340	340-0501 through 340-0555.
340A	340A0001 through 340A0647, 340A0650 through 340A0801, 340A0901 through 340A0904, 340A0906 through 340A0914.
414	414-0601 through 414-0965.
414A	414A0001 through 414A0226, 414A0229, 414A0232 through 414A0320, 414A0322 through 414A0340, 414A0401 through 414A0431.
414B	421B0801 through 421B0970.
421C	421C0001 through 421C0624, 421C0630, 421C0632, 421C0634 through 421C0669, 421C0671 through 421C0715.
441	441-0001 through 441-0087, 441-0089 through 441-0106, 441-0109.
500	500-0001 through 500-0213 which have incorporated Service Bulletin SB21-9 500-0214 through 500-0233, 500-0235 through 500-0349.
500 and 501 with unit numbers 0350 through 0521.	
500 and 551 with unit numbers 0002 through 0115.	

Compliance: Required as indicated, unless previously accomplished.

To prevent dual failure of the cabin pressurization outflow and safety valves which can result in structural damage from overpressurization or limit the ability to depressurize the cabin, accomplish the following:

(A) Within the next 100 hours time-in-service after the effective date of this AD, and each 200 hours time-in-service thereafter, visually inspect all installed (vertical and horizontal mounted) outflow/safety valves, as follows:

1. Carefully raise poppet evenly by grasping with hands about 180 degrees apart as shown in Figure 1 attached. Gently attempt to rotate the retention ring with fingertips. If ring does not rotate or unseat from poppet, use a small mirror and examine entire periphery of the ring to ensure no cracks or breaks in the ring are present.

2. Visually check to determine if diaphragm retention ring is broken and/or displaced from diaphragm support to poppet seating area as shown in Figure 1.

3. If diaphragm retention ring is broken and/or found in poppet seating area prior to the next pressurized flight, remove and replace the outflow/safety valve with an airworthy valve.

(B) In the event of an in-flight condition where cabin overpressure is noted or the cabin cannot be regulated within ±½ psid, accomplish Paragraph A of this AD prior to the next pressurized flight. Airplanes may be operated an additional 200 hours following such an inspection before the next required repetitive inspection.

(C) Perform a functional check of the cabin pressurization system in accordance with the manufacturer's applicable maintenance instructions following the reinstallation of these outflow/safety valves.

Note.—For those airplanes where inspection of the diaphragm retention ring cannot be accomplished while the valve is installed in the airplane removal, reinstallation and any subsequent functional checks should be accomplished in accordance with the manufacturer's applicable maintenance manual.

(D) The time-in-service for initial and between repetitive inspections required herein may be adjusted up to 10 hours to facilitate accomplishing them concurrent with other scheduled maintenance on the airplane.

(E) Within 72 hours after finding an outflow or safety valve requiring replacement because of a broken and/or displaced diaphragm retention ring, report same to the Federal Aviation Administration (FAA) at telephone (316) 942-4281. Collect calls will be accepted for these reports. (Reporting approved by the Office of Management and Budget under OMB No. 04-RO-174.) Failure to comply with this paragraph subjects owners/operators to agency enforcement action.

(F) Airplanes may be flown unpressurized in accordance with FAR 21.197 to a location where this AD may be accomplished.

(G) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209. Cessna Citation Service Letter SL550-21-5, Revision 2, dated April 11, 1980; Cessna Citation Service Letter SL21-7, Revision 2, dated April 11, 1980; Cessna Project Customer Care Service Information Letter PJ79-33, dated December 14, 1979; and Cessna Multi-engine Customer Care Service Information Letter ME79-43, Revision 1, dated February 6, 1980, contain certain information related to this AD.

(Secs. 313(a), 601 and 603 of the 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)); Sec. 11.85 of the Federal Aviation Regulations (14 CFR Sec. 11.85))

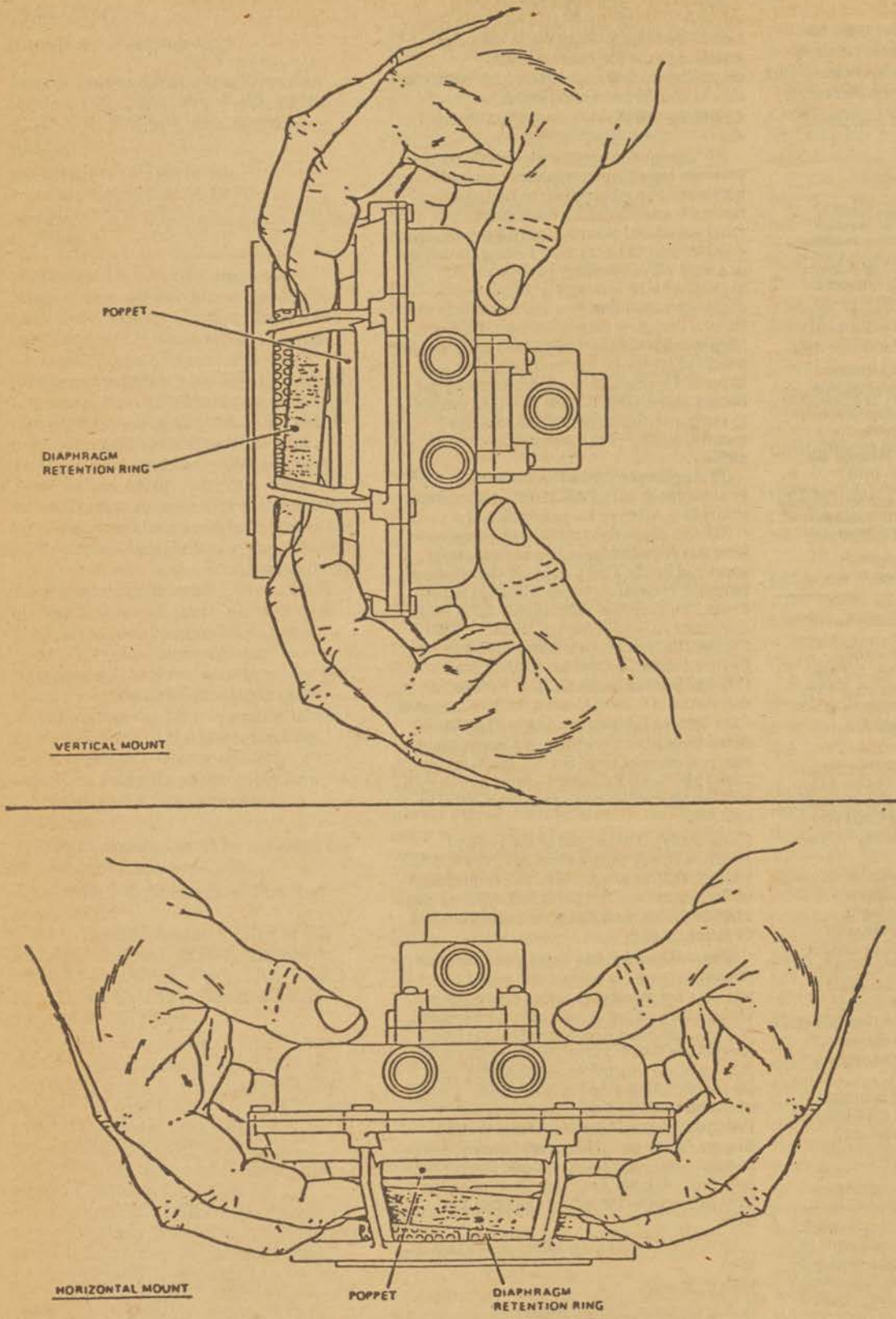
Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 80-CE-22-AD, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-5446.

Issued in Kansas City, Missouri, on July 18, 1980.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M



Inspection of Typical Outflow/Safety Valve Except Part No. 130406
Figure 1

[FR Doc. 80-22760 Filed 7-30-80; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 80-CE-21-AD]

Airworthiness Directives; Gates Learjet Model 24D, 24E, 24F, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36, and 36A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD) applicable to Gates Learjet Models 24D, 24E, 24F, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes. The AD would require initial and repetitive inspections of the cabin pressurization system outflow and safety valves, and the replacement of those valves found defective. This Ad would further require that these valves be reinspected/replaced before another pressurized flight, following any in-flight instance in which abnormal operation of the pressurization system is noted. A system functional check and report to the FAA is also required following reinstallation of these valves. The proposed AD is necessary to verify the integrity of the balance diaphragm retention ring which is a part of these valves. Failure of the retention ring could result in a reduction in the structural integrity of the cabin or a potentially unsafe overpressure condition.

DATES: Comments must be received on or before September 4, 1980.

ADDRESSES: Send comments on the proposal to: FAA, Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 80-CE-21-AD, 601 East 12th Street, Kansas City, Missouri 64106.

Gates Learjet Service Bulletin SB24/25-296, dated December 14, 1979; Gates Learjet Corporation 28-29 Service Bulletin SB28/29-21-1, dated December 17, 1979; and Gates Learjet Corporation 35-36 Service Bulletin SB35/36-21-5, dated December 18, 1979, identified in this proposed AD may be obtained from Gates Learjet Corporation, Mid-Continent Airport, P.O. Box 7707, Wichita, Kansas 67277, telephone (316) 946-2000. Copies of these service letters are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and/or Room 916, 800 Independence Avenue, SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Ed Mosman, ACE-213, Aircraft Certification Program, FAA Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4281.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

There have been reports in which both the outflow and safety valves failed on other makes of aircraft. In one instance the right windshield was blown out of the airplane. In another occurrence where the right windshield was lost, debris entered the cockpit, and the sun visor reportedly dislodged and damaged the propeller.

Investigation of the failed outflow and safety valves showed that the outflow valve balance diaphragm retention right had cracked and broken away from the disphragm assembly. When this occurred, the valve closed and did not perform its normal pressure relief and depressurization function.

In the event of failure of both the outflow and safety valves, the resulting increase in cabin pressure would not be called to the crew's attention by a warning device, but could be detected by observing the cabin pressure indicator. Should the crew fail to note this rise in cabin pressure a resulting overpressure condition can occur.

The outflow/safety valve manufacturer and the affected Central Region aircraft manufacturers have issued various service instructions pertaining to this problem which contains various times to initially inspect, inspection intervals, inspection techniques, and both in-flight and ground functional tests. The FAA has reviewed these various manufacturers' approaches and determined:

1. A visual inspection for displacement of the diaphragm retention ring into the poppet seating area is an after-the-fact indication of value failure.

2. An in-flight or ground functional test with vacuum pressure at or near the system extreme, without a retention ring inspection, may provide a false indication of system worthiness since the test cycle may very well enlarge a small or latent leak and cause a valve failure in subsequent operation.

3. In view of the degree of hazard, an initial visual inspection for a broken diaphragm retention ring within the next one hundred (100) hours time-in-service is an economically feasible response to the public safety.

4. A visual inspection to determine if the diaphragm retention ring is broken provides short-term assurance there is no impending valve failure.

5. The number of reports in the 300 to 400 hours time-in-service range indicates a repetitive 200-hour visual retention ring inspection would find most failed valves before an unsafe condition developed.

6. Until a fix or proven solution to the problem is presented, repetitive visual inspections for a broken retention ring are indicated.

This condition may result in structural damage to the cabin, explosive decompression or limit the ability to depressurize the airplane. Since the condition described herein is likely to exist on other airplanes of the same type or similar type design, an AD is being proposed, applicable to certain serial numbers of Gates Learjet Models 24D, 24E, 24F, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes. The AD would require initial and repetitive visual inspections for a broken diaphragm retention ring found in the outflow and safety valves utilized in the cabin pressurization system, and the replacement of those valves found defective. A further visual inspection of the outflow and safety valve diaphragm retention rings would be required prior to the next pressurized flight, in the event an abnormal in-flight operation of the cabin pressurization was noted, where an over-pressure condition or the cabin pressure could not be regulated within plus or minus one-half pound per square inch differential (±½ psid). A system functional check in accordance with the manufacturer's applicable maintenance manual would also be required following reinstallation of these valves.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of the Federal Aviation

Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Gates Learjet: Applies to the following airplanes certified in all categories:

Model	Serial No.
24D, 24E and 24F	24-230 through 24-357.
25B, 25C, 25D and 25F.	25-061 and 25-067 through 25-300.
28	28-001 through 28-005.
29	29-001 and 29-003.
35 and 35A	35-001 through 35-299.
36 and 36A	36-001 through 36-044.

Compliance: Required as indicated, unless previously accomplished. To prevent dual failure of the cabin pressurization outflow and safety valves which can result in structural damage from overpressurization or limit the ability to depressurize the cabin, accomplish the following:

(A) Within the next 100 hours time-in-service after the effective date of this AD, and each 200 hours time-in-service thereafter, visually inspect all installed (vertical and horizontal mounted) outflow/safety valves, as follows:

1. If the outlet opening of the valve is accessible as installed, visually inspect the lower (near) edge of the diaphragm retention ring through the outlet opening of the valve for cracks or breaks. The retention ring is the circular part, visible behind the noise baffle screen, inside and adjacent to that portion of the diaphram also visible through the outlet opening. If ring is seated on the poppet, use a small mirror and examine entire periphery of the ring to ensure no cracks or breaks in the ring are present.

2. If the outlet opening of the valve is not accessible, the valve must be removed to perform the visual inspection as outlined in the above step 1.

Caution: Do not attempt to remove screen from value. Removal of attaching screws will release head section from base, requiring retest of valve.

3. If diaphragm retention ring is broken and/or found in poppet seating area, prior to the next pressurized flight, remove and replace the outflow/safety valve with an airworthy valve.

(B) In the event of an in-fight condition where cabin overpressure is noted or the cabin cannot be regulated within ±½ psid, accomplish Paragraph A of this AD prior to the next pressurized flight. Airplanes may be operated an additional 200 hours following such an inspection before the next required repetitive inspection.

(C) Perform a functional check of the cabin pressurization system in accordance with the manufacturer's applicable maintenance instructions following any inspection of these outflow/safety valves.

Note.—For those airplanes where inspection of the diaphragm retention ring cannot be accomplished while the valve is installed in the airplane, the valve removal, reinstallation and any subsequent functional checks should be accomplished in accordance with the manufacturer's applicable maintenance manual.

(D) The time-in-service for initial and between repetitive inspections required herein may be adjusted up to 10 hours to facilitate accomplishing them concurrent with other scheduled maintenance on the airplane.

(E) Within 72 hours after finding an outflow or safety valve requiring replacement because of a broken and/or displaced diaphram retention ring, report same to the Federal Aviation Administration (FAA) at telephone (316) 942-4281. Collect calls will be accepted for these reports. (Reporting approved by the Office of Management and Budget under OMB No. 04-RO-174.) Failure to comply with this paragraph subjects owners/operators to agency enforcement action.

(F) Airplanes may be flown unpressuried in accordance with FAR 21.197 to a location where this AD may be accomplished.

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

Gates Learjet Service Bulletin SB24/25-296, dated December 14, 1979; Gates Learjet Corporation 28-29 Service Bulletin SB28/29-21-1, dated December 17, 1979; and Gates Learjet Corporation 35-36 Service Bulletin SB35/36-21-5, dated December 18, 1979, contain certain information related to this AD.

(Secs. 313(a), 601 and 603 of the 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)); Sec. 11.85 of the Federal Aviation Regulations (14 CFR Sec. 11.85))

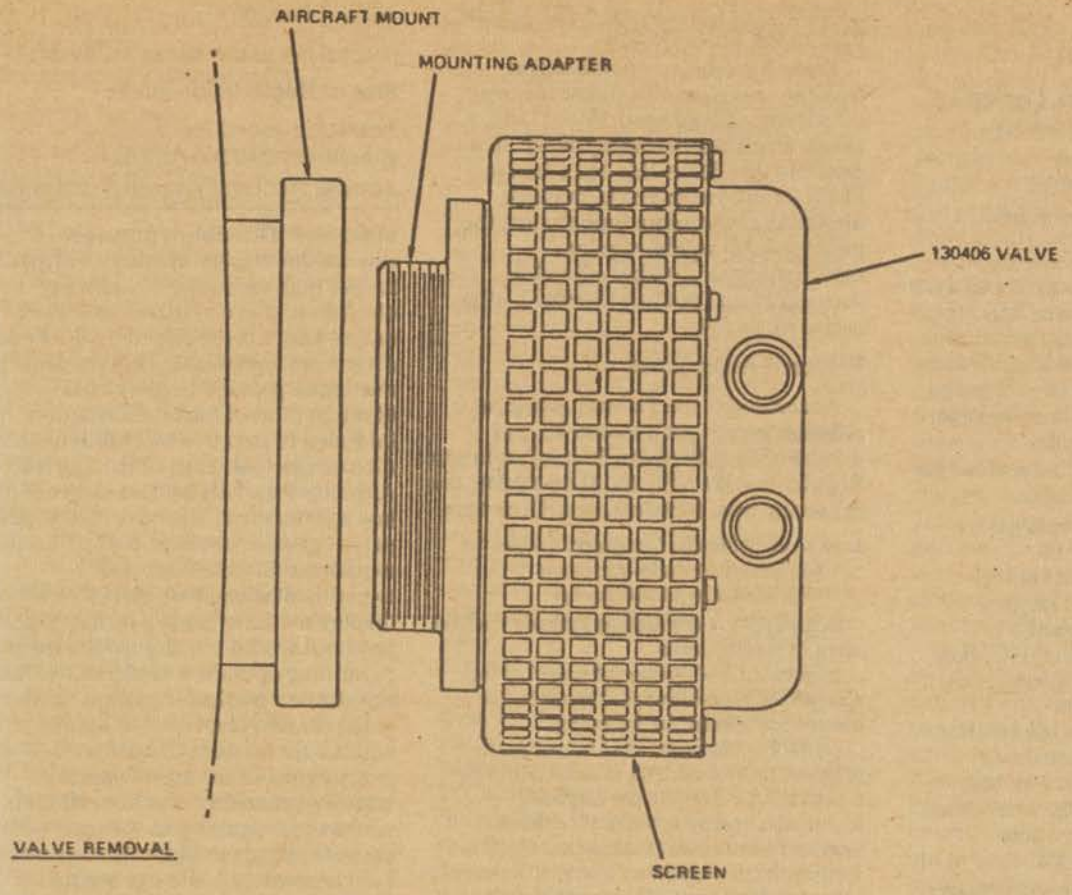
Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 80-CE-21-AD, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-5446.

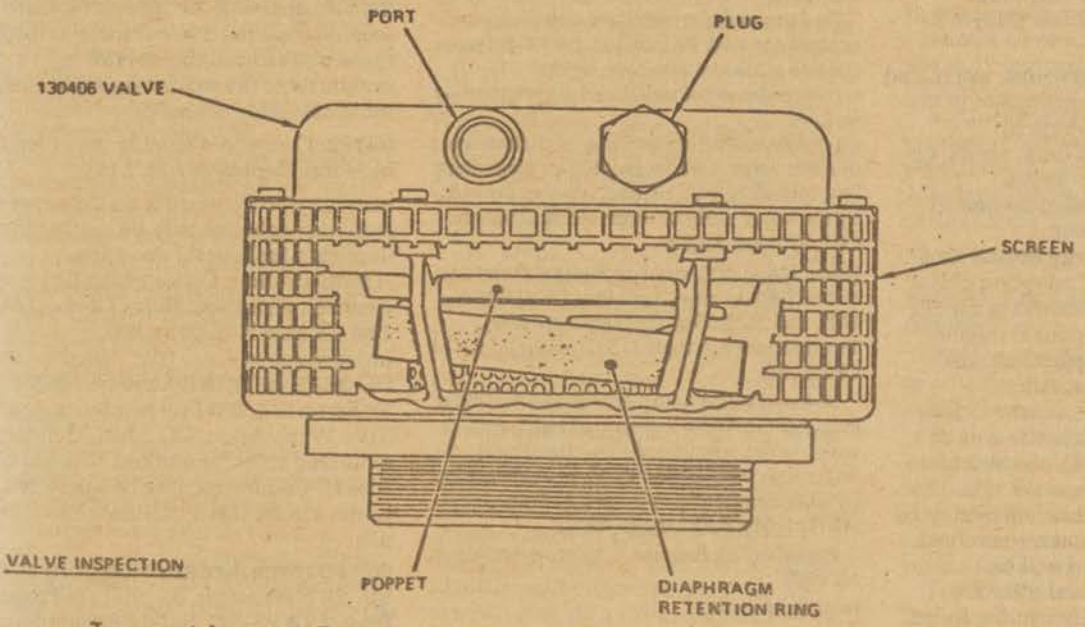
Issued in Kansas City, Missouri, on July 18, 1980.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M





Inspection of Typical Outflow/Safety Valve Part No. 130406

[FR Doc. 80-22761 Filed 7-30-80; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 80-WE-35-AD]

Airworthiness Directives, Lockheed Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

AGENCY: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require modification of certain fuel shut-off valves on Lockheed Model L-1011 series airplanes. The proposed AD is needed to prevent fuel leakage and associated fire hazard.

DATES: Comments must be received on or before September 29, 1980.

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

The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

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

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

There have been reports of fuel leakage involving Whittaker fuel shut-off valves on Lockheed Model L-1011 series airplanes that could result in a possible fire. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require modification of the shut-off valve asssembly on Lockheed Model L-1011 series airplanes.

Proposed Amendment

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

Lockheed-California Company: Applies to Model L-1011 series airplanes certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent fuel leakage of specified fuel shut-off valves which could result in fire hazard accomplish the following:

(a) Within 300 hours in service from the effective date of this AD, modify Whittaker fuel shut-off valves (12 per airplane) identified in paragraph 2.A of Lockheed Service Bulletin 093-28-062 dated May 10, 1980 by the incorporation of a mechanical pin retention device per Whittaker Controls Service Bulletin 139725-28-1 dated May 19, 1980. Valve assemblies with a gold anodized valve cover have been previously reworked and do not require further modification per this AD.

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

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

(Secs. 313(a), 601, 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)); and 14 CFR 11.85)

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

Issued in Los Angeles, California on July 16, 1980.

John D. Mattson,

Director, FAA Western Region.

[FR Doc. 80-22759 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 45

[Docket No. 20424; Notice No. 80-11]

Size of Registration Marks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to require the display of marks at least 12 inches high on certain fixed-wing aircraft, in place of marks at least 2-inches high now required by the Federal Aviation Regulations. This proposal is needed to provide better visual identification of those aircraft. It is intended to improve air traffic flow, discourage violations of the Federal Aviation Regulations, and assist in other law enforcement. The proposal would permit gliders, airships, balloons, and experimental exhibition and experimental amateur-built aircraft to display marks at least 3 inches high. The proposal would not change the rules permitting operation of aircraft without registration marks for certain exhibition purposes, the display of at least 2-inch high marks on aircraft built at least 30 years ago, and the use of special marking procedures for aircraft with unusual configurations. Aircraft with the same external configurations as aircraft built at least 30 years ago would be required to display 12-inch marks unless they had been issued an experimental certificate for operating as an exhibition or amateur built aircraft. Affected aircraft displaying smaller marks before the effective date of the amendment would be allowed to continue to display those marks until the aircraft is repainted or the marks are repainted, refurbished, or changed.

DATES: Comments must be received on or before September 29, 1980.

ADDRESSES: Comments on the proposed regulatory change may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 20424, 800 Independence Ave., SW., Washington, DC 20591; or be delivered in duplicate to: Room 916, 800 Independence Ave., SW., Washington, DC 20591. Comments delivered must be marked "Docket No. 20424." Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Eli Newberger, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Ave.,

SW., Washington, DC 20591; telephone: (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. 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 comment is made: "Comments to Docket Number 20424." The postcard will be date-time stamped and returned to the commenter. The proposals 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 the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed in the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Discussion of the Proposed Rule

A. Background

On January 6, 1961, the FAA published a requirement establishing a uniform method of displaying identification marks on fixed-wing aircraft. That standard required display of marks at least 12 inches high on the fuselage sides or on vertical tail surfaces of newly marked or completely remarked aircraft.

In 1977, based on a petition from the Experimental Aircraft Association, the FAA amended the regulation which then contained the marking standard (14 CFR 45.29), to permit marks at least 3 inches high, instead of at least 12 inches high, on civil aircraft with maximum speeds not exceeding 180 knots (Amendment No. 45–9; 42 FR 41101, August 15, 1977).

In November of 1977, Raven Industries, Inc., of Sioux Falls, South Dakota, petitioned the FAA to reduce the height requirement for nationality and registration marks on airships, spherical balloons, and nonspherical balloons. This notice responds to that petition. Section 45.29(b)(2) now requires the marks on these aircraft to be at least 20 inches high.

In January of 1978, the Professional Air Traffic Controllers Organization (PATCO) petitioned the FAA to reinstate the 12-inch fuselage side marks on all fixed-wing aircraft. PATCO contended the 3-inch high registration marks tend to reduce the effectiveness of most ground controllers throughout the system. PATCO suggested that aircraft displaying 3-inch high marks cause a problem at busy airports with general aviation activity where lack of visual identification of these aircraft adversely affects traffic flow and safety. In denying the petition, the FAA took the position that § 91.87(b), which requires two-way radio communication between aircraft and control towers, was adequate to ensure safe and efficient air traffic control at airports.

B. Recent Experience

Recent field experience has now shown that the increasing number of aircraft displaying the small marks has resulted in identification problems at airports. Air Traffic Control reports indicate that, even with mandatory radio communications between aircraft and airport towers, a high rate of traffic flow cannot be maintained safely without effective visual identification of all aircraft.

Air Traffic Control facilities have reported that with the increased number of aircraft displaying small marks, considerable difficulty has been encountered by controllers in verifying aircraft radio position reports on the airport surface. These marks often cannot be read quickly from the tower even with the aid of binoculars. Complicating the problem of safe and efficient aircraft control is the low level of experience of some pilots, which frequently makes it essential to quickly identify, and communicate with, an aircraft making an unauthorized movement.

The problem is becoming serious at airports with high general aviation activity. For example, there are approximately 1,400 aircraft based at the Van Nuys Airport in California, and numerous flight schools using the airport for student flight training. This, coupled with several aircraft clubs and many hundreds of transient aircraft, further complicates the air traffic control problems. Moreover, these conditions are present to some degree at many busy controlled airports in the country.

This air traffic problem is increased at complex airports with multiple runways and many intersections where it is difficult for transient pilots to know, or properly describe, their location on the airport. Increased radio transmissions to ascertain an aircraft's exact location are time-consuming and detrimental to airport operation because frequency congestion is substantially increased. This congestion leads to blocked or partially blocked radio transmissions that often result in misinterpreted clearances which may cause unauthorized aircraft movements.

In addition, the FAA has received complaints that law enforcement activities have been hampered by small marks and that these small marks encourage violations of certain laws. Agencies on the federal, state, and local levels have complained of an increase in cases involving aircraft in various illegal operations. The activities involved include illegal hunting, smuggling, and low flying over parks, protected wildlife areas, and beaches and other recreational areas. Identification through registration marks is an important element in investigations and in prosecutions. Some law enforcement agencies have asserted that it is virtually impossible to identify aircraft displaying small marks.

For these reasons, the FAA is proposing to change the height requirement for registration marks from at least 2 inches to at least 12 inches for certain fixed-wing aircraft.

C. Exceptions

Antique, Exhibition, and Experimental Aircraft

This proposed amendment continues to provide exceptions for experimental exhibition and experimental amateur-built aircraft eligible for certificates under § 21.191 (d) and (g). These aircraft would be allowed to display at least 3-inch high marks if the maximum cruising speed does not exceed 180 knots calibrated airspeed (CAS).

The FAA does not propose to change the special rules in § 45.22 for marking aircraft built at least 30 years ago, aircraft with unusual configurations, and aircraft operated for certain exhibition purposes. This proposal will continue to permit aircraft built at least 30 years ago

to display at least 2-inch high marks. Aircraft with surface sizes that do not permit compliance with § 45.29 would still be able to use a different marking procedure. Aircraft used for exhibition, including motion pictures, television, and air shows, will not be required to display marks inconsistent with exhibition of the aircraft.

The FAA has determined it would be unnecessary to implement the 12-inch mark regulation on these aircraft. Relatively few aircraft built 30 years ago, exhibition and experimental aircraft are in operation. Many of those aircraft have paint schemes or external configurations which are unusual and thus are easy to describe and identify for law enforcement or air traffic control purposes. Excepting them should have no adverse effect on current or anticipated air traffic control operations or law enforcement.

The original designs of many aircraft currently in service are approaching or exceed 30 years of age. This is rapidly causing an increase in the number of aircraft eligible, under the current § 45.22, for at least 2-inch high marks. Many newer aircraft have the same external configuration as an aircraft built at least 30 years ago. This proposal would reduce the number of aircraft displaying small numbers by requiring most of these aircraft when repainted, or when the marks are repainted, refurbished, or changed after the effective date of this amendment, to display 12-inch marks. These aircraft would no longer be able to display marks as small as 2 inches high and a proliferation of newer aircraft displaying small marks because the aircraft have the same external configuration as aircraft built 30 years ago would cease.

Gliders

This amendment also contains an exception for gliders. The identification and Air Traffic Control problems associated with small markings on powered, general aviation aircraft are generally not applicable to gliders.

Compared to powered aircraft, there are a relatively small number of gliders (less than 4,000) in operation. Many gliders are not equipped with two-way radios. Thus, they mostly operate at uncontrolled airports and at airports with low levels of general aviation activity. These factors minimize radio communication and Air Traffic Control problems associated with gliders displaying 3-inch marks.

Law enforcement activities are not hampered by the use of 3-inch marks on gliders because, due to their limited operational capabilities, gliders are not likely to be used in illegal activities involving smuggling, hunting, and low flying over protected wildlife areas, beaches, and recreational areas.

Airships and Balloons

In response to the petition of Raven Industries, Inc., airships, spherical balloons, and nonspherical balloons would also be required to display at least 3-inch high marks. Raven Industries asked that the height requirement for nationality and registration marks be reduced from the current requirement of 20 inches to 3 inches for airships, spherical balloons, and nonspherical balloons.

Compared to other aircraft, there are relatively few manned balloons being flown. Most of them are easily recognized from a distance by their intricate and brightly-colored designs or by their advertising slogans.

The FAA agrees that, because of the smaller number and individual characteristics of airships and balloons, they are more easily identified than other aircraft. In addition, balloons are not likely to be used in the conduct of illegal activities, as they would be readily identifiable by their individual characteristics. Their size and maneuvering capabilities facilitate identification and apprehension of violators.

For those reasons, it is proposed to amend § 45.29(b) to reduce the minimum height requirement from 20 inches to 3 inches for markings on airships, spherical balloons, and nonspherical balloons.

D. Aircraft Speed

Current § 45.29(b)(1), in providing for at least 3-inch high marks on fixed-wing aircraft, requires that the aircraft's design cruising speed (V_C), maximum structural crusing speed (V_{NO}), and maximum operating limit speed (V_{MO}) not exceed 180 knots true airspeed (TAS). If the aircraft does not have a V_C, V_{NO} or V_{MO}, the maximum cruising speed must be shown not to exceed 180 knots TAS. The exception in the proposed rule, which allows 3-inch marks for aircraft with experimental amateur-built and experimental exhibition certificates, retains the requirement that the maximum cruising speed of the aircraft not exceed 180 knots. However, it deletes the references to V_C, V_{NO} and V_{MO}, because these terms are only applicable to type certificated aircraft and type certificated aircraft will not be covered by this exception to the proposed rule.

In addition, the FAA has determined that reference to the aircraft's true airspeed does not establish an appropriate standard, since true airspeed varies with the altitude, atmospheric pressure, and temperature at which the aircraft is operated. To avoid this problem, the proposal states the maximum cruising speed as calibrated airspeed. Since that term is constant for a given aircraft, it will facilitate determining which aircraft are eligible for 3-inch marks.

E. Compliance Date

It is proposed that immediate action to comply with this amendment would only be required for affected aircraft that are newly marked. All other affected aircraft which display marks smaller than 12 inches high, but at least 2 inches high, before the effective date of this amendment would be allowed to continue to display those marks until the aircraft is repainted or the marks are repainted, refurbished, or changed.

If this proposal is adopted, the FAA will monitor its effectiveness. After a reasonable period of time, if problems persist because too many aircraft still have the smaller marks, FAA will consider further rulemaking to ensure earlier compliance with the 12-inch marks requirement.

Comments are invited on this proposed effective date and on the costs and problems associated with an earlier date.

F. Economic Impact

The FAA has determined that when an aircraft is being painted for the first time, or being repainted, there is no appreciable difference between the cost of application of 12-inch marks and marks less then 12 inches high, since they require essentially the same time for preparation. The preparation time far exceeds the time for applying the paint, whether the marks are 2 inches, 3 inches or 12 inches high. The cost of the additional paint for application of the larger marks is not significant compared to the overall cost of marking. These considerations are also true for restoring old registration marks.

This proposal does not contain a specific compliance date. Compliance will be required when aircraft are newly marked or when aircraft that already have smaller marks are repainted or have their marks repainted, refurbished, or changed after the effective date of this amendment. Since this rule change would not require marking of the aircraft until it would have been marked for some other reason, the proposal would not impose any premature expenditures on the aircraft owner.

For these reasons this amendment will hve no adverse economic impact on aircraft owners or operators.

The Amendment

Accordingly, it is proposed to revise § 45.22(b) introductory text and § 45.29(b)(1) and (2) of the Federal Aviation Regulations (14 CFR Part 45) to read as follows:

§ 45.22 Exhibition, antique, and other aircraft: Special rules.

* * * * *

(b) A U.S.-registered aircraft built at least 30 years ago, or a U.S. registered aircraft for which an experimental certificate has been issued under § 21.191(d) or 21.19(g) for operating as an exhibition aircraft or as an amateur—built aircraft and which has the same external configuration as an aircraft built at least 30 years ago, may be operated without displaying marks in accordance with §§ 45.21 and 45.23 through 45.33 if:

* * * * *

§ 45.29 Size of marks.

* * * * *

(b) *Height.* The character marks must be of equal height and on—

(1) Fixed-wing aircraft, must be at least 12 inches high, except that—

(i) Aircraft displaying marks at least 2 inches high before (effective date) may continue to display those marks until the aircraft is repainted or the marks are repainted, refurbished, or changed;

(ii) Marks at least 3 inches high may be displayed on gliders;

(iii) Marks at least 3 inches high may be displayed on aircraft for which an experimental certificate has been issued under § 2.191(d) or § 21.191(g) for operating as an exhibition aircraft or as an amateur-built aircraft, when the maximum cruising speed of the aircraft does not exceed 180 knots CAS; and

(iv) Marks may be displayed on an exhibition, antique, or other aircraft in accordance with § 45.22.

(2) Airships, spherical balloons, and nonspherical balloons, must be at lest 3 inches high; and

* * * * *

(Secs. 313(a), 501, and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1354(a), 1401, and 1421(a)); and sec. 6(c) of the 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). A copy of the draft regulatory 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 July 24, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-22843 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-11]

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This amendment alters the Rock Springs, Wyoming, control zone and 700' transition area due to the decommissioning of the Thaer Lom and the relocation of the Rock Springs Airport reference point; there is no change to the 1,200' transition area.

DATES: Comments must be received on or before August 29, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

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 be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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, SW., Washington, DC 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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the dimensions of the present control zone at the Rock Springs Airport, Rock Springs, Wyoming; and amending subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the 700' transition area at the Rock Springs Airport, Rock Springs, Wyoming. Accordingly, the Federal Aviation Administration proposes the following amendments to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending Subpart F, § 71.171 so as to amend the following control zone:

Rock Springs, Wyo.

That airspace within a 5.5 mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'39" N., Longitude 109°03'53" W.); and within 5.5 miles each side of the Rock Springs, Wyoming VORTAC 275° radial and 095° radial extending from the 5.5 mile radius to 18 miles west and 12.5 miles east of the VORTAC.

By amending Subpart G, § 71.818 so as to amend the following transition area:

Rock Springs, Wyo.

That airspace extending upward from 700' above the surface within an 11.5 mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'39" N., longitude 109°03'53" W.) within 10 miles north and 7 miles south of the Rock Springs, Wyoming VORTAC 269° radial and 089° radial extending from the 11.5 mile radius to 29.5 miles west and 21 miles east of the VORTAC; and within 2.5 miles north and 5.5 miles south of the Rock Springs, Wyoming VORTAC 109° radial extending to 19 miles east of the VORTAC.

Drafting Information

The principal authors of this document are Robert E. Greene, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

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

Issued in Aurora, Colorado on July 17, 1980.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 80-22758 filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 80-AWE-9]

Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Route 4 by realigning the segment between Twentynine Palms, Calif., and San Simon, Ariz. The realignment would improve the traffic flow in the Los Angeles, Calif., terminal area. In addition, this reduced mileage could achieve fuel savings for aircraft operating along this route.

DATES: Comments must be received on or before September 2, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 80-AWE-9, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Lewis Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 2, 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.

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, SW, Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would realign Jet Route 4 between Twentynine Palms, Calif., and San Simon, Ariz. This alteration would improve traffic flow in the Los Angeles, Calif., area. Also, traffic flow into the Phoenix, Ariz., terminal areas from over San Simon would improve by providing additional lateral separation thereby allowing the controller more airspace for maneuvering traffic descending into that terminal area. Subpart B of Part 75 was republished in the Federal Register on January 2, 1980 (45 FR 732).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) as follows:

Under Jet Route No. 4, "Twentynine Palms, Calif., via intersection of Twentynine Palms 103° and Casa Grande, Ariz., 299° radials; Casa Grande; San Simon, Ariz.;" is deleted and "Twentynine Palms; INT Twentynine Palms 104°T(089°M) and San Simon, Ariz., 292°T(279°M) radials; San Simon;" 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 11.65)

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

Issued in Washington, D.C., on July 24, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-22979 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 1

Oral Presentations Before the Commission and Communications With Commissioners and Their Staffs in Trade Regulation Rulemaking Proceedings

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Trade Commission proposes to amend its procedures governing oral presentations before the Commission and communications with Commissioners and their staffs in trade regulation rulemaking proceedings. The proposed procedures are designed to implement the provisions of section 18 of the FTC Act as amended by section 12 of the FTC Improvements Act of 1980, Pub. L. 96-252.

DATES: Written comments must be received on or before September 29, 1980.

ADDRESS: Comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Jerome Tintle (202) 523–3487 or Ana Colon (202) 523–3849, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On May 28, 1980, the FTC Improvements Act of 1980, Pub. L. 96–252 ("the Act"), was enacted. Section 12 of the Act amends section 18 of the FTC Act by adding subsections (j) and (k). Subsection 18(j) concerns communications between the Commission or an individual Commissioner and outside parties and subsection 18(k) concerns communications between a Commissioner or a member of a Commissioner's personal staff and certain officers, employees, and agents of the Commission. Each subsection and the proposed amendments to the Commission's rules of practice relating thereto will be discussed separately.

Subsection 18(j) of the FTC Act

Subsection 18(j)(2) of the FTC Act requires the Commission to publish a proposed rule within 60 days after the date of enactment of the Act and to promulgate a final rule within 180 days after such date of enactment, which rule "shall authorize the Commission or any Commissioner to meet with any outside party[1] concerning any rulemaking proceeding of the commission." Subsection 18(j)(2) further provides that such rule "shall provide that—(A) notice of any such meeting shall be included in any weekly calendar prepared by the Commission; and (B) a verbatim record or a summary of any such meeting, or any communication relating to any such meeting, shall be kept, made available to the public, and included in the rulemaking record."

Under the Commission's current procedures interested persons may meet with individual Commissioners at any time during a rulemaking proceeding prior to the close of the post-record comment period. Rule 1.18(c)(2), 16 CFR 1.18(c)(2). They are also afforded the opportunity to make oral presentations to the commission during its review of the rulemaking record unless the Commission determines that such presentations would not significantly assist it in its deliberations. Rule 1.13(i), 16 CFR 1.13(i). The Commission proposes to continue these procedures[2] with such amendments as are necessary for bringing them into conformity with the provisions of subsection 18(j) of the FTC Act.

Subsection 18(j)(2) requires the Commission's rule to provide that advance notice of any meeting be included in the Commission's weekly calendar. The Commission therefore proposes to add to Rules 1.18(c)(2) and 1.13(i) appropriate provisions to that effect.

Subsection 18(j)(2) further requires the Commission's rule to provide that "a verbatim record or a summary of any such meeting, or any communication relating to any such meeting, shall be kept, made available to the public, and included in the rulemaking record." Present Rule 1.18(c)(2) requires that oral communications permitted by the rule be transcribed verbatim. It has also been the Commission's usual practice to have oral presentations under Rule 1.13(i) transcribed verbatim and copies of such transcripts included in the rulemaking record pursuant to Rule 1.18(a). However, in view of the provision of subsection 18(j)(2) authorizing the Commission to propose a rule providing for alternative methods of recording meetings with outside parties, the Commission proposes to amend Rule 1.18(c)(2) to provide for either verbatim transcripts or summaries of oral communications at the discretion of the Commissioner or Commissioner advisor involved in the Communication. It further proposes to add a provision to Rule 1.13(i) requiring that oral presentations be transcribed verbatim or summarized at the discretion of the Commission and that copies of such transcripts or summaries be placed on the rulemaking record.

Inasmuch as the proposed rule would afford individual Commissioners and the Commission the option of requiring either a verbatim transcript or a summry to be kept, the public is invited to address the relative merits of both alternatives. Specifically, for the purpose of establishing internal guidelines for election of alternate methods, the Commission would like to receive public comment on whether and in what circumstances requiring a verbatim transcription would inhibit meetings between outside parties and Commissioners during rulemakings to an undue degree; and whether and in what circumstances allowing summaries would diminish the accuracy and comprehensiveness of the memorialization to an unacceptable degree.

Since subsection 18(j) also requires the Commission's rule to provide that "a verbatim record or a summary of * * * any communication relating to any such meeting, shall be kept, made available to the public, and included in the rulemaking record," the Commission proposes to include in Rules 1.18(c)(2) and 1.13(i) provisions requiring that copies of any written communications and summaries of any oral communications relating to meetings under the rules be placed on the rulemaking record. Conforming amendments to Rule 1.18(a) will also be made.

In proposing the above amendments, the Commission recognizes that the only oral communications between a Commissioner and an outside party that are allowed by Rule 1.18(c)(2) to be placed on the rulemaking record are those which comply in content and timeliness with the procedural requirements for written submissions at that stage of the proceeding. All other such communications are required to be placed on the public record and cannot be considered by the Commission in its deliberations on the rulemaking. Subsection 18(j), on the other hand, prescribes a rule which shall provide that all communications between a Commissioner and outside parties be "included in the rulemaking record." A literal interpretation of this provision of subsection 18(j) could result in the placement on the rulemaking record of submissions, which, if made in the course to the proceeding would be untimely, thereby subverting the orderly rulemaking process. A possible solution to this problem would be a rule that permits meetings between a Commissioner and outside parties only during the period of initial written comment. This approach, however, would substantially reduce the period of time that is now available under current Rule 1.18(c)(2) for a Commissioner to meet with outside parties. A more reasonable alternative would be to interpret subsection 18(j) as requiring place of communications between a Commissioner and outside parties on the rulemaking record when appropriate. Accordingly, the Commission proposes to retain in Rule 1.18(c)(2) the provision specifying that oral communications will be placed on the rulemaking record only if they

[1] The term "outside party" is defined by subsection 18(j)(1) to mean "any person other than (A) a Commissioner; (B) an officer or employee of the Commission; or (C) any person who has entered into a contract or any other agreement or arrangement with the Commission to provide any goods or services (including consulting services) to the Commission."

[2] We note that Congress intended to codify "the Commission 's rules which require that * * * meetings [with outside parties] be 'on the record' * * *." S. Rep. No. 96–500, 96th Cong., 1st Sess. 22 (1979).

comply with the applicable requirements for written submissions at that stage of the proceeding, and that noncomplying oral communications will be placed on the public record.

The Commission also proposes to retain the exception to Rule 1.18(c)(2) with respect to oral communications from members of Congress as contained in Rule 1.18(c)(3). The legislative history of subsection 18(j) makes clear that the provision must be interpreted as "not intended, in any way, to affect Congress in its oversight responsibilities." S. Rep. No. 96–500, 96th Cong., 1st Sess. 23 (1979).

The Commission also recognizes that Rule 1.13(i) allows interested persons to meet with the Commission only during the course of the Commission's review of the rulemaking record and even then, only when the Commission has not determined that oral presentations would not significantly assist the Commission in its deliberations. The Commission does not regard these restrictions as being inconsistent with the requirements for the rule prescribed by subsection 18(j). Subsection 18(j) prescribes a rule which authorizes meetings between the Commission and outside parties, not a rule which requires such meetings. As a matter of policy the Commission believes that such meetings, when they are helpful, are most suitably held at the close of rulemaking proceedings when a full record has been compiled, for it is at that stage of the rulemaking that such meetings can most effectively assist the Commission in its review of the rulemaking record. Accordingly, the Commission proposes to retain these limitations in Rule 1.13(i).

Subsection 18(k) of the FTC Act

Subsection 18(k) of the FTC Act requires the Commission to publish a proposed rule within 60 days after the date of enactment of the Act and to promulgate a final rule within 180 days after such date of enactment, which rule "shall prohibit any officer, employee, or agent of the Commission with any investigative responsibility of other responsibility relating to any rulemaking proceeding within any operating bureau of the Commission, from communicating or causing to be communicated to any Commissioner or to the personal staff of any Commissioner any fact which is relevant to the merits of such proceeding and which is not on the rulemaking record of such proceeding, unless such communication is made available to the public and is included in the rulemaking record." Subsection 18(k) further provides that "[t]he provisions of this subsection shall not apply to any communication to the extent such communication is required for the disposition of ex parte matters as authorized by law."

The Commission proposes to add a new provision to Rule 1.18(c) which tracks the language of subsection 18(k). The Commission, however, does not interpret subsection 18(k) as banning all communications from its rulemaking staff or as requiring disclosure of all such communications. The Commission will, of course, place on the rulemaking record any communication whose disclosure is required by subsection 18(k) as well as any information that it relies upon in adopting a rule, including any internally generated information, pursuant to Rule 1.18(a). Aside from these two categories, however, the Commission believes that disclosure of staff communications is neither required nor necessary. Such communications reflect the internal, deliberative processes of the Commission and as such are entitled to the protection of Exemption 5 of the Freedom of Information Act, 5 U.S.C. § 552(b)(5). *Cf. Montrose chemical Corp.* v. *Train*, 491 F.2d 63 (D.C. Cir. 1974); *Lead Industries Association, Inc.* v. *Occupational Safety and Health administration*, 610 F.2d 70 (2d Cir. 1979); see also Nathanson, *Report to the Select Committee on Ex Parte Communications in Informal Rulemaking Proceedings*, 30 Ad. L. Rev. 377, 382 (1978). Moreover, the APA provisions on separation of functions, 5 U.S.C. § 554(d), apply only to adjudicatory proceedings, not to rulemaking. And the APA prohibitions on ex parte communications by interested persons outside the agency apply only to matters required by statute to be determined on the record after opportunity for an agency hearing, 5 U.S.C (Supp. V) § 557(d), a category which does not include trade regulation rulemaking.

Accordingly, the Commission proposes to amend 16 CFR Chapter I as follows:

1. By amending § 1.13(i) to read as follows:

§ 1.13 Rulemaking proceeding.

* * * * *

(i) *Commission review of the rulemaking record.* The Commission shall review the rulemaking record to determine what form of rule, if any, it should promulgate. During this review process, the Commission may allow persons who have previously participated in the proceeding to make oral presentations to the Commission, unless it determines with respect to that proceeding that such presentations would not significantly assist it in its deliberations. Presentations shall be confined to information already in the rulemaking record. Requests to participate in an oral presentation must be received by the Commission no later than the close of the comment period under § 1.13(h). The identity of the participants and the format of such presentations will be announced in advance by the Office of Public Information in the Commission's *Weekly Calendar and Notice of "Sunshine" Meetings* and in accordance with the applicable provisions of 5 U.S.C. § 552b and § 4.15 of the Commission's Rules of Practice. Such presentations will be transcribed verbatim or summarized at the discretion of the Commission and a copy of the transcript or summary and copies of any written communications and summaries of any oral communications relating to such presentations shall be placed on the rulemaking record.

2. By amending §§ 1.18(a) and 1.18(c) to read as follows:

§ 1.18 Rulemaking record.

(a) *Definition.* For purposes of these rules the term "rulemaking record" includes the rule, its Statement of Basis and Purpose, the verbatim transcript of the informal hearing, written submissions, the recommended decision of the presiding officer, and the staff recommendations as well as any public comment thereon, verbatim transcripts or summaries of oral presentations to the Commission and of timely oral communications between a Commissioner and outside parties, and any written communications and summaries of any oral communications relating to such oral presentations and oral communications, if any, and any other information which the Commission considers relevant to the rule.

* * * * *

(c) *Communications to Commissioner and Commissioners' personal staffs.* (1) *Communications by outside parties.* Except as otherwise provided in this subpart or by the Commission, after the Commission votes to issue an initial notice of proposed rulemaking, comment on the proposed rule should be directed to the presiding officer pursuant to § 1.13. Communications with respect to the merits of that proceeding from any outside party to any Commissioner or Commissioner advisor shall be subject to the following treatment:

(i) *Written communications.* Written communications, including written communications from members of Congress, received within the period for acceptance of initial written comments shall be forwarded promptly to the presiding officer for placement on the

rulemaking record. Written communications received after the time period for acceptance of initial written comments but prior to any other deadline for the acceptance of written submissions will be forwarded promptly to the presiding officer, who will determine whether such communications comply with the applicable requirements for written submissions at that stage of the proceeding. Communications that comply with such requirements will be promptly placed on the rulemaking record. Noncomplying communications and all communications received after the time periods for acceptance of written submissions will be placed promptly on the public record.

(ii) *Oral communications.* Oral communications are permitted only when advance notice of such oral communications is published by the Commission's Office of Public Information in its *Weekly Calendar and Notice of "Sunshine" Meetings* and when such oral communications are transcribed verbatim or summarized at the discretion of the Commissioner or Commissioner advisor to whom such oral communications are made and are promptly placed on the rulemaking record together with any written communications and summaries of any oral communications relating to such oral communications. Transcripts or summaries of oral communications which occur after the time period for acceptance of initial written comments but prior to any other deadline for the acceptance of written submissions will be forwarded promptly to the presiding officer together with any written communications and summaries of any oral communications relating to such oral communications. The presiding officer will determine whether such oral communications comply with the applicable requirements for written submissions at that stage of the proceeding. Transcripts or summaries of oral communications that comply with such requirements will be promptly placed on the rulemaking record together with any written communications and summaries of any oral communications relating to such oral communications. Transcripts or summaries of noncomplying oral communications will be promptly placed on the public record together with any written communications and summaries of any oral communications relating to such oral communications. No oral communications are permitted subsequent to the close of the post-record comment period, except as provided in rule 1.13(i). If an oral communication does otherwise occur, the Commissioner or Commissioner advisor will promptly place on the public record either a transcript of the communication or a memorandum setting forth the contents of the communication and the circumstances thereof; such transcript or memorandum will not be part of the rulemaking record.

(iii) *Congressional communications.* The provisions of subsection (c)(1)(ii) do not apply to communications from members of Congress. Memoranda prepared by the Commissioner or Commissioner advisor setting forth the contents of any oral congressional communications will be placed on the public record. If the communication occurs within the initial comment period and is transcribed verbatim or summarized, the transcript or summary will be promptly placed on the rulemaking record. Transcripts or summaries of any oral communication which occurs after the time period for acceptance of initial written comments but prior to any other deadline for the acceptance of written submissions will be forwarded promptly to the presiding officer, who will determine whether such oral communications comply with the applicable requirements for written submissions at that stage of the proceeding. Transcripts or summaries of oral communications that comply with such requirements will be promptly placed on the rulemaking record. Transcripts or summaries of noncomplying oral communications will be placed promptly on the public record.

(2) *Communications by certain officers, employees and agents of the Commission.* Any officer, employee, or agent of the Commission with investigative or other responsibility relating to any rulemaking proceeding within any operating bureau of the Commission is prohibited from communicating or causing to be communicated to any Commissioner or to the personal staff of any Commissioner any fact which is relevant to the merits of such proceeding and which is not on the rulemaking record of such proceeding, unless such communication is made available to the public and is included in the rulemaking record. The provisions of this subsection shall not apply to any communication to the extent such communication is required for the disposition of ex parte matters as authorized by law.

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. § 46). 80 Stat. 383, as amended (5 U.S.C. 552))

* * * * *

By direction of the Commission, dated July 25, 1980.

Carol M. Thomas,

Secretary.

[FR Doc. 80-23236 Filed 7-30-80; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Unvented Gas-Fired Space Heaters; Proposed Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: This notice extends from August 18, 1980 to September 17, 1980, the period in which the Commission must either publish a consumer product safety rule requiring that unvented gas-fired space heaters be equipped with oxygen depletion safety shutoff systems (ODS) or withdraw the standard proposed on January 18, 1980.

FOR FURTHER INFORMATION CONTACT: Stan Morrow, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301)492-6453.

SUPPLEMENTARY INFORMATION: On January 18, 1980, the Commission published in the **Federal Register** (45 FR 3762) a proposed standard requiring (1) oxygen depletion safety shutoff systems for unvented gas-fired space heaters, and (2) a cautionary and informational label. Based on information discussed in the proposed standard, the Commission stated its preliminary determination that unvented gas-fired space heaters present an unreasonable risk of injury from carbon monoxide (CO) poisoning and a standard requiring that the heaters be equipped with ODS is reasonably necessary to eliminate or reduce this risk.

The notice announced the Commission's intention to issue a final consumer product safety standard for this product by August 18, 1980 or withdraw the proposed standard unless the Commission would determine that good cause exists to extend this date.

In accordance with section 9(a)(2) of the CPSA (15 U.S.C. 2058(a)(2)), the notice proposing the standard provided opportunities for the public to present oral and written presentations of data,

views or arguments on the proposal. Many of the oral and written views submitted present complex, technical issues for review by the staff before evaluation by the Commission. In addition, discussions at several subsequent public meetings of a technical nature between representatives of the unvented gas-fired space heater industry and Commission technical staff members are still being analyzed by the staff. Therefore, the Commission concludes that additional time is needed for staff analysis and Commission consideration of all this information.

Accordingly, pursuant to section 9(a)(1) of the CPSA, the period of time in which the Commission must either publish a consumer product safety standard requiring that unvented gas-fired space heaters be equipped with ODS and bear the label designated in the standard, is extended to September 17, 1980. This period may be further extended for good cause by notice published in the **Federal Register**.

Dated: July 25, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-23007 Filed 7-30-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-139-76]

FIFO and Other Ordering Rules for Investment Credit

Correction

In FR Doc. 80-20524, appearing on page 46444 in the issue of Thursday, July 10, 1980, make the following corrections.

On page 46447, in the table for § 1.46-2(h), *Example (1)*, column "(1) Credit available", the entry under "1980: A. Carryover from 1979" now reading "55,000" should have read "15,000".

On page 46448, in the table for § 1.46-2(h), *Example (2)* at the top of the page, the entries under "1978: Energy: A. Carryback from 1979", in column "(1) Credit available" now reading "5,000" should have read "15,000". The entry under column "(5) Credit allowed (lower of (1) or (4))" now reading "5,000E" should have read "15,000E".

BILLING CODE 1505-1-M

DEPARTMENT OF JUSTICE

Land and Natural Resources Division

28 CFR Ch. I

Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Land and Natural Resources Division, Justice.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: This Semiannual Agenda of Significant Regulations is issued pursuant to section 2(a) of Executive Order No. 12044 (43 FR 12661), which requires the publication at least semiannually of an "agenda of significant regulations under development or review."

The purpose of this semiannual agenda is to provide the public with information about regulatory activity within the Land and Natural Resources Division, Justice.

FOR FURTHER INFORMATION CONTACT Ann P. Gailis, 202-633-1442.

SUPPLEMENTARY INFORMATION: The Semiannual Agenda normally covers new significant regulations under development at the time this Agenda is prepared, or which are anticipated to be under development in the future. It also includes existing significant regulations under review with an eye toward possible revision, or ones anticipated to be thus under review prior to the publication of the next Semiannual Agenda. Only one regulation meets these criteria at the present time.

New Regulation

The following new regulation is being developed for the Department of Justice.

Procedures for the Identification and Protection of Historic, Architectural, and Archeological Properties

Description of the Regulation. These regulations set forth procedures to be followed by the Department of Justice and all agencies of the Department for the identification, protection, and management of cultural resources under their jurisdiction or control.

Legal Basis. There procedures implement the regulations of the President's Advisory Council on Historic Preservation (36 CFR Part 800) which implement section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq., and Executive Order 11593.

Dates. Draft regulations were published in the **Federal Register** on June 13, 1980 (45 FR 40159). The comment period ended on July 14, 1980.

Knowledgeable Official. Ann P. Gailis, Policy, Legislation, and Special Litigation Section, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530 202-633-1442.

Regulatory Anaylsis. None needed.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-23184 Filed 7-30-80; 8:45 am]

BILLING CODE 4110-01-M

Bureau of Prisons

28 CFR Ch. V

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Bureau of Prisons, Justice.

ACTION: Publication of semiannual agenda.

SUMMARY: This Semiannual Agenda of Regulations is issued pursuant to the requirements of Executive Order 12044. The purpose of this agenda is to provide the public with information about Bureau of Prisons contemplated rulemaking activity within the next twelve months.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 910, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062

SUPPLEMENTARY INFORMATION: The Bureau, of Prisons is responsible for the care and custody of offenders committed to the custody of the Attorney General of the United States. Bureau rules pertaining to the operation of the agency are contained in a wide variety of Program Statements. In 1977, prior to implementation of the Executive Order, the Bureau began to publish for public comment in the **Federal Register** rules from those Program Statements which affect the public and address the care and custody of inmates. The Bureau is now finalizing some of its proposed and interim rules. For this reason, the Bureau's present agenda primarily consists of rules for which some final action is anticipated.

The Bureau's initial semiannual agenda was published in the **Federal Register** March 6, 1980 (et 45 FR 14596 dt seq.). That Agenda, as the present Agenda, contained entries in the process of being finalized. The Bureau has subsequently finalized the following entries from the March 1980 Agenda;

(1) Transfer of Inmates after Conviction;

(2) Hunger Strikes;
(3) Nondiscrimination Toward Inmates;
(4) Procedures for Implementation of 18 U.S.C. 4205(g);
(5) Minimum Standards for Educational Tests;
(6) Recreation Programs, Inmates;
(7) Filing Claims for Inmate Accident Compensation;
(8) Alcohol Testing;
(9) Hostages;
(10) Parole and Mandatory Release Violator Reports;
(11) Visiting;
(12) Production or Disclosure of Material or Information: FBI Identification Records; FBI Criminal History Records;
(13) Reimbursements by Participants of Community Employment Programs;
(14) Intake Screening; and
(15) Correspondence.

Entries (1)–(4) were published in the **Federal Register** as final rules April 4, 1980 (at 45 FR 23364 et seq.). Entries (5)–(10) were published in the **Federal Register** as final rules May 20, 1980 (at 45 FR 33938 et seq.). Entries (11) through (15) were published in the **Federal Register** as final rules June 30, 1980 (at 45 FR 44220 et seq.). Another entry, Searches of Housing Units, Inmates, and Inmate Work Areas was published in the **Federal Register** as a proposed rule April 4, 1980 (at 45 FR 23367 et seq.).

The Bureau of Prisons does not consider its rules to have major economic consequences as defined within Section 3 of the Executive Order and in Section IV of the Attorney General's order on implementation of the Executive Order. Therefore, no regulatory analysis is planned. As this Bureau has one component specifically assigned responsibility for preparation and publication of proposed and final rules, the persons assigned to this component are considered knowledgeable officials, and will be able to respond directly to inquiries or to obtain requested information.

Semiannual Agenda of Regulations

Research

Discussion of Regulation: No one may conduct research within the Bureau of Prisons without prior approval. Whoever wishes to conduct a research project within the Bureau of Prisons shall submit to the Bureau a request providing specific information on the proposed research project. This rule is intended to ensure that certain uniform guidelines apply to research projects conducted under the auspices of the Bureau of Prisons. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509–510; 28 CFR 0.95–0.99.

Claims Under the Federal Tort Claims Act

Discussion of Regulation: The Director of the Bureau of Prisons is delegated authority by 28 CFR 0.96, 0.172 to settle those tort claims where the proposed settlement does not exceed $2500. The rule describes information on the procedures for filing, investigating, and determining the merits of a tort claim. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above) plus 28 CFR 0.172.

Medical Experimentation and Pharmaceutical Testing

Discussion of Regulation: The Bureau of Prisons does not permit medical experimentation or pharmaceutical testing on inmates. The rule discusses this aspect and identifies what the Director of the Bureau of Prisons may authorize in this area. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Marriage of Inmates

Discussion of Regulation: The Warden may approve the marriage of an inmate confined to an institution of the Bureau of Prisons. The rule discusses procedures in this area. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Use of Force and Application of Physical Restraints on Inmates

Discussion of Regulation: The Bureau of Prisons authorizes application of physical restraints on an inmate who becomes violent or who displays signs of imminent violence. The rule discusses procedures in this area, including the need for documentation. The NPRM was published in the **Federal Register** on January 12, 1979.

Legal Basis: Same as for Research (see above).

Work and Study Release

Discussion of Regulation: The Bureau of Prisons uses work and study release programs to allow selected inmates, in preparation for release from confinement, to attend school or work during the day, returning to the institution at night. The rule discusses eligibility procedures, limitations to program participation, as well as other aspects of this program. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Furloughs

Discussion of Regulation: The Attorney General has delegated the authority to grant furloughs under 18 U.S.C. 4082(c) to the Director, Bureau of Prisons. The rule discusses various aspects of the Bureau's furlough program, including, but not limited to, justification for furlough and eligibility requirements. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Pretrial Inmates

Discussion of Regulation: The Bureau of Prisons houses, in addition to convicted inmates, persons awaiting trial. The rule discusses procedures and practices required for the care, custody, and control of such inmates. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Searches of Housing Units, Inmates, and Inmate Work Areas

Discussion of Regulation: In order to further the safe, secure, and orderly running of its institutions, the Bureau of Prisons conducts searches of inmates, and of inmate housing and work areas to locate contraband and deter its introduction and movement. They proposed rule describes the type of searches and the conditions under which they may be conducted. The NPRM was published in the **Federal Register** April 4, 1980.

Legal Basis: Same as for Research (see above).

Inmate Discipline

Discussion of Regulation: So that inmates may live in a safe and orderly environment, it is necessary for institution authorities to impose discipline in cases where inmates' behavior is not in compliance with Bureau regulations. The rule describes Bureau of Prisons disciplinary procedures, including prohibited acts, sanctions, hearings, etc. The Interim Rule on Inmate Discipline was published in the **Federal Register** April 18, 1979.

Legal Basis: Same as for Research (see above) plus 18 U.S.C. 4161–4166.

Correspondence

Discussion of Regulation: The Bureau of Prisons provides postage to an inmate who has neither funds nor sufficient postage and who wishes to mail legal

mail or Administrative Remedy filings. To prevent abuses of this provision, the Warden may impose restrictions on such free mailings. An Interim Rule on this subject was published in the **Federal Register** June 30, 1980.

Legal Basis: Same as for Research (see above).

Central Inmate Monitoring System

Discussion of Regulation: The Bureau of Prisons monitors and controls the transfer and community activities of certain inmates who present special needs for management. Such inmates are known as Central Monitoring Cases (CMC). The rule identifies CMC categories and discusses procedures in designating an inmate into the CMC program. The NPRM was published in the **Federal Register** May 20, 1980.

Legal Basis: Same as for Research (see above).

Release of Information

Discussion of Regulation: The rule establishes procedures for release of records in possession of the Bureau of Prisons to Federal Prison inmates and to the general public. The rule adheres to provisions of the Freedom of Information Act, the Privacy Act, and the Parole Commission and Reorganization Act. The NPRM was published in the **Federal Register** October 29, 1979.

Legal Basis: 5 U.S.C. 301, 552, 552a; 18 U.S.C. 4001, 4042, 4081; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99, Part 2, Part 16.

Metal Detectors/Detaining and Searching Institution Visitors/Arresting Authority, Bureau of Prisons Employees

Discussion of Regulation: The Bureau of Prisons takes steps to prevent the introduction of contraband into its institutions. Staff may subject all visitors entering or leaving an institution to a search of their person and effects. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Inmate Funds Donated Through the Mails

Discussion of Regulation: Inmates may not solicit funds nor initiate requests which might result in the solicitation of funds from persons other than the inmate's immediate family or friends. Procedures for the disposition of unsolicited funds donated to an inmate by an unknown source are described. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Guidelines for Social Education Activities

Discussion of Regulation: The Bureau of Prisons recognizes that skills to improve interpersonal relationships, communication, self-motivation, realistic goal setting, and a positive basic self-concept develop with the passage of time. The Warden is to make available to an inmate throughout the term of the inmate's confinement programs to foster such skills. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Fines and Costs

Discussion of Regulation: When the court directs that an inmate remain confined until a fine or other penalty is paid, the Bureau of Prisons shall confine the inmate until he pays or arranges to pay the fine. The rule describes procedures relating to a monetary penalty, imposed with the conditions of imprisonment until the fine is paid. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Progress Report

Discussion of Regulation: The Bureau of Prisons maintains current information on each inmate by writing progress reports on a regularly scheduled basis. The rule describes the type of progress reports prepared. The NPRM was published in the **Federal Register** January 12, 1979.

Legal Basis: Same as for Research (see above).

Inmate Library Services

Discussion of Regulation: The Bureau of Prisons provides library services to the inmate population at each of its institutions. The rule describes library services available to inmates.

Legal Basis: Same as for Research (see above).

Admission and Orientation Program

Discussion of Regulation: The Bureau of Prisons operates an Admission and Orientation Program to provide new inmates with information pertaining to their institutional stay. The rule discusses aspects of an Admission and Orientation Program.

Legal Basis: Same as for Research (see above).

Personal Property of Inmates

Discussion of Regulation: The Bureau of Prisons requires its institutions to follow established guidelines for personal property of inmates. The rule will discuss both contraband and limitations on personal property.

Legal Basis: Same as for Research (see above).

Articles To Be Furnished Inmates Removed by Writ

Discussion of Regulation: The rule establishes certain procedures and guidelines to ensure that inmates appearing in court as a result of a Writ will present an appropriate appearance.

Legal Basis: Same as for Research (see above).

Disciplinary Procedures in Contract CTC's

Discussion of Regulation: The rule intends to outline disciplinary procedures to be followed by contract Community Treatment Centers (CTCs) and Work Release Facilities.

Legal Basis: Same as for Research (see above).

Drug Services for Sentenced Inmates in CTC's

Discussion of Regulation: The rule will present guidelines for urine surveillance of inmates serving sentences in contract CTCs and for drug counseling of inmates serving sentences in federal and contract Community Treatment Centers, for whom drug aftercare is a condition of release.

Legal Basis: Same as for Research (see above).

Dated: July 29, 1980.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 80-23185 Filed 7-30-80; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Permanent Regulatory Program; Submission of Arkansas

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: Reopening of public comment period on Arkansas' permanent regulatory progam.

SUMMARY: On February 19, 1980, the State of Arkansas submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The submission is intended to implement requirements found in 30 CFR Chapter VII, which

contains the permanent program rules issued by the Secretary of the Interior.

In the course of a lawsuit challenging the Secretary's rules, certain provisions were suspended or remanded pending further rulemaking. (In Re Permanent Surface Mining Regulation Litigation, No. 79–1144, U.S. District Court, District of Columbia.) On May 16, 1980, the court ordered the Secretary to disapprove all state provisions incorporating suspended or remanded federal rules. On June 16, 1980, the Secretary filed a motion requesting that the court stay its decision, but in the interim he intends to comply with the court's order. On July 7, 1980, the Secretary published a proposed list of all suspended or remanded regulations and invited public comment on the accuracy of the list (45 FR 45605). The notice published today invites public comment on the Secretary's tentative determination identifying provisions in the Arkansas program that incorporate suspended or remanded federal rules.

In a letter dated July 2, 1980, the Director of the Arkansas Department of Pollution Control and Ecology (DPCE) advised OSM that the Arkansas DPCE will adopt final regulations on July 25, 1980 and requested the Secretary to consider the proposed regulations in his decision. Arkansas contends that although its regulations were not fully enacted by the 104th day after program submission as required by 30 CFR 732.11(d), the Secretary should consider the proposed regulations in his initial decision because the public had full opportunity to comment on the proposed regulations throughout the review process and public comment periods. Comment is also solicited on this proposal by the state.

In the July 2, 1980, letter the Arkansas DPCE also submitted some additional modifications to the permanent program submission. The material included some non-substantive modifications that will not be summarized in this notice. Public comment is invited on the substantive revisions, which are found in "Supplementary Information".

DATES: All comments must be received by 5:00 p.m. on August 11, 1980.

ADDRESSES: Comments should be submitted to: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240.

Copies of the Arkansas program submission, the opinions of the District Court in the lawsuit discussed above, and the July 2, 1980 letter, program amendments and suspended or remanded rules are available for review and copying during normal business hours at:

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

Office of Surface Mining Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240.

Copies of the Arkansas statutes and regulations contained in Arkansas' program submission may be obtained on request from:

Richard Rieke, OSM Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: Arkansas submitted its permanent regulatory program for approval by the Secretary of the Interior on February 19, 1980. After opportunity for public comment on the program's completeness, the Regional Director determined the initial submission to be complete. The Regional Director then announced a public comment period and public hearing to obtain the views of interested persons and agencies on the adequacy of Arkansas' submission. The public comment period closed on July 16, 1980. These actions were announced in the **Federal Register** on February 27, 1980 (45 FR 12918–12919), April 9, 1980 (45 FR 24210–24211) and June 6, 1980 (45 FR 38088–38090). Before Arkansas submitted its program, challenges to the Secretary's permanent program regulations were brought by representatives of industry, two states and several environmental groups in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In Re Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447–77454) and January 30, 1980 (45 FR 6913). In two opinions the court remanded certain other regulations that had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. A list of all the suspended and remanded regulations was set forth in the July 7, 1980 **Federal Register** at 45 FR 45604.

In its May 16, 1980, opinion, the court ordered the Secretary to affirmatively disapproved any regulation in a state program that incorporates a suspended or remanded regulation. Although the Secretary has filed a motion with the court asking it to reconsider that portion of its opinion, he intends to comply with the opinion pending its modification. OSM has completed an initial review of the Arkansas program submission and has identified the provisions proposed for disapproval and the proposed extent of disapproval.

In the July 2, 1980, letter the Arkansas DPCE also submitted some additional modifications to the permanent program submission. The material included some non-substantive modifications that will not be summarized in this notice. Public comment is invited on the substantive revisions, briefly described below:

1. Section 807.11(f) and (g)—Procedures for public participation in the release of a performance bond, and criteria for when a bond can actually be released.

2. Section 786.11(c)—Public notice of filing of permit applications, specifically the written notification of government agencies.

3. Arkansas issued a new Part 1000 to its regulations before the 104th day after submission that contained a list of suspended and remanded regulations that will not be effective in Arkansas. Some of the suspended and remanded regulations in Part 1000 are revised as follows:

(a) Part 1000 (10)—§ 785.17(a)—This regulation is suspended to the extent that it limits the prime farmland exemption from reconstruction requirements to persons with permits issued or mining plans approved prior to August 3, 1977.

(b) Part 1000 (22)—§ 816.103(a)(1)—This regulation is suspended to the extent that it does not allow treatment as an alternative to covering coal and acid—or toxic—forming materials.

(c) Part 1000 (30)—Part 779—The term "mine plan area" as it appears in this part is suspended. The commission suggests that the term "permit area" be substituted, with the exception of the determination of probable hydrologic consequences that must be measured both on and off the mine site.

4. Section 816.65(e)(2)—Amended 100 Hz was revised to 200 Hz for the measurement of frequency responses of airblasts.

5. Section 940.1—Criteria for granting temporary relief were added.

6. Section 940.3(b)—A procedure was added for expedited review of temporary relief proceedings.

ADPCE requested that the Secretary extend the public comment period to allow the public to comment on the rules to be adopted July 25, 1980. Additionally, an attachment to the July 2, 1980 letter identified sections of the Arkansas regulations that incorporate suspended or remanded federal rules. Public comments are solicited on the July 2, 1980 letter, program revisions and the list of suspended or remanded regulations.

An addition to Arkansas' program, Part 1000, was submitted May 30, 1980 and revised on July 2, 1980. Part 1000 contained a list prepared by the Arkansas DPCE of Arkansas' regulations that incorporated suspended or remanded federal regulations. The public is invited to compare the list as prepared by the Arkansas DPCE with the proposed list as published in this **Federal Register** notice and to comment on them. Part 1000 is available for review at the locations identified under Addreses of this notice. The proposed list of Arkansas provisions incorporating suspended or remanded federal regulations is:

1. Section 701.5. The definition of "mine plan area", and the use of the term in sections 779, 780, 783, and 784, regarding requirements of information outside the permit area would be disapproved.

2. Section 701.11(c) (i) and (ii), relating to exemptions for existing structures, would be disapproved to the extent that the exemptions are not mandatory after the appropriate findings are made.

3. Section 761.5. The definition of "public road," would be disapproved pending repromulgation of federal rules.

4. Section 761.5(a)(2)(i). The definition of "valid existing rights" would be disapproved to the extent it does not allow recognition of such rights an operator may claim by having made a good faith effort to obtain all permits before August 31, 1977.

5. Sections 761.11(c) and 761.12(f)(1) would be disapproved to the extent that they prohibit or restrict mining near places eligible for listing on the National Register of Historic Places, and the words "or a statutory or regulatory responsibility for" in § 761.12(f)(1) would be disapproved. Further, both rules would be disapproved to the extent that they apply to privately owned places listed on the National Register of Historic Places in addition to publicly owned places.

6. Sections 776.11(b)(3) and (5), relating to the requirement for maps of proposed exploration areas and a showing of the legal basis for entering exploration areas when the surface is owned by a person other than the operator, would be disapproved for lack of statutory authority.

7. Sections 779.20 and 780.16, requiring a permit application to contain a study of fish and wildlife and to include a fish and wildlife reclamation plan, would be disapproved.

8. Section 779.21 would be disapproved to the extent it requires a soil survey for lands other than those which a reconnaissance inspection suggests may be prime farmland.

9. Section 783.14(a)(1) would be disapproved insofar as it requires a geologic description of the strata down to and immediately below any coal seam for areas to be affected only by "surface operations and facilities" and where no removal of overburden down to the level of the coal seam will occur.

10. Section 779.25 (c), (h) and (i) would be disapproved to the extent applicable to underground mining permit applications concerning coal seam and overburden description, location of existing and previously mined areas, and location of waste disposal and impoundments.

11. Section 785.17(a) concerning the prime farmland grandfather clause, would be disapproved pending OSM's promulgation of new requirements.

12. Sections 785.17(b)(3) and 823.14(c) concerning excessive soil compaction, would be disapproved, pending OSM's promulgation of a standard for soil compaction.

13. Section 785.17(b)(8) would be disapproved to the extent that it requires prime farmland reclamation target yields to be based on estimated yields under a high level of management rather than a level of management equivalent to that used on prime farmlands in the surrounding area.

14. Section 786.5(b) would be disapproved to the extent that "or has not been" is part of the definition of "irreparable damage to the environment".

15. Section 805.13(d) would be disapproved to the extent that the regulatory authority could grant an exception from the revegetation requirements of Part 816.

16. Sections 806.12(e)(6)(iii) and 806.12(g)(7)(iii) would be disapproved to the extent they require cessation of operations upon the insolvency of a surety.

17. Section 808.12(c) would be disapproved to the extent that it limits bond liability to protection of the hydrologic balance.

18. Section 808.14(b) would be disapproved to the extent it allows the regulatory authority to forfeit and keep the entire amount of a bond where the entire amount is not needed to complete the reclamation.

19. Section 816.42(a)(1) and (7) would be disapproved to the extent they apply effluent standards to the reclamation phase of a surface coal mining operation.

20. Section 816.42(b) relating to effluent standard exemptions during major storm periods, would be disapproved pending OSM's promulgation of new storm exemption regulations.

21. Section 816.46(b) concerning sediment storage volume in sediment ponds, would be disapproved, pending OSM's promulgation of new requirements.

22. Section 816.46(c) concerning detention time for water in sediment ponds, would be disapproved, pending OSM's promulgation of new requirements.

23. Section 816.46(d) would be disapproved to the extent it requires dewatering devices to have a discharge rate to achieve and maintain the theoretical detention time for sediment ponds.

24. Section 816.46(h) concerning sediment removal from sediment ponds, would be disapproved, pending OSM's repromulgation of rules.

25. Section 816.65(f) requiring special approval prior to blasting within 1,000 feet of certain buildings and 500 feet of other facilities would be disapproved to the extent it restricts blasting at distances greater than 300 feet.

26. Section 816.83(a) concerning coal processing waste banks, would be disapproved to the extent it precludes a possible exemption from the underdrain requirement where the operator can demonstrate that an alternative would ensure structural integrity of the waste bank and protection of water quality.

27. Section 816.95 concerning air resources protection, would be disapproved to the extent it applies to air pollution not caused by erosion.

28. Section 816.103(a)(1) would be disapproved to the extent it does not provide operators the option of treating acid-forming and toxic-forming material in lieu of covering such materials.

29. Section 816.115 would be disapproved to the extent it requires an operator who proposes range or pasture as the post-mining land use to actually use the land for grazing for the last two years of bond liability.

30. Sections 823.11(c), 823.15(b) and 823.15(c) would be disapproved to the extent they require an operator on prime farmland to actually return the land to crop production.

31. Section 816.116(b) would be disapproved to the extent it states that the period of responsibility for successful revegetation is not commenced until the vegetation reaches 90 percent of the natural cover in the area.

32. Section 816.133(b)(1) would be disapproved to the extent it does not allow restoration of lands to the conditions they were capable of supporting prior to any mining.

33. Section 816.133(c)(4) and (c)(9) would be disapproved to the extent it requires an operator to provide "letters of commitment" for proposed land use changes or for proposed cropland use.

34. Section 701.5. The definition of "roads" and its use in §§ 816.150–176 would be disapproved, pending OSM's promulgation of new regulations.

35. Section 816.150–176 concerning performance standards for three classes of roads, would be disapproved, pending OSM's promulgation of new regulations.

36. Section 816.52(a)(1), as it applies to underground mining, would be disapproved to the extent that it requires monitoring to determine the effects of underground mining activities on the recharge capacity of reclaimed lands.

37. Section 816.54, to the extent it applies to underground mining, would be disapproved.

38. Sections 816.101U(b)(1) and 816.102, as it applies to underground mining, would be disapproved to the extent that there is no provision for some flexibility from AOC requirements for settled, stabilized, and revegetated fills at underground mines.

39. Part 823 concerning underground mining operations on prime farmland would be disapproved to the extent it does not have an exemption for surface facilities actively used over extended periods, but which affect minimal amounts of land.

40. Section 845.13 would be disapproved to the extent that it requires the use of a point system for assessing civil penalties.

This list identifies provisions the Secretary would delete from the Arkansas program if he approves the remainder of the program and sets forth the extent to which each of its provisions would be disapproved.

The Secretary expects shortly to make an initial decision to approve, to approve with conditions, or to disapprove, in whole or in part, the Arkansas program submission. The public comment period on the adequacy of the submission ended July 16, 1980. However, the Secretary is soliciting public comments at this time in order to enable the public to assist the Secretary in complying with the court's May 16, 1980, order.

Public Comment Period

The new period for public comment is necessary to allow opportunity for the public to review and comment on the Secretary's tentative determination identifying provisions in the Arkansas program that incorporate suspended or remanded federal rules and to announce receipt of the July 2, 1980, letter and amendments to the Arkansas program so that they can also be commented upon.

With respect to the tentative determination identifying provisions in the Arkansas program that incorporate suspended or remanded federal rules, the public is now invited to comment only on the accuracy of the list of provisions of the Arkansas program that incorporate suspended or remanded federal regulations and the adequacy of the proposed extent of the disapprovals. In particular, the Secretary wants to know if other provisions should be included, or if any of those listed should not be, and to receive comments on the proposed extent of the deletions.

Public comments on the July 2, 1980, letter and amendments to the proposed regulations must pertain solely to the effects that the amendments would have on the previously submitted program provisions. OSM is particularly interested in comments on Arkansas' assertion that, in this case, there is no need for the Secretary to enforce the 104 day rule. OSM is not soliciting public comments on those program provisions made available for public comment between June 6 and July 16, 1980 (45 FR 38088–38090).

Miscellaneous Findings

OSM has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on the decision on the Arkansas program.

OSM has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this proposed rule.

Dated: July 24, 1980.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 80-23109 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 80-1]

General Provisions; Works Consisting of Sounds, Images, or Both: Advance Notice of Potential Infringement

AGENCY: Library of Congress, Copyright Office.

ACTION: Advance notice of proposed regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress proposes to adopt a new regulation designed to implement paragraph (b) of section 411 of the Copyright Act of 1976, Title 17 of the United States Code, as amended by Pub. L. No. 94–553. This paragraph provides for the service of advance notices of potential infringement for the purpose of preventing the unauthorized use of certain works that are being transmitted "live" at the same time that they are being fixed in tangible form for the first time. The proposed regulation would establish requirements governing the content and manner of service of the advance notices.

DATES: Initial comments should be received on or before August 29, 1980. Reply comments should be received on or before September 15, 1980.

ADDRESSES: Ten copies of all written comments should be submitted, if by mail, to: Office of the General Counsel, Copyright Office, Library of Congress, Caller Number 2999, Arlington, Virginia 22202; or by hand to: Office of the General Counsel, Copyright Office, Room 519, Crystal Mall, Bldg. No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (703) 557–8731.

SUPPLEMENTARY INFORMATION: Section 411(b) of the Copyright Act of 1976 [Act of October 19, 1976, 90 Stat. 2541] concerns the unauthorized use of works consisting of sounds, images, or both, that are fixed for the first time simultaneously with their transmission. It provides generally that the copyright owner may institute an action for infringement under section 501 of the Act, either before or after the first fixation takes place, and seek any or all of the remedies provided for by sections 502 through 506 and sections 509 and 510

of the Act so long as certain requirements are met.

In discussing the purpose of this provision, the Reports of the Judiciary Committees of the House of Representatives and the Senate [H.R. Rep. No. 94–1476, 94th Cong., 2d Sess. (1976) at 157 and S. Rep. No. 94–473, 94th Cong. 1st Sess. (1975) at 140, respectively] state:

> Section 411(b) is intended to deal with the special situation presented by works that are being transmitted "live" at the same time they are being fixed in tangible form for the first time. Under certain circumstances, where the infringer has been given advance notice, an injunction could be obtained to prevent the unauthorized use of the "live" transmission.

Under the statute, this advance notice must be served on the person responsible for the potential infringement at least ten days but not more than thirty days before the first fixation of the work and must identify the work and specify the time and source of its first transmission. The advance notice must also include a declaration of "an intention to secure copyright in the work." Section 411(b) further provides that the advance notice must comply "with the requirements that the Register of Copyrights shall prescribe by regulation."

We propose to implement this provision by the addition of a new § 201.22 to the regulations of the Copyright Office. Proposed § 201.22 assumes that, at the time when he or she serves the advance notice, the copyright owner has already acquired some advance knowledge of the intended unauthorized use of the work by the person responsible for the potential infringement. Since it may be possible that not all of the activities contemplated by the alleged potential infringer would constitute an infringement of the work, we are proposing that the regulations require the copyright owner to specify the nature of the rights that he or she believes will be infringed and to describe the relevant activities that would, if carried out, result in an infringement. We are also proposing that the advance notice refer to section 411(b) as the statutory authority for the copyright owner's actions and explains that a failure to cease preparation for the unauthorized activities could lead to further liability for copyright infringement.

Because this statutory provision requires the service of a notice before fixation of the work, we are proposing in § 201.22(a)(2) to define a "copyright owner" in part as "the person who will be considered the author of the work upon its fixation"; no statutory copyright will exist at the time the notice must be served.

We invite comments on the foregoing explanation and on the proposed regulation in general. Specifically, we invite comments on the following:

1. Section 411(b) refers to "a work consisting of sounds, images, or both." Should the regulation define more specifically the works that it covers, for example in terms of the types of works of authorship set forth in section 102(a) of the Copyright Act?

2. Since it may be possible for a transmission to contain multiple works, should the regulation permit an advance notice to accommodate more than one work, particularly where multiple copyright owners are involved? If so, how should this be done?

3. In addition to service of the advance notice, section 411(b) further requires the copyright owner to make "registration for the work within three months after its first transmission." Does the mandate given to the Register in this section authorize him to compel registration for the work and/or provide certain penalties for a failure to register? If so, and if the Register decides to exercise this authority, how should the regulation accomplish either of these purposes?

Proposed Regulation. We propose to amend Part 201 of 37 CFR Chapter II by adding a new § 201.22 to read as follows:

§ 201.22 Advance notices of potential infringement of works consisting of sounds, images, or both.

(a) *Definitions.* (1) An "Advance Notice of Potential Infringement" is a notice which, if served in accordance with section 411(b) of title 17 of the United States Code, as amended by Public Law 94–553, and in accordance with the provisions of this section 201.22, enables a copyright owner to institute an action for copyright infringement either before or after the first fixation of a work consisting of sounds, images, or both that is first fixed simultaneously with its transmission, and to enjoy the full remedies of said title 17 for copyright infringement, provided registration for the work is made within three months after its first transmission.

(2) For purposes of this section, the "copyright owner" of a work consisting of sounds, images, or both, the first fixation of which is made simultaneously with its transmission, is the person who will be considered the author of the work upon its fixation (including, in the case of a work made for hire, the employer or other person for whom the work was prepared), or a person or organization that has obtained ownership of an exclusive right, initially owned by the person who will be considered the author of the work upon its fixation.

(b) *Form.* The Copyright Office does not provide printed forms for the use of persons serving Advance Notices of Potential Infringement.

(c) *Contents.*

(1) An Advance Notice of Potential Infringement must clearly state that the copyright owner objects to the relevant unauthorized activities of the person responsible for the potential infringement, and must include all of the following:

(i) Reference to 17 U.S.C. 411(b) as the statutory authority on which the Advance Notice of Potential Infringement is based;

(ii) The date and specific time of the intended first transmission of the work;

(iii) The source of the intended first transmission of the work;

(iv) Clear identification, by title, of the work. If the work is untitled, the Advance Notice shall include a detailed description of the work;

(v) The name of the person who will be considered the author of the work upon its fixation;

(vi) The identity of the copyright owner, as defined in paragraph (a)(2) of this section. If the copyright owner is not the person who will be considered the author of the work upon its fixation, the Advance Notice also shall include a brief, general statement summarizing the means by which the copyright owner obtained ownership of the copyright and the particular rights that are owned;

(vii) The nature of the rights which the copyright owner believes will be infringed; and

(viii) A description of the relevant unauthorized activities of the person responsible for the potential infringement which would, if carried out, result in an infringement of the copyright.

(2) An Advance Notice of Potential Infringement must also include clear and prominent statements:

(i) Explaining that a failure to cease the unauthorized activities may subject the person responsible to further liability for copyright infringement; and

(ii) Declaring that the copyright owner intends to protect the copyright in the work upon its fixation, and to make registration of the copyright claim for the work within three months from the date of its first transmission.

(d) *Signature and Identification.*

(1) An Advance Notice of Potential Infringement shall be in writing and signed by the copyright owner, or such owner's duly authorized agent.

(2) The signature of the owner or agent shall be an actual handwritten signature of an individual, accompanied by the date of signature and the full name, address, and telephone number of that person, typewritten or printed legibly by hand.

(3) If an Advance Notice of Potential Infringement is initially served in the form of a telegram or similar communication, as provided by paragraph (e) of this section, the requirement for an individual's handwritten signature shall be considered waived if the further conditions of said paragraph (e) are met.

(e) *Service.*

(1) An Advance Notice of Potential Infringement shall be served on the person responsible for the potential infringement at least ten days but not more than thirty days before the first fixation and simultaneous transmission of the work as provided by 17 U.S.C. 411(b)(1).

(2) Service of the Advance Notice may be effected by any of the following methods:

(i) Personal service;

(ii) First-class mail; or

(iii) Telegram, cablegram, or similar form of communication, if: (A) the Advance Notice meets all of the other conditions provided by this section; and (B) before the first fixation and simultaneous transmission take place, the person responsible for the potential infringement receives written confirmation of the Advance Notice, bearing the actual handwritten signature of the copyright owner or duly authorized agent.

(3) The date of service is the date the Advance Notice of Potential Infringement is received by the person responsible for the potential infringement or by any agent or employee of that person.

(17 U.S.C. 411, 702)

Dated: July 21, 1980.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 80-23122 Filed 7-30-80; 8:45 am]

BILLING CODE 1410-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL 1552-1, Docket No. A-79-40]

Visibility Protection for Federal Class I Areas; Extension of Public Comment Period

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the public comment period on the proposed visibility regulations (May 22, 1980, 45 FR 34762) from August 5, 1980, to August 22, 1980.

DATES: Written comments must be received no later than 4:00 p.m. (EDT) August 22, 1980, by the Central Docket Section, U.S. Environmental Protection Agency.

ADDRESS: All written comments must be submitted (in duplicate, if possible) to: Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attn: Docket No. A-79-40. The docket may be inspected at Gallery 1, West Tower, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Johnnie L. Pearson, Office of Air Quality Planning and Standards (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone: (919) 541-5497.

SUPPLEMENTARY INFORMATION: On May 22, 1980, at 45 FR 34762 EPA proposed rules for the protection of visibility in certain Federal class I areas. At that time, the Agency established a 75-day comment period. EPA is today extending the comment period to August 22, 1980, in order to give interested persons the opportunity to coordinate their comments on the proposed rules with their comments on certain recently announced guidelines to which the proposed regulations refer.

This notice is issued under the authority granted in Sections 110, 114, 160-169, 169A and 301 of the Clean Air Act. 42 U.S.C. 7410, 7414, 7470-7479, 7491 and 7601.

Dated: July 18, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 80-22746 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1555-3]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On April 24, 1980 (45 FR 27756) EPA clarified that it had taken no action on the control strategies in the Illinois State Implementation Plan for total suspended particulate matter (TSP) non-attainment areas containing iron and steel sources. The proposed rulemaking today addresses the previously omitted provisions of the Illinois submittal pertaining to particulate control for iron and steel process sources, and the control strategy in TSP non-attainment areas containing iron and steel sources and invites pubic comment on the specific revisions and U.S. EPA's proposed action. Today's rulemaking proposes to approve certain regulations, conditionally approve certain regulations, disapprove others, and conditionally approve the Illinois particulate strategy for non-attainment areas containing iron and steel sources.

DATE: Comments on this portion of the Illinois submittal and on the proposed U.S. EPA action on the submittal are due by September 2, 1980.

ADDRESSES: Copies of the entire Illinois SIP revision submittal are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

Written comments pertaining to today's announcement should be sent to: Mr. Pierre Talbert, Attorney, United States Environmental Protection Agency, Region V, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2082.

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Talbert, Attorney, United States Environmental Protection Agency, Region V, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: On April 3, 1979, the State of Illinois submitted to U.S. EPA a proposed revision to its State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act, as amended

in 1977. The revision addressed those geographic areas in Illinois that had not attained the National Ambient Air Qualtiy Standards (NAAQS) for sulfur dioxide, ozone, carbon monoxide, total suspended particulates (TSP), or nitrogen dioxide. The purpose of the revision was to implement measures for controlling emissions of the named pollutants in the non-attainment areas and to demonstrate that the measures would provide for attainment of the NAAQS as expeditiously as practicable, but not later than December 31, 1982 (the attainment date for ozone and/or carbon monoxide may be extended to December 31, 1987, under certain conditions).

On July 2, 1979, in the context of proposed rulemaking (44 FR 38587) U.S. EPA announced receipt of the Illinois submittal, the results of U.S. EPA's review of that submittal, and invited public comment. Final rulemaking on the July 2, 1979 proposal was completed on February 21, 1980 (45 FR 11470). The February 21, 1980 rulemaking also included rulemaking on Illinois' attainment demonstrations for areas other than those TSP non-attainment areas containing iron and steel sources. Omitted in the July 2, 1979 announcement was U.S. EPA's review and proposed rulemaking for that portion of the Illinois submittal pertaining to TSP emissions from iron and steel process sources. On August 9, 1979, U.S. EPA published notice of receipt and availability for public review of revised Illinois Air Pollution Control Regulations 203(d) which addresses the control of particulate emissions from steel mills (44 FR 46894). The purpose of today's announcement is to discuss the results of U.S. EPA's review of revised Illinois Air Pollution Control Regulation 203(d) and invite public comment on U.S. EPA's proposed rulemaking.

The requirements for an approvable SIP are described in **Federal Register** notices published on April 4, 1979 (44 FR 20372), July 2, 1979 (44 FR 38583), August 29, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182) and are not reiterated in this notice.

On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pusuant to the requirements of Section 107 of the Clean Air Act ("Act"), as amended in 1977, U.S. EPA designated certain areas in each State as nonattainment, that is, not meeting the National Ambient Air Quality Standards for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (0_3), or nitrogen dioxide (NO_2).

Part D of the Act requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary National Ambient Air Quality Standards as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions the date may be extended to December 31, 1987 for ozone and/or carbon monxide.

On April 3, 1979, the State of Illinois submitted the revision to its SIP to U.S. EPA so that the Agency could review the plan and solicit public comment on the submittal and U.S. EPA's proposed rulemaking. The Illinois submittal, among other things, proposed revisions addressing the Act's requirements for nonattainment areas within the State, revisions necessitated by enforcement orders and revisions necessitated by the granting of variances in isolated areas.

On July 2, 1979, at 44 FR 38587, U.S. EPA discussed the results of its review of the Illinois submittal and invited public comment on the proposed rulemaking. The **Federal Register** notice set forth in detail the matters under review, the scope of the review, and deficiencies of the SIP in meeting Part D requirements. Each of the above-named pollutants was addressed in the proposal. On February 21, 1980, at 45 FR 11472, U.S. EPA took final action on the majority of the submittal. Omitted from review in the July 2, 1979 proposed rulemaking and the February 21, 1980 final action was that portion of the Illinois submittal pertaining to process sources of particulate matter within the Illinois iron and steel industry. In addition, on April 24, 1980 (45 FR 27756) EPA clarified that it had taken no action on the control strategies for TSP non-attainment areas containing iron and steel sources. The proposed rulemaking today addresses the previously omitted provisions of the Illinois submittal pertaining to particulate control for iron and steel process sources, and the control strategy in TSP non-attainment areas containing iron and steel sources and invites public comment on the specific revisions and U.S. EPA's proposed action. Today's rulemaking proposes to approve certain regulations, conditionally approve certain regulations, disapprove others, and conditionally approve the Illinois particulate strategy for non-attainment areas containing iron and steel sources. The conditional approval of the control strategy follows from EPA's view that the regulations proposed for approval or conditional approval, along with existing rules which as a result of today's action continue to apply, satisfy the Part D requirements for Reasonably Available Control Technology. The requirements of RACT in conjunction with Illinois' ongoing commitment to further address non-traditional particulate sources and to adopt additional regulations to achieve attainment on a detailed schedule, together satisfy the requirement for conditional approval of the particulate control strategy. However, if Illinois fails to meet its commitments pertaining to non-traditional sources on schedule, it will not be meeting its obligations under the Act and the growth restrictions will again apply.

The measures proposed for promulgation today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for new and existing sources will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. The present federally approved SIP remains applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure by a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may propose to exempt a source from compliance with the pre-existing regulations. Any proposed exemptions granted will be reviewed and acted on by U.S. EPA either as part of these promulgated regulations or as a future SIP revision.

Information about the administrative mechanism for conditional approvals of state implementation plans is contained in the July 2, 1979 and November 23, 1979 **Federal Register** publications. Failure by the State to satisfactorily correct the noted deficiencies within time frames negotiated by the U.S. EPA Regional Office and the State will result

in disapproval of those portions of the Illinois SIP.

U.S. EPA solicits comments on both the proposed revisions to the Illinois SIP pertaining to particulate process sources within the iron and steel industry and the proposed U.S. EPA action on these revisions from all interested parties. U.S. EPA encourages residents and industries in adjoining states to comment on any interstate air quality impacts of the Illinois SIP. To be considered, comments on the proposed U.S. EPA action must be postmarked not later than 30 days from the publication of this Notice of Proposed Rulemaking. If, however, interested parties require additional time to comment on U.S. EPA's proposed rulemaking actions, they can petition U.S. EPA at the above address for an extension of the comment period. Requests for extension of the comment period must be received by U.S. EPA prior to the closing of the 30 day comment period announced in this Notice of Proposed Rulemaking.

Total Suspended Particulate Control for the Illinois Iron and Steel Industry—General Comments

Part D of the Clean Air Act requires SIPs to include strategies and regulations adequate to insure attainment of the primary NAAQS as expeditiously as practicable but not later than December 31, 1982, and, in the interim, to provide reasonable further progress toward attainment through the application of reasonably available control technology (RACT) on all stationary sources. EPA has defined RACT as: The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.[1] Therefore, depending on site specific considerations, such as geographic constraints, RACT can differ for similar sources.

U.S. EPA believes that the burden of demonstrating that a regulation represents RACT rests on the state. In reviewing a proposed SIP revision to determine its adequacy, U.S. EPA can verify independently that the provisions in the state plan represent RACT. Although U.S. EPA has not specified uniform RACT standards for the iron and steel industry, it has collected data which reflects the emission limitations achieved by various iron and steel sources applying control technology. This data is available for review in the rulemaking docket on this notice at the addresses cited above. Where a state proposes regulations which are not technically supported by U.S. EPA's data, the state must submit adequate data supporting its proposal as representing RACT.

To remedy the particulate non-attainment problem associated with its iron and steel industry, the State of Illinois has proposed revisions to Rule 203(d). Proposed Rule 203(d) addresses particulate emissions from manufacturing processes at Illinois steel mills located primarily in the south Chicago-north-west Indiana air-quality control region (AQCR). This region currently experiences high annual average and daily total suspended particulate standards violations and is being forecast by Illinois and Indiana to be continued non-attainment.

The revised Rule consolidates emission standards for process sources of particulate matter at steel mills and sets forth specific requirements for by-product coke plants, sinter processes, blast furnance casthouses, basic oxygen furnaces (BOFs), electric arc furnaces, argon-oxygen decarbonization vessels, liquid steel charging, and hot scarfing machines. With certain exceptions, previously approved particulate emission standards for new process emission sources and existing process emission sources (Rule 203(a) and 203(b)) are made inapplicable. The previously approved opacity standard (Rule 203(d)(6)(i)(bb)) for by-product coke plant sources is made inapplicable.

Proposed Rule 203(d)(5)(B)(i): By-Product Coke Plants

Illinois proposes that current SIP rule 202 not apply to coke batteries. U.S. EPA proposes to approve this rule.

Proposed Rule 203(d)(5)(B)(ii): By-Product Coke Plant Charging Emissions

Illinois proposes the following requirements for by-product coke plant charging emissions. Visible emissions of particulate matter are not allowed except for a total of no more than 170 seconds over five (5) consecutive oven charges, or in the case of existing five meter coke batteries having three charging ports, for a total of no more than 200 seconds over five (5) consecutive oven charges.

The current, Federally-approved Illinois regulation for by-product coke plant charging emissions requires no visible emissions during charging except for a period or periods aggregating 15 seconds per charging port during any one coke oven charging operation. During such charging operations, the emission of particulate matter shall not exceed an opacity of 30% or greater.

The proposed regulation, allowing visible emissions of 170 seconds over five (5) consecutive charges, does not represent RACT. Representative performance for this type of process indicates that a range of 90–125 seconds of visible emissions over five (5) consecutive charges is achievable.

In addition, the Rule as proposed does not contain an adequate definition of charging emissions. The omission of an adequate definition can create confusion for an observer in that there is no standard by which to determine whether an emission is a charging emission. A definition of charging emissions, to be adequate, should specify the pollutant to be controlled, the scope of the charging operation which is to be measured and evaluated, the specific emission points addressed by the regulation, and any exempt emission points, if applicable, with a description of the exemption. The proposed Rule also does not contain an inspection method for evaluation of charging emissions. The omission of a specific method for inspection creates a situation in which the regulation is vague and potentially unenforceable.

Because the proposed revised Rule is not representative of RACT, does not contain a definition of charging emissions and does not contain a method for determining compliance, U.S. EPA proposes to disapprove Rule 203(d)(5)(B)(ii) as part of the federally approved Illinois SIP.

Proposed Rule 203(d)(5)(B)(iii): By-Product Coke Plant Pushing Emissions

For by-product coke plant pushing emissions, Illinois proposes that all coke facilities be equipped with pushing control systems designed to capture at least 90% of all particulate emissions from pushing operations. If a stationary hood system is used, the particulate emissions from the control device outlet are not to exceed 0.03 grains per dry standard cubic foot (gr/dscf). If a closely hooded mobile system is used to control emissions from pushing operations, the particulate emissions from the control device are not to exceed 0.06 gr/dscf. U.S. EPA could accept these limits if Illinois had properly defined the pushing operation for testing purposes. For a shed system, the outlet should not exceed 0.010 gr/dscf, during pushing.

The proposed Rule also requires that pushing emission control equipment be

[1] EPA articulated its definition of RACT in a memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, Regions I–X, on "Guidance for Determining Acceptability of SIP Regulations in Non-attainment Areas". Section 1.a (December 9, 1976), reprinted in (1976) 7 Environmental Reporter, Current Developments (BNA) 1210 col. 2; and in EPA's publication Workshop on Requirements for Non-attainment Area Plans-Compilation of Presentations 154 (OAQPS No. 1.2–103, revised edition April 1978).

designed to capture 90% of pushing emissions. Illinois has omitted an opacity standard which omission results in a situation in which there is no method or standard by which to evaluate whether the required "design" is effective in controlling emissions. Because (1) Illinois has submitted no method for determining the 90% design capacity, (2) U.S. EPA is unaware of any engineering literature, technical guidelines or industry standards stating how to design for a given hood capture efficiency and (3) hood capture efficiency is not otherwise measurable, an opacity standard is necessary to assure that the capture systems are not overloaded by "green" pushes.

U.S. EPA proposes to disapprove the proposed Rule. To cure the deficiencies U.S. EPA recommends that the State of Illinois develop an opacity standard for coke plant pushing emissions. Also, to assure consistent enforcement of the proposed revision, U.S. EPA recommends that the State develop a definition of pushing emissions and an evaluation method to assure consistent enforcement of the emission standard. To be effective, a definition of pushing emissions should include a description of the pollutant to be controlled, a description of the scope of the operation setting forth a specific starting time and a specific stopping time, and a description of the emissions to be controlled. Acceptable definitions are included in the Docket.

Notwithstanding proposed disapproval of this rule, because existing Illinois pushing control equipment is generally capable of meeting limitations which satisfy RACT requirements, U.S. EPA will conditionally approve the overall Part D plan for iron and steel sources if during the comment period Illinois commits to a schedule to remedy the deficiencies noted above.

Proposed Rule 203(d)(5)(B)(iv)(aa): By-Product Coke Plant Oven Door Emissions

Illinois proposes to regulate by-product coke plant oven door emissions by requiring that no person shall cause or allow visible emissions from more than 10% of all coke oven doors at any time. Compliance with the standard is to be determined by a one-pass observation of all coke oven doors on any one battery.

The existing, Federally approved regulation requires that no person shall cause or allow the operation of a coke oven that emits any air contaminants into the atmosphere during coking from the coke oven doors for more than ten minutes after commencement of the coking cycle. The regulation further requires that the emission shall have an opacity no greater than 30 percent and that adequate spare equipment is maintained on the plant premises at all times.

U.S. EPA believes that the proposed Rule represents RACT although it neither contains definitions of "coke oven door" or "door area" nor describes an adequate method of determining compliance with the proposed standard. A definition of "door" or "door area" is necessary to avoid ambiguity in the application of the Rule. For example, if "door" includes chuck doors on the push side of the oven, the proposed standard is effectively relaxed. Also, it is not clear whether the proposed standard applies to all batteries at a specific plant or each battery at a specific plant. These uncertainties create sufficient ambiguity to make the proposed standard potentially unenforceable. An effective definition of door or door area should include a description of that portion(s) of the battery regulated, and any applicable exemptions, if appropriate. The operational status of the oven observed should also be considered in developing a definition. Effective enforcement of an emission standard or limitation requires a precise inspection technique. Such a technique should include a description of the emissions to be observed, where the observations are to be made, and whether the obervations are to be sequential.

U.S. EPA proposes to conditionally approve the proposed Rule if during the comment period the state makes a commitment to correct the noted deficiencies within a time period negotiated between the appropriate State official(s) and the U.S. EPA Regional Office.

Proposed Rule 203(d)(5)(B)(v): By-Product Coke Plant Coke Oven Lid Emissions

Illinois proposes an opacity standard for the control of emissions from by-product coke plant oven lids. Specifically, the proposed Rule requires that no person shall cause or allow visible emissions from more than 5% of all coke oven lids at any time. Compliance with the proposed standard is to be determined by a one pass observation of all coke oven lids. At present, emissions from Illinois coke plant oven lids are regulated by the Illinois general opacity standard (Rule 202).

A definition of oven lids is necessary to enable an observer(s) to make consistent judgments about the type of emission(s) he or she is observing. Also, because the standard is a percentage of total lids, it is necessary to specify what oven lids are counted. For example, it is not clear whether the proposed standard applies to all batteries at a specific plant or each battery at a specific plant. Further, it is not clear whether the proposed standard applies to coke ovens not in use or to all ovens regardless of operational status. These uncertainties create sufficient ambiguity to make the standard potentially unenforceable. A definition should also include a statement whether oven openings used solely for the purpose of drafting charging emissions into a near-by oven through a jumper pipe are within the scope of the regulation.

The proposed means to determine compliance with the proposed standard lacks precision necessary for effective enforcement. An inspection technique should include a description of the missions to be observed, where the observations are to be made, and whether the observations are to be sequential. In addition, an effective inspection technique requires the observer to record the identification of the battery, the points of emission from each oven and the oven number, the number of operating ovens, and all oven charging ports open to the ambient air. Exemptions, if any, should be carefully articulated. As written, the proposed method for determining compliance is insufficient for enforcement purposes. Examples of acceptable test methods and definitions are included in the Docket.

U.S. EPA proposes to conditionally approve the proposed rule if during the comment period the state makes a commitment to correct the noted deficiencies within a time frame negotiated between appropriate State official(s) and the U.S. EPA Regional Office.

Proposed Rule 203(d)(5)(B)(vi): By-Product Coke Plant Offtake Piping Emissions

Illinois proposes a specific opacity standard for the control of emissions from by-product coke plant offtake piping. Specifically, Illinois proposes to require that no person shall cause or allow visible emissions from more than 10% of all coke oven offtake piping at any time. Compliance is to be determined by a one pass observation of all coke oven offtake piping. Currently, the control of emissions from coke oven offtake piping is the Illinois general regulations pertaining to opacity standards and limitations (Rule 202).

The construction of offtakes is such that several pieces of equipment are fitted together, e.g., standpipes, goosenecks, gooseneck lids, and

necessary connections. At each connection there is the possibility of leaks and consequently visible emissions. Unless the source to be controlled is sufficiently described, the potential for inconsistent enforcement of the standard is created. In addition, the proposed Rule is not clear in that the proposed standard could apply to all coke oven offtakes at a specific plant or to the offtakes at a specific battery at such plant. This ambiguity creates the potential for inconsistent enforcement of the standard and an unjustifiable increase in emissions from these sources.

A means to determine compliance should be sufficiently explicit to assure consistent enforcement of the standard. A sufficiently explicit methodology includes a description of the emissions to be observed, a description of the appropriate place of observation, the scope of the observation, e.g., whether an observer should travel to the source of emissions or remain perpendicular to the source at the centerline of the battery, and whether an inspection traverse should be made for each collector main. The methodology should also require battery identification, the number of operating ovens, the points of offtake piping emission from any oven and its oven number, and all offtake lids open to the atmosphere during the traverses. As in the case of coke oven lids, the operational status of the ovens should be considered in the compliance methodology and the source definition. Examples of acceptable test methods and definitions are included in the docket.

U.S. EPA proposes to conditionally approve the proposed rule if during the comment period the state makes a commitment to correct the noted deficiencies within a time frame negotiated between appropriate State official(s) and the U.S. EPA Regional Office.

Proposed Rule 203(d)(5)(B)(vii): By-Product Coke Plant Combustion Stacks Emissions

To control by-product coke plant combustion stack emissions, Illinois proposes that no person shall cause or allow the emission of particulate matter from a coke oven combustion stack to exceed 0.05 grains per dry standard cubic foot. Measurement of the particulate matter emissions is to be determined in accordance with procedures published at 40 CFR Part 60, Appendix A, Methods 1–5, front one-half of the sampling train (42 FR 41754, *et seq.*, August 18, 1977).

U.S. EPA proposes to approve the Rule as proposed by the State of Illinois. U.S. EPA recognizes the desirability of an opacity standard for the regulation of coke battery combustion stacks but believes that such an omission in the Illinois proposed Rule alone is insufficient to warrant disapproval.

Proposed Rule 203(d)(5)(B)(viii): By-Product Coke Plant Quenching Emissions

Illinois proposes to control emissions from all coke plant quench towers by requiring grit arrestors or equipment of comparable effectiveness. Also, it is proposed that the make-up water shall not directly include coke by-product plant effluent and the total dissolved solids (TDS) concentration in the make-up water shall not exceed 1500 milligrams per liter unless an operator employs an equivalent method of control.

Coke plant quench towers in Illinois are currently regulated by Rule 203(d)(6)(B)(ii) which requires that no person shall cause or allow the emission of smoke or other particulate matter, other than water, of an opacity greater than 30 percent, from a coke manufacturing process quench tower into the atmosphere. The existing Rule also requires, after December 31, 1974, all coke oven facilities be equipped with enclosed pushing and quenching systems with particulate collection equipment, or shall employ alternative methods of comparable effectiveness during pushing and quenching operations.

U.S. EPA has determined that there is a relationship between the quality of water used to quench incandescent coke and the quantity of emissions generated by the guenching process. Empirical data available to U.S. EPA indicates that the quantity of total dissolved solids in quench water is approximately two times the quantity of total dissolved solids in the make-up water. Therefore, the proposed Illinois standard, 1500 mg/l TDS in the make-up water, is roughly equivalent to 3000 mg/l TDS in the quench water. Currently, within the Illinois iron and steel industry, there is being achieved an emission standard in the range of 400–450 mg/l TDS in the make-up water. Approval of the proposed regulation would permit significant increased emissions of TSP from existing RACT-controlled quench towers. Therefore, U.S. EPA proposes to disapprove proposed Rule 203(d)(5)(B)(viii).

Nonetheless, U.S. EPA will conditionally approve the overall Part D plan for iron and steel sources, if during the comment period Illinois commits to a schedule for changing this rule to reflect the current practice in Illinois.

Proposed Rule 203(d)(5)(C): Sinter Processes

Illinois proposes to control particulate emissions from sinter process operations by applying a specific standard to specific operations. At the breaker box, Illinois proposes to require that no person shall cause or allow the emission of particulate matter into the atmosphere from the breaker stack of any sinter process to exceed the allowable emission rate specified by Rule 203(a). At the main windbox, Illinois proposes to require that no person shall cause or allow the emission of particulate matter into the atmosphere from the main windbox [stack] of any existing sinter process to exceed 1.2 times the allowable emission rate specified by Rule 203(a).

For particulate emission sources at balling mill drums, mixing drums, pug mills and coolers, Illinois proposes to require that no person shall cause or allow the emission of visible particulate matter into the atmosphere to exceed 30% opacity.

At hot and cold screens, Illinois proposes to control particulate emissions by requiring air pollution equipment or an equivalent dust suppression system. Emissions from air pollution control equipment shall not exceed 0.03 gr/dscf. Illinois proposes, however, that if the operator can establish that particulate emissions from hot screens and cold screens do not exceed the aggregate of the allowable emissions as specified by Rule 203(a) for new emission sources or Rule 203(b) for existing emission sources, whichever is applicable, the requirement for air pollution control equipment and a standard of 0.03 gr/dscf at the outlet does not apply. Because of the difficulty of quantifying emissions from fugitive sources, U.S. EPA will scrutinize approval of any demonstration that exempts the application of control equipment.

U.S. EPA proposes to approve the Illinois proposed Rule for the control of particulate emission from sinter processes.

Proposed Rule 203(d)(5)(D): Blast Furnace Cast House Emissions

Illinois proposes a new regulation 203(d)(5)(D) and the previously federally approved visible emissions regulations, Rule 202, as the method of regulating particulate emissions from blast furnace casthouses. U.S. EPA believes that Rule 203(d)(5)(D) does not represent RACT and that, in concert with existing Rule 202(c), it renders Rule 202(b) potentially unenforceable as applied to blast furnace casthouses.

A blast furnace casthouse emits particulate matter generated by the casting of liquid iron and slag from the associated blast furnace through through roof monitor ventilators and through the sides of the casthouse buildings. These emissions, therefore, are uncontrolled, fugitive emissions. U.S. EPA believes RACT level control for such sources consists of the installation and operation of a hood over the iron notch and trough for the capture of the emissions generated therefrom and the installation and operation of gas cleaning devices to clean these captured emissions before release to the atmosphere. This technology is referred to as the iron trough taphood and baghouse.

Under the current SIP, particulate emissions from blast furnace casthouses are subject to two rules which, taken together, U.S. EPA believes satisfy RACT requirements. First, Rule 202(b), except for the exceptions stated therein, requires that the opacity from casthouse roof monitors not exceed 30% at any time during the casting operation. U.S. EPA believes that in order to comply with Rule 202(b), RACT level controls as described above must be installed. In addition, Rule 203(a) contains an emission limit for the emissions from the baghouse gas cleaner outlet associated with such a taphood system, which represents RACT level control. Thus, taken together, these provisions of the existing SIP satisfy RACT requirements for capture and cleaning of casthouse fugitive particulate emissions.

However, Illinois also proposes to retain Rule 202(c), which provides an exemption to Rule 202(b) to a blast furnace operator who can show that despite a violation of the 30% opacity rule his casthouse roof monitor emission is in compliance with proposed Rule 203(d)(5)(D). That rule modifies Rule 203(a) by establishing a mass emission limitation for a casthouse's roof monitor, and also establishes a design criterion to apply in lieu of that mass emission limitation.

U.S. EPA believes that the proposed Rule 203(d) (5)(D) is vague because the proposed method for measuring such roof monitor emissions is either ambiguous or silent in its crucial elements and also that the rule is impractical. Specifically, there is no definition of "suitable" as that word is used in Rule 203(d)(5)(D)(i)(bbb), (ccc) to describe the required sampler. Without knowing what constitutes "suitable", any measuring device is subject to challenge during an enforcement action. Though the proposed Rule requires the average of six complete sampling runs to determine compliance, there is no definition of what constitutes a "sampling run." A run could last, for instance, for part of a cast or for several casting hours. This deficiency would undermine any enforcement action based on the measurement procedure.

Further, in paragraph (D)(i)(ddd) of the proposed rule, reference is made to directing particulate emissions from the casting operation into the casthouse during the test period "to the extent feasible." There is no means set forth in the regulation to determine what the phrase "to the extent feasible" means. Therefore, there is no clear requirement in the regulation that the sampler measure all fugitive emissions, because some undefined amount of emissions may in fact escape the casthouse other than via the roof monitors and would not be sampled at all. In the same vein, in the same paragraph, there is no definition of "any significant emission" which the rule provides may invalidate the test. Moreover, the samplers are directed to be located in the roof monitor "as close as practicable" to the casthouse emission plumes and "shall be oriented to the direction" of the air flow. The nature of emission plumes from casthouse roof monitors is such that they are subject to change in direction depending on local winds within the casthouse. Therefore, under this regulation it is quite possible that significant emissions escaping from the roof monitor itself would not be sampled at all. Also, velocity and temperature measurements which are needed to determine mass emission rates might be inaccurate if those sensors are not placed directly in the plume.

In addition to the aforementioned problems, U.S. EPA believes that the proposed rule presents inherent safety problems for the testers who have to implement it. Blast furnace casthouse fumes contain carbon monoxide in concentrations which may not be safe to workers so exposed. The proposed test method requires that workers test in the roof trusswork of the casthouse, "as close as practicable" to the fume being tested, directly above the iron trough. If taphoods are installed then the compliance testing required by Rule 203(d)(5)(D) also may require the testing crew to operate without a direct view of the liquid iron bath below, which is also not safe.

By way of contrast, U.S. EPA has promulgated Method 14 (40 CFR Part 60 Appendix A) which is a roof monitor particulate emissions test applicable to the aluminum industry. Method 14 is an illustration of the degree of specificity needed of a test to ensure that a roof monitor mass emissions regulation based on such a test is clearly stated and enforceable so that mass and visible emissions limitations will not be vitiated.

The proposed Rule also provides that if the operator installs, operates and maintains collection equipment designed to collect a minimum of fifty percent (50%) of particulate emissions from the taphole, the trough to the skimmers, and the iron spouts, and the emissions are evacuated to pollution control equipment which produce outlet concentrations of 0.02 gr/dscf, that proposed Rule 203(d)(5)(D)(i), which sets a mass emission limit for casthouse roof monitors using the method discussed above, does not apply. U.S. EPA believes that it is not possible in the current state of the art for casthouse hoods to be designed for any specific capture efficiency because of variations in uncontrolled emissions rates, and because of variability of winds within a casthouse. Moreover, no engineering literature, technical guidelines, or industry standards exist which state how to design for a given hood capture; efficiency, and hood capture efficiency is not otherwise measurable. Furthermore, even if design efficiency were determinable, U.S. EPA believes that the 50% standard as presented is unacceptably vague because it is unclear for example, whether it refers to opacity or mass, whether it applies to each emission point separately or in the aggregate, or whether it refers to the duration of capture during a cast. For the foregoing reasons, U.S. EPA believes that this provision of Rule 203(d)(5)(D) is unenforceable.

In light of the vague nature of both the test method and the capture efficiency provision of Rule 203(d)(5)(D), U.S. EPA cannot at this time properly evaluate the stringency of the proposed roof monitor mass emission limitation which is contained in that same rule. However, with respect to the proposed gas cleaner outlet mass emission limit of 0.02 gr/dscf referred to above, U.S. EPA does not believe that it represents RACT level control because information in this rulemaking docket indicates that gas cleaner outlet emissions in the range of 0.001–0.009 gr/dscf are achievable.

In conclusion, U.S. EPA proposes to disapprove Rule 203(d)(5)(D) because of the deficiencies discussed above. U.S. EPA notes, however, that notwithstanding the retention of Rule 202(c), final disapproval of Rule 203(d)(5)(D) will result in continued application of existing Rules 202(b) and 203(a), which together satisfy RACT

requirement for blast furnace casthouse particulate emissions.

Rule 203(d)(5)(E): Basic Oxygen Furnace (BOF) Emissions

Illinois proposes Rule 203(d)(5)(E)(i) to control particulate emissions from basic oxygen furnaces by requiring that charging, refining, and tapping operations are to be collected and directed to pollution control equipment. The applicable controlled emission rate is to be determined by reference to either Illinois Rule 203(a) or 203(b) [process weight emission rates] whichever is applicable. This contrasts with the existing Illinois rule which for existing BOF shops is 203(a). Rule 203(a) presently allows approximately 25–35 lbs/hr. per shop, whereas Rule 203(b) allows approximately 50–65 lbs/hr. For facilities of the same size. The proposed regulations retain Rule 202 for BOF shop roof monitors and stacks. U.S. EPA believes that RACT for existing BOF shops includes control of both primary stacks and fugitive emissions from the shop. Total emissions from both primary and fugitive collection equipment should not exceed the requirements of 203(a)(or 0.1 lb. of particulate matter per ton of steel produced). U.S. EPA proposes to approve 203(d)(5)(E)(i) upon clarification that the operation of Rule 203 requires application of 203(a) to these sources. Clarification must be made by the appropriate State official(s) during the comment period provided in this notice.

To control emissions from hot metal transfer, hot metal desulfurization, and ladle lancing operations Illinois proposes Rule 203(d)(5)(E)(ii) to require collection and ducting particulate emissions to pollution control equipment. Emissions from the control equipment are not to exceed 0.03 grains per dry standard cubic foot. There is an exemption, however, that if operators establish that total particulate emissions from the named operations do not exceed the allowable emission as specified in Rule 203 (a) or (b), whichever is applicable, there is no requirement to install air pollution control equipment. The problem with this approach is that there is no specified method set forth by which operators make that demonstration. The emissions from ladle lancing operations are difficult to quantify for process weight calculations, and the method given to determine the process weight rate, i.e., the weight of the hot metal charged to the BOF vessel, is not relevant when determining a process weight rate for ladle lancing operations. U.S. EPA considers these deficiencies in the proposed Rule significant. Therefore, U.S. EPA proposes to disapprove Rule 203(d)(5)(E)(ii) as part of the federally approved SIP.

Proposed Rule 203(d)(5)(F): Hot Metal Desulfurization Not Located in the BOF (Basic Oxygen Furnace)

To regulate particulate emissions from hot metal desulfurization operations not located in basic oxygen furnaces, Illinois proposes that the emissions be collected and ducted to pollution control equipment, the emission from which shall not exceed 0.03 grains per day standard cubic foot (g/dscf). As with blast furnace cast house operations and basic oxygen furnaces, the current, Federally enforceable Illinois Regulations which pertain to hot metal desulfurization operations not located in the BOF are Illinois Rules 202 and 203 (a) or (b).

U.S. EPA believes the emission standard and the control equipment contemplated by the State of Illinois represents RACT and therefore proposes to approve the Illinois Rule as submitted.

Proposed Rule 203(d)(5)(G): Electric Arc Furnaces

Illinois proposes to control particulate emissions from electric arc furnaces by requiring that the total particulate emissions from meltdown and refining, charging, tapping, slagging, electrode port leakage, and ladle lancing shall not exceed the allowable emission rate specified by Rule 203(a) for new emission sources or Rule 203(b) for existing emission sources, whichever is applicable.

U.S. EPA believes that the Illinois proposal is representative of RACT if the process weights, in the aggregate, of the meltdown, refining, charging, tapping, slagging and ladle lancing operations, are used to calculate the applicable process weight emission limitation. If each operation is determined to be distinct for purposes of calculating the applicable process weight emission limitation, then U.S. EPA believes that the proposed Rule does not represent RACT. U.S. EPA proposes to approve the Illinois proposed Rule as submitted upon clarification that the process weights of the operations named above are considered in the aggregate for purposes of calculating the applicable process weight emission limitation and that by virtue of the operation of Rule 203, that subsection 203(a) applies to these sources. A clarification must be made by the appropriate State official(s) during the public comment period provided in this Notice.

Proposed Rule 203(d)(5)(H): Argon—Oxygen Decarburization Vessels

Illinois proposes to control particulate emissions from argon—oxygen decarburization vessels by requiring that the total particulate emissions from all charging, refining, alloy addition, and tapping operations shall not exceed the allowable emission rate specified by Rule 203(a) for new emission sources or Rule 203(b) for existing emission sources, whichever is applicable.

If each operation is determined to be distinct for purposes of calculating the applicable process weight emission limitation, then U.S. EPA believes that the proposed Rule does not represent RACT. U.S. EPA proposes to approve the Illinois proposed Rule as submitted upon clarification that the process weights of the operations named above are considered in the aggregate for purposes of calculating the applicable process weight emission limitation and that by virtue of the operation of Rule 203, that subsection 203(a) applies to these sources. A clarification must be made by the appropriate State official(s) during the public comment period provided in this Notice.

Proposed Rule 203(d)(5)(I): Liquid Steel Charging

Illinois proposes to regulate particulate emissions from liquid steel charging in continuous casting operations by stating that such emissions shall be controlled by chemical or mechanical shrouds or methods of comparable effectiveness.

U.S. EPA believes the Rule as proposed represents RACT and therefore proposes to approve the Rule as proposed.

Proposed Rule 203(d)(5)(J): Hot Scarfing Machines

Illinois proposes to control particulate emissions from all hot scarfing machines by pollution control equipment. Illinois proposes that emissions from this equipment not exceed 0.03 grains per dry standard cubic foot (gr/dscf) during hot scarfing operations. The proposed rule is ambiguous about when the testing period begins and ends for purpose of determining compliance with the stated emission standard.

U.S. EPA proposes to approve the Illinois proposed Rule for the control of particulate emissions from hot scarfing machine operations if the State of Illinois clarifies that the testing period runs only during the process operation. The State must submit this clarification during the public comment period provided by this notice.

Rule 203(d)(5)(K): Measurement Methods

Illinois proposes to measure particulate emissions from emission sources subject to Rule 203(d)(5) in accordance with procedures published at 40 CFR Part 60, Appendix A, Methods 1–5, front one-half of the sampling train. Visible emission evaluation for determining compliance is to be conducted in accordance with procedures published at 40 CFR Part 50, Appendix A, Method 9. U.S. EPA believes that any new visible emission evaluation method for Illinois must be tailored to include intermittent particulate emission sources, i.e., sources with intermittent emission plumes. Method 9 cannot be applied effectively to intermittent plumes.

Application of proposed stack test measurement methods is unclear because the rule does not specify that stack testing is to be performed only during periods of process operation. Because of the noted ambiguity and the resultant difficulty in enforcing regulations governed by the proposed measurement methods, U.S. EPA proposes to disapprove the Rule as proposed.

Rule 203(d)(5)(L): Compliance Dates

In general, Illinois proposes compliance dates for particulate emission sources which are equal to or less restrictive than the previously existing rules. Specifically, the proposed rule requires that every owner or operator of an emission source the construction or operation of which was commenced prior to September 6, 1979, shall comply with the emission standards and limitations of Rule 203(d)(5) no later than December 31, 1982. Liberally read, this provision would grant to all sources existing prior to September 6, 1979, an extension until December 31, 1982, to bring their particulate sources into compliance. U.S. EPA believes that the proposed compliance dates do not insure reasonable further progress or expeditious compliance and therefore proposes to disapprove the regulation. As discussed in the April 4, 1979 **Federal Register** (44 FR 20372), the 1977 Amendments to the Clean Air Act allow added time for previously regulated sources to meet more stringent requirements and previously unregulated sources to meet new requirements. They were not intended to allow more time to meet existing requirements or be used to permit relaxation of existing controls. To cure this deficiency the State must substantiate a clear need for the additional time allowed by the schedules to achieve compliance with the emission limitations in the regulation.

Interested persons are invited to comment on the revised Illinois Rule and on U.S. EPA's proposed action. Comments should be submitted to the address listed in this Notice. Public comments postmarked on or before September 2, 1980, will be considered in U.S. EPA's final rulemaking on revised Illinois Rule 203(d). All comments received will be available for inspection at Region V's Enforcement Division Offices, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), U.S. EPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. U.S. EPA labels these other regulations, "Specialized". I have reviewed this proposed regulation pursuant to the guidance in U.S. EPA's response to Executive Order 12044, "Improving Environmental Regulations", signed March 29, 1979, by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Secs. 110(a), 172, Clean Air Act, as amended, (42 U.S.C. 7410(a), 7502))

Dated: April 16, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-23118 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1555-2]

Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces the receipt of a request from the State of New York to revise its State Implementation Plan. If approved by the Environmental Protection Agency, this revision will allow the Long Island Lighting Company to continue using fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2, and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility, all located in Suffolk County, New York. The current fuel oil sulfur content regulatory limitation is 1.0 percent, by weight. The State's submittal, extending the "special limitation," limits the use of the higher sulfur content fuel oil for a maximum period of three years from the date that a final rulemaking notice is published on this request.

DATES: Comments must be received on or before September 2, 1980.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, New York 10278.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

New York State Department of Environmental Conservation, Region II, Two World Trade Center, New York, New York 10047.

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

SUPPLEMENTARY INFORMATION: On April 29, 1980 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). The submittal is a request to extend a "special limitation" which, if approved by EPA, would allow the Long Island Lighting Company (LILCO) to continue using fuel oil with a higher sulfur content than is currently permitted by State regulation (1.0 percent, by weight). The "special limitation," authorized by Section 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, applies to units 1, 2, and 3 of the Northport generating station, and to units 3 and 4 of the Port Jefferson generating station, all located in Suffolk County, New York. It allows the use of fuel oil with a maximum sulfur content of 2.8 percent, by weight, for a period of three years from the date that a final rulemaking notice is published by EPA.

The State's submittal consists of an order signed by the Commissioner of the New York State Department of

Environmental Conservation (NYSDEC) promulgating the special limitation, a public hearing officer's report, proof of publication of the State's hearing notice, and a technical report, "Staff Evaluation of Proposed Extension of Special Fuel Use Limitation for Long Island Lighting Company, Northport and Port Jefferson Facilities, Suffolk County, New York," prepared by NYSDEC, January 14, 1980 in support of the special limitation.

The SIP revision was submitted in accordance with all EPA requirements under 40 CFR Part 51. These include the need for a public hearing, which was held by the State on February 19, 1980.

In order for EPA to be able to find the State's special limitation approvable as a revision to the New York SIP, it must be demonstrated that the use of 2.8 percent sulfur content fuel oil will not result in a contravention of any health and welfare related national ambient air quality standard or a violation of any applicable Prevention of Significant Deterioration (PSD) increment.

The objective of the PSD program, as discussed in Part C, Sections 160–169, of the Clean Air Act, as amended in 1977, is to protect areas with air quality cleaner than the national ambient air quality standards. The program is designed to insure that growth can occur in a manner consistent with the preservation of existing clean air resources. To implement the program Congress established maximum allowable amounts of air quality degradation known as PSD increments.

Since the emission levels proposed by this action were included in the baseline as defined in the PSD regulations, no increment will be consumed as a result of its approval. EPA has reviewed the technical material submitted by NYSDEC and concurs with the State's determination that no violation of national ambient air quality standards will occur.

Based upon this review and EPA's own analysis of the technical material submitted, EPA proposes to approve the State's SIP revision submittal.

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

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of Section 110(a)(2)(a)–(k) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

(Secs. 110, 301, Clean Air Act, amended (42 U.S.C. 7410, 7601))

Dated: July 8, 1980.

Charles S. Warren,

Regional Administrator.

[FR Doc. 80-23038 filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 142

[FRL 1546-4]

National Interim Primary Drinking Water; Regulations Implementation

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendment to rule.

SUMMARY: EPA is proposing to amend its national interim primary drinking water regulations under the Safe Drinking Water Act to clarify the conditions under which variances from national standards may be granted. The proposal is prompted by some states' disagreements with EPA's legal interpretations.

DATES: Written public comments should be submitted by September 29, 1980. A public hearing will be held on September 4, 1980 at 9 a.m.

ADDRESSES: Submit comments to Lee C. Schroer, Office of the General Counsel (A–131), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The public hearing will be held at the Texas Department of Health Auditorium, 1100 West 49th Street, Austin, Texas.

FOR FURTHER INFORMATION CONTACT: Lee C. Schroer, (202) 426–4497.

SUPPLEMENTARY INFORMATION: On January 20, 1976, EPA published regulations under the Safe Drinking Water Act (SDWA) establishing requirements and procedures for the implementation of the National Interim Primary Drinking Water Regulations. 40 CFR Part 142, 41 FR 2916 et seq. The primary drinking water regulations require public water systems to comply with maximum contaminant levels (MCL's) for specified drinking water contaminants. 40 CFR Part 141. The implementation regulations included requirements on when and how states or EPA may issue (1) variances or (2) exemptions pursuant to the provisions of Sections 1415 and 1416 of the SDWA. 42 U.S.C. 300g–4, –5. See 40 CFR § 142.10(d) and Subparts C, E and F. Variances and exemptions are separate legal mechanisms for allowing systems additional time to comply with MCL's. The implementation regulations require that if a state seeking primary enforcement responsibility intends to issue variances or exemptions that:

> . . . it shall do so under conditions and in a manner which is no less stringent than the conditions under which, and the manner in which, variances and exemptions may be granted under Sections 1415 and 1416 of the Act . . . 40 CFR § 142.10(d).

The same requirements are contained in 40 CFR § 142.20.

A dispute has arisen between EPA and some states over when variances can properly be issued. Briefly stated, EPA interprets Section 1415(a)(1)(A) as requiring a system to install the best technology generally available in order to obtain a variance. Under EPA's interpretation, only the Administrator may determine "the best technology, treatment techniques, or other means . . . generally available (taking costs into consideration)" pursuant to Section 1415(a)(1)(A). Some states, however, have taken the position that 1) the state may consider on a case-by-case basis the economic viability of individual systems in determining whether that system must comply with the MCL's; 2) the state, rather than the Administrator determines what technology is generally available; and 3) systems need not install the best available technology before receiving a variance.

These states either have been issuing or have expressed an intention to issue variances without requiring the installation of treatment technology. EPA has been unable to resolve this dispute through meetings and written communications with various state officials. Therefore, to resolve this issue, EPA is proposing an amendment to the implementation regulations that would state EPA's interpretation of when variances may be issued. This process will allow all interested persons to comment on the proposed amendment and, if unsatisfied with EPA's final amendment, to challenge it in court pursuant to Section 1448(a)(1) of the SDWA.

EPA believes that this dispute over the legal requirements for issuance of variances has been motivated in large part by the statutory expiration of exemptions. States seeking to insulate small noncompliant systems from economic hardships or potential enforcement actions have issued or expressed an intention to issue these systems variances. EPA recognizes that there are some small systems facing financial difficulties in complying with

the drinking water regulations. EPA realizes that the states share this concern but EPA believes that issuance of variances is an inappropriate mechanism for addressing the problem. Such action would undermine the SDWA's regulatory program. The fate of these small systems, however, is not dependent upon resolution of the legal interpretation of when a variance may be granted. EPA has released a Small System Strategy addressing the problems of noncompliant small systems. 44 Fed. Reg. 40222 (June 13, 1980). The strategy will encourage close cooperation between federal, state, and local governments reflecting a joint commitment for improving drinking water quality. Implementation of this commitment will involve identifying non compliant systems, establishing priorities of the health risks involved, investigating all possible modes for compliance and an exercise of enforcement discretion when all good faith efforts are pursued. This strategy will provide for a realistic evaluation of a systems ability to achieve compliance with national drinking water regulations until an appropriate modification of the SDWA can be formulated and enacted by the Congress.

EPA's Legal Interpretation of the Requirements of Section 1415(a)(1)(A)

The following discussion gives the rationale behind EPA's interpretation of the variance requirements of Section 1415(a)(1)(A) and addresses the three significant points of controversy between EPA and certain states. The discussion will address both variances and exemptions because the distinctions between the two are important to understanding EPA's interpretation.

The conditions for granting a variance from a MCL are specified in Section 1415(a)(1)(A) of the Act which reads in pertinent part:

> A State which has primary enforcement responsibility for public water systems may grant one or more variances from an applicable national primary drinking water regulation to one or more public water systems within its jurisdiction which, *because of characteristics of the raw water sources* which are reasonably available to the systems, cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulation *despite application of the best technology, treatment techniques, or other means, which the Administrator finds are generally available (taking costs in consideration.)* Before a State may grant a variance under this subparagraph, the State must find that the variance will not result in an unreasonable risk to health. (Emphasis added) 42 U.S.C. § 300g–4.

Under Section 1416(a), a public water system may be granted an exemption based upon findings by the State that:

> (1) due to compelling factors (*which may include economic factors*), the public water system is unable to comply with such contaminant level . . . , (2) the public water system was in operation on the effective date of such contaminant level . . . , and (3) the granting of the exemption will not result in an unreasonable risk to health. (Emphasis added). 42 U.S.C. § 300g–5.

Thus, both variances and exemptions may be issued to systems that are not able to comply with the applicable regulations by their effective date. At this point, however, the similarity ends.

First, Congress established different compliance timetables. While an exemption must require compliance not later than January 1, 1981,[1] there is no statutory deadline at all for variances. This difference reflects Congress' recognition that compliance under the circumstances of a variance will likely depend upon the development of new or improved treatment methods or the existence of an alternative raw water source—solutions not readily amenable to statutory deadlines. However, Congress established such deadlines for exemptions on the assumption that compelling factors such as economic hardship could be mitigated over time.

Second, variances and exemptions are intended to address totally different types of compliance problems. Variances address the situation where a system is unable to comply with an MCL solely because of the "characteristics of the raw water sources." Section 1415(a)(1)(A). In other words, even if the best generally available treatment methods were installed, poor source water quality would prevent the system from being able to comply with national regulations. It is important to emphasize that the sole reason for inability to comply must be the "characteristics of the raw water sources." Variances are intended to deal with those rare situations where drinking water quality is so bad that the system cannot meet an MCL even though it installs the best available technology. If a system could comply by installing the best generally available technology, it may not receive a variance.

This situation was anticipated by Congress. Congress directed EPA to establish national primary drinking water regulations based upon levels which could be achieved by systems with relatively uncontaminated intake waters. Congress explained its rationale as follows:

> If the Administrator were to assume that intake waters would in general be extremely contaminated, then many areas which are relatively clean could meet the maximum contaminent levels which the Administrator would prescribe without the use of the most effective treatment methods. This result would be inconsistent with the Committee's overriding intent to maximize protection of the public health. Report of the House Committee on Interstate and Foreign Commerce, 1974, Report No. 93–1185 (hereinafter House Report No. 93–1185) p. 12.

Because Congress recognized that this policy might preclude some systems with extremely contaminated intake water sources from complying, it authorized the issuance of variances to such systems. House Report No. 93–1185, p. 13.[2]

Exemptions, on the other hand, address the situation where noncompliance is attributable to "compelling factors," including economic constraints. EPA establishes MCL's that will protect health to the extent feasible using treatment technology that the Administrator determines is generally available (taking costs into consideration). Section 1412(a)(2). EPA's determination of what treatment methods are "generally available (taking cost into account)" is to be based on what might be reasonably afforded by large metropolitan or regional public water systems. House Report No. 93–1185, p. 18. Congress recognized that some systems would not be able to afford the methods determined by the Administrator to be "generally available" and specifically authorized such systems to seek exemptions. House Report No. 93–1185, p. 18. An exemption allows a system until 1981 (or 1983 under certain circumstances) to come into compliance.

However, neither EPA nor the states are to consider costs in determining whether individual systems *need ever comply* at all with national regulations. A system may receive neither an exemption nor a variance merely because the system believes that installation of generally available

[1] Or January 1, 1983, if the public water system has entered into an enforceable agreement to become part of a regional water system. Section 1416(b)(2)(B).

[2] Under Section 1412, the Administrator is also authorized to establish intake water quality requirements for those contaminants for which the Administrator determines that existing treatment techniques may be inadequate to assure achievement of the recommended MCLs (health goals) in all circumstances. These requirements have not been prescribed by EPA thus far but may be included in the National Revised Primary Drinking Water Regulations. If so, variances could be granted where intake requirements, and thus MCL output limits, were not complied with despite all reasonable technological, economic and legal efforts to do so. House Report No. 93–1185, p. 13–14.

treatment technology would be too costly. The appropriate time for consideration of costs is in the development of the national regulations.[3]

It is also important to note that the determination of "best technology generally available" is made only by the Administrator when the MCL is established through rule-making.[3a] The determination is not based upon a case-by-case judgment of feasibility for a particular system. This interpretation is compelled by the specific reference in Section 1415(a)(1)(A) to a finding of feasibility by the *Administrator* (rather than by the state) in making the variance determination and the close parallel between the language of Section 1415 and that language found in Section 1412 which sets forth the requirements for establishing national primary drinking water regulations.[4]

Finally, a condition for obtaining a variance is that the system must install the best technology generally available. It would be inconsistent with the Act's policy of maximizing public health protection to afford a system the protection of a variance based merely on a demonstration by the supplier that, *if* it installed the best treatment, it would not be able to comply with an applicable MCL. Rather, the statutory language requires that a variance is only to be granted if compliance is not achieved "despite" the supplier's having taken all possible measures to minimize the public's exposure to the contaminant.[5] It is significant to note that there is no comparable requirement for the issuance of an exemption. Issuance of an exemption assumes treatment is not in place because an exemption grants a system additional time to install treatment.

In conclusion, EPA believes that Congress intended variances and exemptions to address two very different situations. A variance is appropriate for a system that cannot comply with a MCL after it installs the best generally available treatment technology. An exemption is appropriate if a system would be in compliance with the regulations after installation of the best generally available treatment technology but because of compelling factors such as financial constraints, the system needs additional time to install the necessary treatment. Neither variances nor exemptions are designed to allow systems to avoid compliance with national drinking water regulations.

EPA actively solicits comments and specifically asks those criticizing EPA's conclusions to point out statutory language, legislative history or case law buttressing their arguments. Written public comments (preferably in triplicate) on these proposed regulatory changes should be submitted to the person listed in the introduction no later than September 29, 1980. In addition to considering written comments sent to EPA in a timely manner, EPA will hold a public hearing in Austin, Texas, to receive comments and statements on the proposed regulations from interested persons. The hearing will be held on September 4, 1980, at 9 a.m. at the Dept. of Health Auditorium, Austin, Tex. While EPA is not required to hold a public hearing, it has decided to hold one public hearing in Austin, Texas, because the issuance of variances has been a prominent issue between the Texas Department of Health and EPA. Persons who wish to make statements at this hearing are urged to submit written copies of their remarks in triplicate if possible at the time they are presented for inclusion in the record. Persons wishing to attend are also urged to confirm by telephone the exact location and time of the hearing.

Authority: Sec. 1450(a)(1), Safe Drinking Water Act, 42 U.S.C. 300j–9(a)(1).

Dated: July 22, 1980.

Douglas M. Costle,

Administrator.

§§ 142.10, 142.20, 142.40 [Amended]

40 CFR Part 142 is proposed to be amended by adding the following sentence to the end of § 142.10(d) and § 142.20 and including the sentence as a new § 142.40(a)(3).

Before a variance may be granted to any public water system under the provisions of Section 1415(a)(1)(A), the system must have in place and operational, or in the process of being installed, the best technology, treatment technique, or other means which the Administrator finds are generally available (taking costs into consideration) and still be unable to comply with a maximum contaminant level solely because of poor source water quality.

[FR Doc. 80–23183 Filed 7–30–80; 8:45 am]

BILLING CODE 6560–01–M

[3] The Act also distinguishes between variances and exemptions with respect to systems that are placed into operation after the effective date of an MCL. Such systems are eligible to apply for a variance but not an exemption. Before an exemption may be granted, Section 1416(a)(2) requires a finding by the State that "the public water system was in operation on the effective date of such contaminant level." Thus, Congress intended that compelling factors, such as economics, not be used to enable a new system to commence operation without first being in full compliance with the applicable requirements. On the other hand, a variance might still be appropriate where, despite the new system's use of the most effective treatment method, it was not able to comply due to the poor quality of the raw water sources reasonably available to it.

[3a] These techniques were described by EPA in the economic impact assessments prepared for the proposal and the promulgation of the National Interim Primary Drinking Water Regulations, as well as in EPA's publication *Manual of Treatment Techniques for Meeting the Interim Primary Drinking Water Regulations* [EPA–600/8–77–005, May 1977]. Of course, any other equally effective means of compliance may be used.

[4] The variance language is actually identical to that found in Section 1412(b)(3) with respect to the National Revised Primary Drinking Water Regulations which requires the Administrator's determinaiton of "feasibility" to be based upon "the use of the best technology, treatment techniques, and other means, which the Administrator finds are generally available (taking costs into consideration)." The language in Section 1412(a)(2) pertaining to the establishment of National Interim Primary Drinking Water Regulations reads: "using technology, treatment techniques, and other means, which the Administrator determines are generally available (taking costs in consideration) on the date of enactment of this title." In light of this difference in language, it is possible to argue that variances were intended to be granted only from the Revised Regulations. However, given the purpose which variances are intended to serve and the fact that the Interim Regulations are not necessarily superseded by the Revised Regulations, it is reasonable to conclude that variances are authorized to be granted from Interim Regulations if the system has indeed installed "best technology" as determined by the Administrator and is still unable to achieve compliance with the applicable MCL.

[5] EPA solicits comments on whether it would be feasible to allow variances to be granted prior to installation and operation of a treatment system. One issue to be addressed would be what type of compliance schedule should be required to insure timely and proper installation and operation of a treatment system before a variance was issued.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Collection of Unpaid Medicare Premiums

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: We are proposing a revision to Medicare regulations that would:

1. Describe the conditions under which HCFA would suspend or terminate collection action on unpaid Hospital Insurance and Supplementary Medical Insurance premiums; and

2. Clarify the provision which describes the sources from which we may recover unpaid premiums.

The purpose of this revision is to permit the Administrator to stop premium collection activities when a beneficiary or the estate of a beneficiary is unable to make payment or when the

cost of continued collection activities is likely to exceed the amount to be recovered. We would reinstate collection efforts if the beneficiary subsequently receives benefits under the Social Security, Railroad Retirement, or Civil Service Acts and is thus able to pay the overdue premiums.

This is a technial regulation. We plan to issue it as a final regulation because it will be of benefit both to HCFA and the affected individuals and will not adversely affect any person or organization. However, we will provide a comment period and will make any further revisions we find necessary based on the comments. A regulatory analysis under Executive Order 12044 is not required.

FOR FURTHER INFORMATION CONTACT: Harold Fishman, Health Care Financing Administration, Bureau of Program Policy, 448 East High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–9077.

Dated: June 30, 1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administrator.

[FR Doc. 80–23119 Filed 7–30–80; 8:45 am]

BILLING CODE 4110–35–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–5862]

National Flood Insurance Program; Proposed Zone Designations for the City of Alma, Buffalo County, Wis.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas in the proposed zone designations are available for review at 505 Second Street, Alma, Wisconsin.

Send comments to: The Honorable Alan Kirchner, City of Alma, Alma, Wisconsin 54610.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Adminstrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Alma, Wisconsin, in Accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A along Springer Creek, within an annexation to the corporate limits.
Zone C along the Mississippi River in a portion of the Beach Harbor area.
Zone C along Buffalo Slough for a portion of the area south of Old State Route 35.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–22995 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–5860]

National Flood Insurance Program; Proposed Zone Designations for the City of Madeira, Hamilton County, Ohio

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 7141 Miami Avenue, Madeira, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Madeira, Ohio, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood

insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings an their contents.

The proposed zone designations are:

Zone A13 along the West Fork Sycamore Creek from Galbraith Road to a point 750 feet upstream.

Zone A3 along the West Fork Sycamore Creek from the Zone A13 to a point 450 farther upstream.

Zone B along the West Fork Sycamore Creek on the entire perimeter within the corporate limits of the numbered A zones.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-22993 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5863]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the City of Oshkosh, Winnebago County, Wis.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.3

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at City Hall, 215 Church Avenue, Oshkosh, Wisconsin.

Send comments to: Mr. William Frueh, City Manager, City of Oshkosh, P.O. Box 1103, Oshkosh, Wisconsin 54901.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the City of Oshkosh, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which addd Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed changes in base flood elevations and zone designations are:

On Sawyer Creek, the base flood elevation increases from 750 feet at the Fox River to 756 feet east of U.S. Route 41.

Approximately 2,500 feet of Sawyer Creek downstream of Witzel Avenue are changed from Zone C to Zone A3. Base flood elevations vary from 766 feet at Witzel Avenue to 759 feet at the downstream corporate limits.

Portions of recently annexed areas in the northeast section of the City have been designated Zone A2.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-22992 Filed 7-30-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5861]

National Flood Insurance Program; Proposed Zone Designations for the City of Saint Paul, Ramsey County, Minn.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 347 City Hall, Saint Paul, Minnesota.

Send comments to: The Honorable George Latimer, City of Saint Paul, 347 City Hall, Saint Paul, Minnesota 55102.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Saint Paul, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or

pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A7 in areas along the Mississippi River north of Ford Parkway to the western corporate limits.

Zone A20 in areas along the Mississippi River south of Ford Parkway to the railroad crossing the river in the vicinity of Pickerel Lake.

Zone A17 in areas along the Mississippi River from the railroad crossing the river in the vicinity of Pickerel Lake to the Washington County line.

Zone C along Como Lake, Lake Phalen, Beaver Lake, Fish Creek, and the southern portion of Battle Creek.

Zone D along Trouth Brook, a portion of Battle Creek, and two areas west of Snelling Avenue adjacent to the Burlington Northern Railroad.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–22994 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5765]

Revision of Proposed Flood Elevation Determinations for Lexington County, S.C., Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Lexington County, South Carolina.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 3607 on January 18, 1980 and in the *Lexington Dispatch*, published on or about December 26, 1980, and January 2, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at County Administration Building, 212 S. Lake Drive, Lexington, South Carolina. Send comments to: the Honorable Russell Shealy, 212 S. Lake Drive, Lexington, South Carolina 29072.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5148, 451 Seventh Street, SW., Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Lexington County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)
Congaree River	At center of Gervais Street	*157
Congaree Creek	100 feet upstream from center of Interstate Highway 26.	*143
Six Mile Creek	At center of U.S. Highway 1 (Augusta Road).	*245
	30 feet upstream from center of Woodberry Road.	*269
Tributary SM–3	200 feet upstream from center of Interstate Highway 26.	*171
First Creek	At center of Dogwood Road	*174
Saluda River	At center of Interstate Highway 26.	*180
	At center of Interstate Highway 20.	*188
Senn Branch	30 feet upstream from center of McSwain Drive.	*185
	At center of Ephrata Drive	*232
Stoop Creek	At center of State Highway 273 (Bush River Road).	*185
	At center of Tree Top Lane	*199
Kinley Creek	At center of Sharedtich Road	*192
	100 feet east along Lockner Road from its intersection with Challedon Drive.	*212
Tributary K–2	200 feet north along Pittsdowne Road from its intersection with Nottingham Road.	*202
Twelve Mile Creek	50 feet upstream from center of East Main Street (U.S. Highway 1).	*275
Rawls Creek	At center of Goldstone Drive.	*200
	25 feet upstream from center of Ripley Station Road.	*217
Koon Branch	At center of Woodvalley Drive.	*216
	200 feet east along Water Hill Drive from its intersection with South Woodside Road.	*262

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: July 10, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80–23009 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5813]

National Flood Insurance Program; Proposed Flood Elevation Determination; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Erie County, Ohio, previously published at 45 FR 29603 on May 5, 1980.

EFFECTIVE DATE: July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappel, National Flood Insurance Program (202) 426–1460 or Toll Free Line (800) 424–8872. (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Erie County, Ohio previously published at 45 FR 29603 on May 5, 1980, in accordance with Section 110 of the

Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 400–1–4128, and 44 CFR 67.4(a)).

Under the Source of Flooding of Storrs-Hemminger Ditch, the location described as, "Just upstream of Milan Road" with a corresponding elevation of 608 feet, should be added.

The location described as, "About 450 feet downstream of Ohio Turnpike," under the Source of Flooding of Windau Ditch, has been changed. The location should read, "Just downsteam of State Highway 2." The corresponding elevation of 614 feet remains unchanged.

The location described as, "About 1600 feet downstream of Milan Road," under the Source of Flooding of Huron River, has been changed. The locastion should read, "About 1.35 miles upstream of State Route 2." The corresponding elevation of 579 feet remains unchanged.

Under the Source of Flooding of Edson Creek, the location described as, "Just upstream of Haber Road" with a corresponding elevation of 605 feet, should be added.

The accompanying Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Uninc.) Erie County	Storrs-Hemminger Ditch	Just upstream of Milan Road	*608
		Windau Ditch	Just downstream of State Highway 2	*614
		Huron River	About 1.35 miles upstream of State Highway 2	*579
		Edson Creek	Just upstream of Habor Road	*605

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: July 21, 1980.

Francis V. Reilly,

Acting Federal Insurance Administrator.

[FR Doc. 80–23010 Filed 7–30–80; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–236; RM–3481]

FM Broadcast Stations in Cameron and Temple, Tex; Order Extending the Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commision.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in the proceeding involving the proposed assignment of an FM channel to Temple, Texas. Bruce Lawson Enterprises, Inc. d/b/a Cameron-Rockdale Broadcasting Company and KTEM Radio, Inc., requests the additional time to prepare and submit engineering information.

DATES: Comments must be filed on or before August 7, 1980, and reply comments on or before August 27, 1980.

ADDRESSES: Federal Communciations Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Montrose H. Tyree, Broadcast Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION:

Adopted: July 18, 1980.

Released: July 24, 1980.

By the Chief, Policy and Rules Division:

1. On May 16, 1980, the Commission adopted a *Notice of Proposed Rule Making*, proposing the assignment of Channel 269A to Temple, Texas (45 FR 37244, June 2, 1980). Comments are presently due July 18, 1980, and reply comments August 7, 1980.

2. Counsel for Bruce Lawson Enterprises, Inc. d/b/a/ Cameron-Rockdale Broadcasting Company, and KTEM Radio, Inc., filed a joint request seeking an extension of time for filing comments and reply comments to and including August 7, and August 27, 1980, respectively. Counsel states that due to previous commitments of KTEM's consulting engineer, the necessary engineering study and material to support their proposed comments cannot be completed in sufficient time to file by the present due date.

3. Since the Commission believes it would be in the public interest to have all material available to it in arriving at a decision in this proceeding, we are granting the additional time requested.

4. Accordingly, *It is Ordered*, that the dates for filing comments and reply comments in Docket No. 80–236 (RM–3481) *are extended* to and including August 7, and August 27, 1980, respectively.

5. This action is taken pursuant to Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80–23723 Filed 7–30–80; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 179

[Docket No. HM-174; Notice No. 80-6]

Shippers; Specifications for Tank Cars

Correction

In FR Doc. 80-21932 appearing at page 48671 in the issue for Monday, July 21, 1980, make the following correction:

On page 48673, in the third column, in the section analysis for § 179.31, in the last paragraph, in the 18th line, between the words "couplers" and "retrofit" insert' "and thus, believe that the remaining 73,000 tank cars can have shelf couplers".

BILLING CODE 1505-01-M

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-05; Notice 4]

Passenger Automobile Average Fuel Economy Standards; Proposed Decision To Grant Exemption to Excalibur Automobile Corp.

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Proposed decision to grant exemption from average fuel economy standards and to establish alternative standards.

SUMMARY: This notice is being issued in response to a petition by Excalibur Automobile Corporation (Excalibur) requesting that it be exempted from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for 1979 and 1980 model year passenger automobiles, respectively, and that lower alternative standards be established for it. This notice proposes that the requested exemptions be granted and that alternative standards of 11.5 mpg and 16.2 mpg be established for those model years.

DATE: Comment closing date: September 15, 1980.

ADDRESSES: Comments on this notice must refer to Docket No. LVM 77-05 and should be submitted to: Docket Section, National Highway Traffice Safety Administration Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. The Docket Section is open Monday through Friday from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Robert Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the National Highway Traffic Safety Administration (NHTSA) establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one which manufactures less than 10,000 passenger automobiles worldwide in the model year for which the exemption is sought (the affected model year) and which manufactured less than 10,000 passenger automobiles worldwide in the second model year before the affected model year. In determining maximum feasible average fuel economy, the agency is required by section 502(e) to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

Selection of the type of alternative standard. The Act permits NHTSA to establish an alternative average fuel economy standard applicable to exempted manufacturers in one of three ways: (1) a separate standard may be established for each exempted manufacturer; (2) classes, based on design, size, price, or other factors, may be established for the automobiles of exempted manufacturers, with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

The NHTSA believes that is appropriate to establish a separate standard for Excalibur. The analyses of the petitions submitted by other low volume manufacturers for exemptions in the 1979 and 1980 model years have not yet been completed, so the agency cannot practicably use the second or third approaches described in the preceding paragraph.

Requested alternative standard. In its petition, Excalibur requested that its alternative standard for model years 1979 and 1980 be set at 12.0 mpg and 14.0 mpg respectively. In an amendment to its petition, the company requested an alternative standard for 1979 of 11.0 mpg which was based upon results of Environmental Protection Agency (EPA) tests for model year 1978. In evaluating these requests and in setting today's proposed alternative standards, the agency has employed the methodology described below.

Methodology employed for setting alternative standards. The methodology employed in this exemption rulemaking differs in some respects from that typically used in the promulgation of generally applicable fuel economy standards. Typically, the agency begins promulgating these standards several years in advance of the model years in which they will apply. In establishing these standards, the agency first selects a baseline model year for which Environmental Protection Agency (EPA) data exist. Then the agency projects the fuel economy improvements that could be obtained by making technological changes in the baseline vehicles. In accord with the statutory criteria discussed earlier, the agency bases these projections on technological changes which analysis shows to be feasible and economically practicable (see, for example, 42 FR 33534, June 30, 1977, Passenger Automobile Fuel Economy Standards, Final Rule). Once completed, these projections are published as a notice of proposed rulemaking for public comment. For at least some of the technological changes, the manufacturers submit test data that permit the agency to refine its projections. A final rule reflecting the refined projections is then issued.

A methodology which relies on projections is necessarily less exact than one that relies on tests of baseline vehicles in which all of the feasible and economically practicable technological changes have already been made. However, when setting generally applicable fuel economy standards well before production of the vehicles to which they will apply the agency cannot rely on such tests and thus, projection is the best available method.

In this particular proceeding, however, the NHTSA is not rulemaking in advance of the model years for which it is setting the standards. The vehicles subject to these standards have already been produced and the 1979 models have undergone EPA fuel economy testing. To determine the fuel economy benefits of the technology actually incorporated into these vehicles, the agency does not have to use its less exact projection methodology. Instead, with respect to model year 1979 vehicles, the NHTSA can rely on EPA

test figures in determining the aggregate fuel economy benefits that can be realized by Excalibur automobiles equipped with a particular mix of technologies. With respect to model year 1980 vehicles, the NHTSA can rely on EPA test figures for comparable 1980 model year vehicles to determine the aggregate fuel economy benefits. For both model years 1979 and 1980 vehicles, the agency must, of course, continue to rely on its projection methodology with respect to technology which was feasible, but not included in the manufacturer's automobiles.

The following discussion is, therefore, divided into two parts. The first is a description of the attributes of Excalibur's vehicles for model years 1979 and 1980. Accompanying this description are the fuel economy measurements provided by the EPA for model year 1979 and this agency's estimated fuel economy values for model year 1980. These estimates are based on EPA fuel economy measurements for a vehicle comparable to the 1980 model Excalibur. The second is a tentative determination of whether Excalibur could have increased the fuel efficiency of its 1979 and 1980 models above these levels by utilizing the methods for improving average fuel economy which this agency considered in establishing average fuel economy standards for 1981–1984 passenger automobiles (42 FR 33534, June 30, 1977) and for model year 1980–1981 light trucks (43 FR 11995, March 23, 1979). These methods were weight reduction, engine improvements, accessory improvements (engine and vehicle), transmission and driveline improvements, and reductions in aerodynamic drag and rolling resistence. Alternate engines were also included.

In determining whether it would have been technologically feasible for Excalibur to have done more in these areas in model years 1979 and 1980 than it has done, the NHTSA had considered several factors. These are the company's engineering capability, the technology available for model years 1979 and 1980 and the amount of leadtime Excalibur had available to it for making those changes for those model years.

In determining whether it would have been economically practicable for Excalibur to have done more in these areas than it has done, the NHTSA has considered the company's size, the amount of resources available to it for product development, the cost of making additional improvements, and the market for its products.

Model year 1979 and 1980 Excalibur automobiles: Characteristic and fuel economy ratings. Excalibur markets two styles of passenger vehicles, the Phaeton and the Roadster which are styled after the Mercedes Benz sports cars of the 1935 era, and which are so similar mechancially that the Environmental Protection Agency (EPA) classifies them as one model for testing purposes. The NHTSA will also treat these two styles as one model for purposes of setting alternative fuel economy standards for model years 1979 and 1980. Every five years, the company changes the vehicle sufficiently to create what they call a new Series. Series III was produced through model year 1979 and Series IV was introduced in model year 1980.

For the 1979 and 1980 model years, Excalibur has purchased several major components from General Motors, notably the engines, transmissions, drivetrains, and the independent rear suspensions. Excalibur has stated that General Motors has been its supplier of these components for a long time, and that General Motors giaves Excalibur technical assistance which Excalibur could not purchase anywhere. Further, Excalibur has stated that General Motors has scheduled Excalibur's vehicles for EPA certification testing alongside General Motors own vehicles "as a courtesy."

The most significant difference between the 1979 and 1980 Excalibur automobiles is the engine room size. When Excalibur began production of its new Series IV vehicles for the 1980 model year, it shifted from the 454 cubic inch V–8 engine used in its prior model year cars to a 305 cubic inch V–8 engine. To comply with the applicable emissions standards, the Series IV vehicles use a catalytic converter, in addition to the emission control systems used on the earlier vehicles (exhaust gas recirculation and early fuel evaporation). The effect of these changes has been to raise the fuel economy of Excalibur vehicles from an EPA measured value of 11.5 mpg in the 1979 model year to a projected level of 16.2 mpg in the 1980 model year.

The estimated fuel economy for model year 1980 Excalibur vehicles of 16.2 mpg has been obtained by analyzing the California certified Chevrolet Impala/Caprice Wagon. This vehicle is similar to the Excalibur in equivalent test weight, engine, transmission and emission control hardware. The Impala/Caprice Wagon has a fuel economy of 16.6 mpg, as measured by EPA. As shown in Table 1, the Chevrolet varies from the 1980 Excalibur in that its axle ratio and engine to vehicle speed ratio (N/V) are lower and its dynamometer road load setting is somewhat higher. The road load setting shown for Excalibur is based upon that Company's coast down calculations. Corrections for these differences have been made by use of the regression equation shown in Table 1. This equation was developed by the Department of Transportation's Transportation Systems Center as a way of calculating the impact that a change in a particular characteristic, such as the engine-to-vehicle speed ratio will have upon the fuel economy of a particular fleet of vehicles.

BILLING CODE 4910-59-M

TABLE 1

Vehicle	Engine Displacement (cu.in) + type	Fuel System	Transmission	Inertia Weight	Axle Ratio	N/V (Engine Speed/ Vehicle Speed)	Dynamometer Road Load Setting (HP)	Accessories	Combined mpg
1980 Series IV Excalibur	305 V-8 Calif.	4BBL	A-3	4500	2.73	34.1*	12.1*	Air Conditioning	
1980 Chevrolet Imp/Cap Wagon	305 V-8 Calif.	4BBL	A-3	4500	2.56	31.4	13.2	Air Conditioning	16.5785

The regression equation used to correct fuel economy levels of the model year 1980 Chevrolet wagon to the model year 1980 Excalibur vehicle is as follows:

$$\frac{MPG_{EX}}{MPG_{Chev.}} = \left(\frac{\text{Inertia Wt. Chev}}{\text{Inertia Wt. EX}}\right)^{0.4} \left(\frac{\text{Engine CID Chev}}{\text{Engine CID EX}}\right)^{0.4} \left(\frac{\frac{\text{Engine Spd.}}{\text{Vehicle Spd. Chev}}}{\frac{\text{Engine Spd.}}{\text{Vehicle Spd.}}\ \text{EX}}\right)^{0.4} \left(\frac{\text{Dyna. Hp Chev}}{\text{Dyna. HP EX}}\right)^{0.18}$$

Where MPG = estimated fuel economy, EX = Excalibur, Chev = Chevrolet.
The following includes values from Table 1 substituted in the equation above:

$$\frac{MPG_{EX}}{MPG_{Chev.}} = \left(\frac{31.4}{34.7}\right)^{0.4} \left(\frac{13.2}{12.1}\right)^{0.18}$$

$$= 0.9608 \times 1.0158$$

$$= 0.9760$$

Therefore, the estimated fuel economy for the 1980 Excalibur is:

$$MPG_{EX} = 16.5785 \times 0.9760$$

$$= 16.1806 \text{ or } 16.2 \text{ mpg}$$

* Assumed to be the same as MY 1979.

BILLING CODE 4910-59-C

Weight Reduction. For purposes of this proposed decision, weight reduction refers to two options—downsizing and materials substitution. Downsizing means the reduction of vehicle weight and exterior dimensions by optimizing the vehicle design. The goal of downsizing is to reduce the exterior dimensions of the automobile without reducing significantly the interior passenger and luggage volume of the automobile.

Because the demand for Excalibur's product is based on the fact that it is a reproduction of an older model automobile, the company's ability to make design changes that would modify the vehicle's general shape and appearance is quite limited. In addition to its general shape, the vehicle owes its unique style to vehicle equipment which is mounted on the outside of the vehicle body, such as headlights, horns, side windows, and spare tires. Thus, the NHTSA has tentatively concluded that achieving weight reduction by making design changes is not economically practicable for Excalibur in either of model years 1979 or 1980.

"Materials substitution," the other weight reduction option indicated above, refers to the substitution of lighter materials, such as aluminum, plastics, and high strength low alloy steels for currently used materials. Excalibur currently uses 222 pounds of aluminum in its body panels, which is greater use of aluminum than other domestic manufacturers make on their vehicles. The weight of the engine, driveline, emissions control equipment and exhaust system are beyond the control of Excalibur, because these components are all purchased from outside sources. The frame of the Excalibur automobiles does not use any of the indicated lighter materials, but Excalibur contends that the crashworthiness of the vehicles would be diminished by making such a substitution. After a consideration of these factors, the agency has tentatively concluded that it would not have been technologically feasible and economically practicable for Excalibur to have reduced the weights of their 1979 and 1980 automobiles.

Aerodynamic improvements. For all model years after 1978, the EPA has established fuel economy test procedures that take into account the aerodynamics of the test vehicle. Under these procedures, each test vehicle is assigned a dynamometer road load setting which reflects the vehicle's aerodynamic drag and its test weight. This value is usually assigned by use of an EPA formula which results in what is commonly referred to as "the book value". When calculated in this manner, the road load setting increases to the extent that the vehicles' frontal area is greater than average and to the extent that the combined area of all equipment protruding from the front view of the vehicle exceeds established referenced values. Test vehicles are also penalized with a higher road load setting if they do not use radial tires.

The EPA also permits a manufacturer, at its option, to use an alternative procedure to calculate the road load settings for the test vehicle. The alternative procedure, commonly referred to as "coastdown", measure the aerodynamic drag of the entire vehicle. This alternative procedure usually results in a lower road load setting than the book value gives for the vehicle, if the vehicle has a lower than average frontal area for its test weight class.

Excalibur used the book value for calculating its road load setting in the 1979 model year, and used coastdown in the 1980 model year. In both model years, all Excalibur automobiles have radial tires as standard equipment, so no penalty was added to the road load settings. In the 1979 model year, when the book value was used, the protruding equipment did not exceed the established reference values, so no penalty was imposed to the year's road load setting for that reason. Accordingly, the only ways in which Excalibur could have improved its fuel economy would have been through design changes to the automobiles to improve their aerodynamic drag, and by using the coastdown method for calculating road load settings in the 1979 model year.

With respect to design changes, Excalibur builds an automobile evocative of a 1935 Mercedes-Benz. As explained above in the section entitled *Weight reduction,* one consequence of this is that the company's ability to make design changes that would modify the vehicle's general shape and appearance is quite limited. Since the frontal area of the car is already well below average for its test weight class, any changes to improve the aerodynamic drag of the cars would almost certainly have to modify its shape and appearance. Since, its current shape and appearance is the primary basis for demand for the vehicle, this agency tentatively concludes that any such redesign would not be economically practicable.

For the 1979 model year, Excalibur had to make a choice as to how it would be certified by EPA as complying with the emissions standards for that year. Since the 1979 Federal emissions standards were identical to the 1978 Federal emissions standards, if Excalibur made no changes to the settings of its engine or emission controls, EPA would allow the company to carry over its 1978 certification. Hence, Excalibur would avoid the estimated $60,000 to $80,000 it would cost to conduct an actual emissions and fuel economy test, and its average fuel economy would be 11.5 mpg, the same as 1978. The other option Excalibur had was to actually conduct a new test of its 1979 automobiles, using a coastdown test, to obtain a higher average fuel economy for the 1979 model year. Since using a different test would not improve the actual on-road fuel economy of these vehicles, NHTSA has tentatively concluded that it would not have been economically practicable for Excalibur to use a coastdown test to calculate its road load setting in the 1979 model year.

Accordingly, NHTSA proposes to conclude that it would not have been economically practicable and technologically feasible for Excalibur to have improved its average fuel economy in the 1979 and 1980 model years by means of aerodynamic improvements.

Engine improvements. This agency has also considered whether Excalibur could have further improved the fuel economy of its 1979 and 1980 models by using an alternative emissions control system or a smaller engine. Excalibur does not build its own engines. Thus, its choice of engines is limited by the types of engines that are available from other manufacturers, by the inherent design limitations of the Excalibur vehicle, and by EPA emissions standards. Excalibur's Series III vehicles (this includes vehicles for model years 1975–79) were equipped with a 454 CID V–8, 215 horsepower, truck engine manufactured by General Motors (GM). According to Excalibur, this engine was selected largely because it enabled the Company to obtain EPA certification in 1978 and EPA assurances of certification in 1979 without the use of a catalytic converter. The efficiency and thus the fuel economy of this engine could be improved with the use of a catalytic converter.

The NHTSA has tentatively concluded that it would not have been economically practicable for Excalibur to add the converter in its 1979 model year cars because its addition would have required the complete redesign of the engine compartment and of the emissions system, and recertification of the engine by EPA. It appears from information available to the NHTSA that Excalibur could not afford the cost of recertification ($60,000 to $85,000) and

that it would be infeasible for the company to accomplish a redesign of its model year 1979 vehicles due to its small design staff (composed of the Company's president and a draftsman) and its limited resources.

As noted earlier, Excalibur has added the catalytic converter to its 1980 models in conjunction with the use of a smaller engine as described below. Fuel economy benefits resulting from the adoption of a catalytic converter have been taken into account in the estimated 1980 fuel economy shown in Table 1.

The NHTSA has also considered whether Excalibur could have increased the fuel economy of its 1979 model year vehicles by using an engine with a smaller displacement than that of the currently used engine. Use of a smaller engine would require redesign of the engine compartment and of the emissions system, as well as recertification by EPA. As noted above with respect to the addition of a catalytic converter, these actions would not have been feasible for Excalibur in model year 1979 due to the high costs associated with them and Excalibur's limited design staff.

As noted earlier in Table 1, 1980 model Excaliburs are equipped with a 305 CID Chevrolet V–8 engine. The fuel economy benefits expected to accrue from this significant reduction in engine displacement have been taken into account in the estimated 1980 fuel economy shown in Table 1. Given the weight of Excalibur vehicles and Excalibur's reliance on General Motors as an engine supplier, the agency has tentatively concluded that it would not have feasible for Excaliber to have used an engine of even smaller displacement.

Transmission Improvements. In the final rule establishing generally applicable fuel economy for 1981–1984 model passenger cars, this agency noted that automatic transmission improvements such as a lock-up clutch in the torque converter can result in fuel economy improvement of 10%. The purpose of this section is to determine whether Excalibur could have made such improvements on its 1979 and 1980 vehicles.

Excalibur does not manufacture its own transmissions, and therefore, relies on suppliers, most notably General Motors. As noted earlier, 1979 and 1980 Excaliburs, like the 1978 modesl are equipped with the General Motors Turbo-Hydromatic (THM) 400, 3-speed automatic transmission. This transmission. This transmission is not produced with a lock-up clutch.

General Motors produces a lighter duty THM—200 4-speed automatic transmission with a lock-up clutch. However, General Motors has stated that this transmission was not available to outside companies during either the 1979 or 1980 model years. Ford Motor Company manufacturers a 4-speed integrated overdrive (FIOD) transmission used in the 1980 model Lincoln Continental. However, Ford representatives have informed this agency that this transmission was not made available to other manufactures for model year 1980. In light of these factors, this agency has tentatively concluded that it would not have been technologically feasible for Excalibur to have used an automatic transmission with lockup clutch in either of model years 1979 or 1980.

Improved lubricants. In connection with the final rule setting forth the 1980 and 1981 average fuel economy standard for light trucks (43 FR 11995; March 23, 1978), this agency projected that the use of synthetic, lower viscosity, or friction modified lubricants in the crankcase and axle of an automobile would result in at least a three percent fuel economy benefit. (Two percent from the crankcase lubricants and 1% fron axle lubricants.) However, the use of crankcase lubricants has not yet been approved by the EPA for use in fuel economy testing. Accordingly, the agency indicated in that rule that it would not project the use of these lubricants before the 1981 model year. The 1981 model year was specified in order to assure ample time for the approval of these lubricants for use in fuel economy testing. Although use of modified axle lubricants in fuel economy testing does not require EPA approval, the notice treated these lubricants in the same manner as crankcase lubricants. This was due to questions regarding the performance of modified axle lubricants in durability testing and the availability of such lubricants to manufacturers prior to model year 1981. In light of this, any fuel economy benefit which Excalibur could have obtained by using these modified crankcase and axle lubricants has not been considered feasible in today's proposed alternative economy standard for the 1979 and 1980 model years.

Reduction of rear axle ratio. In setting fuel economy standards for 1980–1981 light trucks and 1981–1984 passenger cars, this agency stated that reduction of the ratio of engine speed to vehicle speed (N/V) was projected to result in fuel economy improvements. The agency also stated that, where it is possible to make this reduction by such means as reducing the axle ratio, it can be implemented in a very economical manner.

As noted earlier, Excalibur vehicles for model years 1979 and 1980 are equipped with an independent rear suspension (IRS) unit with a gear ratio of 2.73:1. This unit is manufactured by the Dana Corporation and is purchased as an assembly from General Motors which uses the unit in its Corvette models. General Motors indicated that it does not sell an IRS unit with a lower gear ratio and that such a unit is not available from other suppliers.

In light of these factors, this agency has tentatively concluded that it would not have been technologically feasible for Excalibur to have further increased the fuel economy of its 1979 and 1980 models by reducing the rear axle ratio.

Mix shifts. The term "mix shifts", as used in prior NHTSA fuel economy rulemaking (average fuel economy standards for 1981–84 passenger automobiles 42 FR 33534; June 30, 1977 and for 1980–81 light trucks 43 FR 11995; March 23, 1978), refers to shifting the percentages of vehicles sold in each of a manufacturer's model types for the purpose of increasing average fuel economy. Since Excalibur markets only one model, it is unable to increase its average fuel economy by instituting mix shifts.

Impact of other Federal standards. In its petition, Excalibur pointed out that it has responded to Federal emission standards, in its selection of engines and in its decision to incorporate the catalytic converters in its 1980 model vehicles. Excalibur also pointed out that it has increased the weight of its vehicles in response to Federal standards for crashworthiness. However, the company has not asserted that compliance with Federal standards has had a negative impact on fuel economy not accounted for in the alternative standards which it has requested. It should be noted, however, that any fuel economy lost as a result of compliance with Federal standards will be built into the fuel economy test results of the Environmental Protection Agency and will be taken into account by the NHTSA in setting the alternative fuel economy standards for Excalibur. Thus, in the absence of a showing to the contrary, the NHTSA will assume that there are no negative impacts on fuel economy stemming from compliance with applicable Federal standards.

The need of the Nation to conserve energy. The daily extra U.S. demand for petroleum that will result from Excalibur achieving an average fuel economy of 11.5 and 16.2 mpg in the 1979 and 1980 model years, respectively, rather than the generally applicable average fuel economy of 19.0 and 20.0 mpg in those model years is estimated to be 8.4

barrels per day over the life of the 1979 Excaliburs and 2.9 barrels per day over the life of the 1980 Excaliburs. To give a perspective on these numbers, the fuel consumed by passenger automobiles in the United States is about 5 million barrels each day. For all purposes, the United States currently consumes about 17 million barrels of petroleum each day.

Proposed alternative standard. Based on its tentative conclusions that it would not have been technologically feasible and economically practicable for Excalibur to improve the fuel economy of its 1979 and 1980 automobiles above an average of 11.5 and 16.2 mpg, respectively, that other Federal automobile standards did not affect achievable fuel economy beyond the extent considered in this analysis, and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions and establishment of alternative standards, this agency tentatively concludes that the maximum feasible average fuel economy for Excalibur in the 1979 and 1980 model years is 11.5 and 16.2 mpg, respectively. Therefore, the agency proposes to exempt Excalibur from the generally applicable standards of 19.0 mpg and 20.0 mpg and to establish alternative standards of 11.5 mpg for the 1979 model year and 16.2 mpg for the 1980 model year.

In consideration of the foregoing, it is proposed that 49 CFR Part 531 be amended by revising § 531.5(b)(5) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufactures shall comply with the standards indicated below for the specified model years:

* * * * *

(5) Excalibur Automobile Corporation

Average Fuel Economy Standard

Model year	Miles per gallon
1978	11.5
1979	11.5
1980	16.2

Interested persons are invited to submit comments on this proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information would result in significantly competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that diligent search has been conducted by the commeter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommmended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The agency has reviewed the impacts of this proposal and determined that they are minimal and that the proposal is not a significant regulation within the meaning of Executive Order 12044. This proposal would not affect the product or level of expenditures by the manufacturer subject to it. Consequently, a draft regulatory evaluation has not been prepared.

The program official and attorney principally responsible for the development of this proposed regulation are Robert Mercure and Debra Weiner respectively.

(Sec. 9, Pub. L. 89–670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 24, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80–23012 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–59–M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Transmission Shift Lever Sequence

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition for rulemaking.

SUMMARY: The agency grants a petition from Zemco, Inc. to commence rulemaking on Standard No. 102, *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect.* The Zemco petition asks the agency to amend a portion of the standard in a manner that would allow them to produce an aftermarket fuel saving device that automatically shuts off a vehicle engine when the vehicle stops in traffic. The engine would restart when the accelerator is depressed. To market this device, the standard would have to be amended to change the existing requirement that the engine starter be inoperable when the transmission shift lever is in the forward or reverse position. Zemco claims that this change would not downgrade vehicle safety and might have positive fuel savings benefits. The agency grants the petition and will commence efforts to determine the safety and fuel economy effects of this type of device and assess whether an amendment is necessary.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202) 426–2720.

(Secs. 103, 119 and 124, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407 and 1410a); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 22, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80–22742 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 45, No. 149
Thursday, July 31, 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.

COMMISSION ON CIVIL RIGHTS

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 5:00 p.m. and will end at 6:30 p.m., on September 9, 1980, at the Third World Center, Brown University, 155 Angell Street, Providence, Rhode Island.

Persons wishing to attend this open meeting should contact the Committee chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110.

The purpose of this meeting is Program planning and Consultation planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., July 28, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-23036 Filed 7-30-80; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 4:00 p.m. and will end at 5:00 p.m., on August 13, 1980, at the Providence Human Relations Commission, 40 Fountain Street, Providence, Rhode Island, 02903.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110.

The purpose of this meeting is Subcommittee Consultation Planning Committee for consultation site selection, panel members, agenda.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., July 28, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-23037 Filed 7-30-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Daiichi Jitsugyo (America), Inc.; Alleged Violation of Export Administration Regulations

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against Daiichi Jitsugyo (America), Inc. (Daiichi) based on allegations that Daiichi violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 & Supp. I 1977)]; and

The Department and Daiichi having entered into a Consent Agreement whereby Daiichi has agreed to settle this matter by payment of a civil penalty in the amount of $9,000 and to undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter;

IT IS THEREFORE ORDERED,

First, that Daiichi, within 20 days of the date of service of this Order, pay to the Department, pursuant to section 11(c)(1) of the Act, a civil penalty in the amount of $9,000;

Second, that Daiichi, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations;

(a) Daiichi shall promptly issue to all its employees written notice of the application of the Act and the Regulations to shipments to customers in boycotting countries.

(b) Daiichi shall promptly issue to all its employees in any office providing shipments to boycotting countries written instructions directing strict compliance with the requirements of the Act and the Regulations and shall, promptly after their issuance, provide such persons with notice of all material changes and interpretations which may be issued by the Department with respect to the Act and Regulations.

(c) Daiichi shall verify proper distribution of memoranda and other communications regarding antiboycott compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(d) Daiichi shall establish a final review procedure for all shipping documents to customers in boycotting countries prior to mailing. Such review will be performed by an employee who has been instructed about the requirements of the Act and Regulations and who will be on the distribution list for internal communications regarding compliance procedures.

(e) Daiichi shall promptly institute an internal reporting system and educate appropriate Daiichi management as to the importance of following designated procedures with respect to reporting of all reportable requests to the Department and with respect to taking appropriate exception to requests, compliance with which is prohibited, and which may occur on orders, letters of credit, requests for quotations, instructions from customers, correspondence, etc.

(f) Daiichi shall conduct unannounced inspections of documents to ensure that the proper procedures have been implemented and are being followed. Such inspections shall take place at least once a calendar quarter during the six months following the date of the order entered pursuant to this agreement.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that Daiichi submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director,

Office of Antiboycott Compliance, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date July 21, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-22916 Filed 7-30-80; 8:45 am]

BILLING CODE 3510-25-M

Nippon Express U.S.A., Inc.; Alleged Violation of Export Administration Regulations

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (Pub.L. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against Nippon Express U.S.A., Inc. (Nippon) based on allegations that Nippon violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 Supp. I 1977)]; and

The Department and Nippon having entered into a Consent Agreement whereby Nippon has agreed to settle this matter by payment of a civil penalty in the amount of $13,500 and to undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter;

IT IS THEREFORE ORDERED,

First, that Nippon, within 20 days of the date of service of this Order, pay to the Department, pursuant to section 11(c)(1) of the Act, a civil penalty in the amount of $13,500;

Second, that Nippon, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations;

(a) Nippon shall communicate its compliance policy procedures to the various employees responsible for preparing documentation for Nippon's customers. Such communication shall include education of these employees concerning requirements of the Act and Regulations and establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures.

(b) Nippon shall verify proper distribution of memoranda and other communications regarding antiboycott compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(c) Nippon shall establish a final review procedure for all shipping documents to customers in boycotting countries prior to mailing. Such review will be performed by one person in each of the branch offices who has been instructed about the requirements of the Act and Regulations and who will be on the distribution list for internal compliance procedures.

(d) Nippon shall promptly institute an internal reporting system and educate appropriate Nippon employees as to the importance of following designated procedures with respect to reporting all reportable requests to the Department and with respect to taking appropriate exception to requests, compliance with which is prohibited, and which may occur on orders, letters of credit, requests for quotations, instructions from customers, correspondence; etc.

(e) Nippon shall conduct unannounced inspection of documents to ensure that the proper procedures have been implemented and are being followed. Such inspections shall take place at least once a calendar quarter for one year following the date of the order entered pursuant to this agreement.

(f) Nippon shall distribute its new guidelines to all appropriate employees and make these guidelines part of its "Manual to Staff".

Third, that the proposed Charging Letter, the Consent Agreement, and this Order be made public; and

Fourth, that Nippon submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date July 15, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-22917 Filed 7-30-80; 8:45 am]

BILLING CODE 3510-25-M

Nissho-Iwai American Corp.; Alleged Violation of Export Administration Regulations

The Office of Antiboycott Compliance, International Trade Administration, U.S. Department of Commerce, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. 2401, *et seq.*) (the Act) against Nissho-Iwai American Corp. (Nissho-Iwai) based on allegations that Nissho-Iwai violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 Supp. I 1977)]; and

The Department and Nissho-Iwai having entered into a Consent Agreement whereby Nissho-Iwai has agreed to settle this matter by payment of a civil penalty in the amount of $8,500 and to undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter;

It is therefore ordered,

First, that Nissho-Iwai, within 20 days of the date of service of this Order, pay to the Department, pursuant to section 11(c)(1) of the Act, a civil penalty in the amount of $8,500;

Second, That Nissho-Iwai, to the extent that it has not already done so, undertake the following corrective measures to ensure its future compliance with the antiboycott provisions of the Export Administration Regulations;

(a) Nissho-Iwai shall communicate its compliance policy and procedures to the various employees responsible for invoicing Nissho-Iwai's customers. Such communication shall include education of these employees concerning requirements of the Act and Regulations and establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures.

(b) Nissho-Iwai shall verify proper distribution of memoranda and other communications regarding antiboycott compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(c) Nissho-Iwai shall establish a final review procedure for all shipping documents to customers in boycotting countries prior to mailing. Such review will be performed by one person who has been instructed about the requirements of the Act and Regulations and who will be on the distribution list for internal communications regarding compliance procedures.

(d) Nissho-Iwai shall promptly institute an internal reporting system and educate appropriate Nissho-Iwai

management as to the importance of following designated procedures with respect to reporting of all reportable requests to the Department and with respect to taking appropriate exception to requests, compliance with which is prohibited, and which may occur on orders, letters of credit, requests for quotations, instructions from customers, correspondence, etc.

(e) Nissho-Iwai shall conduct unannounced inspections of documents to ensure that the proper procedures have been implemented and are being followed. Such inspections shall take place at least once a calendar quarter for one year following the date of the order entered pursuant to this agreement.

Third, that the proposed Charging Letter, the Consent Agreement, and this Order be made public; and

Fourth, that Nissho-Iwai submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date July 21, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-22914 Filed 7-30-80; 8:45 am]

BILLING CODE 3510-25-M

Wilson Industries Inc.; Alleged Violation of Export Administration Regulations

The Office of Antiboycott Compliance of the Department's International Trade Administration, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. 2401 *et seq.*) (the Act) against Wilson Industries, Inc. (Wilson) based on allegations that Wilson violated the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. 2401, *et seq.* (1976 Supp. I 1977)]; and

The Department and Wilson having entered into a Consent Agreement whereby Wilson has agreed to settle this matter by payment of a civil penalty in the amount of $8,000 and to undertake certain corrective measures to ensure compliance with the antiboycott provisions of the Export Administration Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter;

IT IS THEREFORE ORDERED,

First, that Wilson, within 20 days of the service of this Order, pay to the Department, pursuant to section 11(c)(1) of the Act, the civil penalty in the amount of $8,000;

Second, that Wilson, to the extent that it has not already done so, undertake the following corrective measures to further its future compliance with the antiboycott provisions of the Export Administration Regulations;

(a) Wilson shall communicate its compliance policy and procedures to the various departments responsible for invoicing Wilson's costumers. Such communication shall include education of Account Group Managers and the Traffic Manager concerning requirements of the Act and Regulations; and establishing procedures for identification of proper recipients of future communications regarding antiboycott compliance measures.

(b) Wilson shall verify proper distribution of memoranda and other communications regarding antiboycott compliance measures by identification of appropriate recipients and acknowledgement of receipt by the designated recipients.

(c) Wilson shall establish a final review procedure for all shipping documents to Middle East customers prior to mailing. Such review will be performed by the Traffic Manager or Account Group Managers who have been instructed about the requirements of the Act and Regulations and who will be on the distribution list for internal communications regarding compliance procedures.

(d) Wilson shall review reporting procedures and educate Account Group Managers and the Traffic Manager as to the importance of following designated procedures with respect to reporting of all reportable requests to the Department and with respect to taking appropriate exception to requests for information which it is prohibited from furnishing and which may occur on orders, letters of credit, requests for quotations, instructions from customers, correspondence; etc.

Wilson shall distribute its new guidelines to all appropriate employees and make these guidelines part of its permanent procedures in all "Policies and Procedures" manuals.

(f) Wilson shall conduct unannounced inspections of Documents to ensure that the proper procedures have been implemented and are being followed. Such inspections shall take place at least once a calendar quarter for one year following the date of the order entered pursuant to this agreement.

Third, that the Consent Agreement, the proposed Charging Letter and this Order be made public; and

Fourth, that Wilson submit a report, which shall include documentation evidencing implementation of corrective compliance measures, to the Director, Office of Antiboycott Compliance, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective steps specified in this Order.

Entered this date June 24, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-22915 Filed 7-30-80; 8:45 am]

BILLING CODE 3510-25-M

Bureau of the Census

Cost Comparison Reviews Scheduled for Commercial or Industrial Activities Performed by Government Personnel in the Census Bureau

Notice is hereby given that pursuant to Office of Management and Budget (OMB) Circular A-76 and Department of Commerce Administrative Order 201-41, the Census Bureau intends to conduct cost comparisons of the following commercial or industrial activities performed by Government personnel in the Census Bureau and to issue an invitation for bids or request for proposals after the start date scheduled for each review:

Description of activity	Location	Review start	Review completion
Publications distribution	Suitland, Md. Jeffersonville, Ind.	06/02/80	02/28/81
Design and graphic services	Suitland, Md.	08/01/80	03/31/81
Mail/messenger services	do	09/02/80	04/30/81
Duplication and copying services	do	11/03/80	06/30/81
Janitorial services	do	12/01/80	07/31/81
Shuttle services	do	01/01/81	08/31/81
Editorial services	do	02/02/81	09/30/81
Micrographics	do	03/02/81	10/31/81
Training	do	04/01/81	11/30/81
Manual labor services	do	05/01/81	12/31/81
Mapmaking	do	06/01/81	01/31/82
Health services	do	07/01/81	02/28/82
Maintenance of large scale computing systems	do	04/01/82	03/31/83
Operating systems software maintenance	do	07/01/82	06/30/83

Each invitation for bids or request for proposals will be announced in the Commerce Business Daily.

A contract or contracts may or may not result from the cost comparison of each activity. Results of the cost comparison of an activity will be made available to responding bidders or offerors, and other interested parties.

FOR FURTHER INFORMATION CONTACT: William H. Sweeney, Bureau of the Census, Organization and Management Systems Division, Washington, D.C. 20233 (301–763–5897).

Dated: July 25, 1980.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 80–22964 Filed 7–30–80; 8:45 am]

BILLING CODE 3510–07–M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), has established a Surf Clam/Ocean Quahog Resources Subpanel, which will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan and related matters. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The meetings, which are open to the public, will convene at 10 a.m., and will adjourn at approximately 4 p.m., on August 29, 1980, September 26, 1980, October 31, 1980, and November 21, 1980.

ADDRESS: The meetings will take place at the Sheraton Inn, Route 13, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115—Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

July 28, 1980.

[FR Doc 80–23096 Filed 7–30–80; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council, Its Scientific and Statistical Committee, Its Groundfish Subpanel, and Its Salmon Subpanel; Cancellation of Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Notice is hereby given that the scheduled meeting of August 6–8, 1980, of the Pacific Fishery Management Council, its Scientific and Statistical Committee, its Groundfish Subpanel, and its Salmon Subpanel, as published in the **Federal Register**, Volume 45, No. 143, Wednesday, July 23, 1980, page 49121, has been cancelled.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221–6352.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

July 28, 1980.

[FR Doc. 80–23095 Filed 7–30–80; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant Limited Exclusive Patent License to Robert L. Woods

Pursuant to the provisions of Army Regulation 27–60, the Department of the Army announces its intention to grant to Robert L. Woods, Arlington, Texas, a limited exclusive license, for a term of five years, under United States Patent Number 3,771,504 issued November 13, 1973, entitled "Fluidic Fuel Injection Device Having Air Modulation."

This license will be granted unless an application for a nonexclusive license, submitted by a responsible application, is received by the Chief, Intellectual Property Division, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310, within 60 days of this notice, and it is determined, in accordance with the procedures set forth in Army Regulation 27–60, that the applicant for such license has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period if granted a nonexclusive license or it is determined that a third party has presented written evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

For further information concerning this notice, contact: Lieutenant Colonel H. M. Hougen, HQDA (DAJA–IP), Washington, D.C. 20310, telephone number (202) 695–9356.

Dated: July 18, 1980

William G. Gapcynski,

Chief, Intellectual Property Division, Office of The Judge Advocate General, Department of the Army.

[FR Doc. 80–22988 Filed 7–30–80; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent To Prepare a Revised Draft Environmental Impact Statement (RDEIS) for a Beach Erosion Control and Hurricane Wave Protection Project at Carolina Beach, New Hanover County, N.C.

AGENCY: U.S. Corps of Engineers, DOD.

ACTION Notice of Intent to prepare a Revised Draft Environmental Impact Statement (RDEIS).

SUMMARY: 1. Proposed construction will consist of obtaining an estimated 5.2 million cubic yards of sandy material for beach fill by use of a hydraulic dredge and placement of that material along 14,000 feet of shoreline of the Atlantic Ocean within the corporate limits of Carolina Beach. After placement, the material will be shaped into a berm and dune system with the landward toe at or near the town building line. The project will include a dune of 25-foot crown width at an elevation of 15 feet above mean low water (MLW) and an adjacent and continuous berm of 50-foot width at an elevation of 12 feet MLW. Dune stabilization will be accomplished by planting of appropriate grass(es).

2. The proposed work is the last construction increment of the Carolina Beach Erosion Control and Hurricane Wave Protection Project authorized in 1962 (H.D. 418, 87th Congress, 2nd Session) and initiated in 1965. Project alternatives were investigated prior to authorization but were foreclosed by authorization. Options still open for consideration include only the sources of fill material and timing of construction.

3.a. Affected State and Federal agencies were invited by letter of March 10, 1980 to participate in the scoping process for the preparation of the RDEIS. A scoping meeting for State and Federal agencies was held on 19 March 1980. A notice to inform the public of the proposed action and to solicit public input was released on July 17, 1980, and the comment period will extend through August 5, 1980.

3.b. Significant issues to be addressed in the RDEIS include the evaluation of borrow sites for the fill required and the scheduling of the construction work.

3.c. The U.S. Fish and Wildlife Service will furnish evaluations and recommendations in accord with the provisions of the Fish and Wildlife Coordination (Act 16 U.S.C. 661–666C).

3.d. The proposed action will be reviewed under the following laws:

(1) The Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500) and the Clean Water Act of 1977 (Pub. L. 95–217).

(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347).

(3) The Fish and Wildlife Act of 1956 (16 U.S.C. 472a et seq.), the Migratory Marine Game Fish Act (16 U.S.C. 760c–760g), and the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c).

(4) The National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470).

(5) Sections 307(c) (1) and (2) of the Coastal Zone Management Act of 1972 [16 U.S.C. 1456(c)(1) and (2), 86 Stat. 1280].

(6) The Endangered Species Act of 1973, as amended.

4. A scoping meeting for State and Federal agencies was held in Wilmington, N.C., on March 19, 1980. Public scoping input is being solicited through public notice released on July 17, 1980.

5. The estimated date that the RDEIS will be available to the public is December 1980.

ADDRESS: Richard Jackson/Sawen-E, U.S. Army Engineer District, Wilmington, P.O. Box 1890, Wilmington, N.C. 28402.

Dated: July 22, 1980.

Robert K. Hughes,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–22928 Filed 7–30–80; 8:45 am]

BILLING CODE 3710–N–M

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Wyoming Valley Flood Control Study

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The Wyoming Valley, located in Luzerne County, Pennsylvania, currently has a flood protection system consisting of levees and floodwalls providing an existing level of protection of 232,000 cubic feet per second (cfs). The present study is considering alternate means of increasing this level.

2. The most efficient means of increasing the level of protection in the currently protected communities is to raise the height of the existing system by additional levees and floodwalls. The alternatives include varying height raisings depending on the level of protection desired.

3. A survey level review of Wyoming Valley flood protection conducted pursuant to Senate Resolution of 5 October 1961 and a House Resolution of 10 May 1962, was completed in December 1972. The study examined various alternatives and recommended increasing the design level of protection of the existing levee system by construction of a higher levee and wall system with modifications to highway and railroad bridges. A draft and final Environmental Statement were prepared, coordinated, and filed.

The current study, which is Phase I of Advanced Engineering and Design (AE&D) for the Wyoming Valley Study was authorized by Section 101(a) of the Water Resources Development Act of 1976. The objective of this study is to bridge the gap between the Survey Report (December 1972) and the initiation of detailed engineering and design of the project. Because of the widespread destruction caused by Tropical Storm Agnes in 1972, the Phase I study is a reanalysis of alternative means of providing an increased level of flood protection to the Wyoming Valley. Since the reanalysis has resulted in changes to the recommended plan, a new EIS has been determined to be appropriate rather than a Supplemental EIS.

The Phase I Study was initiated in October 1977. Coordination with agencies and local interests was initiated by correspondence in January 1978. Continuing coordination has been maintained with the U.S. Fish and Wildlife Service, the Pennsylvania Fish Commission, and the Pennsylvania Department of Environmental Resources. Public involvement in the Phase I Study has included public workshops and a public meeting, with an associated information pamphlet, in January 1980. Also, comments on alternatives and environmental organizations have been solicited from Federal, State, and local agencies and private organizations through public workshops and continuing correspondence. In addition, numerous meetings and other contacts with local officials and the general public, as well as newspaper articles and periodic radio

and television coverage of the study and the issues have served to both inform the public and solicit their views. Further participation is invited from any interested parties.

4. The significant issues which have been identified to date through this process and which will be addressed in the EIS include the impact on existing homes and businesses, impact on wildlife habitat from levee raising and tie-out alignments, and the impact of induced flooding on upstream and downstream communities. Additional scoping meetings are not anticipated, however, any additional definition of issues can be expressed directly to the Corps of Engineers at the address given below.

5. The draft EIS will be available to the public in March 1981.

ADDRESS: Questions about the proposed action and DEIS may be referred to Mr. Thomas Anderson, Study Manager, Baltimore District, Corps of Engineers, P.O. Box 1715, Baltimore, Maryland 21203. Telephone (301) 962–2530.

Dated: July 21, 1980.

James W. Peck,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–22925 Filed 7–30–80, 8:45 am]

BILLING CODE 3710–41–M

Office of the Secretary

Joint Strategic Target Planning Staff Scientific Advisory Group; Closed Meeting

Pursuant to the provisions of Section 10 of Public Law 92–463, effective 5 January 1973 as amended by Public Law 94–409, notice is hereby given that a closed meeting of the Joint Strategic Target Planning Staff Scientific Advisory Group will be held at Offutt Air Force Base, Nebraska, during the period: Tuesday, October 7, 1980 through Thursday, October 9, 1980. The entire meeting is devoted to the discussion of classified information within the meaning of Section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public.

Dated: July 28, 1980.

M. S. Healy,

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

[FR Doc. 80–23044 Filed 7–30–80; 8:45 am]

BILLING CODE 3810–70–M

Department of the Navy

Privacy Act of 1974; Amendment to System of Records

AGENCY: Department of the Navy (DON).

ACTION: Notice of amendment to system of records.

SUMMARY: The Department of the Navy proposes to amend one system of records subject to the Privacy Act of 1974. The specific change to the system being amended is set forth below followed by the system published in its entirety, as amended.

DATES: The system shall be amended as proposed without further notice on August 30, 1980, unless comments are received on or before August 30, 1980, which would result in a contrary determination.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATIONS: The Navy systems of records notice as prescribed by the Privacy Act of 1974, Title 5 U.S.C., Section 552a (Public Law 93–579) have been published in the **Federal Register** as follows:

FR Doc 79–36400 (44 FR 67703) November 27, 1979
FR Doc 79–36798 (44 FR 68947) November 30, 1979
FR Doc 79–37052 (44 FR 74553) December 17, 1979
FR Doc 80–6599 (45 FR 13794) March 3, 1980
FR Doc 80–14965 (45 FR 32037) May 15, 1980
FR Doc 80–15427 (45 FR 33679) May 20, 1980
FR Doc 80–17286 (45 FR 38099) June 6, 1980
FR Doc 80–19603 (45 FR 43841) June 30, 1980
FR Doc 80–20317 (45 FR 43938) July 8, 1980

The proposed amendment is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of a new or altered system report.

M. S. Healy,

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

July 25, 1980.

N00018 10

SYSTEM NAME:

Family Advocacy Program System (44 FR 74584) 17 Dec 79

CHANGES:

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

RETRIEVABILITY:

Delete entire paragraph and replace with the following: "Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: Names, social security numbers, and types of incidents."

N00018 10

SYSTEM NAME:

Family Advocacy Program System

SYSTEM LOCATION:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372. Individual Case Files—naval regional medical centers, naval hospitals and clinics (formerly dispensaries), and duty stations of the military sponsors. (Mailing addresses of duty stations are listed in the DOD directory in the Appendix to the Component System Notice).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons suspected of abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected and confirmed cases of family member abuse or neglect. Also, investigative reports, correspondence, family advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual family advocacy program files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 5132, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Navy having duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Navy auspices; determining qualifications and suitability of Navy and Marine Corps personnel for various programs, duty assignments, and fitness for continued military services; and performing research studies of compilation of statistical data.

Officials and employees of other components of the Department of Defense and other departments and agencies of the executive branch of government, in the performance of their official duties relating to the coordination of family advocacy programs, medical care, and research concerning family member abuse and neglect.

The Attorney General of the United States or his authorized representatives,

in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Federal, state or local government agencies when it is deemed appropriate to utilize civiliam resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

Authorized officials and employees of the National Academy of Sciences, and private organizations and individuals for authorized health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders or on microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: names, social security numbers, and types of incidents.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are only accessible to authorized personnel, who are properly screened and trained, on a need-to-know basis.

Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Family advocacy case records are maintained at the activity having cognizance of the case for a period of 5 years and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

SYSTEM MANAGER(S) AND ADDRESS:

Central Registry—Chief, Bureau of Medicine and Surgery, Navy Department, Washington, D.C. 20372.

Individual Case Files—commanding officers of medical treatment facilities under the command of the Chief, Bureau of Medicine and Surgery, where the treatment and reporting occurred. (Addresses are listed in the DOD directory in the Appendix to the Component System Notice.)

NOTIFICATION PROCEDURE:

Informational requests should be directed to the cognizant system manager(s). Requests should contain full name of the individual and social security number of the military or civilian sponsor or guardian, date and place of treatment, and alleged reporting of incident. The requester may visit or write the office of the Chief, Bureau of Medicine and Surgery, 23rd and 'E' Streets NW, Washington, D.C. 20372 and the commanding officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to him or her. Visitors must have an Armed Forces I.D. card or other type of identification bearing their picture and signature as proof of identity.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager(s).

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager(s).

RECORD SOURCE CATEGORIES:

Reports from physicians and other medical department personnel regarding the results of physical, dental, mental, and other examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies; reports and information from other sources, including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Part of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information, contact the system manager(s).

[FR Doc. 80-23111 Filed 7-30-80; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Atlantic Oil Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date: July 22, 1980.

COMMENTS BY: September 2, 1980.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. Telephone; (303) 234–3195.

SUPPLEMENTARY INFORMATION: On July 22, 1980 the Office of Enforcement of the ERA executed a Consent Order with Atlantic Oil Corporation (Atlantic) of Denver, Colorado, as successor to Atlantic Resources Corporation (which purchased Enbrook Oil and Gas Co., Inc.). Under 10 CFR 205.199J(b), a Consent Order which involves a sum less than $500,000 in the aggregate, excluding penalties and interest becomes effective upon its execution.

I. The Consent Order

Atlantic, with its home office located in Denver, Colorado, is engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of the crude oil production and sales of Enbrook Oil and Gas Company, Inc. (subsequently purchased by Atlantic Oil Corporation), the Office of Enforcement, ERA, and Atlantic have entered into a Consent Order, the significant terms of which are as follows:

1. Atlantic is a crude oil producer as defined by 10 CFR 212.31 and 6 CFR

150.352. As a result, Atlantic has been subject to the price rules applicable to the production and sale of crude oil contained in Subpart D of the Mandatory Petroleum Price Regulations, specifically 10 CFR 212.73(a), formerly 6 CFR 150.354.

2. During the period September 1, 1973 through December 31, 1976, Atlantic or its predecessor, Enbrook Oil and Gas Company, Inc., produced and sold crude oil from various properties.

3. During the period September 1973 through December 1976 pricing of domestic crude oil was controlled under Cost of Living Council regulations (6 CFR 150.1 *et seq.*) and successor regulations (10 CFR 212.1 *et seq.*), hereinafter referred to as the "DOE" regulations.

4. As a result of its review of Atlantic's crude oil production operations, DOE alleged that during the period September 1, 1973 through December 31, 1976, certain volumes of crude oil produced and sold from Atlantic's properties were improperly characterized as "stripper well" exempt crude oil and sold at free market prices in violation of the ceiling price rule contained in 10 CFR 212.73 (previously 6 CFR 150.353, as amended).

5. Atlantic, without admission of any facts or of any violation of DOE rules or regulations, desires to resolve all disputes concerning compliance with all applicable rules and regulations of the DOE pertaining to the production and sale of crude oil, without any further formal compliance proceeding. Similarly, the DOE desires to resolve such disputes by entering into this Consent Order, which it believes to be in the public interest. Therefore, in order to expedite resolution of the disputes involved, the DOE and Atlantic have agreed to a settlement in the amount of $60,000.

6. Refund of the agreed settlement amount is discussed in Section II below.

7. The provisions of 10 CFR 205.199J, including publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Atlantic agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, Economic Regulatory Administration, arising out of transactions specified in I above the sum of $60,000. The refund shall be by certified check payable to the United States Department of Energy and delivered to the Assistant Administrator of Enforcement, Attention: Refund Coordinator, Economic Regulatory Administration, Room 5302, 2000 M Street, NW., Washington, DC 20461, within 15 business days from the date this Order becomes effective. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropiate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program. 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order by writing to the same address or by calling (303) 234–3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Atlantic Oil Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on September 2, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Lakewood, Colorado on the 22nd day of July 1980.

Kenneth E. Merica,

District Manager of Enforcement, Rocky Mountain District.

Concurrence by:

Charles F. Dewey,

Regional Counsel.

[FR Doc. 80-23091 Filed 7-30-80, 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-011; OFC Case No. 50486-9044-02-12]

Central Illinois Public Service Co.; Extension of Period To Issue Final Order On a Petition For Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of extension of period to issue final order on a petition for exemption.

SUMMARY: On November 5, 1979, Central Illinois Public Service Company (CIPS) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order granting a permanent emergency purposes exemption for a major fuel burning installation (MFBI) to be permanently installed at its Coffeen, Illinois, power station, from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*). FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 44 FR 28530 (May 15, 1979) and at 44 FR 28950 (May 17, 1979) (Interim Rules—10 CFR Part 500 *et seq.*).

ERA accepted the CIPS petition on December 7, 1979, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on December 13, 1979 (44 FR 72215). Publication of the notice of acceptance commenced a 45 day public comment period pursuant to Section 701(d) of FUA and § 501.31 of

the Interim Rules. Interested persons also were afforded an opportunity to request a public hearing. The period for submitting written comments and to request a public hearing expired on January 24, 1980. One written comment was received. A public hearing was not requested.

Section 701(c)(3) of FUA and § 501.68(a)(1) of the Interim Rules provide that an order either granting or denying a petition for exemption shall be issued within 6 months after the end of the period for public comment and hearing applicable to that petition. Section 701(c)(3) of FUA also provides that the period for issuance of a final order may be extended to a specific date upon publication of notice of such extension in the **Federal Register**, together with a statement of the reasons therefore.

ERA hereby gives notice that it is extending the period in which it must act on the CIPS petition from July 24, 1980, to January 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4226.

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3319, Washington, D.C. 20461, Phone (202) 653–4226.

Ed Jiran, Attorney, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: Under the provisions of § 505.14 of the Interim Rules, Central Illinois Public Service Company (CIPS), petitioned ERA for a permanent emergency purposes exemption. Section 505.29 of the Interim Rules states that a company must, in order to qualify for a permanent emergency purposes exemption, demonstrate that the use of a fuels mixture in the proposed unit is not technically or economically feasible.

In the CIPS petition, the company made a statement that it did not consider the use of mixtures economically or technically feasible. The ERA staff and contractors analyzed the capability of packaged boilers to use coal-oil mixtures and prepared a report that indicates that it may be technically feasible to burn mixtures of coal and oil in boilers of the design selected by CIPS. The CIPS boiler is a Murray/Trane type MAF 5–96 oil fired boiler with a heating rate of 200 MM Btu/hr.

On June 6, 1980, ERA published final rules implementing the provisions of Title II of FUA (45 FR 38276 and 45 FR 38302), which become effective August 5, 1980. In the interim period of time CIPS has two alternatives:

CIPS may choose to direct ERA to consider its petition under the permanent emergency purposes procedure provided in the final rule (§ 503.39) or the certification procedure concerning the lack of an alternate fuel supply (§ 503.32). If CIPS chooses to use either of the foregoing certification alternatives contained in the Final Rule, ERA will utilize sections of the currently accepted petition to satisfy necessary evidentiary requirements.

ERA is extending the period for issuance of a final order granting or denying the CIPS petition for exemption to enable CIPS to indicate to ERA which alternative approach it prefers. The period for issuing a final order has been extended for six months, to January 21, 1981. ERA will, however, consider the issuance of a final order either granting or denying CIPS petition for exemption as soon as possible.

Issued in Washington, D.C. on July 24, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-23087 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-01-M

Cloyce K. Box; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: July 17, 1980.

COMMENTS BY: September 2, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235.

FOR FURTHER INFORMATION CONTACT:

Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235 [phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On July 17, 1980, the Office of Enforcement of the ERA executed a Consent Order with Cloyce K. Box of Dallas, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because of the complex negotiations in this case and the necessity to conclude this matter simultaneously with other proceedings associated with this Consent Order, as well as the concern to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Cloyce K. Box effective as of the date of its execution by the DOE and Cloyce K. Box.

I. The Consent Order

Cloyce K. Box, an individual residing in Dallas, Texas, received monies from the resale of petroleum products which are subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions with the Office of Enforcement of the Economic Regulatory Administration, the Office of Enforcement, ERA, and Cloyce K. Box entered into a Consent Order, the significant terms of which are as follows:

1. Cloyce K. Box allegedly violated the provisions of the Mandatory Petroleum Price Regulations promulgated pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, 15 U.S.C. 751 *et seq.*

2. Cloyce K. Box agrees to refund to the DOE $500,000 plus $5,000 in civil penalties upon execution of the Consent Order.

3. The $500,000 refund paid by Cloyce K. Box shall be applied against the first $500,000 of overcharges which subsequently may be found to have been overcharged by Box.

4. The provisions of 10 CFR 205.199J, including publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Cloyce K. Box agrees to refund, in settlement of certain alleged civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sume of $500,000. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy. The Assistant Administrator for Enforcement, ERA, shall direct that

those monies be deposited in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because or the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Cloyce K. Box Consent Order." We will consider all comments we receive by 4:30 pm local time, on September 2, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, TX on the 22nd day of July 1980.

Wayne I. Tucker,

District Manager,

Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80–23085 Filed 7–30–80; 8:45 am]

BILLING CODE 6450–01–M

Domestic Crude Oil Allocation Program; Entitlements Notice for May 1980

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: May 1980 entitlements notice.

SUMMARY: Under the Department of Energy's (DOE) Domestic Crude Oil Allocation (Entitlements) Program, this is the monthly Entitlements Notice which sets forth the entitlements purchase or sale requirements of domestic refiners and eligible firms for May 1980.

DATES: Payments for entitlements required to be purchased under this notice must be made by July 31, 1980. The monthly transaction report specified in § 211.66 (i) shall be filed with the DOE by August 10, 1980.

FOR FURTHER INFORMATION CONTACT:

David Welsh (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, NW., Room 6212 C, Washington, D.C. 20461, (202) 653–3873.

Jeffrey Stoermer (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6911.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the Domestic Crude Oil Allocation Program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67 (i) is hereby published.

On July 3, 1980, DOE issued a Final Rule (45 FR 46752, July 10, 1980) effective immediately adopting amendments to the entitlements program which would impose an entitlements obligation on Alaska North Slope (ANS) upper tier crude oil. These amendments were made effective for refiners' crude oil runs and receipts for May 1980. Therefore, this Notice reflects these amendments.

Based on reports for May 1980 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports, eligible petroleum substitutes, and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlements adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market and Michigan provided in § 211.67 (d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67 (a)(4), the national domestic crude oil supply ratio for May 1980 is calculated to be .226992.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of May 1980, each barrel of old oil is equal to one barrel of deemed old oil, each barrel of upper tier crude (excluding ANS upper tier) oil is equal to .715355 of a barrel of deemed old oil and each barrel of ANS upper; tier crude oil is equal to .391927 of a barrel of deemed old oil.

The issuance of entitlements for the month of May 1980 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of May 1980 is hereby fixed at $27.39 which is the exact differential as reported for the month of May 1980 between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of May 1980 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of May 1980 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of

May 1980 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for the month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements.

The listing of refiner's old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

Incuded in the Appendix are entitlements issued pursuant to the provisions of 10 CFR 211.67(a)(5) under which ERA may approve a firm's application for designation as a producer of a petroleum substitute.

The listing contained in the Appendix identifies, in a separate column labeled "Exceptions and Corrections", additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see *Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlements notice. The "Consolidated Sales" entry is equal to the May 1980 entitlements purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its May 1980 entitlements purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlements Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67 (d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the Government made no purchases of imported crude oil.

For the month of May 1980 imports of residual fuel oil eligible for entitlement issuances totaled 18,932,890 barrels.

In accordance with § 211.67 (a) (4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity (percent)
California lower tier crude oil	1,699,781	26
California upper tier crude oil	2,568,021	28

The total number of entitlements required to be purchased and sold under this notice is 18,842,673.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for May 1980 the pricing composition and weighted average costs thereof are as follows:

	Volumes in thousands of B/D	Weighted average cost	Percent of Total Volumes[1]
Lower tier	1,383	$6.95	9.6
Upper tier (excluding ANS)	2,214	14.75	15.4
ANS upper tier	1,099	23.61	7.7
Exempt domestic:			
Other ANS	556	33.38	3.9
Heavy and market tier	1,185	32.88	8.3
Naval petroleum reserve	131	33.77	0.9
Newly discovered	408	38.92	2.8
Stripper	1,677	34.74	11.7
Tertiary	28	30.79	0.2
Total domestic	8,681	$23.63	60.6
Imported	5,652	$34.33	39.4
Total uncontrolled (exempt domestic and imported)	9,637	$34.35	67.0
Total reported crude oil receipts	14,333	$27.85	
Total reported crude oil runs to stills	13,930		

[1] Volumes may not total 100% due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67 (b) for May 1980 must be made by July 31, 1980.

On or prior to August 10, 1980 each firm which is required to purchase or sell entitlements for the month of May 1980 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66 (i) certifying its purchases and sales of entitlements for the month of May 1980. The monthly transaction report forms (ERA–116) for the month of May 1980 have been mailed to all reporting firms. Firms that have been unable to locate other firms for the required entitlements transactions by July 31, 1980, are requested to contact the ERA at (202) 653–3873 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to July 31, 1980, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67 (k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before September 2, 1980.

Issued in Washington, D.C. on July 24, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Notice of Entitlements for Domestic Crude Oil July 1980

Reporting firm short name	Deemed old oil: Adjusted receipts	Deemed old oil: Total issued	Entitlement position: Exceptions and corrections	Entitlement position: Entitlements: Product	Entitlement position: Entitlements: California	Entitlement position: Required to buy	Entitlement position: Required to sell
Consol'd-Sales	−47,890	0	0	0	0	0	[1] 47,890
A-Johnson	0	76,269	0	26,683	0	0	76,269
ADM	0	19,053	0	0	0	0	19,053
Akron-Ohio	0	1,064	0	0	0	0	1,064
Allied	44,515	49,752	0	0	0	0	5,237
Amer-Agri-Fuels	0	974	0	0	0	0	974
Amer-Petrofina	1,239,386	870,473	0	0	0	368,913	0
Amerada-Hess	3,701,571	2,903,428	0	40,850	0	789,143	0
American-Can-Co	0	3,098	0	0	0	0	3,098
Ames-Iowa	0	719	0	0	0	0	719
Amoco	9,673,627	5,179,230	0	0	0	4,494,397	0
Anchor	0	29,110	0	0	0	0	29,110
Arco	4,917,778	5,421,024	0	0	5,492	0	503,246
Arizona	79,744	31,854	0	0	772	[1] 47,890	0
Arizona-Chem	0	2,956	0	0	0	0	2,956

Notice of Entitlements for Domestic Crude Oil July 1980—Continued

Reporting firm short name	Deemed old oil		Entitlement position				
				Entitlements			
	Adjusted receipts	Total issued	Exceptions and corrections	Product	California	Required to buy	Required to sell
Asamera	122,201	130,847	0	0	0	0	8,646
Ashland	1,124,469	2,463,597	0	0	0	0	1,339,128
Bayou	9,989	21,131	0	0	0	0	11,142
Beacon	161,415	77,924	0	0	5,546	83,491	0
Belcher	0	80,876	0	80,876	0	0	80,876
Bi-Petro	0	6,970	0	0	0	0	6,970
Bronco	0	13,888	0	0	0	0	13,888
Bruin	34,710	85,416	0	0	0	0	50,706
C&H	0	209	0	0	0	0	209
Cadence-Chem	0	3,276	0	0	0	0	3,276
Calcasieu	28,844	30,819	0	0	0	0	1,975
Calumet	18,079	18,300	0	0	0	0	221
Canal	76,550	50,057	0	0	0	26,493	0
Carbonit	0	24,385	0	0	0	0	24,385
Caribou	68,694	51,136	[5]3,995	0	0	17,558	0
Castle	0	36,394	0	36,394	0	0	36,394
CEA	0	1,691	0	0	0	0	1,691
Central	0	17,592	0	17,592	0	0	17,592
Champlin	1,342,857	1,479,767	0	0	19,669	0	136,910
Charter	−14,621	357,276	0	0	0	0	371,897
Chevron	7,018,610	8,145,559	0	1,541	36,830	0	1,126,949
Cibro	0	137,023	0	66,639	0	0	137,023
Citgo	2,612,214	1,660,812	0	0	0	951,402	0
City-of-Seward	0	3	0	0	0	0	3
Claiborne	20,691	35,183	0	0	0	0	14,492
Clark	−77,913	592,290	0	0	0	0	670,203
Coastal	385,797	1,141,927	0	79,564	0	0	756,130
Coastal-Petro	0	32,319	0	0	0	0	32,319
Colonial	0	22,372	0	22,372	0	0	22,372
Columbus-Ohio	0	60	0	0	0	0	60
Conoco	2,290,941	2,009,795	0	22,364	−203	281,146	0
Consumers-Power	0	71,384	0	71,384	0	0	71,384
Copano	10	54,340	0	0	0	0	54,330
Coral	0	235,832	0	0	0	0	235,832
Corco	120,098	960,036	[5]−178,405	619,687	0	0	839,938
CRA-Farmland	285,883	559,363	0	0	0	0	273,480
Cross	62,769	57,694	0	0	0	5,075	0
Crown	298,842	523,462	0	0	0	0	224,620
Crystal-Oil	138,610	100,800	0	0	0	37,810	0
Crystal-Ref	0	10,802	0	0	0	0	10,802
Delta	142,323	235,981	0	0	0	0	93,658
Demenno	0	53,408	0	0	0	0	53,408
Detroit-Ed	0	45,670	0	45,670	0	0	45,670
Diamond	448,595	423,667	0	0	0	24,928	0
Dillman	0	235	0	0	0	0	235
Dorchester	15,383	19,806	0	0	0	0	4,423
Dow	149,968	587,495	0	0	0	0	437,527
E-Seaboard	0	86,359	0	86,359	0	0	86,359
East-Bay-Mud	0	229	0	0	0	0	229
Eddy	38,970	27,455	0	0	0	11,515	0
Energy-Coop	0	394,907	0	0	0	0	394,907
Ergon	0	26,754	0	0	0	0	26,754
Erickson	26,779	121,732	0	0	0	0	94,953
Essex-Union	0	308	0	0	0	0	308
Evangeline	41,442	22,732	0	0	0	18,710	0
Exxon	12,263,533	9,338,520	0	399,873	0	2,925,013	0
EZ-Serve	12,136	46,720	0	0	0	0	34,584
Farmers-Un	128,591	192,810	0	0	0	0	64,219
Fletcher	0	151,931	0	0	0	0	151,931
Flint	4,101	2,882	0	0	0	1,219	0
Friendswood	3,968	80,038	0	0	0	0	76,070
Funding	42,546	32,592	0	0	0	9,954	0
Gary	159,934	71,305	0	0	0	88,629	0
Getty	857,437	1,487,867	0	0	6,586	0	630,430
Getty-Syn	0	1,359	0	0	0	0	1,359
Giant	3,246	32,485	0	0	0	0	29,239
Gibson	0	22,575	0	0	0	0	22,575
Glacier-Park	47,697	14,347	0	0	0	33,350	0
Gladieux	16,130	78,517	0	0	0	0	62,387
Golden-Eagle	0	50,034	0	0	0	0	50,034
Goldking	53,197	144,208	0	0	0	0	91,011
Good-Hope	20,306	512,040	0	0	0	0	491,734
Guam	0	245,488	0	0	0	0	245,488
Gulf	7,485,992	5,659,045	0	23,917	6,491	1,826,947	0
Gulf-Energy	41,424	24,314	0	0	0	17,110	0
Gulf-Sts	141,041	79,892	0	0	0	61,149	0
Harrisburg-Pa	0	5,596	0	0	0	0	5,596
Health-Care	0	92	0	0	0	0	92
Hempstead-Town	0	702	0	0	0	0	702
Hirt	0	380,018	0	0	0	0	380,018
Howell	506,123	202,789	0	0	0	303,334	0
Hudson-Oil	29,314	116,509	0	0	0	0	87,195
Hunt	191,265	180,114	0	0	0	11,151	0
Huntway	0	31,947	[4]2,611	0	0	0	31,947
Husky	586,536	586,536	[3]223,480	0	0	0	0
Independent-Ref	0	92,381	0	0	0	0	92,381
Indiana-Farm	16,642	123,889	0	0	0	0	107,247
Indust-Fuel	0	26,485	0	0	0	0	26,485
Inter-Petro	0	34,397	0	34,397	0	0	34,397

Notice of Entitlements for Domestic Crude Oil July 1980—Continued

Reporting firm short name	Deemed old oil		Entitlement position				
				Entitlements			
	Adjusted receipts	Total issued	Exceptions and corrections	Product	California	Required to buy	Required to sell
Inter-Process	−69,784	106,358	0	0	0	0	176,142
Kenco	54,277	20,093	0	0	0	34,184	0
Kentucky	16,122	15,939	[3] 10,200	0	0	183	0
Kern	−14,402	142,156	0	0	386	0	156,558
Kerr-McGee	1,082,391	787,711	0	0	0	294,680	0
Koch	528,803	831,621	0	48,716	0	0	302,818
La-County	0	3,814	0	0	0	0	3,814
Lagloria	307,798	337,067	0	0	0	0	29,269
Lake-Charles	3,505	81,659	0	0	0	0	78,154
Lakeside	42,106	21,819	0	0	0	20,287	0
Laketon	41,873	34,220	[3] 8,129	0	0	7,653	0
Liquid-Energy	35,102	22,803	0	0	0	12,299	0
Little-Amer	1,062,892	463,641	0	0	0	599,251	0
Los-Angeles-CA	0	4,118	0	0	0	0	4,118
Louisiana-Land	571,218	358,907	0	0	0	212,311	0
Macmillan	25,875	111,721	0	0	1,207	0	85,846
Madison-Chatham	0	20	0	0	0	0	20
Madison-City-WI	0	463	0	0	0	0	463
Madison-Wi	0	225	0	0	0	0	225
Mallard	−4,048	35,323	0	0	0	0	39,371
Marathon	3,354,155	2,944,120	0	0	0	410,035	0
Marion	29,096	170,441	0	0	0	0	141,345
Marlex	1,745	86,646	0	0	125	00	84,901
Metro-Seattle	0	501	0	0	0	0	501
Metropolitan	0	173,474	0	173,474	0	0	173,474
Mid-Amer	943	35,879	[3] 14,127	0	0	0	34,936
Midwest-Solv	0	677	0	0	0	0	677
Milwaukee-WI	0	762	0	0	0	0	762
Mobil	5,433,405	4,358,127	0	0	12,999	1,075,278	0
Mobil-Bay	441	51,370	0	0	0	0	50,929
Monoco	0	12,568	0	12,568	0	0	12,568
Monsanto	237,583	185,800	0	0	0	51,783	0
Morrison	24,843	8,630	0	0	0	16,213	0
Mountaineer	4,348	2,522	0	0	0	1,826	0
MSDGC	0	2,156	0	0	0	0	2,156
Mt-Airy	27,147	93,608	0	0	0	0	66,461
Murphy	996,905	639,663	0	0	0	357,242	0
N-Amer-Petro	14,992	38,602	0	0	0	0	23,610
Nashville-Tenn	0	3,692	0	0	0	0	3,692
Natl-Coop	177,134	393,420	0	0	0	0	216,286
Navajo	323,994	214,771	[3] 51,570	0	0	109,223	0
Nevada	0	17,341	0	0	0	0	17,341
New-Edgington	89,466	116,316	0	0	7,597	0	26,850
New-Engl-Petro	0	215,376	0	215,376	0	0	215,376
New-Engl-Power	0	42,703	0	42,703	0	0	42,703
New-York-EP0	0	15,112	0	0	0	0	15,112
Newhall	763	117,899	0	0	37	0	117,136
Northeast-Petro	0	58,860	0	58,860	0	0	58,860
Northland	7,426	7,426	[3] 5,064	0	0	0	0
Northville	0	5,822	0	5,822	0	0	5,822
NY-Sanitation	0	2,819	0	0	0	0	2,819
Ocean-Township	0	7	0	0	0	0	7
OKC	−9,269	172,047	0	0	0	0	181,316
Okla-Ref	25,669	105,992	0	0	0	0	80,323
Orange-County	0	1,893	0	0	0	0	1,893
Osceola-AR	0	254	0	0	0	0	254
Oxnard	0	14,220	0	0	0	0	14,220
Pennzoil	213,120	351,082	0	0	0	0	137,962
Peoria-IL	0	206	0	0	0	0	206
Pester	160,744	162,752	0	0	0	0	2,008
Petro-Heat-PA	0	12,223	0	12,223	0	0	12,223
Philadelphia-PA	0	482	0	0	0	0	482
Phillips	1,739,291	2,070,906	0	0	0	0	331,615
Phillips-PR	0	188,196	0	188,196	0	0	188,196
Pioneer	59,686	42,917	0	0	0	16,769	0
Placid	530,731	315,920	0	0	0	214,811	0
Plateau	135,908	145,044	[3] 42,445	0	0	0	9,136
Port	1,012	16,964	0	0	0	0	15,952
Powerine	35,476	226,725	0	0	1,464	0	191,249
Pride	0	204,712	0	0	0	0	204,712
Quaker-St	21,141	205,472	0	0	0	0	184,331
Quitman	0	49,462	0	0	0	0	49,462
Racine-Waste-UT	0	78	0	0	0	0	78
Rahway	0	179	0	0	0	0	179
Rancho-Ref	307	24,556	0	0	0	0	24,249
Resco	0	11,032	0	0	0	0	11,032
Richards	0	338	0	0	0	0	338

Notice of Entitlements for Domestic Crude Oil July 1980—Continued

Reporting firm short name	Deemed old oil: Adjusted receipts	Deemed old oil: Total issued	Entitlement position: Entitlements: Exceptions and corrections	Entitlement position: Entitlements: Product	Entitlement position: Entitlements: California	Entitlement position: Required to buy	Entitlement position: Required to sell
Road-Oil	0	23,630	0	0	0	0	23,630
Rock-Island	103,389	229,734	0	0		0	126,345
Saber-Tex	39,485	170,503	0	39,609	0	0	131,018
Sabre-Cal	10,073	65,044	[5]—1,493	0	884	0	54,971
Sage-Creek	3,174	4,282	[5]1,400	0	0	0	1,108
Salem-VA	0	561	0	0	0	0	561
San-Joaquin	0	81,811	0	0	0	0	81,811
Scallop	0	211,813	0	211,813	0	0	211,813
Scanoil	0	38,303	0	38,303	0	0	38,303
Schulze	—2,650	381	0	0	0	0	3,031
Seaview	0	358,165	[5]110,783	0	0	0	358,165
Sector	16,133	0	0	0	0	16,133	0
Seminole	10,038	84,629	0	0	0	0	74,591
Sentry	0	30,783	0	0	0	0	30,783
Shell	7,409,278	6,172,575	0	0	3,904	1,236,703	0
Shepherd	2,323	22,335	0	0	0	0	20,012
Sigmor	7,963	156,868	0	0	0	0	148,905
Silver-Eagle	1,438	681	0	0	0	757	0
Sioux-Falls	0	1,297	0	0	0	0	1,297
Slapco	21,394	62,171	0	0	0	0	40,777
SMRSA	0	15	0	0	0	0	15
So-Hampton	35,732	122,723	0	0	0	0	86,991
Sohio	3,112,795	2,240,514	0	0	0	872,281	0
Somerset	18,486	28,444	0	0	0	0	9,958
Sooner	198,977	217,144	0	0	0	0	18,167
Sound	52,008	60,039	0	0	0	0	8,031
Southern-Union	149,002	105,830	0	0	0	43,172	0
Southland	162,192	200,738	[5]44,372	0	0	0	38,546
Southwestern	8,463	5,703	[5]1,109	0	0	2,760	0
Sprague	0	61,557	0	61,557	0	0	61,557
St & San-Chicago	0	8,846	0	0	0	0	8,846
Stinnes-Inter	0	5,341	0	5,341	0	0	5,341
Sunland	4,962	64,188	0	0	154	0	59,226
Sunoco	3,273,462	2,883,308	0	0	0	390,154	0
Swann	0	26,603	0	26,603	0	0	26,603
T & S	661	16,217	0	0	0	0	15,556
Tarco	30,935	6,418	0	0	0	24,517	0
Tarricone	0	16,973	0	16,973	0	0	16,973
Tenneco	723,001	707,576	0	0	2,631	15,425	0
Tesoro	249,476	412,415	0	0	0	0	162,939
Texaco	6,317,184	6,130,374	0	122,861	7,393	186,810	0
Texas-American	46,633	47,915	0	0	0	0	1,282
Texas-City	601,775	576,052	0	0	0	25,723	0
Thagard	25,084	54,963	0	0	645	0	29,879
Thorn-Creek	0	40	0	0	0	0	40
Thriftway	29,558	29,722	[5]6,683	0	0	0	164
Thunderbird	31,734	39,702	0	0	0	0	7,968
Tipperary	3,285	59,428	0	0	0	0	56,143
Tonkawa	16,793	53,658	0	0	0	0	36,865
Tosco	1,155,885	1,116,408	0	0	27,921	39,477	0
Total-Petroleum	29,564	568,820	0	0	0	0	539,256
Ucc-Caribe	0	68,670	0	68,670	0	0	68,670
Uni-Ref	0	81,812	0	0	0	0	81,812
Union-Carbide	0	—3,309	0	—3,309	0	3,309	0
Union-Oil	2,620,432	2,514,335	0	0	0	106,097	0
Untd-Ref	113,036	254,843	0	0	0	0	141,807
US-Oil	12,079	120,409	0	0	686	0	108,330
USA-Petrochem	145,551	231,400	0	0	1,599	0	85,849
Val-Verde	571	3,250	0	0	0	0	2,679
Vickers	106,147	397,315	0	0	0	0	291,168
Vicksburg	1,364	43,352	0	0	0	0	41,988
Waller	0	2,837	0	2,837	0	0	2,837
Warrior	29,638	37,052	[5]10,283	0	0	0	7,414
Watson	0	688	0	0	0	0	688
West-Coast	2,157	160,021	0	0	102	0	157,864
West-Monmouth	0	46	0	0	0	0	46
Western	0	79,223	0	0	0	0	79,223
Winston	73,636	84,927	0	0	0	0	11,291
Wireback	0	293	0	0	0	0	293
Witco	4,162	135,178	0	0	17	0	131,016
Wyoming	26,949	59,218	0	0	0	0	32,269
Yetter	0	157	0	0	0	0	157
Young	44,139	50,395	[5]18,733	0	0	0	6,256
Total	103,614,565	103,614,565	375,086	3,025,358	151,014	18,842,673	18,842,673

[1] See discussion in Notice.

[2] This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's judgment in *Husky Oil Co.* v. *DOE, et al.*, Civ. Action No. C77-190-B (D. Wyo., filed March 14, 1978), *remanded* 582 F. 2d 644 (TECA, August 10, 1978).

[3] This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co.* v. *FEA*, 1975.

[4] Correction of prior month.

[5] Exception from Office of Hearings and Appeals.

[FR Doc. 80-23089 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-011; OFC Case No. 62002-9026-05-12]

Exxon Co.; Availability of Tentative Staff Determination

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of tentative staff determination.

SUMMARY: On February 21, 1980, Exxon Company U.S.A. (Exxon) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 10 CFR Part 500, *et seq.* (Interim Rules).

The MFBI for which the petition was filed is a field-erected boiler to be constructed at Exxon's Baytown, Texas, refinery. The boiler, designated as Boiler SG-501C, will have a design heat input rate capability of 510 million Btu's per hour, a steam generating capacity of 320,000 pounds per hour, and will be capable of burning a mixture of fluid catalytic cracking unit (FCCU) regenerator flue gas and refinery blend gas which contains natural gas. Exxon requested a permanent fuels mixture exemption for the MFBI in order to use a fuels mixture of FCCU regenerator flue gas and not more than 25 percent refinery blend gas.

ERA accepted Exxon's petition on March 31, 1980, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on April 4, 1980 (45 FR 23054). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. During this period interested persons were also afforded an opportunity to request a public hearing. The period expired May 19, 1980. No comments were submitted nor was a hearing requested.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Determination has been made recommending that ERA issue an order which would grant the requested permanent exemption to use a mixture of FCCU regenerator flue gas and refinery blend gas, which contains natural gas, in which the amount of refinery blend gas used in the unit will not exceed 25 percent of the total annual Btu heat input of the primary energy source used in the unit.

ERA will issue a final order granting or denying the petition for a permanent exemption from the prohibitions of the Act within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register.**

DATES: Written comments on the Tentative Staff Determination are due on or before August 14, 1980.

ADDRESSES: Fifteen copies of written comments on the Tentative Staff Determination shall be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA-FC-80-011 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3679.

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3207, Washington, D.C. 20461, Phone (202) 653-3675.

Marilyn Ross, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6G-087, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of the Tentative Staff Determination and other documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published Interim Rules on May 15 and 17, 1979 (10 CFR, Parts 500 *et seq.*) (44 FR 28530 and 44 FR 28950), to implement provisions of Title II of FUA. ERA has also published Final Rules relating to new facilities on June 6, 1980 (45 FR 38276 and 45 FR 38302) which will become effective August 5, 1980. Title II of FUA prohibits the use of natural gas

or petroleum in certain new MFBI's unless an exemption for such use has been granted.

Exxon Company U.S.A. (Exxon) is construcing at its Baytown, Texas, refinery, a field-erected boiler which will have a design heat input rate capability of 510 million Btu's per hour, a steam generating capacity of 300,000 pounds per hour and will be capable of burning FCCU regenerator flue gas in a mixture with refinery blend gas which contains natural gas.

On February 21, 1980; in accordance with § 505.28 of the Interim Rules, Exxon filed a petition with ERA requesting a permanent fuel mixture exemption for the boiler (designated as Boiler by SG–501C) in order to burn simultaneously a fuels mixture of FCCU regenerator flue gas and refinery blend gas. Exxon has certified that the total amount of natural gas that is proposed to be used in the boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used by the unit.

Exxon requested that ERA classify the FCCU regenerator fuel gas an alternate energy source. ERA has, under the Interim Rule (§ 507.4(e)(1)), classified the fuel an alternate energy source based upon the criteria contained in the Interim Rules.

Refinery blend gas, a blend of petroleum (refinery residue gas) and natural gas, will comprise approximately 18 percent of the total Btu input to boiler SG–501C. The approximate volume ratio of petroleum and natural gas in the refinery blend gas is 64/36 respectively. The gaseous residues from refinery process units are blended at a central refinery manifold with natural gas. While the Btu content of the refinery blend gas can vary, the pressure remains constant. Exxon has acknowledged that the refinery blend gas is defined as a petroleum product under § 500.2 of the Interim Rule.

ERA's staff has reviewed the information contained in the record of this proceeding to date. Based upon that review, a Tentative Staff Determination has been made which recommends that an order be issued which would grant a permanent fuels mixture exemption for Boiler SG–501C to use a mixture of FCCU regenerator flue gas and refinery blend gas, provided that the amount of refinery blend gas used in the unit does not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the MFBI. This tentative determination also takes into account the purposes for which the minimum percentage of natural gas provided by a fuels mixture exemption is to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses for Boiler SG–501C.

On the basis of the analysis provided by the Office of Fuels Conversion, and reviewed by the Office of Environment, with consultation from the Office of the General Counsel, DOE has concluded that the granting of this exemption will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

RECOMMENDED TERMS AND CONDITIONS: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by Exxon, and upon the results of the staff analysis, the ERA staff has tentatively determined and recommends that any order which would grant the exemption described above should, pursuant to section 214 of the Act, be on the following terms and conditions:

(1) The combined amounts of petroleun and natural gas (refinery blend gas), to be used in this MFBI shall not exceed 25 percent of the total annual Btu heat input of the primary energy source used by the unit;

(2) In accordance with the reporting requirement in § 505.28(d), Exxon will submit an annual report to the ERA, Case Control Unit (Fuel Use Act), Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461, each year on the anniversary of the date Boiler SG–501C is placed in service:

(a) A certification that the amount of refinery blend gas used in this MFBI does not exceed 25 percent of the total annual Btu heat input of the primary energy sources used by the unit. The certification must be executed by Exxon's duly authorized representative;

(b) Identification of the actual quantities of FCCU regenerator flue gas and refinery blend gas, which contains petroleum and natural gas (in MCF) used during the year, as well as the higher heating value (in Btu's per MCF) of those fuels. The following format for quantites will be used:

Fuel type	Amount used (MCF)	Btu equivalent	Percent of annual fuel consumption
FCCU regenerator flue gas.....			
Refinery blend gas (total):			
(Petroleum).....			
(Natural Gas).....			

The Tentative Staff Determination does not constitute a decision by ERA to grant the exemptions requested. Such a decision will be made in accordance with § 501.66 of the Interim Rules on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Determination.

Issued in Washington, D.C., on July 25, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–23086 Filed 7–30–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 50421–1599–01–82]

New England Gas & Electric Association, Cambridge, Mass.; Proposed Prohibition Orders Pursuant to the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, of the issuance of the following proposed prohibition order which would prohibit the powerplant named below from burning natural gas or petroleum as a primary energy source.

Proposed Prohibition Order

Pursuant to the authority granted by Section 301(b) of FUA, ERA issues this proposed prohibition order to the following powerplant (Canal 1) owned by the New England Gas and Electric Association (Utility).

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued regulations applicable to existing facilities 10 CFR Part 504 (Regulations), to implement the prohibitions contained in Section 301(b) of Title III of FUA. Section 504.5 of the Regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a powerplant where ERA finds that the powerplant has or previously had the technical capability to use an alternate fuel as a primary energy source.

The Utility reported to the Federal Energy Regulatory Commission (FPC Form 67), for the year ending December 31, 1979, that Canal 1 burned an average of 11,200 barrels of oil per day (4,096,000 barrels annually). The potential oil displacement in converting Canal 1 to an alternate fuel (coal), assuming a capacity factor of 70 percent, is 13,200 barrels of oil per day (4,830,000 barrels annually).

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, this proposed order is based on a finding by ERA that Canal 1 has or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon documentation furnished to ERA Staff by the Utility during a visit to the site on December 21, 1979. The documentation consists of certain pages from the "Manual of Plant Equipment for Canal Plant Unit No. 1", prepared by Stone and Webster Engineering Corporation, dated May 1967, which shows on pages 3–24 that the equipment includes "One oil and future coal-fired universal pressure steam generator * * *", and also, a copy of the Purchase Order to Babcock & Wilcox (the manufacturer of the steam generator) dated December 4, 1964, which states, "one steam generating unit completely equipped for fuel oil firing and arranged for future installation of pulverized coal firing equipment."

The technical capability finding is made in accordance with the requirements of § 504.5(d) of the regulations, taking into consideration the ability of the unit from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer. This finding also recognizes, in accordance with § 504.5(d), that Canal 1 is capable of burning coal, notwithstanding the fact that minor adjustments must be made to the unit beforehand or that additional pollution control equipment may be necessary to meet air quality requirements.

Other Required Findings

Section 301(b) of FUA requires that prior to the issuance of a final prohibition order, ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant; and (2) it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplant.

Proposed Prohibition Orders Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Canal 1 from burning petroleum or natural gas as its primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of FUA, ERA has promulgated Regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA must initially gather information with respect to the question of technical capability of a powerplant to burn an alternate fuel as its primary energy source. ERA may convene a conference with a utility in accordance with § 501.32 of the regulations. If the powerplant has or previously had such capability the utility will be informed that ERA is considering issuance of a proposed prohibition order. In this case, ERA has made the required initial finding for the powerplant and has informed the utility accordingly.

(2) If a decision is made to issue a proposed prohibition order, ERA must publish its technical capability finding and proposed prohibition order in the **Federal Register**, as required by Section 701(b) of FUA. ERA, having made that decision in this case, herein publishes the required technical capability finding and proposed prohibition order. In accordance with Section 301(b) of FUA, a proposed prohibition order is not required to contain, at this point in the proceeding, the other required findings that ERA must make before a final prohibition order can be issued.

(3) In accordance with § 501.51(b)(3) of the Regulations, a public comment period of at least three months is to commence after publication of a proposed prohibition order, during which period the utility will be given an opportunity to challenge ERA's initial finding of technical capability contained in the proposed prohibition order. During this three-month comment period, the utility is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings which it is required to make prior to issuance of a final prohibition order. The utility will also be required, during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which the powerplant may qualify.

(4) Subsequent to the end of the initial three-month comment period, ERA will issue a notice of whether it intends to proceed with the proposed prohibition order. Within three months of the issuance of the notice of intention to proceed with the proposed prohibition order, the owner or operator of the powerplant subject to the proposed prohibition order may demonstrate that the powerplant would qualify for an exemption if the proposed prohibition order had been established by rule.

(5) Subsequent to the end of the second three-month period, ERA will, if it intends to issue the final prohibition order, prepare and publish a Notice of Availability of a Tentative Staff Decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition order. Under the Regulations, interested persons wishing a hearing must make their request in writing no later than 45 days after publication of the Notice of Availability of a Tentative Staff Decision. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed prohibition order and Tentative Staff Decision, the utility's showing on any exemptions and rebuttal

of ERA's proposed prohibition order, and ERA's rebuttal to any showing or potential qualification for exemption.

(8) After the hearing, if any, or at the end of the second three-month comment period, ERA shall determine whether the final prohibition order will be issued, based upon ERA's review of the entire administrative record. The final prohibition order, if issued, together with a summary of the basis therefor, will be published in the **Federal Register.** Such order shall not take effect earlier than sixty days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity for interested persons to submit written comments, views and arguments regarding this proposed prohibition order. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of this proposed order in the **Federal Register,** unless reduced at the request of the recipient of the proposed prohibition order pursuant to 10 CFR Part 501.51(b)(8). Notice of any such change during the time for public comment will be published in the **Federal Register.** Comments should make reference to the case number set forth in this notice and proposed prohibition order. Comments should address the adequacy and validity of the finding and any other aspects or impacts of the proposed prohibition order believed to be relevant.

Written comments on the proposed prohibition order should be directed to Public Hearing Management (Case No. 50421–1599–01–82), U.S. Department of Energy, Room 3214, 2000 N Street, NW., Washington, D.C. 20461, and should be received before 4:30 p.m. October 29, 1980.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed prohibition order. The request must include a description of the person's interest in the proposed prohibition order, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached. The request also should, to the extent possible, identify any witnesses that may be presented at the hearing, and summarize their anticipated testimony and the purpose of the testimony.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Order for Canal 1." Fifteen copies should be submitted.

All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must be so identified in writing in accordance with 10 CFR 501.7(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

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

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3000, Washington, D.C., 20461, (202) 653–3649.

Douglas Mitchell (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, D.C., 20585, (202) 252–2967.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*; E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., July 24, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–23084 Filed 7–30–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case Nos. 52414–2398–01–82; 52414–2398–02–82]

Public Service Electric & Gas Co. of New Jersey; Proposed Prohibition Orders Pursuant to the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, of the issuance of the following proposed prohibition orders which would prohibit the powerplants named below (Bergen 1 and 2) from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Orders

Pursuant to the authority granted by Section 301(b) of FUA, ERA issues these proposed prohibition orders to the following powerplants owned by Public Service Electric and Gas Company of New Jersey (Utility).

ERA case No.	Generating station	Powerplant No.	MW	Location
52414–2398–01–82	Bergen	1	325	Ridgefield, N.J.
52414–2398–02–82	Bergen	2	325	Ridgefield, N.J.

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued regulations applicable to existing facilities 10 CFR Part 504 (Regulations), to implement the prohibitions contained in Section 301(b) of Title III of FUA. Section 504.5 of the Regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a powerplant where ERA finds that the powerplant has or previously had the technical capability to use an alternate fuel as a primary energy source.

The Utility reported to the Federal Energy Regulatory Commission (FPC form 67), for the year ending December 31, 1979, that Bergen 1 and 2 burned an average of 5,000 barrels of oil per day (1,825,000 barrels annually) and 12,660 cubic feet of natural gas per day (4,620,000 cubic feet annually). The potential oil displacement in converting to an alternate fuel (coal), assuming a capacity factor of 70 percent, is 18,200 barrels of oil per day (6,643,000 barrels annually).

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, these proposed orders are based on a finding by ERA that Bergen 1 and 2 have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon documentation furnished to ERA by the Utility during a site visit on June 13, 1980, entitled *Bergen Generating Station* and published by the Public Service Electric and Gas Company. The report describes the coal capability of the powerplants and includes diagrams of boiler cross-sections.

Additionally, the powerplants burned coal in the past. This is documented by the FPC Form 67, *Steam-Electric Plant Air and Water Quality Control Data for the Year Ended December 31, 1974,* which shows the volumes of coal burned in Bergen 1 and 2 for calendar year 1974.

The technical capability finding is made in accordance with the requirements of § 504.5(d) of the regulations, taking into consideration the ability of the powerplants, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer. This finding also recognizes, in accordance with § 504.5(d), that the powerplants are capable of burning coal, notwithstanding the fact that minor adjustments must be made to the units before they burn an alternate fuel (coal) as their primary energy source or that additional pollution control equipment may be necessary to meet air quality requirements.

Other Required Findings

Section 301(b) of FUA requires that prior to the issuance of a final prohibition order, ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplant.

Proposed Prohibition Orders Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Bergen 1 and 2 from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of FUA, ERA has promulgated Regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA must initially gather information with respect to the question of technical capability of a powerplant to burn an alternate fuel as its primary energy source. ERA may convene a conference with a utility in accordance with § 501.32 of the Regulations. If the powerplant has or previously had such capability the utility will be informed that ERA is considering issuance of a proposed prohibition order. In this case, ERA has made the required initial finding for Bergen 1 and 2 and informed the Utility accordingly.

(2) If a decision is made to issue a proposed prohibition order, ERA must publish its technical capability finding and such proposed prohibition order in the **Federal Register** as required by Section 701(b) of FUA. ERA, having made the required decision in this case, herein publishes the required technical capability finding and proposed prohibition orders. In accordance with Section 301(b) of FUA, a proposed prohibition order is not required to contain, at this point in the proceeding, the other required findings that ERA must make before a final prohibition order can be issued.

(3) In accordance with § 501.51(b)(3) of the Regulations, a public comment period of at least three months is to commence after publication of a proposed prohibition order, during which period the utility will be given an opportunity to challenge ERA's initial finding of technical capability contained in a proposed prohibition order. During this three-month comment period, the utility is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings which are required to be made by ERA prior to issuance of a final prohibition order. The utility will also be required, during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which the powerplant may qualify.

(4) Subsequent to the end of the initial three-month comment period, ERA will issue a notice of whether it intends to proceed with the proposed prohibition order. Within three months of the issuance of the notice of intention to proceed with the proposed prohibition order, the owner or operator of the powerplant that may be subject to the proposed prohibition order may demonstrate that the powerplant would qualify for an exemption if the proposed prohibition order had been established by rule.

(5) Subsequent to the end of the second three-month period, ERA will, if it intends to issue the final prohibition order, prepare and publish a Notice of Availability of a Tentative Staff Decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition order. Under the Regulations, interested persons wishing a hearing must make their request in writing no later than 45 days after publication of the Notice of Availability of a Tentative Staff Decision. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed prohibition order and tentative staff decision, the utility's showing on any exemptions and rebuttal of ERA's proposed prohibition order, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and the second three-month comment period, ERA shall determine whether the final prohibition order will be issued, based upon ERA's review of the entire administrative record. The final prohibition order, if issued, together with a summary of the basis therefor, will be published in the **Federal Register.** Such order shall not take effect earlier than sixty days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding these proposed prohibition orders. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of these proposed orders in the **Federal Register,** unless reduced at the request of the recipient of the proposed prohibition orders pursuant to 10 CFR 501.51(b)(8). Notice of any such change during the time for public comment will be published in the **Federal Register.** Comments should make reference to the case numbers set forth in this notice and proposed prohibition orders. Comments should address the adequacy and

validity of the finding and any other aspects or impacts of the proposed prohibition orders believed to be relevant.

Written comments on the proposed prohibition orders should be directed to Public Hearing Management (Case Nos. 52414–2398–01–82 and 52414–2398–02–82), U.S. Department of Energy, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, and should be received before 4:30 p.m., October 29, 1980.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed prohibition orders. The request must include a description of the person's interest in the proposed prohibition orders, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Orders for the Bergen Powerplants 1 and 2." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must be so identified in writing in accordance with 10 CFR 501.7(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

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

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3000, Washington, D.C. 20461, (202) 653–3649.

Marya Rowan (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, D.C. 20585, (202) 252–2967.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, (42 U.S.C. 8301 *et seq.*); E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., July 24, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–23083 Filed 7–30–80; 8:45 am]

BILLING CODE 6450–01–M

Tri-Service Drilling Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tri-Service Drilling Company, 901 First National Bank Building, Midland, Texas 79701. This Proposed Remedial Order charges Tri-Service with pricing violations in the amount of $466,075.36, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1, 1973 through December 31, 1976, from certain tracts located in Reagan County, Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. On or before August 15, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 22nd day of July 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement.

[FR Doc. 80–23090 Filed 7–30–80; 8:45 am]

BILLING CODE 6450–01–M

OKC Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: July 17, 1980. Comments by: September 2, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235 [phone] (214) 767–7745.

SUPPLEMENTARY INFORMATION: On July 17, 1980, the Office of Enforcement of the ERA executed a Consent Order with OKC Corporation of Dallas, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because of the complex negotiations in this case and the necessity to conclude this matter simultaneously with other proceedings associated with this Consent Order, as well as the concern to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with OKC Corporation effective as of the date of its execution by the DOE and OKC Corporation. The DOE has set the comment period required pursuant to 10 CFR § 205.199J(c) for a period of time to expire not more than the thirty-first (31st) day after the publication of the Notice of the Order. The DOE agrees that it will not, during or after expiration of such comment period, withdraw its agreement to this Consent Order or attempt to negotiate a modification of this Consent Order, except that public comment necessitates such action.

I. Consent Order

OKC Corporation is a firm engaged in the production and refining of crude oil and the marketing of motor gasoline and other refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of transactions involving crude oil, residual fuel oil and other refined petroleum products, the Office of Enforcement, ERA, and OKC Corporation entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was August 19, 1973 through July 7, 1980. The alleged overcharges occurred in sales of motor gasoline and other refined petroleum products which were made during that period.

2. OKC Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart E, when determining the prices to be charged for its motor gasoline and other refined petroleum products, and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and OKC Corporation have agreed to a settlement in the amount of $25,250,000. The terms of the refund consist of the payment of $4,750,000 cash, including interest, together with civil penalties of $500,000 and the reduction of OKC Corporation reported bank of unrecouped increased crude oil costs attributable to motor gasoline to the level of $12,000,000, thereby foresaking the benefit of the sum of $20,000,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and OKC Corporation.

4. OKC Corporation agrees that its compliance with the entitlement regulations during the period covered by this Consent Order is reserved for future DOE audit which is to be initiated within seven (7) working days of the effective date of the Order. Within 60 days of the start of the review DOE shall issue written notification to OKC Corporation that it either has or has not found evidence of violation of DOE statues and regulations with respect to the entitlements program.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, OKC Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $25,250,000 in the manner specified in I.3. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on OKC Corporation Consent Order." We will consider all comments we receive by 4:30 pm, local time, on September 2, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 22nd day of July, 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80-22650 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case Nos. 51685-2511-01-82, 51685-2511-02-82]

Long Island Lighting Co.; Issuance of Proposed Prohibition Orders Pursuant to the Powerplant and Industrial Fuel Use Act of 1978

In the Matter of Long Island Lighting Co., Mineola, New York.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, of the issuance of the following proposed prohibition orders which would prohibit the powerplants named below (Powerplants) from burning natural gas or petroleum as their primary energy source.

Proposed Prohibition Orders

Pursuant to the authority granted by Section 301(b) of FUA, ERA Issues these proposed prohibition orders to the following powerplants (Barrett 1 and 2) owned by the Long Island Lighting Company, Mineola, New York (Utility):

ERA Case No.	Generating Station	Powerplant No.	MW	Location
51685-2511-01-82	E. F. Barrett	1	187.5	Island Park, New York.
51685-2511-02-82	E. F. Barrett	2	187.5	Island Park, New York.

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued regulations applicable to existing facilities 10 CFR Part 504 (Regulations), to implement the prohibitions contained in Section 301(b) of Title III of FUA. Section 504.5 of the Regulations sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by a powerplant, where ERA finds that the powerplant has or previously had the technical capability to use an alternate fuel as a primary energy source.

The Utility reported to the Federal Energy Regulatory Commission (FPC Form 67), for the year ending December 31, 1978, that Barrett 1 and 2 burned an average of 8,920 barrels of oil per day (3,260,000 barrels annually). The potential oil displacement in converting Barrett 1 and 2 to an alternate fuel (coal), assuming a capacity factor of 70 percent, is approximately 10,500 barrels of oil per day (3,832,500 barrels annually).

Finding of Technical Capability

In accordance with Section 301(b) of Title III of FUA, these proposed orders are based on a finding by ERA that Barrett 1 and 2 have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon: (1) the fact that Barrett No. 1 burned coal in 1969 (FPC Form 36; 1973), (2) information indicating that Barrett No. 2 is identical in design and construction to Barrett No. 1 (Utility Specification EB–2, 1959); and (3) documentation furnished to ERA by the Utility entitled, "Supporting Information for Pre-Proposed Order Conference, Economic Regulatory Administration, October 29, 1979, E. F. Barrett and Northport Power Stations, Long Island Lighting Company." The report indicates that "Unit 1 began commercial operation on coal in November 1956, and burned coal until November 1969, at which time the unit was converted to oil firing. Unit 2 went into commercial operation on oil in November 1963. Although the boiler is designed to fire coal, no coal handling equipment has been installed." These references, as well as a site visit made by the staff of ERA on June 12, 1980, confirm that Barrett 1 and 2 are technically capable of burning coal.

The technical capability finding is made in accordance with the requirements of § 504.5(d) of the Regulations, taking into consideration the ability of the powerplants, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer. This finding also recognizes, in accordance with § 504.5(d), that Barrett 1 and 2 are capable of burning coal, notwithstanding the fact that minor adjustments must be made to the units before using an alternate fuel (coal) as their primary energy source or that additional pollution control equipment may be necessary to meet air quality requirements.

Other Required Findings

Section 301(b) of FUA requires that prior to the issuance of a final prohibition order, ERA must also find that (1) the powerplant has the technical capability to use coal or another alternate fuel as a primary energy source, or it could have such capability without (A) substantial physical modification of the powerplant or (B) substantial reduction in the rated capacity of the powerplant; and (2) it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplant.

Proposed Prohibition Orders Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Barrett 1 and 2 from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 301 of FUA, ERA has promulgated Regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA must initially gather information with respect to the question of technical capability of a powerplant to burn an alternate fuel as its primary energy source. ERA may convene a conference with a utility in accordance with Section 501.32 of the Regulations. If the powerplant has or previously had such capability, the utility will be informed that ERA is considering issuance of a proposed prohibition order. In this case, ERA has made the required initial finding for the powerplants and has informed the utility accordingly.

(2) If a decision is made to issue a proposed prohibition order, ERA must publish its technical capability finding and proposed prohibition order in the **Federal Register** as required by Section 701(b) of FUA. ERA, having made that decision in this case, herein publishes the required technical capability finding and proposed prohibition orders. In accordance with Section 301(b) of FUA, a proposed prohibition order is not required to contain, at this point in the proceeding, the other required findings that ERA must make before a final prohibition order can be issued.

(3) In accordance with § 501.51(b)(3) of the Regulations, a public comment period of at least three months is to commence after publication of a proposed prohibition order, during which period the utility will be given an opportunity to challenge ERA's initial finding of technical capability contained in a proposed prohibition order. During this three-month comment period, the utility is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings which are required to be made by ERA prior to issuance of a final prohibition order. The utility will also be required, during this period, to identify, but not to demonstrate its entitlement to, any exemptions for which the powerplant may qualify.

(4) Subsequent to the end of the initial three-month comment period, ERA will issue a notice of whether it intends to proceed with the proposed prohibition order. Within three months of the issuance of the notice of intention to proceed with the proposed prohibition order, the owner or operator of the powerplant that may be subject to the proposed prohibition order may demonstrate that the powerplant would qualify for an exemption if the proposed prohibition order had been established by rule.

(5) Subsequent to the end of the second three-month period, ERA will, if it intends to issue the final prohibition order, prepare and publish a Notice of Availability of a Tentative Staff Decision.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition order. Under the Regulations, interested persons wishing a hearing must make their request in writing no later than 45 days after publication of the Notice of Availability of the Tentative Staff Decision. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR, Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed prohibition order and tentative staff decision, the utility's showing on any exemptions and rebuttal of ERA's proposed prohibition order, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and the second three-month comment period, ERA shall determine whether the final prohibition order will be issued, based upon ERA's review of the entire administrative record. The final prohibition order, if issued, together with a summary of the basis therefor, will be published in the **Federal Register.** Such order shall not take effect earlier than sixty days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding these proposed prohibition orders. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of these proposed orders in the **Federal Register,** unless reduced at the request of the recipient of the proposed prohibition orders pursuant to 10 CFR Part 501.51(b)(8). Notice of any such change during the time for public comment will be published in the **Federal Register.** Comments should make reference to the case numbers set forth in this notice and proposed prohibition orders. Comments should address the adequacy and validity of the finding and any other aspects or impacts of the proposed prohibition orders believed to be relevant.

Written comments on the proposed prohibition orders should be directed to Public Hearing Management (Case Nos. 51685–2511–01–82 and 51685–2511–02–82), U.S. Department of Energy, Room 3214, 2000 M Street NW., Washington, D.C. 20461, and should be received before 4:30 p.m., October 29, 1980.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed prohibition orders. The request must include a description of the person's interest in the proposed prohibition orders, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Orders for the E. F. Barrett Powerplants 1 and 2." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it, must be so identified in writing in accordance with 10 CFR 501.7(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

For further information contact:

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

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3000, Washington, D.C., 20461, (202) 653–3649.

Douglas F. Mitchell (Office of General Counsel), Department of Energy, 1000 Independence Avenue SW., Room 6G–087, Washington, D.C. 20585, (202) 252–2967.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*) E.O. 12009 (42 FR 46267))

Issued in Washington, D.C., July 24, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–22919 Filed 7–30–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Vol.: 240]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 24, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before August 15, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary

BILLING CODE 6450–85–M

JD NO	JA DAT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********							
*ADOBE OIL & GAS CORPORATION				RECEIVED: 06/26/80 JA: PA			
8042807	4700	3706521990	103	LOUIS EMANUEL #5	REYNOLDSVILLE	68,0	T W PHILLIPS GAS & O
*AMOCO PRODUCTION CO				RECEIVED: 06/26/80 JA: PA			
8042880	3572	3711120072	102	DALE S BARRON #1	INDIANTOWN	657,0	TEXAS EASTERN TRANSM
8042883	3575	3711100044	102	DEAN M HUTTLE #1	ENOCH	185,0	
8042884	3576	3711120075	102	EDWARD KIRK #1	W SHANKSVILLE	730,0	UGI CORP
8042882	3574	3711120074	102	JAMES CRAWFORD NO 1	COXES CREEK	548,0	TEXAS EASTERN TRANSM
8042885	3838	3711120080	102	JOHN D WEAVER #1	WILDCAT (SHAMROCK PROSPE	548,0	TEXAS EASTERN TRANSM
8042879	3570	3711120043	102	R J LAMBERT NO 1	W SHANKSVILLE	912,0	UGI CORP
8042881	3573	3711120077	102	RICHARD SVONAVEC #1	INDIANTOWN	365,0	
*ARMCLAR GAS CO				RECEIVED: 06/26/80 JA: PA			
8042876	3238	3700500000	108	F SHUMAKER #1 SERIAL #3	SEMINOLE	0,5	PEOPLES NATURAL GAS
8042877	3239	3700500000	108	GEORGE SHUMAKER #7	SEMINOLE	0,5	PEOPLES NATURAL GAS
*B G BARTLEY				RECEIVED: 06/26/80 JA: PA			
8042679	2487	3700520191	108	BELLE KNESS #1	ELDERS RIDGE	1,2	EQUITABLE GAS CO
8042678	2486	3700520395	108	J MURRAY KNAPPENBERGER #1	ELDERS RIDGE	1,7	APOLLO GAS CO
8042680	2489	3700520203	108	JESSE PARKS #1	NORTH VANDERGRIFT	3,0	PEOPLES NATURAL GAS
8042681	2490	3700520195	108	L B REARICK #1	CHERRY RUN	6,6	EQUITABLE GAS CO
8042677	2482	3700520349	108	WILLIAM L FRAZIER #2	ELDERS RIDGE	5,4	PEOPLES NATURAL GAS
*BARON CREST ENERGY PROGRAM NO 2				RECEIVED: 06/26/80 JA: PA			
8042711	4634	3700522441	103	CREST LAND CO & PENN PARK DEVEL #1	KISKEMINETAS	30,0	US STEEL CORP
8042712	4635	3700522439	103	ELMO B CECCHETTI #2	BETHEL	20,0	US STEEL CORP
8042713	4636	3700522440	103	ELMO B CECCHETTI #3	BETHEL	20,0	US STEEL CORP
*BETA 79-8 T JOINT VENTURE				RECEIVED: 06/26/80 JA: PA			
8042835	4729	3706521958	103	MAUK #1	DU BOIS	25,0	NATIONAL FUEL GAS DI
8042833	4727	3706521980	103	MCCLURE #1	FALLS CREEK	25,0	NATIONAL FUEL GAS DI
8042834	4728	3706521972	103	MCKINLEY #1	BROOKVILLE	25,0	NATIONAL FUEL GAS SU
8042836	4730	3706521959	103	SNYDER #1	DU BOIS	25,0	NATIONAL FUEL GAS DI
*BOYD & SMRIVER				RECEIVED: 06/26/80 JA: PA			
8042676	2154	3706321707	108	406-OBERLIN	GRANT	9,2	CONSOLIDATED GAS SUP
8042674	2021	3706322244	108	419-CRAIG	E MAHONING	11,7	CONSOLIDATED GAS SUP
8042673	2020	3706322234	108	420-WILLIAMS	E MAHONING	7,8	CONSOLIDATED GAS SUP
8042672	2017	3706322324	108	423-CRAIG	E MAHONING	17,1	CONSOLIDATED GAS SUP
8042675	2114	3706322316	108	425-WILLIAMS	E MAHONING	12,1	CONSOLIDATED GAS SUP
8042714	4638	3706323478	103	456-TYGER	CANOE	0,0	CONSOLIDATED GAS SUP
8042767	4641	3706324087	103	476-BISHOP	NORTH MAHONING	92,7	T W PHILLIPS GAS & O
8042765	4639	3706323774	103	477-WOLFERT	NORTH MAHONING	19,5	T W PHILLIPS GAS & O
8042768	4642	3706323777	103	479-MCISAAC	EAST MAHONING	22,7	T W PHILLIPS GAS & O
8042766	4640	3706323862	103	700-PEARCE	NORTH MAHONING	8,0	T W PHILLIPS GAS & O
*CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 06/26/80 JA: PA			
8042779	4659	3705320686	103	ALBERT MCKENRICK WN-1667	CRAWFIAN 284115	60,0	GENERAL SYSTEM PURCH
8042821	4715	3705320916	103	ALBERT MSKENRICK WN-1781	CRAWFIAN 284115	25,0	GENERAL SYSTEM PURCH
8042759	4681	3706521720	103	ANITA COAL CO WN-1726	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042824	4718	3705320929	103	ANNA L HORN WN-1786	LABUNDE 590759	22,0	GENERAL SYSTEM PURCH
8042744	4667	3706324527	103	AUDREY S TANNER WN-1744	ROCHESTER MILLS 063423	25,0	GENERAL SYSTEM PURCH
8042770	4650	3706321449	103	BLAIR V RHODES WN-1603	SOLDIERS RUN 664915	23,0	GENERAL SYSTEM PURCH
8042784	4664	3706521951	103	CARL D REITER WN-1688	SOLDIERS RUN 664915	35,0	GENERAL SYSTEM PURCH
8042772	4652	3705320756	103	CHARLES I STYERS WN-1622	BIG RUN 063423	23,0	GENERAL SYSTEM PURCH
8042763	4685	3705320856	103	CHARLES MAHLON WN-1741	CRAWFIAN 284115	140,0	GENERAL SYSTEM PURCH
8042773	4653	3705320651	103	CLARENCE MARSHALL WN-1640	LUTHERSBURG 434976	23,0	GENERAL SYSTEM PURCH
8042754	4676	3706324355	103	DAVID J SWANSON WN-1717	ROCHESTER MILLS 063423	40,0	GENERAL SYSTEM PURCH

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8042799	4692	3706324801	103	DAVID J SWANSON WN=1761	ROCHESTER MILLS 063423	35,0	GENERAL SYSTEM PURCH
8042780	4660	3706521526	103	EARL M STROUSE WN=1669	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042797	4690	3712921543	103	EDWARD A SCHULTZ WN=1759	SOUTH OAKFORD 517448	25,0	GENERAL SYSTEM PURCH
8042817	4711	3705320880	103	EMA NOLDEN WN=1750	SALEM 625030	25,0	GENERAL SYSTEM PURCH
8042787	4667	3712921558	103	FRANCIS P CASURIO WN=1699	SOUTH OAKFORD 517448	23,0	GENERAL SYSTEM PURCH
8042753	4675	3706521701	103	GEORGE G SPRAGUE WN=1716	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042757	4679	3706521698	103	GEORGE T WALLS WN=1720	SOLDIERS RUN 664915	23,0	GENERAL SYSTEM PURCH
8042758	4680	3706521702	103	GUY BLISS WN=1721	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042782	4662	3706521609	103	H J HIXSON WN=1678	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042790	4670	3706521659	103	HAROLD P RHOADES WN=1706	BIG RUN 063423	35,0	GENERAL SYSTEM PURCH
8042776	4656	3706521534	103	HELEN G RHINES WN=1665	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042771	4651	3705320705	103	HELEN Y HARTZFELD WN=1614	IRISH RUN 348275	23,0	GENERAL SYSTEM PURCH
8042760	4682	3706521713	103	J A & E L BURKETT WN=1727	OLIVEBURG 523959	50,0	GENERAL SYSTEM PURCH
8042786	4666	3705320833	103	J H FRANCE REFACT WN=1697	GRAMPIAN 284115	65,0	GENERAL SYSTEM PURCH
8042818	4712	3705320881	103	J H FRANCE REFRACTORIES WN=1753	GRAMPIAN 284115	30,0	GENERAL SYSTEM PURCH
8042823	4717	3705320935	103	J SHERMAN OSBURN WN=1784	GRAMPIAN 284115	30,0	GENERAL SYSTEM PURCH
8042783	4663	3705320799	103	JAMES A GRAY WN=1682	LABORDE 390759	25,0	GENERAL SYSTEM PURCH
8042805	4698	3705320930	103	JAMES B GRAHAM WN=1777	IRISH RUN 348275	25,0	GENERAL SYSTEM PURCH
8042804	4697	3705320931	103	JAMES M MITCHELL ESTATE WN=1776	IRISH RUN 348275	23,0	GENERAL SYSTEM PURCH
8042755	4677	3705320840	103	JAMES M MITCHELL WN=1718	IRISH RUN 348275	23,0	GENERAL SYSTEM PURCH
8042756	4678	3705320841	103	JAMES M MITCHELL WN=1719	IRISH RUN 348275	25,0	GENERAL SYSTEM PURCH
8042820	4714	3705320903	103	JOHN E HAYES WN=1765	LABORDE 390759	23,0	GENERAL SYSTEM PURCH
8042761	4683	3712921382	103	JOHN G TOMAJKO WN=1729	SOUTH OAKFORD 517448	23,0	GENERAL SYSTEM PURCH
8042785	4665	3712921367	103	JOSEPH J GUYON WN=1690	SOUTH OAKFORD 517448	25,0	GENERAL SYSTEM PURCH
8042781	4661	3706323936	103	LAYARD GASTON WN=1675	ROCHESTER MILLS 063423	25,0	GENERAL SYSTEM PURCH
8042778	4658	3706521524	103	LUTHER L PIFER WN=1666	SOLDIERS RUN 664915	23,0	GENERAL SYSTEM PURCH
8042802	4695	3706521943	103	M GRACE NUERR WN=1770	OLIVEBURG 523959	24,0	GENERAL SYSTEM PURCH
8042803	4696	3706521937	103	M GRACE NUERR WN=1771	OLIVEBURG 523959	30,0	GENERAL SYSTEM PURCH
8042798	4691	3712921542	103	OSCAR M CRAYCRAFT WN=1760	SOUTH OAKFORD 517448	25,0	GENERAL SYSTEM PURCH
8042796	4689	3712921525	103	P F EISEMAN WN=1754	SOUTH OAKFORD 517448	23,0	GENERAL SYSTEM PURCH
8042775	4655	3706521758	103	PA GAME COMMISSION WN=1662	BIG RUN 063423	97,0	GENERAL SYSTEM PURCH
8042822	4716	3706521909	103	R A HANG WN=1785	OLIVEBURG 523959	24,0	GENERAL SYSTEM PURCH
8042795	4688	3706521792	103	R GEORGE CHERIAN WN=1748	OLIVEBURG 523959	25,0	GENERAL SYSTEM PURCH
8042819	4713	3706521893	103	RALPH B SPRAGUE WN=1762	SOLDIER RUN 664915	23,0	GENERAL SYSTEM PURCH
8042762	4684	3706521717	103	RALPH R HARVEY WN=1730	ROCHESTER MILLS 063423	25,0	GENERAL SYSTEM PURCH
8042801	4694	3706521922	103	RAYMOND J DERALPH WN=1769	SOLDIERS RUN 664915	24,0	GENERAL SYSTEM PURCH
8042793	4673	3705320837	103	REED C REITER WN=1713	SALEM 625030	40,0	GENERAL SYSTEM PURCH
8042769	4649	3706521506	103	REED REITER WN=1471	BIG RUN 063423	30,0	GENERAL SYSTEM PURCH
8042825	4719	3705320936	103	REED REITER WN=1788	SALEM 625030	25,0	GENERAL SYSTEM PURCH
8042764	4686	3706521749	103	ROBERT A HAAG WN=1743	OLIVEBURG 523959	41,0	GENERAL SYSTEM PURCH
8042774	4654	3706521500	103	ROBERT M MANAK WN=1655	BIG RUN 063423	23,0	GENERAL SYSTEM PURCH
8042788	4668	3706521761	103	ROBERT V MAINE WN=1703	BIG RUN 063423	23,0	GENERAL SYSTEM PURCH
8042752	4674	3706521686	103	ROBERT WALTMAN WN=1714	SOLDIERS RUN 664915	25,0	GENERAL SYSTEM PURCH
8042800	4693	3706521918	103	ROCHESTER & PITTSBURGH COAL WN=1765	SOLDIERS RUN 664915	24,0	GENERAL SYSTEM PURCH
8042777	4657	3705320703	103	SAMUEL M LEONARD WN=1664	SALEM 625030	25,0	GENERAL SYSTEM PURCH
8042789	4669	3706521650	103	SARAH MILLIRON WN=1704	BIG RUN 063423	40,0	GENERAL SYSTEM PURCH
8042791	4671	3706521741	103	SYLVAN M LYONS WN=1707	SOLDIERS RUN 664915	47,0	GENERAL SYSTEM PURCH
8042792	4672	3706521657	103	WALTER G BAUGHENBAUGH WN=1708	OLIVEBURG 523959	46,0	GENERAL SYSTEM PURCH
*ENVIROGAS INC				RECEIVED: 06/26/80 JA: PA			
8042809	4702	3704920948	102	#1 C HENRY	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU
8042811	4704	3704920875	102	#1 J BREMER	NORTH EAST DEEP	16,0	NATIONAL FUEL GAS SU
8042810	4703	3704920944	102	#1 J WASIELEWSKI	ERIE DEEP	18,0	NATIONAL FUEL GAS SU
8042812	4705	3704920865	102	#1 P SWANSON	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8042813	4706	3704920838	102	#1 UNION FREEWILL BAPTIST CHURCH	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU
*FAIRMAN DRILLING CO				RECEIVED: 06/26/80 JA: PA			
8042643	2991	3706321718	108	A T MCCLURE NO 2 F=649	BIG RUN=DEEMER	16,0	CONSOLIDATED GAS SUP
8042656	3004	3703320456	108	ALICE SHAFFER NO 1 F=559	BIG RUN = DEEMER	6,0	CONSOLIDATED GAS SUP
8042655	3003	3703320475	108	ALICE SHAFFER NO 2 F=619	BIG RUN = DEEMER	12,0	CONSOLIDATED GAS SUP
8042699	2985	3706320452	108	ANNA MADDEN NO 1 F=103	PENN RUN	4,0	COLUMBIA GAS TRANSMI
8042649	2997	3706520610	108	BROOKS GOULD NO 1 F=576	BIG RUN=DEEMER	15,0	CONSOLIDATED GAS SUP
8042651	2999	3706520580	108	CARL HANEY NO 1A F=571	BIG RUN = DEEMER	5,0	CONSOLIDATED GAS SUP
8042652	3000	3706321561	108	CARL HANEY NO 1B F=487	BIG RUN = DEEMER	11,0	CONSOLIDATED GAS SUP
8042850	3025	3706500000	108	CLAIR READ NO 1 F=8	BIG RUN = DEEMER	9,0	CONSOLIDATED GAS SUP
8042849	3024	3706520521	108	CLAIR READ NO 2 F=319	BIG RUN = DEEMER	9,0	CONSOLIDATED GAS SUP
8042848	3023	3706520658	108	CLAIR READ NO 3 F=420	BIG RUN = DEEMER	9,0	CONSOLIDATED GAS SUP
8042654	3002	3703320434	108	DEWEY SHAFFER NO 1 F=459	BIG RUN = DEEMER	10,0	CONSOLIDATED GAS SUP
8042693	2978	3703320112	108	EMORY MILLER NO 2 F=24	LUTHERSBURG = ROCKTON	3,0	CONSOLIDATED GAS SUP
8042852	3027	3706520381	108	FRANCES BOWERS NO 1 F=142	BIG RUN = DEEMER	13,0	CONSOLIDATED GAS SUP
8042700	2986	3706320664	108	FRANCES BOWERS NO 1 F=198	BIG RUN = DEEMER	20,0	CONSOLIDATED GAS SUP
8042640	2988	3706320736	108	FRANCES BOWERS NO 2 F=213	BIG RUN=DEEMER	20,0	CONSOLIDATED GAS SUP
8042658	3007	3706320702	108	GEORGE SPENCER NO 1 F=194	BIG RUN = DEEMER	7,0	CONSOLIDATED GAS SUP
8042654	3032	3706321875	108	GEORGE WINEBARK NO 1 F=712	ROCHESTER MILLS	19,0	CONSOLIDATED GAS SUP
8042650	2998	3706322057	108	GEORGE WINEBARK NO 2 F=806	ROCHESTER MILLS	19,0	CONSOLIDATED GAS SUP
8042660	3009	3706320601	108	H C BONNER NO 1 F=151	BIG RUN = DEEMER	11,0	CONSOLIDATED GAS SUP
8042647	2995	3703300000	108	HASSON S RUCKEY NO 1 F=14	LUTHERSBURG=ROCKTON	10,0	CONSOLIDATED GAS SUP
8042659	3008	3706320624	108	J W MCKEE NO 1 F=156	BIG RUN = DEEMER	14,0	CONSOLIDATED GAS SUP
8042653	3001	3703320435	108	JOHN LONG NO 1 F=474	BIG RUN = DEEMER	2,0	CONSOLIDATED GAS SUP
8042641	2989	3706321125	108	JOHN VAN DYKE NO 3 F=368	BIG RUN=DEEMER	14,0	CONSOLIDATED GAS SUP
8042642	2990	3706321715	108	JOHN VAN DYKE NO 4 F=647	BIG RUN=DEEMER	14,0	CONSOLIDATED GAS SUP
8042644	2992	3706520551	108	JOHNSTON NO 1 F=356	BIG RUN=DEEMER	15,0	CONSOLIDATED GAS SUP
8042645	2993	3706520574	108	JOHNSTON NO 2 F=369	BIG RUN=DEEMER	15,0	CONSOLIDATED GAS SUP
8042698	2984	3706320444	108	LINDSEY COAL MINING CO NO 1 F=101	GRACETON	20,0	COLUMBIA GAS TRANSMI
8042697	2983	3706320459	108	LINDSEY COAL MINING CO NO 2 F=107	GRACETON	20,0	COLUMBIA GAS TRANSMI
8042696	2982	3706320973	108	LINDSEY COAL MINING CO NO 3 F=328	GRACETON	15,0	COLUMBIA GAS TRANSMI
8042695	2981	3706320979	108	LINDSEY COAL MINING CO NO 4 F=312	GRACETON	15,0	COLUMBIA GAS TRANSMI
8042694	2980	3706320980	108	LINDSEY COAL MINING CO NO 5 F=313	GRACETON	15,0	COLUMBIA GAS TRANSMI
8042657	3005	3706321654	108	LISLE NEAL NO 1 F=620	BIG RUN = DEEMER	14,0	CONSOLIDATED GAS SUP
8042851	3026	3703320383	108	O M READ NO 1 F=10	BIG RUN = DEEMER	8,0	CONSOLIDATED GAS SUP
8042853	3031	3706520700	108	PLEASANT HILLS UNIT NO 1 F=458	BIG RUN = DEEMER	15,0	CONSOLIDATED GAS SUP
8042648	2996	3706520029	108	RAY CONRAD NO 1 F=21	BIG RUN=DEEMER	15,0	CONSOLIDATED GAS SUP
8042662	3017	3706520322	108	REED REITER NO 1 F=144	BIG RUN = DEEMER	15,0	CONSOLIDATED GAS SUP
8042661	3016	3706520326	108	REED REITER NO 2 F=149	BIG RUN = DEEMER	15,0	CONSOLIDATED GAS SUP
8042667	3022	3706520037	108	SALLY MOSTELLER NO 1 F=20	BIG RUN = DEEMER	12,0	CONSOLIDATED GAS SUP
8042666	3021	3706520409	108	SALLY MOSTELLER NO 2 F=316	BIG RUN = DEEMER	12,0	CONSOLIDATED GAS SUP
8042665	3020	3706520576	108	SALLY MOSTELLER NO 3 F=377	BIG RUN = DEEMER	12,0	CONSOLIDATED GAS SUP
8042664	3019	3706520319	108	SARAH MCCORMICK NO 1 F=141	BIG RUN = DEEMER	12,0	CONSOLIDATED GAS SUP
8042663	3018	3706320469	108	SARAH MCCORMICK NO 2 F=271	BIG RUN = DEEMER	12,0	CONSOLIDATED GAS SUP
8042646	2994	3706520612	108	WILLIAM BRACKEN NO 2 F=385	BIG RUN=DEEMER	14,0	CONSOLIDATED GAS SUP
*FRANK GARUFI				RECEIVED: 06/26/80 JA: PA			
8042808	4701	3706325340	103	CHARLES B MCMULLEN #5	CENTER	15,0	WALLACE=MURRAY CORP
*G W AND JEAN F WALTERS				RECEIVED: 06/26/80 JA: PA			
8042670	1991	3700500000	108	B & LM ORTZ #1	NEW BETHLEHEM	5,0	COLUMBIA GAS TRANSMI
8042671	1992	3700500000	108	GLEN MCGUIRE #1	NEW BETHLEHEM	5,5	COLUMBIA GAS TRANSMI
8042669	1990	3703120013	108	H DECKER #1	NEW BETHLEHEM	3,3	COLUMBIA GAS TRANSMI
8042668	1987	3700500000	108	MARTIN DUNCAN #1	LAWSONHAM	2,1	COLUMBIA GAS TRANSMI
*GULF OIL CORPORATION				RECEIVED: 06/26/80 JA: PA			

JD NO	JA DAT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
8042721	4549	3703320845	103	BEATTY A #1	BIG RUN	29,0	
8042720	4548	3703320850	103	BRADY FEE A #100	REED DEEMER/BIG RUN	37,0	
8042719	4547	3703320872	103	FEE A #101	BIG RUN	37,0	
8042718	4546	3703320911	103	FEE A #105	REED DEEMER/BIG RUN	55,0	
8042717	4545	3703320905	103	FEE A #107	REED DEEMER/BIG RUN	73,0	
*J & J ENTERPRISES INC				RECEIVED: 06/26/80 JA: PA			
8042839	4757	3706522010	103	JAMES M KINTER #1	PUNXSUTAWNEY BORO	60,0	CONSULIDATED GAS SUP
8042841	4759	3706324518	103	L LAVELLE CONRAD #1	BANKS	70,0	CONSULIDATED GAS SUP
8042842	4760	3703320894	103	MARY MCGEE #6-9	BURNSIDE	70,0	CONSULIDATED GAS SUP
8042840	4758	3706521505	103	MILTON P SHAFFER #2	MCCALMONT	70,0	CONSULIDATED GAS SUP
8042832	4726	3706324975	103	R & P COAL CO #2 (150A)	WHITE	40,0	COLUMBIA GAS TRANSMI
8042831	4725	3706324974	103	R & P COAL CO #3 (150A)	WHITE	40,0	COLUMBIA GAS TRANSMI
8042830	4724	3706325199	103	R & P COAL CO #4 (150A)	WHITE	40,0	COLUMBIA GAS TRANSMI
*KAIB & KAIB				RECEIVED: 06/26/80 JA: PA			
8042704	4619	3706500000	108	BULLERS #32 (BULLERS #4)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042705	4620	3706500000	108	BULLERS #33 (BULLERS #3)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042706	4621	3706500000	108	BULLERS #34 (BULLERS #5)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042707	4622	3706500000	108	BULLERS #35 (BULLERS #8)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042708	4623	3706500000	108	BULLERS #36 (BULLERS #7)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042709	4624	3706500000	108	BULLERS #37 (BULLERS #2)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042710	4625	3706500000	108	BULLERS #38 (BULLERS #1)	HAZEN	7,6	COLUMBIA GAS TRANSMI
8042742	4606	3706500000	108	CYPHERT #21 (CYPHERT #1)	HAZEN	2,6	COLUMBIA GAS TRANSMI
8042743	4607	3706500000	108	CYPHERT #22 (HICKS #1)	HAZEN	2,6	COLUMBIA GAS TRANSMI
8042735	4599	3706500000	108	DEEMER #14 (LINDEMUTH #6)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042736	4600	3706500000	108	DEEMER #15 (LINDEMUTH #1)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042737	4601	3706500000	108	DEEMER #16 (LINDEMUTH #5)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042738	4602	3706500000	108	DEEMER #17 (LINDEMUTH #2)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042739	4603	3706500000	108	DEEMER #18 (LINDEMUTH #4)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042740	4604	3706500000	108	DEEMER #19 (LINDEMUTH #3)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042741	4605	3706500000	108	DEEMER #20 (LINDEMUTH #8)	HAZEN	6,7	COLUMBIA GAS TRANSMI
8042744	4608	3706500000	108	KING #23 (JG MAYES #1)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042745	4609	3706500000	108	KING #24 (PLYLER #1)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042746	4610	3706500000	108	KING #25 (PLYLER #2)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042747	4611	3706500000	108	KING #26 (PLYLER #3)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042748	4612	3706500000	108	KING #27 (WILSON #3)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042749	4613	3706500000	108	KING #28 (WILSON #4)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042750	4614	3706500000	108	KING #29 (WILSON #2)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042751	4615	3706500000	108	KING #30 (WILSON #1)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042701	4616	3706500000	108	KING #31 (JAMESON #1)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042702	4617	3706500000	108	KING #39 (KING #1)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042703	4618	3706500000	108	KING #40 (KING #2)	HAZEN	1,7	COLUMBIA GAS TRANSMI
8042722	4586	3706500000	108	T A MAYES #1 (DR LOT)	HAZEN	9,0	COLUMBIA GAS TRANSMI
8042732	4596	3706500000	108	T A MAYES #11 (MATHERS #4)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042733	4597	3706500000	108	T A MAYES #12 (HICKS #2)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042734	4598	3706500000	108	T A MAYES #13 (HICKS #3)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042723	4587	3706500000	108	T A MAYES #2 (BENNETT)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042724	4588	3706500000	108	T A MAYES #3 (STORE LOT)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042727	4591	3706500000	108	T A MAYES #6 (K MAYES)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042728	4592	3706500000	108	T A MAYES #7 (C MAYES)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042729	4593	3706500000	108	T A MAYES #8 (IRVIN) #2	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042730	4594	3706500000	108	T A MAYES #9 (IRVIN) #1	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042731	4595	3706500000	108	T A MAYS #10 (MATHERS #2)	HAZEN	8,9	COLUMBIA GAS TRANSMI
8042725	4589	3706500000	108	T A MAYS #4 (RUSS)	HAZEN	8,9	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	W WELL NAME	FIELD NAME	PROD	PURCHASER
8042726	4590	3706500000	108	T A MAYS #5 (LINDEMUTH STONE)	MAZEN	8,9	COLUMBIA GAS TRANSMI
*MID-EAST OIL CO				RECEIVED: 06/26/80 JA: PA			
8042688	2655	3706323120	108	KENT/J MCFARLAND #2	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042689	2656	3706323144	108	KENT/J MCFARLAND #3	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042684	2646	3706323163	108	KENT/R A MART #1	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042685	2647	3706323164	108	KENT/R A MART #2	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042686	2648	3706323165	108	KENT/R A MART #3	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042683	2645	3706323140	108	KENT/R M CUNNINGHAM #3	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042687	2653	3706323141	108	KENT/W MCCURDY #3	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042690	2658	3706323131	108	KENT/W W VENSEL #1	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042691	2659	3706323166	108	KENT/W W VENSEL #2	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042692	2660	3706323132	108	KENT/W W VENSEL #3	MCINTYRE	10,0	COLUMBIA GAS TRANSMI
8042682	2573	3702120065	103	RICHARD P ANNA #1	HASTINGS	0,0	PEOPLES NATURAL GAS
*NORTH EAST SERVICE PLAZA INC				RECEIVED: 06/26/80 JA: PA			
8042715	4338	3704920821	102	FINCH 1-ERI-20821	LAKESHORE - MEDINA	1,8	NATIONAL FUEL GAS DI
8042716	4339	3704920820	102	HAYNES - 1-ERI-20820	LAKESHORE - MEDINA	1,1	NATIONAL FUEL GAS DI
*PHILLIPS PRODUCTION CO				RECEIVED: 06/26/80 JA: PA			
8042815	4708	3706325376	103	CLIFFORD T KNECHT ET UX #1	COMMODORE	35,0	
8042814	4707	3706325346	103	JOSEPH D GEORGE ET UX ET AL #1	NEW FLORENCE	30,0	
8042816	4710	3706324962	103	W S BLACK ET AL #4	MARION CENTER	35,0	
*QUAKER STATE OIL REFINING CORP				RECEIVED: 06/26/80 JA: PA			
8042828	4722	3705322066	103	CALDWELL #10	QUEEN POOL	2,5	QUAKER STATE OIL REF
8042846	3064	3705300000	108	FLYNN 1W	QUEEN POOL	1,5	QUAKER STATE OIL REF
8042847	3065	3705320272	108	FLYNN 2W	QUEEN POOL	0,0	QUAKER STATE OIL REF
8042845	3063	3705300000	108	LOT 5210 #1H	QUEEN POOL	2,2	QUAKER STATE OIL REF
8042844	3062	3705300000	108	LOT 5210 #2H	QUEEN POOL	2,2	QUAKER STATE OIL REF
8042843	3061	3705300000	108	LOT 5210 #3H	QUEEN POOL	2,2	QUAKER STATE OIL REF
8042874	3060	3705300000	108	LOT 5210 #4H	QUEEN POOL	2,2	QUAKER STATE OIL REF
8042829	4723	3705322604	103	MASCARO #10	QUEEN POOL	2,5	QUAKER STATE OIL REF
8042870	3048	3712120361	108	MCCALMONT 4Q	WALNUT BEND	1,6	PRESIDENT OIL CO
8042866	3044	3705322205	103	MCCOY BALL #1W	QUEEN POOL	2,5	QUAKER STATE OIL REF
8042867	3045	3705322183	103	MCCOY SMALLWOOD #1W	QUEEN POOL	2,5	QUAKER STATE OIL REF
8042827	4721	3705322603	103	MCCOY SMALLWOOD #3W	QUEEN POOL	2,5	QUAKER STATE OIL REF
8042873	3051	3704920531	108	MOSHER #1	LUNDYS LANE POOL	6,9	NATIONAL FUEL GAS DI
8042871	3049	3712124264	108	PRESIDENT OIL NO 2 #7W	HAMPTON STRONG	8,8	NATIONAL FUEL GAS DI
8042868	3046	3705321885	103	VERTULLO 1W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042861	3059	3705321894	103	VERTULLO 10W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042855	3033	3705321895	103	VERTULLO 11W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042856	3034	3705321896	103	VERTULLO 12W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042857	3035	3705321897	103	VERTULLO 13W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042869	3047	3705321886	103	VERTULLO 2W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042862	3040	3705321887	103	VERTULLO 3W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042864	3041	3705321888	103	VERTULLO 4W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042863	3042	3705321889	103	VERTULLO 5W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042865	3043	3705321890	103	VERTULLO 6W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042858	3036	3705321891	103	VERTULLO 7W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042859	3037	3705300000	103	VERTULLO 8W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042860	3038	3705300000	103	VERTULLO 9W	WHIG HILL POOL	2,5	QUAKER STATE OIL REF
8042872	3050	3704920332	108	WOLFE #1	LUNDYS LANE POOL	11,3	NATIONAL FUEL GAS DI
*RED LEAF OIL LTD				RECEIVED: 06/26/80 JA: PA			
8042820	4720	3712527091	102	C BRUNECZ #1A	SUGAR GROVE	60,0	COLUMBIA GAS TRANSMI
*UNION DRILLING INC				RECEIVED: 06/26/80 JA: PA			
8042606	4699	3706325283	103	B R WILLIAMS #1 606-PC	WAYNE TOWNSHIP	0,0	COLUMBIA GAS TRANSMI

[FR Doc. 80-22821 Filed 7-30-80; 8:45 am]

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JD NO	JA DKT	API NO	SEC	#	WELL NAME	FIELD NAME	PROD	PURCHASER
8042878	3538	3706524682	103		RUTH L STEFFY #1 625	RAYNE TOWNSHIP	0,0	COLUMBIA GAS TRANSMI
8042875	3188	3706525361	108		WILLIAM PAUL EDWARDS #565	RAYNE TWNSHIP	52,0	PEOPLES NATURAL GAS
*1979-A-ST JOINT VENTURE					RECEIVED: 06/26/80 JA: PA			
8042837	4751	3706521910	103		CRAMER #1	DU BOIS	25,0	NATIONAL FUEL GAS SU
8042836	4752	3706521944	103		SMITH #1	REYNOLDSVILLE	25,0	NATIONAL FUEL GAS SU
**********								
TEXAS RAILROAD COMMISSION								
**********								
*EAGLE EXPLORATION CO INC					RECEIVED: 03/26/80 JA: TX			
8039245	04768	4219500000	102		TEXAS RRC #78915	MORSE N (CLEVELAND)	60,0	PANHANDLE EASTERN PI
8039245	04768	4219500000	103		TEXAS RRC #78915	MORSE N (CLEVELAND)	60,0	PANHANDLE EASTERN PI
*J M HUBER CORPORATION					RECEIVED: 03/26/80 JA: TX			
8039246	04978	4223500000	108		DUNAWAY NO 5 RC	PANHANDLE WEST	9,5	PANHANDLE EASTERN PI
*TEXACO INC					RECEIVED: 04/09/80 JA: TX			
8039247	04340	4216500000	103		L R WOOD NO 7	ROBERTSON N	25,6	PHILLIPS PETROLEUM C
8039248	04341	4250100000	103		ROBERTS UNIT NO 3317	WASSON	0,2	SHELL OIL CO

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 24, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before August 15, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

JD NO	JA DAT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OKLAHOMA CORPORATION COMMISSION **********							
*AMERICAN PUBLIC ENERGY CO				RECEIVED: 06/30/80 JA: OK			
*8042942	03905	3513900000	103	M C MITCH JR #1	GUYMAN SOUTH	145,0	PHILLIPS PETROLEUM C
*AMOCO PRODUCTION CO				RECEIVED: 06/27/80 JA: OK			
8042911	04087	3504520665	103	JAMES STENDER A WELL #1	N E CATESBY	219,0	MICHIGAN WISCONSIN P
8042909	04084	3503920205	103	SOBER UNIT #1	FAY WEST	439,0	MICHIGAN WISCONSIN P
8042910	04085	3503920216	103	SOBER UNIT A WELL #1	FAY WEST	433,0	MICHIGAN WISCONSIN P
*AMOCO PRODUCTION CO				RECEIVED: 06/30/80 JA: OK			
8042973	04346	3501900000	108	ORR UNIT #1	S W SHULEM ALECHEM	6,5	AMINOIL USA INC
*AN*SON CORPORATION				RECEIVED: 06/30/80 JA: OK			
8042945	03778	3503920290	103	STEHR #1*21	STEHR #1*21	0,0	NATURAL GAS PIPELINE
*ANDOVER OIL COMPANY				RECEIVED: 06/27/80 JA: OK			
8042902	04059	3501721020	102	B J JENSEN #35*1	WILDCAT	150,0	DELHI GAS PIPELINE C
8042900	03987	3501721022	102	SCHUMACHER 22*1	WILDCAT	150,0	DELHI GAS PIPELINE C
*APACHE CORPORATION				RECEIVED: 06/30/80 JA: OK			
8042943		3512920387	102	MERRICK #2*2	RED FORK	912,5	MICHIGAN*WISCONSIN P
8042967	04300	3504520758	103	STATE OF OKLAHOMA #1*36	SOUTH HIGGINS	376,0	PANHANDLE EASTERN PI
*ARCO OIL AND GAS COMPANY				RECEIVED: 06/30/80 JA: OK			
8042978	04378	3504730317	108	EDA MAE LUMENHAUPT	SOONER TREND	7,0	EXXON CORP
8042941	04376	3504720064	108	FRANK WILSON #1	SOONER TREND	9,0	EXXON CORP
8042940	04377	3504730221	108	RIDENOUR ESTATE UNIT #1	SOONER TREND	5,0	EXXON CORP
*ARGONAUT ENERGY CORPORATION				RECEIVED: 06/27/80 JA: OK			
8042925	04292	3502520378	103	DURHAM #1	SOUTHWEST RICE	39,6	PANHANDLE EASTERN PI
*ARKLA EXPLORATION COMPANY				RECEIVED: 06/27/80 JA: OK			
8042924	04083	3512120529	103	CRESCENT #1*22	KIOWA SW	200,0	ARKANSAS LOUISIANA G
*BEREN CORPORATION				RECEIVED: 06/27/80 JA: OK			
8042906	03995	3515120922	103	LAMBERT 1*13	N E WAYNOKO	180,0	PANHANDLE EASTERN PI
*BERRY PETROLEUM CORP				RECEIVED: 06/30/80 JA: OK			
*8042948	04106	3504721816	103	MALY #31*1	SOONER TREND	150,0	PANHANDLE EASTERN PI
*BRANSCUM PETROLEUM INC				RECEIVED: 06/30/80 JA: OK			
8042966	04340	3511920983	103	MAYS NO 1	MARCH	24,8	SUN GAS CO
*CHAMPLIN EXPLORATION INC				RECEIVED: 06/30/80 JA: OK			
8042965	04305	3504721573	103	SCHRAMECK NO 1	KREMLIN	120,0	CRA INC
*CITIES SERVICE COMPANY				RECEIVED: 06/30/80 JA: OK			
8043003	04095	3513921210	103	CARTHAGE II #906	CARTHAGE II	0,4	PHILLIPS PETROLEUM C
8042980	04091	3513920992	103	NICHOLS A #1	S W GUYMON	22,6	PHILLIPS PETROLEUM C
8043004	04090	3513921070	103	STATE S #1	S W GUYMON	22,0	
*CLARK RESOURCES INC				RECEIVED: 06/27/80 JA: OK			
8042888	04250	3507322264	103	BINGO #1*1	SOONER TREND	297,5	CITIES SERVICE GAS C
*COBRA OIL AND GAS CORPORATION				RECEIVED: 06/30/80 JA: OK			
8042947	04227	3505920730	102	C R SMITH #1		400,0	NORTHERN NATURAL GAS
8042951	03807	3515520983	102	FERGUSON 4 #1	CHESTER	75,0	NORTHERN NATURAL GAS
8042950	03731	3505920795	102	SMITH 36 #1	MORROW	400,0	NORTHERN NATURAL GAS
8042949	03730	3515520914	102	W D FERGUSON #1*C	MORROW	400,0	NORTHERN NATURAL GAS
*CONOCO , INC				RECEIVED: 06/27/80 JA: OK			
8042904	01018	3502900000	108	L BROWN NO 8	JESSE	8,2	BUETTNER OIL & GAS
8042905	01247	3501900000	108	S E VELMA SIMS UNIT NO 101	S E VELMA	2,6	AMINOIL USA INC
*CURLEY GINTHER OIL CORP				RECEIVED: 06/27/80 JA: OK			
8042923	03818	3505520501	103	J & G #2	DEER CREEK	45,6	EL GRANDE PIPELINE C
*COTTON PETROLEUM CORPORATION				RECEIVED: 06/30/80 JA: OK			
8042957	04313	3501520827	103	HESTER NO 1	EAST BINGER	1000,0	TRANSOK PIPE LINE CO

JD NO	JA DKT	API NO	SEC	WELL NAME		
*DAVIS OIL COMPANY				RECEIVED: 06/27/80 JA: OK		
*8042889	03897	3512920368	107	TRAMMELL-HARRIS #1-A		
*DAVIS OIL COMPANY				RECEIVED: 06/30/80 JA: OK		
8043002	04029	3501120775	103	COLLINS NO 1		
8042938	04217	3501721100	102	MACH NO 1		
*DORCHESTER GAS PRODUCING CO				RECEIVED: 06/30/80 JA: OK		
8042976	04350	3513900000	108	BEASLEY NO 1		
8042977	04351	3513900000	108	HUEBNER NO 1		
*F HOWARD WALSH JR				RECEIVED: 06/27/80 JA: OK		
8042919	04289	3505120830	102	MASON #1		
8042920	04288	3505120796	102	TERRY #1		
*F M BUXTON				RECEIVED: 06/30/80 JA: OK		
8042970	04315	3508300000	103	HERREN NO 1		
*FALCON PETROLEUM COMPANY				RECEIVED: 06/30/80 JA: OK		
8042960	04358	3500721679	102	STICKLER NO 1		
*FRANK ONEAL				RECEIVED: 06/30/80 JA: OK		
8042972	04344	3513721717	103	HEFNER A #6		
*GETTY OIL COMPANY				RECEIVED: 06/27/80 JA: OK		
8042921	04291	3513722008	103	SELBY NO 57		
*J C BARNES OIL CO				RECEIVED: 06/27/80 JA: OK		
8042918	04240	3505920830	108	SCHOOL LAND NO 1		
*JONES & PELLOW OIL CO				RECEIVED: 06/27/80 JA: OK		
8042903	04100	3501921905	103	SLOAN #20-1		
*KENNEDY & MITCHELL INC				RECEIVED: 06/27/80 JA: OK		
8042894	04221	3509300000	103	BULLER #23-346		
8042895	04222	3509300000	103	BULLER #23-346		
*KENNEDY & MITCHELL INC				RECEIVED: 06/30/80 JA: OK		
8042994	04228	3505900000	102	TIPPING #19-345		
*L R FRENCH JR				RECEIVED: 06/30/80 JA: OK		
8042939	06811	3503120534	107	LITTLE WASHITA NO 1		
*LADD PETROLEUM CORPORATION				RECEIVED: 06/27/80 JA: OK		
8042895	04226	3504721821	103	SEMRAD B NO 2		
8042890	04225	3504721822	103	SEMRAD NO 2		
8042891	04223	3504721833	103	STEBBINS NO 2		
8042892	04224	3504721820	103	VUTH NO 2		
*MARK GANER OIL & GAS				RECEIVED: 06/30/80 JA: OK		
8042971	04360	3507121464	103	BRAWNER #1		
*MARLIN OIL CORPORATION				RECEIVED: 06/30/80 JA: OK		
8042944	04243	3500721632	103	MARLIN ET AL NO 1 EVANS		
*MORAN EXPLORATION INC				RECEIVED: 06/27/80 JA: OK		
8042898	03841	3501721165	102	DULEZAL #1		
8042899	03842	3501721140	102	WARREN #1		
*MUSTANG PRODUCTION CO,				RECEIVED: 06/30/80 JA: OK		
8042958	04277	3501520657	103	COOLEY #1-6		
8042912	04110	3507920317	103	BLEDSOE #1-25		
*OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED: 06/27/80 JA: OK		
8042897	03459	3508120740	102	BONEBRAKE #1		
*PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/27/80 JA: OK		
8042937	04294	3504900000	108	D JOHNSON S #1		
*PRODUCTION OIL CORP				RECEIVED: 06/27/80 JA: OK		
8042936	04124	3510521548	103	C T STEWART 4		
8042934	04122	3510521549	103	C T STEWART 3		
8042927	04136	3510521762	103	C T STEWART 5		

FIELD NAME	PROD	PURCHASER
REYDON	12,5	EL PASO NATURAL GAS
NORTHEAST HYDRO	80,0	PUBLIC SERVICE CO OF
YUKON NORTHWEST	400,0	PHILLIPS PETROLEUM C
GUYMON-HUGOTON	7,0	NATURAL GAS PIPELINE
GUYMON - HUGOTON	9,5	NATURAL GAS PIPELINE
SE CHICKASHA	3,5	ARKANSAS LOUISIANA G
SE CHICKASHA	2,4	ARKANSAS LOUISIANA G
SOONER TREND	110,0	CONOCO INC
WILDCAT (NW DOMBEY)	200,0	PANHANDLE EASTERN PI
SHU-VEL-TUM	324,0	
SHU-VEL-TUM	124,0	GETTY OIL CO
LOVEDALE	2,1	NATURAL GAS PIPELINE
VIOLA	60,0	AMINOIL USA INC
RED FORK (SW SW 9-22N-12	288,0	PIONEER GAS PRODUCTS
MISSISSIPPI (SW SW 9-22N	288,0	PIONEER GAS PRODUCTS
(C NE 15-27N-21W)	275,0	MICHIGAN WISCONSIN P
(WILDCAT)	1825,0	
N E ENID	54,0	CITIES SERVICE GAS C
N E ENID	107,0	CITIES SERVICE GAS C
N E ENID	123,0	CITIES SERVICE GAS C
N E ENID	9,1	CITIES SERVICE GAS C
NEVA	14,5	EUFALA ENTERPRISES I
MOCANE-LAVERNE	180,0	COLORADO INTERSTATE
YUKON	0,0	PHILLIPS PETROLEUM C
NORTH YUKON	0,0	PHILLIPS PETROLEUM C
BRIDGEPORT	80,0	OKLAHOMA GAS & ELECT
PANOLA	80,0	
NORTH AGRA	95,2	COLORADO GAS COMPRES
GOLDEN TREND	43,7	WARREN PETROLEUM COR
NORTH CHILDERS	16,4	CITIES SERVICE GAS C
NORTH CHILDERS	16,4	CITIES SERVICE GAS C
NORTH CHILDERS	16,4	CITIES SERVICE GAS C

JD NO	JA DAT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8042935	04121	3510521400	103	MAXSUN #1	NORTH CHILDERS	16,4	CITIES SERVICE GAS
8042929	04139	3510521399	103	MAXSUN #2	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042928	04138	3510521401	103	MAXSUN #3	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042933	04123	3510521427	103	MAXSUN #4	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042886	04210	3510521887	103	MBF SHARP #LFS = 123	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042930	04113	3510521776	103	MITCHELL #3	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042932	04115	3510521773	103	MITCHELL #5	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042931	04114	3510521774	103	MITCHELL #6	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042926	04116	3510522249	103	PALONE #1	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
*PRODUCTION OIL CORP				RECEIVED: 06/30/80 JA: OK			
8042987	04159	3510521785	103	BILL SHARP 1	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042997	04150	3510500000	103	BILL SHARP 2	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042988	04163	3510521828	103	MALSELL # LH = 78 = I	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042998	04151	3510521830	103	MALSELL #LH = 76 = I	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042999	04156	3510521848	103	MALSELL #LH = 79 = I	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8043001	04158	3510521832	103	MALSELL #LH = 81 = II	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042953	04175	3510521547	103	JOE STEWART 1	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042989	04165	3510521792	103	JOE STEWART 2	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8043000	04157	3510521796	103	JOE STEWART 7	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042979	04164	3510521797	103	JOE STEWART 9	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042992	04171	3510521704	103	L SEATON #1	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042955	04172	3510521648	103	M STEWART 12	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042991	04169	3510521649	103	M STEWART 14	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042952	04178	3510521654	103	M STEWART 15	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042990	04167	3510521651	103	M STEWART 16	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042996	04141	3510521636	103	MAC STEWART #8	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042954	04173	3510521444	103	MAC STEWART 1	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042982	04183	3510521445	103	MAC STEWART 2	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042981	04182	3510521446	103	MAC STEWART 3	NORTH CHILDERS	16,4	CITIES SERVICE GAS C
8042984	04185	3510521429	103	MATTHEWS #2	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042986	04187	3510521503	103	W W CHOUTEAU #2	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042956	04190	3510521504	103	W W CHOUTEAU #3	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042985	04186	3510521505	103	W W CHOUTEAU #4	EAST LENAPAH	16,4	CITIES SERVICE GAS C
8042983	04184	3510521546	103	W W CHOUTEAU #6	EAST LENAPAH	16,4	CITIES SERVICE GAS C
*RED EAGLE OIL CO				RECEIVED: 06/30/80 JA: OK			
8042962	04304	3509321689	103	ADINA NO 1	ORIENTA	70,0	
*8042964	04302	3509321640	103	GAMMON NO 1	RINGWOOD	75,0	PIONEER GAS PRODUCTS
8042963	04303	3509321641	103	JACKIE LYN NO 1	FAIRVIEW	127,0	PHILLIPS PETROLEUM C
*RICKS EXPLORATION CO				RECEIVED: 06/27/80 JA: OK			
8042901	04055	3500721591	103	BUECHNER 7A	BALKO S	100,0	NORTHERN NATURAL GAS
8042907	04054	3513921129	103	PETERSON 29A	CAMRICK	390,0	PANHANDLE EASTERN PI
*ROBERT W MAHRIOTT				RECEIVED: 06/27/80 JA: OK			
8042917	04239	3504500000	108	MOREHART A-1 045-37063	TANGIER	21,6	PANHANDLE EASTERN PI
*SHAR-ALAN OIL CO				RECEIVED: 06/30/80 JA: OK			
8042946	04352	3508321126	103	FOXA NO 1	SOUTH MARSHALL	50,0	EASON OIL CO
*SINGER-FLEISCHAKER OIL OPR CO				RECEIVED: 06/27/80 JA: OK			
8042896	00777	3500721324	103	ANGLETON #1-20	MOCANE LAVERNE	100,0	NORTHERN NATURAL GAS
*SOUTHPURT EXPLORATION INC				RECEIVED: 06/30/80 JA: OK			
8042993	04301	3504520749	102	H O SHIELDS NO 1-34	MORROW	146,0	CITIES SERVICE GAS C
*ST JOE PETROLEUM (US) CORP				RECEIVED: 06/27/80 JA: OK			
8042887	04251	3501100000	103	STATE #2-36	MORROW	365,0	DELHI GAS PIPELINE C
*STEPHENS PRODUCTION COMPANY				RECEIVED: 06/27/80 JA: OK			
8042914	04109	3506120277	103	CHESTER PALMER #1	SOUTH KINTA	650,0	ARKANSAS LOUISIANA G

[FR Doc. 80-22822 Filed 7-30-80, 8:45 am]

BILLING CODE 6450-85-C

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JD NO	JA DKT	API NO	SEC	#	WELL NAME			FIELD NAME	PROD	PURCHASER
8042916	04112	3515520065	103		CLUCK #1			PAW PAW	950,0	ARKANSAS LOUISIANA G
8042915	04111	3515520068	103		JIM ANGEL #1			PAW PAW	915,0	ARKANSAS LOUISIANA G
8042908	04078	3507920263	103		ROY REED #1-28			SOUTHEAST SPIRO	15,0	DELHI GAS PIPELINE C
8042913	04408	3502920224	103		VANZANT #1-9			CENTRAHOMA	250,0	ARKANSAS LOUISIANA G
*SUNBELT PETROLEUM CORP					RECEIVED: 06/30/80	JA:	OK			
8042961	04366	3507100000	103		SUNBELT #1			NEVA LIME	18,2	CHASE EXPLORATION CO
*TENNECO OIL COMPANY					RECEIVED: 06/27/80	JA:	OK			
8042922	04298	3504320908	103		SPANGLER 2-18			PUTNAM	237,6	MOBIL OIL CORP
*TENNECO OIL COMPANY					RECEIVED: 06/30/80	JA:	OK			
8042995	04357	3509321542	103		HUSKINS 1-32			SELLING NORTHEAST	1825,0	MICHIGAN WISCONSIN P
*THE WIL-MC OIL CORP					RECEIVED: 06/30/80	JA:	OK			
8042968	04364	3505320423	103		IRENE HASKETT #1			MISSISSIPPI LIME	90,0	CRA INC
*UNIT DRILLING CO					RECEIVED: 06/30/80	JA:	OK			
8042959	03960	3505120757	102		MILEHAM NO 1			POCASSET	430,0	ARKANSAS LOUISIANA G
*VAN HORN OIL & GAS INC					RECEIVED: 06/30/80	JA:	OK			
8042969	04316	3507322216	103		BECKETT #12-1			SOONER TREND	180,0	PANHANDLE EASTERN PI
*VERDIGRIS GATHERING SYSTEMS INC					RECEIVED: 06/30/80	JA:	OK			
8042974	04372	3505520094	108		D A GOODWIN #1			WIMER	2,1	CITIES SERVICE GAS C
8042975	04371	3505520093	108		D A GOODWIN #3			WIMER	0,5	CITIES SERVICE GAS C

OTHER PURCHASERS

8042889	KANSAS-NEBRASKA PIPELINE
8042942	PANHANDLE EASTERN PIPELINE CO
8042948	EXXON CO USA
8042964	OKLAHOMA NATURAL GAS GATH CORP

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued July 24, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before August 15, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
*AMINOIL USA INC				RECEIVED: 07/01/80 JA: TX			
8043603	16161	4229732025	102	AMINOIL USA INC ET AL NO 2 - EL PA*	EAST CHAPA	1825,0	EL PASO NATURAL GAS
*AMOCO PRODUCTION CO				RECEIVED: 07/01/80 JA: TX			
8043312	11764	4220330615	102	BESSIE TITTLE #1	WOODLAWN S W/COTTON VALL	436,0	EAST TEXAS INDUSTRIA
8043017	03742	4243530538	108	BOBBIE M FANCETT NO 2	SAWYER/CANYON	5,0	LONE STAR GAS CO
8043459	13981	4246930596	103	C M CORBETT NO 1	LA JARA (FRIO 9925)	219,0	
8043450	15680	4221931980	103	EAST RKM UNIT NO 81	SLAUGHTER	4,0	EL PASO NATURAL GAS
*8043535	14781	4203330496	103	G A MILLIKEN #3	SEVEN J (STRAWN)	36,4	EL PASO NATURAL GAS
8043222	07983	4243531102	108	JOE M VANDERSTUCKEN NO 2	WHITEHEAD/STRAWN	6,0	LONE STAR GAS CO
8043478	14644	4200331771	103	L T DAVIS A WELL NO 6	FUHRMAN-MASCHO	0,4	PHILLIPS PETROLEUM C
8043479	14645	4200331770	103	L T DAVIS A WELL NO 7	FUHRMAN-MASCHO	0,0	PHILLIPS PETROLEUM C
8043223	07990	4242130063	103	LASLEY WALTER #2	WILDCAT	32,0	COLORADO INTERSTATE
8043019	03852	4221932574	103	LEVELLAND UNIT NO 743	LEVELLAND	8,9	EL PASO NATURAL GAS
8043225	08068	4220130609	102	LOUIS DUPSLAUF C NO 6-L	SATSUMA (7600 YEGUA)	299,0	UNITED TEXAS TRANSMI
8043480	14647	4203931365	103	SHAW ESTATE LAURA D #20	HASTINGS WEST	50,0	AMOCO GAS CO
8043224	08044	4240130667	102	T G HEMBY NO 1	DIRGIN (COTTON VALLEY)	179,2	WESTERN GAS CORP
*ANADARKO PRODUCTION COMPANY				RECEIVED: 07/01/80 JA: TX			
8043007	01179	4234130275	103	J T SNEED ESTATE C-9A	WEST PANHANDLE	168,0	PANHANDLE EASTERN PI
*APACHE CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043184	06890	4221130954	103	JONES ESTATE #1-11	FELDMAN-DOUGLAS POOL	318,5	PANHANDLE EASTERN GA
*ARCO OIL AND GAS COMPANY				RECEIVED: 07/01/80 JA: TX			
8043565	15028	4232900880	108	BESSIE FREEMAN WELL #4	SPRABERRY TREND AREA	2,8	EL PASO NATURAL GAS
8043439	13225	4200331859	103	EMMA CUNDEN #60	EMMA	8,1	EL PASO NATURAL GAS
8043438	13207	4200331804	103	EMMA SAN ANDRES UNIT 9-8	EMMA	0,3	EL PASO NATURAL GAS
8043119	06343	4215132344	103	J R FUSTER #52	HAGIST RANCH (1420)	9,6	NATURAL GAS PIPELINE
8043118	06341	4206530641	103	WARE A #24	PANHANDLE CARSON	9,0	GETTY OIL CO
*ARGONAUT ENERGY CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043315	11767	4229530530	102	STUART RANCH #2 017954	STUART RANCH (MORROW LOW	436,0	NORTHERN NATURAL GAS
*ARMADA RESOURCES INC				RECEIVED: 07/01/80 JA: TX			
*8043451	13681	4208931015	103	LEHRER A-2	EASTER (YEGUA 6600)	91,0	HYDROCARBON GATHERIN
*BELCO PETROLEUM CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043536	14785	4223531383	102	RUCKER B 1371	SUGG (ELLENBURGER)	35,0	
*BURK ROYALTY CO				RECEIVED: 07/01/80 JA: TX			
8043537	14786	4249731356	103	JOHNSON #1	ALVORD (ATOKA CONGLOMERA	0,0	NATURAL GAS PIPELINE
*CAMPANA PETROLEUM CO				RECEIVED: 07/01/80 JA: TX			
8043442	13409	4222731870	103	READ A NO 1	COAHOMA NORTH (FUSSELMAN	76,6	GETTY OIL CO
8043443	13411	4222731582	103	READ NO 2	COAHOMA NORTH (FUSSELMAN	29,2	GETTY OIL CO
*CHAMPLIN PETROLEUM COMPANY				RECEIVED: 07/01/80 JA: TX			
8043187	07061	4236530820	103	CARTHAGE GAS UNIT 15 #4	CARTHAGE (COTTON VALLEY)	550,0	TENNESSEE GAS PIPELI
*8043186	07048	4235500000	108	G P WARDNER #59	STRATTON	21,0	TENNESSEE GAS PIPELI
*8043188	07065	4235500000	108	J S ELLIFF #5	AGUA DULCE	14,0	TENNESSEE GAS PIPELI
8043185	07043	4246931216	103	MCFADDIN B-#17 76192	MCFADDIN (2200)	7,9	TENNESSEE GAS PIPELI
8043185	07043	4246931216	108	MCFADDIN B-#17 76192	MCFADDIN (2200)	7,9	TENNESSEE GAS PIPELI
*CHANCELLOR & RIDGEWAY				RECEIVED: 07/01/80 JA: TX			
8043600	16049	4221131077	102	BOWERS NO 6	WASHITA CREEK(MORROW UPP	456,0	EL PASO NATURAL GAS
*CHEVRON U S A INC				RECEIVED: 07/01/80 JA: TX			
*8043115	05801	4238930874	102	REEVES-STATE 1-22	MARSH S	244,6	LOVACA GATHERING CO
*COLORADO INTERSTATE GAS CO				RECEIVED: 07/01/80 JA: TX			
8043538	14787	4234130554	103	BIVINS 85R	WEST PANHANDLE (RED CAVE	103,0	COLORADO INTERSTATE
8043539	14788	4234130551	103	MASTERSON 102R	WEST PANHANDLE (RED CAVE	15,0	COLORADO INTERSTATE

JD NO	JA DKT	API NO	SEC	*	WELL NAME	FIELD NAME	PROD	PURCHASER
8043540	14789	4234130553	103		MASTERSON 103R	WEST PANHANDLE (RED CAVE	40,0	COLORADO INTERSTATE
8043541	14790	4237530661	103		MASTERSON 104R	WEST PANHANDLE (RED CAVE	38,0	COLORADO INTERSTATE
8043542	14791	4234130550	103		READ 3R	WEST PANHANDLE (RED CAVE	134,0	COLORADO INTERSTATE
*CONOCO , INC					RECEIVED: 07/01/80 JA: TX			
8043117	05969	4207930550	103		CONOCO-DEAN UNIT (60106) #116	SLAUGHTER/SAN ANDRES/	1,5	AMOCO PRODUCTION CO
8043280	10229	4238900000	108		FORD-GERALDINE UNIT NO 41 21021	GERALDINE/FORD/	1,8	EL PASO NATURAL GAS
8043281	10275	4222700000	108		H R CLAY A NO 17 02691	HOWARD-GLASSCOCK	0,4	PHILLIPS PETROLEUM C
8043421	12739	4232500000	108		N J CHITTIM NO 4036	SACATOSA (SAN MIGUEL #1	0,4	LOVACA GATHERING CO
8043424	12691	4232530378	108		N J CHITTIM NO 6526	SACATOSA (SAN MIGUEL #1	0,4	LOVACA GATHERING CO
8043423	12692	4232530376	108		N J CHITTIM NO 6528	SACATOSA (SAN MIGUEL #1	0,4	LOVACA GATHERING CO
8043422	12693	4232530375	108		N J CHITTIM NO 6529	SACATOSA (SAN MIGUEL #1	0,4	LOVACA GATHERING CO
8043116	05850	4215532789	103		WIGHT UNIT 20661 NO 106	COWDEN NORTH	43,4	AMOCO PRODUCTION CO
*CONVEST ENERGY CORP					RECEIVED: 07/01/80 JA: TX			
8043623	17909	4216931089	102		G B CLARK ET AL #1A	POLLAN/ELLENBURGER	0,0	EL PASO NATURAL GAS
8043624	17910	4226330598	102		WAYNE WILLIAMS ET AL #1	POLLAN/ELLENBURGER	0,0	EL PASO NATURAL GAS
8043625	17914	4226330620	102		WAYNE WILLIAMS ET AL #3	POLLAN/ELLENBURGER	0,0	EL PASO NATURAL GAS
8043626	17915	4226330634	102		WAYNE WILLIAMS ET AL #5	POLLAN/ELLENBURGER	0,0	EL PASO NATURAL GAS
8043627	17916	4226330638	102		WAYNE WILLIAMS ET AL #6	POLLAN/ELLENBURGER FIELD	0,0	EL PASO NATURAL GAS
*COOK PRODUCTION CO					RECEIVED: 07/01/80 JA: TX			
*8043217	07591	4223700000	108		ANDY SHAWVER #1 RRC 67096	JACK COUNTY REGULAR	10,0	CITIES SERVICE CO
*8043216	07590	4223700000	108		G R VANNOY B-1 RRC 71892	JACK COUNTY REGULAR	11,2	CITIES SERVICE CO
*COTTON PETROLEUM CORPORATION					RECEIVED: 07/01/80 JA: TX			
8043606	16457	4229530625	102		WILLIAMSON #1-U	WILDCAT	180,0	NORTHERN NATURAL GAS
*CPC EXPLORATION INC					RECEIVED: 07/01/80 JA: TX			
8043618	17091	4224730908	102		MILLS BENNETT NO 1 83998	AURORA N (3470)	150,0	LOVACA GATHERING CO
*CRAMPTON & DENNIS					RECEIVED: 07/01/80 JA: TX			
8043461	14082	4239931380	103		BAILEY NO 1-A	COCKATOO (GARDNER)	0,0	UNION TEXAS PETROLEU
*DAMSON OIL CORPORATION					RECEIVED: 07/01/80 JA: TX			
*8043041	04911	4210531644	103		C C MONTGOMERY 3-8	OZONA CANYON SAND	0,0	NORTHERN NATURAL GAS
*8043040	04910	4210532035	103		C C MONTGOMERY 4-6	OZONA CANYON SAND	0,0	NORTHERN NATURAL GAS
*8043043	04914	4210532076	103		C C MONTGOMERY 4-7	OZONA CANYON SAND	0,0	NORTHERN NATURAL GAS
*8043042	04912	4210532075	103		C C MONTGOMERY 5-7	OZONA CANYON SAND	0,0	NORTHERN NATURAL GAS
*DAVID A SCHLACHTER OIL & GAS					RECEIVED: 07/01/80 JA: TX			
8043012	03059	4230100000	108		J J WHEAT E #5	WHEAT	0,5	PHILLIPS PETROLEUM C
8043014	03061	4230100000	108		J J WHEAT E NO 3	WHEAT	0,5	PHILLIPS PETROLEUM C
8043013	03060	4230100000	108		JAMES J WHEAT #1	WHEAT	0,3	PHILLIPS PETROLEUM C
8043016	03558	4230100000	108		JAMES J WHEAT #3	WHEAT	0,3	PHILLIPS PETROLEUM C
8043015	03557	4230100000	108		JAMES J WHEAT #4	WHEAT	0,5	PHILLIPS PETROLEUM C
8043030	04639	4213500000	108		PAUL MUSS #16	HARPER	0,4	PHILLIPS PETROLEUM C
8043039	04817	4213500000	108		PAUL MUSS NO 18	HARPER	0,5	PHILLIPS PETROLEUM C
8043037	04815	4213500000	108		PAUL MUSS NO 24	HARPER	0,5	PHILLIPS PETROLEUM C
8043035	04805	4213500000	108		PAUL MUSS NO 26	HARPER	0,4	PHILLIPS PETROLEUM C
8043036	04807	4213500000	108		PAUL MUSS NO 3	HARPER	0,4	PHILLIPS PETROLEUM C
8043034	04769	4213500000	108		PAUL MUSS NO 4	HARPER	0,4	PHILLIPS PETROLEUM C
8043038	04816	4213500000	108		PAUL MUSS NO 7	HARPER	0,5	PHILLIPS PETROLEUM C
*DELTA DRILLING CO					RECEIVED: 07/01/80 JA: TX			
8043009	01765	4210500000	103		FRIEND C-2	OZONA (CANYON)	240,0	NORTHERN NATURAL GAS
8043628	17917	4236530800	102		REEVES #1	CARTHAGE SE (CV)	200,0	WESTERN GAS CORP
*DONALD C SLAWSON					RECEIVED: 07/01/80 JA: TX			
*8043445	13524	4248530607	103		#1-1 MEADOWS	BRISCOW (MORROW)	1,0	NORTHERN NATURAL GAS
*EAGLE OIL & GAS CO					RECEIVED: 07/01/80 JA: TX			
8043449	13639	4249731571	105		A L NASH A #1	BOONSVILLE BEND CONGL (G	250,0	NATURAL GAS PIPELINE
*ENSERCH EXPLORATION INC					RECEIVED: 07/01/80 JA: TX			

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043210	07448	4249731220	103	A Y BOGY B NO 3	BOUNSVILLE (BCG)	165,0	LONE STAR GAS CO
8043212	07452	4249731085	103	CRAFT WATER BOARD UNIT 13 NO 6	BOUNSVILLE (BCG)	96,0	LONE STAR GAS CO
8043207	07440	4249731084	103	CRAFT WATER BOARD UNIT 9 NO 2	BOUNSVILLE (BCG)	14,0	LONE STAR GAS CO
8043211	07449	4249731089	103	DENTON-HUMACK NO 2	BOUNSVILLE (BCG)	100,0	LONE STAR GAS CO
8043203	07428	4249731086	103	DURWOOD CROWDER NO 2	BOUNSVILLE (BCG)	90,0	LONE STAR GAS CO
8043209	07447	4249731015	103	E L COUCH UNIT NO 2	BOUNSVILLE (BCG)	48,0	LONE STAR GAS CO
8043208	07441	4249731016	103	KATE CHANDLER NO 2	BOUNSVILLE (BCG)	120,0	LONE STAR GAS CO
8043021	04424	4201330904	103	L T URBANCZYK UNIT 1 NO 2	FASHING (EDWARDS A & B L	489,0	NATURAL GAS PIPELINE
8043205	07435	4249731020	103	MYRTLE ARWINE NO 2	BOUNSVILLE (BCG)	170,0	LONE STAR GAS CO
8043206	07436	4249731069	103	RAY CASEY NO 2	BOUNSVILLE (BCG)	195,0	LONE STAR GAS CO
8043204	07431	4249731026	103	W M DAGGETT B NO 4	BOUNSVILLE (BCG)	860,0	LONE STAR GAS CO
•EXECUTIVE PROPERTIES INC				RECEIVED: 07/01/80 JA: TX			
8043578	15224	4206500000	108	CAREY 1-A 41515	WEST PANHANDLE	4,0	NATURAL GAS PIPELINE
8043579	15225	4223300000	108	LATHAM-MATHIS #1 43620	PANHANDLE E	4,0	DIAMOND SHAMROCK COR
•EXXON CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043463	14121	4226130459	103	C M ARMSTRONG 48-D	CANDELARIA (J-71 E)	730,0	NATURAL GAS PIPELINE
8043383	12228	4221530862	103	CERDA GAS UNIT NO 1 NO 1 82348	CERDA (M-96)	500,0	NATURAL GAS PIPELINE
8043543	14793	4200331834	103	FULLERTON (CLEARFORK) UT #1027	FULLERTON	44,0	PHILLIPS PETROLEUM C
8043544	14794	4200331854	103	FULLERTON (CLEARFORK) UT #1327	FULLERTON	0,0	PHILLIPS PETROLEUM C
8043545	14795	4200331820	103	FULLERTON (CLEARFORK) UT #1843	FULLERTON	8,0	PHILLIPS PETROLEUM C
8043546	14797	4200331818	103	FULLERTON (CLEARFORK) UT #2041	FULLERTON	12,0	PHILLIPS PETROLEUM C
8043490	14705	4247531853	103	G W AVARY JR B WELL #1	RHODA WALKER (CANYON 590	13,0	UNITED TEXAS TRANSMI
8043547	14798	4208130757	103	IAB UNIT #406	IAB (MENIELLE PENN)	18,0	SUN GAS CO
8043548	14799	4208130756	103	IAB UNIT #755	IAB (MENIELLE PENN)	46,0	SUN GAS CO
8043487	14702	4210332062	103	J B TUBB A/C 1 WELL #192L	SAND HILLS (TUBB)	101,0	EL PASO NATURAL GAS
8043488	14703	4210332062	103	J B TUBB A/C 1 WELL #192U	SAND HILLS (JUDKINS)	69,0	EL PASO NATURAL GAS
8043489	14704	4210332072	103	J B TUBB A/C 1 WELL #194	SAND HILLS (JUDKINS)	27,0	EL PASO NATURAL GAS
8043491	14706	4210332060	103	J B TUBB C #19L	SAND HILLS (TUBB)	115,0	EL PASO NATURAL GAS
8043630	18193	4226130425	102	J G KENEDY JR C-13 (84781)	MIFFLIN (I-82 M)	106,0	NATURAL GAS PIPELINE
8043276	09389	4224730850	102	MRS A M K BASS B 18-F 80917	KELSEY DEEP (ZONE 19-A S	300,0	TRUNKLINE GAS CO
8043276	09389	4224730850	103	MRS A M K BASS B 18-F 80917	KELSEY DEEP (ZONE 19-A S	300,0	TRUNKLINE GAS CO
8043475	14585	4242700000	108	N R MONTALVO #380 03065	SUN (F-4-D E)	9,5	TENNESSEE GAS PIPELI
8043492	14708	4247531824	103	RHODA WALKER OIL UT NO 3 WELL #1	RHODA WALKER (CANYON 590	115,0	UNITED TEXAS TRANSMI
8043476	14586	4226100000	108	SARITA FIELD OIL & GAS UNIT 123-F *	SARITA (15-M)	6,9	NATURAL GAS PIPELINE
•FISCHER PETROLEUM CORP				RECEIVED: 07/01/80 JA: TX			
8043218	07613	4242713143	108	CHICAGO STATE #1	ROSS NORTH (2400)	10,8	TENNESSEE GAS PIPELI
•FOREST OIL CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043018	03755	4235500000	102	STATE TRACT 786 NO 3	INDIAN POINT	120,0	LO-VACA GATHERING CO
•FORSTER DRILLING CO INC				RECEIVED: 07/01/80 JA: TX			
8043242	08317	4207930824	103	MABEL #1	BUCKSHOT (4950 SAND)	0,0	WARREN PETROLEUM CO
•FRANK J BLACK				RECEIVED: 07/01/80 JA: TX			
8043316	11795	4229500000	108	MARIE BECHTHOLD NO 1	BECHTHOLD (TONKAWA)	2,3	PHILLIPS PETROLEUM C
8043315	11794	4229500000	108	MARIE BECHTHOLD NO 4	BECHTHOLD (TONKAWA)	2,3	PHILLIPS PETROLEUM C
8043314	11793	4229500000	108	MARIE BECHTHOLD NO 5	BECHTHOLD (TONKAWA)	2,3	PHILLIPS PETROLEUM C
•FRANK J KING				RECEIVED: 07/01/80 JA: TX			
8043469	14537	4241732750	103	DAVIS RANCH 46-1	ACKERS (MORRIS SAND) FIE	60,0	
8043470	14538	4241732767	103	DAVIS RANCH 46-2	ACKERS (MORRIS SAND) FIE	25,0	
•FRANQUES & MOSES INC				RECEIVED: 07/01/80 JA: TX			
8043467	14477	4215730975	102	LE BLANC WELL NO 1	TAVENER (7950 COOK MOUNT	935,0	LONE STAR GAS CO
•FRED MYER TRUST & R F MYER				RECEIVED: 07/01/80 JA: TX			
8043264	08541	4230100000	108	L B RUSSELL NO 1	WHEAT	1,9	PHILLIPS PETROLEUM C
8043263	08540	4230100000	108	L B RUSSELL NO 2	WHEAT	1,9	PHILLIPS PETROLEUM C
8043265	08542	4230100000	108	L B RUSSELL NO 5	WHEAT	1,9	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
*GETTY OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043471	14539	4223330650	103	CROSBY B HATCHER #9	PANHANDLE HUTCHINSON	16,8	J M HUBER CORP
8043549	14802	4236500000	105	MAE SEALY UNIT NO 5	CARTHAGE (COTTON VALLEY)	0,0	UNITED GAS CO
8043616	16850	4249530918	102	UNIVERSITY 6-21 NO 1	BLOCK 21 NW (WOLFCAMP)	119,0	NATURAL GAS PIPELINE
*GRAND BANKS ENERGY CO				RECEIVED: 07/01/80 JA: TX			
8043272	09134	4243100000	103	HANNAH B BAILEY #1	DECK (CISCO)	48,0	EL PASO NATURAL GAS
*GULF OIL CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043214	07534	4239300000	108	JOHN HAGGARD #10	QUINDUNO	1,0	NATURAL GAS PIPELINE
8043215	07535	4239300000	108	JOHN HAGGARD #15	QUINDUNO	0,5	NATURAL GAS PIPELINE
8043213	07532	4239300000	108	JOHN HAGGARD #9	QUINDUNO	7,0	NATURAL GAS PIPELINE
*H C FEDERER				RECEIVED: 07/01/80 JA: TX			
8043589	15336	4217900000	108	GRAY NO 1	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043595	15342	4217900000	108	GRAY NO 11	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043590	15337	4217900000	108	GRAY NO 3	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043591	15338	4217900000	108	GRAY NO 4	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043592	15339	4217900000	108	GRAY NO 5	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043593	15340	4217900000	108	GRAY NO 6	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043594	15341	4217900000	108	GRAY NO 7	PANHANDLE - GRAY COUNTY	7,1	PHILLIPS PETROLEUM C
8043580	15251	4217900000	108	NOEL NO 4	PANHANDLE	1,8	KERR MCGEE OIL CO
8043581	15252	4217900000	108	NOEL NO 5	PANHANDLE	4,1	GETTY OIL CO
8043582	15253	4217900000	108	NOEL NO 6	PANHANDLE	4,1	GETTY OIL CO
8043583	15254	4217900000	108	NOEL NO 7	PANHANDLE	1,8	KERR MCGEE OIL CO
8043584	15255	4217900000	108	NOEL NO 8	PANHANDLE	1,8	KERR MCGEE OIL CO
8043596	15344	4223300000	108	WHITTENBURG NO 2	PANHANDLE-HUTCHINSON COU	0,4	GETTY OIL CO
8043597	15345	4223300000	108	WHITTENBURG NO 3	PANHANDLE-HUTCHINSON COU	0,4	GETTY OIL CO
8043598	15346	4223300000	108	WHITTENBURG NO 4	PANHANDLE-HUTCHINSON COU	0,4	GETTY OIL CO
*HAROLD D COURSON				RECEIVED: 07/01/80 JA: TX			
8043550	14804	4229530063	108	BARTON RANCH #1	BRADFORD/TONKAWA	2,0	NORTHERN NATURAL GAS
*HARRISON INTERESTS LTD				RECEIVED: 07/01/80 JA: TX			
8043621	17562	4210532349	102	NO 2-A JOE F BEAN #83918	PIKES PEAK DRAW (CANYON)	70,0	
8043270	09098	4210532100	102	UNIVERSITY LAND 30-30 #2 79651	HOWARDS CREEK (CANYON)	146,0	
8043270	09098	4210532100	103	UNIVERSITY LAND 30-30 #2 79651	HOWARDS CREEK (CANYON)	146,0	
8043296	10904	4210532113	102	UNIVERSITY LAND 31-30 #5 80023	HOWARDS CREEK (CANYON)	110,0	
8043296	10904	4210532113	103	UNIVERSITY LAND 31-30 #5 80023	HOWARDS CREEK (CANYON)	110,0	
*HNG OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043585	15256	4243531175	108	ASKEW & GLIMP 55 #3 65142	SAWYER (CANYON)	17,0	INTRATEX GAS CO
8043586	15257	4243530209	108	CAUTHORN 16 #1 54396	HOLMAN RANCH NORTH (PENN	17,0	INTRATEX GAS CO
8043587	15258	4243530420	108	CUSENBARY 58 #1 56839	SAWYER (CANYON)	9,0	INTRATEX GAS CO
8043564	15088	4243530072	108	VANDERSTUCKEN 51 #1 52974	SAWYER (CANYON)	19,0	INTRATEX GAS CO
8043565	15089	4243530078	108	VANDERSTUCKEN 52 #1 52975	SAWYER (CANYON)	3,0	INTRATEX GAS CO
8043566	15090	4243530099	108	VANDERSTUCKEN 53 #1 52976	SAWYER (CANYON)	19,0	INTRATEX GAS CO
8043567	15092	4243530695	108	VANDERSTUCKEN 70 #2 59635	SAWYER (CANYON)	2,0	INTRATEX GAS CO
8043568	15093	4243530113	108	WYATT 44 #1 53077	SAWYER (CANYON)	14,0	INTRATEX GAS CO
*HOOVER & BRACKEN ENERGIES				RECEIVED: 07/01/80 JA: TX			
8043599	16016	4221131076	102	MCMORDIE #1-8	WASHITA CREEK (MORROW UP	730,0	EL PASO NATURAL GAS
*HOWELL DRILLING INC				RECEIVED: 07/01/80 JA: TX			
8043614	16746	4212331008	102	NORMAN E NICKEL GAS UNIT WELL NO 1	GARRETT	175,0	
*HUFO OILS				RECEIVED: 07/01/80 JA: TX			
8043008	01576	4206530627	103	BURNETT 25 NO 3	PANHANDLE CARSON	130,0	PANHANDLE EASTERN PI
*HUNT OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043465	14349	4200130905	103	H B KEELING NO 3	LONG LAKE	72,0	LONE STAR GAS CO
*J CLEO THOMPSON				RECEIVED: 07/01/80 JA: TX			
8043557	14915	4210300000	108	MAGNOLIA NO 12 - 04212	MC ELROY	0,6	PHILLIPS PETROLEUM C
*J F CICHOWSKI				RECEIVED: 07/01/80 JA: TX			

JD NO	JA DKT	API NO	SEC	#	WELL NAME	FIELD NAME	PROD	PURCHASER
8043460	14061	4224930014	108		JOHN RING NO 1 (ID 56465)	ALICE (5250)	0,2	LO VACA GATHERING CO
*J M HUBER CORPORATION					RECEIVED: 07/01/80 JA: TX			
8043051	05052	4206500000	108		BURNETT R NO 16	PANHANDLE	10,5	GETTY OIL CO
8043049	05044	4206500000	108		BURNETT R NO 22	PANHANDLE	10,5	GETTY OIL CO
8043052	05053	4206500000	108		BURNETT R NO 24	PANHANDLE	10,5	GETTY OIL CO
8043046	05007	4206500000	108		BURNETT R NO 28	PANHANDLE	10,5	GETTY OIL CO
8043050	05046	4206500000	108		BURNETT R NO 30	PANHANDLE	10,5	GETTY OIL CO
8043048	05038	4206500000	108		BURNETT R NO 33	PANHANDLE	10,5	GETTY OIL CO
8043053	05054	4206500000	108		BURNETT R NO 36	PANHANDLE	10,5	GETTY OIL CO
8043055	05106	4206500000	108		BURNETT R NO 40	PANHANDLE	10,5	GETTY OIL CO
8043047	05051	4206500000	108		BURNETT R NO 42	PANHANDLE	10,5	GETTY OIL CO
8043062	05388	4225300000	108		BURNETT RF NO 2	PANHANDLE	6,7	PHILLIPS PETROLEUM C
8043091	05433	4225300000	108		BURNETT RF NO 20	PANHANDLE	6,7	GETTY OIL CO
8043080	05419	4225300000	108		BURNETT RF NO 21	PANHANDLE	6,7	GETTY OIL COMPANY
8043079	05418	4225300000	108		BURNETT RF NO 3	PANHANDLE	6,7	PHILLIPS PETROLEUM C
8043078	05417	4225300000	108		BURNETT RF NO 6	PANHANDLE	6,7	PHILLIPS PETROLEUM C
8043077	05416	4225300000	108		BURNETT RF NO 7	PANHANDLE	6,7	PHILLIPS PETROLEUM C
8043109	05707	4225300000	108		HERRING-BURCH HERRING NO 110	PANHANDLE	1,2	COLORADO INTERSTATE
8043095	05441	4225300000	108		HERRING-BURCH HERRING NO 3	PANHANDLE	1,2	COLORADO INTERSTATE
8043061	05387	4225300000	108		HERRING-BURCH HERRING NO 5	PANHANDLE	1,2	COLORADO INTERSTATE
8043102	05452	4225300000	108		HERRING-BURCH HERRING NO 56	PANHANDLE	1,2	COLORADO INTERSTATE
8043100	05447	4225300000	108		HERRING-BURCH HERRING NO 58	PANHANDLE	1,2	COLORADO INTERSTATE
8043094	05440	4225300000	108		HERRING-BURCH HERRING NO 6	PANHANDLE	1,2	COLORADO INTERSTATE
8043099	05446	4225300000	108		HERRING-BURCH HERRING NO 60	PANHANDLE	1,2	COLORADO INTERSTATE
8043097	05444	4225300000	108		HERRING-BURCH HERRING NO 63	PANHANDLE	1,2	COLORADO INTERSTATE
8043098	05445	4225300000	108		HERRING-BURCH HERRING NO 65	PANHANDLE	1,2	COLORADO INTERSTATE
8043073	05404	4225300000	108		HERRING-BURCH HERRING NO 67	PANHANDLE	1,2	COLORADO INTERSTATE
8043071	05402	4225300000	108		HERRING-BURCH HERRING NO 70	PANHANDLE	1,2	COLORADO INTERSTATE
8043092	05438	4225300000	108		HERRING-BURCH HERRING NO 71	PANHANDLE	1,2	COLORADO INTERSTATE
8043093	05439	4225300000	108		HERRING-BURCH HERRING NO 72	PANHANDLE	1,2	COLORADO INTERSTATE
8043085	05426	4225300000	108		HERRING-BURCH HERRING NO 73	PANHANDLE	1,2	COLORADO INTERSTATE
8043083	05424	4225300000	108		HERRING-BURCH HERRING NO 75	PANHANDLE	1,2	COLORADO INTERSTATE
8043082	05423	4225300000	108		HERRING-BURCH HERRING NO 76	PANHANDLE	1,2	COLORADO INTERSTATE
8043081	05420	4225300000	108		HERRING-BURCH HERRING NO 85	PANHANDLE	1,2	COLORADO INTERSTATE
8043104	05473	4225300000	108		HERRING-BURCH HERRING NO 87	PANHANDLE	1,2	COLORADO INTERSTATE
8043089	05431	4225300000	108		HERRING-BURCH HERRING NO 88	PANHANDLE	1,2	COLORADO INTERSTATE
8043090	05432	4225300000	108		HERRING-BURCH HERRING NO 89	PANHANDLE	1,2	COLORADO INTERSTATE
8043063	05389	4225300000	108		MAYFIELD B&C NO 81	PANHANDLE	1,0	COLORADO INTERSTATE
8043075	05414	4225300000	108		RILEY AFGK NO A8	PANHANDLE	3,5	COLORADO INTERSTATE
8043064	05392	4225300000	108		RILEY AFGK NO F15	PANHANDLE	3,5	COLORADO INTERSTATE
8043066	05394	4225300000	108		RILEY AFGK NO F16	PANHANDLE	3,5	COLORADO INTERSTATE
8043067	05395	4225300000	108		RILEY AFGK NO F19	PANHANDLE	3,5	COLORADO INTERSTATE
8043060	05376	4225300000	108		RILEY AFGK NO F20	PANHANDLE	3,5	COLORADO INTERSTATE
8043068	05396	4225300000	108		RILEY AFGK NO F23	PANHANDLE	3,5	COLORADO INTERSTATE
8043059	05373	4225300000	108		RILEY AFGK NO F4	PANHANDLE	3,5	COLORADO INTERSTATE
8043084	05425	4225300000	108		RILEY AFGK NO F5	PANHANDLE	3,5	COLORADO INTERSTATE
8043058	05372	4225300000	108		RILEY AFGK NO F6	PANHANDLE	3,5	COLORADO INTERSTATE
8043074	05413	4225300000	108		RILEY AFGK NO F8	PANHANDLE	3,5	COLORADO INTERSTATE
8043105	05476	4225300000	108		RILEY AFGK NO G12	PANHANDLE	3,5	COLORADO INTERSTATE
8043103	05453	4225300000	108		RILEY AFGK NO G13	PANHANDLE	3,5	COLORADO INTERSTATE
8043096	05439	4225300000	108		RILEY AFGK NO G14	PANHANDLE	3,5	COLORADO INTERSTATE
8043045	04984	4225300000	108		RILEY AFGK NO G18	PANHANDLE	3,5	COLORADO INTERSTATE
8043057	05177	4225300000	108		RILEY AFGK NO G19	PANHANDLE	3,5	COLORADO INTERSTATE

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043056	05176	4223300000	108	RILEY AFGK NO G22	PANHANDLE	3,5	COLORADO INTERSTATE
8043069	05397	4223300000	108	RILEY AFGK NO G5	PANHANDLE	3,5	COLORADO INTERSTATE
8043101	05548	4223300000	108	RILEY AFGK NO K4	PANHANDLE	3,5	COLORADO INTERSTATE
8043072	05403	4223300000	108	RILEY AFGK NO K5	PANHANDLE	3,5	COLORADO INTERSTATE
8043106	05501	4223300000	108	RILEY AFGK NO K7	PANHANDLE	3,5	COLORADO INTERSTATE
8043065	05390	4223300000	108	RILEY AFGK NO K8	PANHANDLE	3,5	COLORADO INTERSTATE
8043070	05399	4223300000	108	RILEY AFGK NO K9	PANHANDLE	3,5	COLORADO INTERSTATE
8043108	05656	4223300000	108	STATE B NO 10	PANHANDLE	0,3	GETTY OIL CO
8043111	05711	4223300000	108	STATE B NO 11	PANHANDLE	0,3	GETTY OIL CO
8043110	05710	4223300000	108	STATE B NO 13	PANHANDLE	0,3	GETTY OIL CO
8043107	05653	4223300000	108	STATE B NO 15	PANHANDLE	0,3	GETTY OIL CO
8043076	05415	4223300000	108	WINDHAM NO 1	PANHANDLE	1,3	COLORADO INTERSTATE
8043088	05430	4223300000	108	WINDHAM NO 2	PANHANDLE	1,3	COLORADO INTERSTATE
8043087	05429	4223300000	108	WINDHAM NO 3	PANHANDLE	1,3	COLORADO INTERSTATE
8043086	05428	4223300000	108	WINDHAM NO 5	PANHANDLE	1,3	COLORADO INTERSTATE
*J R HAMILTON				RECEIVED: 07/01/80 JA: TX			
8043317	11797	4213100000	102	V CUELLAR NO 1 82586	J R FIELD	200,0	LO VACA GATHERING CO
*JACK L PHILLIPS				RECEIVED: 07/01/80 JA: TX			
8043300	11117	4216100000	108	D E WARD G U NO 1 15500	NAN SU GAIL (SUB-CLARKSV	14,0	TEXAS UTILITIES FUEL
8043299	11115	4216100000	108	NAN SU GAIL G U NO 4 15498	NAN SU GAIL (SUB-CLARKSV	4,0	TEXAS UTILITIES FUEL
*JAMES L LAMB JR				RECEIVED: 07/01/80 JA: TX			
8043006	00985	4210531744	102	LAMB #1 TODD 13 RRC NO 76790	DOUBLE R (SOMA)	50,0	EL PASO NATURAL GAS
*KADANE OIL CO				RECEIVED: 07/01/80 JA: TX			
8043302	11257	4209730605	102	AMOCO-BRATCHER UNIT WELL 1	HANDY NW (K-2A)	182,5	CCGP LTD
8043302	11257	4209730605	103	AMOCO-BRATCHER UNIT WELL 1	HANDY NW (K-2A)	182,5	CCGP LTD
*KEITH D GRAHAM				RECEIVED: 07/01/80 JA: TX			
8043620	17533	4205130415	102	EMIL OPPERMANN #1 ID 12454	GIDDINGS (AUSTIN CHALK)	54,0	CHAMPLIN PETROLEUM C
*KERR-MCGEE CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043244	08385	4213532703	103	GIST B NO 8	FOSTER FIELD	0,3	ODESSA NATURAL CORP
8043243	08384	4213532700	103	GIST C NO 9	FOSTER	0,5	ODESSA NATURAL CORP
*KNOX INDUSTRIES INC				RECEIVED: 07/01/80 JA: TX			
8043464	14223	4238331333	103	TURNER A-2	SPRABERRY TREND AREA	48,0	
*L&M OIL CO				RECEIVED: 07/01/80 JA: TX			
8043634	19797	4236331991	102	HINKSON WELL NO 2 RRC #85679	THREE MUSKATEERS	35,0	BRAZOS ELECTRIC POWE
*LEAR PETROLEUM CORPORATION				RECEIVED: 07/01/80 JA: TX			
*8043288	10369	4208700000	108	LEE LEASE NO 1	EAST PANHANDLE	11,4	EL PASO NATURAL GAS
*8043285	10364	4208700000	108	LEE LEASE NO 10	EAST PANHANDLE	10,2	EL PASO NATURAL GAS
*8043287	10368	4208700000	108	LEE LEASE NO 2	EAST PANHANDLE	3,4	EL PASO NATURAL GAS
*8043289	10370	4208700000	108	LEE LEASE NO 3	EAST PANHANDLE	1,7	EL PASO NATURAL GAS
*8043290	10371	4208700000	108	LEE LEASE NO 4	EAST PANHANDLE	2,7	EL PASO NATURAL GAS
*8043286	10365	4208700000	108	LEE LEASE NO 6	EAST PANHANDLE	0,2	EL PASO NATURAL GAS
*8043284	10335	4208700000	108	LEE LEASE NO 7	EAST PANHANDLE	2,8	EL PASO NATURAL GAS
*8043283	10334	4208700000	108	LEE LEASE NO 8	EAST PANHANDLE	0,6	EL PASO NATURAL GAS
*8043282	10333	4208700000	108	LEE LEASE NO 9	EAST PANHANDLE	1,7	EL PASO NATURAL GAS
*8043114	05769	4248300000	108	ROBERTS LEASE #1	EAST PANHANDLE	3,3	EL PASO NATURAL GAS
*LILLY OIL CO				RECEIVED: 07/01/80 JA: TX			
8043219	07675	4206500000	108	LILLY-BARNARD #1	WEST PANHANDLE CARSON CO	20,0	NORTHERN NATURAL GAS
8043220	07676	4206500000	108	LILLY-BARNARD #2	WEST PANHANDLE CARSON CO	18,0	NORTHERN NATURAL GAS
8043221	07678	4206500000	108	LILLY-BARNARD #4	WEST PANHANDLE CARSON	18,0	NORTHERN NATURAL GAS
*LINGEN EXPLORATION INC				RECEIVED: 07/01/80 JA: TX			
8043298	11035	4232331258	103	J W RITCHIE #1	LOS CUATROS (LOWER CRETA	547,5	TEXCUL GAS SERVICES
*LULING OIL AND GAS CO INC				RECEIVED: 07/01/80 JA: TX			
8043271	09109	4233130576	103	COFFIELD NO 1 D	MILBUR (NAVARRO)	54,0	PEAK PIPELINE CORP

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
*M O RIFE JR				RECEIVED: 07/01/80 JA: TX			
8043189	07217	4236300000	103	M H MCMURREY D #160 RRC 80545	O LAUGHLIN (2800)	234.0	BRAZOS ELECTRIC POWE
*MARSHALL EXPLORATION INC				RECEIVED: 07/01/80 JA: TX			
8043025	04516	4236500000	108	F C BAGLEY UNIT #2	BELLE BOWER (PALUXY)	7.7	TENNESSEE GAS PIPELI
8043028	04519	4236500000	108	INTERNATIONAL PAPER CO #1	BELLE BOWER (PALUXY)	11.5	TENNESSEE GAS PIPELI
8043029	04521	4236530842	103	J A HARRISON #1	WILDCAT	292.0	TENNESSEE GAS PIPELI
8043024	04514	4236500000	108	J D ADAMS ET AL #1	BELLE BOWER (PALUXY)	7.6	TENNESSEE GAS PIPELI
8043027	04518	4236500000	108	MAIZE LYNCH ET AL #1	BELLE BOWER (PALUXY)	8.8	TENNESSEE GAS PIPELI
8043026	04517	4236500000	108	MAIZIE LYNCH UNIT #2	BELLE BOWER (PALUXY)	9.0	TENNESSEE GAS PIPELI
8043023	04513	4236500000	108	WERNER SAWMILL UNIT #1	BELLE BOWER (PALUXY)	6.5	TENNESSEE GAS PIPELI
*MCCORMICK OIL & GAS CORP				RECEIVED: 07/01/80 JA: TX			
8043472	14549	4234930813	102	P W GREGORY NO 1	CHENEYBORO (COTTON VALLE	80.0	LONE STAR GAS CO
*MEWBOURNE OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043615	16775	4235730862	102	HANDY #1 ID #04471	HANDY (MORROW UPPER)	0.0	
8043010	01946	4229530504	103	PARSONS #1 RRC ID #75156	FULLETT SOUTH (MORROW)	42.0	NORTHERN NATURAL GAS
*MICHAELSON PRODUCING CO				RECEIVED: 07/01/80 JA: TX			
8043273	09180	4210531781	103	UNIVERSITY 9 #2	FARMER (SAN ANDRES)	4.5	BIG LAKE GAS CORP
8043274	09181	4210532145	103	UNIVERSITY 9 #3	FARMER (SAN ANDRES)	4.5	BIG LAKE GAS CORP
*MID-AMERICA PETROLEUM INC				RECEIVED: 07/01/80 JA: TX			
8043318	11856	4216531522	102	JAMESON 1-B	G M K (BASAL YATES)	180.0	NORTHERN NATURAL GAS
*MITCHELL ENERGY CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043308	11658	4232130878	107	ABEL H PIERCE #1	WILDCAT	100.0	FLORIDA GAS TRANSMIS
8043005	00586	4249731047	103	ASCCU #4-3 15095	ALVORD SOUTH (CADDO CONG	25.5	NATURAL GAS PIPELINE
8043044	04971	4236700000	108	B H HOUSTON #1 28685	BOONSVILLE BEND CONG	8.7	NATURAL GAS PIPELINE
8043389	12479	4249731123	103	HUDSON-KING #2 77571	BOONSVILLE (BEND CONGL)	25.0	NATURAL GAS PIPELINE
8043385	12291	4249700000	108	J DALY UNIT NO 1 #1 28616	BOONSVILLE BEND CONGL	10.0	LONE STAR GAS CO
8043384	12290	4249700000	108	J DALY UNIT NO 7 #1 28617	BOONSVILLE BEND CONGL	9.0	LONE STAR GAS CO
8043020	04551	4249700000	108	J O BROOKS #1 54372	BOONSVILLE BEND CONG	17.5	NATURAL GAS PIPELINE
8043054	05066	4249700000	108	JACK ONEAL #1 08486	ALVORD (CADDO CONG)	2.6	NATURAL GAS PIPELINE
8043301	11143	4249731305	103	OLIVER BOND #1 80868	BOONSVILLE (BEND CONGL G	79.2	NATURAL GAS PIPELINE
8043275	09186	4249700000	108	ROY THOMAS #2 50721	BOONSVILLE BEND CONGLOME	1.0	NATURAL GAS PIPELINE
*MOBIL OIL CORP				RECEIVED: 07/01/80 JA: TX			
8043552	14811	4237132758	103	CHARLES B ATHEY C NO 2	COYANOSA NO (DELAWARE)	21.0	EL PASO NATURAL GAS
8043440	13239	4244330217	103	GOUDE ESTATE NO 4	BROWN - BASSETT (ELLEN)	5.5	EL PASO NATURAL GAS
*8043553	14813	4237132762	103	JAMES O NEAL NO 8	COYANOSA NO (DELAWARE)	238.0	EL PASO NATURAL GAS
*MURJO OIL & ROYALTY CO				RECEIVED: 07/01/80 JA: TX			
8043267	08802	4236700000	108	LADD-CARR 1 #1 ID #75115	BRAZOS EAST (CADDO)	5.0	LONE STAR GAS CO
8043266	08798	4236700000	108	LADD-GILBERT A #1 ID #77587	BRAZOS EAST (CADDO)	9.0	LONE STAR GAS CO
*MUSSELMAN PETROLEUM & LAND CO				RECEIVED: 07/01/80 JA: TX			
8043466	14356	4233531432	103	NAIL - BUMAR B WELL NO 1	NENA LUCIA WEST (CANYON)	18.0	SUN GAS CO
*MWJ PRODUCING COMPANY				RECEIVED: 07/01/80 JA: TX			
8043551	14808	4217330969	103	TXL 19-#1 (RRC #25476)	SPRABERRY TREND AREA	48.0	EL PASO NATURAL GAS
*NATOMAS NORTH AMERICA INC				RECEIVED: 07/01/80 JA: TX			
8043032	04747	4248300000	102	IRONS NO 1	WHEELER PAN (HUNTON)	0.0	PIONEER NATURAL GAS
8043032	04747	4248300000	103	IRONS NO 1	WHEELER PAN (HUNTON)	0.0	PIONEER NATURAL GAS
8043031	04745	4248300000	103	R G HUNTER #1	WHEELER PAN (HUNTON)	912.0	PIONEER NATURAL GAS
*NICKLOS OIL & GAS CO C/O BRADCO OIL				RECEIVED: 07/01/80 JA: TX			
8043617	16986	4236130313	102	MJL STARK FOUNDATION WELL NO 1	DOTY NW (7200) FIELD	360.0	ENERGY BUYERS SERVIC
*NORTH AMERICAN ROYALTIES INC				RECEIVED: 07/01/80 JA: TX			
8043483	14685	4224531305	103	F MCDERMAND #4 (#12200)	NOME S E (FRIO UP)	0.3	WINNIE PIPELINE CO
8043482	14684	4224531287	103	F MCDERMOND #2 (#12200)	NOME S E (UPPER FRIO 657	0.3	WINNIE PIPELINE CO
*ORLA PETCO INC				RECEIVED: 07/01/80 JA: TX			
8043394	12548	4238900000	108	TXL BL LEASE RRC #17891 #2	FORD EAST (DELAWARE SAND	0.3	CONOCO INC

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043393	12547	4238900000	108	TXL BL LEASE RRC #17891 #3	FORD EAST (DELAWARE SAND	0,3	CONOCO INC
8043391	12546	4238900000	108	TXL BL LEASE RRC #17891 #5	FORD EAST (DELAWARE SAND	0,3	CONOCO INC
8043392	12545	4238900000	108	TXL BL LEASE RRC #17891 #6	FORD EAST (DELAWARE SAND	0,3	CONOCO INC
8043390	12544	4238900000	108	TXL BL LEASE RRC #17891 #7	FORD EAST (DELAWARE SAND	0,3	CONOCO INC
•OWL PETROLEUM CO				RECEIVED: 07/01/80 JA: TX			
8043475	14556	4208930969	102	KRENEK-LEHKER NO 1	LYDIA (3575)	63,0	LONE STAR GAS CO
8043474	14562	4208930918	102	R TAYLOR NO 1-T	LYDIA (3800)	8,7	LONE STAR GAS CO
•PAN RESOURCES INC				RECEIVED: 07/01/80 JA: TX			
8043162	06784	4223300000	108	HAILE NO 7	PANHANDLE HUTCHINSON	1,7	GETTY OIL CO
8043166	06836	4223300000	108	HOLFIELD-WHITTENBURG A NO 11	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043168	06838	4223300000	108	HOLIFIELD-WHITTENBURG A NO 10	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043172	06842	4223300000	108	HOLIFIELD-WHITTENBURG A NO 13	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043175	06845	4223300000	108	HOLIFIELD-WHITTENBURG A NO 18	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043163	06785	4223300000	108	HOLIFIELD-WHITTENBURG A NO 2	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043173	06843	4223300000	108	HOLIFIELD-WHITTENBURG A NO 5	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043169	06839	4223300000	108	HOLIFIELD-WHITTENBURG A NO 7	PANHANDLE HUTCHINSON	1,5	GETTY OIL CO
8043158	06758	4223300000	108	HOLIFIELD-WHITTENBURG B NO 1	PANHANDLE HUTCHINSON	1,4	GETTY OIL CO
8043157	06757	4223300000	108	HOLIFIELD-WHITTENBURG B NO 2	PANHANDLE HUTCHINSON	1,4	GETTY OIL CO
8043159	06759	4223300000	108	HOLIFIELD-WHITTENBURG B NO 3	PANHANDLE HUTCHINSON	1,4	GETTY OIL CO
8043151	06750	4223300000	108	PRITCHARD NO 10	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043181	06851	4223300000	108	PRITCHARD NO 12	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043177	06847	4223300000	108	PRITCHARD NO 16	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043131	06729	4223300000	108	PRITCHARD NO 17	PANHANDLE	0,9	GETTY OIL CO
8043176	06846	4223300000	108	PRITCHARD NO 18	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043150	06749	4223300000	108	PRITCHARD NO 19	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043174	06844	4223300000	108	PRITCHARD NO 20	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043171	06841	4223300000	108	PRITCHARD NO 21	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043170	06840	4223300000	108	PRITCHARD NO 22	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043179	06849	4223300000	108	PRITCHARD NO 3	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043180	06850	4223300000	108	PRITCHARD NO 4	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043136	06734	4223300000	108	PRITCHARD NO 5	PANHANDLE	0,9	GETTY OIL CO
8043135	06733	4223300000	108	PRITCHARD NO 6	PANHANDLE	0,9	GETTY OIL CO
8043134	06732	4223300000	108	PRITCHARD NO 7	PANHANDLE	0,9	GETTY OIL CO
8043133	06731	4223300000	108	PRITCHARD NO 8	PANHANDLE	0,9	GETTY OIL CO
8043132	06730	4223300000	108	PRITCHARD NO 9	PANHANDLE	0,9	GETTY OIL CO
8043178	06848	4223300000	108	PRITCHARD WELL NO 2	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043156	06755	4223300000	108	WARE NO 3	PANHANDLE HUTCHINSON	0,3	GETTY OIL CO
8043155	06754	4223300000	108	WARE NO 4	PANHANDLE HUTCHINSON	0,3	GETTY OIL CO
8043153	06752	4223300000	108	WARE NO 9	PANHANDLE HUTCHINSON	0,3	GETTY OIL CO
8043167	06837	4223300000	108	WHITTENBURG A NO 12	PANHANDLE HUTCHINSON	1,0	GETTY OIL CO
8043149	06748	4223300000	108	WHITTENBURG A NO 13	PANHANDLE HUTCHINSON	1,0	GETTY OIL CO
8043148	06747	4223300000	108	WHITTENBURG A NO 14	PANHANDLE HUTCHINSON	1,0	GETTY OIL CO
8043146	06745	4223300000	108	WHITTENBURG A NO 15	PANHANDLE HUTCHINSON	1,0	GETTY OIL CO
8043147	06746	4223300000	108	WHITTENBURG A NO 16	PANHANDLE HUTCHINSON	1,0	GETTY OIL CO
8043137	06735	4223300000	108	WHITTENBURG A NO 17	PANHANDLE	1,0	GETTY OIL CO
8043138	06736	4223300000	108	WHITTENBURG A NO 18	PANHANDLE	1,0	GETTY OIL CO
8043142	06740	4223300000	108	WHITTENBURG C NO 1	PANHANDLE	0,4	GETTY OIL CO
8043143	06741	4223300000	108	WHITTENBURG C NO 2	PANHANDLE	0,4	GETTY OIL CO
8043144	06742	4223300000	108	WHITTENBURG C NO 3	PANHANDLE	0,4	GETTY OIL CO
8043141	06739	4223300000	108	WHITTENBURG C NO 5	PANHANDLE	0,4	GETTY OIL CO
8043161	06782	4223300000	108	WHITTENBURG D NO 1	PANHANDLE HUTCHINSON	0,7	GETTY OIL CO
8043160	06781	4223300000	108	WHITTENBURG D NO 2	PANHANDLE HUTCHINSON	0,7	GETTY OIL CO
8043154	06753	4223300000	108	WHITTENBURG ESTATE NO 16	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043126	06724	4223300000	108	WHITTENBURG ESTATE NO 18	PANHANDLE	0,9	GETTY OIL CO
8043122	06722	4223300000	108	WHITTENBURG ESTATE NO 21	PANHANDLE	0,9	GETTY OIL CO
8043127	06725	4223300000	108	WHITTENBURG ESTATE NO 22	PANHANDLE	0,9	GETTY OIL CO
8043129	06726	4223300000	108	WHITTENBURG ESTATE NO 23	PANHANDLE	0,9	GETTY OIL CO
8043128	06727	4223300000	108	WHITTENBURG ESTATE NO 24	PANHANDLE	0,9	GETTY OIL CO
8043145	06744	4223300000	108	WHITTENBURG ESTATE NO 25	PANHANDLE	0,9	GETTY OIL CO
8043130	06728	4223300000	108	WHITTENBURG ESTATE NO 26	PANHANDLE	0,9	GETTY OIL CO
8043152	06751	4223300000	108	WHITTENBURG ESTATE NO 27	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043139	06737	4223300000	108	WHITTENBURG ESTATE NO 30	PANHANDLE	0,9	GETTY OIL CO
8043140	06738	4223300000	108	WHITTENBURG ESTATE NO 35	PANHANDLE	0,9	GETTY OIL CO
8043165	06791	4223300000	108	WHITTENBURG ESTATE NO 4	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
8043164	06789	4223300000	108	WHITTENBURG ESTATE NO 7	PANHANDLE HUTCHINSON	0,9	GETTY OIL CO
*PANHANDLE PRODUCING COMPANY				RECEIVED: 07/01/80 JA: TX			
8043575	15143	4217900000	108	WORLEY NO 10 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
8043569	15137	4217900000	108	WORLEY NO 4 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
8043570	15138	4217900000	108	WORLEY NO 5 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
8043571	15139	4217900000	108	WORLEY NO 6 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
8043572	15140	4217900000	108	WORLEY NO 7 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
8043573	15141	4217900000	108	WORLEY NO 8 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
8043574	15142	4217900000	108	WORLEY NO 9 (00319)	PANHANDLE GRAY COUNTY	1,4	PHILLIPS PETROLEUM C
*PENNZOIL PRODUCING COMPANY				RECEIVED: 07/01/80 JA: TX			
8043441	13312	4235531390	102	C P TALBERT NO 20	AGUA DULCE	450,0	UNITED GAS PIPE LINE
8043462	14114	4235500347	108	WINDSOR-PYLE NO 1	AGUA DULCE	13,0	UNITED GAS PIPE LINE
*PETRO-SEARCH INC				RECEIVED: 07/01/80 JA: TX			
8043360	11997	4223300000	108	COLEMAN #12 (1-117-00969-4)	PANHANDLE	10,6	GETTY OIL CO
8043361	12003	4223300000	108	COLEMAN #33 (1-117-00969-4)	PANHANDLE	10,6	GETTY OIL CO
8043349	11975	4223300000	108	RICHARDS #26 (1-117-00972-8)	PANHANDLE	6,2	GETTY OIL CO
8043348	11974	4223300000	108	RICHARDS #3 (1-117-00972-8)	PANHANDLE	6,2	GETTY OIL CO
8043350	11976	4223300000	108	RICHARDS #30 (1-117-00972-8)	PANHANDLE	6,2	GETTY OIL CO
8043351	11977	4223300000	108	RICHARDS #31 (1-117-00972-8)	PANHANDLE	6,2	GETTY OIL CO
8043358	11986	4223300000	108	WATKINS #10 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
8043359	11987	4223300000	108	WATKINS #11 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
8043352	11980	4223300000	108	WATKINS #4 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
8043353	11981	4223300000	108	WATKINS #5 (1-117-00968-6)	PANHANDLE	0,0	GETTY OIL CO
8043354	11982	4223300000	108	WATKINS #6 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
8043355		4223300000	108	WATKINS #7 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
8043356	11984	4223300000	108	WATKINS #8 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
8043357	11985	4223300000	108	WATKINS #9 (1-117-00968-6)	PANHANDLE	3,9	GETTY OIL CO
*PHILLIPS PETROLEUM COMPANY				RECEIVED: 07/01/80 JA: TX			
8043559	14971	4249503443	108	(03335) JENKINS NO 5	KEYSTONE (DEVONIAN)	11,6	SID RICHARDSON GASOL
8043560	14973	4246101402	108	(03913) NORTH PEMBROOK SPRABERRY U*	SPRABERRY (TREND AREA)	4,2	NORTHERN NATURAL GAS
8043493	14730	4238330321	108	(04921) HEATHERBY-A NO 10	SPRABERRY (TREND AREA)	5,0	NORTHERN NATURAL GAS
8043455	13739	4200304776	108	(09742) UNIVERSITY ANDREWS NO 59	EMBAR (5600)	11,8	EL PASO NATURAL GAS
8043448	13570	4200310348	108	(17015) BITLER #56	FULLERTON (SAN ANDRES)	0,1	EL PASO NATURAL GAS
8043447	13566	4213508235	108	(21193) GOLDSMITH ANDECTOR UNIT #E*	GOLDSMITH (CLEARFORK)	15,4	EL PASO NATURAL GAS
8043446	13565	4213502670	108	(21193) GOLDSMITH ANDECTOR UNIT #R*	GOLDSMITH (CLEARFORK)	8,6	EL PASO NATURAL GAS
8043454	13727	4213503171	108	(21193) GS ANDECTOR UNIT NO UE-01	GOLDSMITH (CLEARFORK)	9,0	EL PASO NATURAL GAS
8043453	13724	4200310767	108	BITLER NO 62	FULLERTON (SAN ANDRES)	0,2	EL PASO NATURAL GAS
8043430	13104	4206500000	108	BLOCK NO 1	PANHANDLE	4,0	GETTY OIL CO
8043554	14818	4213533169	103	CLYDE COWDEN NO 166 (02309)	GOLDSMITH (5600)	10,0	EL PASO NATURAL GAS
8043555	14819	4213533168	103	CLYDE COWDEN NO 167 (02309)	GOLDSMITH (5600)	10,0	EL PASO NATURAL GAS
8043436	13121	4223300000	108	COCKRELL RANCH NO 48	PANHANDLE	5,0	GETTY OIL CO
8043437	13126	4223300000	108	COCKRELL RANCH NO 55	PANHANDLE	5,0	GETTY OIL CO

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043588	15288	4220500000	108	CONSTANT NO 1	WEST PANHANDLE	12,0	EL PASO NATURAL GAS
8043402	13055	4223300000	108	HARVEY UNIT NO 8-04	PANHANDLE HUTCHINSON	15,5	GETTY OIL CO
8043417	13039	4223300000	108	HARVEY UNIT 05-01	PANHANDLE HUTCHINSON	0,6	GETTY OIL CO
8043416	13040	4223300000	108	HARVEY UNIT 06-01	PANHANDLE HUTCHINSON	1,0	GETTY OIL CO
8043415	13041	4223300000	108	HARVEY UNIT 06-04	PANHANDLE HUTCHINSON	0,3	GETTY OIL CO
8043414	13042	4223300000	108	HARVEY UNIT 06-08	PANHANDLE HUTCHINSON	2,0	GETTY OIL CO
8043412	13044	4223300000	108	HARVEY UNIT 06-10	PANHANDLE HUTCHINSON	3,2	GETTY OIL CO
8043413	13045	4223300000	108	HARVEY UNIT 06-12	PANHANDLE HUTCHINSON	2,4	GETTY OIL CO
8043411	13046	4223300000	108	HARVEY UNIT 06-15	PANHANDLE HUTCHINSON	7,2	GETTY OIL CO
8043410	13047	4223300000	108	HARVEY UNIT 06-16	PANHANDLE HUTCHINSON	6,5	GETTY OIL CO
8043409	13048	4223300000	108	HARVEY UNIT 07-02	PANHANDLE HUTCHINSON	5,8	GETTY OIL CO
8043408	13049	4223300000	108	HARVEY UNIT 07-03	PANHANDLE HUTCHINSON	6,0	GETTY OIL CO
8043407	13050	4223300000	108	HARVEY UNIT 07-04	PANHANDLE HUTCHINSON	3,5	GETTY OIL CO
8043406	13051	4223300000	108	HARVEY UNIT 07-05	PANHANDLE HUTCHINSON	8,0	GETTY OIL CO
8043405	13052	4223300000	108	HARVEY UNIT 07-06	PANHANDLE HUTCHINSON	5,0	GETTY OIL CO
8043404	13053	4223300000	108	HARVEY UNIT 07-07	PANHANDLE HUTCHINSON	0,6	GETTY OIL CO
8043403	13054	4223300000	108	HARVEY UNIT 07-08	PANHANDLE HUTCHINSON	1,2	GETTY OIL CO
8043401	13056	4223300000	108	HARVEY UNIT 08-06	PANHANDLE HUTCHINSON	10,0	GETTY OIL CO
8043400	13065	4223300000	108	HARVEY UNIT 08-22	PANHANDLE HUTCHINSON	7,0	GETTY OIL CO
8043399	13080	4206500000	108	JORDAN D NO 33	PANHANDLE CARSON	0,4	GETTY OIL CO
8043398	13082	4206500000	108	JORDAN D NO 35	PANHANDLE CARSON	0,4	GETTY OIL CO
8043397	13083	4206500000	108	JORDAN D NO 36	PANHANDLE CARSON	0,4	GETTY OIL CO
8043432	13111	4217900000	108	LEOPOLD A NO 1	PANHANDLE	0,8	GETTY OIL CO
8043433	13112	4217900000	108	LEOPOLD A NO 2	PANHANDLE	2,4	GETTY OIL CO
8043434	13113	4217900000	108	LEOPOLD A NO 5	PANHANDLE GRAY	1,2	GETTY OIL CO
8043435	13115	4217900000	108	LEOPOLD A NO 7	PANHANDLE	1,2	GETTY OIL CO
*8043319	11894	4223300000	108	LEWIS C NO 2	S W MORSE	2,5	EL PASO NATURAL GAS
8043396	13091	4223300000	108	LONE STAR NO 2	PANHANDLE HUTCHINSON	2,0	GETTY OIL CO
8043395	13092	4223300000	108	LONE STAR NO 3	PANHANDLE HUTCHINSON	0,3	GETTY OIL CO
8043419	13025	4217900000	108	PHIL-PAMPA UNIT NO 14-09	PANHANDLE GRAY	1,0	GETTY OIL CO
8043418	13026	4217900000	108	PHIL-PAMPA UNIT NO 14-10	PANHANDLE GRAY	1,0	GETTY OIL CO
8043431	13110	4217900000	108	SIN-POPE NO 5	PANHANDLE	1,0	GETTY OIL CO
8043429	13096	4223300000	108	TEHR NO 1	PANHANDLE	1,2	EL PASO NATURAL GAS
8043427	13093	4223300000	108	TURNER-KENT A NO 32	PANHANDLE	4,0	GETTY OIL CO
8043458	13960	4200304633	108	UNIV ANDREWS NO 79	EMBAR (PERMIAN)	5,0	EL PASO NATURAL GAS
8043477	14640	4203330515	103	WEST JO MILL UNIT NO 109 (61062)	JO MILL/SPRABERRY	17,0	GETTY OIL CO
8043428	13095	4223300000	108	WHITTENBURG NO 104	PANHANDLE	6,5	GETTY OIL CO
*PITTS OIL CO & DALLAS PROD INC				RECEIVED: 07/01/80 JA: TX			
8043444	13436	4200130885	102	TEMPLE-EASTEX NO 1	PITTS (RODESSA)	360,0	TEXAS UTILITIES FUEL
*PLEMONS ENTERPRISES				RECEIVED: 07/01/80 JA: TX			
8043268	08807	4223300000	108	PAUL #3	PANHANDLE	6,0	GETTY OIL CO
*POGO PRODUCING COMPANY				RECEIVED: 07/01/80 JA: TX			
8043607	16529	4224500000	102	J F GAULDING #1 84494	FRENCH ISLAND (HACKBERRY	365,0	UNITED TEXAS TRANSMI
*R M ENGELKE				RECEIVED: 07/01/80 JA: TX			
8043309	11645	4223931352	103	MATAK WILBERT ETAL #1	LASALLE	0,0	TENNESSEE GAS PIPELI
*RAMSEY & GASSAWAY				RECEIVED: 07/01/80 JA: TX			
8043248	08422	4217900000	108	CHAPMAN 26699	EAST PANHANDLE	6,0	PHILLIPS PETROLEUM C
8043253	08428	4217900000	108	COBB ESTATE A 25908	EAST PANHANDLE	6,0	COLTEXO CORP
8043250	08424	4217900000	108	COBB ESTATE B 25909	EAST PANHANDLE	8,4	COLTEXO CORP
8043246	08420	4217900000	108	HUSELBY B 25911	EAST PANHANDLE	12,0	COLTEXO CORP
8043245	08419	4217900000	108	HUSELBY ISABEL A 25910	EAST PANHANDLE	7,8	COLTEXO CORP
8043252	08427	4217900000	108	HUSELBY ISABEL 25906	EAST PANHANDLE	18,0	COLTEXO CORP
8043247	08421	4217900000	108	JEANNIE CHAPMAN 25913	EAST PANHANDLE	3,6	COLTEXO CORP

JD NO	JA DKT	API NO	SEC	# WELL NAME	FIELD NAME	PROD	PURCHASER
8043251	08425	4248300000	108	LEWIS 49744	EAST PANHANDLE	2,4	EL PASO NATURAL GAS
*8043249	08423	4217900000	108	WEBB A 27056	EAST PANHANDLE	14,4	GULF OIL CORP
*RIAL OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043494	14751	4231732051	103	BURNS TRUSTEE A NO 1 #62398	ACKERLY (DEAN SAND)	25,5	TEXACO INC
8043496	14733	4231732074	103	CROCKETT A NO 1 #62503	ACKERLY (DEAN SAND)	27,4	TEXACO INC
8043495	14732	4231732060	103	CROCKETT NO 1 #62431	ACKERLY (DEAN SAND)	31,0	TEXACO INC
8043497	14736	4231732053	103	LEMON A NO 1 #62411	ACKERLY (DEAN SAND)	32,9	TEXACO INC
8043498	14737	4231732054	103	LEMON A NO 2 #62411	ACKERLY (DEAN SAND)	36,5	TEXACO INC
8043499	14738	4211531263	103	LEMON B NO 1 #62427	ACKERLY (DEAN SAND)	36,5	TEXACO INC
8043500	14739	4231732061	103	MAHONEY NO 1 #62428	ACKERLY (DEAN SAND)	40,9	TEXACO INC
8043501	14740	4211531247	103	PITTS NO 2 #62212	ACKERLY (DEAN SAND)	28,5	TEXACO INC
8043502	14741	4211531248	103	PITTS NO 3 #62212	ACKERLY (DEAN SAND)	317,6	TEXACO INC
8043503	14742	4249531029	103	SEALY & SMITH 10 NO 1 #25328	ARENOSO (STRAWN DETRITUS	32,1	PHILLIPS PETROLEUM C
8043504	14743	4249531004	103	SEALY & SMITH 33-D NO 1 #25343	MONAHANS E (PENN LOWER)	105,8	EL PASO NATURAL GAS
8043505	14744	4249531021	103	SEALY & SMITH 68 NO 1 #25340	ARENOSO (STRAWN DETRITUS	34,7	EL PASO NATURAL GAS
8043506	14746	4249531002	103	SEALY & SMITH 69 NO 1 #25239	ARENOSO (STRAWN DETRITUS	98,1	EL PASO NATURAL GAS
8043507	14747	4249531044	103	SEALY & SMITH 69-A NO 1 #25407	ARENOSO (STRAWN DETRITUS	73,0	EL PASO NATURAL GAS
8043522	14763	4238331341	103	UNIVERSITY 10 #2 #07742	FARMER (SAN ANDRES)	20,1	
8043523	14764	4210531757	103	UNIVERSITY 13 #1 #07588	FARMER (SAN ANDRES)	5,7	
8043524	14765	4210531779	103	UNIVERSITY 13 #2 #07588	FARMER (SAN ANDRES)	4,4	
8043534	14777	4210531739	103	UNIVERSITY 14 #1 #07348	FARMER (SAN ANDRES)	5,5	
8043525	14767	4238331237	103	UNIVERSITY 16 #1 #07556	FARMER (SAN ANDRES)	14,6	
8043526	14768	4210531758	103	UNIVERSITY 17 #1 #07568	FARMER (SAN ANDRES)	6,9	
8043527	14770	4210531981	103	UNIVERSITY 23 #1 #07569	FARMER (SAN ANDRES)	11,3	
8043528	14771	4238331284	103	UNIVERSITY 23-A #1 #07704	FARMER (SAN ANDRES)	9,5	
8043529	14772	4238331285	103	UNIVERSITY 23-B #1 #07705	FARMER (SAN ANDRES)	12,4	
8043508	14749	4238331340	103	UNIVERSITY 3-A #1 #07846	BARNHART	40,2	
8043509	14750	4238331241	103	UNIVERSITY 4 #1 #07706	FARMER (SAN ANDRES)	10,2	
8043510	14751	4238331336	103	UNIVERSITY 4 #2 #07706	FARMER (SAN ANDRES)	19,0	
8043511	14752	4238331344	103	UNIVERSITY 4 #3 #07706	FARMER (SAN ANDRES)	13,9	
8043512	14753	4238331240	103	UNIVERSITY 4-A #1 #07703	FARMER (SAN ANDRES)	0,0	
8043513	14754	4238331285	103	UNIVERSITY 4-A #2 #07703	FARMER (SAN ANDRES)	11,0	
8043514	14755	4238331339	103	UNIVERSITY 4-A #3 #07703	FARMER (SAN ANDRES)	14,6	
8043515	14756	4238331347	103	UNIVERSITY 4-A #4 #07703	FARMER (SAN ANDRES)	12,4	
8043531	14774	4238331337	103	UNIVERSITY 49-9 #1 #07841	FARMER (SAN ANDRES)	16,4	
8043530	14773	4238331338	103	UNIVERSITY 49-9A #1 #07842	FARMER (SAN ANDRES)	17,9	
8043516	14757	4210531972	103	UNIVERSITY 7 #1 #07555	FARMER (SAN ANDRES)	9,8	
8043533	14776	4210531721	103	UNIVERSITY 8 #1 #07351	FARMER (SAN ANDRES)	5,8	
8043517	14758	4210531771	103	UNIVERSITY 8 #2 #07351	FARMER (SAN ANDRES)	8,0	
8043518	14759	4210532236	103	UNIVERSITY 8 #3 #07351	FARMER (SAN ANDRES)	9,5	
8043519	14760	4210532237	103	UNIVERSITY 8 #4 #07351	FARMER (SAN ANDRES)	9,8	
8043520	14761	4238331239	103	UNIVERSITY 9-G #1 #07755	FARMER (SAN ANDRES)	10,9	
8043521	14762	4238331238	103	UNIVERSITY 10 #1 #07742	FARMER (SAN ANDRES)	39,1	
8043532	14775	4231732059	103	ZANT B NO 1 #62432	ACKERLY (DEAN SAND)	28,5	TEXACO INC
*ROY H RAMSEY				RECEIVED: 07/01/80 JA: TX			
8043124	06485	4223500000	108	COCKRELL NO 2 (02565)	PANHANDLE	0,0	PHILLIPS PETROLEUM C
8043123	06484	4223500000	108	COCKRELL NO 3 (02565)	PANHANDLE	0,0	PHILLIPS PETROLEUM C
8043125	06483	4223500000	108	COCKRELL NO 4 (02565)	PANHANDLE	0,0	PHILLIPS PETROLEUM C
*SABINE PRODUCTION COMPANY				RECEIVED: 07/01/80 JA: TX			
8043112	05765	4231731922	103	MABEE B-4	BREEDLOVE SOUTH (SPRABER	20,0	PHILLIPS PETROLEUM C
8043113	05772	4231731962	103	MABEE B-5	BREEDLOVE SOUTH (SPRABER	20,0	PHILLIPS PETROLEUM C
*SABRE EXPLORATION CORP				RECEIVED: 07/01/80 JA: TX			
8043387	12407	4240130796	102	J A MILLS NO 1	LANEVILLE WEST	456,0	

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043456	13762	4240100000	102	J A MILLS NO 2	LANEVILLE WEST (TRAVIS P	365,0	
8043386	12406	4240150771	102	MONNIE HOOVER NO 1 ID 82534	LANEVILLE WEST	250,0	
•SAMSON RESOURCES COMPANY				RECEIVED: 07/01/80 JA: TX			
8043619	17111	4205703929	102	MELBOURN NO 1	STUFER (FRIO 2) FIELD	55,0	UNITED TEXAS TRANSMI
•SANCHEZ-OBRIEN MINERALS CORP				RECEIVED: 07/01/80 JA: TX			
8043310	11752	4235531287	102	BOBBY LYNN KING GAS UNIT NO 1	BOBBY LYNN KING	490,0	UNITED TEXAS TRANSMI
•SANFORD P FAGADAU				RECEIVED: 07/01/80 JA: TX			
8043484	14691	4242900000	108	C K WEST C #1 WELL 17644	ECHOLS (MARBLE FALLS)	15,0	LONE STAR GAS CO
•SCARTH OIL & GAS COMPANY				RECEIVED: 07/01/80 JA: TX			
8043556	14859	4229500000	102	#603-1 PIPER #04413	LIPSCOMB (HEPLER)	180,0	NORTHERN NATURAL GAS
•SECO PRODUCTION CO				RECEIVED: 07/01/80 JA: TX			
8043185	06886	4238300000	108	GREER 2-20 #05841	CALVIN (DEAN)	1,9	ALLIED CHEMICAL CORP
8043182	06885	4238300000	108	JALONICK #2 #05808	CALVIN (DEAN)	9,0	ALLIED CHEMICAL CORP
•SOHIO NATURAL RESOURCES CO				RECEIVED: 07/01/80 JA: TX			
8043601	16125	4202500000	102	DOUGHERTY ESTATE NO 1 WELL	PLUMMER-WILCOX (8500)	150,0	LOVACA GATHERING CO
•SOUTHLAND MINERALS CO				RECEIVED: 07/01/80 JA: TX			
8043420	12872	4212330958	103	W H RUSCHHAUPT GAS UNIT #1	MEYERSVILLE E (MASSIVE I	128,0	TEXAS EASTERN TRANSM
•STRATA ENERGY INC				RECEIVED: 07/01/80 JA: TX			
8043635	19420	4205130457	102	GLOVER ET AL UNIT #1	GIDDINGS (AUSTIN CHALK)	50,0	CLAJON GAS CO
•SUE-ANN OPERATING COMPANY				RECEIVED: 07/01/80 JA: TX			
8043611	16566	4248131726	102	VINEYARD B - NO 2	ARRINGTON (MARG)	75,0	UNITED GAS PIPE LINE
8043612	16567	4248131773	102	VINEYARD B - NO 3	ARRINGTON (MARG)	75,0	UNITED GAS PIPE LINE
8043610	16533	4248131786	102	VINEYARD B - NO 4	ARRINGTON (MARG)	75,0	UNITED GAS PIPE LINE
8043608	16531	4248131724	102	VINEYARD C UNIT 1	ARRINGTON (MARG)	75,0	UNITED GAS PIPE LINE
8043609	16532	4248131761	102	VINEYARD C UNIT 2	ARRINGTON (MARG)	75,0	UNITED GAS PIPE LINE
8043604	16423	4205130372	102	WEICHERT NO 1 12241	CALDWELL (AUSTIN CHALK)	150,0	UNI OIL INC
•SUN OIL COMPANY (DELAWARE)				RECEIVED: 07/01/80 JA: TX			
8043452	13691	4242700000	108	C M HALL NO 5	RINCON NORTH	8,0	TRANSCONTINENTAL GAS
8043426	12583	4207130921	103	R M WHITE NO 28	ANAHUAC	730,0	HOUSTON PIPELINE CO
8043362	12023	4224900000	108	SEELIGSON UNIT #1-37	SEELIGSON (ZONE 17-05)	6,0	TENNESSEE GAS PIPELI
8043363	12026	4224900000	108	SEELIGSON UNIT #42-77T	SEELIGSON (ZONE 19B-03)	3,0	TENNESSEE GAS PIPELI
8043576	15180	4217500000	108	W F ALBRECHT NO 3	BRANDT	14,0	UNITED GAS PIPE LINE
•TADCO INC				RECEIVED: 07/01/80 JA: TX			
8043291	10682	4223300000	108	CHRISTIAN (01022) NO 3	PANHANDLE HUTCHINSON	0,8	PHILLIPS PETROLEUM C
•TAURUS OIL CORP				RECEIVED: 07/01/80 JA: TX			
8043297	10958	4236332060	103	HANALSON #1	MORGAN MILLS (MARBLE FAL	43,8	
•TENNECO OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043258	08466	4217900000	108	ALBERT COMBS #1	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043261	08471	4217900000	108	ALBERT COMBS #2-A	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043254	08460	4217900000	108	ALBERT COMBS #3-A	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043256	08462	4217900000	108	ALBERT COMBS #4-A	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043257	08465	4217900000	108	ALBERT COMBS #5-A	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043255	08461	4217900000	108	ALBERT COMBS #6-A	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043260	08470	4217900000	108	ALBERT COMBS #8	PANHANDLE GRAY	1,6	PHILLIPS PETROLEUM C
8043259	08468	4221500000	108	MCALLEN FIELDWIDE UNIT NO 2-C	MCALLEN (CARD 7500)	3,0	TRUNKLINE GAS CO
8043262	08478	4237105526	108	MILLARD HOLMES NO 10	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043199	07303	4237105530	108	MILLARD HOLMES NO 15	MILLARD QUEEN	0,9	LARCO GAS CORP
8043200	07306	4237105532	108	MILLARD HOLMES NO 17	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043191	07265	4237110020	108	MILLARD HOLMES NO 23	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043201	07307	4237110096	108	MILLARD HOLMES NO 27	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043196	07285	4237110112	108	MILLARD HOLMES NO 28	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043192	07266	4237103392	108	MILLARD HOLMES NO 3	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043193	07267	4237110326	108	MILLARD HOLMES NO 30	MILLARD (QUEEN)	0,9	LARCO GAS CORP

JD NO	JA DAT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043198	07301	4237110852	108	MILLARD HOLMES NO 31	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043202	07309	4237105523	108	MILLARD HOLMES NO 4	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043195	07283	4237103393	108	MILLARD HOLMES NO 5	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043197	07300	4237105524	108	MILLARD HOLMES NO 6	MILLARD (QUEEN)	0,9	LARCO GAS CORP
8043194	07274	4237132588	105	NICHOLS YATES #17	MILLARD	1,4	LARCO GAS CORP
8043190	07264	4250131549	105	PRENTICE CLEARFORK (6700) UNIT #11*	PRENTICE CLEARFORK (6700	3,5	AMOCO PRODUCTION CO
*TEXACO INC				RECEIVED: 07/01/80 JA: TX			
8043558	14950	4232900000	102	A A BRADFORD ESTATE NCT-1 NO 1	BRADFORD RANCH (ATOKA)	0,0	EL PASO NATURAL GAS
8043613	16718	4203931291	102	A R RUCKS FEE WELL #1	DANBURY SW (12700)	730,0	NATURAL GAS PIPELINE
8043622	17575	4208130796	102	MARCH RANCH NO 9	HIGGINS RANCH (CANYON)	182,5	LONE STAR GAS CO
8043278	10026	4217900000	108	W W HARRAH #1	PANHANDLE GRAY	5,3	KERR MCGEE CORP
8043279	10035	4217900000	108	W W HARRAH #11	PANHANDLE GRAY	3,9	KERR MCGEE CORP
8043277	09961	4213500000	108	WEST JORDAN UNIT NO 902	JORDAN	43,3	PHILLIPS PETROLEUM C
*TEXAS OIL & GAS CORP				RECEIVED: 07/01/80 JA: TX			
8043631	18991	4220330659	102	ABNEY A #1	WASKOM (COTTON VALLEY)	150,0	UNITED GAS PIPE LINE
8043379	12186	4226130478	102	ERCK #14	MCGILL (9154)	264,0	TRANSCONTINENTAL GAS
*TEXLAND PETROLEUM INC				RECEIVED: 07/01/80 JA: TX			
8043339	11917	4244530647	102	BEATRICE MESTER NO 1	WARHORSE (CLEARFORK UPPE	3,0	AMOCO PRODUCTION CO
8043341	11919	4244530739	102	BEATRICE MESTER NO 2	WARHORSE (CLEARFORK UPPE	4,5	AMOCO PRODUCTION CO
8043340	11918	4244530745	102	BEATRICE MESTER NO 3	WARHORSE (CLEARFORK UPPE	3,5	AMOCO PRODUCTION CO
8043338	11916	4244530748	102	BEATRICE MESTER NO 4	WARHORSE (CLEARFORK UPPE	3,5	AMOCO PRODUCTION CO
8043327	11905	4244530697	102	DUNCAN NO 1	WARHORSE (CLEARFORK UPPE	7,0	AMOCO PRODUCTION CO
8043344	11922	4244530728	102	DUNCAN NO 2	WARHORSE (CLEARFORK UPPE	6,0	AMOCO PRODUCTION CO
8043343	11921	4244530736	102	DUNCAN NO 3	WARHORSE (CLEARFORK UPPE	3,0	AMOCO PRODUCTION CO
8043342	11920	4244530756	102	DUNCAN NO 4	WARHORSE (CLEARFORK UPPE	2,5	AMOCO PRODUCTION CO
8043329	11907	4244530636	102	ETHEL YOUNG NO 1	WARHORSE (CLEARFORK UPPE	5,5	AMOCO PRODUCTION CO
8043330	11908	4244530699	102	ETHEL YOUNG NO 2	WARHORSE (CLEARFORK UPPE	6,0	AMOCO PRODUCTION CO
8043331	11909	4244530720	102	ETHEL YOUNG NO 3	WARHORSE (CLEARFORK UPPE	4,0	AMOCO PRODUCTION CO
8043332	11910	4244530734	102	ETHEL YOUNG NO 4	WARHORSE (CLEARFORK UPPE	2,5	AMOCO PRODUCTION CO
8043321	11899	4244500000	102	GULF CUONS NO 1	WARHORSE (CLEARFORK UPPE	3,5	AMOCO PRODUCTION CO
8043322	11900	4244500000	102	GULF CUONS NO 2-A	WARHORSE (CLEARFORK UPPE	3,0	AMOCO PRODUCTION CO
8043323	11901	4244530600	102	GULF-CUONS NO 3-A	WARHORSE (CLEARFORK UPPE	2,5	AMOCO PRODUCTION CO
8043324	11902	4244530610	102	GULF-CUONS NO 4-A	WARHORSE (CLEARFORK UPPE	3,0	AMOCO PRODUCTION CO
8043325	11903	4244530613	102	GULF-CUONS NO 5-A	WARHORSE (CLEARFORK UPPE	4,5	AMOCO PRODUCTION CO
8043326	11904	4244530612	102	GULF-CUONS NO 6-A	WARHORSE (CLEARFORK UPPE	2,0	AMOCO PRODUCTION CO
8043334	11912	4244530674	102	JAMES WITHERSPOON NO 1	WARHORSE (CLEARFORK UPPE	2,5	AMOCO PRODUCTION CO
8043328	11906	4244500000	102	JAMES WITHERSPOON NO 2	WARHORSE (CLEARFORK UPPE	1,5	AMOCO PRODUCTION CO
8043337	11915	4244530615	102	KIRRIE-BELL NO 1	WARHORSE (CLEARFORK UPPE	5,0	AMOCO PRODUCTION CO
8043336	11914	4244530640	102	KIRRIE-BELL NO 2	WARHORSE (CLEARFORK UPPE	7,5	AMOCO PRODUCTION CO
8043335	11913	4244530683	102	KIRRIE-BELL NO 3	WARHORSE (CLEARFORK UPPE	5,0	AMOCO PRODUCTION CO
8043333	11911	4244530747	102	KIRRIE-BELL NO 4	WARHORSE (CLEARFORK UPPE	3,7	AMOCO PRODUCTION CO
8043320	11898	4244530643	102	MCGOWAN NO 1	WARHORSE (CLEARFORK UPPE	2,0	AMOCO PRODUCTION CO
*THE ANSCHUTZ CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043561	14978	4229731850	102	EMILY H PARKER NO 1-L (RRC ID #827*	DINERO W (5600)	180,0	VALLEY GAS TRANSMISS
8043562	14979	4229731850	102	EMILY H PARKER NO 1-U (RRC ID #827*	DINERO W (4300)	180,0	VALLEY GAS TRANSMISS
*THE SUPERIOR OIL COMPANY				RECEIVED: 07/01/80 JA: TX			
8043382	12200	4247932031	102	DANIEL FLOWES 1	WILDCAT	0,0	
*THOMAS C CANAN				RECEIVED: 07/01/80 JA: TX			
8043346	11925	4242900000	108	ALLEN NO 1 RRC NO 70781	WAYLAND	20,0	SOUTHWESTERN GAS PIP
8043345	11924	4242900000	108	CARL FAMBROUGH NO 2 NO 63954	WAYLAND	9,0	LONE STAR GAS CO
8043581	12191	4242900000	108	FAMBRO LAND & CATTLE NO 1 RRC#60758	WAYLAND	5,0	SOUTHWESTERN GAS PIP
8043380	12189	4242900000	108	SULLIVAN NO 2 RRC NO 71579	PARKS PIERCE (STRAWN)	20,0	WARREN PETROLEUM CO
8043347	11927	4242900000	108	TRACEY NO 1 RRC NO 70411	WAYLAND	9,0	SOUTHWESTERN GAS PIP
*TIPPERARY OIL AND GAS CORP				RECEIVED: 07/01/80 JA: TX			

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043486	14694	4216531692	103	C S WHITWELL #10	DOERING RANCH (SAN MIGUE	100,0	TEJAS GAS CORP
8043485	14693	4216531690	103	C S WHITWELL #9	DOERING RANCH (SAN MIGUE	0,0	TEJAS GAS CORP
•TRANSCONTINENTAL OIL CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043632	19276	4236530896	102	WIENER EST NO 1 = 85261	CARTHAGE (COTTON VALLEY)	365,0	UNITED GAS PIPELINE
8043632	19276	4236530896	103	WIENER EST NO 1 = 85261	CARTHAGE (COTTON VALLEY)	365,0	UNITED GAS PIPELINE
•TRAVELERS OIL CO				RECEIVED: 07/01/80 JA: TX			
8043235	08111	4217900000	108	BUGAN #1 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043241	08121	4217900000	108	BUGAN #3 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043240	08120	4217900000	108	BUGAN #4 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043239	08119	4217900000	108	BUGAN #5 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043238	08118	4217900000	108	BUGAN #6 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043237	08117	4217900000	108	BUGAN #7 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043236	08116	4217900000	108	BUGAN #8 03843	PANHANDLE-GRAY	3,7	PHILLIPS PETROLEUM C
8043228	08082	4217900000	108	CREEK #1 03516	PANHANDLE-GRAY	0,8	PHILLIPS PETROLEUM C
8043227	08081	4217900000	108	CREEK #3 03516	PANHANDLE-GRAY	0,8	PHILLIPS PETROLEUM C
8043226	08080	4217900000	108	CREEK #4 03516	PANHANDLE-GRAY	0,8	PHILLIPS PETROLEUM C
8043234	08104	4217900000	108	DICKEY #1 02799	PANHANDLE-GRAY	0,1	
8043233	08103	4217900000	108	ELLIS #1 04160	PANHANDLE-GRAY	0,9	PHILLIPS PETROLEUM C
8043232	08102	4217900000	108	GEM #1 04161	PANHANDLE-GRAY	2,5	PHILLIPS PETROLEUM C
8043230	08099	4217900000	108	HAYNES #11 03776	PANHANDLE-GRAY	3,5	PHILLIPS PETROLEUM C
8043231	08101	4217900000	108	HAYNES #3 03776	PANHANDLE-GRAY	3,5	PHILLIPS PETROLEUM C
8043229	08090	4217900000	108	HAYNES A #7 00486	PANHANDLE-GRAY	5,9	PHILLIPS PETROLEUM C
8043120	06445	4223300000	108	MARTIN #18 01057	PANHANDLE	4,5	PHILLIPS PETROLEUM C
8043121	06446	4223300000	108	MARTIN #21 01057	PANHANDLE	4,5	PHILLIPS PETROLEUM C
•TRIPPLEHORN OIL CO				RECEIVED: 07/01/80 JA: TX			
8043373	12059	4206500000	108	CITIES SERVICE C NO 10	PANHANDLE	1,4	CABOT CORP
8043374	12060	4206500000	108	CITIES SERVICE C NO 11	PANHANDLE	1,4	CABOT CORP
8043375	12061	4206500000	108	CITIES SERVICE C NO 12	PANHANDLE	0,0	CABOT CORP
8043376	12062	4206500000	108	CITIES SERVICE C NO 13	PANHANDLE	1,4	CABOT CORP
8043377	12063	4206500000	108	CITIES SERVICE C NO 14	PANHANDLE	1,0	CABOT CORP
8043378	12064	4206500000	108	CITIES SERVICE C NO 16	PANHANDLE	1,0	CABOT CORP
8043366	12052	4206500000	108	CITIES SERVICE C NO 3	PANHANDLE	1,0	CABOT CORP
8043367	12053	4206500000	108	CITIES SERVICE C NO 4	PANHANDLE	2,0	CABOT CORP
8043368	12054	4206500000	108	CITIES SERVICE C NO 5	PANHANDLE	1,2	CABOT CORP
8043369	12055	4206500000	108	CITIES SERVICE C NO 6	PANHANDLE	1,0	CABOT CORP
8043370	12056	4206500000	108	CITIES SERVICE C NO 7	PANHANDLE	1,8	CABOT CORP
8043371	12057	4206500000	108	CITIES SERVICE C NO 8	PANHANDLE	1,4	CABOT CORP
8043372	12058	4206500000	108	CITIES SERVICE C NO 9	PANHANDLE	1,7	CABOT CORP
8043365	12051	4206500000	108	CITIES SERVICE NO 2	PANHANDLE	1,0	CABOT CORP
8043364	12034	4223300000	108	R C WARE NO 1	PANHANDLE	0,9	GETTY OIL CO
•U S RESOURCES INC				RECEIVED: 07/01/80 JA: TX			
8043388	12408	4238730411	102	CARON #1	GIDDINGS (AUSTIN CHALK)	400,0	PGP GAS PRODUCTS INC
8043468	14496	4228730478	103	GLADYS #1	GIDDINGS (AUSTIN CHALK)	0,0	PGP GAS PRODUCTS INC
8043269	08913	4228730360	103	MARVA #1	GIDDINGS (AUSTIN CHALK)	120,0	PGP GAS PRODUCTS INC
8043311	11755	4228730430	102	TILLIE #1	GIDDINGS (AUSTIN CHALK)	360,0	PGP GAS PRODUCTS INC
•UNITED CO				RECEIVED: 07/01/80 JA: TX			
8043292	10890	4207900000	103	MARTY WRIGHT #30	LEVELLAND (SAN ANDRES)	0,0	EL PASO NATURAL GAS
8043293	10892	4207900000	103	MARTY WRIGHT #43	LEVELLAND (SAN ANDRES)	0,0	EL PASO NATURAL GAS
8043294	10893	4207900000	103	WRIGHT ESTATE #3	LEVELLAND (SAN ANDRES)	60,0	EL PASO NATURAL GAS
8043295	10895	4207900000	103	WRIGHT ESTATE #5	LEVELLAND (SAN ANDRES)	30,0	EL PASO NATURAL GAS
•W L BRUCE OPERATOR				RECEIVED: 07/01/80 JA: TX			
8043505	11618	4217900000	108	CAILIN #1 RRC 00545	PANHANDLE	0,1	PHILLIPS PETROLEUM C
8043504	11617	4217900000	108	CAILIN #5 RRC 00545	PANHANDLE	0,1	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043303	11616	4217900000	108	CATLIN #6 HRC 00345	PANHANDLE	0,1	PHILLIPS PETROLEUM C
8043307	11624	4223300000	108	JOHNSON #2 HRC 00954	PANHANDLE	0,1	TUCO
8043306	11621	4223300000	108	JOHNSON #6 HRC 00954	PANHANDLE	0,1	TUCO
*WAGNER & BROWN				RECEIVED: 07/01/80 JA: TX			
8043011	02907	4210500000	103	MILLER-HOOVER B UNIT #1-6	THOMASON (STRAWN)	180,0	NORTHERN NATURAL GAS
*WAINOCO OIL & GAS COMPANY				RECEIVED: 07/01/80 JA: TX			
8043577	15213	4240730409	102	EDWARD D DOLIVE NO 1	OAKHURST (WILCOX 9900)	300,0	UNITED GAS PIPE LINE
*WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 07/01/80 JA: TX			
8043425	12637	4210300000	108	P J LEA ET AL TR A #45	LEA SAN ANDRES	3,0	EL PASO NATURAL GAS
8043033	04761	4210331848	103	W N WADDELL ET AL #1102	SAND HILLS (JUDKINS)	1,0	M-T GATHERING CO
8043481	14656	4210332070	103	W N WADDELL ET AL TR A NO 1127	SAND HILLS N (ELLENBURGE	11,0	EL PASO NATURAL GAS
*WESTLAND OIL DEVELOPMENT CORP				RECEIVED: 07/01/80 JA: TX			
8043629	18027	4212330779	102	MCCOY HERTHA HELEN NO 1	GOMLKE NORTH (YEGUA 5370	200,0	NATURAL GAS PIPELINE
*WILLIAMS EXPLORATION COMPANY				RECEIVED: 07/01/80 JA: TX			
8043602	16129	4248330565	102	BLUNSTEIN ESTATE #1	N W MILLS RANCH	55,0	NATURAL GAS PIPELINE
8043605	16452	4248330566	102	CALCOTE #1	N W MILLS RANCH	36,0	NATURAL GAS PIPELINE
*WOOD OIL CO				RECEIVED: 07/01/80 JA: TX			
8043022	04427	4223700000	108	DEES C #1	BOONESVILLE BEND	10,0	LONE STAR GAS CO
*WOODS PETROLEUM CORPORATION				RECEIVED: 07/01/80 JA: TX			
8043457	13766	4229530517	103	WYNN #1	S E FOLLETT (MORROW)	73,0	NORTHERN NATURAL GAS

OTHER PURCHASERS

8043040	PERMIAN CORP
8043041	PERMIAN CORP
8043042	PERMIAN CORP
8043043	PERMIAN CORP
8043114	RAEL GAS CO
8043115	TEXAS UTILITIES FUEL CO
8043186	COLUMBIA GAS TRANSMISSION CO
8043188	COLUMBIA GAS TRANS CO
8043216	TEXAS UTILITIES FUEL CO
8043217	TEXAS UTILITIES FUEL CO
8043249	WARREN PETROLEUM CO
8043282	RAEL GAS CO
8043283	RAEL GAS CO
8043284	RAEL GAS CO
8043285	RAEL GAS CO
8043286	RAEL GAS CO
8043287	RAEL GAS CO
8043288	RAEL GAS CO
8043289	RAEL GAS CO
8043290	RAEL GAS CO
8043319	PANHANDLE EASTERN PIPELINE CO
8043445	PIONEER TRANSMISSION CORP
8043451	TENNESSEE GAS PIPELINE CO
8043535	LONE STAR GAS CO
8043553	PIONEER NATURAL GAS CO

[FR Doc. 80-22823 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-C

[Vol. 243]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued July 24, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before August 15, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC = WELL NAME	FIELD NAME	PROD	PURCHASER
********** KANSAS CORPORATION COMMISSION **********						
=AMOCO PRODUCTION CO			RECEIVED: 06/26/80 JA: KS			
8043654	K-79-0761	1509300000	108 BARROW GAS UNIT #1	HUGOTON CHASE	18,0	CITIES SERVICES GAS
8043656	K-79-0769	1509300000	108 SEIBERT GAS UNIT #1	HUGOTON CHASE	8,0	CITIES SERVICE GAS C
8043657	K-79-1777	1518700000	108 TOOMEY GAS UNIT #1	HUGOTON	20,0	CITIES SERVICE GAS C
=ANADARKO PRODUCTION COMPANY			RECEIVED: 06/26/80 JA: KS			
8043653	K-79-1929	1517520404	102 MITCH G NO 1	SHUCK	104,0	ANADARKO PRODUCTION
=CHAMPLIN PETROLEUM COMPANY			RECEIVED: 06/26/80 JA: KS			
8043655	K-79-1382	1505500000	108 ANDERSON #1	HUGOTON	12,0	KANSAS-NEBRASKA NATU
********** LOUISIANA OFFICE OF CONSERVATION **********						
=BERT FIELDS JR			RECEIVED: 06/26/80 JA: LA			
8043819	80-2256	1701721930	108 W B HUDSON #2	GREENWOOD-WASKOM	0,5	TEXAS EASTERN TRANSM
=BLACK BAYOU MANAGEMENT CO INC			RECEIVED: 06/26/80 JA: LA			
8043863	80-2299	1702120511	102 WX RB SUA ULINKRAFT C #2	NEWPORT	72,0	UNITED GAS PIPE LINE
8043826	80-2298	1702120585	102 2160 RA SUB ULINKRAFT 663 #2	NEWPORT	70,0	UNITED GAS PIPE LINE
=CEKA GAS CORP			RECEIVED: 06/26/80 JA: LA			
8043787	80-2305	1711121435	108 HSA NO 7	MONROE	21,0	INTERNATIONAL MINERA
=CHEVRON U S A INC			RECEIVED: 06/26/80 JA: LA			
8043823	80-2258	1712120107	107 19800 TUSC RA SUG O L CRAWLEY #2	FALSE RIVER	0,4	SUGAR BOWL GAS CORP
8043824	80-2257	1712120098	107 19800 TUSC RA SUJ F E FARWELL 2	FALSE RIVER	0,5	
=EQUITABLE PETROLEUM CORP			RECEIVED: 06/26/80 JA: LA			
8043780	80-2312	1711120372	108 EXXON E NO 12 SERIAL NO 144091	MONROE	0,9	GAS TRANSPORTATION C
8043781	80-2311	1707320657	108 F FUDICKAR G NO 3	MONROE	11,0	MID LOUISIANA GAS CO
=ERGON INC			RECEIVED: 06/26/80 JA: LA			
8043782	80-2310	1711121933	103 MATTHEW W TAYLOR ET AL NO 2	MONROE	7,7	TEXAS GAS TRANSMISSI
8043783	80-2309	1711122185	103 P N EDWARDS NO 2	MONROE	9,3	TEXAS GAS TRANSMISSI
8043784	80-2308	1711121994	103 VUA JOE E BROWN JR ET AL NO 1	MONROE	9,3	TEXAS GAS TRANSMISSI
=FOUR STAR DEVELOPMENT CORPORATION			RECEIVED: 06/26/80 JA: LA			
8043786	80-2306	1711121908	108 RAE-GREEN #2	MONROE	3,8	PETRO-LEWIS CORP
=FRANKS & BROYLES ET AL			RECEIVED: 06/26/80 JA: LA			
8043820	80-2255	1701320365	102 MOSS 7900 RA SUA SUU NATL GAS NO 1	BEAR CREEK	90,0	SOUTHERN NATURAL GAS
=GAS TRANSPORTATION CORPORATION			RECEIVED: 06/26/80 JA: LA			
8043847	80-2326	1711122169	103 GTC-DIGBY NO 1	MONROE	5,0	PETRO-LEWIS FUNDS IN
8043850	80-2323	1711122207	103 GTC-HOLLOWAY NO 1	MONROE	4,5	PETRO-LEWIS FUNDS IN
8043768	80-2322	1711122208	103 GTC-HOLLOWAY NO 2	MONROE	4,6	PETRO-LEWIS FUNDS IN
8043848	80-2325	1711122155	103 GTC-L NOLAN NO 1	MONROE	4,5	PETRO-LEWIS FUNDS IN
8043849	80-2324	1711122156	103 GTC-L NOLAN NO 2	MONROE	4,5	PETRO-LEWIS FUNDS IN
8043846	80-2327	1711122178	103 GTC-L NOLAN NO 3	MONROE	4,5	PETRO-LEWIS FUNDS IN
8043797	80-2332	1711122009	108 RABUN NO 1	MONROE	2,6	PETRO-LEWIS FUNDS IN
8043796	80-2333	1711122013	108 RABUN NO 2	MONROE	2,6	PETRO-LEWIS FUNDS IN
8043795	80-2334	1711122074	108 RABUN NO 3	MONROE	2,6	PETRO-LEWIS FUNDS IN
8043794	80-2335	1711122049	108 STOVALL NO 1	MONROE	2,7	PETRO-LEWIS FUNDS IN
8043845	80-2328	1711122076	108 STOVALL NO 2	MONROE	2,7	PETRO-LEWIS FUNDS IN
8043798	80-2331	1711122072	108 STOVALL NO 3	MONROE	2,5	PETRO-LEWIS FUNDS IN
8043844	80-2329	1711122014	108 STOVALL NO 4	MONROE	2,6	PETRO-LEWIS FUNDS IN
8043843	80-2330	1711122077	108 STOVALL NO 5	MONROE	2,6	PETRO-LEWIS FUNDS IN
=HADDOX PETROLEUM CORP			RECEIVED: 06/26/80 JA: LA			
8043827	80-2300	1702120611	102 WX RB SUB ULINKRAFT 688 #1	NEWPORT	0,0	MID LOUISIANA GAS CO
=HOGAN DRILLING COMPANY INC			RECEIVED: 06/26/80 JA: LA			
8043808	80-2287	1702120592	102 HADDEN RA SU B A A BRADDOCK	PISTOL THICKET	180,0	LOUISIANA INTRASTATE

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
8043807	80-2288	1702120589	102	J C BRADDUCK NO 1	WILDCAT	180,0	LOUISIANA INTRASTATE
8043860	80-2289	1702120593	102	OLINKRAFT 684 NO 1	WILDCAT	180,0	LOUISIANA INTRASTATE
*IMC EXPLORATION COMPANY				RECEIVED: 06/26/80 JA: LA			
8043800	80-2344	1706721477	108	BALL #N-258	MONROE	3,0	GEORGIA PACIFIC CORP
8043799	80-2345	1711122043	108	GRAYLING #N-256	MONROE GAS FIELD	14,0	IMC PIPELINE CO INC
8043851	80-2341	1711120096	108	GRAYLING LUMBER CO #N-89	MONROE GAS FIELD	16,0	IMC PIPELINE CO INC
8043801	80-2343	1706721493	108	J B MILES #F-318	MONROE GAS FIELD	16,0	IMC PIPELINE CO INC
8043802	80-2342	1706721494	108	J B MILES #F-319	MONROE GAS FIELD	10,0	IMC PIPELINE CO INC
8043854	80-2338	1711122062	108	L M LANKFORD #4	MONROE GAS FIELD	12,0	IMC PIPELINE CO INC
8043855	80-2336	1711122039	108	LA GAS LANDS #23	MONROE GAS FIELD	5,0	IMC PIPELINE CO INC
8043821	80-2337	1711121627	108	OLIN GAS TRANSMISSION CO #67	MONROE GAS FIELD	18,0	IMC PIPELINE CO INC
8043852	80-2340	1711122028	108	OLIN GAS TRANSMISSION CO #72	MONROE GAS FIELD	17,6	IMC PIPELINE CO INC
8043853	80-2339	1711122051	108	W N REPPUND #2	MONROE GAS FIELD	10,0	IMC PIPELINE CO INC
*LEROY W JAMES				RECEIVED: 06/26/80 JA: LA			
8043862	80-2297	1712720705	102	WX RA SUB MAXWEL SMITH #1	SPRING CREEK	90,0	UNITED GAS PIPE LINE
*MID LOUISIANA GAS COMPANY				RECEIVED: 06/26/80 JA: LA			
8043814	80-2362	1711121829	103	MLGC FEE GAS #766	MONROE GAS FIELD	40,7	MID LOUISIANA GAS CO
8043859	80-2371	1711121830	103	MLGC FEE GAS #767	MONROE GAS FIELD	60,1	MID LOUISIANA GAS CO
8043813	80-2363	1711121843	103	MLGC FEE GAS #777	MONROE GAS FIELD	41,8	MID LOUISIANA GAS CO
8043812	80-2364	1711121844	103	MLGC FEE GAS #778	MONROE GAS FIELD	48,6	MID LOUISIANA GAS CO
*MITCHELL ENERGY CORPORATION				RECEIVED: 06/26/80 JA: LA			
8043841	80-2290	1707320910	102	BRIMBERRY #1 154725	CALHOUN	190,0	LOUISIANA GAS PURCHA
8043773	80-2293	1704920095	102	E M FINLEY #1 158278	CALHOUN	150,0	LOUISIANA GAS PURCHA
8043769	80-2291	1704920108	102	GASTON #1 161938	CALHOUN	180,0	LOUISIANA GAS PURCHA
*8043828	80-2292	1707320963	102	WILLAMETTE #1 155741	CALHOUN	30,0	ARKANSAS LOUISIANA G
*PENNZOIL PRODUCING COMPANY				RECEIVED: 06/26/80 JA: LA			
8043822	80-2350	1711121521	108	FEE 104 NU 2	MONROE	18,0	UNITED GAS PIPE LINE
8043810	80-2347	1711121510	108	FEE 61 NU 29	MONROE	24,0	UNITED GAS PIPE LINE
8043811	80-2346	1711121522	108	FEE 61 NU 30	MONROE	8,0	UNITED GAS PIPE LINE
8043803	80-2354	1711121562	108	FEE 61 NU 35	MONROE	19,0	UNITED GAS PIPE LINE
8043804	80-2353	1711121513	108	FEE 61 NU 37	MONROE	22,0	UNITED GAS PIPE LINE
8043805	80-2352	1711121524	108	FEE 61 NU 42	MONROE	21,0	UNITED GAS PIPE LINE
8043806	80-2351	1711121516	108	FEE 61 NU 43	MONROE	18,0	UNITED GAS PIPE LINE
8043857	80-2361	1711121577	108	FEE 61 NU 44	MONROE	14,0	UNITED GAS PIPE LINE
8043858	80-2360	1711121578	108	FEE 61 NU 46	MONROE	20,0	UNITED GAS PIPE LINE
8043856	80-2349	1707300000	108	OUA-SMITH NO 5	MONROE	22,0	UNITED GAS PIPE LINE
8043793	80-2260	1702321238	107	S L 2340 ROCKEFELLER NO 18	DEEP LAKE	1500,0	UNITED GAS PIPE LINE
8043792	80-2261	1702321366	107	S L 2340 ROCKEFELLER NO 19	DEEP LAKE	600,0	UNITED GAS PIPE LINE
8043809	80-2348	1707300034	108	SMITH NO 10	MONROE	21,0	UNITED GAS PIPE LINE
8043829	80-2286	1701501542	108	VUA SECTION 13 NU 4	SLIGO	12,0	UNITED GAS PIPE LINE
*PRIMOS PRODUCTION CO				RECEIVED: 06/26/80 JA: LA			
8043776	80-2282	1706721122	108	TENSAS DELTA A #13	MONROE	15,3	UNITED GAS PIPELINE
8043775	80-2283	1706721123	108	TENSAS DELTA A #14	MONROE	15,3	UNITED GAS PIPELINE
8043774	80-2284	1706721126	108	TENSAS DELTA A #16	MONROE	15,3	UNITED GAS PIPELINE
8043772	80-2285	1706721127	108	TENSAS DELTA A #67	MONROE	15,3	UNITED GAS PIPELINE
8043834	80-2268	1706721167	108	TENSAS DELTA C #10	MONROE	15,3	UNITED GAS PIPELINE
8043831	80-2271	1706721168	108	TENSAS DELTA C #11	MONROE	15,3	UNITED GAS PIPELINE
8043766	80-2273	1706721225	108	TENSAS DELTA C #14	MONROE	15,3	UNITED GAS PIPELINE
8043760	80-2278	1706721226	108	TENSAS DELTA C #15	MONROE GAS FIELD	15,3	UNITED GAS PIPELINE
8043835	80-2267	1706721253	108	TENSAS DELTA C #18	MONROE	15,2	UNITED GAS PIPELINE
8043839	80-2263	1706721108	108	TENSAS DELTA C #2	MONROE	15,2	UNITED GAS PIPELINE
8043838	80-2264	1706721109	108	TENSAS DELTA C #3	MONROE	15,2	UNITED GAS PIPELINE
8043837	80-2265	1706721110	108	TENSAS DELTA C #4	MONROE	15,2	UNITED GAS PIPELINE

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043836	80-2266	1706721114	108	TENSAS DELTA C #5	MONROE	15,2	UNITED GAS PIPELINE
8043833	80-2269	1706721119	108	TENSAS DELTA C #6	MONROE	15,3	UNITED GAS PIPELINE
8043840	80-2262	1706721107	108	TENSAS DELTA C-1	MONROE	15,2	UNITED GAS PIPELINE
8043763	80-2276	1706721169	108	TENSAS DELTA C-12	MONROE	13,7	UNITED GAS PIPELINE
8043830	80-2272	1706721224	108	TENSAS DELTA C-13	MONROE	15,3	UNITED GAS PIPELINE
8043761	80-2279	1706721227	108	TENSAS DELTA C-16	MONROE	15,3	UNITED GAS PIPELINE
8043777	80-2281	1706721254	108	TENSAS DELTA C-19	MONROE	1,5	UNITED GAS PIPELINE
8043778	80-2280	1706721309	108	TENSAS DELTA C-21	MONROE	15,4	UNITED GAS PIPELINE
8043832	80-2270	1706721125	108	TENSAS DELTA C-9	MONROE	15,3	UNITED GAS PIPELINE
8043762	80-2277	1706721120	108	TENSAS DELTA C#7	MONROE	15,3	UNITED GAS PIPELINE
8043764	80-2275	1706721220	108	TENSAS DELTA D #13	MONROE GAS FIELD	3,9	UNITED GAS PIPE LINE
8043765	80-2274	1706721221	108	TENSAS DELTA D #4	MONROE GAS FIELD	3,9	UNITED GAS PIPE LINE
*ROY M TEEL				RECEIVED: 06/26/80 JA: LA			
8043790	80-2302	1707321235	103	NACHTRIEB #10	MONROE GAS ROCK FIELD	8,8	IMC PIPELINE CO INC
8043791	80-2301	1707321234	103	NACHTRIEB #11	MONROE GAS ROCK FIELD	8,8	IMC PIPELINE CO INC
*TEEL 78 A				RECEIVED: 06/26/80 JA: LA			
8043818	80-2315	1706721462	103	KENO A #11	MONROE GAS ROCK FIELD	3,7	IMC PIPELINE CO INC
8043788	80-2304	1706721456	103	KENO A 9	MONROE GAS ROCK FIELD	18,3	IMC PIPELINE CO INC
8043842	80-2314	1706721401	103	SANDIDGE A #6	MONROE GAS ROCK	20,1	UNITED GAS PIPELINE
*TEEL 79 A				RECEIVED: 06/26/80 JA: LA			
8043817	80-2316	1707321207	103	NACHTRIEB A #1	MONROE GAS ROCK FIELD	15,7	IMC PIPELINE CO INC
8043816	80-2317	1707321208	103	NACHTRIEB A #2	MONROE GAS ROCK FIELD	32,1	IMC PIPELINE CO INC
8043789	80-2303	1707321209	103	NACHTRIEB A #3	MONROE GAS ROCK FIELD	1,9	IMC PIPELINE CO INC
8043815	80-2318	1707321230	103	NACHTRIEB A #4	MONROE GAS ROCK FIELD	9,9	IMC PIPELINE CO INC
8043767	80-2319	1707321231	103	NACHTRIEB A #5	MONROE GAS ROCK FIELD	19,7	IMC PIPELINE CO INC
*THE LOUISIANA LAND & EXPLORATION CO				RECEIVED: 06/26/80 JA: LA			
8043825	80-2259	1712120088	107	19800 TUSC RB SUF J KISSNER NO 1-1*	FALSE RIVER FIELD	730,0	FLORIDA GAS TRANSMIS
*THOMAS AITKEN INC				RECEIVED: 06/26/80 JA: LA			
8043785	80-2307	1711120384	108	OLINKRAFT #1	MONROE	9,7	IMC PIPELINE CO INC
*TRIDENT OIL AND GAS CORPORATION				RECEIVED: 06/26/80 JA: LA			
8043770	80-2296	1712720801	102	WX RA SUC SMITH #1	SPRING CREEK	86,0	UNITED GAS PIPE LINE
8043771	80-2294	1702120599	102	2100 RA SUC NEWSOM ESTATE #1	NEWPORT	60,0	UNITED GAS PIPE LINE
8043861	80-2295	1702120454	102	2280 RA SUD OLINKRAFT #2	NEWPORT	62,0	UNITED GAS PIPE LINE
*VIKING RESOURCES CORPORATION				RECEIVED: 06/26/80 JA: LA			
8043779	80-2313	1707321369	103	W T LEE #1	MONROE	15,0	MID-LOUISIANA GAS CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
*ARCO OIL AND GAS COMPANY				RECEIVED: 06/27/80 JA: NM			
8043661		3002526624	103	STATE 157 D WELL #13	DRINKARD	40,0	WARREN PETROLEUM CO
*CAMPBELL & HEDRICK				RECEIVED: 06/27/80 JA: NM			
8043658		3002500000	108	CAMPBELL & HEDRICK CURRY #1	EUMONT YATES-SEVEN RIVER	11,0	PHILLIPS PETROLEUM C
*CARBON ENERGY INC				RECEIVED: 06/27/80 JA: NM			
8043660		3002500000	103	SHELL STATE WELL NO 1	EUMONT	19,0	NORTHERN NATURAL GAS
*LEWIS B BURLESON				RECEIVED: 06/27/80 JA: NM			
8043659		3002526631	103	SHAHAN #1	LANGLIE MATTIX	50,0	EL PASO NATURAL GAS
*TENNECO OIL COMPANY				RECEIVED: 06/27/80 JA: NM			
8043663		3001522956	102	STATE ML 11 #1	TURKEY TRACK (ATOKA)	1080,0	TUCO INC
*THE SUPERIOR OIL COMPANY				RECEIVED: 06/27/80 JA: NM			
8043662		3002526369	103	GOVERNMENT L COM NO 2	SOUTH BELL LAKE (MORROW)	0,0	TRANSWESTERN PIPELIN
OHIO DEPARTMENT OF NATURAL RESOURCES							
*ALL STATES OIL & PRODUCING CO INC				RECEIVED: 06/27/80 JA: OH			

JD NO	JA DKT	API NO	SEC	*	WELL NAME	FIELD NAME	PROD	PURCHASER
8043686		3410322247	103		CODDING NO #1	CLINTON	11,0	COLUMBIA GAS TRANSMI
*ALSID OIL & GAS DEVELOPMENT CO					RECEIVED: 06/27/80 JA: OH			
8043724		3412122227	103		#1 BOND 687	QUEENSTON	20,0	
8043726		3412122229	103		#2 BOND (696)	CLINTON	20,0	
8043745		3415723458	103		ARTH #1	SALEM	20,0	
8043675		3405922658	103		MITCHELL #1	QUEENSTON	20,0	
8043684		3409921018	103		MYERS #1	QUEENSTON	20,0	
8043685		3409921198	103		SCHISLER #1	CLINTON	20,0	
8043725		3412122228	103		WILLIAMS-BOND #1 (696)	CLINTON	20,0	
*ALTHEIRS OIL INC					RECEIVED: 06/27/80 JA: OH			
8043732		3412724696	103		BESSIE SIMS #1	BEARFIELD TWP	4,0	COLUMBIA GAS CORP
8043730		3412724553	103		SIDWELL BROS #1	MONDAY CREEK TWP	6,0	NICO-FIBERS INC
*APPALACHIAN ENERGY INC					RECEIVED: 06/27/80 JA: OH			
8043669		3401320314	103		P DEMARCO #2 A-E-149	BEREA	30,0	COLUMBIA GAS TRANSMI
8043668		3401320306	103		R COWEN #2 A-E-147	BEREA	30,0	COLUMBIA GAS TRANSMI
*APPALACHIAN PETROLEUM CORP					RECEIVED: 06/27/80 JA: OH			
8043759		3416725474	103		CLARENCE CUFFMAN #1	ADAMS	3,5	COLUMBIA GAS TRANSMI
8043697		3416725475	103		CLARENCE CUFFMAN #2	BEREA	3,5	COLUMBIA GAS TRANSMI
8043698		3416725477	103		CLARENCE CUFFMAN #4	BEREA	3,5	COLUMBIA GAS TRANSMI
8043699		3416725478	103		CLARENCE CUFFMAN #5	BEREA	3,5	COLUMBIA GAS TRANSMI
8043700		3416725479	103		CLARENCE CUFFMAN #6	BEREA	3,5	COLUMBIA GAS TRANSMI
8043701		3416725480	103		CLARENCE CUFFMAN #7	BEREA	3,5	COLUMBIA GAS TRANSMI
*BEREA OIL AND GAS CORPORATION					RECEIVED: 06/27/80 JA: OH			
8043743		3415521350	102		MALINER #1	BROOKFIELD	15,0	COLUMBIA GAS TRANSMI
8043742		3415521345	102		MURCKO #4	BROOKFIELD	19,5	COLUMBIA GAS TRANSMI
8043741		3415521315	103		WOOD #1	VIENNA	30,0	EAST OHIO GAS CO
*BERMAN J SHAFER					RECEIVED: 06/27/80 JA: OH			
8043681		3407522495	103		S & E KEIM #1	QUEENSTON	25,0	COLUMBIA GAS TRANSMI
*BERRESFORD ENTERPRISES INC					RECEIVED: 06/27/80 JA: OH			
8043756		3416725245	103		D ZIMMERMAN #1	RAINBOW & WATERFORD	15,0	
*BETHEL RESOURCES INC					RECEIVED: 06/27/80 JA: OH			
8043696		3416922303	103		GEORGE & BEULAH MILLER #4	CLINTON	12,0	COLUMBIA GAS TRANSMI
8043703		3416922302	103		GEORGE & BEULAH MILLER #5	CLINTON	12,0	COLUMBIA GAS TRANSMI
8043680		3407522525	103		GLEN SCHLEGEL #1	CLINTON	12,0	COLUMBIA GAS TRANSMI
8043702		3416922301	103		ROBERT & CATHERINE OSMUNDSEN #1	CLINTON	12,0	COLUMBIA GAS TRANSMI
*BUCKEYE OIL PRODUCING CO					RECEIVED: 06/27/80 JA: OH			
8043672		3403123640	103		MILLER UNIT #1	ROSE RUN	60,0	EAST OHIO GAS CO
*COLLINS-MCGREGOR OPERATING COMPANY					RECEIVED: 06/27/80 JA: OH			
8043752		3416725086	107		DARRELL CLINE #1		7,3	COLUMBIA GAS TRANSMI
8043751		3416725064	107		ELIZABETH B YONALLY #1	LUDLOW	7,3	COLUMBIA GAS TRANSMI
8043753		3416725103	107		GERTRUDE ABICHT #1	INDEPENDENCE	912,5	RIVER GAS CO
8043664	07828	3416724649	107		JOHN GRIMES #1	GORDON	10,0	COLUMBIA GAS TRANSMI
*DORAN & ASSOCIATES INC					RECEIVED: 06/27/80 JA: OH			
8043733		3412724743	103		HOUSEHOLDERS #1A	JACKSON	12,0	COLUMBIA GAS TRANSMI
*GEO ENERGY INC					RECEIVED: 06/27/80 JA: OH			
8043712		3411924566	103		K W & E R MOSSHOLDER #1	CLINTON	15,0	
8043719		3411925037	103		MCINTIRE #3	MEDINA	5,0	
*GIANT PETROLEUM CORPORATION					RECEIVED: 06/27/80 JA: OH			
8043666		3400721076	103		HALLIE HODGE - UNIT - WELL #1	CLINTON	20,0	EAST OHIO GAS CO
*GULL LAKE ENERGY RESOURCES C/O IRD					RECEIVED: 06/27/80 JA: OH			
8043679		3407522249	103		ROMAN AND EVELYN STUTZMAN #1-78	CLINTON	2,0	
*HAROLD SPARKS					RECEIVED: 06/27/80 JA: OH			
8043683		3408322722	103		CLUTTER #1	CLINTON	0,0	COLUMBIA GAS TRANS

JD NO	JA DAT	API NO	SEC	*	WELL NAME	FIELD NAME	PROD	PURCHASER
8043682		3408322642	103		HAMELTON #4	CLINTON	5,0	COLUMBIA GAS TRANSMI
*J P SIGLER INC					RECEIVED: 06/27/80 JA: OH			
8043727		3412122287	103		SHEPHERD #1	ELK	20,0	COLUMBIS GAS CO
8043728		3412122287	107		SHEPHERD #1	ELK	20,0	COLUMBIA GAS TRANSMI
8043677		3405922706	103		TOSTENSON #1	QUEENSTON	40,0	EAST OHIO GAS CO
8043678		3405922707	103		TOSTENSON #2	QUEENSTON	40,0	EAST OHIO GAS CO
*L & M OPERATING INC					RECEIVED: 06/27/80 JA: OH			
8043670		3401921299	103		WATSON #2	CLINTON	1,5	BONANZA GAS LINE
*L & M PETROLEUM					RECEIVED: 06/27/80 JA: OH			
8043749		3416724908	103		CHARLES LOWE #1	FEARING	12,7	COLUMBIA GAS TRANSMI
8043754		3416725151	103		ELMER MILLER #1	FEARING	12,7	COLUMBIA GAS TRANSMI
8043755		3416725235	103		HAROLD DAY #1-A	FEARING	12,7	COLUMBIA GAS TRANSMI
8043750		3416725020	103		KENNETH OWEN #1	FEARING	12,7	COLUMBIA GAS TRANSMI
*LEADER EQUITIES INC					RECEIVED: 06/27/80 JA: OH			
8043714		3411924849	103		ARNOLD & EULALIA HUTSON #1	CLINTON	15,0	
8043716		3411924908	103		CHAD & JANET FUGLE #1	CLINTON	15,0	
8043711		3411924556	103		CHARLES & CAROL MITCHELL #1	CLINTON	15,0	
8043713		3411924741	103		CHARLES & VIRGINIA LUTZ #1	CLINTON	15,0	
8043690		3411923772	103	D	CHARLES FERRELL #1	CLINTON	15,0	
8043691		3411923876	103		CHARLES FERRELL #2	CLINTON	15,0	
8043695		3411924150	103		EMMA M KING #1	CLINTON	15,0	
8043715		3411924853	103		ERNEST & CAROLYN COCHRAN #1	CLINTON	15,0	
8043694		3411924149	103		FLOYD M & MILDRED L BICE #1	CASS	15,0	
8043708		3411924397	103		FLOYD M & MILDRED L BICE #2	CLINTON	15,0	
8043710		3411924533	103		G THOMAS & MARGARET ARUNHALT #1	CLINTON	15,0	
8043709		3411924425	103		GARY R & JEANNETTE M BORDER #1	CLINTON	15,0	
8043718		3411924973	103		GIRL SCOUTS #1	CLINTON	15,0	
8043721		3411925219	103		IVAN E JOHNSON #3	CLINTON	15,0	COLUMBIA GAS TRANSMI
8043706		3411924330	103		IVAN E JOHNSON ET AL #1	CLINTON	15,0	
8043676		3405922704	103		J R RONSHAUSEN #1	CLINTON	15,0	
8043707		3411924332	103		LESLIE J BRILL ET AL #1	CLINTON	15,0	
8043720		3411925121	103		M MCBRIDE #1	CLINTON	15,0	
8043705		3411924290	103		MARGARET R KNICELY #1	CLINTON	15,0	
8043717		3411924929	103		MONROE & AVERILL ALLEN #1	CLINTON	15,0	
8043692		3411924004	103		SAMUEL B MARTIN #1	CLINTON	15,0	
8043693		3411924047	103		SAMUEL MARTIN ET AL #2	CLINTON	15,0	
*LIBERTY OIL & GAS CORP					RECEIVED: 06/27/80 JA: OH			
8043688		3410521861	103		D E MILLER #1	BEREA	19,0	COLUMBIA GAS TRANSMI
8043687		3410521859	103		RAY WEAVER #2	BEREA	18,0	COLUMBIA GAS TRANSMI
*ORION ENERGY CORP					RECEIVED: 06/27/80 JA: OH			
8043748		3415723493	103		D FELGENHAUER UNIT #2	LAWENCE	15,0	
8043747		3415723491	103		FLICKINGER #1	FRANKLIN	10,0	
*PATRICK T DONNELLY DVA	LANDPROVEST				RECEIVED: 06/27/80 JA: OH			
8043723		3411925259	103		WARDEN WEST #3A	PERRY	25,0	
*PDI ENERGY INC					RECEIVED: 06/27/80 JA: OH			
8043667		3400721093	103		GRANT #1	CLINTON	20,0	
8043734		3413321890	102	D	PIERCE #1	FRANKLIN	30,0	
8043738		3415320686	102		SHAW #1	HUDSON	35,0	
8043737		3415320668	102		THOMAS-DREW #1	HUDSON	30,0	
*QUADRANT EXPLORATION					RECEIVED: 06/27/80 JA: OH			
8043758		3416725469	103		E A HARRIS #2	LAWRENCE	50,0	
8043757		3416725386	103		LAWRENCE M SMITH #4	LAWERENCE	60,0	
*RICHARD C MEYER					RECEIVED: 06/27/80 JA: OH			

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
8043673		3405123678	103	HAZEL MYERS NO 1	BLISSFIELD-NORTH	3,0	NATIONAL GAS & OIL C
*SENECA ENERGY CORP				RECEIVED: 06/27/80 JA: OH			
8043674		3405123824	103	MYERS #2	CLINTON	58,0	COLUMBIA GAS TRANSMI
*SUPERIOR PETROLEUM SERVICES INC				RECEIVED: 06/27/80 JA: OH			
8043739		3415521140	103	HUGHES #1	FARMINGTON	23,0	EAST OHIO GAS CO
8043740		3415521141	103	KONDULEAN-BENNETT #2	FARMINGTON	23,0	EAST OHIO GAS CO
*THE BENATTY CORPORATION				RECEIVED: 06/27/80 JA: OH			
8043689		3411521751	102	L & C HUCK UNIT #1	MEDINA	25,0	COLUMBIA GAS TRANSMI
*THE CLINTON OIL CO				RECEIVED: 06/27/80 JA: OH			
8043704		3411924156	103	PAUL MILLER #1	CLINTON	175,0	
8043671		3405123421	103	PEABODY COAL #2	CLINTON	2,0	NATIONAL GAS AND OIL
8043722		3411925251	103	R HECKEL #1	CLINTON	100,0	
*THE MUTUAL OIL & GAS COMPANY				RECEIVED: 06/27/80 JA: OH			
8043729		3412724338	103	DANISON #3	CLINTON	5,0	COLUMBIA GAS TRANSMI
8043746		3415723459	103	EDWARDS 18	SANDY	10,0	BUCKEYE FRANKLIN CO
*THE OXFORD OIL CO				RECEIVED: 06/27/80 JA: OH			
8043665	07895	3411121886	107	GERALD WILLIAMSON 1-5	GORDON	9,0	
8043744		3415723308	103	MARKLEY-FRY UNIT #1	SANDY	10,0	
*THOMAS L SPOHN				RECEIVED: 06/27/80 JA: OH			
8043731		3412724670	103	BURDETTE FITZPATRICK #4	CLAYTON	12,0	NATIONAL GAS & OIL C
*VIKING RESOURCES CORPORATION				RECEIVED: 06/27/80 JA: OH			
8043735		3415322185	103	ENGLAND UNIT #1	ATWATER	30,0	
8043736		3413322186	103	ENGLAND UNIT #2	ATWATER	30,0	

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OKLAHOMA CORPORATION COMMISSION

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*AMAREX INC				RECEIVED: 06/26/80 JA: OK			
8043652	04218	3512920320	107	BARRY #1	SOUTH REYDON PROSPECT	0,0	KANSAS NEBRASKA NATU
*ARCO OIL AND GAS COMPANY				RECEIVED: 06/26/80 JA: OK			
8043646	04076	3504721790	103	K ZALOUDEK #1	EAST HILLSDALE	73,0	
*D & H OIL INC				RECEIVED: 06/26/80 JA: OK			
8043636	04270	3510332086	103	BROWNBACK #3	EAST POLO	54,8	ARCO
*FRANK UNEAL				RECEIVED: 06/26/80 JA: OK			
8043647	04204	3513721452	103	WILLIS A #2	SHU-VEL-TUM	21,2	
*HOOVER & BRACKEN ENERGIES				RECEIVED: 06/26/80 JA: OK			
8043635	04274	3500721605	103	SCHOENHALS UNIT #1-20	S W COMO	0,0	PHILLIPS PETROLEUM C
*MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED: 06/26/80 JA: OK			
8043639	04271	3509321433	103	HOLMES #1-23	SOUTH TOGA	165,0	MICHIGAN WISCONSIN P
*MUSTANG PRODUCTION CO,				RECEIVED: 06/26/80 JA: OK			
8043640	04281	3501120804	103	BARRINGER #1-12	N SQUAW CREEK	660,0	OKLAHOMA GAS & ELECT
8043641	04280	3501120910	103	COOLEY #1-31	S W GEARY	200,0	OKLAHOMA GAS & ELECT
8043643	04283	3501120814	103	HAIGLER #1-17	N W WATONGA	350,0	OKLAHOMA GAS & ELECT
8043642	04278	3501520808	103	WEST #1-7	S BRIDGEPORT	500,0	MICHIGAN WISCONSIN P
*PETROLEUM INC				RECEIVED: 06/26/80 JA: OK			
8043648	04265	3508720413	103	WOOD UNIT B #1	W COLE	150,0	LONE STAR GAS CO
*PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/26/80 JA: OK			
8043644	04297	3504900000	108	BUNNER D #1	GOLDEN TREND	19,2	WARREN PETROLEUM COM
8043650	04286	3500700000	108	DEMING A NO 1	S E COMO TONKAWA	3,0	EL PASO NATURAL GAS
*R & N ASSOCIATES - G M NEUBERT AGT				RECEIVED: 06/26/80 JA: OK			
8043651	04268	3508300000	108	MARY WASWO A-1	CASHION	11,1	CONOCO INC
*REPUBLIC GAS GATHERING SYSTEMS INC				RECEIVED: 06/26/80 JA: OK			
8043638	04272	3509321580	103	HAWKINS A #1	NORTH CLEO SPRINGS	105,0	AMINOIL USA
*SAMSON RESOURCES COMPANY				RECEIVED: 06/26/80 JA: OK			

JD NO	JA DKT	API NO	SEC	= WELL NAME	FIELD NAME	PROD	PURCHASER
*8043637	04273	3506120292	103	ROSE UNIT NO 2	KINTA	410,6	ARKANSAS LOUISIANA G
=SOUTHPORT EXPLORATION INC				RECEIVED: 06/26/80 JA: OK			
8043649	04311	3505120826	103	V C MCCLINTOCK NO 1-8	EAST ALEX	365,0	TRANSOK PIPE LINE CO
=SUN OIL COMPANY (DELAWARE)				RECEIVED: 06/26/80 JA: OK			
*8043645	04317	3504700000	108	S E FLYNN UNIT NO 37-1	DOVER HENNESSEY	0,1	EXXON CORP
=ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 06/30/80 JA:			
8043867		4708502590	108	A-189	MURPHY DISTRICT	1,5	CONSOLIDATED GAS SUP

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WEST VIRGINIA DEPARTMENT OF MINES

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=BELL OIL & GAS CO				RECEIVED: 06/30/80 JA: WV			
8043897		4702103579	108	LILLIE WIGNER #1	DEKALB	4,5	CABOT CORP
=CITIES SERVICE COMPANY				RECEIVED: 06/30/80 JA: WV			
8043887		4701702147	108	MAXWELL B #14	SMITHBURG	10,0	CONSOLIDATED GAS SUP
=CLARENCE POWELL				RECEIVED: 06/30/80 JA: WV			
8043875		4701702612	108	HAUGHT OIL & GAS #1	SOUTHWEST DIST	0,0	EQUITABLE GAS CO
=DANNY DAVIS				RECEIVED: 06/30/80 JA: WV			
8043884		4704320153	108	WALTER KEARNS #1	SHERIDAN	4,0	COLUMBIA GAS TRANSMI
=DOUBLE FOUR INVESTMENT CLUB				RECEIVED: 06/30/80 JA: WV			
8043891		4708524609	108	HAYNES #1	INJUN	0,9	CONSUMERS GAS UTILIT
8043874		4708524607	108	PARKS #1	WINDON OIL CO	1,0	CONSUMERS GAS UTILIT
=FRANCIS E CAIN				RECEIVED: 06/30/80 JA: WV			
8043885		4701302283	108	HIRAM BELL GAS #1	CENTER	2,7	CONSOLIDATED GAS SUP
=GILCO GAS CO				RECEIVED: 06/30/80 JA: WV			
8043868		4702103589	108	ARTIE COBERLY #1	CENTER DISTRICT	3,0	CONSOLIDATED GAS SUP
8043870		4702103587	108	JJ & OW GERWIG #2	CENTER DISTRICT	1,0	CONSOLIDATED GAS SUP
8043869		4702103588	108	JJ & OW GERWIG #3	CENTER DISTRICT	3,0	CONSOLIDATED GAS SUP
8043881		4702103591	108	TJ & AB SMITH #5	CENTER DISTRICT	0,0	CONSOLIDATED GAS SUP
8043882		4702103590	108	VIOLA CURRY #1	CENTER DISTRICT	4,0	CONSOLIDATED GAS SUP
=INDUSTRIAL GAS CORPORATION				RECEIVED: 06/30/80 JA: WV			
8043901		4703903551	108	DICKINSON A 6-217	MALDEN	1,8	CABOT CORP
=J C COTTRILL				RECEIVED: 06/30/80 JA: WV			
8043876		4708504573	108	B & W OIL & GAS CO NO 1	POPULAR LICK RUN	2,6	CONSUMERS GAS UTILIT
=J C LIMING AGENT				RECEIVED: 06/30/80 JA: WV			
8043883		4701501767	108	MITCHELL SAMS #1	UNION	4,0	COLUMBIA GAS TRANSMI
=JOHNSON OIL & GAS CO				RECEIVED: 06/30/80 JA: WV			
8043888		4703322283	108	ROGERS WELL #2	(TENMILE DISTRICT)	12,0	CONSOLIDATED GAS SUP
=MORRIS OIL & GAS CO				RECEIVED: 06/30/80 JA: WV			
8043892		4701302952	108	MARY E KELLEY NO 1	SHERMAN DISTRICT	1,2	CABOT CORP
=PENNZOIL COMPANY				RECEIVED: 06/30/80 JA: WV			
8043899		4702103578	108	BENNETT F S #1	CENTER	1,7	CONSOLIDATED GAS SUP
8043903		4701303021	108	LAURA V ASH #2 (CABOT)	SHERMAN DISTRICT	0,8	CONSOLIDATED GAS SUP
8043902		4701303022	108	LAURA V ASH #3 (CABOT)	SHERMAN DISTRICT	0,8	CONSOLIDATED GAS SUP
8043898		4701300012	108	LAURA V ASH #4 (CABOT)	SHERMAN DISTRICT	0,8	CONSOLIDATED GAS SUP
8043900		4708700203	108	T L BARTLETT #1	SPENCER	0,6	CONSOLIDATED GAS SUP
=PERKINS OIL & GAS INC				RECEIVED: 06/30/80 JA: WV			
8043890		4708504577	108	ALEX DAVIS #4506	JOSEPH MILLS	2,5	EQUITABLE GAS CO
=RAY RESOURCES DIV OF FLYING DIAMOND				RECEIVED: 06/30/80 JA: WV			
8043894		4703903576	108	FALLING ROCK #157 (68)	BIG SANDY	3,5	PENNZOIL UNITED INC
8043904		4703903540	108	FALLING ROCK #157-(14)	BIG SANDY	3,5	PENNZOIL UNITED INC
8043914		4703903541	108	FALLING ROCK #157-(4)	BIG SANDY	3,5	PENNZOIL UNITED INC
8043913		4703903542	108	FALLING ROCK #162(61)	BIG SANDY	3,5	PENNZOIL UNITED INC
=REED-WHEELER-YOUNG OIL & GAS CO				RECEIVED: 06/30/80 JA: WV			

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043880		4701501759	108	GOSHORN HEIRS 1	UNION DISTRICT	1,0	CONSOLIDATED GAS SUP
8043878		4701501760	108	GOSHORN HEIRS 20	UNION DISTRICT	6,0	CONSOLIDATED GAS SUP
8043877		4701501761	108	GOSHORN HEIRS 9	UNION DISTRICT	1,0	CONSOLIDATED GAS SUP
*SOUTHERN TRIANGLE OIL CO INC				RECEIVED: 06/30/80 JA: WV			
8043910		4701701404	108	HINTER 1-C	COVE	1,6	CONSOLIDATED GAS SUP
8043905		4708502664	108	MARY DAILEY #1	MURPHY	2,6	CONSOLIDATED GAS SUP
8043896		4708502665	108	MARY DAILEY #2	MURPHY	2,6	CONSOLIDATED GAS SUP
8043911		4701700848	108	RICHARDS #4	COVE	5,0	CONSOLIDATED GAS SUP
8043907		4701701428	108	SMITH STAARMAN 1-A	COVE	1,2	CONSOLIDATED GAS SUP
8043912		4701707090	108	SPRAY 1	COVE	4,7	CONSOLIDATED GAS SUP
8043909		4701701419	108	STAARMAN 1-A	COVE	3,0	CONSOLIDATED GAS SUP
8043908		4701701427	108	STAARMAN 1-C	COVE	3,0	CONSOLIDATED GAS SUP
8043906		4701701440	108	WANSTREET 1-A	COVE	6,4	CONSOLIDATED GAS SUP
*THE MUTUAL OIL & GAS COMPANY				RECEIVED: 06/30/80 JA: WV			
8043872		4706722022	108	CRINER #2	RUSH RUN	2,7	CONSOLIDATED GAS SUP
8043893		4703302268	108	SMITH #1	NEW CREEK	11,7	PENNZOIL CO
8043871		4703922115	108	W R CALD WELL #1	TUPPERS CREEK	0,0	COLUMBIA GAS TRANSMI
*THUNDER OIL & GAS CORP				RECEIVED: 06/30/80 JA: WV			
8043875		4708504567	108	A P NULL #4	A P NULL FARM	3,2	CONSOLIDATED GAS SUP
*W A DEEM				RECEIVED: 06/30/80 JA: WV			
8043869		4708524603	108	BOLLINGER #2	BOLLINGER FARM	3,2	CARNEGIE NATURAL GAS
*W D LEWIS JR				RECEIVED: 06/30/80 JA: WV			
8043879		4704302409	108	W D LEWIS JR ET AL #1	GRIFFITHVILLE (DUVAL DIS	5,5	COLUMBIA GAS CO
8043895		4704302408	108	W D LEWIS JR ET AL #2	GRIFFITHVILLE (DUVAL DIS	5,5	COLUMBIA GAS CO
*WEVA OIL CORP				RECEIVED: 06/30/80 JA: WV			
8043886		4710520858	108	B C TUCKER #20	INJUN	2,8	CONSOLIDATED GAS SUP
**********							
** BUREAU OF INDIAN AFFAIRS, USAGE AGENCY, PAWHUSKA,OK							
**********							
*DIVIDE PETROLEUM CO				RECEIVED: 06/30/80 JA: OK 8			
8043864		3511300000	103	WELL #4 NW/4 SEC 3-27N-12E	MISS CHAT	40,0	PHILLIPS PETROLEUM C

OTHER PURCHASERS

8043637 OKLAHOMA GAS & ELECTRIC CO
8043645 OKLAHOMA NATURAL GAS GATHERING CO
8043828 LOUISIANA GAS PURCHASING CORP

[FR Doc. 80-22824 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-C

[Vol. 244]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 25, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before August 15, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD							
*GULF OIL CORPORATION				RECEIVED: 07/01/80 JA: MS			
8043917	48-80-11	2307320191	103	C V COOPER NO 11	BAXTERVILLE	20,0	UNITED GAS PIPE LINE
8043916	47-80-11	2307320190	103	I H BASS ET AL NO 83	BAXTERVILLE	20,0	UNITED GAS PIPE LINE
*KILROY COMPANY OF TEXAS INC				RECEIVED: 07/01/80 JA: MS			
8043919	43-80-361	2302920025	102	R D SANDERS #3	GLANCY	10,9	MISSISSIPPI POWER &
*MARATHON OIL COMPANY				RECEIVED: 07/01/80 JA: MS			
8043920	42-80-53	2303500000	108	UNIT SE 52-DUAL T & E WELL #1	MAXIE	2,5	UNITED GAS PIPE LINE
8043915	45-80-53	2303500000	108	UNIT SW-11 #1-T	MAXIE	11,8	UNITED GAS PIPE LINE
*PRUET PRODUCTION CO				RECEIVED: 07/01/80 JA: MS			
8043918	44-80-437	2309520286	102	MONROE CO TRACTOR 31-3 #1 (CARTER)	BUTTAHATCHIE RIVER	150,0	TENNESSEE GAS PIPELI
8043921	41-80-437	2309520286	102	MONROE CO TRACTOR 31-3 #1 (LEWIS)	BUTTAHATCHIE RIVER	120,0	TENNESSEE GAS PIPELI
MONTANA BOARD OF OIL & GAS CONSERVATION							
*CROFT PETROLEUM CO				RECEIVED: 07/01/80 JA: MT			
8043922	12-79-323	2510121594	108	J DYRDAHL #1	WILLOW RIDGE GAS FIELD	20,0	THE MONTANA POWER CO
8043929	12-79-324	2510121473	108	STATE OF MONTANA 16640-75 #3	WILLOW RIDGE GAS FIELD	21,1	THE MONTANA POWER CO
*DUARD ROSSMILLER				RECEIVED: 07/01/80 JA: MT			
8043923	5-80-111	2510121618	102	BERTHELOTE 5-28	EAGLE SPRINGS GAS	17,5	MINERS COULEE GAS GA
8043925	5-80-106	2510121781	102	STATE 1-8	EAGLE SPRINGS GAS	52,5	MINERS COULEE GAS GA
8043924	5-80-110	2510121584	102	STATE 3-32	EAGLE SPRINGS GAS	17,5	MINERS COULEE GAS GA
8043927	5-80-108	2510121714	102	STROOCK 13-4	EAGLE SPRINGS GAS	105,0	MINERS COULEE GAS GA
8043926	5-80-107	2510121587	102	STROOCK 2-5	EAGLE SPRINGS GAS	35,0	MINERS COULEE GAS GA
8043928	5-80-109	2510121619	102	STROOCK 5-33	EAGLE SPRINGS GAS	17,5	MINERS COULEE GAS GA
*HARDROCK OIL COMPANY				RECEIVED: 07/01/80 JA: MT			
8043930	5-80-112	2500505051	108	ABEL #2	BOWES	12,5	MONTANA POWER CO
OHIO DEPARTMENT OF NATURAL RESOURCES							
*ADOBE OIL & GAS CORPORATION				RECEIVED: 07/01/80 JA: OH			
8043994		3413322174	103	T HALL #1	ROOTSTOWN	50,0	EAST OHIO GAS CO
*APPALACHIAN PETROLEUM CORP				RECEIVED: 07/01/80 JA: OH			
8044015		3416725442	103	HERBERT MARSCH #5		3,5	COLUMBIA GAS TRANSMI
*ASHLAND EXPLORATION INC				RECEIVED: 07/01/80 JA: OH			
8043988		3413320296	108	REED #1		1,0	EAST OHIO GAS CO
8043989		3413320299	108	WOODALL #1		2,0	EAST OHIO GAS CO
*B T SIMPSON JR				RECEIVED: 07/01/80 JA: OH			
8043968		3407522491	103	DALE & CYNTHIA MORRIS #1	NASHVILLE	60,0	COLUMBIA GAS TRANSMI
8043967		3407522483	103	JOHN C & MABLE MACKEY #3	WELCOME	60,0	COLUMBIA GAS TRANSMI
8043966		3407522482	103	STEPHEN EILER #2	WELCOME	75,0	COLUMBIA GAS TRANSMI
*BETHEL RESOURCES INC				RECEIVED: 07/01/80 JA: OH			
8043962		3407522318	103	CARLOS & JESSIE WOODRUFF #1		12,0	COLUMBIA GAS TRANSMI
8044017		3416922111	103	GEORGE WISE #1		12,0	COLUMBIA GAS TRANSMI
*CAMERON BROS				RECEIVED: 07/01/80 JA: OH			
8043980		3411925206	103	WILLIAM A MILLER #2		10,0	
*CAMERON LIMITED PARTNERSHIP				RECEIVED: 07/01/80 JA: OH			
8043954		3405123856	103	HOCHSTETLER #1		28,0	
*CARL E SMITH INC				RECEIVED: 07/01/80 JA: OH			
8043943	01513	3410521690	108	HAROLD E COWDERY #1		12,0	COLUMBIA GAS TRANSMI
*COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 07/01/80 JA: OH			

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8044014		3416725104	107	FANNIE COLLINS #1		10,0	COLUMBIA GAS TRANSMI
8044013		3416724809	107	JOHN GRIMES #8-1		9,0	COLUMBIA GAS TRANSMI
8043944	07827	3416724808	107	JOHN GRIMES #2		10,0	COLUMBIA GAS TRANSMI
*COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 07/01/80 JA: OH			
8043974		3411922804	108	TCO-D TOM #1 711224	SOUTHERN DIST STE OF OHI	11,1	COLUMBIA GAS TRANSMI
*CONSOLIDATED RESOURCES OF AMERICA				RECEIVED: 07/01/80 JA: OH			
8043958		3405922666	103	ARTHUR & LAROSE NICHOLS	CLAYSVILLE	45,0	COLUMBIA GAS TRANSMI
*DENNIS D BLAUSER				RECEIVED: 07/01/80 JA: OH			
8043953		3400922001	103	CURTIS A RECTOR #1		6,0	COLUMBIA GAS TRANSMI
8043952		3400922000	103	ROBERT R HARPER #1		5,9	COLUMBIA GAS TRANSMI
*ENTERPRISE GAS & OIL INC				RECEIVED: 07/01/80 JA: OH			
8043981		3412724445	103	LEWIS #3	LEWIS #3	36,5	FORAKER GAS CO
8043959		3405922700	103	SAVAGE #1		18,2	EAST OHIO GAS CO
8043960		3405922711	103	STUMP #1		36,5	COLUMBIA GAS TRANSMI
*GASEARCH INC				RECEIVED: 07/01/80 JA: OH			
8043995		3413322231	103	FIRTIK #2		100,0	EAST OHIO GAS CO
*GIANT PETROLEUM CORPORATION				RECEIVED: 07/01/80 JA: OH			
8043951		3400721342	103	JAMES & KATHERINE KOCAB - UNIT - W*		20,0	EAST OHIO GAS CO
*HOPCO RESOURCES INC				RECEIVED: 07/01/80 JA: OH			
8043976		3411924627	103	BETTY RAMBO ET AL #1		12,0	
8043977		3411924628	103	BETTY RAMBO ET AL #2		12,0	
8043979		3411925100	103	CLYDE DORSEY #1		12,0	COLUMBIA GAS TRANSMI
8043978		3411925066	103	HOMER BONEY #1		12,0	COLUMBIA GAS TRANSMI
*JAMES DRILLING CORP				RECEIVED: 07/01/80 JA: OH			
8043946		3400720153	108	FLOYD ENGLISH WELL #1		12,0	EAST OHIO GAS CO
8043956		3405921272	108	JOSEPH WALL WELL #1		3,0	EAST OHIO GAS CO
8043957		3405921290	108	JOSEPH WALL WELL #2		3,0	EAST OHIO GAS CO
*JAMES R SMAIL				RECEIVED: 07/01/80 JA: OH			
8044018		3416922327	103	RAYMOND R MUNSBERGER #1	RIPLEY	10,0	COLUMBIA GAS TRANSMI
*JOHN C MASON				RECEIVED: 07/01/80 JA: OH			
8043970		3407522514	103	#1 ANDY & MARY ERB		25,0	COLUMBIA GAS TRANSMI
8043971		3407522517	103	#2 GRACE MAXWELL		25,0	COLUMBIA GAS TRANSMI
8043955		3403123899	103	HENRY & RICHARD N JOHNSON #1		20,0	CINCINNATI GAS & ELE
8043969		3407522512	103	LESTER ERB #1		20,0	COLUMBIA GAS TRANSMI
*LIBERTY OIL & GAS CORP				RECEIVED: 07/01/80 JA: OH			
8043973		3410521865	103	CLYDE MORLAN #2		19,0	COLUMBIA GAS TRANSMI
8043972		3410521860	103	SCYOC #1		19,0	COLUMBIA GAS TRANSMI
*LOWELL C FRESHLEY				RECEIVED: 07/01/80 JA: OH			
8043985		3413320169	108	ANIOL COMM #1		3,7	EAST OHIO GAS CO
8043986		3413320191	108	M E MILLER COMM #1		3,8	EAST OHIO GAS CO
8043984		3413320162	108	RHODES COMM #1		3,2	EAST OHIO GAS CO
*LOYD DALTON & WILLIAM N TIPKA				RECEIVED: 07/01/80 JA: OH			
8044005		3415120869	108	A MUCKLEY #1		6,0	EAST OHIO GAS CO
8044009		3415700180	108	CHARLES WEAVER #1		4,0	EAST OHIO GAS CO
8044010		3415700184	108	CHARLES WEAVER #3		4,0	EAST OHIO GAS CO
8043997		3415120240	108	M & M TEEPLE #1		3,0	EAST OHIO GAS CO
8044001		3415120732	108	HARRY E LUTZE #1		6,0	EAST OHIO GAS CO
8043999		3415120552	108	J B CARNES #1		9,0	EAST OHIO GAS CO
8043982		3413320018	108	LEWIS J FOX #1		2,0	EAST OHIO GAS CO
8043998		3415120260	108	R & R TEEPLE #1		5,0	EAST OHIO GAS CO
8044000		3415120672	108	ROBERT TOMOWSKI #1		2,0	EAST OHIO GAS CO
8043996		3415120219	108	W & S BRENNER #1		1,0	EAST OHIO GAS CO
*MITCHELL ENERGY CORPORATION				RECEIVED: 07/01/80 JA: OH			

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8043961		3406720373	103	MYERS-BIRNEY #1-26	CLINTON	100,0	
*NEILL C FLEMISTER JR				RECEIVED: 07/01/80 JA: OH			
8043941	00404	3405320330	108	ALICE SWISHER #1		17,0	COLUMBIA GAS TRANSMI
8043940	00403	3405320350	108	ALICE SWISHER #2		15,0	COLUMBIA GAS TRANSMI
8043942	00428	3405320313	108	DONALD THOMAS #1		20,0	COLUMBIA GAS TRANSMI
*NEW FRONTIER EXPLORATION INC				RECEIVED: 07/01/80 JA: OH			
8044007		3415123188	103	ARVINE WOLF UNIT #1		40,0	
8043992		3413321225	103	ROSS-MONTGOMERY UNIT #1		30,0	
*ORION ENERGY CORP				RECEIVED: 07/01/80 JA: OH			
8044011		3415723492	103	AMATO #1		20,0	
8044012		3415723501	103	RIES #2		10,0	
*PARTNERS OIL COMPANY				RECEIVED: 07/01/80 JA: OH			
8043965		3407522378	103	EICHER #1-79C		100,0	COLUMBIA GAS TRANSMI
8043964		3407522377	103	EICHER #2-79C		100,0	COLUMBIA GAS TRANSMI
8043963		3407522375	103	EICHER #3-79C		100,0	COLUMBIA GAS TRANSMI
*PDI ENERGY INC				RECEIVED: 07/01/80 JA: OH			
8043993		3413321855	103	BECK-GRIFFITH-WILSON #4		120,0	
8043949		3400721229	103	PAVILONIS #1		90,0	
8043950		3400721234	103	PROMONIC #1		55,0	
8043947		3400721202	103	ROBINSON #1		30,0	
8043948		3400721225	103	RUNYAN #1		40,0	
*QUADRANT EXPLORATION				RECEIVED: 07/01/80 JA: OH			
8044016		3416725473	103	E A HARRIS WELL #1		5,0	
*RELIANCE MANAGEMENT CO				RECEIVED: 07/01/80 JA: OH			
8043975		3411924093	108	VIRGIL VANDENBARK #1		10,0	COLUMBIA GAS TRANSMI
*THE OXFORD OIL CO				RECEIVED: 07/01/80 JA: OH			
8044019		3411924421	108	FRITZ-CASTOR #1		9,0	EAST OHIO GAS CO
*THE WISER OIL COMPANY				RECEIVED: 07/01/80 JA: OH			
8043990		3413320473	108	BRADFIELD CRUMMEL COMMUNITY #1 4079		2,0	EAST OHIO GAS CO
8044008		3415720031	108	FUHRER #2 2163		3,0	EAST OHIO GAS CO
8043991		3413320521	108	J SLOAN #2 3558		0,3	EAST OHIO GAS CO
8043987		3413320216	108	KAHN COMMUNITY #1 3731		0,0	EAST OHIO GAS CO
8043983		3413320107	108	MILLER #1 3596		2,0	EAST OHIO GAS CO
8044002		3415120787	108	R TOMMASI ET AL #1		1,0	EAST OHIO GAS CO
*VIKING RESOURCES CORPORATION				RECEIVED: 07/01/80 JA: OH			
8044004		3415123163	103	MOODY UNIT #1		30,0	
8044005		3415123164	103	MOODY UNIT #2		30,0	
8044006		3415123165	103	MOODY UNIT #3		30,0	
*WILLIAM N TIPKA				RECEIVED: 07/01/80 JA: OH			
8043945		3400520252	108	H & M YOUNG #2		10,0	EAST OHIO GAS CO
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA							
**********							
*AMINOIL USA INC				RECEIVED: 07/01/80 JA: LA 3			
8044025	GD-1410	1770740320	102	OCS-G-1198 WELL NO D-4	SOUTH MARSH ISLAND	1095,0	TRANSCONTINENTAL GAS
*CHEVRON U S A INC				RECEIVED: 07/01/80 JA: LA 3			
8044041	GD-1360	1770740302	102	OCS-G-2890 NO 7	SOUTH MARSH ISLAND	2750,0	NATURAL GAS PIPELINE
*EXXON CORPORATION				RECEIVED: 07/01/80 JA: LA 3			
*8044031	GD-1406	1770240605	102	OCS-G 2560 NO A-11	WEST CAMERON	1500,0	COLUMBIA GAS TRANSMI
*GULF OIL CORPORATION				RECEIVED: 07/01/80 JA: LA 3			
*8044038	GD-1403	1770940370	102	EUGENE ISLAND BLOCK 238 WELL #G-10D	EUGENE ISLAND	2200,0	SEA ROBIN PIPELINE C
*8044030	GD-1404	1770940370	102	OCS-G 0985 #G-10	EUGENE ISLAND	100,0	SEA ROBIN PIPELINE C
*MARATHON OIL COMPANY				RECEIVED: 07/01/80 JA: LA 3			

JD NO	JA DKT	API NO	SEC	*	WELL NAME	FIELD NAME	PROD	PURCHASER
8044060	G9-1127	1771940149	102		WEST DELTA BLOCK 79 WELL B-23	WEST DELTA	565,0	GULF OIL CORP
=PLACID OIL COMPANY					RECEIVED: 07/01/80 JA: LA 3			
*8044044	GO-1378	1770740185	102		E-1A	SOUTH MARSH ISLAND	428,0	TRUNKLINE GAS CO
=THE SUPERIOR OIL COMPANY					RECEIVED: 07/01/80 JA: LA 3			
8044053	GO-1228	1770040207	102		OCS-0244 NO 15	WEST CAMERON	2190,0	MICHIGAN-WISCONSIN P
8044039	GO-1383	1770940364	102		OCS-0797 NO F-2	EUGENE ISLAND	1888,0	TRANSCONTINENTAL GAS
=AMINOIL DEVELOPMENT INC					RECEIVED: 07/01/80 JA: TX 3			
*8044043		4271140332	102		OCS-G-2412 WELL NO A-3	HIGH ISLAND	365,0	NATURAL GAS PIPELINE
*8044025	GO-1401	4271140389	102		OCS-G-2412 WELL NO A-8	HIGH ISLAND	365,0	NATURAL GAS PIPELINE
*8044027	GO-1402	4271140389	102		OCS-G-2412 WELL NO A-8A	HIGH ISLAND	1095,0	NATURAL GAS PIPELINE
*8044047	GO-1409	4271140444	102		OCS-G-3286 WELL NO B-11	WEST CAMERON	1095,0	NATURAL GAS PIPELINE
=AMOCO PRODUCTION CO					RECEIVED: 07/01/80 JA: TX 3			
8044057	G9-1149	4270940321	102		OCS-G-2698 #C-4	HIGH ISLAND AREA - SOUTH	1500,0	NORTHERN NATURAL GAS
8044035	G9-1150	4270940320	102		OCS-G-2698 #C-5D	HIGH ISLAND AREA - SOUTH	1500,0	NORTHERN NATURAL GAS
=PENNZOIL OIL & GAS INC					RECEIVED: 07/01/80 JA: TX 3			
*8044048	GO-1321	4270940331	102		PENNZOIL CO OCS-G 2366 WELL NO A-18	HIGH ISLAND AREA SOUTH A	993,0	UNITED GAS PIPE LINE
=PENNZOIL PRODUCING COMPANY					RECEIVED: 07/01/80 JA: TX 3			
*8044050	GO-1343	4270940235	102		PENNZOIL CO OCS-G 2366 WELL # A-5	HIGH ISLAND AREA SOUTH A	36,0	UNITED GAS PIPE LINE
*8044024	GO-1329	4270940171	102		PENNZOIL CO OCS-G 2366 WELL #A-1	HIGH ISLAND AREA SOUTH A	2500,0	UNITED GAS PIPE LINE
*8044045	GO-1355	4270940294	102		PENNZOIL CO OCS-G 2366 WELL #A-10	HIGH ISLAND AREA SOUTH A	92,0	UNITED GAS PIPE LINE
*8044049	GO-1345	4270940300	102		PENNZOIL CO OCS-G 2366 WELL #A-11	HIGH ISLAND AREA SOUTH A	71,0	UNITED GAS PIPE LINE
*8044051	GO-1346	4270940308	102		PENNZOIL CO OCS-G 2366 WELL #A-12	HIGH ISLAND AREA SOUTH A	71,0	UNITED GAS PIPE LINE
*8044052	GO-1348	4270940361	102		PENNZOIL CO OCS-G 2366 WELL #A-13 *	HIGH ISLAND AREA SOUTH A	1779,0	UNITED GAS PIPE LINE
*8044032	GO-1349	4270940350	102		PENNZOIL CO OCS-G 2366 WELL #A-14	HIGH ISLAND AREA SOUTH A	122,0	UNITED GAS PIPE LINE
*8044028	GO-1354	4270940325	102		PENNZOIL CO OCS-G 2366 WELL #A-17 *	HIGH ISLAND AREA SOUTH A	830,0	UNITED GAS PIPE LINE
*8044059	GO-1330	4270940172	102		PENNZOIL CO OCS-G 2366 WELL #A-2	HIGH ISLAND AREA SOUTH A	237,0	UNITED GAS PIPE LINE
*8044061	GO-1322	4270940385	102		PENNZOIL CO OCS-G 2366 WELL #A-20	HIGH ISLAND AREA SOUTH A	292,0	UNITED GAS PIPE LINE
*8044042	GO-1356	4270940228	102		PENNZOIL CO OCS-G 2366 WELL #A-4	HIGH ISLAND AREA SOUTH A	1613,0	UNITED GAS PIPE LINE
*8044033	GO-1342	4270940235	102		PENNZOIL CO OCS-G 2366 WELL #A-5 A*	HIGH ISLAND AREA SOUTH A	405,0	UNITED GAS PIPE LINE
*8044058	GO-1341	4270940243	102		PENNZOIL CO OCS-G 2366 WELL #A-6	HIGH ISLAND AREA SOUTH A	24,0	UNITED GAS PIPE LINE
*8044021	GO-1339	4270940277	102		PENNZOIL CO OCS-G 2366 WELL #A-7 A*	HIGH ISLAND AREA SOUTH A	71,0	UNITED GAS PIPE LINE
*8044020	GO-1338	4270940261	102		PENNZOIL CO OCS-G 2366 WELL #A-8	HIGH ISLAND AREA SOUTH A	55,0	UNITED GAS PIPE LINE
*8044056	GO-1344	4270940285	102		PENNZOIL CO OCS-G 2366 WELL #A-9	HIGH ISLAND AREA SOUTH A	1186,0	UNITED GAS PIPE LINE
*8044040	GO-1326	4270940372	102		PENNZOIL CO OCS-G 2366 #B-23 ST	HIGH ISLAND AREA SOUTH A	861,0	UNITED GAS PIPE LINE
*8044022	GO-1325	4270940372	102		PENNZOIL CO OCS-G 2366 #B-23 STA	HIGH ISLAND AREA SOUTH A	1800,0	UNITED GAS PIPE LINE
*8044029	GO-1350	4270940370	102		PENNZOIL CO OCS-G 2372 WELL #A-15	HIGH ISLAND AREA SOUTH A	1186,0	UNITED GAS PIPE LINE
*8044046	GO-1351	4270940370	102		PENNZOIL CO OCS-G 2372 #A-15A	HIGH ISLAND AREA SOUTH A	1186,0	UNITED GAS PIPE LINE
*8044036	GO-1334	4270940297	102		PENNZOIL CO OCS-G 2372 WELL #B-14	HIGH ISLAND AREA SOUTH A	85,0	UNITED GAS PIPE LINE
*8044055	GO-1335	4270940328	102		PENNZOIL CO OCS-G 2372 WELL #B-18	HIGH ISLAND AREA SOUTH A	119,0	UNITED GAS PIPE LINE
*8044026	GO-1328	4270940281	102		PENNZOIL CO OCS-G 2372 WELL #B-20	HIGH ISLAND AREA SOUTH A	711,0	UNITED GAS PIPE LINE
*8044037	GO-1327	4270940360	102		PENNZOIL CO OCS-G 2372 WELL #B-22	HIGH ISLAND AREA SOUTH A	194,0	UNITED GAS PIPE LINE
*8044054	GO-1337	4270940414	102		PENNZOIL CO OCS-G 2372 WELL #B-25	HIGH ISLAND AREA SOUTH A	1190,0	UNITED GAS PIPE LINE
*8044034	GO-1320	4270940209	102		PENNZOIL CO OCS-G 2372 WELL #B-3	HIGH ISLAND AREA SOUTH A	2373,0	UNITED GAS PIPE LINE
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
=NORTHWEST EXPLORATION COMPANY					RECEIVED: 07/01/80 JA: CO 5			
8043935	CC1148 9	0510307822	108		PHILADELPHIA CREEK #2	CATHEDRAL	20,0	NORTHWEST PIPELINE C
8043936	CC 1149 9	0510307830	108		PHILADELPHIA CREEK #3	CATHEDRAL	15,0	NORTHWEST PIPELINE C
=J BURNS BROWN					RECEIVED: 07/01/80 JA: MT 5			
8043934	M-840-9	2501521469	102		ROCKY BOYS 11-29-14	WILDCAT	29,2	NORTHERN NATURAL GAS
=MIDLANDS GAS CORPORATION					RECEIVED: 07/01/80 JA: MT 5			
8043932	M1024-9	2507121051	108		1013 FEDERAL #1	BOWDOIN	20,0	KANSAS-NEBRASKA NATU
8043933	M-1015-9	2507121480	108		1051 FEDERAL #1	BOWDOIN	14,0	KANSAS-NEBRASKA NATU

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8043937	M 1012-9	2507121276	108		1513 FEDERAL #1	BOWDOIN	6,0	KANSAS-NEBRASKA NATU
8043938	M 1016-9	2507121277	108		1713 FEDERAL #1	BOWDOIN	4,0	KANSAS-NEBRASKA NATU
8043931	M1029-9	2507121350	108		3442 FEDERAL #1	BOWDOIN	16,0	KANSAS-NEBRASKA NATU
*CIG EXPLORATION INC			RECEIVED: 07/01/80 JA: WY 5					
*8043939	W-1251-9A	4902521065	107		BULLFROG UNIT #1 (6-36-86)	WALTMAN (DEEP)	493,0	KANSAS NEBRASKA NATU

OTHER PURCHASERS

8043939	COLORADO INTERSTATE GAS CO
8044020	MICHIGAN-WISCONSIN PIPE LINE CO
8044021	MICHIGAN-WISCONSIN PIPE LINE CO
8044022	MICHIGAN-WISCONSIN PIPE LINE CO
8044024	MICHIGAN-WISCONSIN PIPE LINE CO
8044025	TRUNKLINE GAS CO
8044026	MICHIGAN-WISCONSIN PIPE LINE CO
8044027	TRUNKLINE GAS CO
8044028	MICHIGAN-WISCONSIN PIPE LINE CO
8044029	MICHIGAN-WISCONSIN PIPE LINE CO
8044030	TEXAS EASTERN TRANSMISSION CORP
8044031	NORTHERN NATURAL GAS CO
8044032	MICHIGAN-WISCONSIN PIPE LINE CO
8044033	MICHIGAN-WISCONSIN PIPE LINE CO
8044034	MICHIGAN-WISCONSIN PIPE LINE CO
8044036	MICHIGAN-WISCONSIN PIPE LINE CO
8044037	MICHIGAN-WISCONSIN PIPE LINE CO
8044038	TEXAS EASTERN TRANSMISSION CORP
8044040	MICHIGAN-WISCONSIN PIPELINE CO
8044042	MICHIGAN-WISCONSIN PIPE LINE CO
8044043	TRUNKLINE GAS CO
8044044	SOUTHERN NATURAL GAS CO
8044045	MICHIGAN-WISCONSIN PIPE LINE CO
8044046	MICHIGAN-WISCONSIN PIPE LINE CO
8044047	TRANSCONTINENTAL GAS PIPELINE CORP
8044048	MICHIGAN-WISCONSIN PIPE LINE CO
8044049	MICHIGAN-WISCONSIN PIPE LINE CO
8044050	MICHIGAN-WISCONSIN PIPE LINE CO
8044051	MICHIGAN-WISCONSIN PIPE LINE CO
8044052	MICHIGAN-WISCONSIN PIPE LINE CO
8044054	MICHIGAN-WISCONSIN PIPE LINE CO
8044055	MICHIGAN-WISCONSIN PIPE LINE CO
8044056	MICHIGAN-WISCONSIN PIPE LINE CO
8044058	MICHIGAN-WISCONSIN PIPE LINE CO
8044059	MICHIGAN-WISCONSIN PIPE LINE CO
8044061	MICHIGAN-WISCONSIN PIPE LINE CO

[FR Doc. 80-23052 Filed 7-30-80, 8:45 am]

BILLING CODE 6450-85-C

[Volume 245]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued July 25, 1980.

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before August 15, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
*A E PERKINS				RECEIVED: 07/01/80 JA: KS			
8044065	K-80-0237	1501920024	108	BERTHA GRAY #1	Z SEDAN-PERU	20,0	CITIES SERVICE GAS C
*ALPINE DRILLING CO INC				RECEIVED: 07/01/80 JA: KS			
8044068	K-80-0232	1514520516	103	IRMA SMITH 1-A	WILDCAT	180,0	
*AMOCO PRODUCTION CO				RECEIVED: 07/01/80 JA: KS			
8044232	K-80-0094	1507520240	108	FREASE GAS UNIT #1	PANOMA	12,3	COLORADO INTERSTATE
8044233	K-80-0094	1512910114	108	KANSAS UNIVERSITY GAS UNIT E #1	RICHFIELD	17,6	PANHANDLE EASTERN PI
8044177	K-79-1882	1512920384	103	KANSAS UNIVERSITY GAS UNIT E #2	PANOMA	55,0	CITIES SERVICE GAS C
8044178	K-79-1878	1509310014	108	MADDUX GAS UNIT B #2	HUGOTON	21,0	CITIES SERVICE GAS C
8044221	K-80-0074	1507520249	103	OSCAR HECTOR GAS UNIT WELL #1	PANOMA/COUNCIL GROVE	110,0	COLORADO INTERSTATE
8044205	K-80-0068	1518720291	103	PLUMMER GAS UNIT E #1	COUNCIL GROVE	100,0	COLORADO INTERSTATE
8044119	K-80-0171	1502520264	103	V W HARMON UNIT #1	CLARK CREEK	370,0	NORTHERN NATURAL GAS
8044210	K-80-0069	1518720275	103	VIRGIL F CLARK WELL #1	HUGOTON	75,0	COLORADO INTERSTATE
*ANADARKO PRODUCTION COMPANY				RECEIVED: 07/01/80 JA: KS			
8044234	K-80-0093	1512920408	103	CARPENTER A NO 2	PANOMA	54,0	CIMARRON-QUINQUE
8044182	K-79-1540	1517520402	103	COSGROVE AZ	SHUCK	0,0	DIAMOND SHAMROCK
8044110	K-80-0125	1517520426	103	CROW A NO 1	SHUCK	140,0	CIMARRON-QUINQUE
8044262	K-80-0054	1518920473	102	HICKOK B-1	YOUNGGREN	90,0	CIMARRON-QUINQUE
8044094	K-80-0055	1517520420	102	MORLAN A-4	SHUCK	10,0	CIMARRON-QUINQUE
8044168	K-80-0205	1506720562	103	STANLEY A NO 3	PANOMA	500,0	PANHANDLE EASTERN PI
*ARCO OIL AND GAS COMPANY				RECEIVED: 07/01/80 JA: KS			
8044175	79-1373	1500700000	108	COLBURN B NO 1	N RHODES	19,4	KANSAS POWER & LIGHT
8044171	K-79-1376	1500700000	108	EDD STERLING A WELL #1	HARDTNER FIELD	12,8	CITIES SERVICE GAS C
8044170	K-79-1377	1500700000	108	EDD STERLING C NO 1	HARDTNER FIELD	10,3	CITIES SERVICE GAS C
8044174	K-79-1370	1518700000	108	GULDNER UNIT WN NO 1	HUGOTON	19,0	EL PASO NATURAL GAS
8044183	K-79-1378	1502500000	108	THEIS GAS UNIT NO 1	MCKINNEY	6,6	NORTHERN NATURAL GAS
8044172	K-79-1374	1500700000	108	W C GRAVES NO 1	HARDTNER FIELD	22,1	CITIES SERVICE GAS C
*ARGONAUT ENERGY CORPORATION				RECEIVED: 07/01/80 JA: KS			
8044078	K-80-0202	1515120645	103	SCHWERTFEGER #1	WILDCAT	282,0	PANHANDLE EASTERN PI
8044192	K-80-0098	1507120176	103	SELL #1	BYERLY FIELD	540,0	KANSAS-NEBRASKA NATU
*BENSON MINERAL GROUP				RECEIVED: 07/01/80 JA: KS			
8044129	K-80-0048	1512522153	103	BENNINGS #1-5	JEFFERSON-SYCAMORE	19,3	UNION GAS SYSTEMS IN
8044213	K-80-0085	1517520416	103	LAMBERT #1-32	HUGOTON	22,9	NORTHERN NATURAL GAS
8044257	K-80-0060	1512720249	102	VEAL #5-29-X	WILDE	36,5	MAPCO
8044130	K-80-0047	1512522185	103	WISE #1-5	JEFFERSON-SYCAMORE	5,5	UNION GAS SYSTEMS IN
*BEREN CORPORATION				RECEIVED: 07/01/80 JA: KS			
8044229	K-80-0250	1503520176	108	BALLET RANCH #5	AETNA	16,0	KANSAS GAS SUPPLY CO
8044230	K-80-0249	1500720339	108	BRASS #1	DEGEER SW	10,0	KANSAS GAS SUPPLY CO
8044211	K-80-0073	1504720549	103	ELLEDGE #3	TROUSDALE NE	126,0	PANHANDLE EASTERN PI
8044142	K-80-0245	1500720374	108	HAZEL #1	DEGEER SW	6,0	KANSAS GAS SUPPLY CO
8044169	K-80-0203	1509520870	103	PANEK #1	GOETZ	108,0	
*CALVIN EXPLORATION INC				RECEIVED: 07/01/80 JA: KS			
8044154	K-80-0229	1511920377	103	ADAMS 1-29	ADAMS RANCH	270,0	
8044155	K-80-0228	1511920364	103	FOX 1-36	NOVINGER E	270,0	
8044235	K-80-0092	1502520319	103	HARRINGTON 1-30	MCKINNEY	250,0	KANSAS POWER & LIGHT
8044253	K-79-1988	1511920368	103	ISAAC 1-26	ISAAC	182,0	PANHANDLE EASTERN PI
8044115	K-80-0176	1511920381	103	MCKINNEY #1-25	MCKINNEY	180,0	KANSAS POWER & LIGHT
*CHIEF DRILLING CO INC				RECEIVED: 07/01/80 JA: KS			
8044247	K-80-0180	1509520600	103	BERGMAN #1	RUTH NE	91,2	PEOPLES NATURAL GAS
8044246	K-80-0181	1500720581	103	WHEELOCK #2	MEDICINE RIVER	146,0	CENTRAL STATES GAS C

JD NO	JA DKT	API NO	SEC	* WELL NAME	FIELD NAME	PROD	PURCHASER
8044245	K-80-0182	1500700000	103	WHEELOCK 3	MEDICINE RIVER	128,0	CENTRAL STATES GAS C
*CITIES SERVICE COMPANY				RECEIVED: 07/01/80 JA: KS			
8044117	K-80-0173	1506720561	103	CHRISTOPHER A #3	PANOMA	60,0	PANHANDLE EASTERN PI
8044127	K-80-0050	1509520869	103	DEPENBUSCH B #1	NASHVILLE SW	80,3	
8044118	K-80-0172	1508120167	103	MACE A #2	PANOMA	60,0	COLORADO INTERSTATE
*CONTINENTAL ENERGY				RECEIVED: 07/01/80 JA: KS			
8044140	K-80-0243	1505520386	103	FREEMAN #2		365,0	NORTHERN NATURAL GAS
*DAVIES & CO INC				RECEIVED: 07/01/80 JA: KS			
8044136	K-80-0030	1505320514	102	ADELINE M BARTUNEK #1-4	WILDCAT	70,0	NATURAL GAS PIPELINE
8044074	K-80-0064	1516721340	103	ARTHUR L VEVERKA #1-12	WILDCAT	60,0	NATURAL GAS PIPELINE
8044251	K-80-0026	1516721326	102	ARTHUR ZEMAN #1-9	WILDCAT	85,0	NATURAL GAS PIPELINE
8044250	K-80-0027	1516721328	103	ERNEST L VEVERKA #1-2	WILDCAT	60,0	NATURAL GAS PIPELINE
8044137	K-80-0028	1516721325	102	ESTHER REILLY #1-8	WILDCAT	85,0	NATURAL GAS PIPELINE
8044072	K-80-0062	1516721252	103	GEORGINA M ESCHBAUGH #1-11	WILDCAT	60,0	NATURAL GAS PIPELINE
8044073	K-80-0063	1516721179	102	LEO BOXBERGER #1-6	WILDCAT	85,0	NATURAL GAS PIPELINE
8044138	K-80-0029	1516720542	102	LEONARD STUPPEL #1-18	WILDCAT	90,0	NATURAL GAS PIPELINE
8044075	K-80-0065	1516721255	102	MARY BAUMRUCKER #1-8	WILDCAT	85,0	NATURAL GAS PIPELINE
8044071	K-80-0061	1516721179	102	PAUL B BEISEL #1-7	WILDCAT	85,0	NATURAL GAS PIPELINE
*DOME PETROLEUM CORP				RECEIVED: 07/01/80 JA: KS			
8044179	K-79-1863	1507520300	103	HULDEN #1	BRADSHAW	68,6	SUNFLOWER ELECTRIC C
*ENERGY RESERVES GROUP INC				RECEIVED: 07/01/80 JA: KS			
8044214	K-80-0084	1507500000	108	BARNES RANCH #3	SPIVEY GRABS	4,7	KANSAS POWER & LIGHT
*EQUITX ENERGY CORP				RECEIVED: 07/01/80 JA: KS			
8044254	K-79-1927	1515520463	103	DRAKE G NO 1	WISBY	27,0	GARFIELD GAS GATHERI
8044255	K-80-1926	1515520439	103	PRUFFITT NO 1	WISBY	37,0	GARFIELD GAS GATHERI
*F & M OIL CO INC				RECEIVED: 07/01/80 JA: KS			
8044219	K-80-0078	1509520731	103	MESSENGER #1	SPIVEY-GRABS	33,5	KANSAS POWER & LIGHT
8044108	K-80-0127	1509520902	103	MESSENGER C #1	MISS	120,0	PEOPLES NATURAL GAS
*F G HOLL				RECEIVED: 07/01/80 JA: KS			
8044175	K-79-0906	1504700000	108	ENLOW NO 1	WIL EXT	20,0	NORTHERN NATURAL GAS
*GEORGE A ANGLE				RECEIVED: 07/01/80 JA: KS			
8044064	K-80-0242	1516520427	108	#1 GIESICK	REICHEL	17,0	KANSAS-NEBRASKA NATU
8044243	K-80-0184	1516520541	108	#1 HANHARDT A	REICHEL	11,0	KANSAS-NEBRASKA NATU
8044242		1516500000	108	#1 HOOPER	REICHEL	20,0	KANSAS-NEBRASKA NATU
8044258	K-80-0059	1516500000	108	#1 RAU	REICHEL	18,0	KANSAS-NEBRASKA NATU
*GEORGE A REED				RECEIVED: 07/01/80 JA: KS			
8044156	K-80-0225	1511520426	108	SCULLY G #1	RATZLAFF	17,0	FRENCH CREEK SYSTEM
*GOULD OIL INC				RECEIVED: 07/01/80 JA: KS			
8044135	K-80-0031	1514520629	103	MUNZ #1	HEARN	73,0	
8044193	K-80-0097	1509720272	108	STEWART NO 1	GREENSBURG	0,0	KANSAS POWER & LIGHT
8044216	K-80-0082	1514520330	108	SUITER #1-A (TWIN)	SHADY	13,0	KANSAS-NEBRASKA NATU
*GRAVES DRILLING CO INC				RECEIVED: 07/01/80 JA: KS			
8044226	K-80-0254	1509520577	103	CHAMBERS NO 1	KOSTNER NW SECTION 1-29S	11,5	PEOPLES NATURAL GAS
*GULF OIL CORPORATION				RECEIVED: 07/01/80 JA: KS			
8044239	K-80-0191	1500700000	108	INSLEE #1	NORTH RHODES	0,6	CITIES SERVICE GAS C
*HAWKINS OIL & GAS INC				RECEIVED: 07/01/80 JA: KS			
8044070	K-80-0230	1502520318	103	HARRINGTON #1-4	MCKINNEY	217,0	NORTHERN NATURAL GAS
8044223	K-80-0259	1511920326	103	HORNER #1	MCKINNEY	27,3	KANSAS POWER & LIGHT
8044224	K-80-0258	1507720535	103	MUIR #1-20	BASAL MISSISSIPPI	73,0	PEOPLES NATURAL GAS
8044069	K-80-0231	1502520285	103	WALKER #1-28	MCKINNEY	7,3	NORTHERN NATURAL GAS
8044225	K-80-0257	1500720778	103	WEIR #1-35	RHODES	90,0	PEOPLES NATURAL GAS
*HERNDON OIL & GAS CO				RECEIVED: 07/01/80 JA: KS			
8044236	K-80-0091	1504720529	103	FISHER #1	EMBRY	110,0	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	WELL NAME
8044220	K-80-6077	1519120957	103	STALNAKER #2
*JOHN JAY DARRAH JR				RECEIVED: 07/01/80 JA: KS
8044201	K-80-0147	1504720484	103	PINTAIL PET ORLYN PARKER UNIT #1
*K R M PETROLEUM CORPORATION				RECEIVED: 07/01/80 JA: KS
8044196	K-80-0133	1503320270	102	LEMON #1
8044089	K-80-0141	1503320311	102	LEMON #10
8044195	K-80-0134	1503320294	102	LEMON #2-X
8044194	K-80-0135	1503320288	102	LEMON #3
8044093	K-80-0136	1503320297	102	LEMON #5
8044092	K-80-0137	1503320298	102	LEMON #6
8044091	K-80-0139	1503320302	102	LEMON #8
8044090	K-80-0140	1503320308	102	LEMON #9
8044088	K-80-0142	1503320289	102	RHODES #1
8044087	K-80-0143	1503320299	102	RHODES #2
8044204	K-80-0144	1503320318	102	RHODES #3
*K-EXPLORATION INVESTORS				RECEIVED: 07/01/80 JA: KS
8044067	K-80-0254	1504720544	103	NO 1 KEEN
*KAISER-FRANCIS OIL COMPANY				RECEIVED: 07/01/80 JA: KS
8044153	K-80-0111	1502500000	108	THEIS A #1
*KANSAS JOINT VENTURE				RECEIVED: 07/01/80 JA: KS
8044160	K-80-0219	1509720517	103	NO 1 FATZER
*KANSAS KA-TEX JOINT VENTURE				RECEIVED: 07/01/80 JA: KS
8044159	K-80-0220	1504720505	103	NO 1 TAYLOR
*KANSAS OIL CORP				RECEIVED: 07/01/80 JA: KS
8044215	K-80-0083	1500720611	103	KANSAS OIL CORP #1 LANDWEHR
*KANSAS PETROLEUM INC				RECEIVED: 07/01/80 JA: KS
8044222	K-80-0087	1507520170	108	#1 WOODS
8044161	K-80-0218	1509520830	103	MAPLE #1
8044238	K-80-0068	1518720013	108	NORDLING
*KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 07/01/80 JA: KS
8044131	K-80-0044	1509320666	103	BURNETT 1-2
8044107	K-80-0129	1505500000	108	J LIGHTNER #1
8044252	K-80-0016	1509320642	103	MASONIC HOME 6-2
8044157	K-80-0224	1507500000	108	0620-A GOULD #1
*KRUCKENBERG-SCOTT				RECEIVED: 07/01/80 JA: KS
8044167	K-80-0210	1509520853	103	BUCKLES #1
*LADD PETROLEUM CORPORATION				RECEIVED: 07/01/80 JA: KS
8044237	K-80-0089	1507520231	103	MCU 1921-B
*LEE BANKS				RECEIVED: 07/01/80 JA: KS
8044165	K-80-0212	1505720146	103	#1 FLETCHER
*MARBOL-CUPT				RECEIVED: 07/01/80 JA: KS
8044256	K-79-1924	1505320203	108	HELWICK #1
*MARTIN OIL CO				RECEIVED: 07/01/80 JA: KS
8044164	K-80-0213	1509520847	103	#1 GRABER
8044163	K-80-0214	1509520874	103	#1 KOSTNER D
*MCCOY PETROLEUM CORP				RECEIVED: 07/01/80 JA: KS
*8044125	K-80-0164	1509520608	108	CARRICK C #1
*8044126	K-80-0161	1507720556	103	GILL A #1
8044100	K-80-0155	1509520425	108	GRIEM #1
8044101	K-80-0154	1507720294	108	HOLCOMB #1
8044099	K-80-0156	1507720364	108	KANSAS UNIVERSITY GAS UNIT #1
8044098	K-80-0157	1509520564	103	KOHMAN #2
8044097	K-80-0158	1509520727	108	KOHMAN #4

FIELD NAME	PROD	PURCHASER
MURPHY	50,0	CITIES SERVICE GAS C
WOKATY - EXTENSION	40,0	CENTRAL STATES GAS C
LEMON RANCH POOL	36,0	
LEMON RANCH POOL	9,0	
LEMON RANCH POOL	7,5	
LEMON RANCH POOL	36,0	
LEMON RANCH POOL	18,0	
LEMON RANCH POOL	36,0	
LEMON RANCH POOL	219,0	
LEMON RANCH POOL	9,0	
LEMON RANCH POOL	36,0	
LEMON RANCH POOL	110,0	
LEMON RANCH POOL	18,0	
(NE/4 NE/4 SW/4 27-25-17	730,0	CENTRAL STATES GAS C
MCKINNEY	20,0	NORTHERN NATURAL GAS
(CENTER OF SW/4 NE/4 5-2	40,2	PANHANDLE EASTERN PI
(CENTER OF NW/4 NE/4 20-	91,5	PANHANDLE EASTERN PI
TRAFFAS	74,0	PEOPLES NATURAL GAS
HUGOTON	18,2	KANSAS-NEBRASKA NATU
SPIVEY-GRABS	7,2	PEOPLES NATURAL GAS
HUGOTON	19,1	KANSAS-NEBRASKA NATU
PANOMA COUNCIL GROVE	87,0	
HUGOTON	18,0	KANSAS-NEBRASKA NATU
PANOMA COUNCIL GROVE	87,0	
BRADSHAW	21,0	
BUCKLES	91,3	CENTRAL STATES GAS C
BRADSHAW	27,0	KANSAS NEBRASKA NATU
PLEASANT VALLEY	365,0	NORTHERN NATURAL GAS
ELLSWORTH POOL	14,6	ILUS INDUSTRIES INC
KLAVER NE	180,0	NORTHERN GAS PRODUCT
KLAVER NE	24,0	PEOPLES NATURAL GAS
SPIVEY-GRABS	8,0	PANHANDLE EASTERN PI
SPIVEY-GRABS	18,0	PANHANDLE EASTERN PI
SPIVEY-GRABS	11,0	PEOPLES NATURAL GAS
CURWIN	10,0	PEOPLES NATURAL GAS
CRYSTAL SPRINGS	11,0	PEOPLES NATURAL GAS
SPIVEY-GRABS	35,0	PEOPLES NATURAL GAS
WELLS-TOWNER A	1,0	PEOPLES NATURAL GAS

JD NO	JA DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8044120	K-80-0168	1507720515	103		LEEPER A #1	SPIVEY-GRABS EAST	20,0	PANHANDLE EASTERN PI
8044197	K-80-0151	1503320275	103		MCMURAN #1	YELLOWSTONE	25,0	DELHI GAS PIPELINE C
8044102	K-80-0153	1507720176	108		NAFFZIGER A #1	CRYSTAL SPRINGS	11,0	PEOPLES NATURAL GAS
8044103	K-80-0152	1509520017	108		SWINGLE #2	SPIVEY-GRABS	19,0	PEOPLES NATURAL GAS
8044198	K-80-0150	1509520855	103		WELLS #1	RUTH	15,0	PEOPLES NATURAL GAS
8044199	K-80-0149	1509520535	108		WELLS-TOWNER A #1	WELLS-TOWNER CHASE GAS	15,0	PEOPLES NATURAL GAS
*8044125	K-80-0162	1509520623	103		WHITMER C #1	SPIVEY-GRABS	30,0	PANHANDLE EASTERN PI
8044095	K-80-0160	1507720479	103		WILLIAMS B #1	SPIVEY-GRABS EAST	5,0	PANHANDLE EASTERN PI
*8044124	K-80-0163	1507720487	103		WILLIAMS B #2	SPIVEY-GRABS EAST	5,0	PANHANDLE EASTERN PI
8044121	K-80-0167	1507720495	103		WILLIAMS B #3	SPIVEY-GRABS EAST	5,0	PANHANDLE EASTERN PI
8044122	K-80-0165	1507720529	103		WILLIAMS C #2	SPIVEY-GRABS EAST	20,0	PANHANDLE EASTERN PI
8044096	K-80-0159	1507720278	108		WILSON GAS UNIT #1	CRYSTAL SPRINGS	11,0	PEOPLES NATURAL GAS
*MOBIL OIL CORP					RECEIVED: 07/01/80 JA: KS			
8044105	K-80-0131	1518920481	103		BUNYAN UNIT NO 1	PANOMA	70,0	NORTHERN NATURAL GAS
8044083	K-80-0195	1518920485	103		E A LOOMIS UNIT NO 2	PANOMA	70,0	CITIES SERVICE GAS C
8044104	K-80-0132	1518920482	103		IRENE CUTTER UNIT NO 1	PANOMA	70,0	NORTHERN NATURAL GAS
8044106	K-80-0130	1512920410	103		MATT HJORT UNIT NO 1	PANOMA	70,0	NORTHERN NATURAL GAS
8044066	K-80-0236	1509320667	103		USA-MOORE UNIT NO 2	PANOMA	70,0	CITIES SERVICE GAS C
*MONSANTO COMPANY					RECEIVED: 07/01/80 JA: KS			
8044080	K-80-0200	1509520850	103		HARTMAN NO 1	SPIVEY GRABS	372,0	KANSAS POWER & LIGHT
*MOUNTAIN PETROLEUM CORPORATION					RECEIVED: 07/01/80 JA: KS			
8044078	K-80-0066	1502320110	102		RUEB #1-9	ARMEL	30,0	KANSAS-NEBRASKA NATU
*MULL DRILLING CO INC					RECEIVED: 07/01/80 JA: KS			
8044116	K-80-0174	1500700000	103		WHEELOCK A #1	MEDICINE RIVER	182,0	CITIES SERVICE GAS C
*MULTISTATE OIL PROPERTIES NV					RECEIVED: 07/01/80 JA: KS			
8044202	K-80-0146	1500700000	108		DAVIS RANCH A #1	AETNA	0,0	ZENITH NATURAL GAS C
*NATIONAL OIL COMPANY					RECEIVED: 07/01/80 JA: KS			
8044151	K-80-0114	1502520228	103		#1 BARTH	CLARK CREEK	210,0	NORTHERN NATURAL GAS
8044149	K-80-0116	1504720458	103		#1 HORNBAKER	MCCARTY	87,5	KANSAS-NEBRASKA NATU
8044150	K-80-0115	1504720501	103		#1 MOORE	MCCARTY NE EXT	87,5	KANSAS-NEBRASKA NATU
*NORTHERN NATURAL GAS PRODUCING CO					RECEIVED: 07/01/80 JA: KS			
8044128	K-80-0049	1518920477	103		BATMAN UNIT #2	PANOMA	70,0	NORTHERN NATURAL GAS
8044158	K-80-0222	1505520595	103		BROWN NO 26 UNIT NO 27 WELL	PANOMA	70,0	NORTHERN NATURAL GAS
8044077	K-80-0067	1518920480	103		MOYER NO 1 UNIT NO 2	PANOMA	70,0	NORTHERN NATURAL GAS
*OIL PROPERTIES CO INC					RECEIVED: 07/01/80 JA: KS			
8044188	K-80-0102	1504720584	103		BRYANT A NO 2	WIL	7,2	PANHANDLE EASTERN PI
8044185	K-80-0105	1504720557	103		CUDNEY A #2	WIL	4,3	PANHANDLE EASTERN PI
8044186	K-80-0104	1504720255	103		CUDNEY A NO 1	WIL	4,3	PANHANDLE EASTERN PI
8044187	K-80-0103	1504720452	103		CUDNEY B NO 1	WIL	7,2	PANHANDLE EASTERN PI
8044191	K-80-0099	1504720481	103		MARTIN NO 1	TROUSDALE NORTH	73,0	PANHANDLE EASTERN PI
8044190	K-80-0100	1504720578	103		PARKER A NO 1	WIL	7,3	PANHANDLE EASTERN PI
8044189	K-80-0101	1504720449	103		WOOD A NO 1	WIL	7,2	PANHANDLE EASTERN PI
*OIL PROPERTY MANAGEMENT INC					RECEIVED: 07/01/80 JA: KS			
8044135	K-80-0033	1507720538	103		MENG NO 1	MISSISSIPPI C SW NW SEC	65,0	PANHANDLE EASTERN PI
*OKMAR OIL COMPANY					RECEIVED: 07/01/80 JA: KS			
8044145	K-80-0248	1500720267	108		HANBAUGH B1	RHODES	5,0	KANSAS GAS SUPPLY CO
8044143	K-80-0246	1500700000	108		HANBAUGH B2	RHODES	5,0	KANSAS GAS SUPPLY CO
8044144	K-80-0247	1500720216	108		HANBAUGH C1	RHODES	5,0	KANSAS GAS SUPPLY CO
8044141	K-80-0244	1500720190	108		WARREN #1	RHODES	9,0	KANSAS GAS SUPPLY CO
*PAR PETROLEUM INC					RECEIVED: 07/01/80 JA: KS			
8044209	K-80-0071	1515120653	103		REZEAU #1	CULLISON WEST	100,0	PANHANDLE EASTERN PI
*PERRY GAS COMPANIES INC					RECEIVED: 07/01/80 JA: KS			
8044139	K-79-1896	1514520566	102		PETRO #1	PETRO	72,0	

JD NO	JA DKT	API NO	SEC	* WELL NAME			
*PETROLEUM TECHNICAL SERVICE CO				RECEIVED: 07/01/80 JA: KS			
8044212	K-80-0086	1507520299	103	PAWSONS NO 1			
*PICKRELL DRILLING COMPANY				RECEIVED: 07/01/80 JA: KS			
8044207	K-80-0052	1507720448	103	#1 COOK E			
8044200	K-80-0148	1505720152	102	EDMONSTON B #1			
8044176	K-80-0051	1505720139	103	HICKS A #1			
*R C BANKS				RECEIVED: 07/01/80 JA: KS			
8044248	K-80-0179	1507120151	103	GIB #1			
*R CLAY UNDERWOOD				RECEIVED: 07/01/80 JA: KS			
8044166	K-80-0211	1511920239	108	JESSIE S ADAMS F #7			
*RINE DRILLING CO				RECEIVED: 07/01/80 JA: KS			
8044184	K-80-0107	1502520147	103	SHUPE #1-15			
*SERVICE DRILLING CO				RECEIVED: 07/01/80 JA: KS			
8044086	K-80-0192	1517520428	103	LOFLAND #1-14			
*STEVENS COUNTY OIL & GAS CO				RECEIVED: 07/01/80 JA: KS			
8044206	K-80-0053	1518920443	103	MCCLURE 16 A-3			
*SUNBURST EXPLORATION CO				RECEIVED: 07/01/80 JA: KS			
8044203	K-80-0145	1518720510	103	NO 1 DIMITT			
*TEXAS OIL & GAS CORP				RECEIVED: 07/01/80 JA: KS			
8044134	K-80-0032	1512920388	103	BARKER A #1 (UPPER)			
8044085	K-80-0193	1500720500	103	CLARKE D #1			
8044112	K-80-0122	1500720804	103	CLARKE H #1			
8044084	K-80-0194	1507720318	108	COX C #1			
8044259	K-80-0058	1519120931	103	EDWARDS E #1			
8044162	K-80-217	1507720572	103	GILL A #1			
8044062	K-80-0186	1509720584	102	KENDALL #1			
8044217	K-80-0080	1507720539	103	MCKAIG #1			
8044218	K-80-0079	1500720791	102	MEANS B #1			
8044260	K-80-0057	1519120982	102	RENNER #1			
8044249	K-80-0178	1500720554	103	ROBINSON C #1			
8044244	K-80-0185	1509720576	102	RUSS C #1			
8044227	K-80-0253	1503320321	102	SCHUMACHER #2			
8044261	K-80-0056	1519120971	102	STEWART A #1			
8044063	K-80-0227	1500720817	102	THUM C #1			
8044111	K-80-0123	1507720442	103	TROYER-MAST #1			
*THE MAURICE L BROWN COMPANY				RECEIVED: 07/01/80 JA: KS			
8044208	K-80-0072	1509320587	103	MARSHBARGER #1			
*TRIGG DRILLING COMPANY INC				RECEIVED: 07/01/80 JA: KS			
8044180	K-79-1742	1505500000	103	LEHMAN TRUST NO 1-22			
8044181	K-79-1741	1505500000	103	WELDON NO 1-14			
*VINCENT OIL CORP				RECEIVED: 07/01/80 JA: KS			
8044115	K-80-0121	1509520628	103	BOLINGER #1			
8044146	K-80-0119	1507920319	103	FRANZ-SCHRAG #1			
8044081	K-80-0199	1500720601	103	SADDLER #1			
8044148	K-80-0117	1507920311	103	SCHRAG B #1			
8044147	K-80-0118	1507920368	103	SCHRAG C #1			
8044082	K-80-0198	1500720730	103	SCHREINER #1			
8044114	K-80-0120	1507920320	103	STUCKY #1			
*WALTER KUHN DRILLING COMPANY				RECEIVED: 07/01/80 JA: KS			
8044079	K-80-0201	1508100000	108	MEKSCH GAS UNIT			
*WAYMAN W BUCHANAN				RECEIVED: 07/01/80 JA: KS			
8044152	K-80-0112	1507120173	103	HELM NO 2			
*WELLS ENERGY CO				RECEIVED: 07/01/80 JA: KS			

FIELD NAME	PROD	PURCHASER
BRADSHAW	730,0	KANSAS-NEBRASKA NATU
DRIFTWOOD	93,1	CITIES SERVICE GAS C
	255,5	
PLEASANT VALLEY	255,5	DELHI GAS PIPELINE C
NORTH BYERS	36,0	SUNFLOWER ELECTRIC C
CIMARDON BEND	14,4	KANSAS POWER & LIGHT
SNAKE CREEK - SHUPE #1-1	3,6	NORTHERN NATURAL GAS
LIGHT	108,0	PANHANDLE EASTERN PI
PANOMA COUNCIL GROVE	255,0	PANHANDLE EASTERN PI
HUGOTON	87,6	COLORADO INTERSTATE
WILDCAT	55,0	PANHANDLE EASTERN PI
MEDICINE RIVER	73,0	NORTHERN GAS PRODUCT
MEDICINE RIVER	365,0	NORTHERN GAS PRODUCT
SPIVEY-GRABS	14,6	NORTHERN GAS PRODUCT
LOVE THREE	182,5	DELHI GAS PIPELINE C
GEMINI PROSPECT	292,0	NORTHERN GAS PRODUCT
WELLSFORD NE	127,8	PANHANDLE EASTERN PI
SULLIVAN	547,5	NORTHERN GAS PRODUCT
ELM MILLS PROSPECT	182,5	CENTRAL STATES GAS C
STUHLSATZ	220,0	DELHI GAS PIPELINE C
GEMINI	547,5	NORTHERN GAS PRODUCT
BANNER PROSPECT	273,8	PANHANDLE EASTERN PI
HARPER RANCH	365,0	NORTHERN NATURAL GAS
CHICASKIA	300,0	DELHI GAS PIPELINE C
AMBER	12,8	KANSAS GAS SUPPLY
COMEEN	91,3	NORTHERN GAS PRODUCT
PANOMA	0,0	PANHANDLE EASTERN PI
HUGOTON	73,0	NORTHERN NATURAL GAS
HUGOTON	73,0	NORTHERN NATURAL GAS
BROADWAY	21,6	PEOPLES NATURAL GAS
WALL	21,0	PEOPLES NATURAL GAS
MCGUIRE - GOEMAN EXT	21,0	PEOPLES NATURAL GAS
WALL	72,0	PEOPLES NATURAL GAS
WALL	9,0	PEOPLES NATURAL GAS
SHARON	21,0	CITIES SERVICE GAS C
WALL	18,0	PEOPLES NATURAL GAS
HUGOTON	20,0	CITIES SERVICE GAS C
NORTH BRADSHAW	182,5	SUNFLOWER ELECTRIC C

JD NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8044228	K-80-0251	1502520317	103	BURNS #1	MCKINNEY	146.0	KANSAS POWER & LIGHT
8044132	K-80-0034	1507720530	103	DIRKS #1	SPIVEY-GRABS	36.5	KANSAS POWER & LIGHT
*ZENITH DRILLING CORPORATION INC				RECEIVED: 07/01/80 JA: KS			
8044241	K-80-0187	1514520441	108	COLGLAZIER #1	ZOUK	14.0	CENTRAL STATES GAS C
8044240	K-80-0189	1518520703	108	MULDERNESS #1	DILLWIN NW	0.0	CENTRAL STATES GAS C
8044109	K-80-0126	1515120682	103	LINCOLN LAND #3	MCAMREN	109.0	CENTRAL STATES GAS C
8044231	K-80-0096	1515520616	103	WEBER B-1	ZENITH-PEACE CREEK	91.0	PEOPLES NATURAL GAS
**********							
OHIO DEPARTMENT OF NATURAL RESOURCES							
**********							
*APPALACHIAN PETROLEUM CORP				RECEIVED: 07/01/80 JA: OH			
8044264		3416725441	103	HERBERT MANSCH #4	ADAMS	3.5	COLUMBIA GAS TRANSMI
*PAGE P BLAKEMORE				RECEIVED: 07/01/80 JA: OH			
8044265		3416724846	103	VIRGIL AND VERA AMOS 1-A	GRANDVIEW	24.6	

OTHER PURCHASERS

8044123	CITIES SERVICE CO
8044124	CITIES SERVICE CO
8044125	CITIES SERVICE CO
8044126	CITIES SERVICE CO

[FR Doc. 80-23053 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-C

[Docket No. TA80-2-1 (PGA 80-2 and DCA 80-2)]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

July 24, 1980.

Take notice that on July 16, 1980, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet:

Substitute Thirty-Third Revised Sheet No. 3-A

This tariff sheet has been filed pursuant to a letter of June 30, 1980, addressed to Alabama-Tennessee by the Director, Office of Pipeline and Producer Regulation. Such letter directs that the above-designated revised tariff sheet be made effective July 1, 1980. Accordingly, Alabama-Tennessee requests a waiver of § 154.22 of the Commission's regulations to accomplish such effective date.

The revised tariff sheet provides for the following reduced rates:

Rate schedule	Rate after current adjustment
G-1:	
Demand	[1]2.12
Commodity	[2]251.17
SG-1: Commodity	[2]266.66
I-1: Commodity	[2]258.13

[1]Dollars.
[2]Cents.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 August 8, 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. 80-23054 Filed 7-30-80, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3050; Project No. 3122]

Arkansas Electric Cooperative Corp. and Arkansas Power & Light Co.; Applications for Preliminary Permits

July 25, 1980.

Take notice that the Arkansas Electric Cooperative Corporation (AECC) and the Arkansas Power & Light Company (AP&L) filed on February 22, 1980, and March 31, 1980, respectively, competing applications [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for preliminary permits for the proposed hydroelectric power projects, each to be known as the Murray Power Project, FERC Nos. 3050 and 3122, respectively, that would be located at the constructed Corps of Engineers' Murray Lock and Dam on the Arkansas River, in Pulaski County, near Little Rock, Arkansas. Correspondence with AECC on this matter should be addressed to: Mr. Joe R. Moody, Benham-Holway Power Group, Suite 1150, #1 Union Plaza, Little Rock, Arkansas 72201, and Mr. Louis Fish, Assistant General Manager, Arkansas Electric Cooperative Corporation, 8000 Scott Hamilton Drive, Little Rock, Arkansas 72209. Correspondence with AP&L should be addressed to: Mr. W. Henry Jones, Manager, Civil Engineering, Arkansas Power & Light Company, The First National Bank Building, P.O. Box 551, Little Rock, Arkansas 72203.

Purpose of Project—Energy from Project No. 3050 would be wheeled through AP&L's transmission system to AECC's substations for distribution to AECC's members. Energy from Project No. 3122 would be used by AP&L to meet its present and future load requirements.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. AECC estimates the cost of studies under the permit would be approximately $50,000, while AP&L estimates it would be between $20,000 and $30,000.

Project Description—Project No.3050 would utilize the Murray Lock and Dam under the jurisdiction of the Corps of Engineers and would consist of: (1) five turbine/generators rated at 6 MW each, operating under a head of 16 feet and using the flow which now passes through the dam's 14 Taintor gates; (2) a new powerhouse 200 feet long and 75 feet wide located on the northern bank of the river; (3) a new 5-mile long 115kV transmission line; and (4) a new step-up substation to be located at the powerhouse and, if necessary, a new substation to be located adjacent to the transmission line. AECC estimates that annual generation would average 165,000,000 kWh.

Project No. 3122 would follow the same general scheme of development as Project No. 3050, but would consist of: (1) turbine/generators with a total generating capacity of 10 to 15 MW; (2) a new powerhouse located on the northern bank of the river and (3) a new 1.0-mile long 115-kV transmission line. AP&L estimates that annual generation would average 100,000,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license. In this instance, each applicant seeks a 36-month permit.

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 each applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 30, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 1, 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 these applications 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 September 30, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The applications are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23055 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2790]

Boott Mills and Proprietors of the Locks and Canals on Merrimack River; Application for Major License

July 25, 1980.

Take notice that an application was filed on December 17, 1979, and revised on May 20, 1980, under the Federal Power Act, 16 U.S.C. Section 791(a)–825(r), by the Boott Mills and Proprietors of the Locks and Canals on Merrimack River for a major license for the Lowell Hydroelectric Project. The proposed project would be located on the Merrimack River in Middlesex County, Massachusetts. Correspondence with the Applicant on this matter should be addressed to: Mr. Melvin G. Lezberg, President, Boott Mills and Proprietors of the Locks and Canals on Merrimack River, Foot of John Street, Lowell, Massachusetts 01852.

Project Description—The proposed project would consist of the Pawtucket Dam Development and four existing smaller developments located along the Lowell Canal system. The project would have a total installed capacity of 22,915 kW.

The Pawtucket Dam Development would utilize: (1) an existing 15-foot high, 1,092-foot long masonry dam; (2) the first 2,000 feet of the existing Northern Canal; (3) a new powerhouse containing turbines and generators having a total installed capacity of 15 MW; (4) a new, 1,000-foot long tailrace channel to be excavated in the existing river bed; (5) fish passage facilities; and (6) appurtenant works.

The four existing hydroelectric developments would be: (1) the 795-kW Assets Power Station Development, which draws water through an intake structure located at the Merrimack Canal and discharges into the Lower Pawtucket Canal; (2) the 3,440-kW Bridge Street Power Station Development which draws water from two separate locations on the Eastern Canal and discharges into the Merrimack River and the Concord River; (3) the 2,500-kW John Street Power Station Development which draws water from the Eastern Canal and discharges into the Merrimack River; and (4) the 1,180-kW Hamilton Power Station development which draws its water from the Hamiton Canal and discharges into the Lower Pawtucket Canal.

The existing developments are located at various points along the 5.5 mile Lowell Canal system.

The Applicaant proposes to provide recreational facilities at the Pawtucket Dam development, consisting of viewing areas and interpretive materials.

Project power would be used by the Applicant for industrial purposes or would be sold to local public utilities.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 2, 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 January 30, 1981. A notice of intent must conform with the requirements of 19 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 § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before October 2, 1980. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23056 Filed 7-30-80; 8:45]

BILLING CODE 6450-85-M

[Docket No. RA80-47]

Brock Exploration Corp.; Filing of Petition for Review Under 42 U.S.C. 7194

July 25, 1980

Take notice that Brock Exploration Corporation on June 27, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.).

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before August 8, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 5142, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23057 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL79-8]

Central Power & Light Co., Public Service Co. of Oklahoma, Southwestern Electric Power Co., West Texas Utilities Co.; Amendment to Environmental Report on Proposed Interconnection of Electric Utilities

July 25, 1980.

Take notice that on July 3, 1980, the applicants in the above-captioned proceeding substantially amended their environmental report concerning an application under sections 210, 211, and 212 of the Federal Power Act to construct transmission facilities for the purpose of interconnecting electric utilities in the states of Texas, Oklahoma, Louisiana and Arkansas. The report addresses the environmental factors specified in § 4.41 of the Commission's rules of practice and procedure, 18 CFR 4.41. This report is available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. Members of the public are hereby invited to submit written comments on the environmental effects of the relief requested by the applicants. The Commission staff will analyze such comments in determining whether the proposed interconnection of electric utilities constitutes a major federal action significantly affecting the quality of the environment.

Any person wishing to comment should file a statement with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should be filed by August 26, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23058 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-531]

Central Telephone & Utilities Corp.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (CTU) on July 18, 1980, tendered for filing a proposed Electric Interconnection and Interchange Agreement with Sunflower Electric Cooperative, Inc., (SEC) dated April 9, 1980. Included with the Electric Interconnection and Interchange Agreement are Service Schedule B (Emergency Service) dated June 3, 1980, Service Schedule C (Economy Energy Service) dated June 3, 1980, Service Schedule J (Displacement Power Service) dated April 9, 1980 and Service Schedule P (Participation Power Service) dated April 9, 1980.

CTU states that Service Schedule J (Displacement Power Service) provides for CTU making available to SEC power and energy scheduled simultaneously by Kansas Power & Light Company and made available to CTU at existing points of interconnection between Kansas Power & Light Company and CTU.

CTU also states that Service Schedule P (Participation Power Service) provides for electric power and accompanying energy to be supplied starting June 1, 1980 to Sunflower Electric Cooperative. This participation power service shall mean electric power and associated energy made available to SEC from CTU's total generating facilities.

Concurrent with the acceptance of this filing, CTU requests the cancellation of the existing Interconnection Contract between Central Telephone & Utilities Corporation and Sunflower Electric Cooperative, Inc., dated January 23, 1963 and the service schedules which are a part of said contract and which are designated as Service Schedule A (Firm Power Schedule) dated March 30, 1966, Service Schedule B (Emergency Service) dated March 20, 1973, and Service Schedule C (Economy Energy Service) dated January 23, 1963.

CTU requests Service Schedule D (Transmission Service) dated December 9, 1975 be retained and become a part of the Electric Interconnection and Interchange Agreement dated April 9, 1980.

CTU proposes an effective date of June 1, 1980 for the proposed Electric Interconnection and Interchange Agreement and related service schedules and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10. All such petitions or protests should be filed on or before August 18, 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. 80-23059 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2756]

City of Burlington Electric Department; Application for License (Major)

July 25, 1980.

Take notice that an application was filed on July 14, 1980, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the City of Burlington, Vermont Electric Department for a license for the Chace Mill Hydroelectric Project, FERC No. 2756. The project would be located on the Winooski River in the Cities of Winooski and Burlington in Chittenden County, Vermont. Correspondence with the Applicant on this matter should be addressed to: Mr. John E. Berryman, Chief Engineer, City of Burlington Electric Department, 505 Pine Street, Burlington, Vermont 05401 and Mr. Fred J. Ayer III, Kleinschmidt and Dutting, Consulting Engineers, 73 Main Street, P.O. Box 76, Pittsfield, Maine 04967.

Project Description—The Chace Mill Project would consist of: (1) an 11 to 12 foot high, 400-foot long stanchion stoplog dam located 750 feet upstream of the U.S. Routes 2 and 7 bridge, including a 1 to 2 foot high concrete leveling base and seven stanchion stoplog bays; (2) two 30-foot wide, 18-foot high taintor gates (3) a 25-foot wide, 17-foot high crest gate; (4) a 50-acre impoundment with a storage capacity of 400 acre-feet; (5) a 2000-foot long, 20-foot diameter tunnel cut through bedrock and concrete lined; (6) a concrete and brick intake structure located 60 feet east of the Chace Mill; (7) a powerhouse containing a turbine-generator unit rated at 13 MW and a small turbine-generator unit capable of passing the required minimum flow during low-flow period; and (8) appurtenent facilities.

The City of Burlington has proposed to contribute $50,000 towards the reconstruction of the historic American Woolen Mill crib dam in the vicinity of the project to enhance the aesthetics of the project area and to contribute 25% of the cost of a fish trap facility to be located adjacent to the project powerhouse. The City of Burlington would also set aside 0.73 acres of land for future recreational development and public access adjacent to the proposed project intake structure. A seven foot wide foot bridge would be constructed above the dam to allow public access to

principal recreation areas on either side of the Winooski River.

The application was filed during the term of the City of Burlington and Green Mountain Power Corporation's joint preliminary permit issued November 29, 1977.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 5, 1980, either the competing application itself or a notice of intent to file a 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 January 5, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). 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 a 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 1.10 (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 September 5, 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. 80-23060 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-61]

Consolidated Gas Supply Corp.; Settlement Conference

July 25, 1980.

A settlement conference for the purpose of discussing all issues in the above-referenced proceeding will be convened at 11:00 a.m., August 12, 1980, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The location of the conference room will be posted on the second floor on the day of the settlement conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23061 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-535]

Connecticut Light and Power Co., et al.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that on July 21, 1980, The Connecticut Light and Power Company (CL&P) tendered for filing a rate schedule of a weekend exchange agreement (the Agreement) between CL&P, The Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO) (collectively the NU Companies); and Long Island Lighting Company (LILCO). The Agreement, dated as of May 1, 1978, provides for the NU Companies to exchange capacity in their nuclear Units #1 and #2 at Millstone Point for capacity from the LILCO system.

The Agreement provides that capacity exchanges of up to 200 MWh/hr. can occur over week-end periods and that the parties will determine prior to 11:00 a.m. on Friday (or earlier if a holiday falls on Friday) of each week during the Term of the Agreement whether it is economically advantageous to the parties that an exchange, pursuant to the Agreement, shall take place during that weekend.

LILCO will pay capacity and energy charges to the NU Companies in an amount equal to the kilowatts of capacity exchanged over the weekend subject to the availability of the Millstone Units, times $0.00160 times the number of hours during which such exchange takes place. LILCO will purchase such energy from the NU Companies at a rate that reflects the difference between the fixed costs (including nuclear fuel) of the Millstone Units and the fixed costs of gas turbines on the LILCO system. The NU Companies will pay LILCO's incremental costs, or LILCO's incremental costs plus 10% for any energy produced by LILCO's fossil steam units, of providing any energy taken by the NU Companies pursuant to the Agreement.

CL&P requests an effective date of May 1, 1978 for the Agreement.

HELCO, WMECO, and LILCO have filed certificates of concurrence in this docket.

The Agreement has been executed by the NU Companies and by Long Island Lighting Company and copies have been mailed to each of them.

CL&P further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 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 August 18, 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. 80-23062 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-34]

The Detroit Edison Co.; Request for Declaratory Order

July 25, 1980.

The filing Company submits the following:

Take notice that on July 16, 1980, The Detroit Edison Company (EDISON), 2000 Second Avenue, Detroit Michigan 48226, submitted a Request for a Declaratory Order as to the exempt status of substation equipment conveyed to Thumb Electric Cooperative of Michigan (TEC), and for such further relief as may be appropriate.

Edison's filing states that the equipment consists of four small electrical transformers, three single-phase regulators and supporting equipment and structures located on .110 acres of land located in Delaware Township, Sanilac County, Michigan.

The sales price was $49,800. TEC is a wholesale-for-resale customer of Edison. TEC is a non-profit Rural Electric Cooperative serving approximately 8,860 customers in rural areas in the State of Michigan. TEC owns and operates two electric generating plants.

On December 28, 1978, Edison sold and conveyed to TEC the Delaware substation in order to improve the efficiency and reduce the cost of operations of TEC. Edison requests a declaration from the Commission that the facilities are exempt from the provisions of Section 203 of the Federal Power Act pursuant to Sections 201(b)(1) of that Act. Edison also requests such further relief as may be appropriate.

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 or 1.10). All such petitions or protest should be filed on or before August 18, 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. 80-23063 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-2 (PGA80-2. IPR80-2 & DCA80-2)]

East Tennessee Natural Gas Co.; Revision To Rate Filing Pursuant to Tariff Rate Adjustment Provisions

July 24, 1980.

Take notice that on July 22, 1980, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Substitute Thirty-Third Revised Sheet No. 4 to its FERC Gas Tariff, Sixth Revised Volume No. 1, to be effective July 1, 1980.

East Tennessee states that the purpose of the revised tariff sheet is to revise its May 30, 1980 filing in this docket to reflect the change in the rates filed by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. on July 18, 1980. East Tennessee states that in all other respects the instant filing reflects the same rate adjustments as were reflected in its May 30, 1980 filing.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected states regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 or 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 August 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretarty.

[FR Doc. 80-23064 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

Election Required Under Section 107(d) of the Natural Gas Policy Act of 1978, Regarding Applicability of Incentive Pricing and Deregulation; Petition for Declaratory Order

[Docket No. GP80-109]

July 25, 1980.

Take notice that on June 27, 1980, Appalachian Exploration and Development, Inc. (AED) filed with the Commission a petition seeking a declaratory order on the meaning and intent of section 107(d) of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95-621. AED also seeks clarification of a notice issued by the Commission on April 7, 1980, pursuant to section 107(d). The petition of AED was filed pursuant to sections 501(b) and 502(c) of the NGPA and § 1.7(c) of the Commission rules of practice and procedure. AED's address is c/o Bernard Foster, Esq., 730 15th Street, NW., Washington, D.C. 20005.

Under section 107 of the NGPA, five categories of natural gas are defined as so-called "high-cost" natural gas. These five categories are afforded special price treatment: the prices of four categories have been deregulated (*see,* NGPA section 121(b)); the maximum lawful prices for the fifth category are incentive prices established by the Commission (*see,* NGPA section 107(b) and (c)(5)).

If under a law enacted after November 9, 1978, favorable, Federal tax treatment is specifically allowed for any kind of high-cost gas, the election provisions of section 107(d) of the NGPA apply to such qualifying gas. Under section 107(d), an election must be filed with the Commission to have the special price treatment apply to the qualifying gas, in *lieu* of the favorable tax treatment; otherwise, the special price treatment (deregulation or incentive price, whichever is pertinent) shall not apply to the gas. Pursuant to section 107(d), the election must be filed on or before the later of thirty (30) days after the enactment of the law providing the favorable tax treatment, or the date of commencement of the surface drilling for the well that produces the qualifying gas.

On April 2, 1980, the Crude Oil Windfall Profit Tax Act of 1980 (WPTA), Pub. L. No. 96-223, was enacted. Among other things, this law provides a tax credit for certain kinds of high-cost gas—gas from geopressured brine, devonian shale, coal seams and tight formations. *See,* WPTA section 231. The Commission on April 7, 1980, issued a notice setting forth procedures for filing an election under section 107(d) of the NGPA, as a result of the, then, just-recently enacted WPTA.

The tax credit granted in section 231 of the WPTA is subject to a provision phasing the credit out. *See,* WPTA section 231, "I.R.C. section 44D(b)." A special phaseout rule is applied to the credit for gas from Devonian shale. The special phaseout rule covers only the tax years 1980, 1981 and 1982. *See,* WPTA section 231, "I.R.C. section 44D(d)(4)(B)." After 1982, the phaseout of the credit for gas from Devonian shall is governed by the general phaseout rule.

AED, in its petition, requests that the Commission allow a producer to file an election under section 107(d) that would be effective for an annual period and to file subsequent elections effective for a like period at the beginning of the calendar years 1980, 1981, 1982 and 1983. Alternatively, AED urges that the Commission allow a producer filing an election under section 107(d) to notify the Commission that the effectiveness of the election is postponed to a future date certain.

Any person desiring to be heard or to protest AED's petition should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 15, 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 AED's petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23065 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[FERC Gas Rate Schedule No. 49]

Gulf Oil Corp.; Order Granting Rehearing for Purposes of Further Consideration

Issued July 25, 1980.

The following applications[1] for rehearing have been filed in the following dockets relating to the express condition of § 154.93 of the Commission's orders granting certificate of public convenience and necessity. The rehearing applications are as follows:

Gulf Oil Corporation, FERC Gas Rate Schedule No. 49
Rehearing Application filed July 1, 1980
Certificate order issued June 11, 1980
Exxon Corporation, Docket No. CI77-687
Rehearing Application filed July 3, 1980
Certificate order issued June 4, 1980
Exxon Corporation, Docket No. G-15058, *et al.*
Rehearing Application filed July 7, 1980
Certificate order issued June 10, 1980
Exxon Corporation, Docket No. CI80-177
Rehearing Application filed July 7, 1980
Certificate order issued June 10, 1980
Exxon Corporation, Docket No. CI80-248
Rehearing Application filed July 7, 1980
Certificate order issued June 10, 1980
Columbia Gas Development Corporation, Docket No. CI70-126
Rehearing Application filed July 1, 1980
Certificate order issued June 10, 1980

Gulf, Exxon and Columbia Gas has filed applications for rehearing of those orders insofar as they imposed conditions pursuant to § 154.93 of the Commission's Regulations on the pricing clauses in the contracts involved here.

Gulf, Exxon and Columbia Gas claim that these conditions are unlawful and contrary to the express authority of the Commission and its policies. They request that the Commission reconsider the inclusion of such conditions and delete them from the above referenced certificates.

[1] The applications addressed by this order have been combined herein solely for administrative convenience. The dockets have not been combined or consolidated by this order for any other purposes.

The Commission orders: (A) The applications for rehearing filed by Gulf, Exxon and Columbia Gas are hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no responses to the order will be entertained by the Commission in accordance with the terms of § 1.34 of the Commission's rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23066 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-536]

Gulf Power Co.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that Gulf Power Company on July *21*, 1980, tendered for filing proposed changes in its FERC Electric Tariff, Second Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $5,269,516 annually, based on the 12 month period ending September 30, 1981. Gulf requests the proposed tariff changes be made effective on October 1, 1980.

The company states the foregoing tariff changes are being filed so that it can earn a fair and reasonable return on its investment in facilities used to provide jurisdictional services.

Copies of the filing were served upon Gulf Power Company's jurisdictional customers, the Florida Public Service Commission and Alabama Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, 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 August 18, 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. 80-23067 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-534]

Iowa Power & Light Co.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that Iowa Power and Light Company ("Iowa Power"), on July 21, 1980, tendered for filing proposed in Iowa Power and Light Company FERC Rate Schedule No. 54, which sets forth rates for wholesale electric service to the Atlantic Board of Waterworks and Electric Light and Power Plant Trustees.

Proposed Supplement No. 14 to Rate Schedule No. 54 provides for a change in the floor price for emergency energy and power as well as a change in billing due dates and interest charges on late payment thereof. This change is needed for compliance with the rates shown in the Mid-Continent Area Power Pool Agreement.

Iowa Power requests that the Commission waive its prior notice requirements and accept Proposed Supplement No. 14 for filing with a retroactive effective date of June 18, 1980. Iowa Power states the copies of the filing have been served upon the City and the Iowa State Commerce 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 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 August 18, 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. 80-23068 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-085-M

[Docket No. TA80-2-5 (PGA80-3, IPR80-2 and DCA80-2)]

Midwestern Gas Transmission Co.; Revision To Rate Filing Pursuant to Tariff Rate Adjustment Provisions

July 24, 1980.

Take notice that on July 22, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Twenty-Eighth Revised Sheet No. 5 to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective July 1, 1980.

Midwestern states that the purpose of the revised tariff sheet is to revise its May 30, 1980 filing in this docket to reflect the change in the rates filed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. on July 18, 1980. Midwestern states that in all other respects the instant filing reflects the same rate adjustments as were reflected in its May 30, 1980 filing.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 August 8, 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 preceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23069 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. RP80-23 and RP80-79]

Midwestern Gas Transmission Co. Minor Tariff Amendments

July 25, 1980.

Take notice that on June 27, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, to be effective July 27, 1980:

Third Revised Volume No. 1

Second Revised Sheet Nos. 1, 52 and 108

Third Revised Sheet Nos. 2, 11, 16, 19, 27, 43, 47, 55 and 107

Fourth Revised Sheet No. 57

Original Volume No. 2

Eigth Revised Sheet No. 1

Midwestern states that the sole purpose of these tariff sheets is to update and effect minor editorial changes in the Table of Contents, Rate Schedules and Index of Purchasers of its FERC Gas Tariff.

Midwestern states that copies of the filing have been mailed to all if its jurisdictional customers and affected state regulatory commissions.

Any persons 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 August 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23070 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-532]

New Bedford Gas & Edison Light Co.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that on July 18, 1980, New Bedford Gas & Edison Light Company (New Bedford) filed, pursuant to Section 205 of the Federal Power Act and the implementing provisions of § 35.13 of the Commission's Regulations, a proposed change in rate under Supplement No. 6 to its currently effective Rate Schedule FERC No. 34.

Said change in rate under Supplement No. 6 (23 KV Wheeling Rate) to New Bedford's Rate Schedule FERC No. 34 has been computed according to the provisions of Section 6(b) of its Rate Schedule FERC No. 34. Such change is proposed to become effective January 1, 1980, thereby superseding the 23 KV Wheeling Rate in effect during calendar 1979. New Bedford has requested that the Commission's notice requirements be waived pursuant to § 35.11 of the Commission's Regulations in order to allow the tendered rate change to become effective as of January 1, 1980.

Copies of this filing have been served upon Boston Edison Company and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 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 August 18, 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. 80-23071 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-65]

Pacific Power & Light Co.; Application

July 24, 1980.

Take notice that on July 16, 1980, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the state of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell to its employees not to exceed 2,000,000 shares of its authorized but unissued shares of Common Stock of the par value of $3.25 per share, pursuant to an Employees' Stock Purchase Plan.

Applicant states that the purposes of the Plan are to encourage employees to become stockholders of Applicant, to stimulate increased interest on their part in the affairs of Applicant, to afford them an opportunity to share in the

profits and growth of Applicant and to promote systematic savings by them.

Any person desiring to be heard or to make any protest with reference to this application should, on or before August 5, 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. 80-23072 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-28]

Panhandle Eastern Pipe Line Co.; Change in Tariff

July 25, 1980.

Take notice that on July 17, 1980, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Thirty-Fifth Revised Sheet No. 3–A

First Substitute Twelfth Revised Sheet No. 3–B

Third Revised Sheet No. 3–C.1

Third Revised Sheet No. 3–C.2

Third Revised Sheet No. 3–C.3

An effective date of September 1, 1980 is proposed.

These revised tariff sheets reflect rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and

(2) A Louisiana First Use Tax (LFUT) Rate Surcharge pursuant to Section 20 of the General Terms and Conditions; and

(3) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions, such adjustment reflections a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(4) A Rate Adjustment pursuant to Section 18.2 of the General Terms and Conditions, such adjustment reflecting the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(5) A "Reduced PGA" rate and projected incremental pricing surcharges for such direct sale non-exempt industrial boiler fuel facility and each sale-for-resale customer in accordance with Section 21 of the General Terms and Conditions; and

(6) A Purchased Gas Transmission and Compression and Transportation Revenue tracking adjustment in accordance with Article IX of the Stipulation and Agreement Dated November 30, 1979 in Docket No. RP78–62 (Phase II) and pursuant to paragraph (D) of the Commission's Order issued March 31, 1980 in Docket No. RP80–78.

Panhandle states that supporting computation sheets are enclosed and copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 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 August 22, 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. 80-23073 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-139]

James F. Scott d.b.a. Scott Oil & Gas; Application for Adjustment

Issued: July 23, 1980.

Take notice that on July 10, 1980, James F. Scott, d.b.a. Scott Oil and Gas, P.O. Box 8, Greenwood, Virginia 22943 (Applicant), filed with the Federal Energy Regulatory Commission (Commission), an application for a price adjustment pursuant to § 1.41 of the Commission's Rules of Practice and Procedure (18 CFR 1.41). Applicant seeks an adjustment from § 271.202 of the Commission's regulations implementing section 102 of the Natural Gas Policy Act of 1978 (NGPA).

Specifically, Applicant states that on May 21, 1980, he entered into an agreement with Columbia Gas Transmission Corporation (Columbia), pursuant to which he will sell and deliver to Columbia natural gas produced from two wells which he operates in the Plains District, Rockingham County, Virginia. Applicant further states that these wells are the subject of pending eligibility determinations for the NGPA section 102, New Onshore Reservoir Category.

Applicant has requested that the Commission determine that the applicant may be able to exceed to NGPA section 102 maximum lawful price $1.405 per Mcf. Applicant states that the amount represents the off-lease gathering costs which he incurs to deliver the subject gas to Columbia. As support for his application, Applicant cites § 271.1105(c)(2) of the Commission's regulations. The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure and Order No. 24, issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before August 15, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23074 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-9 (PGA80-2)]

Tennessee Gas Pipeline Co. a Division of Tenneco, Inc.; Revision to PGA Rate Adjustment

July 24, 1980.

Take notice that on July 18, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) tendered for filing Second Substitute Twenty-Ninth Revised Sheet Nos. 12A and 12B to Ninth Revised Volume No. 1 of its FERC Gas Tariff to be effective on July 1, 1980.

Tennessee states that the purpose of the revised tariff sheets is to revise its July 1, 1980, PGA rate adjustment to reflect the price which it was authorized to pay Border Gas Inc. on that date consistent with the Commission's June 30, 1980, letter order in this proceeding.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital 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 August 8, 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. 80-23075 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-4820, et al.]

Texaco Inc. (Operator), et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 25, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on filed with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 20, 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.

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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
C-4820, D, July 16, 1980	Texaco Inc. (Operator), P.O. Box 430, Bellaire, Tex. 77401.	Tennessee Gas Pipeline Co., La Reforma Field, Starr County, Tex.	Release of lease	
C-14940, D, July 8, 1980	Gulf Oil Corp., P.O. Box 210, Houston, Tex. 77001	Transwestern Pipeline Co., Puckett Elenburger Field, Pecos County, Tex.	Leases expired by their own terms. No wells wer drilled and no deliveries were ever made to Transwestern by Gulf.	
C-17888, D, July 8, 1980	Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	El Pasa Natural Gas Co., Clear Lake Field, Beaver County, Okla.	Cabot/Monsanto Otto 1-7 well was plugged and abandoned in July, 1979. All producing zones are depleted.	
C-14950, D, July 8, 1980	Gulf Oil Corp	Transwestern Pipeline Co., Worsham and Waha Fields, Reeves County, Tex.	Leases expired by their own terms and wells have been plugged and abandoned.	
C-7063, D, July 14, 1980	Texaco Inc. (Operator)	Tennessee Gas Pipeline Co., Plymouth and Portilla Fields, San Patricio, Tex.	Release of lease	
C-15791, D, June 26, 1980	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221	Transwestern Pipeline Co., S. E. Como Field, Beaver County, Okla.	(1)	
C-17407, D, Apr. 8, 1980	Amerada Hess Corp. 1200 Milam Street, 6th Floor, Houston, Tex. 77002.	Texas Gas Transmission Corp., Abbeville Field, Vermilion Parish, La.	Leases expired and applicant subsequently released the same.	
CI62-1412, D, July 1, 1980	Sun Oil Co	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	(2)	
CI64-921, D, July 11, 1980	Geo. Oil and Gas Co. of Houston (Tenneco Oil Co., operator), P.O. Box 2511, Houston, Tex. 77001.	Colorado Interstate Gas Co., No. 1-23 Amoco-Champlin Well, Sec. 23-T21N-R99W, Ten Mile Draw Field, Sweetwater County, Wyo.	(3)	
CI69-670, D, June 25, 1980	Ocean Production Co., P.O. Box 61780, New Orleans, La. 70161.	Transcontinental Gas Pipe Line Corp., Block 256, Ship Shoal 239 Field, Federal Domain, Offshore Louisiana.	No gas was ever produced or sold from Ship Shoal Block 256. The Lease was cancelled 4-35-77.	
CI76-620, C, July 9, 1980	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., Grand Isle Block 48 J-5 Well, Grand Isle Block 47 Field, Offshore Louisiana, Limited to production from the LQ Sand Formation in such well.	(4)	15.025
CI72-392, D, July 9, 1980	Exxon Corp., P.O. Box 60626, New Orleans, La. 70160.	Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana, Gulf of Mexico.	(5)	
CI72-692 and CI73-546, D, July 9, 1980.	Pogo Producing Co., P.O. Box 2504, Houston, Tex. 77001.	Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana, Gulf of Mexico.	(5)	
CI73-454, D, July 9, 1980	Texas Production Co., Suite 999, 1212 Main Street, Houston, Tex. 77002.	Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana, Gulf of Mexico.	(5)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI73-455, D, July 9, 1980	Pinto, Inc., Suite 999, 1212 Main Street, Houston, Tex. 77002.	Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana, Gulf of Mexico.	(5)	
CI73-456, D, July 9, 1980	Ecee, Inc., Suite 999, 1212 Main Street, Houston, Tex. 77002.	Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana, Gulf of Mexico.	(5)	
CI78-80, D, July 9, 1980	Pennzoil Oil & Gas, Inc., P.O. Box 2967, Houston, Tex. 77001.	Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana, Gulf of Mexico.	(5)	
CI77-517, C, July 14, 1980	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Mid-Lousiana Gas Co., Last Cameron Block 335 Field, Offshore Louisiana.	(6)	15.025
CI77-519, C, July 14, 1980	Exxon Corp	Columbia Gas Transmission Corp., East Cameron Block 335 Field, Offshore Louisiana.	(6)	15.025
CI79-484, C, July 14, 1980	Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.	Natural Gas Pipeline Co. of America Block A-475, High Island Area, South Addition, Offshore Texas.	(7)	14.65
CI80-379, B, June 19, 1980	Hubert K. Elrod, P.O. Box 292, Guymon, Okla. 73942.	Warren Petroleum Co. and Gulf Oil Panhandle East Field, Collingsworth County, Tex., Well I.D. Number (26896).	Expired Contract and qualified for Stripper well class (FERC-106).	
CI80-380, A, June 18, 1980	Cabot Corp., One Houston Center, Suite 1000, Houston, Tex. 77002.	Michigan Wisconsin Pipeline Co., OCS Lease No. G-2342 Block A-131 and OCS Lease No. G-2347 Block A-157, Galveston Island Area, South Addition, Offshore Texas.	(8)	14.73
CI80-381, A, June 20, 1980	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	Transwestern Pipeline Co., South Empire Deep Unit Well Nos. 3, 6, 10 and 12, Eddy County, N. Mex.	(9)	14.65
CI80-382, A, June 23, 1980	Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Certain depths in Matagorda Island Blocks A-7 and A-8, Offshore Texas.	(10)	14.65
CI80-383, A, June 23, 1980	Canadian Superior Oil (U.S.) Ltd., P.O. Box 1521, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America Block 139, High Island Area, Offshore Texas.	(10)	14.65
CI80-384 (CI78-906), B, June 24, 1980.	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Co., West one-half of Sec. 34-23S-25E, Eddy County, N. Mex.	(11)	
CI80-385, A, June 24, 1980	Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America Block 139, High Island Area, Offshore Texas.	(10)	14.65
CI80-386 (CI62-1282), B, June 18, 1980.	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Florida Gas Tranmission Co., Opelousas Field, Bergeron and Thompson Sands, St. Landry Parish, La.	(12)	
CI80-387 (G-2789), B, June 18, 1980.	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Texas Gas Pipe Line Corp., Big Hill Field, Jefferson County, Tex.	(13)	
CI80-388 (G-8764), B, June 19, 1980.	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Panhandle Eastern Pipe Line Co., Greenough Field, Beaver County, Okla.	The only well covered by the contract has ceased to produce and the lease has expired.	
CI80-389, A, June 26, 1980	HNG Oil Co. (operator), *et al.*, P.O. Box 1188, Houston, Tex. 77001.	Trunkline Gas Co., Terrell Point Field Area, Goliad County, Tex.	(14)	14.73
CI80-391 (CI61-212, B, June 26, 1980.	HNG Oil Co. (operator) *et al.*	Regis Gas Systems, Inc., Terrell Point Field, Goliad County, Tex.	Ther term of the HNG-Regis Contract has expired and Regis desires to terminate all purchases of gas thereunder.	
CI80-393, A, June 23, 1980	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Michigan Wisconsin Pipe Line Co., High Island Block A-341, Offshore Texas.	(15)	14.65
CI80-394 (I77-695), B, June 30, 1980.	South Louisiana Production Co., Inc., P.O. Box 52088, Lafayette, La. 70505.	United Gas Pipe Line Co., Olinfraft #21 lease, Grayson Field, Caldwell Parish, La.	Depleted and plugged and abandoned on 11-6-78.	
CI80-395 (G-9172), B, July 1, 1980.	Phillips Petroleum Co., 504 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Shannon Estate Lease, Noelke Field, Crockett County, Tex.	(16)	
CI380-396, A, July 1, 1980	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Southern Natural Gas Co., Mississippi Canyon Block 267, Offshore Louisiana.	(6)	15.025
CI80-397, A, July 1, 1980	Alminex U.S.A., Inc	Michigan Wisconsin Pipe Line Co., Block 244, South Marsh Island Area, Offshore Louisiana.	(10)	15.025
CI30-398, A, July 1, 1980	Canadian Superior Oil (U.S.) Ltd.? P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Block 244, South Marsh Island Area, Offshore Louisiana.	(10)	15.025
CI80-399 (CI66-419), B, July 1, 1980.	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221	Michigan Wisconsin Pipe Line Co., East Buck Point Field, Vermilion Parish, La.	Depleted, plugged and abandoned and acreage surrounding wells has been released.	
CI80-400, F, July 2, 1980	Shell Oil Co. (Partial Succ. in Interest to Perry R. Bass, Inc., *et al.*), One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	Sea Robin Pipeline Co., South Marsh Island Block 16, Offshore Louisiana.	(17)	15.025
CI80-401, A, July 3, 1980	Quintana Offshore, Inc., P.O. Box 3331, Houston, Tex. 77001.	Trunkline Gas Co., Southwest quarter of Block A-312, High Island Area, Offshore Texas.	(18)	15.025
CI80-402, A, July 3, 1980	Quintana Oil & Gas Corp., P.O. Box 3331, Houston, Tex. 77001.	Trunkline Gas Co., Southwest quarter of Block A-312, High Island Area, Offshore Texas.	(18)	15.025
CI80-403, A, July 3, 1980	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75206.	Transcontinenal Gas Pipe Line Corp., West Cameron Area, Block 330 Field (OCS-G-3274), Offshore Louisiana.	(19)	15.025
CI80-408, F, July 7, 1980	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	El Paso Natural Gas Co., Azalea Field, Midland County, Tex.	(20)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI80-409, A, July 9, 1980	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	El Paso Natural Gas Co., High Island Block A-469 Field, Federal Offshore Texas.	(21)	14.73
CI80-411, (CI71-851), B, June 23, 1980.	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Trunline Gas Co., South Ramsey Field, Colorado County, Tex.	(22)	
CI80-412, (G-17463), B, June 26, 1980.	Getty Oil Co	Texas Gas Transmission Corp. formerly Hope Natural Gas Co., Perry Field, Vermilion Parish, La.	All Leases on the dedicated acreage have been released or assigned.	
CI80-413 (G-15340), B, July 7, 1980.	Getty Oil Co	United Gas Pipe Line Co., Cotton Valley Field, Sections 7, 8, 9, 16, 17, 18, T-21N, R-10W, Webster Parish, La.	(23)	
CI80-414 (CI64-1181), B, July 7, 1980.	Getty Oil Co	Texas Gas Transmission Corp., Northwest Cotton Valley, Webster Parish, La.	(24)	
CI80-415 (G-5354), B, July 8, 1980.	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Dabbs Lease W/2 Sec. 34-T25S-R37E, Lea County, N. Mex.	(25)	
CI80-416 (CI63-402), B, July 8, 1980.	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Lone Star Gas Co., Cottrell-Moss Lease, Katie Field, Garvin County, Okla.	(26)	
CI80-417, (CI72-731), B, July 10, 1980.	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	El Paso Natural Gas Co., North Puckett (Wolfcamp) Field, Pecos County, Tex.	Lease has expired and the only well drilled by Gulf on lease has been plugged and abandoned.	
CI80-418, (G-17951), B, July 11, 1980.	Getty Oil Co	Transwestern Pipeline Co., Beaver and Ellis Counties, Okla.	Depleted and all leases have been released.	
CI80-419, B, July 11, 1980	Troporo Oil & Gas Co., Suite 104, 619 West Texas Street, Midland, Tex. 79701.	El Paso Natural Gas Co., Certain properties situated in the Cabin Lake Field, Eddy County, N. Mex.	Only producing well has been plugged and abandoned in July 1978.	
CI80-420, A, July 14, 1980	Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., High Island Area Blocks A-269 and A-270, Offshore Texas.	(27)	14.65
CI80-421 (CI61-469), B, July 14, 1980.	Getty Oil Co	El Paso Natural Gas Co., Eunice Gasoline Plant, Lea County, N. Mex.	(28)	
CI80-422, A, July 14, 1980	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., High Island Block A-555, Offshore Texas.	(29)	14.65
CI80-423, A, July 14, 1980	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	United Gas Pipe Line Co., Block A-285, High Island Area, East Addition, South Extension, Offshore Texas.	(30)	14.65
CI80-424, A, July 15, 1980	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Transwestern Pipeline Co., Nash Field, Eddy County, N. Mex.	(6)	14.65
CI80-425, A, July 16, 1980	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	(31)	15.025
CI80-426, A, July 16, 1980	Union Oil Co. of California	El Paso Natural Gas Co., Blanco Mesaverde Field, San Juan County, N. Mex.	(31)	15.025
CI80-427 (CI66-159), B, July 11, 1980.	Delta Gas Corp. (Successor in title to: Evans Oil & Gas Co. and Oliver Jenkins), 3420 Norman Berry Drive, Atlanta, Ga. 30354.	Kentucky-West Virginia Gas Co., Evans Fork of Nats Creek Field, Lawrence County, Ky.	(32)	

[1] It is not economical for the Purchaser to extend its system to connect the supply of gas now available from the Tonkawa Formation underlying Section 36, IN-24ECM, Beaver County, Oklahoma, and Purchaser has agreed to release said gas from the contract.

[2] Purchaser released Warren-Olson #1 Well Manning Formation only from the contract because gas production was not sufficient in quantity to economically justify connecting to pipeline system.

[3] Mutual Agreement by Buyer and Seller by Article I, Sec. 1.3 of contract dated 11-27-63, that it was uneconomical to connect the No. 1-23 Amoco-Champlin Well to Buyer's gathering facilities.

[4] Applicant is filing under Gas Purchase and Sales Agreement dated 6-2-76, amended by Amendment dated 6-3-80.

[5] To initiate gas injection program. On 6-28-79, the U.S. Department of Interior Geological Survey (USGS) granted approval for the owners of the "OI-1" Sand, Fault Block "A" and the "OI-2" Sand, Fault Block "A", Eugene Island Block 330 to initiate gas injection for the purpose of supplemental oil recovery.

[6] Applicant is willing to accept a permanent Certificate of Public Convenience and Necessity covering the subject acreage conditioned in accordance with the NGPA of 1978 and the Commission's Regulations under said Act.

[7] Applicant is filing under Gas Purchase Contract dated 1-5-79, amended by Amendatory Agreement dated 5-8-80.

[8] Applicant is filing under Gas Purchase Contract dated 1-8-80.

[9] Applicant is filing under Gas Purchase Contract dated 10-16-79.

[10] Applicant is willing to accept a certificate establishing the initial rate as the maximum lawful rate which is applicable pursuant to the NGPA.

[11] Production from the Horseshoe Bend Unit Well No. 1 declined until early in April, 1980, when the well was depleted. The well was plugged and abandoned by the Operator on 4-26-80. The Gas Purchase Agreement expired of its own terms on 6-9-80 and, since this was the only well committed to the Agreement, it was not renewed.

[12] The gas reserves underlying the dedicated acreage are not capable of producing gas in commercial quantities and are considered to be depleted.

[13] All production has ceased and all wells have been plugged and abandoned. The primary term of the Gas Sales Contract expired 6-1-74 and said Contract was cancelled on 5-16-80.

[14] Applicant is filing under Gas Purchase Contract dated 6-22-79.

[15] Applicant is filing under Gas Purchase Contract dated 4-3-80.

[16] The Shannon Estate well was plugged and abandoned on 12-28-78, with a release of Oil and Gas Lease being executed on 4-28-79, and recorded in Volume 339 at Page 356, Crockett County, Texas.

[17] Applicant is seeking authority to continue service to Sea Robin Pipeline Company as a partial successor in interest to Perry R. Bass, Inc., at Docket No. CI69-907. The Louisiana Land and Exploration Company at Docket No. CI70-566, LL & E at Docket No. CI72-362, Anadarko Production Company at Docket No. CI79-536 and Anadarko at Docket No. CI79-587. Applicant is willing to accept a certificate establishing the initial rate as the maximum lawful rate which is applicable pursuant to the NGPA.

[18] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the NGA and the NGPA.

[19] Applicant is filing under Gas Purchase Contract dated 6-10-80.

[20] By assignment dated 8-9-79, to be effective 6-22-79, Exxon acquired a working interest in certain properties covered by Parker and Parsley's Small Producer Certificate in Docket No. CS67-25. Applicant desires to secure its own Certificate and Rate Schedule covering the sale of gas subject to Contract dated 5-1-80 and authorization to continue the sale of gas presently being made under Parker & Parsley's Small Producer Certificate in Docket No. CS67-25.

[21] Applicant is willing to accept an initial rate determined in accordance with the NGPA of 1978, Part 271, Subpart B, Section 102(d) and Part 271, Subpart D, Section 104 (Post 1974 Gas).

[22] The gas reserves underlying the dedicated acreage are not capable of producing gas in commercial quantities and are considered to be depleted. The lease hold acreage is held by production from wells on acreage not committed under this certificate.

[23] The only producing units, the R. B. Bell Unit and the A. W. Hodges Unit have been plugged and abandoned. The gas reserves underlying the dedicated acreage are considered to be depleted. The leases dedicated to the A. W. Hodges Unit have been released. The lease dedicated to the R. B. Bell Unit is held by production from a well not dedicated to this contract.

[24] The only producing unit, the R. B. Bell Unit has been plugged and abandoned. The gas reserves underlying the dedicated acreage are considered to be depleted. The lease dedicated to the R. B. Bell Unit is held by production from a well not dedicated to this contract.

[25] Applicant's predecessor in interest, Skelly Oil Company, assigned the producing acreage covered by Gas Rate Schedule 257 to Energy Production Company effective 3-1-73. The above mentioned conveyance was filed with the Commission as Supplement Number 12 to Gas Rate Schedule Number 257. Getty Oil Company continues to own a 1/48th mineral interest in the Dabbs Lease for depths below 3700 feet; however, all producing intervals are above 3700 feet. Getty Oil Company does not have any current plans to explore for gas or oil below 3700 feet on the Dabbs Lease.

[26] The last gas well on the committed acreage has been plugged and abandoned and the available supply of natural gas is depleted to the extent that the continuation of service is not warranted.

[27] Applicant is filing under Gas Sale and Purchase Contract dated 6-9-80.

[28] The June 1, 1960 contract with El Paso Natural Gas Company was intended to commit surplus gas from the Getty Oil Company operated Eunice Gasoline Plant. Surplus gas has not been available from the Eunice Gasoline Plant for several years.

[29] Applicant is filing under Gas Purchase Contract dated 5-9-80.

[30] Applicant is filing under Gas Purchase Contract dated 6-19-80.

[31] Applicant is willing to accept a certificate at an initial rate of the maximum lawful price as prescribed in subsection 104(b) of the NGPA of 1978.

[32] Refusal of Purchaser to increase price of gas sufficient to reimburse seller for a profitable operation in view of need for enhanced recovery expenditures as well as complete workover of all wellheads and installation of all new flowlines to five wells.

[FR Doc. 80-23076 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-117]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

July 24, 1980.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on July 16, 1980, tendered for filing First Revised Sheet No. 1313 to its FERC Gas Tariff, Original Volume No. 2, with a proposed effective date of August 1, 1980.

Transco states that on June 30, 1980, Transcontinental Gas Pipe Line Corporation (Transco) filed revised tariff sheets pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations thereunder in Docket No. RP80-117. As part of such filing, Transco proposed a rate increase to Mid-Louisiana Gas Company (Mid-Louisiana) for storage and transportation service under Rate Schedule X-140. However, Transco inadvertently failed to include First Revised Sheet No. 1313 to its FERC Gas Tariff, Original Volume No. 2, which tariff sheet sets forth the increased charges to Mid-Louisiana.

Transco requests that the Commission waive the 30 day notice provision of Section 4(d) of the Natural Gas Act, as permitted by Section 154.51 of its Regulations in order to permit the tariff sheet to become effective on the same date as the tariff sheets listed in Appendix A to the June 30 filing are made effective, including any suspension of such sheets.

Alternatively, Transco proposes an effective date of August 15, 1980 for the enclosed sheet, and in the event of suspension of the Appendix A sheets in the June 30 filing in Docket No. RP80-117, requests that the Commission shorten the suspension period for the enclosed sheet so that such revised sheet may become effective on the same date as said Appendix A tariff sheets.

The Company states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions and other interested parties.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 August 8, 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. 80-23077 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-539]

Tucson Electric Power Co.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that Tucson electric Power Company ("Tucson") on July 18, 1980, tendered for filing the Tucson-Community Public Service Company 1980 Nonfirm Energy Agreement between Tucson and Community Public Service Company ("Community"). The primary purpose of this Agreement is to provide the terms and conditions relating to the sale of energy to Community during the period July 1, 1980 to December 31, 1981, inclusive. Tucson states that copies of the filing were served upon Community.

Any person desiring to be heard or to make any application with reference to said Agreement 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 August 18, 1980. Protests will be considered by the Commission 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 must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-23078 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-530]

Utah Power & Light Co.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that Utah Power & Light Company (Utah Power), on July 18, 1980, tendered for filing two new rates for sales and wheeling services to the City of Provo, Utah.

These new filings result from an agreement under which Provo will purchase an undivided 6.25% interest in Utah Power's Hunter I Generating Unit for approximately $18.4 million. The unit, located in Emery County, Utah, has a capacity of 400 megawatts, and went into commercial operation on June 1, 1979. It is proposed that the new rates be accepted for filing by the Commission as of the date of closing of the purchase and sale transaction, which closing is anticipated to take place in approximately 60 days from the date hereof. The two rates cover:

1. Wheeling services from Hunter I Unit to Provo.

2. Replacement power and energy to be supplied by Utah Power on a non-firm basis when the Hunter I Unit is out of service.

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 or 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 August 18, 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. 80-23079 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-533]

The Washington Water Power Co.; Filing

July 25, 1980.

The filing Company submits the following:

Take notice that on July 18, 1980, the Washington Water Power Company (Washington) tendered for filing copies of Letter Agreements between Washington and San Diego Gas & Electric Company and Southern California Edison Company. Washington states that these Letter Agreements apply to the delivery of energy from Washington that is surplus to its immediate needs.

Washington further states that a portion of the energy delivered could be returned to Washington, at its request, prior to March 31, 1981. Washington indicates that the rate at which the energy is purchased will be the rate set forth in Washington's Rate Schedule FPC No. 88 (Wholesale Nonfirm Energy for Export) or the rate at which Washington has purchased other energy deemed surplus to its system. The applicable price under this Agreement is to be agreed upon before such energy is scheduled.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to April 1, 1980, adding that there would be no effect upon purchasers under other rate schedules.

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 August 18, 1980. Protests will be considered by the Commission in determing 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. 80-23080 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-85-M

Office of the Secretary

Uranium Hexafluoride; Charges, Enriching Services, Specifications, and Packaging Revision

The Department of Energy hereby announces a revision to the notice entitled "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging," as published in the **Federal Register** on May 23, 1973, (38 FR 13593) and on April 16, 1975, (40 FR 17070 and 17071).

Paragraph 9 entitled "Container rental charges" is deleted in its entirety and the following new paragraph 9 is substituted in lieu thereof:

9. Container rental charges—The rental charges, where applicable for DOE-owned UF_6 containers is as follows:

Cylinder type:	*Revised charges* [1]
48F, 14 ton	$21.25
48A, 10 ton	20.00
30A, 2½ ton	10.00
12A, 12 inch	26.00
8A, 8 inch	20.25
5A, 5 inch	12.25
2S, Harshaw	6.50
1S, 1½ inch	6.50
HT, Hoke Tube	6.50

[1] Per week or fraction thereof.

There are also weekly rental charges for protective support packages for use with UF_6 cylinders as follows:

5 inch	$20/week 1st 25 weeks.	$40/week thereafter.
8 inch	$25/week 1st 25 weeks.	$50/week thereafter.
12 inch	$27/week 1st 25 weeks.	$54/week thereafter.
30 inch	$38/week 1st 25 weeks.	$76/week thereafter.

Table 6, entitled "UF_6 Packaging and Handling Charges" is deleted in its entirety and the following new Table 6 is substituted in lieu thereof:

Cylinder model no.	Assay range	Charge per cylinder	
		Routine variation	Special variation
48F	1.0 and less...	$1,535	$41,915
48A	4.5 and less...	1,535	1,915
30A, 30B	4.5 and less...	1,130	1,325
30A, 30B	Above 4.5 to 5.0.	1,745	2,905
12A	5.0 and less...	1,835	3,785
8A	12.5 and less.	2,015	3,760
5	All enrichments.	1,875	4,010

Effective date: This notice is effective July 30, 1980.

Dated at Washington, D.C., this 21st day of July 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80-22722 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-01-M

Uranium Hexafluoride; Separative Work Charges and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces revisions to the Notice entitled "Uranium Hexafluoride: Separative Work Charges, and Base Charges for Natural Uranium" published in the **Federal Register** on September 29, 1977 (42 FR 51636), as amended by 43 FR 49831 on October 25, 1978, and 44 FR 51297 on August 31, 1979, hereinafter referred to as the Notice.

Paragraph 1 of the Notice is deleted and the following paragraph 1 is inserted in lieu thereof:

1. *Separative Work Charges.* (a) The charge per separative work unit furnished pursuant to Requirements-type contracts is $110.75 or the ceiling

charge computed in accordance with the provisions of such contracts, whichever is the lesser charge. Effective January 28, 1981 the charge per separative work unit furnished pursuant to Requirements-type contracts will be $119.00 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge.

(b) The charge per separative work unit furnished pursuant to Adjustable Fixed-Commitment contracts is $98.95. Effective November 29, 1980 the charge per separative work unit furnished pursuant to Adjustable Fixed-Commitment contracts will be $110.00.

(c) The charge per separative work unit furnished pursuant to other than Requirements-type and Adjustable Fixed-Commitment contracts is $98.95. Effective September 30, 1980 the charge per separative work unit furnished pursuant to other than Requirements-type and Adjustable Fixed-Commitment contracts will be $110.00

Effective date: This notice is effective July 31, 1980.

Dated at Washington, D.C., this 23rd day of July, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80-22721 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Eastern Division, Pick-Sloan Missouri Basin Program; Proposed Post-1985 Marketing Plan

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Announcement of public comment forums on proposed post-1985 marketing plans for the Eastern Division, Pick-Sloan Missouri Basin Program (potential future power resources are also being considered).

SUMMARY: The Western Area Power Administration (Western) has scheduled public comment forums in August 1980. These public comment forums will provide interested parties an opportunity to present written or oral comments (or both) on Western's proposed post-1985 marketing plans for the Eastern Division, Pick-Sloan Missouri Basin Program. In addition, written comments may be submitted directly to the Billings Area Office. All comments received by September 12, 1980, will be considered in the preparation of final marketing plans.

Public comment forums will be a final step in a planning process begun in January 1979. Preliminary public information forums were held in Sioux Falls, South Dakota, and Billings, Montana, in March 1979. Informal information forums were held in Fargo, North Dakota; Sioux Falls, South Dakota; and Billings, Montana, on May 13, 14, and 15, 1980. Options available to Western for post-1985 marketing and detailed resource data were presented. Formal public information forums were held in Sioux Falls, South Dakota; Fargo, North Dakota; and Billings, Montana, on June 25, 26, and 27, 1980. Western's proposed post-1985 marketing plans were presented at the June forums. All comments received prior to June 11, 1980, were considered in preparation of the proposed marketing plans.

A brief description of the Eastern Division transmission system and hydro resources follows:

The Eastern Division, Pick-Sloan Missouri Basin Program, operates an integrated power system located in Montana (east of the Continental Divide), North Dakota, South Dakota, western Minnesota, western Iowa, and eastern Nebraska. The power system consists of over 7,300 circuit miles of high-voltage transmission line and 90 substations. In the Eastern Division, Western markets power to 230 preference customers from 8 Federal powerplants on the Missouri River and the Big Horn River. Two powerplants, Yellowtail and Canyon Ferry in Montana, are operated by the Water and Power Resources Service (formerly the Bureau of Reclamation). The other powerplants are operated by the U.S. Army Corps of Engineers, namely: Fort Peck in Montana; Garrison in North Dakota; and Big Bend, Oahe, Fort Randall, and Gavins Point in South Dakota. The total installed capacity of the 8 powerplants is 2,398 megawatts.

A short summary of the proposed post-1985 marketing plans is presented below:

Present commitments of commercial firm power (excluding project pumping) in the Eastern Division total 1,982 megawatts in the summer and 1,967 megawatts in the winter. Contractual commitments terminate during the period 1985–1990, with most commitments terminating on December 21, 1985.

Major elements of the proposed post-1985 marketing plans are listed below:

1. Leave marketing area the same as the present area of marketing existing resources from existing facilities.

2. Extend the marketing area to include all or parts of the Missouri Basin States of Montana, North Dakota, South Dakota, Minnesota, Iowa, Nebraska, and Kansas for marketing new resources from new facilities. Consider such marketing on a case-by-case basis.

3. Consider the period 1986–2000 for post-1985 marketing.

A. Annual commitments will be seasonalized after December 31, 1990.

B. Customers receiving extended or new commitments will be required to adopt energy conservation programs.

C. A portion of commitments may be withdrawn on 5 years' notice if required because of new depletion levels or new project pumping requirements.

D. Commitments would be made in two steps—an extension until December 31, 1990, and new commitments for the period 1991–2000.

4. Commit firm resources first to existing customers in the same proportion as present commitments. Commit, on an equitable basis, additional capacity deemed to be available from adoption of new adverse-year criteria to other preference entities within the marketing area who do not now receive Federal power. No such entity shall receive more than 5,000 kilowatts.

5. A. Market firm power with energy at system load factor for as long as practicable. When necessary, limit energy use to 75 percent monthly load factors by 1990 and to 70 percent monthly load factors during the period 1991–2000 by giving 3 years' written notice of such limitation.

B. Market firm peaking power in the same manner as employed at this time.

6. Determine how new resources will be marketed at such time as they are authorized.

DATES: The public comment forums will be held at the times and locations and on the dates shown below:

Date	City	Place	Time
Aug. 22, 1980.	Billings, Mont	Ramada Inn	10 a.m.
Aug. 25, 1980.	Bismarck, N. Dak	Holiday Inn	10 a.m.
Aug. 26, 1980.	Moorhead, Minn	Holiday Inn	10 a.m.
Aug. 27, 1980.	Sioux City, Iowa	Hilton Hotel	10 a.m.
Aug. 28, 1980.	Lincoln, Nebr	Hilton Hotel	10 a.m.
Aug. 29, 1980.	Mitchell, S. Dak	Holiday Inn	10 a.m.

ADDRESS: Comments on the proposed marketing plans or requests for further information concerning the public comment forums should be directed to: Mr. James D. Davies, Area Manager, Billings Area Office, Western Area Power Administration, U.S. Department of Energy, P.O. Box EGY, Billings, MT 59101. Telephone: (406) 657–6532.

SUPPLEMENTARY INFORMATION: Written comments on the Eastern Division post-1985 marketing plan have been received by Western since March 1979. Comments on the proposed marketing plan presented in June 1980 are now being received at the Billings Area Office. All comments received and Western's responses are on file at Western's Billings Area Office in the Federal Building at North 26th Street and 3rd Avenue North in Billings, Montana, and at Western's

Headquarters Office at 1536 Cole Boulevard in Golden, Colorado. Interested parties may examine the comment files at those locations. In addition, a copy of all comments received and Western's responses may be obtained at the cost of reproduction by request to the Billings Area Office, P.O. Box EGY, Billings, Montana 59101. A summary of comments received and Western's responses will be printed with the final marketing plan.

Transcripts were made of the June 1980 information forums and will be made of the August 1980 public comment forums. Interested parties may obtain copies of transcripts directly from the reporting firms at their charge. Copies of transcripts are on file at the Billings Area Office and at Western's Headquarters Office.

Issued at Golden, Colorado, July 25, 1980.

William H. Clagett,

Deputy Administrator.

[FR Doc. 80-23092 Filed 7-30-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS 59021A; FRL 1551-2]

Pesticides and Toxic Substances; Approval of Test Marketing Premanufacture Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On April 11, 1980 EPA received an exemption application for test marketing purposes from a manufacturer claiming its identity confidential. The Test Marketing Exemption (TME) number assigned to the application was T-80-20. A **Federal Register** notice published on May 7, 1980 (45 FR 30134) announced the receipt of the exemption application. The generic name of the substance is dimonocycle iodonium trifluoroacetate. EPA has determined that the manufacturer's test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing in the manner described in the application. The exemption is effective immediately.

FOR FURTHER INFORMATION CONTACT: Richard Green, Notice Review Branch, Premanufacturing Review Division (PTS-794), Office of Pesticides and Toxic Substances, EPA, Washington, D.C. 20460 (202/426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities. On April 11, 1980 EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA, to manufacture a substance for test marketing purposes. The manufacturer's identity was claimed confidential. T-80-20 is the number assigned to the exemption application. A **Federal Register** notice published on May 7, 1980 (44 FR 30134) announced the receipt of the exemption application and requested comment on the appropriateness of granting the exemption. The Agency received no comment concerning the application.

The company claimed the specific identity of the substance confidential. The generic name is dimonocycle iodonium trifluoroacetate. The generic use will be as a component in a photoinitiation system. In the application, the manufacturer states that less than two kilograms of the substance will be manufactured for test marketing purposes. The company estimates that during manufacture two employees will be exposed to the substance for up to one hour when removing and handling the chemical prior to packaging. They also estimate that during processing two employees will be exposed for up to 24 hours to an 0.3 percent aqueous solution containing 0.3 percent of the subject substance during the coating operation. According to the manufacturer, proper industrial hygiene procedures will be followed when needed. The company states that customer exposure is almost nonexistent.

No toxicity or environmental data were submitted by the manufacturer. However, toxicological and environmental tests are in progress and will be submitted with the premanufacture notice in the latter half of 1980 should the submitter decide to go into commercial production. Based on the chemical structure, EPA has concerns regarding the potential for dermal photosensitization and possible chronic effects to humans from exposure to the substance. With regard to ecological effects, the Agency also has concerns about the potential for photosensitization in aquatic organisms.

The Agency concerns were mitigated by the fact that the manufacturer stated that proper handling procedures would be used during manufacture and processing.

Furthermore, as stated above, exposure to workers will be virtually non-existent. Regarding the potential effects to aquatic life, the Agency determined that the very small amounts of the substance released to the environment would not pose a threat to aquatic organisms. Additionally, while less than two kilograms of the substance are being manufactured, significantly less than two kilograms will be introduced into the environment. This is because the substance will be bound to the substrate it is applied to during the coating operation. Due to the extremely limited exposure during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described in the company's application. Accordingly, EPA grants the manufacturer an exemption, effective immediately, from the premanufacture reporting requirements for purposes of test marketing dimonocycle iodonium trifluoroacetate in the specific manner described in the test marketing application.

At least 90 days prior to manufacturing this substance for commercial purposes other than test marketing or research, the manufacturer must submit a premanufacture notice (PMN) as required under section 5(a) of TSCA. In the PMN, the company should address the concern raised by EPA

regarding potential acute and chronic toxicity. This exemption is granted solely to the applicant of TME 80–20.

Dated: July 25, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80–23048 Filed 7–30–80; 8:45 am]

BILLING CODE 6560–01–M

[OPTS–59016A–59018A; FRL 1551–8]

Pesticides and Toxic Substances; Approval of Test Marketing Premanufacture Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted exemptions from the premanufacture notification requirements of Section 5 of the Toxic Substances Control Act (TSCA) for the test marketing of three chemical substances which were the subjects of three test marketing exemption applications submitted by Sherwin-Williams on February 11, 1980. Therefore, the Agency is identifying the substances by the generic names provided by Sherwin-Williams. The substances for which the exemptions are granted are as follows:

1. Aliphatic carbamate ester.
2. Amine modified epoxy resin.
3. Starch propionate succinate ester.

The exemptions are effective immediately.

FOR FURTHER INFORMATION CONTACT: Paige Beville, Notice Review Branch, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, D.C. 20460 (202/426–8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for a commercial purpose must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each notice to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit such applicants to manufacture or process new chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. Section 5(h)(6) provides that EPA must either approve or deny the application within 45 days of its receipt and must publish a notice of its decision in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On February 13, 1980, EPA received three applications from the Sherwin-Williams Company of Chicago, Illinois for exemptions from the requirements of sections 5(a) and 5(b) of the TSCA for test marketing purposes. EPA acknowledged receipt of the applications in the **Federal Register** on March 20, 1980 (45 FR 18112–18115). Sherwin-Williams claimed the specific chemical identities for two of the substances confidential and thus they are identified by their generic names. The substances for which the exemption applications were submitted are:

1. Generic name—Aliphatic carbamate ester.
2. Generic name—Amine modified epoxy resin.
3. Starch propionate succinate ester.

EPA has reviewed information supplied in the exemption applications and other information gathered by the Agency. Based upon this review EPA has determined that Sherwin-Williams' manufacture of these substances for test marketing purposes in the manner described in the applications will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency grants Sherwin-Williams exemptions from the premanufacture reporting requirements for the manufacture of the three chemical substances listed above for test marketing purposes. The exemptions are effective immediately and are granted only to Sherwin-Williams for the activities described in the exemption applications.

Following is a discussion of relevant information about the substances for which the exemption applications were submitted, as well as the bases for the Agency's determination that production of the substances to be incorporated into final products for test marketing will not present any unreasonable risk of injury to health or the environment.

1. Aliphatic Carbamate Ester (TME 80–15)

Sherwin-Williams intends to manufacture the aliphatic carbamate ester as a crosslinker to be used in a coating material. Sherwin-Williams claimed the specific use of the final product to be confidential. During test marketing Sherwin-Williams plans to produce 400 gallons of solution containing the subject substance dissolved in butyl cellosolve. A total of four customers will be provided this coating material for test marketing purposes for approximately a six-month period.

Exposure to workers during manufacture and processing will be minimal since the polymer itself is never isolated. Furthermore, exposure to Sherwin-Williams' customers during use will be minimal since the polymer will be incorporated into a final product prior to being provided to the customers. Sherwin-Williams indicated that neither the aliphatic carbamate ester nor the final product will be supplied to the general consumer during test marketing.

Sherwin-Williams supplied no toxicity data on the subject compound but indicated that such tests were being conducted and would be provided as part of a premanufacturing notice if the company decided to manufacture it for commercial purposes. Further, the Agency was unable to find any toxicity data on the subject compound from its own sources. No data were available on the carcinogenic, teratogenic or mutagenic effects of the substance and no information was available with regard to other chronic effects. However, because of the low volume to be produced and the minimal exposure during manufacture, processing, and use, there will be little if any chronic exposure as a result of the test marketing activities. No data were available on the ecological effects of the substance. There will be no effluent from the manufacture or processing of the substance or the final product. Any spills or leaks from either manufacture or processing will be collected and landfilled. Use of the final substance will be such as to preclude any exposure to ecological populations. Therefore, there will be very little possibility of ecological exposure and hence ecological risks resulting from the manufacture, processing, and use of the substance in the manner described in the application.

EPA's possible concerns about risks presented by the aliphatic carbamate ester during Sherwin-Williams' test marketing of the coating material are minimized by the company's statement that all safe industrial hygiene handling practices will be observed. Further, use of the final product to be test marketed will be such as to minimize risks.

Therefore, based upon the minimal exposure to workers during manufacture and processing, the minimal exposure to users, the low production volume, and the absence of ecological and consumer exposure, EPA has determined that the manufacture, processing, and use of aliphatic carbamate ester for the test marketing activities described in the application will not present any unreasonable risk of injury to health or the environment. Accordingly, EPA grants Sherwin-Williams an exemption, effective immediately, from the premanufacture reporting requirements for purposes of manufacturing aliphatic carbamate ester to be used as a constituent in the manufacture of a final product to be test marketed. (The final product is a mixture and is therefore not subject to the premanufacture reporting requirements.)

This exemption is granted only for the manufacture, processing and use of the substance known generically as aliphatic carbamate ester in the manner described by Sherwin-Williams in their test marketing exemption application.

2. Amine Modified Epoxy Resin (TME 80–12)

Sherwin-Williams intends to manufacture the amine modified epoxy resin to be used in a coating material. Sherwin-Williams claimed the specific use of the final product to be confidential. During test marketing Sherwin-Williams plans to produce 800 gallons of solution containing the subject substance dissolved in ethanol 2-methoxyacetate. A total of four customers will be provided this coating material for test marketing purposes during approximately a six month period.

Exposure to workers during manufacture and processing will be minimal since the polymer itself is never isolated. Furthermore, exposure to Sherwin-Williams' customers during use will be minimal since the polymer will be incorporated into a final product prior to being provided to the customers. Sherwin-Williams indicated that neither the amine modified epoxy resin nor the final product will be supplied to the general consumer during test marketing.

Sherwin-Williams supplied no toxicity data on the subject compound but indicated that such tests were being conducted and would be provided in a premanufacture notice if the company decided to manufacture it for commercial purposes. During its assessment of risks associated with this compound, EPA evaluated risks associated with the monomers comprising this polymer. Although the polymer will contain small amounts of unreacted monomers, the epoxy resin has a molecular weight of approximately 1600, thus reducing the potential for skin absorption. The monomers belong to a general class of substances, some of which are known health hazards. Certain members of this class have caused, in certain cases, such effects as mutagenesis, tissue damage, and skin irritation. Tests being conducted by Sherwin-Williams should reveal whether monomers present in the subject compound exhibit any of these health hazards. No information was available concerning chronic effects associated with the subject substance or any additional information concerning its monomers. However, because of the low production volume and the minimal exposure during manufacture, processing, and use, there will be little if any chronic exposure as a result of the test marketing activities. No data were available on the ecological effects of the substance. There will be no effluent from the manufacture or processing of the substance or the final product. Any spills or leaks for either manufacture or processing will be collected and landfilled. Use of the final substance will be such as to preclude any exposure to ecological populations. Therefore, there will be very little possibility of ecological exposure and hence ecological risks resulting from the manufacture, processing, and use of the substance in the manner described in the application.

EPA's possible concerns about risks presented by the amine modified expoxy resin during Sherwin-Williams' test marketing activities are minimized by the company's statement that all safe industrial hygiene handling practices will be observed. Further, use of the final product to be test marketed will be such as to minimize risks.

Therefore, based upon the minimal exposure to workers during manufacture and processing, the minimal exposure to the users, the low production volume and the absence of ecological and consumer exposure, EPA has determined that the manufacture, processing and use of amine modified epoxy resin for the test marketing activities described in the application will not present any unreasonable risk of injury to health or the environment. Accordingly, EPA grants Sherwin-Williams an exemption, effective immediately, from the premanufacture reporting requirements for purposes of manufacturing amine modified epoxy resin to be used as a constitutent in the manufacture of a final product to be test marketed. (The final product is a mixture and is therefore not subject to the premanufacture reporting requirements.)

This exemption is granted only for the manufacture, processing and use of the substance known generically as amine modified expoxy resin in the manner described by Sherwin-Williams in their test marketing exemption application.

3. Starch Propionate Succinate Ester (TNE 80–13)

Sherwin-Williams intends to manufacture the starch propionate succinate ester for use as a polymeric binder in the formulation of protective and decorative coatings. During test marketing Sherwin-Williams plans to manufacture 300 pounds of the polymer for market development purposes. Several customers will be provided with samples of coating containing this polymer for test marketing purposes for approximately a six month period.

According to the manufacturer exposure to workers during manufacture will be negligible since the operation takes place in a closed system. During drying and packaging operations a total of four workers will be exposed to the subject substance as a dry powder. During preparation of the coating two workers will be exposed to the subject substance as a dry powder during the solubilization step. During subsequent pigmentation, packaging, application steps and evaluation of the coating, of which this polymer is a part, no workers will be exposed per se. Finally, exposure to customers evaluating the coating material will be minimal since the starch ester will be incorporated into the coating material prior to being provided to the customers. Sherwin-Williams indicated that neither the starch ester nor the final product will be supplied to the general consumer during test marketing.

Sherwin-Williams supplied no toxicity data on the subject compound but indicated that such tests were being conducted and would be provided in a premanufacture notice if the company decided to manufacture it for commercial purposes. Further, the Agency was unable to find any toxicity data on the subject compound from its own sources. No data were available on the carcinogenic, teratogenic or mutagenic effects of the substance and no information was available with regard to other chronic effects. However, because of the low production volume and the minimal exposure during manufacture, processing, and use, there will be little if any chronic exposure as a result of the test marketing activities. No data were available on the ecological effects of the substance. There will be no effluent

from the manufacture or processing of the substance or the final product. Any spills or leaks from either manufacture or processing will be collected and landfilled. Use of the final substance will be such as to preclude any exposure to ecological populations. Therefore there will be essentially no possibility of ecological exposure and hence ecological risks resulting from the manufacture, processing, and use of the substance in the manner described in the application.

EPA's possible concerns about risks presented by the starch ester during Sherwin-Williams' test marketing are minimized by the company's statement that all safey industrial hygiene handling practices will be observed. Further, use of the final product, of which the subject compound is a part, will be such as to minimize risks.

Therefore, based upon the minimal exposure to workers during manufacture and processing, the minimal exposure to the users, the low production volume and the absence of ecological and consumer exposure, EPA has determined that the manufacture, processing and use of starch propionate succinate ester for the test marketing activities described in the application will not present any unreasonable risk of injury to health or the environment. Accordingly, EPA grants Sherwin-Williams an exemption, effective immediately, from the premanufacture reporting requirements for purposes of manufacturing starch proportionate succinate ester to be used as polymeric binder in the formulation of protective and decoratve coatings which will be test marketed. (The final products are mixtures and are therefore not subject to the premanufacture reporting requirements.)

This exemption is granted only for the manufacture, processing and use of starch propionate succinate ester in the manner described by Sherwin-Williams in their test marketing exemption application.

Dated: July 25, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-23049 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS 59026A; FRL 1554-8]

Bis (2-Dimethylamino Ethyl) Ether Monoformate Salt; Approval of Test Marketing Premanufacture Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an exemption from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA) for the test marketing of bis (2-dimethylamino ethyl) ether monoformate salt. The manufacturer has requested confidentiality for its identify. The exemption is effective immediately.

FOR FURTHER INFORMATION CONTACT: Ann Radosevich, Notice Review Branch, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA anyone who intends to manufacture in, or import into, the United States a new chemical substance for a commercial purpose must submit a premanufacture notice (PMN) to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit such applicants to manufacture or process new chemical substances for test marketing purposes. To grant an exemption the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. Under section 5(h)(6), immediately upon receipt of an exemption application, EPA must publish in the **Federal Register** notice of the receipt of such application. Section 5(h)(6) also provides that EPA must either approve or deny the application within 45 days of the Agency's receipt and must publish a notice of its decision in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On May 22, 1980, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The applicant claimed its company identity to be confidential. The substance for which the exemption application was submitted is bis (2-dimethylamino ethyl) ether monoformate salt. It is a substance that EPA discovered was formed coincidentally with the manufacture of certain other new substances that were the subject of an earlier test market exemption application, T80-18, granted and published in the **Federal Register** of June 3, 1980 (42 FR 37520). The company was informed that it omitted the new chemical, bis (2-dimethylamino ethyl) ether monoformate salt from T80-18; therefore the company submitted this separate exemption application.

In its application the manufacturer stated that it intends to produce less than 15,000 pounds of a mixture containing the new substance. Test marketing will be conducted at one customer plant for use of the mixture as a catalyst for a confidential use. The manufacturer intends to begin the test marketing program by the end of 1980, and continue it for a period of up to one year.

The manufacturer stated that the new chemical substance is generated coincidentally with the production of the mixture and will not be isolated from the mixture for test marketing purposes. The entire composition is functional. There are no byproducts. Co-existing in the mixture will be mono and/or diformate salts of: Bis (2-dimethylamino ethyl) ether 2-((2-dimethylamino)ethyl)methylamino ethanol 2-(N,N-dimethylamino) ethanol.

The manufacturer stated that it will pump the raw materials for the mixture from drums into a closed reaction vessel. After several hours of mixing, the mixture containing the new substances will be transferred into drums. The manufacturer will wash the reaction vessel with an appropriate solvent or wash and wastes will be incinerated.

Three of five workers may be exposed to the substance during the manufacturing process. Worker exposure via inhalation, and skin and eye contact is possible during quality control and drumming operations. The manufacturer estimated that the maximum duration of exposure during manufacture will be four hours per day for six days. Plant workers will be protected with plastic or rubber gloves and boots.

The manufacturer estimated that eight to ten workers may be exposed to the mixture during the processing of the mixture into final products. Worker inhalation, dermal and eye exposures are possible during quality control and mixing operations. The manufacturer estimated that the maximum duration of

exposure during processing will be eight hours per day for up to 30 days. The manufacturer has supplied the processor a Material Safety Data Sheet on the mixture so that the processor can take proper precautions when handling the mixture. The manufacturer states that work practice procedures for handling the mixture call for workers to wear rubber aprons, plastic or rubber cuffed gloves, and face shields. In addition, an air-supplied respirator is available in enclosed spaces.

The manufacturer stated that there will be no release of the new substance into the environment during manufacture and use for test marketing purposes.

The manufacturer provided no toxicity test data on the PMN chemical substance. Rather, because the manufacturer will not isolate the substance at any time during its existence as a formate salt, it provided an acute toxicity profile on the total mixture in which the substance is formed. Following are the test results:

Acute Oral Toxicity, LD_{50}, 2800 mg/kg (in rats).

Acute Dermal Toxicity, LD_{50}, 1000 mg/kg (in rabbits).

Acute Inhalation Toxicity, LD_{50}, 20.1 mg/kg (in rats).

Characteristic of this type of amine salts, this particular substance is a severe primary skin irritant, is corrosive to the skin of rabbits, and is a severe eye irritant. The manufacturer will apply to containers cautionary labeling in accord with ANSI standards and the DOT "corrosive" designation.

EPA believes that the manufacturing process and the steps taken by the company to limit exposure to the new substance during manufacturing will provide adequate protection to workers involved with the production of the mixture. In addition, EPA believes that the product labeling, the Material Safety Data Sheet, and general work practice procedures will provide adequate protection to workers involved in the processing of the mixture. Finally, EPA believes that there will be no consumer or environmental exposure to the new substance during the test marketing of the mixture.

Based upon the anticipated exposure during manufacture and use for test marketing purposes, EPA concludes that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Therefore, EPA approves this application for manufacture and use of this new chemical substance for test marketing purposes, subject to the following conditions:

1. This test marketing exemption is granted only to the applicant manufacturer.

2. The applicant may sell the mixture containing this new substance only to the customer identified in the test marketing exemption. The applicant must maintain records of the date(s) of shipment(s) to that customer, and the quantity shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the mixture containing the new substance may not exceed 15,000 pounds, as described in the application.

The test marketing exemption is effective immediately. However, EPA may revoke or otherwise amend this test marketing exemption if the Agency receives information that would lead the Agency to conclude that the test marketing of bis (2-dimethylamino ethyl) ether monoformate salt may present an unreasonable risk of injury to health or the environment.

The Agency is concerned about the general failure of test marketing applicants to provide sufficient information and data in exemption applications. The Agency has been forced to supplement the information provided in the applications in order to make the finding that the test marketing of these substances will not pose any unreasonable risk. In one case, the Agency was not able to supplement information missing from the initial test marketing exemption application. In that case, EPA denied the application because the Agency could not make the required affirmative finding that the test marketing activities would not present any unreasonable risk of injury to health or the environment.

Manufacturers must bear in mind that EPA is under severe time constraints to determine whether there is an adequate basis for making the statutory finding for approval of exemption applications. This in turn limits the degree to which EPA can search beyond the manufacturer's initial application for data or other information that may indicate a lack of unreasonable risk. This does not imply that the absence of data in the application itself will, taken alone, be the basis for a denial; however, lack of data clearly hinders the Agency's ability to make the necessary finding. If EPA has significant uncertainty concerning the risks presented by the test marketing activities due to a lack of data or information in the application the Agency will not approve the application.

Dated: July 25, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-23050 Filed 7-30-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

CLC Enterprises, Inc.; Proposed Retention of Insurance Agency Activities

CLC Enterprises, Inc., Nelson, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain its general insurance agency activities which are conducted in Nelson, Nebraska, a community with a population not exceeding 5,000. The geographic area to be served is the area surrounding Nelson, Nebraska. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 22, 1980.

Board of Governors of the Federal Reserve System, July 24, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22967 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

Jorgenson Insurance Agency, Inc.; Proposed Continuation of General Insurance Agency Activities

Jorgenson Insurance Agency, Inc., Kenmare, North Dakota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain and continue its general insurance agency business.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency, including the sale of life, casualty, liability fidelity, credit-life, health, hospital and accident, and hail insurance. These activities would be performed from offices of Applicant in Kenmare, North Dakota, a town of less than 5,000, and the geographic areas to be served include the goose neck area of Ward County, eastern fringe of Mountrail County, southeast portion of Burke County, and western half of Renville County, all in North Dakota. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offfices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 23, 1980.

Board of Governors of the Federal Reserve System, July 24, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22971 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

McClain County Bancorporation, Inc.; Formation of Bank Holding Company

McClain County Bancorporation, Inc., Purcell, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The McClain County National Bank of Purcell, Purcell, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22968 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

Mt. Sterling Bancshares, Inc.; Formation of Bank Holding Company

Mt. Sterling Bancshares, Inc., Mt. Sterling, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Farmers State Bank & Trust Co., Mt. Sterling, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22970 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

Nolte Bancshares, Inc.; Formation of Bank Holding Company

Nolte Bancshares, Inc., Sequin, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Nolte National Bank of Sequin, Sequin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22969 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

The Ogden Newspapers, Inc.; Retention of Bank Shares

The Ogden Newspapers, Inc., Wheeling, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 5.15 percent of the voting shares of Half Dollar Trust and Savings Bank, Wheeling, West Virginia. The company owns approximately 35 percent of the

bank's voting shares. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 24, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22966 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

PBC Holding Corp.; Formation of Bank Holding Company

PBC Holding Corporation, San Francisco, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Phillippine Bank of California, San Francisco, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 25, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-22965 Filed 7-30-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Hamady Brothers Food Markets Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of the Kroger Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Hamady Brothers. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 8, 1980.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-23006 Filed 7-30-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on July 22 (ICC), July 23 (CPSC), and July 25 (CAB), 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB, CPSC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before August 18, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Consumer Product Safety Commission

The CPSC requests clearance of a new reporting requirement for its general order concerning consumer products containing asbestos, issued under section 27(b)(1) of the Consumer Products Safety Act, 15 U.S.C. 2076(b)(1). The reporting requirement is designed to provide the CPSC with information which is necessary to assist the Commission in determining whether any regulatory action should be taken concerning a number of asbestos-containing consumer products. The information is required to be submitted to the CPSC within 60 days following pubication of the order in the **Federal Register** by the CPSC after GAO clearance. There is also a continuing requirement to report changes in the initial data to be submitted to the CPSC as changes occur. The continuing requirement will extend until the expiration of the order, one year after its issuance. The CPSC estimates the potential respondents to be less than 1200 manufacturers, importers and private labelers. Since the reporting requirement covers only current and recent (since January 1, 1977) production, the reporting burden is estimated to be minimal for a small firm manufacturing, importing, or labeling one or a small number of products subject to the order. For a large firm without a sophisticated information system, manufacturing 20 or more individual products subject to the order, compliance could require as much as several weeks of staff time per firm for accounting, purchasing, and production or other engineering time. Several days

of time for management, clerical, and legal services may also be necessary. Additional time may be expended by a firm's suppliers to review records of the possible asbestos content of products, components, or materials. Compliance costs to large firms with sophisticated information systems could be minimal. The CPSC estimates reporting burden will average 55.5 hours.

Civil Aeronautics Board

The CAB requests clearance of a new Schedule, T–9, Nonstop Market Report, to Form 41. Schedule T–9 requires submission of monthly traffic and capacity data on a service segment basis by all Group I and Group II unsubsidized carriers providing schedule service and may be used, with Automatic Data Processing capacity that would otherwise be required to comply with the requirements of § 241.19–3 (service segment data) of the Board's Economic Regulations. Reporting on Schedule T–9 by Group I and Group II unsubsidized carriers is mandatory under the Federal Aviation Act of 1958, as amended. Reports will be due monthly, 30 days after the close of each monthly reporting period. The CAB estimates respondents will number 56 and that reporting burden will average 8 hours per report.

Interstate Commerce Commission

The ICC requests reinstatement and an extension-without-change clearance of Form W–1, Annual Report, required to be filed by 79 Class A and Class B water carriers on inland and coastal waterways, pursuant to section 11145 of the Interstate Commerce Act. Data collected by Form W–1 are used for economic regulatory purposes and reports are mandatory. The ICC estimates reporting burden for carriers will average 113 hours per report. The form did not have a valid clearance for the 1979 reporting year and any collection of information on this form for that year is in violation of 44 U.S.C. 3512.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80–23124 Filed 7–30–80; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

[D–80–3]

Delegation of Authority to the Secretary of the Interior

1. *Purpose.* This regulation delegates authority to the Secretary of the Interior to appoint uniformed guards of the Department of the Interior as special policemen for duty in connection with the policing of the Chemawa Indian School in Oregon, which is under the administration of the Department of the Interior.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of the Interior to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement for the protection of persons and property at the Chemawa Indian School in Oregon, over which the United States has exclusive jurisdiction.

b. The Secretary of the Interior may redelegate this authority to the appropriate officers or employees of the Department of the Interior.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: July 22, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–23031 Filed 7–30–80; 8:45 am]

BILLING CODE 6820–23–M

[E–80–19]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Pennsylvania Public Utility Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Pennsylvania Public Utility Commission involving the application of the West Penn Power Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: July 21, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80–23028 Filed 7–30–80; 8:45 am]

BILLING CODE 6820–AM–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Disease Control

Safety and Occupational Health Study Section; Renewal

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), 5 U.S.C. Appendix I, the Center for Disease Control announces the renewal of the Safety and Occupational Health Study Section by the Secretary of Health and Human Services, with the concurrence of the General Services Administration.

This Study Section provides advice and makes recommendations to the Department of Health and Human Services on scientific, research, and training areas related to occupational safety and health which are in need of special emphasis and on the competency available to meet such needs. It provides review for scientific and technical merit of all research and demonstration grant applications as well as fellowships in the program areas related to the cause, prevention, and control of diseases and injuries in the occupational environment; provides review for educational, scientific and technical merit of safety and occupational health training grant applications; and recommends to appropriate national advisory councils grant applications which merit support.

Authority for the Safety and Occupational Health Study Section will expire June 30, 1982, unless the Secretary formally determines that continuance is in the public interest.

Dated: July 24, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-23027 Filed 7-30-80; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Eastern States; Transfer of Submarginal Lands, L'Anse Indian Reservation

July 23, 1980

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) and Sec. 2 thereof, the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Keweenaw Bay Indian Community, subject to all valid rights, reservations, rights-of-way, and easements of record. The land shall be part of the established L'Anse Indian Reservation. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. Any existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Minneapolis, Minnesota. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Keweenaw Bay Indian Community.

3. Michigan Meridian, Michigan

T. 50 N., R. 32 W.,
Sec. 5, S½SE¼;
Sec. 30, Lots 2, 3 and 4, SE¼NW¼; and
Sec. 31, Lot 2, SE¼NW¼.
T. 51 N., R. 32 W.,
Sec. 2, SE¼NW¼, S½SW¼, E½SE¼;
Sec. 4, NW¼NE¼ (Lot 2), NE¼NW¼ (Lot 3);
Sec. 11, N½;
Sec. 16, SE¼;
Sec. 17, S½SE¼;
Sec. 21, N½NE¼, S½NW¼; and
Sec. 23, SW¼NW¼.
T. 50 N., R. 33 W.,
Sec. 3, SW¼NW¼, S½SW¼, N½S½SE¼;
Sec. 10, NW¼NW¼;
Sec. 14, E½NE¼, E½SW¼;
Sec. 15, E½SE¼;
Sec. 23, NE¼NW¼, SW¼;
Sec. 24, E½SW¼, W½SE¼, NE¼SE¼, E½NW¼;
Sec. 25, N½N½, S½SW¼;
Sec. 26, S½NW¼, W½SE¼;
Sec. 27, S½NE¼, E½NW¼, E½SE¼, SW¼SE¼, N½NE¼;
Sec. 34, NE¼;
Sec. 35, E½NE¼, E½NW¼, N½SE¼; and
Sec. 36, E½NE¼, SW¼SW¼.
T. 51 N., R. 33 W.,
Sec. 5, S½NW¼;
Sec. 8, E½SE¼;
Sec. 15, SW¼NW¼;
Sec. 17, SW¼NE¼, E½NW¼, NW¼SW¼; and
Sec. 20, N½NE¼, E½SW¼.

The areas described aggregate 4,016.49 acres.

Roger Hildebeidel,

Eastern States Director.

[FR Doc. 80-22927 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71314]

Realty Action—Noncompetitive Sale; Public Lands in Sweetwater County, Wyo.

July 25, 1980.

The following described land has been identified as suitable for disposal by noncompetitive sale under Sec. 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value shown.

T. 18 N., R. 107 W., 6th P.M., Wyoming
Sec. 34, N½NE¼NE¼, W½NE¼, NW¼SE¼NE¼, S½SE¼NE¼.

Containing 130 acres.
Fair Market Value: $821,500.00.

The above-described land is being offered as a direct, noncompetitive sale to the City of Green River, Wyoming to facilitate community expansion. The City qualifies for funding from the Federal 601 Coal/Uranium Energy Impact Fund established to afford financial relief to energy-impacted communities.

The lands are not required for any Federal purpose. The sale is consistent with the Bureau's planning for the land involved. The land will not be offered for sale until 60 days after the date of this notice. The sale of this tract has been discussed with the City of Green River and the County of Sweetwater officials. The public interest would be served by offering these lands for sale.

The terms and conditions applicable to the sale are: 1. All minerals in the land will be reserved to the United States in accordance with Sec. 209(a) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. The rights of Husky Oil Company and Pan Eastern Exploration Company, their successors and assigns under oil and gas lease W-44789 issued May 1, 1974 through April 30, 1984 pursuant to the Act of February 25, 1920 (30 U.S.C. 181 et seq.).

4. The rights of Pacific Power & Light Company, their successors and assigns, for a 13.8 kV overhead electric distribution line right-of-way pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning the sale, including the planning documents and environmental assessment, is available for review at the Rock Springs District Office, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior, Bureau of Land Management (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this Notice of Realty Action will become the final determination of the Department of the Interior.

Maxwell T. Lieurance,

State Director.

[FR Doc. 80-22972 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

[2355 (943.4)]

Withdrawal Review Scheduling, Oregon and Washington

Under the provisions of Sec. 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714), all land withdrawals, with certain exceptions, must be reviewed prior to October 21, 1991. The purpose of this notice is to provide the public with an opportunity to participate in the establishment of a priority schedule for reviewing land withdrawals located within the States of Oregon and Washington.

The Bureau of Land Management has been designated as the agency to carry out the withdrawal review program. All Federal agency land withdrawals, with certain exceptions, are subject to

withdrawal review under the authority mentioned above. The major types of land withdrawals subject to such review include reclamation projects, military reservations, civil projects, administrative sites, recreation sites, public water reserves, lighthouse reservations, air navigation sites, Federal power projects, and scenic zones. The major land withdrawals excepted from the review include Indian reservations and Indian holdings, the National Park system, National Wildlife Refuge System, National Wild and Scenic Rivers System, wilderness areas, and national recreation areas.

The withdrawal review involves a total of 1,500 withdrawal sites and 1,100,000 acres in Oregon and 750 withdrawal sites and 650,000 acres in Washington. The withdrawal review process will include a determination as to whether each withdrawal should be continued, modified, or terminated, including a determination as to what extent the lands can be restored to operation of the public land laws, mining laws, and mineral leasing laws.

On or before September 15, 1980, all persons who wish to submit comments or recommendations in connection with establishing a schedule by priority order for reviewing land withdrawals within Oregon and Washington may present their views in writing to the undersigned officer of the Bureau of Land Management. Land descriptions, including townships, ranges, and sections, may be used in lieu of identifying specific withdrawals. Withdrawal listings, location maps, and land descriptions are available for public inspection in the Oregon State Office, Bureau of Land Management.

All communications in connection with this notice should be addressed to the undersigned officer, Bureau of Land Management, Oregon State Office, 729 N.E. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: July 22, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-22973 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71730]

Wyoming; Application

July 23, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Company of Casper, Wyoming, filed an application for a right-of-way to construct a 4 inch pipeline and appurtenant facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 27 N., R. 93 W.,
Secs. 14, 19, 20, 21, 22, 23 and 24.
T. 27 N., R. 94 W.,
Secs. 19, 20, 21, 22, 23 and 24.
T. 27 N., R. 95 W.,
Secs. 19, 20, 21, 22, 23 and 24.
T. 27 N., R. 96 W.,
Secs. 24, 25, 26, 27, 28, 29 and 30.
T. 27 N., R. 97 W.,
Sec. 25.

The proposed pipeline will transport natural gas from the East Antelope Field in Section 24, T. 27 N., R. 93 W., to a consumer in Section 25, T. 27 N., R. 97 W., Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-22975 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-54-M

[W-68617 Amendment]

Wyoming, Application

July 24, 1980

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Panhandle Eastern Pipe Line Company of Brighton, Colorado, filed an application for a right-of-way to construct 6 inch and 10 inch gathering pipelines and related facilities for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 22 N., R. 103 W.,
Sec. 2, Lot 1, S½NE¼, SW¼, E½SE¼ and NW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 14, W½W½;
Sec. 18, S½SE¼;
Sec. 20, N½NE¼ and NW¼;
Sec. 22, N½N½.

The proposed pipelines will connect wells in Sweetwater County, Wyoming for the purpose of gathering and transporting natural gas to Stauffer Company's gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-22974 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. I-15366, I-15379]

Idaho; Proposed Withdrawal Continuation

July 23, 1980.

The Bureau of Land Management has filed statements of justification for continuation of two existing Public Water Reserve Withdrawals. The Bureau desires to continue the withdrawals in their entirety for a period of 20 years. The continuations would be made pursuant to the authority contained in Section 204(L) of the Federal Land Policy and Management Act of October 21, 1976, (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuations:

Boise Meridian, Idaho

(I-15366)

Public Water Reserve 107, Secretarial Order of Interpretation No. 120

T. 16 S., R. 16 E.,
Sec. 17, W½NW¼.

The area described aggregates 80 acres in Twin Falls County, Idaho.

(I-15379)

Public Water Reserve 107, BLM Order of Interpretation

T. 16 S., R. 15 E.,
Sec. 2, SW¼.

The area described aggregates 160 acres in Twin Falls County, Idaho.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposals must submit a written request for a hearing to the undersigned officer within 30 days of the

date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuations may be filed with the undersigned officer on or before September 2, 1980.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justifications to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for an an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communication in connection with these proposed withdrawal continuations should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 80-22930 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. I-1639, I-2834]

Idaho; Partial Termination of Classification for Multiple Use Management

July 23, 1980.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate The Bureau of Land Management Multiple—Use Classification Orders dated November 15, 1967 and September 15, 1970 (Serial Nos. I-1639 and I-2834) published in the **Federal Register** November 9, 1967 32 FR 15767 and September 24, 1970, 35 FR 14853, insofar as they affect the lands described below:

Boise Meridian, Idaho

(I-1639)

T. 19 N., R. 22 E.,
Sec. 24, NE¼NE¼
T. 19 N., R. 23 E.;
Sec. 2, SE¼NW¼, NE¼SW¼
T. 19 N., R. 24 E.,
Sec. 1, SW¼
T. 19 N., R. 25 E.,
Sec. 17, SE¼NE¼, NE¼SE¼, E½NW¼SE¼, E½SW¼NE¼
Sec. 18, W¼SE¼SE¼, NE¼SE¼SE¼

The areas described aggregate 430 acres in Lemhi County, Idaho

(I-2834)

T. 10 N., R. 18 E.,
Sec. 35, NE¼SE¼
T. 12 N., R. 18 E.,
Sec. 25, Lot 4
T. 14 N., R. 18 E.,
Sec. 12, NE¼NE¼
T. 9 N., R. 19 E.,
Sec. 17, NE¼SE¼
T. 7 N., R. 24 E.,
Sec. 20, NE¼NW¼SW¼
T. 11 N., R. 25 E.,
Sec. 22, SE¼NW¼, NE¼SW¼

The areas described aggregate 253.50 acres in Custer County, Idaho.

2. The segregative effect (closure to entry under the Mining and Agricultural land laws) on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2).

Theodore G. Bingham,

Acting State Director.

[FR Doc. 80-22931 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order NM-030-8001]

New Mexico Off-Road Vehicle Designations

Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340 to protect sensitive resources. The following described lands under the administration of the Bureau of Land Management are designated as limited.

The limited designation areas are located in the Alamogordo Planning Unit. The Three Rivers Petroglyph Site and Picnic Area is a developed BLM site located north of Alamogordo. The Rattlesnake Hill area is located south of Orogrande between White Sands Missile Range and Fort Bliss Withdrawal.

The 960 acres at Three Rivers will be limited to designated roads. The access roads from U.S. 54 (both the original dirt road and newer, paved road) will be open year-round; as will the turn-off to the recreation area, the service road to the northeast, and the powerline road.

The 3,840 acres at Rattlesnake Hill will be limited to designated roads. All presently maintained roads will be designated open year-round.

These designations are published as final today.

This decision was arrived at following the draft off-road vehicle manual procedures. Verbal and written comments were encouraged and were utilized in the decision-making process. An environmental assessment on the decision has been completed and is available for public inspection at the office listed below.

ADDRESS: For further information about these designations, contact the following Bureau of Land Management Office: District Manager, Las Cruces District, 1705 North Valley Drive, P.O. Box 1420, Las Cruces, New Mexico 88001.

Billy M. Brady,

Acting State Director.

[FR Doc. 80-22934 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-84

[INT DEIS 80-46]

Proposed Grazing and Wilderness Management for the East San Diego County Planning Unit, El Centro Resource Area, Riverside District, Calif.; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement concerning a proposed intensive grazing and wilderness management program for the Eastern San Diego County Planning Unit in San Diego County, California. Management proposals are presented and analyzed for each of eleven existing and one proposed grazing allotments and five wilderness study areas. Intensive management will occur on ten of the allotments and no grazing will be allowed in two allotments. Two of the wilderness study areas are proposed as suitable for wilderness designation. The planning unit covers 256,587 acres, of which 38 percent is Federal land.

Comments on the draft environmental impact statement are being solicited from the public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted by September 21, 1980 to the Area Manager, El Centro Resource Area, Bureau of Land Management, 833 South

Waterman Avenue, El Centro, California 92243. The comments will be incorporated in the final environmental impact statement.

A limited number of copies of the draft environmental impact statement are available upon request at the following offices:

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541.

El Centro Area Office, Bureau of Land Management, 833 South Waterman Avenue, El Centro, California 92243, Telephone (714) 352–5842.

Copies of the draft environmental impact statement will be available for public reading and review at the following locations:

Division of Rangeland Management, Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

California State Office (911), Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541.

El Centro Area Office, Bureau of Land Management, 833 South Waterman Avenue, El Centro, California 92243, Telephone (714) 352–5842.

Dated: June 23, 1980.

James B. Ruch,

State Director.

[FR Doc. 80–22943 Filed 7–30–80; 8:45 am]

BILLING CODE 4310–84–M

[Colorado 30109, A–L]

R/W Application for Pipeline

July 24, 1980.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Mountain Fuel Resources, Inc., P.O. Box 11368, Salt Lake City, Utah 84111, has applied for a right-of-way for an 8" natural gas trunkline and twelve 3½" laterals for the Cathedral Gathering System approximately 12.13 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 3 S., R. 101 W.,
Sec. 2: W½W½.
Sec. 3: SE¼SE¼.
Sec. 9: SE¼SE¼.
Sec. 10: NE¼, SW¼.
Sec. 16: NE¼, SW¼.
Sec. 17: SE¼SE¼.
Sec. 20: N½, SE¼.
Sec. 21: NW¼, S½.
Sec. 27: S½.
Sec. 28: W½E½, W½NW¼.
Sec. 29: NE¼NE¼.
Sec. 33: NE¼.
Sec. 34: NW¼.

The above-named gathering system will enable the applicant to gather natural gas in areas through which the pipeline will pass and to convey the gas to its customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Mountain Fuel Resources, Inc. Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 80–23032 Filed 7–30–80; 8:45 am]

BILLING CODE 4310–84–M

Gulf of Mexico Outer Continental Shelf Oil and Gas; Intent To Prepare an Environmental Impact Statement for Proposed OCS Oil and Gas Lease Sales 67 and 69

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management's New Orleans Outer Continental Shelf Office intends to prepare an environmental impact statement (EIS) on the offshore oil and gas leasing proposals known as OCS Sale Nos. 67 and 69. The proposed sales are tentatively scheduled for March and August of 1982, and may include OCS lease blocks offshore Louisiana, Texas, Florida, Mississippi and Alabama. A list of 470 lease tracts (2,450,041 acres) has been selected for leasing consideration and further environmental study. Tracts under study are from 3 to 142 geographic miles from the Gulf of Mexico shoreline and are located in water from 33 to 7,873 feet deep.

Alternatives to be considered in the environmental impact statement include options to delay, modify, or withdraw the proposed lease offerings.

Coordination, comments, hearing records and public meetings associated with former and recent oil and gas proposals in the same general areas of the Gulf of Mexico as proposed in sales 67 and 69 has surfaced several issues of environmental concern. Issues of concern relating to offshore oil and gas leasing include possible impacts on fishing, biologically sensitive areas, recreation, endangered species, and cultural resources. Additionally, some concern has been expressed about the potential hazards which could result from deep water leasing. All these issues have been thoroughly discussed in currently available or soon to be published Gulf of Mexico lease sale environmental impact statements and were the subject of a scoping workshop held in New Orleans on May 13 and 14, 1980. These issues will be addressed in the DEIS for sales 67 and 69 along with a discussion of any new information available.

Scoping plans associated with these proposals entail several scheduled meetings of key individuals representing government, industry and environmental interest groups through the established OCS Planning process. Additionally, we will solicit identification of issues and concerns related to the proposals from the public at large. Initially, an extensive media campaign throughout the Gulf of Mexico coastal area will inform the public of the proposal and solicit public comment on environmental issues. A news release will be sent to approximately 1500 coastal media contacts comprised of newspapers, radio, and television. Should response from these solicitations indicate considerable public interest and concern about the proposals and need for additional public contact to define that concern we will activate phase two. This will involve more direct communications with identified individuals and interest groups about the proposal and the issues they raise.

Additional information about these leasing proposals or coments on the issues to be addressed in the EIS should be brought to the attention of Mr. Douglas Elvers, Chief, Environmental Assessment Division, New Orleans OCS Office, Suite 841, 500 Camp Street, Hale Boggs Federal Building, New Orleans, Louisiana 70130, telephone (504–589–6541). Written comments wil be accepted until August 29, 1980.

Dated: July 28, 1980.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 80–23046 Filed 7–30–80; 8:45 am]

BILLING CODE 4310–84–M

Proposed Johnson Valley to Parker Motorcycle Race; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement concerning a proposed one-day point-to-point motorcycle race this fall in the California Desert Conservation Area. The proposed course spans 235 miles beginning in the Johnson Valley Open Area and ending at the start/finish point of the Parker SCORE "400" race course. The majority of the proposed course is on existing roads and trails with a small percentage off existing routes. There are two alternatives to the proposed action. They are: a minor change in course alignment; and not authorizing the event.

Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted within 45 days of this Notice to the Area Manager, Cima Resource Area, Bureau of Land Management, Box 305, Needles, California 92363. The comments will be incorporated in the final environmental impact statement.

A limited number of copies of the draft environmental impact statement are available upon request at the following offices:

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4541.
Riverside District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507, Telephone (714) 787–1462.
Cima Area Office, Bureau of Land Management, P.O. Box 305, Front Street, Needles, California 92363, Telephone (714) 326–3896/2857.

Copies of the draft environmental impact statement will be available for public reading and review at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.
Riverside District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507, Telephone (714) 787–1428.
Cima Area Office, Bureau of Land Management, P.O. Box 305, Front Street, Needles, California, Telephone (714) 326–3896/2857.

Dated: July 23, 1980.

Ron Hofman,

Acting State Director.

[FR Doc. 80–22941 Filed 7–30–80; 8:45 am]

BILLING CODE 4310–84–M

Update on Wilderness Inventory Protests Received on the Overthrust Belt Accelerated Wilderness Inventory; Nevada

By publication in the March 31, 1980, **Federal Register**, page 24253, the Bureau of Land Management (BLM), Nevada State Office, announced that the decisions issued on eleven areas inventoried for wilderness characteristics in the Overthrust Belt accelerated wilderness inventory were protested. The protests stated that the areas under question do not possess wilderness characteristics and should not be identified as Wilderness Study Areas by the BLM.

The Nevada State Director of the BLM has reviewed each protest and has concluded that the following areas under protest do indeed possess wilderness characteristics and are hereby designated as Wilderness Study Areas: NV–050–0161, 0231, 0233, 0235, 0236, 0238, 0411, 0412, 0423, 0438, and 04R–15. All of these areas will receive additional studies and continue to be managed according to instructions specified in the "Interim Management Policy and Guidelines for Lands Under Wilderness Review" issued by the BLM on December 12, 1979.

Any person adversely affected by these decisions may appeal such decisions under the provisions of 43 CFR Part 4. If no appeals are filed within 30 days of the date of this notice, the decisions specified herein will be implemented.

Dated: July 23, 1980.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 80–23045 Filed 7–30–80; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of South Atlantic and Pacific (Southern California) Summary Reports

SUMMARY: Two more in a series of reports that provide affected States with current planning information on OCS oil and gas activities have been published in accordance with section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The reports, focusing on the South Atlantic and the Pacific (Southern California) Regions, provide summary information to States regarding current oil and gas resource estimates, reserves, and production levels; the magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the location and nature of onshore facilities. Other Summary Reports are planned or being written for the Gulf of Mexico, Gulf of Alaska (including Lower Cook Inlet), and Beaufort Sea.

EFFECTIVE DATE: Pacific Summary Report: July 17, 1980.

South Atlantic Summary Report: First week of August.

ADDRESSES: Copies of both reports may be obtained upon request from the OCS Oil and Gas Information Program, U.S. Geological Survey, 750 National Center, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Nystrom, Manager, OCS Oil and Gas Information Program, U.S. Geological Survey, 750 National Center, Reston, Virginia 22092, (703) 860–7166.

Gene A. Thorley,

Acting Chief, Office of Earth Science Applications.

[FR Doc. 80–22938 Filed 7–30–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Exxon Co., U.S.A.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 172 Federal Unit Agreement No. 14–08–0001–8946, submitted on July 21, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the South Timbalier Block 172 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and

Production Plans available to affected States, executive of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 24, 1980.

S. Courtney Reed,

Staff Asst. for Resource Evaluations, Gulf of Mexico OCS Region.

[FR Doc. 80-22933 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1025, Block 239, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 24, 1980.

J. Courtney Reed,

Staff Assistant for Resource Evaluation, Gulf of Mexico OCS Region.

[FR Doc. 80-22932 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Gateway National Recreation Area Field Tour; Change in Announcement

This notice is to add another paragraph to the notice concerning the August 8, 1980 field tour that was published in **Federal Register**, Volume 45, No. 131/Monday, July 7, 1980/ Notices, page 45701.

The following paragraph should be added after the second paragraph in the original notice:

Matters to be discussed are:

1. Gateway Land Acquisition Plan.
2. Other Park/Commission matters which may arise.

All other information remains the same.

Dated: July 23, 1980.

Herbert S. Cables, Sr.,

Acting Regional Director, North Atlantic Regional Office.

[FR Doc. 80-22861 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-70-M

Water and Power Resources Service

Contract Negotiations With Whitestone Reclamation District, Washington; Intent To Begin Amendatory Repayment Contract Negotiations

The Department of the Interior, through the Water and Power Resources Service, intends to open negotiation of terms and conditions of an amendment to the April 3, 1967, repayment contract with the Whitestone Reclamation District, Loomis, Washington. That contract was executed under the authority of the Act of September 18, 1964 (78 Stat. 955), and the Reclamation Project Act of 1939 (53 Stat. 1187), as amended. The terms and conditions of the proposed amendment, to be negotiated pursuant to the same authorities, will increase the district's repayment obligation to the United States, modify certain standard articles contained in the 1967 contract, and add standard articles necessary to make the contract consistent with current contracting policies and procedures.

The amount to be repaid by the district under the 1967 repayment contract was based on the payment capacity for an irrigable area of 2,490 acres. Following contract execution, additional requests for water service were received by the irrigation district and the United States. Consequently, minor design changes were made during construction so that an additional 230 acres could be served. The proposed contract amendment will permit these additional lands to repay their share of the project construction costs, thus increasing the district's repayment obligation to the United States by $76,852 for the Whitestone Coulee Unit of the Okanogan-Similkameen Division.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed Whitestone Reclamation District contract. Inquiries should be addressed to the Regional Director, Water and Power Resources Service, Attention Code 440, 550 West Fort Street, Box 043, Boise, Idaho 83724.

A proposed draft contract will be made available for public review. Thereafter, a 30-day period will be allowed for receipt of written comments from the public. All written correspondence concerning the proposed amendment will be made available for review or inspection upon receipt of written request purusant to the Freedom of Information Act, as amended.

For further information on schedule negotiating sessions and copies of the proposed contract form, please contact: Ms. Cathy Kenty, Repayment Contract Assistant, Repayment and Statistics Branch, Division of Water, Power, and Lands, Water and Power Resources Service at the above address or telephone (208) 334–1161.

Dated: July 25, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-23040 Filed 7-30-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[AB 156 (SDM)]

Delaware & Hudson Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Delaware and Hudson Railway Company has filed with the Commission its amended color-coded system diagram map in Docket No. AB 156 (SDM). The Commission on June 20,

1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 156 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22955 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 1 (SDM)*]

Chicago and North Western Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and North Western Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. 1 AB (SDM). The Commission on May 16, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22963 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 76F)

Chicago and North Western Transportation Co.; Abandonment in La Crosse and Trempealeau Counties, Wis.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 28, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of its track extending from milepost 269.0 near Medary Junction to milepost 291.0 near Galesville, a distance of 22 miles, in La Crosse and Trempealeau Counties, WI, provided that (1) conditions for the protection of employees, as discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), will be imposed; (2) applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from July 12, 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication (on or before September 2, 1980), the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed and served no later than 15 days after publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22948 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[No. 37471]

Colorado Intrastate Freight Rates and Charges—1980

Decided: July 24, 1980.

By joint petition filed July 3, 1980, eight common carriers by rail [1] operating in intrastate commerce in Colorado, request an investigation of Colorado intrastate freight rates and charges under 49 U.S.C. 11501. Petitioners seek an order directing that the rates and charges for the transportation of intrastate traffic within Colorado be increased upon one day's notice in the same measure and to the same degree as the rates and charges on intrastate and foreign commerce from, to and within the State of Colorado under the interim or final decision of the Commission in Ex Parte No. 375A.

Petitioners have stated grounds sufficient to warrant instituting an investigation. They show that a hearing was held by the Colorado Public Utilities Commission on the proposed increase in intrastate rates and charges filed by eleven common carriers by rail, including the petitioners and on June 3, 1980, the Commission rejected the increase as to ten such railroads, including the petitioners [2] and approved the proposed increased rates and charges for one railroad. [3]

In this investigation under 49 U.S.C. 11501 we will consider whether the Colorado intrastate rail freight rates cause unjust discrimination against or impose a burden upon interstate or foreign commerce or cause undue or

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[1] The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern, Inc., The Colorado and Southern Railway Company, The Colorado and Wyoming Railway Company, The Denver and Rio Grande Western Railroad Company, Missouri Pacific Railroad Company, San Luis Central Railroad Company and Southern San Luis Valley Railroad Company.

[2] In addition to the petitioners, The Chicago Rock Island and Pacific Railroad Company and The Great Western Railway Company.

[3] Union Pacific Railroad Company.

unreasonable advantage, preference or prejudice between persons or localities in intrastate commerce and in interstate and foreign commerce due to the failure to apply to the intrastate traffic of the petitioning railroads the increases authorized by the Commission in Ex Parte No. 375A. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, maintained by petitioners should be prescribed to remove any unlawful advanatage, preference, discrimination, undue burden, or other violation of law, found to exist.

Persons who wish to participate in this proceeding and to file and receive copies of pleadings must notify the Commission (Room 5340) within fifteen days. Persons with common interests are encouraged to consolidate their presentations.

As soon as possible after the final date for submitting notices of participation in this proceeding, we will serve a list of names and addresses upon all persons designated for service of the pleadings. The proceeding will then be assigned for oral hearing or for modified procedure.

A copy of this decision shall be served upon each of the petitioners and for information upon the Chicago, Rock Island and Pacific Railroad Company and the Great Western Railway Company. Service of this decision shall also be made by certified mail to counsel for the City of Colorado Springs, to the Colorado Public Utilities Commission and to the Governor of Colorado. Further public notice shall be made by depositing a copy of this decision in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and to the Director, Office of the Federal Register, for publication therein.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22945 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 191 (SDM)*]

The Colorado and Southern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Colorado and Southern Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 191 (SDM). The Commission on July 1, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 191 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22957 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 167 (SDM)]

Consolidated Rail Corp.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Consolidated Rail Corporation's has filed with the Commission its amended color-coded system diagram map in docket No. AB 167 (SDM). The Commission on June 24, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a normal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 167 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22956 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 299 (Sub-No. 1); No. 36874]

Increases in Freight Rates and Charges of the Long Island Railroad Co. to Offset Retirement Tax Increase—1973; Intent to File Divisions Complaint

AGENCY: Interstate Commerce Commission.

ACTION: Consolidation of proceedings and modification of procedural dates.

SUMMARY: These proceedings are being consolidated. The Long Island Railroad must submit its opening statement together with its formal complaint by September 5, 1980. Opposing opening statements and answers are due 30 days later. The Long Island has 20 days to reply.

ADDRESS: Comments should be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275-7693.

SUPPLEMENTARY INFORMATION: By petition filed July 15, 1980, the Long Island Railroad Company (L.I.R.R.) requests that these two proceedings be consolidated and the procedural dates for opening statements in Ex Parte No. 299 (Sub-No. 1) of September 25, 1980 and in No. 36874 of August 7, 1980 be changed to September 5, 1980.

The petition shall be granted. In a July 27, 1980 decision in Ex Parte No. 299 (Sub-No. 1), we found that the L.I.R.R. surcharge to recoup increases in railroad retirement taxes changed joint rates and divisions. We stated that evidence justifying the change in divisions was necessary and would be evaluated under 49 U.S.C. 10705(b). In No. 36874, the L.I.R.R. has filed a Notice of Intent to File Divisions Complaint. Thus, it appears that many of the underlying issues of fact and law that will be before the Commission in these proceedings are common and integrally related. Consolidation would greatly reduce the burden of duplicative filings by the L.I.R.R. and other parties. Moreover, consolidation would avoid the possibility of piecemeal litigation and the misinterpretation of decisions that might arise if the matters were handled separately.

The petition for consolidation and modification of procedural dates is granted. The L.I.R.R. must submit its opening statement together with its formal complaint by September 5, 1980. Opposing opening statements and answers are due 30 days later. The L.I.R.R. has 20 days to reply.

Decided: July 22, 1980.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22949 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 2 (SDM)]

Louisville and Nashville Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Louisville and Nashville Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 2(SDM). The Commission on June 23, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. 2(SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22960 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[No. 37384]

Marketing Corp. of America—Petition for Declaratory Order—Distribution of Promotional Coupons

AGENCY: Interstate Commerce Commission.

ACTION: Change of Comment Date in Notice of Petition for Declaratory Order.

SUMMARY: Previous notices at 45 FR 37310, June 2, 1980, and 45 FR 45034, July 2, 1980, had incorrectly established the due date for comments as June 2, 1980, and July 2, 1980, respectively. The date for comments in this proceeding, which seeks a ruling on the use of manufacturers' coupons, is corrected to 20 days from publication in the Federal Register.

DATES: Comments are due on or before August 20, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275-7693.

Decided: July 25, 1980.

By the Commission, Michael Erenberg, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22944 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 21F)

Missouri Pacific Railroad Co.; Abandonment of Line and Abandonment of Trackage Rights Over Louisiana & Arkansas Railway Co. in La.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 21 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permitting the abandonment of the following portions of a line of railroad known as the Avoyelles Subdivision: (1) that portion extending from a point at or near milepost 46.6 at Bunkie to milepost 35.2, thence from milepost 0.0 to a point at or near milepost 3.9 at Mansura Junction, a distance of 15.3 miles in Avoyelles Parish, LA; (2) that portion extending from a point at or near milepost 29.9 at Hamburg to a point at or near milepost 22.1 at Simmesport, a distance of 7.8 miles in Avoyelles Parish, LA. The total distance of the above segments is 23.1 miles. The applicant also seeks to abandon trackage rights over the following segments of trackage owned by the Louisiana & Arkansas Railway Company: (1) a segment extending from Mansura Junction to Hamburg, an approximate distance of 6.6 miles in Avoyelles Parish, LA, and (2) a segment extending from Simmesport to Lettsworth, an approximate distance of 7.5 miles in Avoyelles and Point Coupee Parishes, LA. The total distance of the above segments over which MoPac proposes to abandon trackage rights is 14.1 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Missouri Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication (on or before September 2, 1980), the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed and served no later than 15 days after publication of this Notice; and

(2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22947 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved. The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days

after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the preceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularly the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required. Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal. Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.* Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy. *We find* with the exception of those applications involving impediments (e.g., jurisidictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975. In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930. In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed on or before September 2, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right. Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: July 24, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

F–B TRUCK LINE COMPANY (F–B) (1945 South Redwood Road, Salt Lake City, UT 84104)—MERGER—MACHINERY TRANSPORTS, INC. (Machinery) (same address). Representative: Michael J. Norton, 1905 South Redwood, Salt Lake City, UT 84104. F–B seek authority to merge with its wholly owned subsidiary, Machinery, through the transfer of all rights, property and assets of Machinery to F–B and the cancellation of the stock of Machinery with F–B to be the surviving carrier. Mr. Henry Kravis, controlling a majority of the stock of F–B, also seeks authority to merge the corporations. F–B is merging the authority of Machinery contained in MC–124947 and Subs thereto which authorizes the transportation as a motor common carrier, over irregular routes of a wide variety of commodities including (1) commodities which because of size or weight require the use of special handling or equipment, to, from or between points in NM, CO, TX, OK, KA, LA, MO, AR, LA, KY, IL, IN, WI, and OH, (2) lumber, lumber products and wood products from points in OR, WA, ID, MT, UT, CO, AZ and NM to points in the U.S. in and east of ND, SD, NE, KA, OK and TX and from points in TX, OK, AR, LA, MS, AL, GA, FL, SC, NC, and TN to points in MN, IA, MO, WI, IL, KY, CN, MA, RI, VA, NA and MN; and (3) over one hundred other Subs authorizing the transportation of a variety of specialized commodities to, from and/or between various points in the U.S. F–B is authorized to operate as a motor common carrier over irregular routes transporting specialized commodities between points in the U.S. except AK, pursuant to certificates issued in MC–125433 and Subs thereto. (Hearing site: Salk Lake City, Utah.

Note.—A directly related gateway elimination application has been filed in MC–125433 (Sub. No. 366F), published in this same **Federal Register** Issue. Since there is an impediment to the approval of that application, this proceeding will also be held open to be handled at a later time with the gateway elimination application.

H. HOYT McKAREM, an individual, D/B/A C–B–C TRANSPORTATION CO. (McKarem) (P.O. Box 1682, Memphis, TN 38101)—Purchase—C–B–C TRANSPORTS, INC., General Partner, and M.A. CREEKMORE, JASPER V. BENNETT AND OSCAR CARADINE, Limited Partners, D/B/A C–B–C TRANSPORTS, A Limited Partnership, (CBC) (1415 Railroad Avenue, Greenville, MS 38701). Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. McKarem seeks authority to purchase the interstate operating rights and property of CBC. McKarem also seeks authority, through the transaction, to commonly control by management CBC, Taylor Truck Line, Inc., of Charleston, MS, operating under Docket No. MC–106565 and sub-numbers thereunder, of which he is President and owns a 25% stock interest, and through his position as Executive Vice-President and owner of 23.3% of the issued stock thereof, for his control of Distribution and Transportation Services, Inc., of Memphis, TN, a non-carrier, and it of its wholly-owned subsidiaries, Memphis Leasing Co., Inc., of Memphis, TN, which now has an application pending under Docket No. MC–147870 and New Orleans Drayage, Inc., of New Orleans, LA, which now has an application pending under Docket No. MC–147912. The operating rights to be purchased are contained in a certificate issued to CBC in MC–141853, which authorizes the transportation, as a motor common carrier, over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and cement in containers): Between points in Washington and Bolivar Counties, MS. Between points in Washington and Bolivar Counties, MS, on the one hand, and, on the other, those points in that part of Mississippi on, north and west of a line beginning at junction Interstate Highway 20 and the Mississippi River at Vicksburg, and

extending east long Interstate Highway 20 to junction U.S. Highway 80 immediately east of Vicksburg, thence along U.S. Highway 80 to junction Interstate Highway 20 at or near Clinton, thence along Interestate Highway 20 to junction Interstate Highway 55 immediately southeast of Jackson, thence north along Interstate Highway 55 to junction U.S. Highway 51 immediately north of Jackson, thence along U.S. Highway 51 to junction Interstate Highway 55 immediately north of Grenada, and thence along Interstate Highway 55 to the Mississippi-Tennessee State line (except those points in Mississippi located within the Commercial zone of Memphis, Tenn., as defined by the Commission). RESTRICTION: the authority granted above is restricted to the transportation of traffic having a prior or subsequent movement by rail, water, or motor vehicle. (Hearing site: Memphis, TN, Greenville, MS, or Jackson, MS.)

Notes.—(1) It is not contemplated that the operations of any of the carriers under common control of Transferee would be merged; however, Taylor Truck Line, Inc., which operates as a common carrier of general commodities in the States of MS and TN, and CBC has concurrenlty filed a joint Petition for Approval of Pooling Agreement under Docket No. MC–F–14337F, and published in the **Federal Register** on March 27, 1980. (2) McKarem has filed a Petition for Modification of CBC's Certificate for the removal of the above restriction under Docket No. MC–141853 (M3F), (3) Memphis Leasing Co., Inc., seeks authority only to operate within the terminal area and commercial zone of Memphis, TN, while New Orleans Drayage, Inc., seeks authority within the terminal area and commercial zone of New Orleans, LA. (4) An application for temporary authority has been filed.

MILLER TRANSFER & RIGGING CO. (Miller) (P.O. Box 6077, Akron, OH 44312)—MERGER—RELIABLE MACHINERY HAULERS, INC. (Reliable) (3917 St. RT 183, Edinburg, OH 44272). Representative: A. Charles Tell, 100 E. Broad Street, Columbus, OH 43215. Authority sought to merge the operating rights and properties of Reliable into Miller and for United Transport Industries, Inc., (United) which controls Miller, and, in turn, John J. Brutvan, who controls United, to control said operating rights and properties through the transaction. Authority to be transferred is set forth in No. MC–118884 and authorizes the transportation of (1) *Undercarriage assemblies, and parts, attachments and accessories* for the named commodities, between the plantsites of The Warner & Swasey Co., at New Philadelphia, OH, on the one hand, and, on the other, Winona, MN, and Ft. Dodge, IA, restricted to the transportation of traffic originating at the above-named plantsites and destined to the above-named destination points; (2) *articles which because of size or weight require the use of special equipment, self-propelled articles weighing 15,000 pounds or more which are transported on trailers, and machinery and printers' equipment,* between points in NY, NJ, PA and OH. Miller operates as both a common and contract carrier in all of the 49 contiguous United States pursuant to No. MC–87103 and No. MC–119302 and sub-numbers thereunder. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—A directly related gateway application has been filed in MC–87103 (Sub-No. 58F), published in this same Federal Register issue. Miller presently controls Reliable pursuant to No. MC–F–11087.

Decision–Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests. Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests. Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal. Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority. Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975. In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall

conform to the provisions of 49 U.S.C. 10930. In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before September 2, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Applicant: F-B TRUCK LINE COMPANY—GATEWAY ELIMINATION, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a motor common carrier, in interstate or foreign commerce, over irregular routes, transporting: There are over 300 subparts to this application, which, taken as a whole, would authorize applicant to transport (1) Commodities which because of size or weight require the use of special handling or equipment between points in CO, NM, TX, OK, KA, LA, MO, KY, IL, IN, OH, and WI on the one hand, and, on the other, points in the U.S. except AK and HI; (2) Iron and steel articles and pipe between points in WA, OR, CA, ID, MT, WY, NV, UT, CO, AZ and NM, on the one hand, and, on the other, points in the U.S. except AK and HI; and (3) Other specialized commodities to, from or between various points in the U.S. except HI. Impediment: Various portions of this gateway application request tacking with F–B's pending authority. The Commission cannot approve the joinder of authority until a certificate has been issued. Applicants are required to delete all portions from this application in which a certificate has not been issued. (Hearing site: Salt Lake City, UT.)

Notes.—(1) This matter is directly related to a finance application in MC–F–14284F, published in this same Federal Register issue (2) The purpose of this application is to eliminate numerous gateways in TX, AR, CO, NM, KY, IL, WI, MO, OH, and UT.

Applicant: MILLER TRANSFER & RIGGING CO.—Gateway elimination, P.O. Box 6077, Akron, OH 44312. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting commodities which because of size or weight require the use of special equipment or special handling, (1) between points in IN, IL and WV on the one hand, and, on the other, points in OH, NY, NJ and PA (Gateway Clarion, PA & 40 miles), (2) between points in CT, MA and RI on the one hand, and, on the other, points in OH, NY, NJ and PA (Gateway points in NY within 25 miles of Pittsfield, MA), (3) between points in MI on the one hand, and, on the other, points in OH, NY, NJ and PA (Gateway Cuyahoga Co., OH), (4) between points in IL, IN and WV on the one hand, and, on the other, points in CT, MA and RI (Gateway (1) Clarion, PA & 40 miles and (2) points in NY within 25 miles of Pittsfield, MA), (5) between points in IN, IL and WV on the one hand, and, on the other, points in MI (Gateway (1) Clarion, PA & 40 miles and (2) Cuyahoga Co., OH), and (6) between points in CT, MA and RI on the one hand, and, on the other, points in MI (Gateway (1) points in NY within 25 miles of Pittsfield, MA and (2) Cuyahoga, Co., OH; (b) *machinery and heavy machinery* which, because of size or weight, requires the use of special equipment or special handling, (1) between points in MD on the one hand, and, on the other, points in OH, NY, NJ and WV (Gateway Ebensburg, PA and points within 10 miles), (2) between points in DE, MD, VA, NC and DC on the one hand, and, on the other, points in OH, NY, NJ and PA (Gateway Chester Co., PA), (3) between points in MD on the one hand, and, on the other, points in DE, MD, NC, VA and DC (Gateway (1) Ebensburg, PA and points within 10 miles and (2) Chester Co., PA), (4) between points in MD on the one hand, and, on the other, points in IN on and east of U.S. Hwy 31 (Gateway (1) Ebensburg, PA and points within 10 miles and (2) Newark, OH), (5) between points in DE, MD, VA, NC and DC on the one hand, and, on the other, points in IN on and east of U.S. Hwy 31 (Gateway (1) Chester Co., PA and (2) Newark, OH), (6) between points in DE, MD, VA, NC and DC on the one hand, and, on the other, points in Chicago, IL and points in its commercial zone (Gateway (1) Chester Co., PA, (2) Newark, OH and (3) points in IN on and east of U.S. Hwy 31), (7) between points in CT, MA and RI on the one hand, and, on the other, points in DE, MD, VA, NC and DC (Gateway (1) points in NY within 25 miles of Pittsfield, MA and (2) Chester Co., PA), (8) between points in CT, MA and RI on the one hand, and, on the other, points in WV (Gateway (1) points in NY within 25 miles of Pittsfield, MA and (2) Tuscarawas Co., OH, (9) between points in CT, MA and RI on the one hand, and, on the other, points in IN on and east of U.S. Hwy 31 (Gateway (1) points in NY within 25 miles of Pittsfield, MA and (2) Newark, OH), (10) between points in DE, MD, VA, NC and DC on the one hand, and, on the other, points in MI (Gateway (1) Chester Co., PA and (2) Cuyahoga Co., OH), (11) between points in DE, MD, VA, NC and DC on the one hand, and, on the other, points in IL, IN and WV (Gateway (1) Chester Co., PA and (2) Clarion, PA and 40 miles), (12) between points in MI on the one hand, and, on the other, points in IN on and east of U.S. Hwy 31 (Gateway (1) Cuyahoga Co., OH and (2) Newark, OH), (13) between points in WV on the one hand, and, on the other, points in IN, IL and WV (Gateway (1) Tuscarawas Co., OH and (2) Clarion, PA and points within 4 miles), (14) between points in IN on and east of U.S. Hwy 31 on the one hand, and, on the other, points in IL and IN (Gateway (1) Newark, OH and (2) Clarion, PA and points within 40 miles); (C) *hydraulic pressure and shearing machinery* which, because of size or weight, requires the use of special handling or special equipment, (1) from points in OH, PA, NJ and NY to points in ME, MN, NH and VT (Gateway (1) Clarion, PA and 40 miles and (2) Mt. Carmel, IL), (2) from points in CT, MA and RI to points in ME, MN, NH and VT (Gateway (1) points in NY within 25 miles of Pittsfield, MA; (2) Clarion, PA and 40 miles and (3) Mt. Carmel, IL), (3) from points in DE, MD, VA, NC and DC to points in ME, MN NH and VT (Gateway (1) Chester Co., PA, (2) Clarion, PA and 40 Miles and (3) Mt. Carmel, IL), (4) from points in MI to points in ME, MN, NH and VT (Gateway (1) Cuyahoga Co., OH, (2) Clarion, PA and 40 miles and (3) Mt. Carmel, IL), (5) from points in WV to points in ME, MN, NH and VT (Gateway (1) Tuscarawas Co., OH, (2) Clarion, PA and 40 miles and (3) Mt. Carmel, IL), (6) from points in IN on and east of U.S. Hwy 31 to points in ME, MN, NH and VT (Gateway (1) Newark, OH, (2) Clarion, PA and 40 miles and (3) Mt. Carmel, IL), (7) from points in MD to points in ME, MN, NH and VT (Gateway (1) Ebensburg, PA and points within 10 miles, (2) Clarion, PA and 40 miles and (3) Mt. Carmel, IL), and (8) from Chicago, IL and points in its commercial zone to points in ME, MN, NH and VT (Gateway Mt Carmel, IL); (D) *machinery materials supplies and equipment* used in the drilling of water wells and *machinery, materials, supplies and equipment* incidental to or used in the construction, development, operation and maintenance of facilities

for the discovery, development and production of natural gas and petroleum which, because of size or weight require the use of special equipment or special handling, between points in KY on and west of U.S. Hwy 31W extending from the KY–IN State line to jct U.S. Hwy 68, and on and north of a line beginning at the jct of U.S. Hwy 31W and 68 and extending along U.S. Hwy 68 to jct U.S. Hwy 60 to the KY–MO State line, those in IN on and north of U.S. Hwy 40 and those in IL on and north of U.S. Hwy 24, on the one hand, and, on the other (1) points in CT, MA and RI (Gateway (1) Clarion, PA and 40 miles and (2) those points in NY within 25 miles of Pittsfield, MA), (2) points in DE, MD, VA, NC and DC (Gateway (1) Clarion, PA and 40 miles and (2) Chester Co., PA), (3) points in MI (Gateway (1) Clarion, PA and 40 miles and (2) Cuyahoga Co., OH), (4) points in WV (Gateway (1) Clarion, PA and 40 miles and (2) Tuscarawas Co., OH), (5) points in IN on and east of U.S. Hwy 31 (Gateway (1) Newark, OH and (2) Clarion, PA and 40 miles), (6) points in MD (Gateway (1) Clarion, PA and 40 miles and (2) Ebensburg, PA and points within 10 miles), (7) Chicago, IL and points in its commercial zone (Gateway points in IN or IL within 300 miles of Chicago, IL); (E) *hydraulic pressure and shearing machinery* used in the drilling of water wells, and *machinery, materials, supplies and equipment* incidental to or used in the construction, development and operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum, from points in KY on and west of U.S. Hwy 31W extending from the KY–IN State line to jct U.S. Hwy 68, and on and north of a line beginning at the jct of U.S. Hwy 31W and 68 and extending along U.S. Hwy 68 to jct U.S. Hwy 60 to the KY–MO State line, those in IN on and south of U.S. Hwy 40 and those in IL on and south of U.S. 24, to points in CT, DE, MD, ME, MA, MN, NH, NJ, NY, NC, PA, RI, VT, VA, and DC. (Gateway Mt. Carmel, IL.)

Note.—This application is directly related to a proceeding pursuant to 49 U.S.C. 11343 in No MC–F–14393F, published in this same **Federal Register** issue.

(Hearing site: Columbus, OH, or Washington, DC.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22950 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 14 (SDM)*]

Northwestern Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Northwestern Pacific Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 14 (SDM). The Commission on June 30, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 14 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22962 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstae Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission on or before September 2, 1980. A petition for intervention 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, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 141853 (M3F), filed February 28, 1980. (Notice of filing petition to modify certificate.) Petitioner: H. HOYT McKAREM, d.b.a. C–B–C TRANSPORTATION CO.—Petition for modification, P.O. Box 1682, Memphis, TN 38101. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transferor operates under Certificate in MC 141853 served April 28, 1978, as a common carrier in interstate and foreign commerce over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and cement in containers): Between points in Washington and Bolivar Counties, MS. Between points in Washington and Bolivar Counties, MS, on the one hand, and, on the other, those points in that part of Mississippi on, north and west of a line beginning at junction Interstate Highway 20 and the Mississippi River at Vicksburg, and extending east along Interstate Highway

29 to junction U.S. Highway 80 immediately east of Vicksburg, thence along U.S. Highway 80 to junction Interstate Highway 20 at or near Clinton, thence along Interstate Highway 20 to junction Interstate Highway 66 immediately southeast of Jackson, thence north along Interstate Highway 55 to junction U.S. Highway 51 immediately north of Jackson, thence along U.S. Highway 51 to junction Interstate Highway 55 immediately north of Grenada, and thence along Interstate Highway 55 to the Mississippi-Tennessee State line (except those points in Mississippi located within the Commercial zone of Memphis, Tenn., as defined by the Commission). Restriction: the authority granted above is restricted to the transportation of traffic having a prior or subsequent movement by rail, water, or motor vehicle. (Hearing sites: Memphis, TN; Greenville, MS; Jackson, MS.)

Notes.—This Petition seeks to eliminate the above Restriction and is directly related to the Application filed under the title "H. Hoyt McKarem—Purchase—C–B–C Transports," Docket No. MC–F–14338F, filed concurrently herewith, wherein McKarem seeks authority from the Commission to control C–B–C by purchase of all its assets, including the above-described portions of C–B–C's Certificate and by the assumption of its liabilities. McKarem, and individual, is in control of other carriers as described therein. The sole purpose of the instant Petition is to remove the above restriction from the authority sought to be transferred in said proceeding and said Restriction would remain should said Control Application be denied.

By the Commission.

Agatha L. Megenovich,

Secretary.

[FR Doc. 80–22951 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 15 (SDM) *]

Petaluma & Santa Rosa Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, 1121.23, that the Petaluma and Santa Rosa Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 15 (SDM). The Commission on June 30, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 15 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22952 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 39 (SDM)]

St. Louis Southwestern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the St. Louis Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 39 (SDM). The Commission on June 30, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 39 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22953 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 9 (SDM)]

St. Louis-San Francisco Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the St. Louis-San Francisco Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 9 (SDM). The Commission on June 30, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 9 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22959 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 55 (SDM)*]

Seaboard Coast Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Seaboard Coast Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 (SDM). The Commission on July 18, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 55 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–22954 Filed 7–30–80; 8:45 am]

BILLING CODE 7035–01–M

[AB 12 (SDM)*]

Southern Pacific Transportation Co; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Southern Pacific Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 (SDM). The Commission on July 14, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or

similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 12 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22961 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

Tongue River Railroad Line Construction

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Change in time of scoping meeting for the environmental impact statement in the above-described proceeding.

SUMMARY: On July 10, 1980, the Interstate Commerce Commission published in the **Federal Register** a notice indicating the time and place of the scoping meeting for the Environmental Impact Statement which is to be prepared in the above-described proceeding. The notice stated that the scoping meeting would be held on August 7, 1980, at 9:00 a.m. at the auditorium/classroom of the Miles Community College in Miles City, MT. Notice is hereby given that there will still be a scoping meeting at that time and location on August 7, 1980. However, there will also be an evening session of the scoping meeting, for persons unable to attend the morning session. The evening session will be held on August 7, 1980, at 7:30 p.m. in Room 106 of the Miles Community College.

FOR FURTHER INFORMATION CONTACT: Ms. Carole Dawkins, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, DC 20423, Telephone: (202) 275-7658.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22946 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[AB 109 (SDM)]

Quanah, Acme & Pacific Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Quanah, Acme and Pacific Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 109 (SDM). The Commission on June 30, 1980, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 109 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22958 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 285]

Maintenance of Records Pertaining to Demurrage, Detention, and Other Related Accessorial Charges by Rail Common Carrier of Property

AGENCY: Interstate Commerce Commission.

ACTION: Request for waiver of rule; request for comments.

SUMMARY: The Commission invites public comment on a request by the Missouri-Kansas Texas (MKT) Railroad Company for a three-year waiver of our regulations at 49 CFR § 1254.03(k). These rules require carriers to retain copies of their bills at one central point. MKT seeks the waiver in order to have time to develop and implement a cost-efficient method for its recordkeeping.

DATES: Comments must be received on or before September 2, 1980.

ADDRESSES: An original and 15 copies of comments should be sent to: Office of Proceedings—Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275-7693.

SUPPLEMENTARY INFORMATION: Our regulations at 49 CFR 1254.03(k), adopted at 352 I.C.C. 739, 784 (1976), state:

(k) *Preparation of bills at central points.* When carriers prepares bills for freight charges, demurrage, detention, storage, switching, refrigeration, weighing inspection, car rentals, stopoff, reconsigning, diversion, loading, or other accessorial services, or where carriers grant special allowances to shippers subject to tariff provisions lawfully in effect, at *central billing or accounting points*, copies of such bills of allownces shall be maintained by the carriers, and shall be available for inspection, *at the same location at which are also maintained all other reports and records* required to be made and maintained under this part. (Emphasis supplied.)

MKT states that, under its present recordkeeping system, it does not have central billing and accounting points. Rather, it maintains its freight bills in a Customer Accounting Bureau at Denison, TX, but keeps demurrage and other accessorial records at local stations. For MKT to consolidate all records at a central location, its local stations would have to send copies of all documents and bills to Denison. This procedure, it asserts, would involve additional costs and administrative burdens.

During the three-year transition period MKT proposes to furnish, upon written request, copies of the involved records to all interested parties. However, MKT asserts that its own experience shows that only Commission employees have requested to see the records involved.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. Section 10421, 5 U.S.C. Section 553)

Decided: July 25, 1980

By the Commission, Michael Erenberg, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22985 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminary, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–001

Decided: July 21, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Fortier not participating.

MC 108435 (Sub-25F), filed July 10, 1980. Applicant: G & R TRANSPORT, INC., 4703 Mayflower Ave., P.O. Box 911, Wausau, WI 54401. Representative: Nancy J. Johnson, P.O. Box 218, 103 E. Washington St., Crandon, WI 54420. Transporting *granite*, from Waukesha and Watertown, WI, to points in SD, NE, MN, IA, MO, IL, KY, IN, MI, OH, PA, and NY.

Volume No. OP1–002

Decided: July 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 730 (Sub-510F), filed July 14, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: Mr. Roland Rice, Suite 501, Perpetual Bldg., 1111 E St., NW, Washington, DC 20004. 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 Olympia, WA, and San Luis Obispo, CA, from Olympia over WA Hwy 8 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction U.S. Hwy 101, then over U.S. Hwy 101 to junction CA Hwy 1, at or near San Francisco, CA, then over CA Hwy 1 to San Luis Obispo, and return over the same route, (2) between San Diego, CA, and Laurie, WA, from San Diego over Interstate Hwy 15 to junction U.S. Hwy 395, then over U.S. Hwy 395 to junction OR Hwy 11, then over OR Hwy 11 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction WA Hwy 127, then over WA Hwy 127 to junction U.S. Hwy 195, then over U.S. Hwy 195 to junction U.S. Hwy 395, at or near Spokane, WA, then over U.S. Hwy 395 to Laurie, and return over the same route, (3) between Newport and Ontario, OR, over U.S. Hwy 20, (4) between Biggs, OR, and Canby, CA, from Biggs over U.S. Hwy 97 to junction OR Hwy 140, then over OR Hwy 140 to junction OR Hwy 39, then over OR Hwy 39 to junction CA Hwy 139, then over CA Hwy 139 to Canby, and return over the same route, (5) between Madras and Portland, OR, over U.S. Hwy 26, (6) between Sacramento, CA, and Carson City, NV, over U.S. Hwy 50, (7) between Reno, NV, and Tucson, AZ, from Reno over Interstate Hwy 80 to junction Alternate U.S. Hwy 50, then over Alternate U.S. Hwy 50 to junction U.S. Hwy 95, then over U.S. Hwy 95 to junction U.S. Hwy 93, at or near Boulder City, NV, then over U.S. Hwy 93 to junction U.S. Hwy 60, at or near Wickenburg, AZ, then over U.S. Hwy 60 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Tucson, and return over the same route, (8) between San Bernardino, CA, and junction Interstate Hwy 10 and U.S. Hwy 60, over Interstate Hwy 10, (9) between San Diego, CA, and Casa Grande, AZ, over Interstate Hwy 8, and (10) between Gila Bend and Phoenix, AZ, over AZ Hwy 85, serving all intermediate points on routes (1) through (10) and serving all other points in CA, OR, and WA, as off-route points.

Volume No. OP1–003

Decided: July 23, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 730 (Sub-511F), filed July 15, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: Roland Rice, Suite 501 Perpetual Bldg., 1111 E St., NW, Washington, DC 20004. 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 Van Buren, ME, and Brownsville, TX, from Van Buren over U.S. Hwy 1 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 290, then over Interstate Hwy 290 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 86, then over Interstate Hwy 86 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction CT Hwy 8, then over CT Hwy 8 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction U.S. Hwy 29, at or near Greensboro, NC, then over U.S. Hwy 29 to junction Interstate Hwy 85, at or near Yadkin, NC, then over Interstate Hwy 85 to junction Interstate Hwy 65 to junction U.S. Hwy 90, then over U.S. Hwy 90 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route; (2) between Bangor, ME, and New Orleans, LA, from Bangor over U.S. Hwy 2 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route; (3) between Portsmouth, NH, and Binghampton, NY, from Portsmouth over U.S. Hwy 4 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction ME Hwy 9, then over ME Hwy 9 to junction NY Hwy 7, then over NY Hwy 7 to Binghamton, and return over the same route; (4) between Canaan, NH, and Boston, MA, from Canaan over U.S. Hwy 3 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, and return over the same route; (5) between Bethel, ME and Portsmouth, NH, from Bethel over ME Hwy 5 to junction U.S. Hwy 302, then over U.S. Hwy 302 to junction NH Hwy 16, then over NH Hwy 16 to Portsmouth, and return over the same route; (6) between Watertown and Utica, NY, from Watertown over NY Hwy 12 to junction

NY Hwy 28, then over NY Hwy 28 to Utica, and return over the same route; (7) between Derby Line, VT, and Scranton, PA, from Derby Line over Interstate Hwy 91 to junction Interstate Hwy 84, then over Interstate Hwy 84 to Scranton, and return over the same route; (8) between Rouses Point, NY, and Marathon, TX, from Rouses Point over U.S. Hwy 11 to junction Interstate Hwy 87, then over Interstate Hwy 87 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction U.S. Hwy 278, then over U.S. Hwy 278 to junction AL Hwy 17, then over AL Hwy 17 to junction AL Hwy 18, then over AL Hwy 18 to junction MS Hwy 12, then over MS Hwy 12 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction U.S. Hwy 290, then over U.S. Hwy 290 to junction U.S. Hwy 385, then over U.S. Hwy 385 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Marathon, and return over the same route; (9) between Watertown and Plattsburgh, NY, over NY Hwy 3; (10) between Schenectady, NY, and Concord, NH, from Schenectady over NY Hwy 50 to junction U.S. Hwy 9, then over U.S. Hwy 9 to junction NY Hwy 254, then over NY Hwy 254 to junction U.S. Hwy 4, then over U.S. Hwy 4 to junction Interstate Hwy 89, then over Interstate Hwy 89 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Concord, and return over the same route; (11) between Burlington, VT, and Pittsfield, MA, over U.S. Hwy 7; (12) between Utica and Binghamton, NY, over NY Hwy 12; (13) between Cortland, NY, and Princeton, WV, from Cortland over NY Hwy 13 to junction NY Hwy 17, then over NY Hwy 17 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 219, then over U.S. Hwy 219 to junction U.S. Hwy 19, then over U.S. Hwy 19 to Princeton, and return over the same route; (14) between Buffalo, NY, and Morgantown, WV, from Buffalo over U.S. Hwy 219 to junction U.S. Hwy 119, then over U.S. Hwy 119 to Morgantown, and return over the same route; (15) between Trenton, NJ, and Amarillo, TX, from Trenton over U.S. Hwy 1 to junction Interstate Hwy 276, then over Interstate Hwy 276 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 40, at or near Old Washington, OH, then over U.S. Hwy 40 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Amarillo, and return over the same route; (16) between Erie, PA, and Van Horn, TX, from Erie over Interstate Hwy 79 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 71, then over Interstate Hwy 71 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Van Horn, and return over the same route; (17) between Binghamton and New York, NY, from Binghamton over NY Hwy 17 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 9, then over U.S. Hwy 9 to New York, and return over the same route; (18) between Sutton, WV, and McCamey, TX, from Sutton over U.S. Hwy 19 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction U.S. Hwy 11E, then over U.S. Hwy 11E to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 385, then over U.S. Hwy 385 to McCamey, and return over the same route; (19) between Knoxville, TN, and Oklahoma City, OK, over Interstate Hwy 40; (20) between Montgomery, AL, and Meridian, MS, over U.S. Hwy 80; (21) between Kansas City, MO, and New Orleans, LA, from Kansas City over U.S. Hwy 50 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 61, then over U.S. Hwy 61 to New Orleans, and return over the same route; (22) between Louisville, KY, and Iowa, LA, from Louisville over Interstate Hwy 65 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 165, then over U.S. Hwy 165 to Iowa, and return over the same route; (23) between Indianapolis, IN, and Henderson, KY, from Indianapolis over IN Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction IN Hwy 57, then over IN Hwy 57 to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Henderson and return over the same route; (24) between Effingham, IL, and Memphis, TN, over Interstate Hwy 57; (25) between St. Louis, and Poplar Bluff, MO, over U.S. Hwy 67; (26) between Turrell, AR, and Boise City, OK, from Turrell over U.S. Hwy 63 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Boise City, and return over the same route; (27) between Joplin, MO, and Tulsa, OK, from Joplin over U.S. Hwy 66 to junction U.S. Hwy 166, then over U.S. Hwy 166 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Tulsa, and return over the same route; (28) between Boise City, OK, and Corpus Christi, TX, from Boise City over U.S. Hwy 385 to junction U.S. Hwy 87, at or near Hartley, TX, then over U.S. Hwy 87 to junction U.S. Hwy 287, at or near Dumas, TX, then over U.S. Hwy 287 to junction U.S. Hwy 87 at or near Amarillo, TX, then over U.S. Hwy 87 to junction U.S. Hwy 181, then over U.S. Hwy 181 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction TX Hwy 44, then over TX Hwy 44 to Corpus Christi, and return over the same route; (29) between Buffalo, OK, and McAllen, TX, from Buffalo over U.S. Hwy 183 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction U.S. Hwy 281, then over U.S. Hwy 281 to McAllen, and return over the same route; (30) between El Paso and Harlingen, TX, from El Paso over U.S. Hwy 80 to junction U.S. Hwy 90, then over U.S. Hwy 90 to junction U.S. Hwy 277, then over U.S. Hwy 277 to junction U.S. Hwy 83, then over U.S. Hwy 83 to Harlingen, and return over the same route; (31) between Seymour and Houston, TX, from Seymour over U.S. Hwy 277 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Houston, and return over the same route; (32) between Wichita, KS, and Sinton, TX, from Wichita over Interstate Hwy 35 to junction Interstate Hwy 35W, at or near Denton, TX, then over Interstate Hwy 35W to junction Interstate Hwy 35, at or near Hillsboro, TX, then over Interstate Hwy 35 to junction U.S. Hwy 77, at or near Waco, TX, then over U.S. Hwy 77 to Sinton, and return over the same route; (33) between Victoria and Laredo, TX, over U.S. Hwy 59; (34) between Texarkana and Round Rock, TX, from Texarkana over U.S. Hwy 59 to junction TX Hwy 43, the over TX Hwy 43 to junction U.S. Hwy 79, then over U.S. Hwy 79 to Round Rock, and return over the same route; (35) between Waco and San Antonio, TX, over Interstate Hwy 35; (36) between Shreveport, LA, and Houston, TX, from Shreveport over Interstate Hwy 20 to junction U.S. Hwy

79, then over U.S. Hwy 79 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston, and return over the same route; (37) between Muskogee, OK, and Dallas, TX, from Muskogee over U.S. Hwy 69 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Dallas, and return over the same route; (38) between Little Rock, AR, and Wichita Falls, TX, from Little Rock over Interstate Hwy 30 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 259, at or near Broken Bow, OK, then over U.S. Hwy 259 to junction U.S. Hwy 70, at or near Idabel, OK, then over U.S. Hwy 70 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Wichita Falls, and return over the same route; and (39) between Houston and Fredericksburg, TX, over U.S. Hwy 290; serving all intermediate points on routes (1) through (39), and serving all other points in AR, LA, ME, NH, NY, OK, TX, and VT, as off-route points in connection with routes (1) through (39) and carrier's otherwise authorized regular-routes.

Note.—Applicant intends to tack this authority with its existing regular-route operations.

MC 730 (Sub-512F), filed July 16, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 North Via Monte, Walnut Creek, CA 94598. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E St., N.W., Washington, DC 20004. 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 New Orleans, LA, and Jacksonville, FL, over U.S. Hwy 90; (2) between Jackson, MS, and Melbourne, FL, from Jackson over U.S. Hwy 49 to junction U.S. Hwy 98, then over U.S. Hwy 98 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction FL Hwy 40, then over FL Hwy 40 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 192, then over U.S. Hwy 192 to Melbourne, and return over the same route; (3) between Vicksburg, MS, and Miami, FL, from Vicksburg over U.S. Hwy 80 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Miami, and return over the same route; (4) between Nashville, TN, and St. Petersburg, FL, from Nashville over Interstate Hwy 24 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 275, then over Interstate Hwy 275 to St. Petersburg, and return over the same route; (4) between Binghamton, NY, and New Orleans, LA, from Binghamton over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route; (6) between Scranton, PA, and Key West, FL, from Scranton over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 33, then over PA Hwy 33 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 611, then over PA Hwy 611 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction U.S. Hwy 301 at Petersburg, VA, then over U.S. Hwy 301 to junction Interstate Hwy 95 at or near Emporia, VA, then over Interstate Hwy 95 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Key West, and return over the same route; (7) between Lake City and Miami, FL, from Lake City over FL Hwy 100 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 441, then over U.S. Hwy 441 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Miami, and return over the same route; (8) between Jacksonville and Punta Gorda, FL, over U.S. Hwy 17; (9) between Tampa and Vero Beach, FL, over FL Hwy 60; (10) between Fort Myers and West Palm Beach, FL, from Fort Myers over FL Hwy 80 to junction U.S. Hwy 441, then over U.S. Hwy 441 to West Palm Beach, and return over the same route; (11) between Bay City, MI and Mobile, AL, from Bay City over Interstate Hwy 75 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction U.S. Hwy 31 at Kimberly, AL, then over U.S. Hwy 31 to junction Interstate Hwy 65 at Siluria, AL, then over Interstate Hwy 65 to Mobile, and return over the same route; (12) between Panama City, FL, and Trenton, NJ, from Panama City over U.S. Hwy 231 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction Alternate U.S. Hwy 27, then over Alternate U.S. Hwy 27 to junction GA Hwy 85, then over GA Hwy 85 at junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 85, then over Interstate Hwy 85 to junction U.S. Hwy 29, at or near Lexington, NC, then over U.S. Hwy 29 to junction Interstate Hwy 85 to Greensboro, NC, then over Interstate Hwy 85 to junction U.S. Hwy 58, then over U.S. Hwy 58 to junction U.S. Hwy 13, then over U.S. Hwy 13 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Trenton, and return over the same route; (13) between Flint, MI, and Charleston, SC, from Flint over U.S. Hwy 23 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction U.S. Hwy 21, at Charlotte, NC, then over U.S. Hwy 21 to junction Interstate Hwy 26, then over Interstate Hwy 26 to Charleston, and return over the same route; (14) between Kansas City, MO, and Savannah, GA, from Kansas City, over U.S. Hwy 50 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Interstate Hwy 240, then over Interstate Hwy 240 to junction U.S. Hwy 78, then over U.S. Hwy 78 to junction U.S. Hwy 280, then over U.S. Hwy 280 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction Interstate Hwy 16, then over Interstate Hwy 16 to Savannah, and return over the same route; (15) between Hammond, IN, and Mobile, AL, from Hammond over U.S. Hwy 41 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 43, then over U.S. Hwy 43 to Mobile, and return over the same route; (16) between Flint, MI, and Florence, SC, from Flint over Interstate Hwy 75 to junction U.S. Hwy 441, then over U.S. Hwy 441 to junction U.S. Hwy 19, then over U.S. Hwy 19 to junction U.S. Hwy 276, then over U.S. Hwy 276 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Florence, and return over the same route; (17) between Detroit, MI, and Chicago, IL, over Interstate Hwy 94; (18) between Detroit and Kalamazoo, MI, from Detroit over Interstate Hwy 96 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Kalamazoo, and return over the same route; (19) between Canton, OH, and Norfolk, VA, from Canton over Interstate Hwy 77 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Norfolk, and return over the same route; (20) between Dallas, TX, and Brunswick, GA, from Dallas over Interstate Hwy 30 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 280, then over U.S. Hwy 280 to GA Hwy 55, then over GA Hwy 55 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Brunswick, and return over the same route; (21) between St. Louis,

MO, and Jacksonville, FL, from St. Louis, over Interstate Hwy 64 to junction U.S. Hwy 23, then over Interstate Hwy 23 to junction U.S. Hwy 25, then over U.S. Hwy 25 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Jacksonville, and return over the same route; (22) between Memphis, TN, and Williamston, NC, over U.S. Hwy 64; (23) between Willow Springs, MO, and Lexington, KY, from Willow Springs, over U.S. Hwy 60 to junction U.S. Hwy 62, at or near Paducah, KY, then over U.S. Hwy 62 to junction U.S. Hwy 60, at or near Versailles, KY, then over U.S. Hwy 60 to Lexington, and return over the same route; (24) between Memphis and Bristol, TN, from Memphis over Interstate Hwy 40 to junction U.S. Hwy 11W, then over U.S. Hwy 11W to Bristol, and return over the same route; (25) between St. Louis, MO, and Odessa, DE, from St. Louis over U.S. Hwy 50 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction DE Hwy 299, then over DE Hwy 299 to Odessa, and return over the same route; (26) between Birmingham, AL, and St. George, SC, from Birmingham over U.S. Hwy 78 to junction U.S. Hwy 278, at or near Atlanta, GA, then over U.S. Hwy 278 to junction 78, at or near White Pond, SC, then over U.S. Hwy 78 to St. George, and return over the same route; (27) between Chicago, IL, and New Orleans, LA, from Chicago, over Interstate Hwy 57 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction U.S. Hwy 51, at or near Ponchatoula, LA, then over U.S. Hwy 51 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route; (28) between St. Louis, MO, and Philadelphia, PA, from St. Louis over Interstate Hwy 70 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 83, then over Interstate Hwy 83 to junction U.S. Hwy 322, then over U.S. Hwy 322 to junction U.S. Hwy 422, then over U.S. Hwy 422 to Philadelphia, and return over the same route; (29) between Phillipsburg, NJ, and Greensboro, NC, from Phillipsburg over U.S. Hwy 22 to junction PA Hwy 9, then over PA Hwy 9 to junction U.S. Hwy 222, then over U.S. Hwy 222 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Greensboro, and return over the same route; (30) between St. Louis, MO, and Mobile, AL, from St. Louis, over Interstate Hwy 55 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction U.S. Hwy 45E, then over U.S. Hwy 45E to junction U.S. Hwy 45, then over U.S. Hwy 45 to Mobile, and return over the same route; (31) between Memphis, TN, and New Orleans, LA, over U.S. Hwy 61; (32) between Natchez, MS, and Waycross, GA, over U.S. Hwy 84; (33) between Hopkinsville and Bowling Green, KY, over U.S. Hwy 68; (34) between Newport News, VA, and Ridgeland, SC, over U.S. Hwy 17; (35) between Wilmington, NC, and Atlanta, GA, from Wilmington over U.S. Hwy 74 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 19, then over U.S. Hwy 19 to Atlanta, and return over the same route; (36) between Augusta, GA, and Petersburg, VA, over U.S. Hwy 1; (37) between Montgomery and Dothan, AL, over U.S. Hwy 231; (38) between Bainbridge, GA, and Tallahassee, FL, over U.S. Hwy 27; (39) between Opp, AL, and Santa Rosa Beach, FL, from Opp over U.S. Hwy 331 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Santa Rosa Beach, and return over the same route; and (40) between Atlanta, GA, and Montgomery, AL, over Interstate Hwy 85; serving all intermediate points on routes (1) through (40), and serving all other points in AL, FL, GA, MS, NC, SC, and TN as off-route points in connection with routes (1) through (40).

Note.—Applicant intends to tack the above authority with its existing regular-route operations.

MC 730 (Sub-513F), filed July 16, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E Street, NW., Washington, DC 20004. 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 St. Paul, MN, and Green Bay, WI, (a) from St Paul over Interstate Hwy 94 to junction WI Hwy 29, then over WI Hwy 29 to Green Bay, and return over the same route, and (b) from junction Interstate Hwy 94 and WI Hwy 29 over Interstate Hwy 94 to junction U.S. Hwy 10, then over U.S. Hwy 10 to junction U.S. Hwy 41, and then over U.S. Hwy 41 to Green Bay, and return over the same route; (2) between Chicago, IL, and Eau Claire, WI, from Chicago over U.S. Hwy 12 to junction combined Interstate Hwys 90 and 94 at or near Madison, WI, then over combined Interstate Hwys 90 and 94 to junction Interstate Hwy 94, and then over Interstate Hwy 94 to Eau Claire, and return over the same route; (3) between Missoula, MT, and Superior, WI, (a) from Missoula over Interstate Hwy 90 to Billings, then over Interstate Hwy 94 to Fargo, ND, then over U.S. Hwy 10 to junction MN Hwy 210, then over MN Hwy 210 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 2 and then over U.S. Hwy 2 to Superior, and return over the same route, and (b) from Fargo over Interstate Hwy 94 to junction MN Hwy 23, then over MN Hwy 23 to junction Interstate Hwy 35, and then over Interstate Hwy 35 to junction U.S. Hwy 2, and then over U.S. Hwy 2 to Superior, and return over the same route; (4) between Milwaukee and Green Bay, WI, (a) over U.S. Hwy 41, and (b) over U.S. Hwy 141; (5) between Wausau and Milwaukee, WI, from Wausau over U.S. Hwy 51 to junction combined Interstate Hwys 90 and 94, then over combined Interstate Hwys 90 and 94 to junction Interstate Hwy 94 at or near Madison, WI, and then over Interstate Hwy 94 to Milwaukee, and return over the same route; (6) between St. Paul and St. Cloud, MN, over U.S. Hwy 10; (7) between St. Paul and Sandstone, MN, from St. Paul over Interstate Hwy 35 to junction MN Hwy 23, at or near Sandstone, and then over MN Hwy 23 to Sandstone, and return over the same route; (8) between Sioux Falls, SD, and Billings, MT, from Sioux Falls over Interstate Hwy 90 to junction U.S. Hwy 85, then over U.S. Hwy 85 to junction U.S. Hwy 212, and then over U.S. Hwy 212 to Billings, and return over the same route; (9) between Charles City, IA, and Madison, WI, over U.S. Hwy 18; (10) between Omaha, NE, and Indianapolis, IN, from Omaha over U.S. Hwy 275 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Indianapolis, and return over the same route; (11) between Duluth and Bemidji, MN, from Duluth over U.S. Hwy 53 to International Falls, MN, and then over U.S. Hwy 71 to Bemidji, and return over the same route; (12) between Sioux City, IA, and Pembina, ND, over Interstate Hwy 29; (13) between Winona, MN, and Wall, SD, from Winona over U.S. Hwy 14 to junction Interstate Hwy 90, at or near Wall, and then over Interstate Hwy 90 to Wall, and return over the same route; (14) between Bridgeport, NE, and Rapid City, SD, from Bridgeport over U.S. Hwy 385 to junction SD Hwy 79, and then over SD Hwy 79 to Rapid City, and return over the same route; (15) between Minot, ND, and Eau Claire, WI, from Minot over U.S. Hwy 2 to junction U.S. Hwy 53, and then over U.S. Hwy 53 to Eau Claire, and return over the same route; (16) between Cheyenne, WY, and Grassrange, MT, from Cheyenne over U.S. Hwy 87 to junction MT Hwy 200 at or near Grassrange, and then over MT

Hwy 200 to Grassrange, and return over the same route; (17) between Butte and Sweetgrass, MT, (a) over U.S. Hwy 91, and (b) over Interstate Hwy 15; (18) between Garrison and Helena, MT, over U.S. Hwy 12; (19) between Great Falls, MT, and Portal, ND, from Great Falls over U.S. Hwy 87 to junction MT Hwy 200, then over MT Hwy 200 to junction MT Hwy 200S, then over MT Hwy 200S to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction MT Hwy 16, then over MT Hwy 16 to junction MT Hwy 200, then over MT Hwy 200 to junction ND Hwy 200, then over ND Hwy 200 to junction U.S. Hwy 85, then over U.S. Hwy 85 to junction ND Hwy 5, then over ND Hwy 5 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Portal, and return over the same route; (20) between Rockford, IL, and St. Paul, MN, from Rockford over U.S. Hwy 51 to junction IL Hwy 75, then over IL Hwy 75 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction combined Interstate Hwys 90 and 94 at or near Madison, WI, then over combined Interstate Hwys 90 and 94 to junction Interstate Hwy 90 near Tomah, WI, then over Interstate Hwy 90 to junction U.S. Hwy 61, and then over U.S. Hwy 61 to St. Paul, and return over the same route; (21) between Albert Lea and Burnsville, MN, over MN Hwy 13; (22) between Cedar Rapids and Mt. Pleasant, IA, over U.S. Hwy 218; (23) between Coeur D'Alene and New Meadows, ID, over U.S. Hwy 95; (24) between Butte, MT, and Idaho Falls, ID, over U.S. Hwy 91; (25) between Grangeville and Kooskia, ID, over ID Hwy 13; (26) between Duluth, MN, and port of entry on the U.S.-Canada boundary line at or near Grand Portage, MN, over U.S. Hwy; 61; (27) between Kansas City, MO, and Rockford, IL, from Kansas City over U.S. Hwy 24 to junction U.S. Hwy 51, and then over U.S. Hwy 51 to Rockford, and return over the same route; (29) between Missoula and Port of Roosville, MT, over U.S. Hwy 93; (30) between Des Moines, IA, and Manitowoc, WI, from Des Moines over Interstate Hwy 235 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 380, then over Interstate Hwy 380 to Cedar Rapids, IA, and then over U.S. Hwy 151 to Manitowoc, and return over the same route; (31) between Pierre, SD, and Portal, ND, from Pierre over U.S. Hwy 83 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Portal, and return over the same route; (32) between Green Bay and Copper Harbor, WI, over U.S. Hwy 41; (33) between Chicago, IL, and Sault Ste. Marie, MI, from Chicago over Interstate Hwy 94 to junction U.S. Hwy 131, then over U.S. Hwy 131 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction U.S. Hwy 27, to junction Interstate Hwy 75, and then over Interstate Hwy 75 to Sault Ste. Marie, and return over the same route; (34) between St. Ignace and Rapid River, MI, over U.S. Hwy 2; (35) between South Bend, IN, and Detroit, MI, from South Bend over U.S. Hwy 31 to junction U.S. Hwy 12, to Detroit, and return over the same route; (36) between Lansing and Detroit, MI, over Interstate Hwy 96; (37) between Detroit and Clare, MI, from Detroit over Interstate Hwy 75 to junction U.S. Hwy 10, and then over U.S. Hwy 10 junction U.S. Hwy 27, at or near Clare, and then over U.S. Hwy 27 to Clare, and return over the same route; (38) between South Bend, IN, and St. Joseph, MI, over U.S. Hwy 31; (39) between Superior, WI, and Escanaba, MI, over U.S. Hwy 2; and (40) between Flint and Detroit, MI, from Flint over MI Hwy 21 to junction Interstate Hwy 94, and then over Interstate Hwy 94 to Detroit, and return over the same route; serving all intermediate points on routes (1) to (40) above, and serving Boulder, CO, Bloomington, Columbus, Franklin, North Vernor, and Seymour, IN, Crafton and Wahpeton, ND, Deadwood, Lead, Vermillion, Watertown, and Yankton, SD, those points in IL and In on and north Interstate Hwy 70, and points in IA, MI, MN, and WI as off-route points in connection with routes (1) to (40) above.

Note.—Applicant intends to tack the sought rights to its existing regular-route authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-22810 Filed 7-30-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). these rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth a specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before September 2, 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 be 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 September 2, 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. 262

Decided: June 23, 1980.

By the Commission, Review Board Number 2, Members Chandler, Easton and Liberman. Member Eaton not participating.

MC 20894 (Sub-26F), filed October 26, 1979. Applicant: P. CALLAHAN, INC., 5240 Comly St., Philadelphia, PA 19135. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. N.W., Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA, points in Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, York, Lebanon, Dauphin, Schuylkill, Carbon, Luzerne, Monroe, and Lackawanna Counties, PA, Accomack and Northampton Counties, VA, and those in DE and MD. (Hearing site: Washington, DC, or Philadelphia, PA.)

Note.—Applicant intends to tack this authority with its regular-route authority at Philadelphia, PA, to provide service at points in NJ, and those in Nassau, Suffolk, and Westchester Counties, NY.

MC 52914 (Sub-4F), filed April 7, 1980. Applicant: FITCHETT TRUCK LINES, INC., (PO Box 10799), 3641 N.W. Front Ave., Portland, Oregon 97210. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oregon 97210. Transporting (1) *Plastic articles* and (2) *materials and supplies* used in the manufacture and distribution of plastic articles, between the facilities of Nalle Plastics, Inc. at or near Portland, OR, on the one hand, and, on the other points in WA and CA. (Hearing site: Portland, OR.)

MC 107934 (Sub-39F), filed March 31, 1980. Applicant: BYRD MOTOR LINE, INCORPORATED, Hargrave Road, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, DC 20004. Transporting (1)*machinery*, from Lexington, NC, to points in AL, AR, FL, GA, TX, IA, IL, IN, KS, KY, LA, MD, MI, MO, MS, NC, OH, SC, TN, VA, WI, and WV; and (2) *materials equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC, or Lexington, NC.)

MC 110525 (Sub-1319F), filed March 31, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *commodities in bulk*, in tank vehicles between points in the U.S. (except AK and HI). (Hearing site: Lionville, PA.)

MC 111274 (Sub-58F), filed March 25, 1980. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). *Contract carrier*, transporting *iron and steel articles*, (1) from the facilities of Keystone Consolidated Industries, Inc., at or near Peoria, IL to points in AZ, CA, CO, ID, KS, MN, MT, NB, NM, ND, NV, OK, OR, SD, TX, UT, WA, and WY, and (2) from the facilities of Keystone Consolidated Industries, Inc., at or near Santa Clara, CA, to points in AZ, NM, NV, OR, TX, and WA, under continuing contract(s) with Keystone Consolidated Industries, Inc., of Peoria, IL. (Hearing site: Springfield or Chicago, IL.)

MC 114334 (Sub-79F), filed April 3, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Transporting *iron and steel articles*, from Beaumont, TX to the facilities of Davis Walker Steel & Wire Corporation at Memphis, TN. (Hearing site: Memphis, TN.)

MC 114334 (Sub-81F), filed April 17, 1980. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Transporting *asphalt roofing products*, from Stephens and Camden, AR, to points in OK, MO, KY, TN, IL, IN, AL, LA, and MS. (Hearing site: Memphis, TN.)

MC 116254, (Sub-315F), filed April 7, 1980. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35631. Representative: Hampton M. Mills (same address as above). Transporting *titanium dioxide slurry*, in tank vehicles, from the facilities of E. I. DuPont de Nemours and Company, at New Johnsonville, TN, to points in AZ, AR, CO, CT, ID, IL, IN, KS, ME, MI, MN, MS, MT, NE, NV, NH, NM, NC, ND, OK, OR, RI, SC, SD, UT, VT, VA, WA, WI, and WY. (Hearing site: Nashville, TN or Washington, DC.)

MC 133655 (Sub-216F), filed April 7, 1980. Applicant: TRANS–NATIONAL

TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of sporting goods, between Tyler, TX, 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: Dallas, TX.)

MC 134064 (Sub-42F), filed April 23, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 30501. Representative: Michael H. Mashburn, 111 Holcomb, P.O. Box 869, Springdale, AR 72764. Transporting *foodstuffs*, from Jersey City, NJ, to points in OH, IN, MI, IL, WI, FL, NC, SC, GA, and AL. (Hearing site: Atlanta, GA, or Fayetteville, AR.)

MC 135835 (Sub-3F), filed April 7, 1980. Applicant: WILLIAM C. BAIRD, t.d.b.a. JOHN BAIRD, 146 Cherry Lane, Aliquippa, PA 15001. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. *Contract carrier*, transporting *such commodities* as are dealt in by retail department stores and mail order houses, from the facilities of Sears, Roebuck and Co., at Pittsburgh, PA, to Points in Brooke and Hancock Counties, WV, and Columbiana, Mahoning, and Jefferson Counties, OH, under continuing contracts with Sears, Roebuck and Co. (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 136255 (Sub-1F), filed May 19, 1980. Applicant: PHILIPPS BUS SERVICE, INC., Route 3, Winona, MN 55987. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *passengers and their baggage*, in the same vehicle with passengers, and baggage of passengers in separate vehicles in special and charter operations, in round-trip sight-seeing pleasure tours, beginning and ending at points in Winona County, MN, and extending to points in the U.S. (except IL, WI, IA, SD, MI, IN, and HI); (2) *passengers and their baggage* in the same vehicle with passengers, and baggage of passengers in separate vehicle, in special operations, in round-trip sight-seeing and pleasure tours, beginning and ending at points in Winona County, MN, and extending to points in IL, WI, IA, SD, MI, and IN. (Hearing site: Minneapolis, MN.)

MC 140024 (Sub-184F), filed April 4, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (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, from Guymon, OK, to points in CO, KS, TX, MN, MO, WI, KY, WV, VA, MD, DE, PA, CT, NJ, NY, RI, MA, VT, NH, ME, and DC. (Hearing site: Denver, CO, or Chicago, IL.)

MC 140024 (Sub-187F), filed April 7, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of The Park Corporation, at or near Barrington, IL, to points in MA, NJ, PA, NY, GA, and OH, restricted to traffic originating at the named facilities. (Hearing site: Denver, CO, or Chicago, IL.)

MC 141804 (Sub-403F), filed April 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *plastic pipe, plastic pipe fittings, connectors, valves, insulation materials, and mineral wool* and (2) *materials and equipment* used in the production of the commodities in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of R & G Sloane Manufacturing and Rockwool Industries, Inc. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-404F), filed April 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *furniture*, from Maryville, TN, to points in CO, TX, FL, MD, PA, MA, and IL (except Chicago and points in its commercial zone). (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-405F), filed April 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *motor vehicle parts and accessories*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Nissan Motor Corporation in USA. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-406F), filed April 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *cleaning and polishing compounds, textile softing compounds, lubricants, hypoclorite solution, deodorants, disenfectants, paint, plastic bags, filters, and dish-washing machines* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Economics Laboratory, Inc. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-407F), filed April 7, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *anchor bolts and steel rods*, from Lewisville and Farmers Branch, TX, to points in the U.S. (except AK, HI, and TX). (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-408F), filed April 8, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *paper and paper products*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Ypsilanti and Rochester, MI, Fitchburg, Adams, East Pepperall, and Holyoke, MA, Jay, ME, Newark, DE, Hughsville, Riegelsville, Milford, and Warren Glen, NJ, and Richmond, VA, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, TN, and VA, restricted to traffic originating at or destined to the facilities of James River Corporation of Virginia. (Hearing site: Los Angeles, CA.)

MC 142335 (Sub-12F), filed April 1, 1980. Applicant: C & E TRUCKING CO., INC., 11910 Greenstone Ave., Santa Fe Springs, CA 90670. Representative: Bobie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting *pipe and pipe fittings* and *accessories* for pipe and pipe fittings, (except iron and steel articles, oilfield commodities as defined in *Mercer Extension-Oilfield Commodities* 74 M.C.C. 459, and commodities which because of size or weight required the use of special equipment), from the facilities of Armco, Inc., Metal Products Divison, at Madera, CA, to points in AZ, restricted to traffic originating at the named facilities and destined to the indicated destinations.

MC 142935 (Sub-12F), filed April 7, 1980. Applicant: PLASTIC EXPRESS, a corporation, 2999 La Jolla St., Anaheim, CA. Representative: Richard C. Celio, 2300 Camono del Sol, Fullerton, CA 92633. Transporting *foodstuffs,* from points in WA to points in OR, CA, AZ, and NE. (Hearing site: Seattle, WA, or Los Angeles, CA.)

MC 144135 (Sub-4F), filed April 2, 1980. Applicant: L & V TRUCKING, INC., 32650 Almaden Blvd., Union City, CA 94587. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract carrier,* transporting (1) *steel roofing and beams,* from Fremont, CA, to Reno, NV; and (2) *contractors, materials and supplies,* in the reverse direction, under continuing contact(s) with Inryco, Inc., of Milwaukee, WI. (Hearing site: San Francisco. CA.)

MC 145904 (Sub-29F), filed April 7, 1980. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *foundry supplies, refractories, sand, clay, and abrasives* (except in bulk), from Jacksonville, AL, Aurora, Joliet, Moline, Seneca, Wedron, and Quincy, IL, Hammond, IN, Atchison, KS, Mt. Savage, MD, Adrian, MI, Farber and High Hill, MO, Southard, OK, Curwensville, Mt. Union, and Womelsdorf, PA and Colony, WY, points in IA and IL, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 147234 (Sub-2F), filed March 28, 1980. Applicant: E & H TRUCKING COMPANY, INCORPORATED, 2841 S. Sixth St., Ironton, OH 45638. Representative: Stephen C. Fitch, 155 E. Broad St., Columbus, OH 43215. *Contract carrier,* transporting *wood residuals,* from the facilities of Hamer Lumber Co, at or near Man and Kenova, WV, to Chillicothe, OH, under continuing contract(s) with Hamer Lumber Co., of Kenova, WV. (Hearing site: Huntington, WV.)

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Decided: June 26, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 1184 (Sub-26F), filed June 10, 1980. Applicant: K & B TRANSPORT, INC., 21533 Mound Rd., Warren, MI 48091. Representative: Alex J. Miller, 1520 N. Woodward Ave., Suite 106, P.O. Box 244, Bloomfield Hills, MI 48013. Transporting *motor vehicles* (except buses) and *new chassis,* (1) in driveaway service, from South Bend, IN, to points in AZ, AR, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, and (2) in truckaway service, from South Bend, IN, to points in AL, AR, CA, CO, FL, GA, ID, KS, KY, LA, MS, MT, MN, NC, OK, OR, SC, TN, TX, UT, WA, and WY. (Hearing site: Detroit, MI.)

MC 2304 (Sub-36F), filed June 6, 1980. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *springs and spring parts,* (a) from Columbia, TN, to St. Louis, MO, Chicago, IL, Detroit, MI, and points in KY, (b) from DuBois, PA, to points in KY and TN, and (2) *springs, and materials and supplies* used in the manufacture and installation of springs, (a) from Coalton, KY, to DuBois, PA, and Columbia, TN, (b) from McDonald, OH, Gary, IN, Chicago, IL, Detroit, MI and Buffalo, NY, to points in TN, (c) from Morristown, IN, to DuBois, PA, and points in TN. (Hearing site: Washington, DC.)

MC 9914 (Sub-14F), filed June 9, 1980. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224, Martinsville, VA 24112. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. Transporting (1) *new furniture,* from Martinsville, VA, and points in Smyth County, VA, to points in NY and those points in OH west of a line beginning at the OH-KY State line near Portsmouth, OH and extending along U.S. Hwy 23 to junction OH Hwy 4 near Marion, OH, then along OH Hwy 4 to Sandusky, OH, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of new furniture, in the reverse direction. (Hearing site: Roanoke, VA, or Greensboro, NC.)

MC 61825 (Sub-132F), filed June 4, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting *building materials and lubricants,* from Fort Worth, TX, to points in AL, GA, KY, MD, NC, SC, TN, VA, WV, and DC. (Hearing site: Washington, DC.)

MC 62824 (Sub-2F), filed May 13, 1980. Applicant: SPARTAN EXPRESS, INC., P.O. Box 1089, Greer, SC 29651. Representative: Roy F. Chason (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers of plastic articles (except commodities in bulk), from the facilities of Tupperware Company, at Hemingway, SC, to the facilities of Tupperware Company, at Halls, TN. (Hearing site: Hemingway or Greenville, SC.)

MC 102285 (Sub-5F), filed May 22, 1980. Applicant: MIAMI TRANSFER CO., INC., 10340 N.W. 37th Ave., Miami, FL 33147. Representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. *Contract carrier,* transporting *such commodities* as are dealt in or used by retail stores, (except commodities in bulk), between points in Dade, Broward, and Palm Beach Counties, FL, restricted to traffic having a prior or subseqent movement by rail or water, under continuing contract(s) with Best Products Co., Inc., of Richmond, VA. (Hearing site: Miami, FL.)

MC 114604 (Sub-114F), filed May 13, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *frozen juice and frozen concentrates* (except in bulk), between the facilities of Funshine Corporation, at or near Spartanburg, SC, on the one hand, and, on the other, points in FL, GA, NC, TN, AL, MS, MO, AR, LA, TX, VA, and NY. (Hearing site: Atlanta, GA.)

MC 116915 (Sub-116F), filed June 16, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *aluminum, and zinc alloy ingots,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilites of Aluminum Smelting and Refining Co., Inc., and Certified Alloys Co. (Hearing site: Cleveland, OH.)

MC 116915 (Sub-117F), filed June 16, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting (1)(a) *material handling equipment,* and (b) *parts, attachments, and accessories* for the commodities named in (1)(a) above, and (2) *fabricated iron and steel articles,* between the facilities of Continental Conveyor, at or near (a) Winfield, AL, (b) Sherman, TX, (c) Newton, NC, (d) Memphis, TN, and (e) Salyersville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI), (3) *axles, tires, and rims,* between the facilities of Continental Conveyor, at or near (a) Sherman, TX, (b) Newton, NC, and (c) Winfield, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (4) *iron and steel articles,* from points in the U.S.

(except AK and HI), to the facilities of Continental Conveyor, at or near (a) Winfield, AL, (b) Sherman, TX, (c) Newton, NC, and (d) Salyersville, KY, restricted in (1), (2), (3), and (4) to traffic originating at or destined to the named facilities. (Hearing site: Memphis, TN, or Birmingham, AL.)

MC 116915 (Sub-118F), filed June 16, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *aluminum and aluminum products,* and *materials, equipment, and supplies* used in the manufacture of aluminum and aluminum products (except commodities in bulk), between the facilities of Alumax, Inc., in Berkeley County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Charleston or Columbia, SC.)

MC 116915 (Sub-119F), filed June 16, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *iron and steel tubing, and equipment, and materials, and supplies* used in the manufacture and distribution of iron and steel tubing (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Plymouth Tube Co. (hearing site: Indianapolis, IN, or Louisville, KY.)

MC 117574 (Sub-353F), filed June 4, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Transporting *pipe and pipe fittings,* and *accessories* for pipe (except iron and steel articles and commodities which because of size or weight require the use of special equipment), from the facilities of Armco Inc., at Bowlihng Green, OH, to points in AL, KY, AK, CT, DE, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WI, WV, and DC, restricted to traffic originating at the named facilities and destined to the indicated destinations and further restricted against the transportation of oil field commodities as described in *Mercer-Extension-Oilfield Commodities,* 74 M.C.C. 459. (Hearing site: Columbus, OH, or Washington, DC.)

MC 119774 (Sub-110F), filed June 4, 1980. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. Transporting *scrap iron and steel,* from points in AR, CO, LA, NM, and OK, to points in TX. (Hearing site: Fort Worth, TX.)

MC 121664 (Sub-127F), filed June 4, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave., South, Birmingham, AL 35233. Transporting (1) *building slabs,* from Brunswick, GA, and Terry, MS, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials and supplies* used in the manufacture, distribution, installation, and sales of building slabs, in the reverse direction. (Hearing site: Jacksonville, FL.)

MC 127524 (Sub-26F), filed May 23, 1980. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton (same address as applicant). Transporting *tomato paste,* in bulk, in tank vehicles, from Bridgeton, NJ, to points in MD, NY, PA, OH, IN, KY, and GA. (Hearing site: New York, NY, or Newark, NJ.)

MC 127524 (Sub-27F), filed May 23, 1980. Applicant: QUADREL BROS. TRUCKING CO., INC., 1603 Hart St., Rahway, NJ 07065. Representative: David L. Middleton (same address as applicant). Transporting *varnish,* in bulk, in tank vehicles, from Paterson, NJ, to Chicago, IL. (Hearing site: New York, NY, or Newark, NJ.)

MC 134064 (Sub-39F), filed May 12, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *charcoal,* and (2) *materials, equipment, and supplies* used in the manufacture or distribution of charcoal, (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Husky Industries, Inc. (Hearing site: Atlanta, GA.)

MC 136315 (Sub-132F), filed June 16, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting (1) *concrete fibre board* and *structural concrete forms,* from the facilities of Concrete Products, Inc., at or near (a) Brunswick, GA, and (b) Terry, MS, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), in the reverse direction. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 140665 (Sub-110F), filed June 16, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: H. J. Anderson (same address as applicant). Transporting *chemicals and chemical products,* (except in bulk), between Niagara Falls, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Washington, DC, or Buffalo, NY.)

MC 140834 (Sub-2F), filed June 13, 1980. Applicant: TURNER TRANSPORTATION, INC., Route #2, South 2nd St., Mitchell, IN 47446. Representative: Robert A. Kirscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *buses,* in driveaway service, between the facilities of Carpenter Body Works, Inc., at or near Mitchell, IN, on the one hand, and, on the other, points in AR, CT, ME, MA, OH, and RI. (Hearing site: Indianapolis, IN, or Louisville, KY.)

MC 142364 (Sub-35F), filed May 12, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *foodstuffs* (except frozen), from the facilities of Vlasic Foods, Inc., at or near Greensville, MS, to points in AL, AR, GA, IL, IN, KS, LA, MO, OH, OK, PA, TN, TX, and VA. (Hearing site: Detroit, MI, or Ft. Smith, AR.)

MC 142364 (Sub-36F), filed May 12, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *charcoal, hickory chips, vermiculite, charcoal lighter fluid, compressed sawdust, wax-impregnated fireplace logs,* and *barbecue equipment and supplies,* from the facilities of Kingsford Company, at or near Belle, MO, to points in AR, AZ, CA, CO, IA, ID, IL, KS, LA, MN, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, and WY. (Hearing site: Louisville, KY, or Ft. Smith, AR.)

MC 144345 (Sub-18F), filed June 16, 1980. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *foodstuffs* and *animal feed* (except in bulk), from points in CA, OR, WA, NV, ID, and UT, to the facilities of Associated Food Stores, Inc., at (a) Boise, ID, and (b) Salt

Lake City, UT. (Hearing site: Salt Lake City, UT.)

MC 148604 (Sub-2F), filed June 2, 1980. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306. Representative: Paul A. Englehart (same address as applicant). Transporting (1) *plastic articles,* and *such commodities* used in the floral industry, and (2) *materials and equipment* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Kent, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of the Smithers Company—Oasis Division. (Hearing site: Columbus or Cleveland, OH.)

Note.—Dual operations may be involved.

MC 148845 (Sub-2F), filed May 19, 1980. Applicant: WALTER BARD, d.b.a. BARD'S TRAILER SERVICE, 260 Raleigh St., Denver, CO 80219. Representative: Walter Bard (same address as applicant). Transporting *trailers,* in Tuckaway service, between points in CO, UT, WY, MT, NE, OK, TX, and NM. (Hearing site: Denver, CO.)

MC 149035 (Sub-2F), filed May 12, 1980. Applicant: HARLAN D. RUDD, P.O. Box 57, Drakesville, IA 52552. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract carrier,* transporting *parts* for agricultural, construction, and industrial machinery, *motor vehicle parts, tractor parts,* and *filters,* (1) between Los Angeles, CA, on the one hand, and, on the other, Chicago, IL, and (2) in foreign commerce only, between points in the U.S. (except AK and HI), on the one hand, and, on the other, the ports of entry on the international boundary line between the U.S. and Canada in MN, MT, ND, and WA, under continuing contract(s) in (1) and (2) with Union Tractor Ltd, of Edmonton, Alberta, Canada. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 149155 (Sub-5F), filed June 16, 1980. Applicant: JOHN W. PEPPER, d.b.a. MIDWEST CARTAGE COMPANY, P.O. Box 318, Atchison, KS 66002. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *such commodities* as are dealt in by grocery food store chains, from Kansas City, KS, to St. Louis, Mo. (Hearing site: Kansas City, MO.)

MC 149174 (Sub-2F), filed June 9, 1980. Applicant: S. L. HARRIS, d.b.a. PBI, P.O. Box 7130, Longview, TX 75601. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Contract carrier,* transporting *malt beverages, shipping and display materials,* from the facilities of the Miller Brewing Company, at or near Ft. Worth, TX, to the facilities of the Crescent Distributing Company, at or near Harahan, LA, and the facilities of the Baton Rouge Beer Agency, at or near Baton Rouge, LA, under continuing contract(s) with Crescent Distributing Company, of Harahan, LA, and Baton Rouge Beer Agency, of Baton Rouge, LA. (Hearing site: Dallas, TX, or New Orleans, LA.)

MC 150855 (Sub-May 19F), filed May 19, 1980. Applicant: RPM TRUCKING & HOTSHOT, INC., P.O. Box 2232, Rock Springs, WY. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Transporting *machinery, equipment and supplies* used in replacing, servicing, and repair of (1) machinery, equipment, materials, and supplies used in the refining, manufacture, processing storage, transmission and distribution of natural gas, petroleum, and geothermal energy, and their products and by-products, and (2) 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, between Rock Springs, Evanston, and Casper, WY, on the one hand and on the other, points in ID, NV, UT, CO, NE, SD, ND, and MT, restricted against the transportation of complete drilling rigs, and further restricted against the transportation of drilling mud and drilling fluids. (Hearing site: Rock Springs, WY, or Salt Lake City, UT.)

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Decided: July 2, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 14215 (Sub-88F), filed June 23, 1980. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *sand,* from Akron, OH to points in IL, IN, MI, NY, PA, WI and WV.

MC 30204 (Sub-41F), filed June 17, 1980. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, MA 02742. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Suite 502, Solar Building, Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from points in PA within 45 miles of Johnstown, PA, to Johnstown, PA.

MC 30374 (Sub-32F), filed June 23, 1980. Applicant: TRI-STATE TRANSPORTATION CO., INC., P.O. Box 488, Bellmawr, NJ 08031. Representative: A. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *wearing apparel,* on hangers and in cartons, (2) *materials, supplies and equipment* used in the manufacture of wearing apparel, and (3) *department store merchandise* in mixed loads with the commodities in (1) and (2), between points in PA on and east of U.S. Highway 15 on the one hand, and, on the other, Bellmawr and Secaucus, NJ and Baltimore, MD.

MC 52574 (Sub-62F), filed June 17, 1980. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier* transporting *bakery products* from Frederick, MD, to points in IL, IN and WI, under contracts with S. B. Thomas, Inc. (Hearing site: Newark, NJ or New York, NY.)

MC 73165 (Sub-518F), filed June 18, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *iron and steel articles* and *commodities,* which because of size or weight require the use of special equipment, between the facilities of LaBarge, Inc., at or near Bellevue, OH, on the one hand, and, on the other, points in IL, IN, MO, PA, NJ, DE, NY, MD, WV and KY. (Hearing site: St. Louis, MO or Washington, DC.)

MC 73165 (Sub-519F), filed June 20, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) in containers or trailers having a prior or subsequent movement by water or rail between points in VA, NC, SC, GA, FL, AL, MS, LA and TX, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: New Orleans, LA or Jacksonville, FL.)

MC 85934 (Sub-124F), filed June 23, 1980. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Representative:

Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *iron and steel articles* from the facilities of Barry Steel Corp. at or near Detroit, MI to points in IN. (Hearing site: Chicago, IL or Washington, DC.)

MC 85934 (Sub-125F), filed June 23, 1980. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48126. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *steel* from points in OH, IN, IL, PA, and MI to the facilities of Western Steel in MI (Hearing site: Chicago, IL or Washington, DC.)

MC 97275 (Sub-41F), filed June 16, 1980. Applicant: ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502, Solar Bulding, 1000 16th Street, N.W., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) between Atlanta, GA, and the junction of Int Hwy 85 and SC Hwy 59; over Interstate Hwy. 85, serving no intermediate points; (2) between Atlanta, GA, and the junction Interstate Hwy 20 and GA Hwy 77; over Interstate Hwy. 20, serving no intermediate points; (3) between Atlanta, GA, and the junction Interstate Hwy. 16 and GA Hwy 29; from Atlanta over Interstate Hwy. 75 to junction Int Hwy. 16, then over Interstate Hwy 16 to junction GA Hwy 29, serving no intermediate points; and (4) between Atlanta, GA, and the junction U.S. Hwy. 23 and U.S. Hwy. 221; from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 16, then over Interstate Hwy 16 to junction U.S. Hwy. 23, then over U.S. Hwy. 23 to junction U.S. Hwy. 221 at Hazelhurst, serving no intermediate points. (Hearing site: Atlanta, GA, or Charlotte, NC.)

MC 98864 (Sub-7F), filed June 18, 1980. Applicant: EDWARD SITAR TRUCKING CO., INC., 2501 South Artesian Ave., Chicago, IL 60608 Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. Transporting *batteries, battery trays and battery parts*, between Chicago, IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, NE, OH, SD, and WI. (Hearing site: Chicago, IL.)

MC 104675 (Sub-42F), filed June 17, 1980. Applicant: FRONTIER DELIVERY, INC., 620 Elk St., Buffalo, NY 14210. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. Transporting *Chemicals and petroleum products*, in bulk, from points in NJ, and Philadelphia, PA, to points in NY. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 105045 (Sub-154F), filed June 23, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting: (1) *materials and supplies* (except in bulk) used in the manufacture and repair of rail cars, and (2) *iron and steel articles*, between point in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of or utilized by Creusot-Loire Steel Corp., or its customers. (Hearing site: Washington, DC.)

MC 105984 (Sub-28F), filed June 24, 1980. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, a corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting (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 *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, service maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in AL, AR, KS, LA, MS, OK, and TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 106674 (Sub-494F), filed June 17, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting: *plumbing fixtures, water coolers and garbage disposals, (2) materials, equipment and supplies* (except in bulk) used in the manufacture of the commodities in (1), between Broadview, Lanark, and St. Charles, IL, Dayton, TN, Chattsworth, CA, Lumberton, NC, and Ogden, UT, on the one hand, and, on the other points in the U.S. (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107515 (Sub-1373F), filed June 20, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *foodstuffs* (except in bulk), from facilities of Anderson-Clayton Foods, at or near Sherman, TX, to points in AR, CA, KS, IL, OK, OH, and Memphis, TN. (Hearing site: Dallas, TX.)

Note.—Dual operations are involved.

MC 107515 (Sub-1374F), filed June 20, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting (1) *liquid plastics, liquid chemicals, liquid paints, varnish and resin solution compound*, in containers, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Cook Paint and Varnish Company. (Hearing site: Kansas City, MO.)

Note.—Dual operations are involved.

MC 107515 (Sub-1375F), filed June 20, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South Atlanta, GA 30326. Transporting *foodstuffs* from the facilities of Fast Food Merchandisers, Inc., at or near Forest City and Rocky Mount, NC, to Frankfort, KY. (Hearing site: Raleigh, NC.)

Note.—Dual operations are involved.

MC 107515 (Sub-1376F), filed: June 23, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South Atlanta, GA 30326. Transporting *paper and paper products, wood pulp, plastic and plastic articlues*, and *materials, equipment and supplies* (except commodities in bulk, in tank vehicles) (1) between points in the U.S. in and east of ND, SD, NE, KS, OK and TX; and (2) between points in AZ and CA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD,

NE, KS, OK and TX, restricted in (1) and (2) to traffic originating at or destined to the facilities utilized by International Paper Company. (Hearing site: New York, NY.)

Note.—Dual operations are involved.

MC 107515 (Sub-1377F), filed June 23, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South Atlanta, GA 30326. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from LaFollette, TN to Olive Branch, MS, restricted to the transportation of traffic originating at and destined to the facilities of American Metal Products Co. at the points named. (Hearing site: Los Angeles, CA.)

Note.—Dual operations are involved.

MC 111594 (Sub-99F), filed: June 23, 1980. Applicant: CW TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. 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, WI and St. Paul, MN: from Portage over U.S. Hwy 16 to junction U.S. Hwy 12, then over U.S. Hwy 12 to junction U.S. Hwy 10, then over U.S. Hwy 10 to St. Paul and return over the same routes; (2) between La Crosse and Gordon, WI: over U.S. Hwy 53; (3) between Ellsworth and Cable, WI: over U.S. Hwy 63; (4) between Marshfield and Prentice, WI: over WI Hwy 13; (5) between Prentice, WI and St. Paul, MN: over U.S. Hwy 8.

MC 112304 (Sub-245F), filed June 24, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John G. Banner (same address as above). Transporting *wood pulp, and wood pulp and paper products,* from West Point, VA, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC or Richmond, VA.)

MC 112304 (Sub-246F), filed June 18, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *metal scrap, battery scrap, and metals,* between, points in the U.S. (except AK and HI), limited to traffic from or to the facilities of Commercial Metals Co., and its subsidiaries, customers, or suppliers. (Hearing site: Washington, D.C.)

MC 116544 (Sub-215F), filed June 23, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *paper or plastic articles* from Santa Clara, CA to points in CO, OR, UT, St. Albans, VT and WA. (Hearing site: San Francisco, CA.)

MC 116915 (Sub-122F), filed June 23, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 733, Frankfort, KY 40602. Transporting (1) *mine, industrial or construction machinery,* and *(2) equipment, materials, and supplies* (except commodities in bulk), used in the manufacture of the commodities in (1) between points in the U.S. restricted to the transportation of traffic originating at or destined to the facilities of (a) Midwest Equipment, (b) Korte Brothers, (c) Stockberger Equipment Company, (d) Rudd Equipment Company, (e) Construction Equipment, Division of Combustion Engineering, Inc., (f) Kentucky Machinery, Inc., and Kitchen Machinery, Inc., (g) Allied Machinery, Inc., (h) F & M Supply and Mafco Equipment, (i) Lorain, Division of Koehring Co., and the customers or suppliers of each of the above companies. (Hearing site: Louisville, KY.)

MC 119654 (Sub-90F), filed June 24, 1980. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, 1401 West 26th St., Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting (1) *paper bags and wrapping paper,* from Hazelwood, MO, to points in IL, IN, KY, MI, OH, PA, and WI, and (2) *materials, equipment and supplies* used in the manufacture of commodities in (1) (except commodities in bulk), in the reverse direction. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119654 (Sub-91F), filed June 18, 1980. Applicant: HI-WAY DISPATCH, INC., P.O. Box 509, 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting (1) *household appliances,* from the facilities of the General Electric Company, at Louisville, KY, Appliance Park, to points in IL, IN, MI, MO, OH, PA, and WI; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), in the reverse direction. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 119755 (Sub-10F), filed June 19, 1980. Applicant: WEST-TRADE TRANSPORT LTD., P.O. Box 5300, Vancouver, BC, Canada. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. In foreign commerce only, transporting *wine* (except in bulk, in tank vehicles), from points in CA, to the port of entry on the international boundary line between the U.S. and Canada at or near Blaine, WA. (Hearing site: Seattle, WA.)

MC 126574 (Sub-8F), filed June 24, 1980. Applicant: M. L. HATCHER PICKUP & DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave., N.W., Suite 850, Washington, DC 20006. Transporting *pre-cast architectural stone, pre-stressed structural concrete products and pre-stressed, pre-cast concrete products,* (1) from the facilities of Weeks-Bell, Inc. and Carolina Cast Stone Co., Inc., at or near Greensboro, NC, and from the facilities of Cast-A-Stone Products at or near Raleigh, NC, to points in VA and (2) from the facilities of Carolina Cast Stone Co., Inc., at or near Greensboro, NC, to points in SC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 126594 (Sub-4F), filed June 24, 1980. Applicant: CUSTOMER TRUCK SERVICE, 1945 Hilfiker Lane, Eureka, CA 95501. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. Transporting *cement,* in bulk in pneumatic equipment from Eureka, CA to points in Coos and Douglas Counties, OR. (Hearing sites: Seattle, WA, Portland, OR, and San Francisco, CA.)

MC 135385 (Sub-7F), filed June 20, 1980. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 1283 East South Temple, #501, Salt Lake City, UT 84102. *Contract carrier,* transporting *such merchandise* as is dealt in by grocers, between the facilities of Smith's Management Corporation, at Layton, UT, and of its division, Intermountain Souvalls, at Salt Lake City, UT, on the one hand, and, on the other hand, points in TX, under continuing contract(s) with Smith's Management Corporation and Intermountain Forwalls. (Hearing site: Salt Lake City, UT.)

MC 135524 (Sub-146F), filed June 23, 1980. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914

Salt Springs Road, Youngstown, OH 44509. Transporting (1) *plumbing goods, fixtures, faucets, hardware, iron and steel articles, garbage disposals, water coolers, (2) materials or supplies* used in the manufacture and distribution of the commodities in (1) between Broadview and Lanark, IL, Dayton, TN, Lumberton, NC, Ogden, UT, and Chattsworth, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Tampa, FL.)

MC 138714 (Sub-7F), filed June 24, 1980. Applicant: VIRGINIA TRANSPORTATION, INC., P.O. Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Contract carrier,* transporting *general commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Richmond and Ashland, VA, on the one hand, and, on the other, points in FL and MI, under continuing contract(s) with Best products Company, Inc. (Hearing site: Richmond, VA.)

MC 138875 (Sub-284F), filed June 18, 1980. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh (same address as applicant). Transporting (1) *chemicals,* (2) *dies,* (3) *fire retardants,* and (4) *materials and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3) (except commodities in bulk), from points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, to points in the U.S. in and west of MT, WY, CO, and NM (except AK and HI). (Hearing site: Portland, OR, or Boise, ID.)

MC 140024 (Sub-198F), filed June 17, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Warner-Lambert Company, and its affiliates, subsidiaries and divisions. (Hearing site: Denver, CO, or New York, NY.)

MC 141804 (Sub-454F), filed June 18, 1980. Applicant: WESTERN EXPRESS, DIVISION of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting: *general commodities* (except foodstuffs requiring refrigeration, meats, meat products and meat by-products, dairy products and articles distributed by meat-packing houses, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, articles of unusual value, Classes A and B explosives; household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), restricted to traffic having a prior or subsequent movement by rail, between points in AZ, UT, CO, WY, MT, ID, WA, OR, NV, CA, NM, on the one hand and, on the other, points in the U.S. in and east of TX, KS, OK, NE, SD, and ND. (Hearing site: Los Angeles, CA.)

MC 145054 (Sub-37F), filed January 25, 1980. Applicant: COORS TRANSPORTATION CO., a corporation, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *petroleum products* in packages, from Maryland Heights, MO and Vernon, CA, to points in CO. (Hearing site: Denver, CO.)

Note.—Dual operations may be involved.

MC 146194 (Sub-7F), filed June 20, 1980. Applicant: M.T.S. TRUCKING, INC., 113 Center Street, Jackson, MN 56143. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *hides and pelts, green or salted,* from the facilities of John Morrell & Co., at or near Estherville, IA, and Sioux Falls, SD, to points in CA, IL, IA, MA, MN, MO, NE, NH, PA, TX, and WI, restricted to the transportation of traffic originating at said facilities of John Morrell & Co. (Hearing site: Minneapolis, MN.)

MC 146535 (Sub-2F), filed June 23, 1980. Applicant: NEAR TRUCKING, INC., P.O. Box 53, Fort Bridger, WY 82933. Representative: James E. Phillips, 808 North Main Street, Evanston, WY 82930. Transporting *mine and mill supplies, materials, equipment, and machinery* between points in WY, UT, CO, and ID. (Hearing site: Rock Springs, WY, Salt Lake City, UT or Casper, WY.)

MC 147054 (Sub-5F), filed June 23, 1980. Applicant: JAMES RAY BRADY, d.b.a. J. R. BRADY TRUCKING, Route 3, Box 265, Enochville Avenue, Kannapolis, NC 28081. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, 301 S. McDowell Street, Charlotte, NC 28204. Transporting *pre-cut log homes,* from points in Rowan County, NC, to points in the U.S. (except AK and HI). (Hearing site: Charlotte or Kannapolis, NC.)

MC 147145 (Sub-3F), filed June 20, 1980. Applicant: JAMES R. ANDERSON d.b.a. ANDERSON & SONS TRUCKING CO., 1887 Deming Way, Sparks, NV 89431. Representative: James R. Anderson, Jr. (same address as applicant). Transporting *general commodities* (except household goods, commodities of unusual value, commodities in bulk, commodities requiring special equipment, and classes A and B explosives), between points in Carson City, Douglas, Lyon, Storey and Washoe Counties, NV, points in CA within the following boundaries: from the CA–NV State line over Int. Hwy 80 to junction Int. Hwy 80 and CA Hwy 89, then over CA Hwy 89 to junction CA Hwy 89 and U.S. Hwy 50, then over U.S. Hwy 50 to the CA–NV State line; Truckee, CA, and Fallon and Fallon Naval Air Station, NV. (Hearing site: Reno or Carson City, NV.)

MC 148155F, filed June 24, 1980. Applicant: TRANS COASTAL CORP., P.O. Box 116W, Portland, ME 04902. Representative: John C. Lightbody, Esq., 30 Exchange Street, Portland, ME 04101. Transporting (a) *wood products,* from points in ME to points in the U.S. (except AK and HI) (b) *materials, supplies, equipment, machinery, and parts* used in the manufacture and distribution of the commodities in (a) (except commodities in bulk), in the reverse direction. (c) *Such merchandise as is dealt in by antique wholesalers and retailers* between points in the U.S. (except AK and HI). (Hearing site: Portland, ME, or Boston, MA.)

MC 148314 (Sub-2F), filed June 19, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *adhesives, building materials, composition board, gypsum products, gypsum board paper, mineral fiber products, paint products and materials, equipment and supplies used in the manufacture installation or distribution of such commodities* (except commodities in bulk), between the facilities of United States Gypsum Co. at or near Gypsum, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 148814 (Sub-2F), filed June 23, 1980. Applicant: NATIONAL TRAFFIC SERVICE, INC., 1706 196th S.E., Bothell, WA 98011. Representative: Frank Willson, 2828 Colby, Suite 400, Everett, WA 98201. Transporting (1) *glass,* from the facilities of P.P.G. at Wichita Falls, TX, and Crystal City, MO, and of Ford Motor Company at Tulsa, OK, and

Fresno, CA, and the facilities of Guardian Industries at Kinsberg, CA, to the facilities of Alpine Industries, Inc., and Pan-Lam, Inc., at Bothell, WA, and the facilities of House of Aluminum and Glass at Spokane, WA; and from the facilities of Pan-Lam, Inc., at Bothell, WA, to points in OR and CA; and *lumber and shakes,* from points in WA and OR to points in TX, OK, and KS, and (2) *plastic insert layers,* from the facilities of Montesano Corporation at Los Angeles, CA and Trenton, MI, to the facilities of Pan-Lam, Inc. at Bothell, WA; and from the facilities of the Dupont Corporation at Fresno, CA, to the facilities of Pan-Lam, Inc., at Bothell, WA; (3) *polymers,* from the facilities of Products Research Corporation, at Glendale, CA, to the facilities of Alpine Industries, Inc., at Bothell, WA. (Hearing site: Seattle, WA.)

MC 149134 (Sub-2F), filed June 23, 1980. Applicant: DONALD B. ROBBINS d.b.a. HORIZONS UNLIMITED, 235 Walnut Street, Statesville, NC 28677. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting: *passengers and baggage* in special or charter operations, beginning and ending at points in Iredell, Davie, Mecklenburg, Forsyth, Catawba, and Guilford Counties, NC, and extending to points in the U.S. (except AK and HI), in vehicles with a seating capacity not exceeding 30 passengers. (Hearing site: Charlotte, NC.)

MC 150514 (Sub-2F), filed May 28, 1980. Applicant: RICHARD P. SHARPE, R.R. No. 1, Paris, MO 65275. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Contract carrier,* transporting 1 (a) *grain cleaners,* and (b) *grain, bins, and their component parts, attachments and accessories,* from Clarence, MO to points in the U.S. (except AK and HI), and 2 (a) *grain cleaners,* and (b) *materials* used in the manufacture of grain bins, and *component parts, attachments,* and *accessories* for grain bins, from points in the U.S. (except AK and HI) to Clarence, MO, under continuing contract(s) with Golden Grain Corporation, of Clarence, MO. (Hearing site: Jefferson City, or Hannibal, MO.)

MC 150645 (Sub-2F), filed June 9, 1980. Applicant: TILEWAYS, INC., 7834 Hawn Freeway, Dallas, TX 75217. Representative: Lawrence A. Winkle, P.O. Box 45338, Dallas, TX 75245. *Contract carrier,* transporting (1) *clay glaze tile* and *materials and supplies* used in the installation of clay glaze tile, from Dallas and Laredo, TX, to points in the U.S. (except AK and HI), and (2) *materials* utilized by the Dal-Tile Corporation, between points in the U.S. (except AK and HI), under continuing contract(s) with the Dal-Tile Corporation of Dallas, TX, restricted to traffic originating at or destined to the facilities of the named shipper, its suppliers or customers. (Hearing site: Dallas, TX.)

MC 150875F, filed June 11, 1980. Applicant: CENTRAL INTERMODAL CORP., 2801 Spring Grove Avenue, Cincinnati, OH 45225. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *general commodities* (except in bulk) between rail terminals in IL, IN, KY, MI and OH, on the one hand, and, on the other, points in IL, IN, KY, MI and OH, restricted to traffic having a prior or subsequent movement by rail. (Hearing site: Cincinnati, OH.)

MC 150914F, filed June 9, 1980. Applicant: RICH DYKSTRA, d.b.a ILLIANA SCRAP SERVICE COMPANY, R.R. 1, Box 147, Crete, IL 60417. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle Street, Suite 1016, Chicago, IL 60602. Transporting *ferrous and non-ferrous scrap metal, in dump trailers* between points in IL, IN, MI, IA, and OH.

MC 150994F, filed June 23, 1980. Applicant: DEVCO TRANSPORT CORPORATION, 260 Northland Blvd., Cincinnati, OH 45246. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *commodities,* in bulk, in dump vehicles, between points in IN, KY and OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 151115F, filed June 23, 1980. Applicant: CHAS. J. BURNHAM CARTAGE, INC., 1448 Wabash, Detroit, MI 48216. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *paper and paper products,* from Detroit, MI, to points in MI, restricted to traffic having a prior movement by rail. (Hearing site: Detroit, MI.)

MC 151124F, filed June 23, 1980. Applicant: LOLA JEANNE LYNN, d.b.a. LYNN LEASING, P.O. Box 117, Labadie, MO 63055. Representative: Loa Jeanne Lynn (same address as applicant). Transporting *Sand,* in bulk, from the facilities of Pennsylvania Glass Sand Corp., at or near Klondike , MO, to points in AL, AR, IL, IN, KS, and OK. (Hearing site: St. Louis or Jefferson City, MO.)

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Decided: June 28, 1980.

By the Commission, Review Board Number 2, members Chandler, Eaton and Liberman.

MC 1515 (Sub-292F), filed May 6, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant). Over regular routes, transporting *passengers* and *their baggage* and *express* and *newspapers,* in the same vehicle with passengers, (1) between Youngstown, OH and Akron, OH, serving all intermediate points, from Youngstown, over Interstate Hwy 680 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate. Hwy 76, then over Interstate Hwy 76 to Akron, and return over the same route; and (2) between Kent, OH and junction Interstate Highway 76 and OH Highway 43, serving all intermediate points, over OH Highway 43. (Hearing site: Kent, OH.)

MC 13134 (Sub-89F), filed May 6, 1980. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Spencer Steel Corporation. (Hearing site: Columbus, OH.)

MC 15975 (Sub-25F), filed May 5, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *alcoholic liquors* except in bulk, in tank vehicles), and materials, equipment and supplies used in the manufacture and distribution of alcoholic liquors, from Bardstown, KY, to points in IL, IN, IA, GA, FL, MO, MI, OH, PA, WV and WI. (Hearing site: Springfield, IL, or Washington, D.C.)

MC 52704 (Sub-273F), filed May 8, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *plastic articles* (except commodities in bulk), from the facilities of Universal Packaging, Division of Kraftco Corporation, at or near Trenton, TN, to points in AL, AR, FL, GA, IL, IN, DE, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, TX, VA, WV and DC; and (2) *Materials, equipment,* and *supplies* used in the manufacture or distribution of plastic articles (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 52704 (Sub-274F), filed May 9, 1980. Applicant: GLENN McCLENDON

TRUCKING COMPANY, INC., Post Office Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *paper and paper products*, from the facilities of Olinkraft, Inc., at or near West Monroe an Monroe, LA, to points in AR, DE, WV, IL, IN, KY, MD, MI, MO, NJ, NC, OH, OK, PA, SC, TX, VA, and DC, and (2) *materials, supplies and equipment* used in the manufacture, distribution and conversion of paper and paper products (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-187F), filed May 9, 1980. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *prefinished panel siding* and (2) *materials and supplies* used in the manufacture or installation of prefinished panel siding (except commodities in bulk), from the facilities of Sanspray Corp., at or near Santa Clara, CA, to points in the U.S. (except AK and HI). (Hearing site: Washington, DC.)

MC 73165 (Sub-510F), filed May 6, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1)(a) *metal fencing*, and *wire and wire mesh*, and (b) parts, accessories and attachments for the commodities in (1)(a) above, from the facilities of Davis Walker Corporation, at or near Memphis, TN, to points in KS, NE, SD, ND, MN, IA, MO, IL, WI, MI, IN, KY, OH, WV, and (2) *machinery, equipment, materials and supplies* used in the manufacture of the commodities in (1) above (except commmodities in bulk), from points in the U.S. (except AK and HI), to the facilities in (1) above, restricted in (1) and (2) above to traffic originating at or destined to the named facilities. (Hearing site: Los Angeles, CA.)

MC 89684 (Sub-111F), filed May 8, 1980. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). Transporting *medical supplies*, between Colorado Springs, CO and Denver, CO. (Hearing site: Denver, CO.)

Note.—Applicant intends to tack this authority with its existing rights.

MC 94565 (Sub-4F), filed May 12, 1980. Applicant: B.K.W. COACH LINE, a corporation, P.O. Box 254, Hummels Wharf, PA 17831. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at (1) points in Northumberland, Montour, Union, and Snyder Counties, PA, and (2) Bloomsburg, PA, and Berwick, PA, and intermediate points on U.S. Hwy 11, and extending to points in the U.S. (except AK and HI). (Hearing site: Williamsport, PA.)

MC 95084 (Sub-163F), filed May 5, 1980. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural equipment, industrial equipment* and *parts, attachments*, and *accessories* for agricultural equipment and industrial equipment, and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of the commodities in (1) above, between Shell Rock, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL.)

MC 95084 (Sub-164F), filed May 5, 1980. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *agricultural equipment, industrial equipment* and *parts, attachments*, and *accessories* for agricultural equipment and industrial equipment, and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Long Lake, MN, Fargo, ND, and Lennox, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Minneapolis, MN or Chicago, IL.)

MC 105045 (Sub-150F), filed May 7, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *machinery, machinery parts*, and *iron and steel articles*, between points in the U.S., restricted to traffic originating at or destined to the facilities used by American Hercules. (Hearing site: Washington, D.C.)

MC 106674 (Sub-483F), filed May 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *non-ferrous metals*, and *materials, equipment*, and *supplies* used in the manufacture and distribution of non-ferrous metals between the facilities of Asarco, Incorporated and Federated Metals Corporation, or near (a) Amarillo, Corpus Christ, and Houston, TX, (b) Omaha, NE, (c) Glover and St. Louis, MO (d) Sand Springs, OK, (e) Whiting, IN, (f) Newark, and Trenton, NJ, (g) San Francisco, CA, (h) Chicago and Hillsboro, IL, and (i) Cincinnati and Columbus, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-484F), filed May 8, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *particle board, fiber board, and wood*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodites in (1) above, between Towanda, PA, on the one hand, and, on the other, those points in the U.S. in and east of MI, IL, KY, TN, and FL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-491F), filed June 11, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *plastic insulating forms and shapes*, from Addyston, OH, to those points in the U.S. in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106775 (Sub-45F), filed May 7, 1980. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Transporting *scrap iron and scrap steel*, between points in AR, CO, LA, NM and OK, on the one hand, and, on the other, points in TX. (Hearing site: Houston, TX.)

MC 107295 (Sub-981F), filed May 6, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting *composition board*, from Meridian, MS, to points in KS, LA, OK, and TX. (Hearing site: Jackson, MS.)

MC 108185 (Sub-54F), filed May 5, 1980. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *cast iron pipe*, and *cast iron pipe fittings* and *accessories*, from Holt, AL, to points in IL, KY, MI, and WI. (Hearing site: St. Paul, MN.)

MC 108185 (Sub-55F), filed May 5, 1980. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack,

P.O. Box 6010, West St. Paul, MN 55118. 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 Federal Mogul Corporation, at or near Hamilton, AL, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: St. Paul, MN.)

MC 115554 (Sub-31F), filed May 6, 1980. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *telephone equipment,*and (2) *materials, equipment,* and *supplies* used in the manufacture, distribution, installation or operation of telephone equipment (except commodities in bulk), from Houston, TX, to Goddard, KS, restricted to traffic originating at or destined to the facilities of Western Electric Company, Inc. (Hearing site: St. Louis, MO.)

MC 116915 (Sub-111F), filed May 9, 1980. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *granular asphalt*, in bags, from the facilities of Witco Chemical Corp. at or near Lawrenceville, IL, to points in TX, IN, and OH. (Hearing site: Louisville, KY.)

MC 133194 (Sub-18F), filed May 8, 1980. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Road, P.O. Box 1047, Russellville, AR. Representative: Scotty D. Douthit, Sr. (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrison, AR and Roger, AR, from Harrison, over U.S. Hwy 65 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Rogers, AR and return over the same route. (Hearing site: Little Rock, AR or Memphis, TN.)

Note.—Applicant intends to tack this authority with its other authority.

MC 133194 (Sub-19F), filed May 7, 1980. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Road, P.O. Box 1047, Russellville, AR 72801. Representative: Scotty D. Douthit, Sr. (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Harrison, AR and Springdale, AR, from Harrison over U.S. Hwy 65 to junction U.S. Highway 62, then over U.S. Hwy 62 to junction U.S. Hwy 68, then over U.S. Hwy 68 to Springdale, and return over the same route seving all intermediate points; and (2) between Huntsville, AR and Cass, AR over U.S. Hwy 23 serving all intermediate points, and the off-route point of Kingston, AR. (Hearing site: Little Rock, AR or Memphis, TN.)

Note.—Applicant intends to tack this authority with its other authority.

MC 133194 (Sub-20F), filed May 7, 1980. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Road, P.O. Box 1047, Russellville, AR 72801. Representative: Scotty D. Douthit, Sr. (same address as applicant). Over regular routes, tansporting *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 Dardanelle, AR and Paris, AR, over U.S. Hwy 22, serving all intermediate points. (Hearing site: Memphis, TN or Little Rock, AR.)

Note.—Applicant intends to tack this authority with its other rights.

MC 134035 (Sub-42F), filed May 6, 1980. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, Highway 75 South, P.O. Box 698, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *hand tools, drill presses, vises and bench grinders,* between Van Nuys, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Fort Worth, TX, or Los Angeles, CA.)

MC 140665 (Sub-103F), filed May 7, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *Metal, plastic, or glass coatings, porcelain materials, clay, clay products, paint, color additives, chemicals, plastic materials, ceramic materials, insulating materials, glassware, refractories, fiberglass, furnace and kiln supplies* (except commodities in bulk), and (2) *materials and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, between Crystal Lake, IL, Evansville, IN, and Summit County, OH, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and LA (except AK and HI). (Hearing site: Washington, DC.)

MC 141804 (Sub-416F), filed May 8, 1980. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *batteries,* and *accessories* for batteries and (2) *materials, equipment, and supplies* used in the manufacture of batteries, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Duracell International, Inc. (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-417F), filed May 8, 1980. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *plastic articles,* between points in the U.S. (except AK and HI). (Hearing site: Los Angeles, CA.)

MC 142364 (Sub-32F), filed May 6, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, Post Office Box 368, Van Buren, AR 72956. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701. Transporting *Ground clay cat box filler,* from the facilities of Absorbent Clay Products, Inc., at or near Anna, Il, to points in the U.S. (except AK, AZ, CA, CO, HI, ID, MT, ND, NV, NM, OR, SD, UT, WA, and WY). (Hearing site: Chicago. IL or Ft. Smith, AR.)

MC 142364 (Sub-34F), filed May 5, 1980. Applicant: KENNETH SAGELY, d.b.a. Sagely Produce, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *non-corrugated pulpboard,* from the facilities of Eastex Division, Temple-Eastex, Inc., at or near Evadale, TX, to points in the U.S. (except AK and HI). (Hearing site: Dallas, TX, or Ft. Smith, AR.)

MC 143775 (Sub-149F), filed May 6, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transportating *plastic articles,* from Winchester, Va, to points in MO.

Note.—Dual operations may be involved.

MC 143775 (Sub-150F), filed May 6, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *flour, cornmeal, edible flour or meal preparations,* and flaked potatoes (except commodities in bulk), from the facilities of ConAgra, Inc., at or

near Sherman, TX, to points in AZ and CA. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 143775 (Sub-151F), filed May 5, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *containers, container ends and closures,* (2) *such commodities* as are manufactured or distributed by a manufacturer of containers, in mixed loads with containers, and (3) *materials, equipment and supplies* used in the manufacture and distribution of containers, container ends and closures, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Brockway Glass Company and against commodities in bulk in tank vehicles. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143775 (Sub-153F), filed May 6, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *rubber,* in vehicles equipped with mechanical refrigeration, from points in OH, to points in NC and CA. (Hearing site: Coluimbus, OH or Washington, DC.)

MC 143775 (Sub-154F), filed May 6, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (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 Little Rock, AR, Brea, CA, Andover, KS, Buffalo, NY, Sand Springs, OK, Eighty Four, PA, Palmerton, PA, Spartanburg, SC, and Houston, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of the Ameron Corporation. (Hearing site: Los Angeles or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 144094 (Sub-4F), filed May 8, 1980. Applicant: ALADDIN, INC., 215 Union Street, Hackensack, NJ 07601. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier,* transporting *such commodities* as are used or dealt in, by manufacturers or distributors of paint (except commodities in bulk, in tank vehicles), from Wallington, NJ, to points in CA, FL, NC, SC, TX, and WA, under continuing contract(s) with Hempel's Marine Paint, Inc. (Hearing site: New York, NY.)

MC 145054 (Sub-36F), filed May 5, 1980. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *petroleum products,* in packages, from Wilmington, CA, to points in WY. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 145955 (Sub-4F), filed May 6, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *materials used in the manufacture* of mental cans from Chicago, IL, to Omaha, NE, restricted to traffic originating at and destined to the named points. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 148605 (Sub-2F), filed May 6, 1980. Applicant: UNTCO, INC., 850 E. Luzerne St., Philadelphia, PA 19124. Representative: Richard A. Mehley, 1000 16th St, NW., Suite 502, Washington, DC 20036. *Contract carrier,* transporting *general commodities* (except commodities in bulk), between Washington, DC, and New York, NY, points in PA, MD, DE, VA, WV, NJ, CT, and points in Westchester, Nassau and Suffolk Counties, NY, under continuing contract(s) with Carribean Worldwide, Inc. Condition: Any permit issued here to the extent it authorizes the transportation of classes A and B explosives, shall be limited in term to a period of time expiring 5 years from the date of issuance. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 149054 (Sub-2F), filed May 6, 1980. Applicant: THOMAS OVERLAND EXPRESS, INC., P.O. Box 2251, Mobile, AL 36601. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *lumber* (except veneer), *wooden ties,* and *wooden poles,* between points in Mobile County, AL, on the one hand, and, on the other, points in MS and LA, and points in TX, on and east of US Hwy. 281. (Hearing site: Washington, DC.)

MC 150095 (Sub-1F), filed May 5, 1980. Applicant: FRANK A. SUTTON, d.b.a. SUTTON TRANSPORT, P.O. Box 72, Elderon, WI 54429. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. 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 Ashland, Clark, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Taylor, Vilas, and Wood Counties, WI, on the one hand, and, on the other, Green Bay, Milwaukee, and Neenah, WI, restricted to traffic having a prior or subsequent movement by air, under continuing contract(s) with Burlington Northern Airfreight, Inc.

MC 150084 (Sub-1F), filed May 6, 1980. Applicant: PRIDE TRANSPORT, INC., 1005 Jewell St., Salt Lake City, UT 84104. Representative: James H. Faust, Kearns Bldg., Salt Lake City, UT 84111. Transporting *juvenile furniture,* knocked down, in cartons, from the facilities of Graco Children's Products Inc., at or near (a) Blue Ball, Elverson and Hallam, PA, (b) Rochester, NY and (c) West Rutland, VT, to those points in the U.S. in and west of CO, MT, NM and WY (except AK and HI). (Hearing site: Philadelphia, PA or Washington, DC.)

MC 150215 (Sub-1F), filed May 9, 1980. Applicant: LARRY H. BURLESON, d.b.a. BURLESON DISTRIBUTORS, 2020 N. 9th St., St. Louis, MO 63102. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Contract carrier,* transporting (1) *dairy products* in vehicles equipped with mechanical refrigeration and (2) *materials and supplies* used in the manufacture and distribution of dairy products, (a) between the facilities of Raskas Dairy, at St. Louis, MO and Nu-Wiles, Ltd., St. Louis County, in MO, on the one hand, and, on the other, points in AZ, CA, CO, CT, DE, IL, IN, IA, KY, MD, ME, MI, MN, NE, NJ, NM, NY, OH, OR, PA, RI, TX, WA, WV, WI and MA, (b) from the facilities of Larraine Cheese Co., at or near Pittsfield, IL to the facilities of Nu-Wiles, Ltd., St. Louis, County, MO, under continuing contract(s) with Raskas Dairy, Inc., Nu-Wiles, Ltd., and Lorraine Cheese Co. (Hearing site: St. Louis, MO or Springfield, IL.)

MC 150544 (Sub-1F), filed May 6, 1980. Applicant: FRED'S TRUCKING, INC., R.D. No. 2, Cabot, PA 16023. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *building materials* (except commodities in bulk), having a prior movement by rail or water, between those points in PA on and west of U.S. Hwy. 219, on the one hand, and, on the other, points in OH, PA and WV. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 150565 (Sub-4F), filed May 6, 1980. Applicant: SUNBELT EXPRESS, INC., 909 S. Powell St., Springdale, AR 72764.

Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *foodstuffs,* from Carthage and Monett, MO, to points in the U.S. (except AK and HI).

MC 150694 (Sub-1F), filed May 6, 1980. Applicant: NORTH RIDGE TRUCKING COMPANY, a corporation, 441 East 21st Street, Lorain, OH 44052. Representative: David A. Turano, 100 E. Broad Street, Columbus, OH 43215. Transporting *silica rock,* in bulk, in dump vehicles from Amherst, OH, to points in IN. (Hearing site: Columbus, OH.)

MC 150705 (Sub-2F), filed April 21, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Contract carrier,* transporting *iron and steel articles,* between points in the U.S. (except AK and HI), under continuing contract(s) with DuBose Steel Co. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 150705 (Sub-3F), filed April 21, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Contract carrier,* transporting *iron and steel articles,* between those points in the U.S. in and east of MN, IA, MO, OK, and TX, under continuing contract(s) with South Atlantic Steel, Inc. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 150765 (Sub-1F), filed May 7, 1980. Applicant: B. J. TRANSPORTATION, INC., 208 Jamestown Road, Stratford, CT 00497. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. 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 New York, NY, on the one hand, and on the other, points in NY. (Hearing site: New York, NY.)

MC 150835F, filed May 8, 1980. Applicant: AYRE LEE AYCOCK, d.b.a. LEON AYCOCK, OIL COMPANY, P.O. Box 7077, Savannah, GA 31408. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting *petroleum products,* in tank vehicles, from Chatham County, GA, to points in SC. (Hearing site: Atlanta or Savannah, GA.)

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Decided: June 27, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 200 (Sub-444F), filed June 4, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *glass tubing, boxes, and packing material,* between Vineland, NJ and Pittston, PA. Restricted to traffic originating at the facilities of Owens-Illinois, Inc. and destined to the indicated destinations.

MC 200 (Sub-445F), filed June 4, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *paints, stains, varnish, thinners, cleaners, and materials and supplies used in the manufacture and distribution thereof,* from the facilities of Bruning Paint Company, at Baltimore, MD, to points in MI. Restricted to shipments originating at the origin facilities and destined to the named destination.

MC 200 (Sub-446F), filed June 4, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *foodstuffs, and such articles dealt in by Wholesale, Retail, Chain Grocery, and Food Business Houses,* from the facilities of John Sexton and Company at or near Lyons, IL; Dorsey, MD; Indianapolis, IN; and Kansas City, KS to points in FL, GA, IA, IL, KS, KY, LA, MA, MD, MI, MN, MO, NC, NE, NJ, NY, OH, PA, TX, and VA. Restricted to traffic originating at the named origins and destined to the indicated destinations.

MC 200 (Sub-450F), filed June 10, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *electric storage batteries,* from the facilities of the Globe Battery Division of Globe-Union, Inc., at or near St. Joseph, MO, to Belvidere, IL, restricted to traffic originating at the origin facilities and destined to the indicated destination.

MC 200 (Sub-451F), filed June 10, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *plastic water and sewer pipe and fittings, cement,* from the facilities of Robintech, Inc., at or near Vestal, NY to points in OH, MI, IN, IL, WI, MO, TX, MA, CT, RI, PA, MD, and NJ, restricted to traffic originating at the named origin and destined to the indicated destinations.

MC 200 (Sub-452F), filed June 10, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *containers and container closures,* from the facilities of Reynolds Metals Co. at or near Woodbridge, NJ, and Middletown, NY, to Milwaukee, WI, restricted to traffic originating at the named origin facilities and destined to the indicated destination.

MC 200 (Sub-453F), filed June 10, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *pure nickel and ferro nickel ingots, shot, and granules* (except in bulk), from Baltimore, MD, to points in IN, KY, MI, NY, OH, PA, TX, and WV, restricted to traffic from the origin and destined to the indicated destinations.

MC 200 (Sub-454F), filed June 9, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *aluminum sheet,* from the facilities of Continental Can Co. USA (A member of The Continental Group, Inc.) in Los Angeles County, and the Ports of Long Beach and Los Angeles, CA to Longview, TX. Restricted to traffic originating at the named origins and destined to the indicated destination.

MC 720 (Sub-86F), filed June 10, 1980. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). Transporting *such commodities* as are dealt in by grocery stores and food business houses from New Prague, MN, to points in IL, restricted to the transportation of traffic originating at the facilities of International Multifoods Corporation.

MC 2900 (Sub-424F), filed June 2, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *such commodities as are sold or dealt in by wholesale, retail, department or discount stores* between points in the U.S.

MC 2900 (Sub-425F), filed June 2, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *pet foods, materials, equipment and supplies utilized in the manufacture and sales of pet foods* between points in the U.S.

MC 35320 (Sub-599F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, MN and Denver, CO, serving no intermediate points: 1(a) from Minneapolis over U.S. Hwy 169 to its junction with MN Hwy 60, then over MN Hwy 60 to its junction with IA Hwy 60, then over IA Hwy 60 to its junction with U.S. Hwy 75, then over U.S. Hwy 75 to its junction with U.S. Hwy 77, then over U.S. Hwy 77 to its junction with U.S. Hwy 6, then over U.S. Hwy 6 to its junction with U.S. Hwy 34, then over U.S. Hwy 34, to its junction with U.S. Hwy 76, then over U.S. Hwy 76 to Denver, CO and return over the same route; 1(b) from Minneapolis, MN over INT Hwy 35 to its junction with Int Hwy 80, then over Int Hwy 80 to its junction with Int Hwy 76, then over Int Hwy 76 to Denver, CO and return over the same route. Applicant intends to tack or interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-600F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, CO and Sacramento, CA, serving no intermediate points: from Denver, CO, over Int Hwy 25 to its junction with U.S. Hwy 287, then over U.S. Hwy 287 to its junction with Int Hwy 80, then over Int Hwy 80 to Sacramento, CA, and return over the same route. Applicant intends to tack or interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-601F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* between Little Rock, AR and St. Louis, MO, over U.S. Hwy 67 serving no intermediate points. Applicant intends to tack and/or interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-602F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Odessa and Dallas, TX over Int Hwy 20 serving no intermediate points. Applicant intends to tack to interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-603F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commoditiees in bulk, and those requiring special equipment), between Houston, TX and Little Rock, AR, serving no intermediate points: from Houston over U.S. Hwy 59 to Texarkana, TX; then over Int Hwy 30 to Little Rock, AR and return over the same route. Applicant intends to tack or interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-604F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, TX and Atlanta, GA, over Int Hwy 20, serving no intermediate points. Applicant intends to tack or interline at points of origin and destination in connection with its regular service route operations.

MC 35320 (Sub-605F), filed June 13, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis, MN and Seattle, WA, and between Minneapolis, MN and Portland, OR, serving no intermediate points: (A) from Minneapolis over Int Hwy 94 to its junction with Int Hwy 90, then over Int Hwy 90 to Seattle and return over the same route. (B) from Minneapolis, MN over Int Hwy 94 to its junction with U.S. Hwy 395, then over U.S. Hwy 395 to its junction with WA Hwy 14, then over WA Hwy 14 to its junction with U.S. Hwy 730, then over U.S. Hwy 730 to its junction with Int Hwy 80N, then over Int Hwy 80N to Portland, OR and return over the same route. Applicant intends to tack and/or interline at points of origin and destination in connection with its regular service route operations.

MC 35831 (Sub-22F), filed June 9, 1980. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting insulation panels, from Dallas, TX to points in AR, LA and OK.

MC 47171 (Sub-174F), filed June 4, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *dental and hospital supplies,* materials and supplies used in the manufacture and distribution thereof, (1) between Cornelia, GA and San Angelo, TX, (2) between point in NJ on the one hand, and, on other, Cornelia, GA and San Angelo, TX.

MC 56640 (Sub-52F), filed June 10, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Kirk Wm. Horton (same address as applicant). Transporting general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Seattle, WA, and Salt Lake City, UT, serving the intermediate and off-route points of Brigham City, Ogden, and Clearfield, UT: From Seattle over Int Hwy 90 to the junction of Int Hwy 15, then over Int Hwy 15 to Salt Lake City and return over the same route; also from Seattle over Int Hwy 90 to the junction of U.S. Hwy 97, then over U.S. Hwy 97 to the junction of Int Hwy 80N, then over Int Hwy 80N to the junction of Int Hwy 15, then over Int Hwy 15 to Salt Lake City and return over the same route; (2) between Portland, OR, and Salt Lake City, UT, serving the intermediate and off-route points of Brigham City, Ogden, and Clearfield,

UT: From Portland over Int Hwy 80N to the junction of Int Hwy 15, then over Int Hwy 15 to Salt Lake City and return over the same route; (3) between Reno, NV, and Denver, CO, serving the intermediate point of Salt Lake City, UT, and the off-route point of Tooele, UT: From Reno over Int Hwy 80 to the junction of Int Hwy 25, then over Int Hwy 25 to Denver and return over the same route: Also from Reno over Int Hwy 80 to the junction of U.S. Hwy 287, then over U.S. Hwy 287 to the junction of U.S. Hwy 34, then over U.S. Hwy 34 to the junction of Int Hwy 25, then over Int Hwy 25 to Denver and return over the same route; (4) between Las Vegas, NV, and Salt Lake City, UT, serving the intermediate point of Provo, UT: Over Int Hwy 15; (5) between Los Angeles, CA, and Denver, CO, serving Kingman, AZ, for the purpose of Joinder and Holbrook and Sanders, AZ, for the purpose of interline, from Los Angeles over Int Hwy 10 to the junction of Int Hwy 40, then over Int Hwy 40 to the junction of Int Hwy 25, then over Int Hwy 25 to Denver and return over the same route.

MC 61440 (Sub-192F), filed June 2, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except commodities of unusual value, Classes A and B explosives, household goods, and commodities requiring special equipment) serving the facilities of Westinghouse at Union City, IN, as off route point in connection with applicant's regular route authority.

MC 61440 (Sub-194F), filed June 16, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except commodities of unusual value, Classes A and B explosives, household goods, as defined by the Commission, and commodities requiring special equipment) serving the facilities of National Standard Company at Columbiana, AL, as an off route point in connection with applicant's authorized regular route authority.

MC 70151 (Sub-61F), filed June 11, 1980. Applicant: UNITED TRUCKING SERVICE, INC., 8505 West Warren Avenue, Dearborn, MI 48126. Representative: LaVergne L. Adsit (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment), between the facilities of the Chrysler Corporation at or near St. Louis, MO, on the one hand, and, on the other, the facilities of USM Bailey Corporation at or near Hopkinsville, KY; the facilities of Hoover Ball Bearing, Inc., and the facilities of Cadiz Spring, Inc., at or near Cadiz, KY.

MC 79550 (Sub-7F), filed June 13, 1980. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *reinforced concrete pipe* from the facilities of Price Brothers Company at or near Dayton, OH, to points in Allegheny, Beaver, Butler, Clarion, Crawford, Erie, Lawrence, Mercer, Venango, Washington and Westmoreland Counties, PA.

MC 80430 (Sub-178F), filed June 10, 1980. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Lem Smith (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 Furnas Electric Company at Osceola, IA, as an off-route point in connection with carrier's otherwise authorized authority.

MC 80430 (Sub-179F), filed June 10, 1980. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Lem Smith (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 commodities requiring special equipment), serving Mt. Vernon, IN, as an off-route point in connection with carrier's otherwise authorized routes.

MC 83850 (Sub-15F), filed June 16, 1980. Applicant: JOHNSON'S TRANSFER, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, Esquire, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *plastic articles and polystyrene products, and materials, equipment and supplies* used in the manufacture, installation or distribution of the above-named commodities between the facilities of U.C. Industries at Tallmadge, OH, and Rockford, IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 85961 (Sub-6F), filed June 16, 1980. Appliant: LYNN E. SIGLER an individual d.b.a. ALTURAS–FT BIDWELL STAGE LINE, 1200 E. 11th Street, Alturas, CA 96101. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Transporting *general commodities* (except commodities of unusual value, classes A and B explosives, commodities in bulk, commodities which by reason or size or weight require the use of special equipment, and household goods as defined by the Commission) from Alturas, CA, over California Hwy 299 to Canby, CA, then over California Hwy 139 to the California-Oregon state line, then over Oregon Hwy 39 to Klamath Falls, OR and return over the same route.

MC 90870 (Sub-39), filed June 9, 1980. Applicant: RIECHMANN ENTERPRISES, INC., Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. Transporting *iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution thereof* between the facilities of Missouri Forge, Inc. at Ripley County, MO and points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 90870 (Sub-40F), filed June 9, 1980. Appliant: RIECHMANN ENTERPRISES, INC, Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50307. Transporting *pipe, tubing, metal articles, and materials,* equipment, and supplies used in the manufacturing and distribution thereof between the facilities of Commerce Pipe & Tube Company at Logan, OH and St. Louis, MO and points in the U.S. (except AK and HI).

MC 94201 (Sub-194F), filed June 11, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, Esq., 601–09 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *general commodities,* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Fayette, AL, on the one hand, and, on the other, points in the U.S. Applicant proposes to tack the authority sought with all of its existing authority at Fayette, AL.

MC 96750 (Sub-4F), filed June 4, 1980. Applicant: TRUCKING UNLIMITED, 9215 Sorenson Ave., Santa Fe Springs,

CA 90670. Representative: Rober Fuller, 13215 East Penn St. Ste 310, Whittier, CA 90602. Transporting *building and construction materials, and materials used in the manufacure of building materials* (excluding lumber and wood products), between points in CA and points in Washoe, Lyons and Douglas Counties, NV.

MC 103051 (Sub-484F), filed June 11, 1980. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, in tank vehicles from Knoxville, TN to points in KY.

MC 103051 (Sub-485F), filed June 16, 1980. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). Transporting *chemicals,* in bulk, in tank vehicles, from Cartersville, GA to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 105461 (Sub-117F), filed June 9, 1980. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). Transporting *containers* and *materials as are manufactured, used,* or *dealt in by a container manufacturing company.* Between points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, OH, IN, WV, VA, MD, DE, DC, NC, and SC. Restricted to shipments originating at or destined to facilities of Graham Container Corporation and Graham Engineering Corporation.

MC 105461 (Sub-118F), filed June 13, 1980. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant). Transporting *chemicals* and *materials manufactured, used,* or *dealt in by a chemical manufacturing company,* between points in CT, DC, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT and WV, restricted to traffic originating at or destined to the facilities of or used by The PQ Corporation.

MC 106920 (Sub-99F), filed June 3, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, DC 20001. Transporting *spaghetti, noodles and macaroni and products of spaghetti, noodles and macaroni,* from the facilities of D'Amico Macaroni Co. at or near Chicago, and Steger, IL, to points in MO, MI, IN, OH, and PA.

MC 106920 (Sub-100F), filed June 6, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *foodstuffs* (except in bulk), and *such materials, supplies, and equipment used in the manufacture and distribution of foodstuffs,* between the facilities of La Choy Food Products, Division of Beatrice Foods Co. at Archbold and Napoleon, OH, on the one hand, and on the other, to points in the U.S. in and east of MT, WY, CO, and NM, except foodstuffs from Archbold, OH to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, WV, and DC, restricted to traffic originating at, or destined to the named origins and destinations.

MC 106920 (Sub-102F), filed June 6, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *soy sauce* (in bulk, in tank vehicles), (1) from Decatur, IL and Harbor Beach, MI to Archbold and Napoleon, OH, and (2) from Archbold and Napoleon, OH, to points in WI.

MC 106920 (Sub-103F), filed June 6, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *animal feed, animal feed ingredients, animal feed supplements and additives* (except in bulk), and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) above (except in bulk), between the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, and Mattoon, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the above named facilities.

MC 108341 (Sub-190F), filed June 9, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, P.O. Box 26125, Charlotte, NC 28213. Transporting *iron and steel articles,* from the facilities of National Wire Products Corporation at or near Atlanta, GA, Savannah, GA, and Baltimore, MD to points in AL, AR, FL, GA, KY, MS, NC, SC, TN, VA, and WV.

Note.—Common control may be involved.

MC 110380 (Sub-20F), filed June 6, 1980. Applicant: BERSCHENS OF MADISON, INC., 120 West Verona Ave., P.O. Box 187, Verona, WI 53593. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703 (608) 256-0606. Transporting *periodical publications* and *printed matter* between Milwaukee and Verona, WI, on the one hand, and, on the other, points in MN, IA, IL, MI, and WI.

MC 115311 (Sub-397F), filed June 6, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *such commodities as are dealt in or used by manufacturers, distributors or retailers of beverages* (except in bulk) between points in the U.S. (except AK and HI).

MC 115311 (Sub-398F), filed June 10, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *waste or scrap paper,* from points in AL, AR, DE, FL, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC to the facilities of the Georgia Kraft Corp. at Macon, GA.

MC 115651 (Sub-89F), filed June 11, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Transporting *chemicals, petroleum, napthas, and solvents,* in bulk, in tank vehicles, from Chicago, IL to points in WI.

MC 115840 (Sub-122F), filed June 4, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Leonard Carroll, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Transporting *aluminum, and aluminum articles,* from points in AL, to points in the U.S., in and East of ND, SD, NE, KS, OK, and TX.

MC 115841 (Sub-767F), filed June 10, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow (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 requiring the use of special equipment because of size

or weight, and commodities in bulk), from the facilities utilized by Empire State Shippers Association, at or near Buffalo, NY, to points in AL, AR, CA, FL, GA, IL, KS, LA, MO, MS, NC, OK, SC, TN, TX, and VA.

MC 115841 (Sub-768F), filed June 10, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow (same address as applicant). Transporting (1) *foodstuffs* (except commodities in bulk); and (2) *such commodities* as are dealt in by grocery stores and food business houses; and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) between points in the U.S. (except AK and HI).

MC 115841 (Sub-769F), filed June 9, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow, McBirde Lane, P.O. Box 22168, Knoxville, TN 37922. Transporting (a) *drugs, chemicals, toilet preparations, personal care items, cleaning, buffing and polishing compounds, plastic articles, liquid soaps, mop heads and handles, and scrubbing and buffing pads (except commodities in bulk); and (b) foodstuffs, when moving in mixed loads with the commodities in (a) above (except commodities in bulk); and (c) materials, equipment and supplies used in the manufacture, distribution and sale of the commodities listed in (a) and (b) above (except commodities in bulk);* between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by the Alberto Culver Company.

MC 116280 (Sub-24F), filed June 9, 1980. Applicant: W. C. MCQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. Transporting *general commodities* (except articles of unusual value, commodities in bulk, classes A and B explosives, household goods and those requiring the use of special equipment) between points in Cambria, Huntingdon, Bedford, Blair, Allegheny, Centre, and Somerset Counties, PA.

MC 116371 (Sub-19F), filed June 2, 1980. Applicant: LIQUID CARGO LINES, LIMITED, P.O. Box 269, Clarkson, Ontario, CD L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting *products of corn and soy beans,* in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company at Decatur, IL, Lafayette, IN and Morrisville (Bucks County) PA, to ports of entry on the international boundary line between the U.S. and Canada, in New York on the Niagara River and in MI on the Detroit and St. Clair Rivers.

MC 116881 (Sub-6F), filed June 3, 1980. Applicant: CLINTON H. MILLER, an individual, d.b.a. C. H. MILLER TRANSPORTATION, P.O. Box 1776, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Transporting *treated and untreated poles, piling, lumber and wood products,* between points in Butte County, CA, on the one hand, and, on the other, points in OR and AZ.

MC 117940 (Sub-365F), filed June 16, 1980. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring the use of special equipment) between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of or utilized by Modern Merchandising, Inc. and its subsidiaries.

MC 120761 (Sub-64F), filed June 3, 1980. Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) *machinery, equipment, materials and supplies,* used in, or in commection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; (2) *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; and (3) *articles which because of size and weight* require the use of special equipment for the unloading, loading or transportation thereof, between points in KS, NM, OK, and TX, on the one hand, and, on the other, points in AZ, AR, CA, ID, IL, KY, MO, MT, NV, OH, OR, UT, and WY.

Note.—The sole purpose of this application is to substitute singleline for jointline operations that have been conducted with F–B Truck Line Company, Salt Lake City, UT and Machinery Transports, Inc., East Peoria, IL.

MC 121470 (Sub-67F), filed June 10, 1980. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). Transporting *sheet metal products,* from the facilities of John McDougall Company at or near Nashville, TN to points in the U.S. (except AL, AR, FL, GA, KY, LA, MS, MO, NC, AK and HI).

MC 121600 (Sub-12F), filed June 6, 1980. Applicant: AVERITT EXPRESS, INC., P.O. Box 7342, Nashville, TN 37210. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities* (except classes A and B explosives, used household goods, commodities in bulk and commodities requiring special equipment) between Morristown and Chattanooga, TN, from Morristown over U.S. Hwy 11E to junction with I–40 then over I–40 to junction with I–75, then over I–75 to Chattanooga, and return over the same route, serving all intermediate points except those between Knoxville and Chattanooga, and serving all other points in Hamblen and Jefferson Counties, TN as off route points.

MC 124211 (Sub-378F), filed June 3, 1980. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting (1) *plastic, rubber, plastic or rubber articles,* and (2) *such commodities as are used* in the manufacture, distribution, and sale of plastic, rubber, and plastic or rubber articles (except commodities in bulk), between points in the U.S. (except AK and HI).

Note.—The purpose of this application is to convert applicant's existing contract authority in MC 145092 and subs thereto. Applicant requests cancellation of all authority in MC 145092 simultaneously with the granting of the authority herein requested.

MC 124821 (Sub-94F), filed June 13, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettsburg Rd., Camp Hill, PA 17011. Transporting *chains, chain parts, sprockets, pulleys, and materials and supplies* used in the manufacture or distribution of the named commodities, between the facilities of Atlas Chain & Precision Manufacturing Products at or near W. Pittston, PA, on the one hand, and, on the other, points in the U.S. (except AL and HI).

MC 126930 (Sub-50F), filed June 10, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *steel pipe and fittings* for steel pipe from the facilities of Capitol Pipe & Steel Products Company at Pearland, TX, to points in OK, LA, MS, AR, MO, KS, CO, NE, SD, ND, NM, MN, WI, IA, IL, TN, AL, TX and WY.

MC 126930 (Sub-51F), filed filed June 10, 1980. Applicant: BRAZOS TRANSPORT CO., P.O. Box 2746, Lubbock, TX 79408, Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *iron and steel articles and materials, equipment and supplies* used in the manufacture, distribution and installation of iron and steel articles between the facilities of Zellrich Steel Co., Inc., at Dallas and Houston, TX, Memphis, TN and Tulsa, OK, on the one hand, and, on the other, points in NM, OK, LA, MS, AR, MO, KS, CO, NE, SD, ND, MN, WI, IA, IL, TN, AL, TX and WY.

MC 127840 (Sub-165F), filed June 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 *sulfonates, wax, petrolatum and petroleum products,* in bulk, in tank vehicles, from Bakerstown, Ford City, and Freedom, PA, to points in IL, MI and OH.

MC 127840 (Sub-166F), filed June 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 *liquid adhesives,* in bulk, in tank vehicles, from Marysville, MI, to Bellwood, IL.

MC 133420 (Sub-4F), filed June 3, 1980. Applicant: TRI-STATE TRANSPORT, INC., P.O. Box 2168, Long Beach, CA 90801. Representative: Gene Milwrick, V.P., P.O. Box 2168, Long Beach, CA 90801. Transporting (1) *Tractor parts, and* (2) *matertial handling equipment;* between (1) Los Angeles, Orange, Riverside, and San Bernardino counties, CA, on the one hand, and, on the other, points in the U.S. (except AK, HI).

MC 134670 (Sub-6F), filed June 3, 1980. Applicant: DIVERSIFIED TRANSPORTATION, INC., P.O. Box 1406, Mountain View, CA 94042. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Humboldt, Lake, Lassen, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Franscisco, San Joaquin, San Meteo, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sononma, Stanislaus, Sutter, Tuolumne, Tulare, Yolo, and Yuba Counties, CA, Douglas, Storey, and Washoe Counties, NV, and Carson City, NV (1) restricted to traffic having a prior or subsequent movement by air, and (2) restricted to traffic not to exceed 500 pounds from one consignor to one consignee on any one day.

MC 134970 (Sub-33F), filed June 3, 1980. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *meats, meat products* and *meat by-products* and *articles distributed by meat packinghouses,* (except hides and commodities in bulk), from Sioux City, Cherokee, Dubuque, and Cedar Rapids, IA; Crete, NE; and Sioux Falls, SD to Bloomington, IL; Dayton and Washington Court House, OH.

MC 135170 (Sub-50F), filed June 4, 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 *foodstuffs* (except in bulk), from points in VA to points in the U.S. in and East of WI, IL, KY, TN and MS, under a continuing contract(s) with Standard Brands Inc.

MC 135241 (Sub-7F), filed June 12, 1980. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 S.W. Edy Road, Sherwood, OR 97140. Representative: John A. Anderson, Suite 1440, 200 S.W. Market Street, Portland, OR 97201. *Contract carrier,* transporting *paperboard cartons* from the facilities of Western Kraft Corporation at or near Camarillo, CA to points in OR, WA, and ID, under continuing contract(s) with Western Kraft Corporation, Camarillo, CA.

MC 135861 (Sub-79F), filed June 2, 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 *foodstuffs* (except in bulk), from the facilities utilized by Curtice-Burns, Inc. at Alton, Red Creek, Phelps, Shortsville, Rushville, Egypt, LeRoy, Leicester, Oakfield, Holley and Brockport, NY, to points in KS, MO, LA, OK and TX, under continuing contract(s) with Curtice-Burns, Inc. of LeRoy, NY.

MC 135861 (Sub-80F), filed June 9, 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 (1) *toilet preparations, chemicals, shampoo, soap and such commodities as are dealt in by drug, department, grocery and hardware stores* (except foodstuffs, meats and commodities in bulk); and (2) *materials, equipment and supplies* used in the manufacture of the above commodities (except commodities in bulk), between the facilities utilized by American Cyanamid Company at or near Jackson, MS, and points in CO, KS, OK and TX, under a continuing contract(s) with Cyanamid Company, of Wayne, NJ. (Hearing site: Fort Worth, TX.)

MC 135861 (Sub-81F), filed June 9, 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 *such commodities as are dealt in or used by retail department stores,* (except commodities in bulk in tank vehicles), between the facilities utilized by Dillard Department Stores, Inc. in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Dillard Department Stores, Inc. of Little Rock, AR.

MC 140010 (Sub-18F), filed June 3, 1980. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Rd., N.E., Atlanta, GA 30324. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier,* transporting *such commodities as are dealt in by chemical and plastics manufacturers* (except commodities in bulk), between facilities of American Cyanamid Company, in DeKalb County, GA, and points in AL, AR, FL, GA, LA, MS, NC and TN, under continuing contract(s) with American Cyanamid Company. Dual operations may be involved.

MC 140010 (Sub-19F), filed June 3, 1980. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Rd., N.E., Atlanta, GA 30324. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier,* transporting *petroleum products,* in containers, from Girard Point, PA, to points in VA and NC, under continuing

contract(s) with Gulf Oil Corporation. Dual operations may be involved.

MC 140601 (Sub-20F), filed June 4, 1980. Applicant: FRANK BROS. TRUCKING CO., 340 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. *Contract carrier,* transporting (1) *iron and steel articles, plastic articles, building materials,* and (2) *materials, equipment and supplies* used in the installation of such commodities (except in bulk), between the facilities of Gensco, Inc., at or near Uvalde, Midland, Amarillo and Houston, TX, and Sapulpa, OK, on the one hand, and, on the other points in AL, AR, CO, ND, SD, NE, KS, OK, MO, IN, WI, MN, IA, LA, IL and TN, restricted to traffic origniating at or destined to such facilities, under a continuing contract(s) with Gensco, Inc.

MC 142891 (Sub-9F), filed June 12, 1980. Applicant: A&H, INC., P.O. Box 346, Footville, WI 53737. Representative: Thomas J. Beener, 67 Wall Street, New York, NY 10005. Transporting *cheese and cheese products* (except in bulk) from Broadhead and Wrightstown, WI to points in NY, NJ, PA, MA, VA, OH, CT, VT, MA and DC.

MC 143280 (Sub-7F), filed June 2, 1980. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *animal feed ingredients* (except in bulk), from Milwaukee, WI, to points in IN, IA, MO, and HO.

MC 143901 (Sub-6F), filed June 16, 1980. Applicant: THOROUGHBRED TRUCKING, INC., P.O. Box 928, Stanwood, WA 98292. Representative: Ronald P. Erickson, 2120 Pacific Bldg., Seattle, WA 98104. *Contract carrier,* transporting *paper products,* from Sunnyvale, CA to points in OR and WA, under continuing contract(s) with Paterson Pacific Parchment Co. of Sunnyvale, CA.

MC 144140 (Sub-52F), filed June 11, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting (1) *wood plaques* and (2) *materials, supplies, and machinery* used in the manufacture of wood plaques, between Speculator, NY, Camdenton, MO, and points in FL.

MC 144810 (Sub-6F), filed June 16, 1980. Applicant: FLOYD M. CROSS, 62911 Lopez Street, Espanola, NM. Representative: Roger V. Eaton, David C. Olson, P.O. Box 965, Albuquerque, NM 87108. *Contract carrier,* transporting (1) *plastic containers,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) between Denver, CO and points in KS, TX, CA and OK, under continuing contract(s) with Hoover Universal, Inc., of Denver, CO.

MC 145300 (Sub-5F), filed June 3, 1980. Applicant: MINUTE MAN TRANSIT, INC., 24 Williams St., Dedham, MA 02026. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting (1) *general commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, RI, VT and VA, restricted (a) against the transportation of any package or article weighing more than 70 lbs. or exceeding 108 inches in length and girth combined, with each package or article considered as a separate and distinct shipment, and (b) against the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day; and (2) *data processing materials,* from Waterbury, CT to points in NY and VT.

MC 145461 (Sub-1F), filed June 13, 1980. Applicant: TENNESSEE—TEXAS EXPRESS, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. 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 Nashville, TN and Beaumount, TX: from Nashville over Int Hwy 40 to Little Rock, AR, then over Int Hwy 30 to Dallas, TX, then over Int Hwy 45 to Houston, TX, then over Int Hwy 10 to Beaumount, TX, and return over the same route, serving the intermediate point of Memphis, TN for purposes of interchange only, Dallas and Houston, TX, without restriction, Ft. Worth as an off-route point, and the junction of Int Hwy 30 and U.S. Hwy 259, at or near Bassett, TX, for purposes of joinder only; (2) between Houston, TX and the junction of U.S. Hwy 259 and Int Hwy 30: from Houston over U.S. Hwy 59 to Henderson, TX, then over U.S. Hwy 259 to its junction with Int Hwy 30, and return over the same route, serving Lufkin, TX and Longview, TX, as intermediate points, and serving the junction of U.S. Hwy 259 and Int Hwy 30 for purposes of joinder only; and (3) between Beaumont, TX and the junction of U.S. Hwy 259 and Int Hwy 30, and return over the same route, serving the intermediate points of Lufkin, TX and Longview, TX; from Beaumont, TX over U.S. Hwy 69 to Lufkin, TX, then over U.S. Hwy 59 to Henderson, TX, then over U.S. Hwy 259 to its junction with Int Hwy 30. Service at Memphis, TN and points in its commercial zone is restricted against the handling of traffic which originates at, is destined to, or interlined at Nashville, TN and points in its commerical zone. Restriction: Restricted against providing local service between authorized points in Texas.

MC 145481 (Sub-19F), filed June 3 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St. Suite 2600, Denver, CO 80202. Transporting (1) *textiles, insulating materials, woven synthetic fabrics, synthetic fibers, plastic articles,* and *expanded foam products;* and (2) *materials supplies and equipment* used in the manufacture, production and distribution of the commodities named in (1) above (except in bulk), between Indianapolis, IN on the one hand, and, on the other, points in the U.S (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Max Katz Bag Company, Inc. at Indianapolis, IN.

Note.—Dual operations may be involved.

MC 146001 (Sub-7F), filed June 12, 1980. Applicant: BOB MARGOSIAN d.b.a. BOB MARGOSIAN TRUCKING, 6885 Avenue 416, P.O. Box 395, Dinuba, CA 93618. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *frozen foodstuffs,* from Turlock, CA, to points in AZ.

MC 146181 (Sub-3F), filed June 16, 1980. Applicant: NORTHEAST TRANSPORT COMPANY, INC., 22 South Holmdel Road, Holmdel, NJ 07733. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, D.C. 20036. *Contract carrier,* transporting *such commodities* as are dealt in by manufacturers and distributors of printed matter, paper and paper products, (A) between East Greenville, PA, and Franklin, KY, on the one hand, and points in the U.S. (except AK, HI, CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV) on the other, and (B) between Waseca, MN, on the one hand, and points in the U.S. (except AK and HI), on the other, under a continuing contract(s) with the Brown Printing Company, Inc. of Waseca, MN.

MC 146281 (Sub-7F), filed June 2, 1980. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6089,

Knoxville, TN 37194. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting (1) *clothing, and* (2) *materials, supplies and equipment used in the manufacture and sale of clothing* (except commodities in bulk) between points in and east of LA, AR, MO, IA, and MN. Restricted to traffic originating at or destined to the facilities of Levi Strauss and its contractors.

MC 146281 (Sub-8F), filed June 16, 1980. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6089, Knoxville, TN 37194. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th 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 that part of TN in and east of Scott, Morgan, Cumberland, Rhea, Meigs, McMinn, and Monroe Counties and on and west of TN Hwy 70 as off-route points in connection with carrier's otherwise-authorized regular-route operations.

MC 146451 (Sub-28F), filed June 10, 1980. Applicant: WHATLEY-WHITE, INC., P.O. Box 6, Dothan, AL 36302. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Transporting *malt beverages* and *materials, equipment and supplies* used in the manufacture or distribution of malt beverages between Perrysburg, OH and points in GA, NC and SC, restricted to traffic originating at or destined to the facilities of Stroh Brewery Company at or near Perrysburg, OH.

MC 146840 (Sub-7F), filed June 2, 1980. Applicant: BOYCHUKS' TRANSPORT LTD., P.O. Box 6298, Station "C" Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *fiberboard,* from points in Flathead County, MT to ports of entry on the international boundary line between the U.S. and Canada.

MC 147211 (Sub-2F), filed June 11, 1980. Applicant: THOMAS MEUDT. d.b.a. CERRITOS VALLEY REFRIGERATED FREIGHT LINES, 12690 Fieldstone, P.O. Box 7848, Riverside, CA 92513. Representative: James H. Lyons, 523 West 6th Street, Suite 1216, Los Angeles, CA 90014. *Contract carrier,* transporting *glassware, glass containers and closures,* between the City of Industry and Mira Loma, CA, on the one hand, and, on the other, Chandler, Glendale, Kingman, Mesa, Nogales, Phoenix, Prescott, Scottsdale, Tempe, Tuscon and Yuma, AZ, and Henderson, Las Vegas and Stateline (Clark County), NV, under continuing contract(s) with Owens-Illinois, Inc., of San Mateo, CA.

MC 148721 (Sub-2F), filed June 16, 1980. Applicant: H & D TRANSPORTATION, INC., 9850 Adella Avenue, South Gate, CA 90280. Representative: Milton W. Flack, 8383 Wilshire Blvd, Suite 900, Beverly Hills, CA 90211. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points in AZ, CA, ID, MT, NV, OR and WA, restricted to traffic moving from, to, or through facilities of ABC Trans National Transport, a freight forwarder as defined in Section 10102(8) of the Interstate Commerce Act; (b) from Los Angeles, CA to points in AZ, CA, ID, MT, NV, OR and WA, restricted to traffic moving from, to, or through facilities of Inter State Express, Inc., a freight forwarder, as defined in Section 10102(8) of the Interstate Commerce Act.

MC 148791 (Sub-7F), filed June 16, 1980. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier,* transporting (1) *evaporative coolers* and (2) *materials and supplies* used with the commodities in (1) from Phoenix, AZ to points in UT, ID, NV, CO, and points in CA north of an imaginary line extending east-west through Palmdale, CA, and El Paso, TX, under continuing contract(s) with McGraw-Edison Co., International Metal Division, of Scottsdale, AZ.

MC 149331 (Sub-1F), filed June 4, 1980. Applicant: CITY CAR RELEASING CO., INC., 11631 Mt. Elliott, Detroit, MI 48212. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Tranporting *motor vehicles,* moving in initial and secondary movements, in truckaway service, between Detroit, MI, and points in DE, NJ, MD, PA, VA, and DC.

MC 149331 (Sub-2F), filed June 4, 1980. Applicant: CITY CAR RELEASING CO., 11631 Mt. Elliott, Detroit, MI 48212. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Tranporting *motor vehicles,* moving in initial and secondary movements, in truckaway service, between Newark, DE; Wilmington, DE; Baltimore, MD, and points in MI, PA, MD, DE, NJ, VA and DC.

MC 150141 (Sub-1F), filed June 2, 1980. Applicant: MINNESOTA CONSUMER'S SUPPLY CO., INC., 5720 East River Road, #102, Minneapolis, MN 55432. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. Transporting (1) *plastics and stainless steel consoles and modules and proprietary plating solution used in the metal finishing industry and materials, supplies, and accessories* used in the manufacture and production thereof, between the facilities of Circuit Services, Inc., at or near Minneapolis, MN, 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 Circuit Services, Inc., and (2) *wines, non-alcoholic beverages and mixes, and malt beverages,* from Boston, MA; Baltimore, MD; and points in NY and NJ; Chicago, IL; Seattle, WA; points in CA: Salt Lake City, UT; and points on the international boundary line between the U.S. and Mexico located in TX to Minneapolis, MN; Chicago, IL; and Milwaukee, WI.

MC 150220 (Sub-1F), filed June 10, 1980. Applicant: Michael T. Spencer, d.b.a., MIKE SPENCER TRUCKING, P.O. Box 996, Yuba City, CA 95991. Representative: Walter H. Walker, III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *lumber and lumber products,* between points in ID, WA, OR, CA, NV, AZ, UT and CO.

MC 150231 (Sub-3F), filed June 12, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawerence Leahy (same address as applicant). Transporting (1) *iron and steel articles,* and (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture of iron and steel articles (1) from the facilities of Merco Mfg. at or near Little Rock, AR; Dallas, TX; and Houston, TX to points in AR, AL, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, OK, TN, TX and WI, and (2) from the points in states mentioned in (1) to the facilities of Merco Mfg. at or near Little Rock, AR; Dallas, TX; and Houston, TX.

MC 150231 (Sub-4F), filed June 10, 1980. Applicant: MAVERICK TRANSPORTATION, INC., 1803 East Broad St., Texarkana, AR 75502. Representative: Lawerence Leahy (same address as applicant). Transporting *concrete roofing tile* from the facilities of National Tile Industries, Inc. at or near Shawnee, OK to points in AR, AL, IA, IL, IN, KY, LA, MI, MN, MO, MS, OH, TN, TX and WI.

MC 150570 (Sub-1F), filed June 16, 1980. Applicant: C. U. TRUCKING COMPANY, 1805 Dot, McHenry, IL 60050. Representative: Douglas G.

Brown, P.C., The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *dry bulk cement*, from Milwaukee, WI, to Park City and McHenry, IL.

MC 150601 (Sub-1F), filed June 11, 1980. Applicant: McBURNEY TRANSPORT LIMITED, Box 427, Hagersville, Ontario, Canada. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier*, transporting (1) *peat moss, marble chips, bark, humus, decorative stone, kitty-litter, manure, soil*, and *horticultural products*, (2) *explosives, explosive ingredients* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (2) between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the US (including AK but excluding HI).

MC 150971F, filed June 4, 1980. Applicant: G. NAPOLITANO TRUCKING CORP., 1 Ross Court, Manorville, NY 11949. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier*, transporting (1) *fiberglass reinforced panels* and (2) *supplies, materials and equipment* used in their manufacture (except commodities in bulk), between East Setauket and Wyandanch, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Lunn Industries, Inc. of Wyandanch, NY.

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Decided: July 14, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill Member Hill not participating.

MC 11722 (Sub-65F), filed October 2, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Transporting (1) *aluminum plate and aluminum sheet*, from the facilities of Kaiser Aluminum and Chemical Corporation, at Trentwood, WA, to point in CA, and (2) *fertilizers and agricultural chemicals*, from points in CA, to points in OR and WA.

MC 44913 (Sub-20F), filed March 10, 1980. (correction), previously published in the **Federal Register** issue of May 9, 1980, and republished this issue. Applicant: E. ROSCOE WILLEY, INC., a DE corporation, P.O. Box 116, Secretary, MD 21664. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Springs, MD 20910. Transporting *foodstuffs* (except frozen), from the facilities used by RJR Foods, Inc., at or near Cambridge and Secretary, MD, to Tampa, FL, Atlanta, GA, Kansas City, KS, Kenner, LA, Jackson (Jackson County) OH, and Garland and Houston, TX. (Hearing site: Washington, DC.)

Note.— This republication corrects the territory description.

MC 48302 (Sub-1F), filed March 31, 1980. Applicant: TONY TERAMANA, Jr., P.O. Box 116, Steubenville, OH 43701. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. Transporting *bulk commodities*, in dump vehicles, between points in Beaver County, PA, on the one hand, and, on the other, points in (1) Mahoning, Columbiana, Stark, Carroll, Jefferson, Belmont, Harrison, Tuscarawas, Monroe, Guernsey, and Washington Counties, OH, and (2) Brook, Hancock, Marshall, and Ohio Counties, WV.

MC 63562 (Sub-75F), filed September 22, 1979. Applicant: BN TRANSPORT INC., a DE corporation, 6775 East Evans Ave., P.O. Box 22696, Wellshire Station, Denver, CO 80224. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. 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 Muscatine, IA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Denver, CO, or Chicago, IL.)

MC 107012 (Sub-439F), filed October 1, 1979. 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) *plastic housewares, plastic toys*, and (2) *such commodities* as are distributed by mail order and catalogue stores, in mixed loads with plastic housewares and plastic toys, from the facilities of Tupperware Company, a Division of Dart Industries, at or near Hemingway, SC, to points in AL, GA, IN, NC, OH, VA, and WV. (Hearing site: Charlotte, SC, or Washington, DC.)

MC 107012 (Sub-441F), filed October 3, 1979. 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 *foodstuffs* (except commodities in bulk and commodities requiring mechanical refrigeration), from the facilities of Thomas J. Lipton, Inc. at or near (1) Flemington, NJ and (2) Galveston, TX to Morrow, GA, Chicago, IL, Louisville, KY, Detroit, MI, Minneapolis, MN, Independence, MO, North Charlotte, NC, Cleveland, and Columbus, OH, Memphis, TN, Jacksonville, FL, New Orleans, LA, Milwaukee, WI, and points in Brownstown Township, MI. (Hearing site: New York, NY or Washington, DC.)

MC 107012 (Sub-442F), filed October 3, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture*, crated from the facilities of Wilshire Furniture Co., at or near Hillsboro, TX, to points in AZ, CA, CO, IA, ID, KS, LA, MT, NM, ND, NV, OK, OR, SD, WA, and WY. (Hearing site: Dallas, TX, or Washington DC.)

MC 107012 (Sub-443F), filed October 3, 1979. 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) *cooling boxes*, water coolers, and containers for cooling boxes, and water coolers, and (2) *parts and accessories* for the commodities in (1) above, from the facilities of Gott Corporation at or near Winfield, KS, to points in the U.S. (except AK and HI). (Hearing site: Kansas City, KS, or St. Louis, MO.)

MC 107012 (Sub-444F), filed October 3, 1979. 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) *containers*, and *container ends*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Reynolds Metals Company. (Hearing site: Richmond VA, or Washington, DC.)

MC 107012 (Sub-550F), filed June 19, 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) *boats* and (2) *parts and accessories for boats*, from points in FL to points in the U.S. (except AK and HI).

Note.—Common control maybe involved.

MC 107012 (Sub-551F), filed June 19, 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) *air filtration products* and (2) materials used in the production of the commodities in (1) above between points in the U.S., on the one hand, and, on the other, the facilities of Precisionaire Inc., at Dallas, TX, New Orleans, LA, Atlanta, GA, Charlotte, NC, and St. Petersburg, FL.

MC 107012 (Sub-552F), filed June 23, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, P.O. Box 988, Fort Wayne, IN 46801, (219) 429–2224. Transporting *plastic parts and materials* used in the manufacture of household appliances, from Taunton, MA and Orange, CT to the facilities of Oster-Division of Sunbeam Corp. at Milwaukee, WI, McMinnville, TN, Cookeville, TN, and Dayton, TN.

MC 107012 (Sub-553F), filed June 23, 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 as applicant). Transporting *furniture* from Florence, SC to points in CT, DE, MD, ME, NH, NJ, PA, RI, VT, WV; and DC.

MC 107012 (Sub-554F), filed June 23, 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 as applicant). Transporting *new furniture* from Muscatine, IA to points in KS, KY, NV and TN.

MC 107012 (Sub-555F), filed June 23, 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 as applicant). Transporting (1) *Plastic articles* and (2) such commodities as are used in the manufacture and distribution of the commodities in (1) above, from the facilities of Rubbermaid Commercial Products, Inc., at or near Winchester, VA, to points in MO, IA, KS, IL and WI.

MC 109533 (Sub-125F), filed March 14, 1980. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, VA 23224. Representative: E. T. Liipfert, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036. 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 Kansas City, KS, and Houston, TX; from Kansas City over interstate Hwy 35 to junction Interstate Hwy 35E then over Interstate Hwy 35E to junction Interstate Hwy 45 then over Interstate Hwy 45 to Houston, and return over same route. (2) Between St. Louis, MO, and Houston, TX; from St. Louis over Interstate Hwy 44 to junction Interstate Hwy 35 then over Interstate Hwy 35 to junction Interstate Hwy 35E then over Interstate Hwy 35E to junction Interstate Hwy 45 then over Interstate Hwy 45 to Houston and return over same route. (3) Between Memphis, TN, and Houston, TX; from Memphis over Interstate Hwy 40 to junction Interstate Hwy 30 then over Interstate Hwy 30 to junction US Hwy 59, then over US Hwy 59 to Houston and return over same route. (4) Between Memphis, TN, and New Orleans, LA; from Memphis over Interstate Hwy 55 to junction Interstate Hwy 10 then over Interstate Hwy 10 to New Orleans and return over same route. (5) Between Memphis, TN, and junction Interstate Hwys 55 and 12 over Interstate Hwy 55. (6) Between Birmingham, AL, and junction Interstate Hwys 59 and 10 over Interstate Hwy 59. (7) Between Birmingham, AL, and Pensacola, FL; from Birmingham over Interstate Hwy 65 to junction US Hwy 31, then over US Hwy 31 to junction U.S. Hwy 29 then over US Hwy 29 to Pensacola and return over same route. (8) Between Birmingham and Mobile, AL, over Interstate Hwy 65. (9) Between Charleston, SC, and Jacksonville, FL; from Charleston over U.S. Hwy 17 to junction Interstate Hwy 95 then over Interstate Hwy 95 to Jacksonville and return over same route. (10) Between Albany, GA, and Tallahassee, FL; from Albany over US Hwy 19 to junction US Hwy 319, then over US Hwy 319 to Tallahassee, and return over same route. (11) Between Kansas City, KS, and Baton Rouge, LA; from Kansas City over Interstate Hwy 70 to junction US Hwy 65 then over US Hwy 65 to Natchez, MS, then over US Hwy 61 to Baton Rouge and return over same route. (12) Between Jefferson City, MO, and Houston, TX; from Jefferson City over US Hwy 54 to junction US Hwy 65 then over US Hwy 65 to junction Interstate Hwy 30, the over Interstate Hwy 30 to junction US Hwy 59 then over US Hwy 59 to Houston and return over same route. (13) Between Jefferson City, MO and Baton Rouge, LA; from Jefferson City over US Hwy 54 to junction US Hwy 65 then over US Hwy 65 to Natchez, MS then over US Hwy 61 to Baton Rouge and return over same route. (14) Between Birmingham, AL and junction US Hwy 231 and Interstate Hwy 10; from Birmingham over Interstate Hwy 65 to junction US Hwy 231 then over US Hwy 231 to junction Interstate Hwy 10 and return over the same route, serving no intermediate points in (1) through (14).

Note.—(1) Applicant states that it presently has authority to serve the termini of all routes requested, and seeks by the application to gain authority to operate over the most direct routes between terminal and other key points for the purpose of fuel savings. (2) Applicant intends to tack the authority sought with otherwise authorized regular and irregular route operations.

MC 110012 (Sub-73F), filed June 23, 1980. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, N.W., Washington, DC 20004. Transporting (1) *foodstuffs* (except in bulk) and (2) *equipment and supplies* used in the manufacture of the commodities in (1) above between the facilities of Moody Dunbar, Inc. at or near Limestone, TN on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 111812 (Sub-732F), filed June 19, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: R. H. Jinks (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the facilities of the Purex Corporation at or near Marion and London, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 111812 (Sub-733F), filed June 23, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: R. H. Jinks (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in IL, IN, IA, MN, MO, NE, SD and WI, restricted to traffic originating at or destined to the facilities of Minnesota Mining and Manufacturing Co. or its wholly owned subsidiaries.

MC 112713 (Sub-304F), filed May 14, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, Overland Park, KS 66207. Representative: Robert E. DeLand (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 Zodiac of North America, at or near Stevensville, MD, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

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) or submit an affidavit indicating why such approval is unnecessary.

MC 112822 (Sub-482F), filed June 19, 1980. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little Street, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting (1) *Petroleum and petroleum products, automotive chemicals, and cleaning compounds,* and (2) equipment, materials, and supplies, used by automotive service centers (except commodities in bulk), between the facilities of Valvoline Oil Company, a division of of Ashland Oil, Inc. at Willow Springs, IL, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI, and WY, restricted to traffic originating at or destined to the named facilities.

MC 113362 (Sub-397F), filed June 23, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Millwork, Hardwood Furniture Squares, and Harwood Furniture Parts,* from the plant site of Davidson McNair Products Company, at Oil City, PA, to points in CT, MA, NC, NJ, NY, RI, and VA.

MC 114273 (Sub-719F), filed April 4, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *appliances and parts* for appliances, (1) between Fayetteville, TN, and points in IA, and (2) between Amana, IA, on the one hand, and, on the other, points in KS, MN, MO, NE, NJ, NY, and DC.

MC 115162 (Sub-533F), filed June 24, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant). Transporting: (1)(i) *Petroleum and petroleum products, and (ii) paints and gasoline additives, in containers,* (a) From Beaumont, TX to points in the US in and east of ND, SD, NE, KS, OK, and TX (except points in MS, AL, GA, TN, FL and KY), and (b) From Cincinnati and Hamilton, OH and Highlands, TX to those points in the US in and east of ND, SD, NE, KS, OK, and TX, and *(2) Materials and equipment used in the manufacture and distribution of* the commodities in (1) above, in the reverse direction.

MC 116273 (Sub-254F), filed May 5, 1980. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). Transporting *liquid wax,* in bulk, in tank vehicles, (1) from Richmond, CA, Farmers Valley and Rouseville, PA, Port Arthur, TX, and Congo, WV, to points in the U.S. (except AK and HI), and (2) from Skokie, IL, to points in the U.S. (except AK, HI, IL, IN, IA, MI, MN, MO, WI, OH, KS, OK, NE, KY, CO, and WY).

MC 118612 (Sub-9F), filed April 7, 1980. Applicant: COLUMBIA TRUCKING, INC., 700—131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. Transporting *asphalt and tar,* from points in IN to the facilities of Johns-Manville Sales Corp. at Waukegan, IL. (Hearing site: Chicago, IL.)

MC 118612 (Sub-10F), filed April 7, 1980. Applicant: COLUMBIA TRUCKING, INC., 700—131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. Transporting *hot asphalt,* in bulk, in tank vehicles, from Summit, IL, to points in IN, IA, WI, MN, OH, MI and MO.

MC 126822 (Sub-95F), filed June 19, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). Transporting *chemicals, and such commodities as are dealt in or used by manufacturers of a chemical manufacturing company, in packages,* between points in U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of The PQ Corporation.

MC 129032 (Sub-128F), filed June 23, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Ave., Tulsa, OK 74121. Representative: John P. Fisher, 256 Montgomery Street—5th Floor, San Francisco, CA 94104. Transporting (1) *malt beverages* (except in bulk) from the facilities of G. Heileman Brewery at or near Newport, KY, to points in OK, and (2) *empty containers* in the reverse direction.

MC 135082 (Sub-92F), filed May 9, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: D. F. Jones (same address as applicant). Transporting *scrap car bodies,* (1) from points in TX west and south of a line beginning at the TX-OK State line on U.S. Hwy 283, then over U.S. Hwy 283 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction Texas Hwy 44, then over Texas Hwy 44 to Corpus Christi, TX; and (2) from points in TX west and south of a line beginning at the TX-OK State line on U.S. Hwy 283, then over U.S. Hwy 283 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 57, then over U.S. Hwy 57 to Eagle Pass, TX.

MC 136123 (Sub-7F), filed March 31, 1980. Applicant: MEAT DISPATCH, INC., a DE Corporation, P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers (except commodities in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities uses by Ball Corporation. Condition: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation of Certificate MC 127274 Sub 30, issued December 6, 1972.

MC 139923 (Sub-73F), filed March 31, 1980. Applicant: MILLER TRUCKING COMPANY, INC., 105 South 8th Street, Stroud, OK 74079. Representative: Edward L. Handlin (same address as applicant). Transporting *bakery pan coating* (except in bulk), between points in CA, on the one hand, and, on the other, points in PA, OR, LA and AZ. (Hearing site: Tulsa, or Oklahoma City, OK.)

MC 139973 (Sub-84F), filed April 25, 1980. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting (1) *construction machinery,* (2) *agricultural machinery and implements,* (3) *valves and fittings,* (4) *electrical appliances,* (5) *automotive equipment and automotive accessories,* (6) *chains,* (7) *pumps,* (8) *compressors,* (9) *iron and steel articles* and (1) *equipment materials and supplies* used in the manufacture, sale and distribution of the commodities in (1) through (9) (except commodities in bulk), between Boaz and Huntsville, AL, Florence, KY, St. Louis, MO, Boyertown and York, PA, Clemmons, NC, Minneapolis, MN, Taneytown, MD, Shawnee, OK, Mountainside, Harrison and East Orange, NJ, Norwood, Holyoke, Canton and Avon, MA, and Maspeth, Buffalo, Cortland, and Wellsville, NY, on the one hand, and, on the other, those points in

the U.S. in and west of ND, SD, NE, KS, OK and TX (except AK and HI), restricted to traffic originating at or destined to the facilities of McGraw-Edison Co., and its subsidiaries.

MC 140652 (Sub-2F), filed April 23, 1980. Applicant: S. C. HUTCHINSON COMPANY, INC., 428 Gervais St., Columbia, SC 29202. Representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202. *Contract carrier,* transporting *furnaces, filters, and parts for furnaces,* (except commodities in bulk) from the facilities of Ducane Heating Corporation, at Blackville, SC, to Houston, Dallas, and Ft. Worth, TX, Kenner and New Orleans, LA, Sacramento and Fullerton, CA, Marshalltown, IA and Utica, NY, under continuing contract(s) with Ducane Heating Corporation, of Blackville, SC.

MC 141532 (Sub-79F), filed June 20, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. Transporting *iron and steel articles* from the facilities of Soule Steel in Los Angeles County, CA, to points in ID, NV and UT.

MC 141932 (Sub-30F), filed April 21, 1980. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Garnder (same as applicant). Transporting (1) *plastic and rubber articles* and (2) *materials, cellular, expanded or foam,* equipment and supplies used in the manufacture of commodities in (1) above, between Baltimore and Jessup, MD, on the one hand, and, on the other, points in CT, DE, ME, MA, NH, NJ, NY, PA and RI, restricted to originating at or destined to the facilities used by William T. Burnett & Co., Inc.

MC 142672 (Sub-146F), filed June 23, 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 (1) *electric motors, grinders, buffers, dental lathes, dust collectors and pedestals;* and, (2) *parts, accessories and attachments* for the commodities in (1) above, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) and (2) above, (i) from the facilities of Baldor Electric Company, at or near Columbus, MS and Westville, OK, and (ii) from points in Ohio to the facilities of Baldor Electric Company, at or near Columbus, MS.

Note.—Dual operations may be involved.

MC 142672 (Sub-147F), filed June 20, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Drawer F, Fayetteville, AR 72701. Transporting (1) *meats, meat products and meat byproducts and articles distributed by meat-packing houses as described in sections A and C of appendix 1 to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), and, (2) *foodstuffs,* in mixed loads with the commodities in (1) above, from the facilities used by Oscar Mayer and Company, at Beardstown, IL and points in IA, to the facilities used by Oscar Mayer & Company at points in Texas.

MC 143533 (Sub-5F), filed March 7, 1980. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., P.O. Box 236, Versailles, CT 06383. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. *Contract carrier,* transporting (1) *such commodities* as are dealt in or used by manufacturers of personal care items, between Stamford, CT, La Mirada and Camerillo, CA, and Gadsden, AL, on the one hand, and, on the other, points in OH, MI, NC, IL, CA, GA, TX, and CT, under continuing contract(s) with Clairol, Inc., of Stamford, CT, and (2)(a) *bricks, cinder block, concrete block, profile block, pre-stressed concrete, and concrete products,* and (b) *materials and supplies* used in the manufacture and distribution of the commodities in (2)(a) above, between the facilities of Plasticrete Inc., at North Haven, CT, on the one hand, and, on the other, points in NH, VT, ME, MA, RI, NY, NJ, PA, WI, and MN, under continuing contract(s) with Plasticrete Block & Supply Corp., of North Haven, CT.

MC 145772 (Sub-8F), filed October 4, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. Transporting *such commodities* as are dealt in by retail mail order houses, (except furniture), from the facilities of Unity Buying Service Co., Inc., at Schaumburg, IL, to points in MN, WI, and the Upper Peninsula of MI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 145772 (Sub-9F), filed October 4, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203. Transporting *fluid automotive products* (except in bulk in tank vehicles), from Cicero, IL, to Waukesha, WI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 147552 (Sub-8F), filed June 19, 1980. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis Street, New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth Street, Suite 502, Solar Building, Washington, DC 20036. Transporting (1) *paper and paper products,* and (2) *materials and supplies* used in the manufacture and conversion of papers and paper products (except commodities in bulk), between the facilities of Olinkraft at or near West Monroe, LA, on the one hand, and, on the other, New Orleans and Lake Charles, LA, and Houston and Galveston, TX, restricted to traffic having a prior or subsequent movement by rail or water.

MC 148392 (Sub-2F), filed February 8, 1980. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, TN 38501. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (a) between Chattnooga and Bristol, TN: from Chattanooga over U.S. Hwy 11 to junction U.S. Hwy 11W, then over U.S. Hwy 11W to Bristol and return over the same route, serving the intermediate point of Knoxville, TN, and also all intermediate points between Surgoinsville, TN and Bristol, TN, including but not limited to Surgoinsville and Kingsport, TN, and lying within two miles of that segment of U.S. Hwy 11W which extends between Surgoinsville and Kingsport, TN; (b) between Knoxville and Bristol, TN, over U.S. Hwy 11E, serving all intermediate points between Jonesboro, TN, and Bristol, TN, including Jonesboro; (c) Between Knoxville and Bristol, TN: from Knoxville over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, serving all intermediate points between junction TN Hwy 137 with Interstate Hwy 81 and Bristol; (d) between Chattanooga and Knoxville, TN over Interstate Hwy 75, serving no intermediate points; (e) between Johnson City and Kingsport, TN over TN Hwy 137, serving all intermediate points; (f) between Kingsport and Erwin, TN over U.S. Hwy 23, serving all intermediate points; (g) between Elizabethton and Bristol TN:

from Elizabethton over U.S. Hwy 19E to junction U.S. Hwy 19, then over U.S. Hwy 19 to Bristol, and return over the same route, serving all intermediate points; (h) between Elizabethton and Johnson City, TN over U.S. Hwy 321, serving all intermediate points; (i) between Bristol and Kingsport, TN: from Bristol over U.S. Hwy 11 to junction TN Hwy 126, then over TN Hwy 126 to Kingsport, and return over the same route, serving all intermediate points; (j) between Blountville, TN, and junction TN Hwy 75 and U.S. Hwy 23, over TN Hwy 75, serving all intermediate points; (k) between Blountville and Bluff City, TN over TN Hwy 37, serving all intermediate points, restricted in (a) thru (k) above against any movements where both the origin and destination points between which this carrier performs its service are both points which are North or East of Knoxville, TN. (Hearing site: Knoxville, TN.)

Note.—Applicant intends to tack.

Volume No. 293

Decided: July 18, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 19338 (Sub-1F), filed June 5, 1980. Applicant: RAYMOND W. WEDE, Gray, IA 50110. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting: *Liquid fertilizer,* in bulk, in tank vehicles, from points in NE to Audubon, IA. (Hearing site: Des Moines, IA or Kansas City, MO.)

MC 28088 (Sub-55F), filed June 6, 1980. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main Street, Harrisonburg, VA 22801. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting (1) *paperback books in paperboard cartons;* from Harrisonburg, VA to points in CA, CT, FL, GA, IL, IN, MD, MA, NJ, NY, NC, OH, PA, TN, WI and DC; and (2) *materials, equipment and supplies* used in the manufacture and distribution of paperback books from points in AL, MI, OH and WI to Harrisonburg, VA. (Hearing site: Harrisonburg, VA or Washington, DC.)

MC 52579 (Sub-207F), filed June 4, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. Transporting *wearing apparel,* in cartons and on hangers, from points in (1) FL to points in NY, NJ, CN, and Dallas, TX, Chicago, IL, and Washington, DC and (2) points in NY and NJ to facilities of Burdines (division Federated Department Stores) and Jefferson at Miami, FL. (Hearing site: Washington, DC or New York, NY.)

MC 73688 (Sub-117F), filed June 5, 1980. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, P.O. Box 7195, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. Transporting: *Brick,* fire or fire brick shapes; *cement or mortar, refractories materials,* and *commodities,* the transportation of which because of their size or weight require the use of special equipment, between points in AL, on the one hand, and, on the other, points in AL, MS, LA, TN, KY, GA, FL, NC, SC, MO, AR, OK, TX, IL, IN, PA, VA, WV and OH.

MC 78118 (Sub-55F), filed June 5, 1980. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Representative: Christian V. Graf, 407 N. Front Street, Harrisburg, PA 17101. Transporting (1) *Paper and paper products, plastics and plastic products, chemicals* (except commodities in bulk) and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1), (except commodities in bulk) between points in the U.S. in and east of MI, IN, KY, TN and MS (except NY, ME, NH, VT, CT, MA and RI), restricted to transportation of traffic originating at or destined to the facilities of Union Camp Corporation.

MC 78118 (Sub-56F), filed June 5, 1980. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except those of unusual value, ammunition, household goods as defined by the Commission and commodities in bulk) between points in the U.S. in and east of MI, IN, KY, TN and MS (except NY, ME, NH, VT, CT, MA and RI), limited to transportation to or from the facilities of PPG Industries.

MC 97068 (Sub-21F), filed June 5, 1980. Applicant: H. S. ANDERSON TRUCKING COMPANY, P.O. Box 3656, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *tubing,* and *iron and steel articles,* between Conroe, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MS, MO, NM, NC, OK, SC, and TN. (Hearing site: Houston, TX.)

MC 97068 (Sub-22F), filed June 5, 1980. Applicant: H. S. ANDERSON TRUCKING COMPANY, P.O. Box 3656, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *iron and steel articles* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1), between the facilities of Nucor Steel Company at or near Jewett, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NM, NC, OK, SC, and TN. (Hearing site: Houston, TX.)

MC 108119 (Sub-269F), filed June 4, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1) *road construction and maintenance equipment and lift trucks, and (2) parts, attachments and accessories* for the commodities in (1) between the facilities of Wheeler Machinery at Salt Lake City, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, NM, OR, WA and WY, restricted to traffic originating at points on one base and destined to points on the other base.

MC 109818 (Sub-85F), filed June 6, 1980. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting: (1) (a) *environmental equipment, metal buildings, and grain handling equipment,* and (b) *accessories and parts* for the commodities in (1)(a), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of those commodities in (1), (1) from the facilities of Bantam Systems of Nebraska and Welco Control Systems, at or near Hastings, NE, to points in the U.S. and (2) in the reverse direction. (Hearing site: Des Moines, IA.)

MC 110098 (Sub-184F), filed June 4, 1980. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road (Box 20380), San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting *paper and paper products,* between Dallas, TX, on the one hand, and, on the other, points in the U.S. in and west of NM, CO, WY, and MT. (Hearing site: Dallas, TX.)

MC 110098 (Sub-185F), filed June 4, 1980. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road (Box 20380), San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Tolleson, AZ, to points in CA, NV, UT, CO, NM, MT, WY, ND, and SD. (Hearing site: Dallas, TX.)

MC 110098 (Sub-186F), filed June 4, 1980. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road (Box 20380), San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting *Hydraulic cement and liquid starch* (except in bulk), *guy anchor rods, steel forms and molds,* in packages or on pallets, from Chicago, IL to San Antonio, TX, restricted to traffic destined to the Rufus Walker Company. (Hearing site: San Antonio, TX.)

MC 119988 (Sub-255F), filed May 23, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the U.S. (except AK and HI), restricted to shipments originating at or destined to the facilities of Ralston Purina. (Hearing site: Dallas, TX.)

MC 119988 (Sub-256F), filed May 29, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *such merchandise* as is dealt in by retail department stores (except in bulk), from points in the U.S. (except AK and HI) to the facilities of Lebow Wholesale Distributors, Inc., at Houston, TX.

MC 119988 (Sub-257F), filed June 3, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: A. William Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *such commodities* as are dealt in by retail department stores, and *materials, equipments, and supplies* used in their distribution between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Bealls Department Stores.

MC 121568 (Sub-34F), filed May 19, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same as applicant). Transporting *case register paper, printed forms, computer paper, printing paper, ribbons, film plastic duplicating, chemicals, mirco film viewing machines, and materials, equipment, and supplies* used in the manufacture and distribution of these commodities (except in bulk), between the facilities used by NCR Corporation at or near Morristown and Humboldt, TN on the one hand, and, on the other, points in AR, LA, MS, OK, and TX.

Note.—Applicant intends to tack with existing authority and interline at Memphis and Nashville, TN and all other authorized points.

MC 121568 (Sub-35F), filed June 4, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representive: James G. Caldwell (same as applicant). Transporting *castings, iron and steel,* and *materials, equipment, and supplies* used in the manufacture and distribution of these commodities (except in bulk), between Lufkin, TX and points in TN.

Note.—Applicant intends to tack with existing authority and interline at Memphis and Nashville, TN and other authorized points.

MC 121568 (Sub-36F), filed June 6, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same as applicant). Transporting *paint,* and the *materials, equipment, and supplies* used in the manufacture and distribution of these commodities (except in bulk) between Dallas-Ft. Worth, TX, on the one hand, and, on the other points in MO, AR, LA, MS, TX, and NC.

Note.—Applicant intends to tack with existing authority and interline at Memphis and Nashville, TN and other authorized points.

MC 121658 (Sub-33F), filed June 6, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39204. Transporting (1) *power supply cords;* (2) *electric cord sets;* (3) *battery cables with terminals;* and (4) *cable harnesses* between Clinton and Dumas, AR, on the one hand, and, on the other, Memphis, TN, restricted to traffic originating at or destined to facilities used by Belden Corporation. (Hearing site: Memphis, TN or Geneva, IL.)

MC 124078 (Sub-1030F), filed June 6, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting: (1) (a) *aluminum sulfate,* liquid, in bulk, in tank vehicles, from Austell, GA to points in AL, FL, NC, SC and TN; (b) *chemicals,* in bulk, in tank vehicles, from points in AL, FL, NC, SC and TN to Austell, GA; (2) *sugars, syrups and blends* in bulk, in tank vehicles, from Atlanta, GA to points in AL, FL, IN, NC, SC, TN and VA. (Hearing site: Atlanta, GA.)

MC 125368 (Sub-115F), filed June 5, 1980. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, P.O. Box 26, Holly Ridge, NC 28445. Transporting *flat glass,* uncrated, and *crated flat glass* in mixed shipments with uncrated flat glass, (1) from the facilities of PPG Industries, at or near Crystal City, MO, Kerbert Park, PA, Mt. Holly Springs, PA, and Mt. Zion, IL, to points in the U.S. (except Hartford, CT, Jacksonville, FL, Los Angeles, CA, Cockeysville, MD, Ford City, PA, Williamsville, OR, Norfolk, VA, Rochester, NY, Houston, TX and points in AK and HI), and (2) from the facilities of PPG Industries at or near Cumberland, MD and Wichita Falls, TX, to points in the U.S. (except AK and HI).

MC 136318 (Sub-67F), filed June 10, 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, In 46052. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Contract carrier,* transporting (1) *television sets, radios, phonographs, stero systems, recorders, players, recorded material, television stands, speaker systems, and audio equipment,* and (2) *accessories, components and parts of the commodities set forth in (1) above,* and (3) *materials, supplies and equipment* used in the manufacture, production and distribution of the commodities set forth in (1) and (2), between points in IN and CA on the one hand, and, on the other, points in VA, (1) restricted against the transportation of commodities in bulk, in tank vehicles, and (2) restricted to traffic originating at or destined to the facilities of RCA Corporation, and (3) under a continuing contract(s) with RCA Corporation. (Hearing site: Philadelphia, PA.)

Note.—Dual operations are involved.

MC 138279 (Sub-18F), filed June 13, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). Contract carrier, transporting (1) (a) *copper, copper products, copper sulfate, and chemicals* (except in bulk) and (b) *commodities* used in the manufacture and distribution of the commodities in (a) above (except in bulk), between El Paso, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) (a) *copper, copper products, and cable,* and (b) *commodities* used in the manufacture and distribution of the commodities in (a) above (except in bulk), between Atlanta, GA; Bedford Park, IL; Elizabethtown, KY; El Paso, and Houston, TX; Fordyce, AR; Ft. Wayne,

IN; Hopkinsville, KY; Neward, OH; Norwich, CT: and Santa Clara, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Phelps Dodge Refining Corporation, of New York, NY, and in (2) above with Phelps Dodge Industries, Inc., of New York, NY.

Note.—Dual operations are involved.

MC 138308 (Sub-119F), filed June 6, 1980. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *clay and clay products* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities used by Filtrol Corporation (except commodities in bulk). (Hearing site: Jackson, MS or Washington, D.C.)

Note.—Dual operations are involved.

MC 140928 (Sub-2F), filed June 6, 1980. Applicant: VULCAN FREIGHT LINES, INC., P.O. Box 6223–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting (1) *metal and metal articles, paper and paper articles, plastic and plastic articles, lumber, wood products and wood articles,* (2) *construction, communication, electrical, and loading equipment,* (3) *generators and engines,* and (4) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1), (2), and (3), (except commodities in bulk), between points in AL on the one hand, and, on the other, points in GA, TN, MS, KY, and LA.

MC 141548 (Sub-16F), filed June 5, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347–TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Transporting (1) *buildings, building sections, and materials and supplies* used in the construction and erection of buildings, and (2) *building materials* and iron and steel articles, from the facilities of Inryco, Inc., at Milwaukee, WI, to points in AZ, CA, and NV, restricted in (1) and (2) to traffic originating at the named facilities.

MC 141958 (Sub-18F), filed June 13, 1980. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 422, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier,* transporting: *chewing gum,* from Chicago, IL to Dallas, TX, under continuing contract(s) with Wm. Wrigley, Jr., company of Chicago, IL 60611. Hearing site: Chicago, IL.

MC 143489 (Sub-3F), filed June 2, 1980. Applicant: R. B. HUMPHREYS, INC., Tibbitts Road, New Hartford, NY 13413. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501. Contract carrier, transporting *dry expanded animal food, in bags, and materials and supplies used in the manufacturing and packaging of animal foods,* between Sherburne, NY, on the one hand, and, on the other, points in MA, ME, PA, OH, VT, NH, CT, RI, NJ, DE, VA, WI, IA, IL, MI, IN, and WV, under continuing contracts(s) with Chenango Valley Pet Foods Inc. of Sherburne, NY.

MC 144069 (Sub-19F), filed June 4, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting (1) *iron and steel articles* (a) between the facilities of Carolina Steel Corporation and its subsidiaries at or near Hickory, NC, Charlotte, NC, Winston Salem, NC, Greensboro, NC, Augusta, GA, Colfax, NC, Columbia, SC, Lynchburg, VA, Richmond, VA, Roanoke, VA, Wilson, NC, and Taylor, SC, on the one hand, and, on the other, points in NC, SC, GA, FL, AL, TN, KY, OH, PA, WV, VA, MD and DC; (b) between the facilities of Florida Steel Corporation at or near Charlotte, NC, on the one hand, and, on the other, points in FL; (c) between Duluth, GA, on the one hand, and, on the other, points in SC and NC; (2) *iron, steel and aluminum articles* between the facilities of Consolidated Systems, Inc. and their Southeastern Coated Products Division at or near Columbia, SC, on the one hand, and, on the other, the ports at Charleston and North Charleston, SC, and ports in GA, FL, AL, TN, KY, OH, PA, WV, VA, DC, MD and NC; (3) *iron, steel and plastic articles* (a) between the facilities of Greensboro Pipe Co., at or near Greensboro, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, TN, KY, WV, OH, PA, MD, VA and DC; (b) between Baltimore, MD, Norfolk, VA, Wilmington, NC, Charleston, SC, Savannah, GA, and Jacksonville, FL, on the one hand, and, on the other points in NC, SC, GA, FL, AL, TN, KY, WV, OH, PA, MD, VA and DC; and (4) *aluminum articles* between the facilities of Carolina Aluminum Co., at or near Burlington, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, TN, KY, WV, OH, PA, MD, DE, NJ, VA and DC. (Hearing site: Charlotte, NC.)

MC 144069 (Sub-20F), filed June 6, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: Ralph McDonald, PO Box 2246, Raleigh, NC 27602. Transporting (1) *building materials and supplies* (a) between the facilities of P. R. International, Inc. at or near Greensboro, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, TN, KY, WV, OH, PA, VA, MD and DC; (b) between the facilities of Pat Brown Lumber Corporation at Columbia, SC, on the one, hand, and, on the other, Hoffman, NC; (c) between Morganton, NC, on the one hand, and, on the other, Sumter, SC; (d) between Wilmington, NC, on the one hand, and, on the other, Charleston and Sumter, SC; (e) between Georgetown and Charleston, SC, on the one hand, and, on the other, points in GA, NC and VA; (2) *precast and prestressed structural concrete products and materials, supplies and equipment* used in the manufacture and erection of structural concrete products (except commodities in bulk) between the facilities of Arnold Stone Company, a subsidiary of Carolina Steel Corporation, at Colfax, NC, and Cast-A-Stone Company, a subsidiary of Carolina Steel Corporation at Raleigh, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, TN, KY, WV, OH, PA, MD, VA and DC. (Hearing site: Charlotte, NC.)

MC 144259 (Sub-9F), filed June 17, 1980. Applicant: JENNARO LINES, INC., 2332 South Peck Road, Whittier, CA 90601. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract carrier,* transporting *candy,* in vehicles equipped with mechanical refrigeration, from the facilities of Andes Candies, Inc, at or near Delavan, WI, to points in AZ and CA. (Hearing site: Los Angeles, CA.)

MC 144599 (Sub-6F), filed June 11, 1980. Applicant: TRANSFER, INC., 4750 Kentucky Ave., Indianapolis, IN 46241. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract carrier,* transporting *boxes, TV sets, boxes, stands or tables, TV metal or wood, boxes, recorders, tape or wire, boxes, tape video recording blanks,* from the facilities of Trans-City Terminal Warehouse, Inc., Indianapolis, IN to points in IL, KY, MI, MO, OH, TN and WI. Under a continuing contract(s) with General Electric Company. (Hearing site: Washington, D.C. or Indianapolis, IN.)

MC 145219 (Sub-13F), filed May 29, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA 31402. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Transporting *materials, equipment and supplies* used in the manufacture of

tires, tread stock and tubes, from points in AL, FL, GA, NC and SC to Findlay and Rossford, OH and Texarkana, AR. (Hearing site: Washington, DC or Columbus, OH.)

Note.—Dual operations may be involved.

MC 145219 (Sub-14F), filed June 2, 1980. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 2726, Savannah, GA 31402. Representative: B. M. Shirley (address same as applicant). Transporting *iron or steel articles* and *equipment, materials and supplies* used in the distribution or installation of iron or steel articles, from points in AL, FL, GA, IL, IN, KY, MD, NE, NC, OH, PA, SC, TN, TX, VA and WV to facilities used by Chatham Steel Corporation in Chatham County, GA and Richland County, SC. (Hearing site: Savannah or Atlanta, GA.)

MC 145359 (Sub-26F), filed June 2, 1980. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46240. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *aluminum steel and vinyl siding* from the facilities of Revere Aluminum Building products, Inc. at or near Franklin Park, IL, 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) from points in the U.S. (except AK and HI) to Franklin Park, IL.

MC 145359 (Sub-27F), filed June 6, 1980. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *plastic products*, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Transparent Products Corporation or its customers.

MC 145359 (Sub-28F), filed June 6, 1980. Applicant: THERMO TRANSPORT, INC., 156 E. Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Revere Copper & Brass Incorporated and its subsidiaries.

MC 146218 (Sub-2F), filed June 3, 1980. Applicant: REMO G. RICCI, d.b.a. RICCI BROTHERS, TRUCKING, 600 Stage Gulch Road, Petaluma, CA 94952. Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Transporting *agricultural commodities* in bulk, between points in CA in and north of San Luis Obispo, Kern and San Bernardino Counties, on the one hand, and, on the other, points in Douglas, Lyon, Churchill, Storey, Humboldt, Pershing and Washoe Counties, NV.

MC 146628 (Sub-6F), filed June 18, 1980. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier*, transporting *meats, food products, foodstuffs, restaurant supplies*, in vehicles equipped with mechanical refrigeration, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Rymer/Munic Packing Co., Inc., of Chicago, IL.

MC 146788 (Sub-3F), filed June 11, 1980. Applicant: JOHNSON TRUCKING COMPANY, 913 South 13th Place, Norfolk, NE 68701. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Contract carrier*, transporting *iron and steel articles*, and *materials, equipments, and supplies* used in the manufacture thereof between the facilities used by Jessen Manufacturing in NE on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Jessen Manufacturing Company, of Battle Creek, NE.

MC 146789 (Sub-3F), filed June 10, 1980. Applicant: O'DEY TRANSPORTATION, 104 Monroe Avenue, Norfolk, NE 68701. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Contract carrier*, transporting *iron and steel articles*, and *materials, equipment, and supplies* used in the manufacture thereof, between the facilities used by Jessen Manufacturing in NE on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Jessen Manufacturing Company, of Battle Creek, NE.

MC 147198 (Sub-6F), filed May 30, 1980. Applicant: P. & E.I. TRUCKLINES, INC., Box 175, Rossville, IL 60963. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *general commodities* (except articles of unusual value, household goods and explosives), between points in IA, IL, IN, KY, MI, MN, MO, OH, and WI, restricted to traffic originating at or destined to the facilities of or used by the Ralston Purina Company.

MC 147329 (Sub-3F), filed June 12, 1980. Applicant: ALL STATE TRANSPORT, INC., 5959 So. Alameda St., Los Angeles, CA 90001. Representative: William Davidson, 2455 East 27th St., Vernon, CA 90058. *Contract Carrier*, Transporting *ferrous and non-ferrous metals, and ferrous and non-ferrous metal articles*, between points in CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and AZ, under continuing contract(s) with California Steel Works, Inc., Capitol Metals Co., Inc., of Livermore, CA, and Capitol Metals Co., Inc., of Torrance, CA. (Hearing site: Los Angeles, CA.)

MC 147619 (Sub-10F), filed June 6, 1980. Applicant: D.D.S. TRANSPORT, INC., P.O. Box 20622, Salt Lake City, UT 84120. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Transporting: *alcoholic beverages*, (1) from Louisville, Clermont, Lawrenceburg, Frankfort and Bardstown, KY; New York, NY; Allen Park, MI; Lynchburg and Nashville, TN; Chicago and Peoria, IL; Philadelphia, PA; Oklahoma City and Tulsa, OK; Baltimore, MD; Lawrenceburg, IN; Cincinnati, OH; Englewood Cliffs, NJ; Jacksonville, FL; and St. Louis, MO, to points in CA and Seattle, WA, and (2) from Union City, CA to Seattle, WA. (Hearing site: Salt Lake City, UT.)

MC 147858 (Sub-2F), filed June 2, 1980. Applicant: SEA-TAC INTERNATIONAL WAREHOUSE, INC., 20 S. Idaho, Seattle, WA 98134. Representative: David W. Wiley, 1100 Norton Building, Seattle, WA 98104. Transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) within the Seattle commercial zone.

MC 148339 (Sub-5F), filed June 3, 1980. Applicant: WM. POTT & SON, INC., 5547 Cheviot Rd., Cincinnati, OH 43239. Representative: Kevin R. Reichley, 50 W. Broad St., Columbus, OH 43215. *Such commodities* as are dealt in or used by manufacturers of bedding or upholstery (except commodities in bulk) (1) between Nicholasville, Simpsonville, and Winchester, KY, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, MA, MI, MS, MO, NC, OH, PA, SC, TX, VA, and WV; and (2) between Mason, OH, on the one hand, and, on the other, points in AL, FL, GA, MA, and SC. (Hearing site: Cincinnati or Columbus, OH, or Washington, D.C.)

MC 148679 (Sub-2F), filed June 6, 1980. Applicant: SHEL PRODUCTS, INC., d.b.a. SHELTON TRUCKING, 2211 East

DuPont Ave., Belle, WV 25015. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *such commodities* as are dealt in by grocery houses (except commodities in bulk), between Kenova, WV, points in KY on and east of Interstate Hwy 75, those in Ohio on and south of U.S. Hwy 50 and on and east of U.S. Hwy 23; and those in WV on and south of U.S. Hwy 50, on the one hand, and on the other, points in AL, FL, GA, IN, KS, KY, MD, MO, NC, OH, PA, and VA. (Hearing site: Charleston, WV.)

MC 148708 (Sub-4F), filed June 6, 1980. Applicant: W. F. DOYLE ENTERPRISES, INC., d.b.a. R. D. CARTAGE, 4720 W. 55th St., Chicago, IL 60629. Representative: Robert J. Gill, First Commercial Bk. Bldg., 410 Cortez Rd. W., Bradenton, FL 33507. Transporting *general commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which require the use of special equipment) restricted to traffic having a prior or subsequent movement by rail between Chicago, IL, on the one hand, and on the other, points in IA, IL, IN, KY, MI, MO and WI (Hearing site: Chicago, IL.)

MC 149308 (Sub-2F), filed April 30, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in by distributors of waterbeds, from points in Orange and Los Angeles Counties, CA; Maricopa, Pima and Pinal Counties, AZ; and Clark, Washoe, Storey, Douglas, Ormsby and Lyons Counties, NV, and Carson City, NV, to points in KY and WV. (Hearing site: Washington, DC.)

MC 149308 (Sub-3F), filed May 23, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities* as are manufactured or distributed by a manufacturer of aluminum and aluminum products (except in bulk), from the facilities of Reynolds Metals Company, at or near Louisville, KY, to points in IL. (Hearing site: Louisville, KY, or Washington, DC.)

MC 149388 (Sub-1F), filed June 11, 1980. Applicant: FEPCO TRUCKING, INC., 3458 Moreland Ave. Conley, GA 30027. Representatives: Archie B. Culbreth and John P. Tucker, Jr., Archie B. Culbreth, P.C., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting: (1) *Washing powder and liquid washing compound* (except in bulk, in tank vehicles) from the facilities of Time Chemical, Inc. and Custom Spray Products, Inc., at or near Chicago, IL, to points in the U.S. in and east of MN, IA, KS, OK and TX. (2) *Materials, equipment and supplies* used in the manufacture and distribution of washing powder and liquid washing compound (except in bulk, in tank vehicles) from points in the U.S. in and east of MN, IA, KS, OK and TX, to the facilities of Time Chemical, Inc. and Custom Spray Products, Inc., at or near Chicago, IL. (Hearing site: Atlanta, GA).

Note.—Dual operations may be involved.

MC 149389 (Sub-1F), filed June 3, 1980. Applicant: DELIVERY SERVICE CORPORATION, 1141 Springwells, Detroit, MI 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *plastics, plastic materials and supplies, and plastic articles,* (except commodities in bulk) between Warren, MI, on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 150368 (Sub-1F), filed May 29, 1980. Applicant: BURKLUND TRANSPORTATION, INC., Route 1, Vulcan, MI 49892. Representative: Nancy J. Johnson, 103 East Washington Street, P.O. Box 218, Crandon, WI 54520. Transporting (1) *cheese, cheese products, butter, and materials, equipment and supplies* used in the manufacture and distribution of cheese, cheese products and butter (except commodites in bulk); and (2) *agricultural commodities,* the transportation of which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) of the Act, when moving in mixed loads with the commodities named in (1) between points in the U.S. (except AK and HI) restricted to the transportation of traffic originating at or destined to the facilities of Frigo Foods, Inc.

MC 150578 (Sub-1F), filed June 6, 1980. Applicant: STEVENS TRANSPORT, A DIVISION OF STEVENS FOOD, INC., 2944 Motley Drive, Mesquite, TX 75150. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Transporting *alcoholic beverages and wines in packages,* from points in NY, NJ, IL, KY, CA, Fairless Hills and Philadelphia, PA; New Orleans, LA; Detroit and Allenpark, MI; Lawrenceburg, IN; Lynchburg and Tallahoma, TN; St. Louis and Weston, MO; Lansdown, MD; and Boston, MA; to points in TX, Little Rock, AR; Shreveport, Lafayette, and Harahan, LA; and Phoenix and Tucson, AZ.

MC 150639 (Sub-1F), filed June 16, 1980. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., 500 N. Egg Harbor Road, Hammonton, NJ 08037. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. *Contract carrier,* transporting: *alcohol,* in bulk, from Philadelphia, PA, and Carteret, NJ, to points in the U.S. in and east of OH, WV, VA, NC, and SC, under a continuing contract(s) with Mar-Cam Industries, Inc. of Glenside, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 150769F, filed May 6, 1980. Applicant: ROBERT B. CONNERS TRUCKING COMPANY, P.O. Box 3402, Morgantown, WV 26505. Representative: Robert B. Conners (same address as applicant). Transporting *crushed stone,* between points in WV, on the one hand, and, on the other, a stone quarry facility of VICO, Inc., 2 miles south of Fairchance, PA, on route 857.

MC 150858F, filed May 21, 1980. Applicant: JOHN J. HEFFERNAN & SONS, INC., R.D. #2, W. Noblestown Rd., Carnegie, PA 16106. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Contract carrier, transporting *canned and preserved foodstuffs,* from the facilities of Heinz USA, Division of H. J. Heinz Co., at Pittsburgh, PA to points in OH, IN, IL, MI, MD, NJ, and NY, under continuing contracts with Heinz USA, Division of H. J. Heinz Co., of Pittsburgh, PA.

MC 150919 (Sub-1F), filed May 28, 1980. Applicant: JETCO TRANSPORTATION & DISTRIBUTION SYSTEMS, INC., 233–249 Wilson Avenue, Newark, NJ 07105. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. Transporting *tires and oil* (except in bulk) between Hartford, CT, Bayway, NJ and Findlay, OH, on the one hand, and, on the other, points in MA, NH, and VT.

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Decided: July 18, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 5449 (Sub-1F), filed June 17, 1980. Applicant: LARMORE INCORPORATED, 1 Bellecore, Wilmington, DE 19804. Representative: Robert J. Gallagher, 1000 Connecticut Ave N.W., Suite 1112, Washington, DC 20036. Transporting *Household Goods,* as defined by the Commission, (1) between points in DE, PA, MD, VA, NY, NJ, and DC, (2) between points in DE, PA, MD, VA, NY, NJ, and DC, on the one

hand, and, on the other, points in CT, RI, MA, NH, ME, VT, NC, SC, GA, FL, MS, AL, TN, KY, WV, OH, IN, IL, WI, MN, MI, MO, AR, LA, TX, OK, KS, and CO, (3) between points in LA, MO, OK, and TX, (4) between points in LA, MO, OK, and TX, on the one hand, and, on the other, points in NM, CO, KS, AR, and LA. (Hearing site: Wilmington, DE.)

MC 8958 (Sub-38F), filed June 5, 1980. Applicant: THE YOUNGSTOWN CARTAGE COMPANY, 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *iron and steel articles;* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between Weirton, WV, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, and DC. (Hearing site: Columbus, OH.)

MC 8958 (Sub-39F), filed June 9, 1980. Applicant: THE YOUNGSTOWN CARTAGE COMPANY, 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *iron and steel articles;* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between New Haven and Windsor, CT, on the one hand, and, on the other, points in FL, GA, IL, IN, NC, SC, and TN. (Hearing site: Columbus, OH.)

MC 8958 (Sub-40F), filed June 11, 1980. Applicant: THE YOUNGSTOWN CARTAGE COMPANY, 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *iron and steel articles* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between the facilities of Bethlehem Steel Corporation at or near Strongsville, OH, on the one hand, and, on the other, points in KY.

MC 8958 (Sub-41F), filed June 17, 1980. Applicant: THE YOUNGSTOWN CARTAGE COMPANY, 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *steel storage racks and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between the facilities of Loc-Rak Corporation of America at or near East Hartford , CT, on the one hand, and, on the other, points in FL, GA, IL, IN, KY, NC, SC, and VA.

MC 31389 (Sub-304F), filed June 13, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. 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 Kirsch Company, at or near Maquoketa, IA, as an off-route point in connection with applicant's presently authorized regular route operations.

Note.—Dual operations may be involved.

MC 31389 (Sub-305F), filed June 13, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102. 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 Delta Faucet, a Division of Masco Corporation, at or near Decatur, MI, as an off-route point in conjunction with applicant's regular route operations.

Note.—Dual operations may be involved.

MC 33919 (Sub-19F), filed June 16, 1980. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 9967, Yakima, WA 98909. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Transporting *materials and supplies* used in the sale and distribution of glass containers, corrugated fiber containers and corrugated fiber roll stock (1) from points in CA, ID, MT, NV, OR, UT, WA, and WY to the facilities of Owens-Illinois at or near Oakland, Tracy, Los Angeles and San Jose, CA, and Portland, OR, and (2) between facilities of Owens-Illinois in OR and CA. Hearing site: Portland, OR or Seattle, WA.

MC 40978 (Sub-75F), filed June 16, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, Transporting *materials, equipment and supplies* used in the manufacture, sale and distribution of bicycles, unicycles, triwheelers, exercisers, and parts and accessories therefor, from points in CT, OH and PA to the facilities of Schwinn Bicycle Company at points in the Chicago, IL, commercial zone. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 50069 (Sub-560F), filed June 16, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting (1) *rolling processing fluids, drawing compounds, and lubricating oils,* from the facilities of The Ironsides Company at Columbus, OH to points in the U.S. (except AK and HI); and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) in the reverse direction.

Note.—Dual operations may be involved.

MC 50069 (Sub-561F), filed June 16, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *roofing asphalt,* from Louisville, KY to points in TN.

Note.—Dual operations may be involved.

MC 52709 (Sub-396F), filed June 16, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same as applicant). Transporting *bleach, cleaning compounds, soap, water softening compounds, petroleum oils, and starch* (except in bulk), from Los Angeles, CA to points in CO, IA, IL, IN, KS, MI, MN, MO, NE, OH, PA, and WI.

MC 56679 (Sub-170F), filed June 16, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. Transporting *(1) rovings, yarn, glass fibre, and strand, (2) mineral wool, batts, batting, blankets, and sheets blocks* from the facilities of Johns-Manville at or near Winder, GA to points in AL, AR, FL (west of the Appalachicola River), LA, and MS, and, (2) from the facilities of Johns-Manville at or neat Etowah, TN, to points in FL (west of the Appalachicola River), AL, MS, and LA. (Hearing site: Atlanta, GA or Washington, DC.)

MC 56679 (Sub-171F), filed June 16, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. Transporting *synthetic tire yarn cord,* from Shlebyville, TN to Norfolk, VA. (Hearing site: Atlanta, GA or New York, NY.)

MC 56679 (Sub-172F), filed June 17, 1980. Applicant: BROWN TRANSPORT

CORP., 352 University Ave., S.W., Atlanta, GA 30310. Representative: David L. Capps, P.O. Box 6985, Atlanta, GA 30315. Transporting (1) *building board, wall board or insulating board, and (2) materials and supplies used in the installation thereof, in containers or trailers having subsequent movement by water,* from the facilities of Armstrong Cork Company at or near Beaver Falls, PA to Baltimore, MD and Philadelphia, PA.

MC 57329 (Sub-3F), filed June 10, 1980. Applicant: TRANSPORTATION SERVICES, INC., 1101 N. 27th Ave., Phoenix, AZ 85014. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85009. Transporting *General commodities (except Class A and B explosives, commodities in bulk, and commodities requiring the use of special equipment)* between points in AZ and CA. (Hearing site: Phoenix, AZ.)

MC 63838 (Sub-11F), filed May 22, 1980. Applicant: BOLUS MOTOR LINES, INC., 700 NorKeyser Ave., Scranton, PA 18508. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. Transporting *bicarbonate of soda and cleaning compounds* (1)(a) from the facilities of Church & Dwight, Inc., at Old Fort and Green Springs, OH to points in the U.S. (except IN, AK, HI, WI, IA, IL, MO, AR, LA, MS, AL, TN, KY, GA, FL, NC, SC, VA, WV, PA, MD, NY, CT, MA, VT, NH, ME, RI, MI and DC), (b) *materials, supplies and equipment* used in the manufacture of the comodities in (1)(a) on return, and (2) from Solvay, NY to points in OH.

MC 71478 (Sub-49F), filed June 11, 1980. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, OK 74115. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. Transporting *general commodities (except those of unusual value, Class A & B Explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* serving the facilities of Swan Hose Division of Amerace Corporation, at or near Stillwater, OK, and the facilities of Mercury Marine Division of Brunswick Corporation, at or near Stillwater, OK, as off-route points in connection with applicant's otherwise authorized regular route authority. (Hearing site: Tulsa, OK or Oklahoma City, OK.)

MC 78228 (Sub-172F), filed June 12, 1980. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Transporting *iron and steel articles, and materials, equipment, machinery and supplies* used in the manufacture of iron and steel articles, between the facilities of Latrobe Steel Company, a subsidiary of The Timken Company, at Latrobe, PA, on the one hand, and, on the other, points in CT, DE, GA, IN, IL, KY, MA, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA and WV. (Hearing site: Washington, D.C. or Pittsburgh, PA.)

MC 99498 (Sub-8F), filed June 10, 1980. Applicant: JIMMY STEIN MOTOR LINES, INC., Post Office Box 2286, Mobile, AL 36601. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities as are dealt in or used by a manufacturer of paper and paper products (except in bulk),* between the facilities of American Can Company, at or near Naheola, Birmingham and Montgomery, AL, and Meridian, MS, on the one hand, and, on the other, points in TX, IA, AR, LA, MS, AL, FL, GA, NC, SC, TN, KY, OH, IN, IL, OK, KS, MO, NY, VA, WV, PA and WI. (Hearing site: Mobile or Birmingham, AL.)

MC 106398 (Sub-1079F), filed June 13, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). Transporting *pipe, conduit, and accessories* from points in LA and MS to points in the U.S. (except AK and HI).

MC 106398 (Sub-1080F), filed June 13, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). Transporting *metal articles* between the facilities of Acme Iron and Metal Corporation at Albuquerque, NM, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 106398 (Sub-1081F), filed June 13, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). Transporting *lumber,* from the facilities of Culpeper Wood Preserving in Culpeper County, VA to points in the U.S. (except AK and HI).

MC 106398 (Sub-1082F), filed June 13, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as applicant). Transporting *iron and steel articles* from the facilities of Cicero Wire Rod Company at Syracuse, NY to points in the U.S. (except AK and HI).

MC 107478 (Sub-72F), filed June 11, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *juice and beverages* (except in bulk and except frozen) from Bradenton, FL to points in GA, SC, and NC. (Hearing site: Orlando, FL; Washington, DC.)

MC 108119 (Sub-270F), filed June 16, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting (1) *scales and batching plants* from the facilities of Winslow Scale Company at Terre Haute, IN, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies used in the manufacture of the commodities named above,* in the reverse direction.

MC 108119 (Sub-271F), filed June 16, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *(1) tractors and agricultural implements, and (2) parts, in mixed loads with the commodities named in (1) above,* from the facilities of Steiger Tractor, Inc., at Fargo, ND, to points in CA, NV, UT, AZ, MT, WY, CO, NM, ND, SD, NE, OK, TX, MN, IA, AR, LA, WI, Upper Peninsula of MI, TN, MS, AL, GA, FL, SC and NC; restricted to traffic originating at the facilities of Steiger Tractor, Inc., at Fargo, ND, and destined to the named destination States.

MC 108119 (Sub-272F), filed June 16, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *(1) agricultural machinery and parts, attachments and accessories,* between Tifton, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *materials, equipment and supplies used in the manufacture of the commodities in (1)* from points in the U.S. (except AK and HI) to Tifton, GA, restricted to traffic originating at or destined to the facilities of Kelley Manufacturing Company at Tifton, GA.

MC 108119 (Sub-273F), filed June 17, 1980. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Transporting *tractors, and parts, attachments and accessories for tractors,* from points in Grant Township, IA, to points in the U.S.

(except AK and HI), restricted to traffic originating at the facilities of Roscoe Brown Corporation.

MC 108859 (Sub-83F), filed June 12, 1980. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49829. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting (1) *salt, salt products, and materials, equipment and supplies,* used in the manufacture and distribution thereof (except in bulk), between the facilities of Diamond Crystal Salt Co., at or near St. Clair, MI and Akron, OH, on the one hand, and on the other, points in Anoka, Blue Earth, Brown, Carver, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, McLeod, LeSueur, Meeker, Mower, Nicollet, Olmstead, Ramsey, Renville, Rice, Scott, Sibley, Stearns, Steele, Wabasha, Waseca, Washington, Winona and Wright Counties, MN; and points in WI, and (2) *such commodities* as dealt in by wholesale and retail grocery stores and food business houses (except in bulk), from the facilities of International Multifoods Corporation at or near New Prague, LeSueur County, MN, to points in MI and WI (on and east of U.S. Hwy 51).

MC 109689 (Sub-377F), filed June 16, 1980. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. Transporting *phosphorous acid,* in bulk, from Bayonne, NJ, Buffalo, NY, Crosby, TX, Elgin, SC, Elyria, OH, Henderson, NV, Hometown, PA, Mapleton, IL, Memphis, TN, and Mount Pleasant, TN, to points in Los Angeles County, CA.

MC 109689 (Sub-378F), filed June 17, 1980. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. Transporting *catalyst,* in bulk, from Salt Lake City, UT to points in the U.S. (except AK and HI).

MC 110878 (Sub-45F), filed June 16, 1980. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202.Transporting (1) *salt and salt products* (except in bulk), from Grand Saline TX, to points in AL, AR, FL, GA, KS, LA, MO, MS, NM, OK, SC, and TN, and (2) *equipment, materials and supplies (except in bulk) used in agricultural, water treatment, food processing, wholesale grocery and institutional supply houses, in mixed shipments with salt and salt products,* from Weeks, LA, to points in AL, AR, FL, GA, MO, MS, NC, OK, SC, TN and TX.

MC 111729 (Sub-765F), filed June 13, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AZ, CA, and NV restricted (1) against the transportation of packages weighing more than 75 pounds, and (2) against the transportation of packages or article weighing in the aggregate more than 500 pounds from one consignor at one location, to one consignee at one location, in any one day.

MC 112049 (Sub-24F), filed June 10, 1980. Applicant: MC BRIDE'S EXPRESS, INC., East Route 316, Mattoon, IL 61938. Representative: Michael R. Solomon, 433 Thatcher Ave., St. Louis, MO 63147. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment) (1) between Springfield and Peoria, IL, (a) from Springfield over Interstate Hwy 55 to junction U.S. Hwy 150, then over U.S. Hwy 150 to Peoria, and return over the same route, (b) from Springfield over IL Hwy 29 to Peoria, serving all intermediate points, and Meredosia, IL and points in Woodford, Tazewell, McLean, and Livingston Counties, IL as off-route points in connection with the foregoing routes, and (2) between Decatur and Danville, IL, from Decatur, over Interstate Hwy 72 to junction U.S. Hwy 150, then over U.S. Hwy 150 to Danville, and return over the same route, serving all intermediate points and points in Champaign and Vermillion Counties, IL, as off-route points in connection with the foregoing route.

Note.—Applicant intends to tack the foregoing routes at Springfield and Decatur, IL with it's presently authorized regular routes.

MC 112588 (Sub-36F), filed June 17, 1980. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Rd., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *(1)(a) prefabricated metal building products, and (b) materials and supplies used in the manufacture of prefabricated metal building products* between Ambridge, PA and Connersville, IN, on the one hand, and, on the other, points in IN, KY, MI, NY, OH, PA, and WV and *(2)(a) ventilators, ventilator parts, air louvers and prefabricated building metal work, and (b) materials and supplies used in the manufacture of ventilators* between Batavia, OH, on the one hand, and, on the other, pts. in IN, KY, MI, NY, OH, PA, and WV. (Hearing site: Columbus, OH.)

MC 114969 (Sub-96F), filed June 16, 1980. Applicant: PROPANE TRANSPORT, INC., 1734 St. Rt. 131, Milford, OH 45150. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *fertilizer* and *fertilizer ingredients,* from Terre Haute, IN, to points in IL south of U.S. Hwy 40 and those in KY. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 119399 (Sub-135F), filed June 10, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Thomas P. O'Hara (same as applicant). Transporting (1) *animal and poultry feed and feed ingredients, and (2) materials and supplies used in the manufacture thereof* (except commodities in bulk) between Jasper County, MO, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV and WI.

MC 121699 (Sub-7F), filed June 16, 1980. Applicant: VOLUNTEER EXPRESS, INC., 2720 Faydur Court, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., 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 points in Carroll and Henry counties, TN, as off-route points in connection with existing authorized routes. (Hearing site: Nashville, TN.)

MC 124679 (Sub-124F), filed June 16, 1980. Applicant: C. R. ENGLAND, AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). Transporting *sporting goods, sporting goods apparel, and materials and supplies* used in the manufacturing, distribution and sale of such commodities from the facilities of Rossignol Ski Company, Inc. and its affiliated companies at Williston and Colchester, VT, Woburn, MA, Clearfield and Salt Lake City, UT, and Sparks, NV, to points in the U.S. (except AK and HI).

Note.—Dual operations may be involved.

MC 124679 (Sub-125F), filed June 17, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). Transporting *foodstuffs and pet foods* from Salt Lake City, UT to points in CA.

Note.—Dual operations may be involved.

MC 133119 (Sub-182F), filed June 17, 1980. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *agricultural chemicals* (except commodities in bulk) from the facilities of Monsanto Company at or near Luling, LA, to ports of entry on the International Boundary line between the U.S. and Canada.

MC 144858 (Sub-37F), filed June 12, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Transporting *wine* (except in bulk), between the facilities used by the Taylor Wine Co., at or near Jersey City, NJ, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IN, IL (on and south of U.S. Highway 24), IA, KS, LA, MN, MS, MO, MT, NE (except Omaha), NV, NM, NC, ND, OR, SC, SD, TN, TX, UT, WA, and WY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 147678 (Sub-3F), filed June 17, 1980. Applicant: NELSON TRUCKING OF BOYCEVILLE, INC., Route 1, Downing, WI 54734. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *insulation and grass seed* from Glenwood City, WI to points in IL, IA, MN, and NE and; (2) *materials, equipment, and supplies* used in the manufacture and distribution of insulation and grass seed from points in the United States (except AK and HI) to Glenwood City, WI.

MC 148228 (Sub-2F), filed June 12, 1980. Applicant: TRI-PAK, INC., Two North Park East, Suite 406, Dallas, TX 75231. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting *truck, machinery and equipment parts, used in the replacement, servicing and repairing of trucks, machinery and equipment* between Dallas, TX on the one hand, and, on the other, points in AR, LA, OK and NM. (Hearing site: Fort Worth, TX.)

MC 148319 (Sub-2F), filed June 12, 1980. Applicant: ELLIS B. STOFLE, d.b.a. STOFLE TRUCKING, P.O. Box 42, Tioga, TX 76271. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Transporting *liquor and wines*, from Landsdown, MD, Woodside, NY, and Cambridge, MA, to Dallas, TX. (Hearing site: Fort Worth, TX.)

MC 149228 (Sub-3F), filed June 13, 1980. Applicant: MARINE TRANSPORT COMPANY, Post Office Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, Post Office Box 2246, Raleigh, NC 27602. Transporting *beer* from Detroit, MI to Aiken, SC. (Hearing site: Wilmington, NC.)

MC 149278 (Sub-1F), filed June 10, 1980. Applicant: SUNDE CRANES AND TRUCKING, INC., 1444 East Hill St., Long Beach, CA 90806. Representative: William Davidson, 2455 East 27th St., Los Angeles, CA 90058. Transporting *aircraft/refueling trucks and trailers*, between points in CA, OR, WA, AZ, NV, UT, ID, NM, WY, MT, and CO. (Hearing site: Los Angeles, CA.)

MC 149308 (Sub-4F), filed June 12, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities as are manufactured or distributed by a manufacturer of aluminum and aluminum products (except in bulk)*, from the facilities of Reynolds Metals Company, at or near Louisville, KY, to points in AL and GA. (Hearing site: Louisville, KY or Washington, DC.)

MC 150248 (Sub-1F), filed June 17, 1980. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. Transporting *honed steel tubing*, from Muscoda, WI to points in ND.

[FR Doc. 80–22811 Filed 7–30–80; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Agri-Mark, Inc., et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Vermont in *United States* v. *Agri-Mark, Inc., et al.*, Civil Action No. 80–174. The defendants in the case are Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc. The Complaint in this case alleges that Agri-Mark, Inc., was about to acquire assets of H. P. Hood, Inc., in violation of Section 7 of the Clayton Act, 15 U.S.C. 14, and that Agri-Mark and Hood were about to enter a 10-year full supply agreement in violation of Section 3 of the Clayton Act, 15 U.S.C. 18. The proposed Consent Judgment would enjoin Agri-Mark from favoring Hood over other dairies in price or any other term or condition of sale. The proposed Judgment would also enjoin Agri-Mark from selectively cutting the price of milk in a fashion which would lessen competition. The proposed Judgment would allow certain Agri-Mark members to terminate their agreements to market milk through Agri-Mark, and require Hood to purchase milk from any such producers until March 1, 1981. The Judgment would also prohibit specified types of discrimination by Agri-Mark against members who leave Agri-Mark in order to compete with it. The Judgment also forbids Hood from entering any supply agreement with Agri-Mark with a duration of more than one year; forbids Hood from hauling raw milk for Agri-Mark; forbids Hood and Agri-Mark from having any common officer, director, or management and forbids Agri-Mark and Hood from discussing milk prices except for sales between themselves. The proposed Judgment would further require all defendants to obtain the permission of the Department of Justice or the Court before acquiring any dairy, cheddar cheese, milk powder, or butter plant in the New England milk supply area for 5 years after entry of the Judgment.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Alan L. Marx, Assistant Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone 202–724–6329).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court for the District of Vermont

United States of America, Plaintiff, v. *AGRI-MARK, Inc., AGWAY Inc., and H. P. Hood, Inc.*, Defendants.

Civil Action No. 80–174.

Filed: July 16, 1980.

Stipulation and Order

Whereas, at the June 30, 1980 pretrial conference in this case the Court instructed counsel for the parties to explore the possibility of settlement of this controversy without further litigation,

Whereas, counsel for the parties have discussed settlement and have reached agreement as to the terms of a proposed Final Judgment which has been filed with the Court for approval and entry after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b),

Whereas, the United States has pending an Application for a Preliminary Injunction to enjoin consummation of the acquisition and related agreements described in the Complaint herein,

Whereas, the Defendants wish to complete the transactions described in the Complaint prior to the entry of a Final Judgment herein, and

Whereas, the United States has no objection to Defendants' completion of those transactions if the Defendants make the modifications and undertake at the earliest possible date the specific action set forth below,

Therefore, the Plaintiff and Defendants, by their undersigned attorneys, hereby stipulate and agree to the following:

I. Plaintiff hereby withdraws its Application for a Preliminary Injunction filed on June 27, 1980, to prevent consummation of the transactions challenged in the Complaint. Defendants may consummate the acquisition and related agreements described in the Complaint subject to the limitations, modifications, and conditions set forth below:

1. Defendants H. P. Hood, Inc., ("Hood") and Agri-Mark, Inc. ("Agri-Mark") will have no common director, officer, or management.

2. No facilities owned or operated by Hood or Agri-Mark will be closed prior to entry of a Final Judgment in this action.

3. Pending entry by the Court of a Final Judgment in this action Defendants shall maintain the competitive viability of Hood so as to insure that it may be divested as a going concern and as an effective independent competitor in the production and sale of dairy products should such relief be ordered in this action.

4. Without prior approval of Plaintiff or the Court, Defendants shall not cause or permit the destruction, removal, or impairment of any of the assets associated with Hood, except in the normal course and operation of Hood's business and further excepting normal wear and tear.

5. Hood will not enter into any supply agreement with Agri-Mark whose duration, if any and all options to renew are exercised, exceeds one year.

6. Hood will not haul raw milk for Agri-Mark (other than for delivery to Hood itself).

7. Hood will not refuse to purchase raw milk from any Hood independent (i.e., a dairy farmer who shipped milk to Hood at any time in February 1980, and who at that time was not a member of a milk marketing or bargaining cooperative) until March 1, 1981, subject to the following conditions:

a. if the Hood independent has signed a marketing agreement with Agri-Mark, and if such producer elects to terminate all agreements with Agri-Mark pursuant to subparagraph 9 hereof, the producer must notify Hood of this within 20 days of receiving the notice required by subparagraph 10 hereof;

b. if the Hood independent has not joined Agri-Mark and is no longer shipping milk to Hood, the producer must:

(i) state in writing that such producer is legally free to ship milk to Hood and wishes to do so, and

(ii) inform Hood of said producer's intention to deliver to Hood within 20 days of receiving the notice required by subparagraph 10 hereof;

Hood must be prepared to receive milk from producers meeting the requirements of subparagraph 7(b) hereof within 10 days of Hood's receipt of the producer's notification of intention to deliver to Hood.

8. Hood will purchase raw milk from any producer described in subparagraph 7 above on the same non-price terms and conditions, and with the same services provided by Hood in purchasing raw milk from Hood independents in February 1980.

9. Agri-Mark will within 20 days from the date the Hood independents receive the notice required by subparagraph 10 hereof allow any Hood independent to terminate all agreements between Agri-Mark and that producer if the producer gives written notice to Agri-Mark of the producer's desire to terminate such agreements, said notice to be effective if post-marked within the aforesaid 20 day period. All producers who terminate their agreements with Agri-Mark pursuant to this subparagraph shall receive, within 30 days of such termination, a full refund from Agri-Mark of all equity or membership contributions or payments said producers made to Agri-Mark.

10. Prior to July 31, 1980, Hood and Agri-Mark shall provide to each Hood independent written notice, in a form satisfactory to the Plaintiff or to the Court, of the terms of subparagraphs 7 through 9 hereof. Agri-Mark and Hood shall provide such notice by registered mail return receipt requested. Agri-Mark and Hood shall retain all such return receipts for a period of at least one year.

II. If for any reason the proposed Final Consent Judgment filed with the Court on July 16, 1980 is not entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b), the parties will proceed to trial on the merits on an expedited basis after receipt of notice that the Court has determined not to enter the proposed Final Judgment.

III. Nothing contained in this Stipulation and Order, nor any actions undertaken pursuant to its terms, shall in any way limit the right of the Plaintiff to seek, or the discretion of the Court to impose, any form of final or interim relief in this action in the event that the proposed Final Consent Judgment filed on July 16, 1980 is not entered by the Court after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

Dated: July 14, 1980.

For the Defendants: Sutherland, Asbill & Brennan by Willis B. Snell, A Member of the Firm *Attorneys for Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.*, By Dinse, Allen & Erdman, A Member of the Firm *Attorneys for Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.*

For the Plaintiff: Michael P. Harmonis, Kenneth L. Jost, Richard W. Pierce, *attorneys, U.S. Department of Justice.*

So Ordered:

Dated:

United States District Judge

U.S. District Court for the District of Vermont

United States of America, Plaintiff, v. *Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.*, Defendants.

Civil Action No. 80–174.

Filed: July 16, 1980.

Entered:

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to the Plaintiff and Defendants in this or any other proceeding.

For the Plaintiff: Sanford M. Litvack, *Assistant Attorney General.* Alan L. Marx, Michael P. Harmonis, Kenneth L. Jost, Richard W. Pierce, *Attorneys, United States Department of Justice.*

For the Defendants: Sutherland, Asbill & Brennan. By Willis B. Snell, A Member of the Firm, *Attorneys for Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.* By Dinse, Allen & Erdmann. A Member of the Firm, *Attorneys for Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.*

U.S. District Court for the District of Vermont

United States of America, Plaintiff, v. *Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.*, Defendants.

Civil Action No. 80–174.

Filed: July 16, 1980.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on June 27, 1980, and the Plaintiff and the Defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of, or finding on, any issue of fact or law herein, and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issue:

Now, Therefore, before any testimony has been taken herein, and without trial or adjudication of, or finding on any issue of fact or law herein, and upon the consent of

the parties hereto. It is hereby ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states claims upon which relief may be granted against the Defendants under Sections Three and Seven of the Clayton Act, 15 U.S.C. §§ 14 and 18.

II

As used in this Final Judgment:

A. "Agri-Mark" means the Defendant, Agri-Mark, Inc.;

B. "Hood" means the Defendant, H. P. Hood, Inc.;

C. "Agway" means the Defendant, Agway Inc.;

D. "Hood independent" means any dairy farmer (producer) who at any time in February, 1980, was not a member of any bargaining or marketing cooperative of dairy farmers and whose milk was delivered to Hood at any time during February, 1980;

E. "New England supply area" means Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, and Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Montgomery, Orange, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Washington, Warren, Putnam, and Westchester Counties in New York;

F. "Handler" means any dairy, milk manufacturing facility, or cooperative regulated by any Federal Order or State Order;

G. "Dairy" means any person engaged in the business of processing and packaging fluid milk for human consumption in liquid form;

H. "Milk manufacturing facility" means any plant which produces any product whose principal ingredient is milk;

I. "Federal Order" means the regulations, rules of practice and procedures isued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. § 601, et seq.), regulating the handling of milk;

J. "State Order" means the regulations, rules of practice and procedures isued by any state or commonwealth regulatory body which regulates the handling of milk and sets minimum prices for raw milk pursuant to any state or commonwealth statute; and

K. "Person" means any corporation, partnership, association, individual, cooperative, or other business or legal entity.

III

The provisions of this Final Judgment are applicable to all Defendants herein and shall also apply to each of said Defendants' officers, directors, agents and employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Agri-Mark is hereby enjoined and restrained from:

A. Offering or charging any handler regulated by any Federal or State Order which also regulates any Hood plant different prices or offering or granting different terms or conditions of sale for raw milk than Agri-Mark charges, offers, or grants any Hood plant regulated by that Federal or State Order;

B. Charging Hood different prices for raw milk based upn the geographic areas in which or the customers to whom Hood sells processed milk products where the price differential applies to less than the entire Federal Order marketing area in which those geographic areas or customers are located.

V

Agri-Mark is enjoined from repaying any Agri-Mark member equity contribution or allocated retained earnings to any member who for any reason has ceased delivering raw milk to Agri-Mark before Agri-Mark makes such repayments to all other persons who, at an earlier date, ceased delivering raw milk to Agri-Mark, provided that nothing herein shall prevent Agri-Mark from:

A. repaying at any time any member equity contribution or allocated retained earnings to the estate of any member who has died, or to any member who has been adjudged bankrupt;

B. repaying any member equity contribution or allocated retained earnings according to a time-schedule in effect and uniformly applied to all Agri-Mark members at the time such repayment is requested.

VI

Hood is hereby enjoined and restrained from:

A. Entering into any supply agreement with Agri-Mark whose duration, if any and all options to renew are exercised, exceeds one year;

B. Hauling raw milk for Agri-Mark (other than for delivery to Hood itself);

C. Refusing to purchase raw milk from any Hood independent until March 1, 1981, subject to the following conditions:

1. if the Hood independent has signed a marketing agreement with Agri-Mark, and if such producer elects to terminate all agreements with Agri-Mark pursuant to Paragraph VII hereof, the producer must notify Hood of this within 20 days of receiving the notice required by Paragraph XI A hereof;

2. if the Hood independent has not joined Agri-Mark and is no longer shipping milk to Hood, the producer must:

(a) state in writing that such producer is legally free to ship milk to Hood and wishes to do so, and

(b) inform Hood of said producer's intention to deliver to Hood within 20 days of receiving the notice required by Paragraph XI A hereof;

Hood must be prepared to receive milk from producers meeting the requirements of Paragraph VI C 2 hereof within 10 days of Hood's receipt of the producer's notification of intention to deliver to Hood;

D. Refusing to purchase raw milk from any producer described in Paragraph VI C above on the same non-price terms and conditions, and with the same services provided by Hood in purchasing raw milk from Hood independents in February, 1980.

VII

Agri-Mark is enjoined for 20 days from the date of the Hood independents receive the notice required by Paragraph XI A hereof from refusing to allow any Hood independent to terminate all agreements between Agri-Mark and that producer if the producer gives written notice to Agri-Mark of the producer's desire to terminate such agreements, said notice to be effective if post-marked within the aforesaid 20 day period. All producers who terminate their agreements with Agri-Mark pursuant to this Paragraph VII shall receive, within 30 days of such termination, a full refund from Agri-Mark of all equity or membership contributions or payments said producers made to Agri-Mark.

VIII

Agri-Mark is enjoined from entering into or enforcing agreements with anyone an effect of which is to discriminate, with respect to repayment of any amount of money borrowed from or through Agri-Mark, between (1) producers who have ceased the business of milking cows for reasons other than death, disability, natural catastrophe, or retirement at age 65 or older, and (2) producers who have ceased marketing milk through Agri-Mark and subsequently marketed milk by some other means.

IX

Hood and Agri-Mark are hereby enjoined and restrained from:

A. Having any common Director;

B. Having common Officer or management;

C. Discussing with each other prices or terms and conditions of sale of raw or processed milk, excluding discussions of prices, proposed prices, or terms and conditions of sale for sales between Agri-Mark and Hood.

X

Each Defendant is hereby enjoined and restrained, for a period of five years from the entry of this Final Judgment, from purchasing, consolidating with, acquiring control of, or leasing any dairy or any milk manufacturing plant which produced any butter, milk powder, or cheddar cheese during the year prior to its acquisition, where such dairy or milk manufacturing plant is located in the New England supply area (except for renewal of an existing lease) without the prior written consent of the Department of Justice or the Court. At least forty-five (45) days in advance of the closing date of any transaction to purchase, consolidate with, acquire control of, or lease any such plant, the Defendant planning any such transaction shall supply Plaintiff with complete details concerning the terms and conditions of the proposed transaction. Within thirty (30) days after its receipt of the above information Plaintiff shall advise the appropriate Defendant of any objection it may have to the consummation of the proposed transaction. If such an objection is made by the Plaintiff, then the proposed transaction shall not be consummated unless approved by the Court on the basis of a showing by Defendant that the proposed transaction will not substantially lessen competition in any line of commerce, in any section of the country.

XI

A. Agri-Mark and Hood shall provide written notice, in a form satisfactory to Plaintiff or to the Court, of the terms of Paragraphs VI C and VII hereof to each Hood independent prior to the 15th day after the date of entry of this Final Judgment ("the date of entry"). Agri-Mark and Hood shall provide such notice by registered mail, return receipt requested, and Agri-Mark and Hood shall maintain such return receipts for one year from the date of entry.

B. Within 30 days of the date of entry:

1. Agri-Mark shall send a copy of this Final Judgment to each of its members;

2. Agri-Mark, Hood, and Agway shall provide to each of their respective officers and directors a copy of this Final Judgment and a written explanation of the obligations imposed on each Defendant by this Final Judgment;

3. Agri-Mark and Hood shall provide to each employee with responsibility for Agri-Mark's sale of raw milk or Hood's procurement of raw milk a copy of this Final Judgment and a written explanation of the obligations imposed on each Defendant with respect to the procurement and sale of raw milk;

4. Each Defendant shall obtain from the persons described in Paragraphs XI B (2) and (3) a written acknowledgment of receipt of a copy of this Final Judgment and the above described written explanations and retain said aknowledgments in the Defendant's files.

C. Within 45 days of the date of entry each Defendant shall provide to the Plaintiff and file with the Court a detailed description of the means used to satisfy Paragraphs XI A and B hereof. Such description shall include copies of the written explanations required by Paragraphs XI B (2) and (3) and a summary of the actions taken in connection with the notices provided pursuant to Paragraph XI A and the responses thereto.

D. Agri-Mark is hereby ordered within 60 days of the date of entry to provide Plaintiff with copies of all documents used to effect compliance with Paragraphs V–IX hereof.

E. If at any time Agri-Mark suspends repayment of any member equity contribution or allocated retained earnings to producers who have ceased delivering raw milk to Agri-Mark, Agri-Mark is hereby ordered to provide Plaintiff with written notice of this suspension within 20 days of its effective date, such notice to include an explanation of the reasons for such suspension and the expected length of the suspension.

XII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any Defendant made to its principal office, be permitted:

1. Access during the office hours of such Defendant, who may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such Defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of such Defendant and without restraint or interference from it, to interview officers, employees, and agents of such Defendant regarding any such matters; the officer or employee interviewed and the Defendant each may have its own counsel present.

B. A Defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If at the time information or documents are furnished by a Defendant to Plaintiff, such Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said Defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by Plaintiff to such Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that Defendant is not a party.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

XIV

This Final Judgment will expire on the twentieth anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XV

Entry of this Final Judgment is in the public interest.

Dated: ———

U.S. District Judge ———

U.S. District Court for the District of Vermont

United States of America, Plaintiff, v. *Agri-Mark, Inc., Agway Inc., and H. P. Hood, Inc.*, Defendants.

Civil Action No. 80–174.

Filed: July 16, 1980.

Competitive Impact Statement

This competitive impact statement, relating to the proposed Judgment submitted for entry in this civil antitrust proceeding, is filed by the United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

I

The Nature and Purpose of the Proceeding

The complaint in this action was filed on June 27, 1980. The defendants are Agri-Mark, Inc. ("Agri-Mark"), Agway, Inc. ("Agway"), and H. P. Hood, Inc. ("Hood"). Agri-Mark, which was formed to participate in this transaction, is the largest cooperative of dairy farmers in New England. Agri-Mark is the successor to Yankee Milk, Inc., formerly the largest dairy cooperative in New England. Hood is New England's largest dairy. The complaint alleges that Agri-Mark's proposed acquisition of certain of Hood's fixed assets would violate Section 7 of the Clayton Act and that a proposed supply agreement between Agri-Mark and Hood would, if executed, violate Section 3 of the Clayton Act. The acquisition of Hood's assets is part of a larger transaction involving Agway, a farm supply cooperative serving the Northeastern United States, including New England.

The challenged transaction was scheduled for completion on or about July 1, 1980. Agway planned to purchase 67% to 100% of Hood's stock. Immediately thereafter Agri-Mark would have purchased all of the fixed assets which Hood uses in the dairy industry and then would have leased these dairy assets back to Hood. Thereafter, Agri-Mark would have supplied Hood with substantially all of its requirements for unprocessed milk pursuant to a supply agreement (the "full supply agreement"), which would run for ten years with two five year options to renew.

The complaint alleges that Agri-Mark's acquisition of Hood's assets would violate Section 7 of the Clayton Act by foreclosing dairy farmers who are not Agri-Mark members from selling milk to Hood, and because the acquisition may have lessened competition in the production, sale, and procurement of raw milk and in the production and sale of fluid milk products. The complaint also alleged that the full supply agreement would violate Section 3 of the Clayton Act by foreclosing dairy farmers who were not Agri-Mark members from selling milk to Hood, which may have substantially lessened competition in the production, sale, and procurement of raw milk.

The complaint requests immediate relief in the form of a temporary restraining order and a preliminary injunction, and permanent relief preventing Agri-Mark from acquiring Hood's assets and preventing Agri-Mark and Hood from entering any supply agreement of an unreasonable duration.

On June 30, 1980, the Court approved a stipulation in which the defendants agreed to delay the completion of the proposed transactions until the Court could rule on the application for a preliminary injunction.

However, the parties reached agreement on the terms of the proposed Final Judgment before any hearing was held on the application.

The principal purpose of this lawsuit has been to preserve in New England the conditions necessary to insure that raw milk is sold to all dairies at the competitive price consistent with governmental regulation of milk prices.

II

The Nature of the Alleged Violations

Hood is the largest purchaser of milk from independent dairy farmers (farmers not members of any cooperative association) in New England. Agri-Mark is the largest cooperative association of dairy farmers in New England. The transaction as contemplated by the parties would have foreclosed many dairy farmers from selling to Hood and, for the reasons set forth below, may have created a combination powerful enough to dominate the New England milk industry at the producer and dairy levels.

In the transaction contemplated by the defendants, Hood agreed to purchase substantially all of its raw milk needs from Agri-Mark pursuant to a 10 year full supply agreement with two 5-year options to renew. The effect of this full supply contract would be to foreclose Agri-Mark's competitors—independent dairy farmers and members of competing cooperative organizations—from competing with Agri-Mark for sales of raw milk to Hood for the next 20 years.

Such foreclosure in this case would be of a substantial portion of the market. Hood accounts for 14% of all raw milk purchases from dairy farmers in the New England supply area (the New England states and eastern New York). Agri-Mark's members account for at least 35% of all milk production in the same area. Foreclosure of this magnitude is well above the Department's Merger Guidelines which state that the Department will ordinarily challenge a merger between a supplying firm accounting for 10% or more of the sales in its market and a purchasing firm accounting for 6% or more of total purchases in that market.

The Department has recognized that the market shares of dairy cooperatives are not as indicative of market power as market shares of industrial concerns because it usually is relatively easy to leave a cooperative and compete with it whenever the cooperative charges supra-competitive prices. However, in this case the Department believes that the Agri-Mark agreements with its members made their collective market share more accurately reflect Agri-Mark's market power. More specifically, when dairy farmers terminate their membership in Agri-Mark, the refund of their substantial investment in Agri-Mark is subject to approval by the Board of Directors, which gave Agri-Mark's Board substantial leverage in attempting to block departures by members This restraint erected a substantial and real barrier to certain and easy exit from the cooperative.

Agri-Mark's market power would have been enhanced because, under the original acquisition plan, the impact of Hood's foreclosure to non Agri-Mark members would have occurred in the spring. The sale of Hood was announced in March of this year. The spring or flush season is the time of year when milk production is highest relative to demand. This is the most difficult time for dairy farmers to find new outlets for their milk. Thus, at the time the transaction was announced, the 900 independent dairy farmers shipping to Hood were faced with imminent foreclosure from their market at a time of oversupply of raw milk. The independents were not members of another cooperative which could have assisted them in finding new markets for their milk. As a result, many of them felt compelled to join Agri-Mark without complete information on alternative markets. When these independents joined Agri-Mark, its already substantial market share increased.

Hood's market power would also have been enhanced as a result of the proposed transaction. Many dairies would have been reluctant to engage in hard nosed competition with Hood, which has a 16% share of dairy sales in New England, because of its close association with the dominant Agri-Mark cooperative. This association was all the more competitively dangerous because Hood and Agri-Mark planned to have interlocking Boards of Directors. This interlock would have facilitated Hood and Agri-Mark using each other to reach their own marketing objectives. Hood competitors who are fully or substantially supplied by Agri-Mark would be placed in the difficult position of being supplied by a company which controls their major competitor. Vigorous competition on their part with Hood might tend to jeopardize their milk supply. Also, other dairies not yet supplied by Agri-Mark might find themselves in a similar situation should they attempt to take business from Hood and turn to Agri-Mark for milk.

III

The Proposed Final Judgment and Its Anticipated Competitive Effects

The proposed Final Judgment deprives Agri-Mark and Hood of the tools which might empower their combination to have undesirable effects in the marketplace. It does so by (1) stripping Agri-Mark of any ability to sustain any artificial increase in prices, (2) preventing Agri-Mark from "locking" members into the cooperative, (3) providing independent producers who had delivered to Hood in the past additional time in which to find markets for their milk other than Agri-Mark, (4) forbidding Agri-Mark and Hood from entering supply agreements with a duration of more than one year, (5) isolating Hood and Agri-Mark from each other in certain significant respects, and (6) providing other miscellaneous relief.

A. Agri-Mark Cannot Sustain Any Monopolistic Price Increase

Cooperatives in the Northeastern United States generally sell milk to dairies within a Federal Marketing Order* at prices which are the minimum prices established by the United States Department of Agriculture for the Federal Marketing Order. With rare exceptions, raw milk will be sold at the minimum price so long as the supply market is competitive. Where there is an absence of competition, suppliers can and do charge premiums for their raw milk, which premiums may properly be viewed as monopoly profits. The Department of Justice feared that Agri-Mark's affiliation with Hood would at some time contribute to a situation where competition would be reduced and Agri-Mark might acquire market power which would enable it to charge premium prices in the Federal Marketing Order. As explained below, Paragraph IV of the proposed Final Judgment is designed to prevent this from happening by making it unlikely that Agri-Mark will be able to engage in sustained supra-competitive pricing at any time in the foreseeable future. An explanation of the peculiar regulatory scheme in which raw milk is produced and sold makes this clear.

In New England there is substantially more milk produced than is processed by dairies into fluid milk products. Milk production in excess of the needs of dairies which produce fluid milk products is processed into cheese, milk powder or butter.

Under the Federal Marketing Order, the Federal Milk Marketing Administrator sets a minimum "Class I" price for milk actually processed and sold as fluid milk, and a different minimum "Class II" price for milk used for manufacturing purposes (e.g., for processing into butter or cheese). The Class II price—i.e., the price for milk in excess of that needed on any given day for fluid use—is established at lower levels than the Class I price. These minimum class prices vary over time and are established at different levels in each Federal Order area.

Each month, each handler (for present purposes, we can define "handlers" as dairies) selling processed milk in a defined federal milk marketing area reports to the Federal Milk Marketing Administrator (1) its actual use of milk received, by class, for the prior month, and (2) the total amount of milk supplied to the plant by each milk producer. The handler then pays or accounts to the Market Administrator for the total amount of milk it acquired during that month, based on actual end use, and on the federal minimum price for each use. For example, if the Federal Order price for Class I milk was established at $12.00 per hundred pounds and the minimum price for Class II milk was $10.00. per hundred pounds ("cwt"),* a handler which sold 80% of its milk as fluid milk and processed 20% of it into manufactured items would pay, or account to the Market Administrator, $11.60 [.80 $12.00+.20 10.00] per cwt of milk received in that month.

The Market Administrator then determines from these reports the total amount of milk used as Class I milk and the total amount used as Class II milk by all handlers serving the federal milk market in the prior month.

*In order to facilitate the orderly flow of milk the United States Department of Agriculture is empowered to issue regulations called "Milk Marketing Orders" pursuant to the Agricultural Market Agreement Act of 1937, 7 U.S.C. § 601 *et seq.* and has done so in regulations covering Connecticut, Rhode Island, the most populous portions of Massachusetts, Vermont, and New Hampshire (the "New England" Federal Milk Marketing Order).

*A hundred pounds of milk is equal to approximately 11.5 gallons.

On this basis, the Market Administrator determines a marketwide "blend price" which is paid to each milk producer or marketing cooperative that supplied milk to the above plants.* For example, if 50% of the milk purchased by handlers serving a milk market was used as Class I milk (having a federal order price of $12.00 per cwt) and 50% of such milk was used as Class II milk (having a federal order price of $10.00 per cwt), the blend price for that month would be $11.00 per cwt.

The prices established under the Federal Milk Marketing Order system are only minimum prices. Milk marketing cooperatives are not prohibited from bargaining with handlers for prices above that established under the Federal Order. These over order prices, when unrelated to the specific cost of any service the seller performs, are the "premiums" mentioned above. Premiums generally apply to only milk sold for fluid or Class I use and only the members of the cooperative which negotiated the premium share in these revenues. A cooperative's ability to charge premiums on Class I milk sales is directly related to its market power. That is, to charge premiums on any long-term, market-wide basis a cooperative must control so much of the milk supply practicably available to handlers that handlers have no choice but to deal with it. Otherwise, handlers would seek alternative sources, milk that otherwise would have been sold for Class II use with no premium, at a lower price.

In order to sustain premium charges, cooperatives need to prevent dairies from purchasing milk from other sources which do not charge premiums. Because milk is a commodity, raw milk will not be sold in any area on a regular basis at two prices. That is, if dairies can buy milk at a price below that which they are currently paying, their current supplier will be forced to meet the lower price of its competitor or lose the dairy as a customer.**

The areas where the various dairies in a market sell packaged fluid milk products are not entirely coextensive. A particular dairy will generally sell its products in competition with a number of dairies in different parts of its sales territory. If one dairy obtains lower priced milk than its competitors, those competitors will pressure their supplier to meet the lower price. However, if the supplier grants price concessions to those competitors, additional dairies, who did not compete in the sales territory of the first dairy who obtained lower priced milk but do compete in sales territories of other dairies now granted price concession, will demand their own price concessions. In this domino-like fashion price concessions and lower prices tend to spread throughout a market.

Cooperatives in other parts of the United States have devised an effective practice for preventing the intrusion or spreading of competition in markets which are characterized by premiums. The practice operates as follows:

Assume that (1) cooperative XYZ charges premiums in an area, and (2) Dairy W, located in that area, starts purchasing milk with a smaller premium, or with no premium from another source. In that situation, Dairy W's competitors will inform XYZ that there is less expensive milk in their area. Dairy W's competitors will demand that XYZ lower its price to them so that they can compete with Dairy W. Rather than simply doing so, however, XYZ will first ascertain in what counties or towns Dairy W sells milk. XYZ will then announce to all dairies that it will sell them milk at whatever price Dairy W is paying but only for milk which is processed and sold to customers who are located in the counties or towns serviced by Dairy W. That is, XYZ will only lower the price of milk which ultimately sells as packaged milk in the precise area in which Dairy W does business. The benefits of the lower price of milk thus stop at the borders of that area. XYZ is therefore able to preserve its supra-competitive pricing structure in the rest of its marketing area while containing the geographic scope of the lower priced competition. The wholesale and retail price of milk remains high in areas not serviced by Dairy W.

Moreover, even in Dairy W's service area, the lower price of milk is tenuous at best. Often Dairy W's source of milk priced below XYZ's will be either a small group of independent producers, or a cooperative not previously doing business in the area. In order for either group to survive in the new market, growth may be necessary. Dairies know that XYZ's method of containing competiton will quickly remove any cost advantage gained by dealing with any group of producers other that XYZ. Dairies also know that XYZ provides milk and services in an acceptable fashion. There is little incentive for them to deal with XYZ's new competitor which offers no real price advantage and is an unknown factor with respect to quality and services. Thus, Dairy W's new source of supply may whither and die, leading to a return of premium pricing throughout XYZ's marketing area.

If XYZ could not meet the threat to its monopoly profits in this limited way, it would still face a need to meet the competition afforded by Dairy W's new supplier. XYZ could only do so by lowering the price of all milk sold to Dairy W's competitors, not simply that milk specifically traceable to the original and limited area of competitive incursion. By natural competitive progression, this would tend to expand the benefit of lower price milk to the other areas serviced by these and other competing dairies as they demand and receive price concessions from XYZ to meet the spread of lower priced milk in the marketplace. This ever-widening circle of competitive pricing will lead to the erosion and eventual elimination of premiums throughout XYZ's marketing area. Dairy cooperatives seek to avoid this competitive market condition through the use of the limited price concession practice described above, or some similar practice. Without such practices, they cannot preserve premiums over significant periods of time in any given market.

Paragraph IV is designed to prevent Agri-Mark from using any power it has or may acquire to price milk in a selective and predatory way so as to eliminate or contain competition.

Paragraph IV accomplishes this by providing, in subparagraph A, that Agri-Mark must charge Hood the same price it charges other competing dairies. Similarly, Agri-Mark is enjoined under paragraph IV B from selectively lowering prices so as to retaliate against lower competitive offers. Specifically, Agri-Mark is enjoined from charging a lower price based upon the geographic areas in which or customers to whom Agri-Mark's customers sell process milk. If Agri-Mark at some future date establishes a premium and needs to lower its price to meet competitive offers, it must do so throughout the entire market order area, thus assuring a more competitive response than one limited to specific areas or customers. Simply put, Agri-Mark will not be able to build barriers which prevent the spread of competition.

Deprived of the ability to contain competition in the fashion described above, Agri-Mark, or any federation of cooperatives in New England which includes Agri-Mark, will be unable to charge premiums for any significant period of time. A federation without Agri-Mark would lack the membership necessary to charge premiums in the first instance. Thus, through paragraph IV, the proposed Final Judgment deprives Agri-Mark of any market power it might have obtained through its affiliation with Hood or otherwise. We expect raw milk to continue to sell at competitve levels in New England for the foreseeable future.

Finally, since paragraph IV A prevents Agri-Mark from favoring Hood with lower prices than other dairies receive, * we view the proposed Final Judgment as allaying fears of other dairies that Agri-Mark would grant secret price concessions to Hood. Any such concessions would expose both Agri-Mark and Hood, and the individuals responsibile, to civil or criminal charges of contempt of court.

B. Agri-Mark Cannot Prevent Members From Leaving the Cooperative

Agri-Mark required dairy farmers joining it to sign one year supply agreements and to agree to pay Agri-Mark a member contribution equal to $.94 per cwt or raw milk the farmer produced in 1979. Farmers could provide their membership contribution either by paying the entire amount in cash or by financing the payments over a seven year period through Agri-Mark.

Producers will also have an additional financial interest in Agri-Mark. Approximately 50% of Hood's profits will be paid to Agri-Mark. Of this, Agri-Mark will retain 80%, allocating a portion of this to members in proportion to their deliveries to Agri-Mark.

*The Market Administrator administers a fund to which handlers contribute and from which the receive payments. This fund enables each handler to pay a uniform "blend price" to producers regardless of that handler's particular Class I utilization.

**The dairy will either switch suppliers or go out of business in the long run. In either event, the dairy will be lost as a customer of the cooperative.

*Pursuant to a marketing agreement between Agri-Mark and Hood, Hood will pay a portion of its profits to Agri-Mark as an additional price for milk purchased from Agri-Mark. Paragraph IV of the proposed Judgment does not affect this agreement.

Agri-Mark's member equity plan, which controls the financial relations between the cooperative and its members, provides in part that when an Agri-Mark member leaves the cooperative, the cooperative, over a five year period, will refund the member's membership contribution and any cooperative earnings Agri-Mark had allocated the producer during his or her period of membership. The equity plan also provides that Agri-Mark's board of directors can, in its discretion, alter the repayment provision.

As stated above, Agri-Mark entered agreements with its members which increased its control over them and tended to limit the ease with which they could leave Agri-Mark and market their milk in competition with it. Specifically, Agri-Mark members have made a large lump sum investment in Agri-Mark, approximately 8% of a year's gross income. In addition to this substantial initial investment, Agri-Mark will allocate to its members some of the earnings of Hood. These earnings will remain in Agri-Mark until a member leaves Agri-Mark. If the initial investment and retained earnings were necessarily available to all who left Agri-Mark, a member could leave without fear of loss. This is not the case in the Agri-Mark plan which provides that repayment of these sums is subject to approval by Agri-Mark's board of directors. The individual member in making a decision whether to leave the cooperative must consider the likelihood of obtaining these funds from Agri-Mark. The Department was concerned that the discretionary powers over repayment given to the Agri-Mark board of directors could have been wielded in such a manner that members would be hesitant to leave the cooperative, despite the existence of market conditions which in other contexts would induce members to leave.

The proposed Final Judgment limits the scope of the board's discretionary power so as to eliminate the incentive for members to remain in Agri-Mark in order to be assured of receiving their initial investment and their allocated earnings. Paragraph V of the proposed Final Judgment provides in substance that Agri-Mark cannot discriminate in paying out these funds according to the reason a member leaves the cooperative. Members who leave the cooperative to retire and who leave the cooperative to compete against Agri-Mark will be repaid in the order of leaving on a time schedule uniformly applied at any given time to all members. Thus, producers gain no advantage regarding the recovery of funds by remaining in Agri-Mark compared to competing with it. Not only does this prevent discrimination against producers who compete with Agri-Mark, but it provides incentives for Agri-Mark to pay these producers promptly.

The active members who elect Agri-Mark's board of directors will have an incentive to force the directors to make repayments on a constant and uniform basis. The members have friends who are retiring and the members look toward their own retirement. To be certain that in retirement members will receive initial equity contribution and the returns on that contribution, the membership collectively must, through their directors, make payments to all members who leave for reasons other than retirement.

Paragraph V contains two exceptions. Agri-Mark can repay at any time the member equity contribution and allocated retained earnings of any member who had died or who has been adjudged bankrupt. These exceptions should not alter to any substantial degree the desirable effects of paragraph V.

Paragraph VIII of the proposed Final Judgment eliminates one other opportunity for discriminatory action by the Agri-Mark board. Both the Agri-Mark Equity Plan and the Agri-Mark member loan agreement provide that, should a member leave the cooperative prior to paying the entire membership contribution, the remaining payments are immediately due and payable. The Agri-Mark board can at its discretion dispense with this acceleration of payments. Paragraph VIII prevents Agri-Mark from selectively accelerating the debt of those members who want to leave Agri-Mark to compete against it, compared to members who leave Agri-Mark for reasons other than death, disability, natural catastrophe, or retirement at age 65 or older.

C. Hood's Independent Producers Have Additional Opportunities To Find New Markets

The proposed Final Judgment would give Hood independents a reasonable opportunity to find a new market for their milk. It would also permit those independent producers who joined Agri-Mark in the spring because they could not find an alternative market to leave Agri-Mark and resume selling to Hood for a reasonable time until they find an alternative market.

Paragraph VI C of the proposed Judgment requires Hood to be willing to purchase milk from independent dairy farmers who delivered to Hood in February, 1980, until March 1, 1981. One effect of this provision is to end uncertainty for the Hood independents as to the duration of time Hood will purchase their milk. Last Spring Hood told producers that they would be given a "reasonable opportunity" to find other markets before Hood stopped buying from them. However, Hood did not commit to buy their milk for any specific period of time. Paragraph VI C permits the farmers to rationally search for an alternative market. The fall season, when the supply of milk is lowest relative to demand, appears to be the best time for dairy farmers to find a new market for their milk. The requirement that Hood continue to buy their milk until March 1 allows the producers to search for outlets during the fall. These producers have already had a spring and early summer period to find a new market. The March 1 date gives the Hood independents approximately a full year from the original announcement of the acquisition in March, 1980, to find a new market.

Paragraphs VI C 1, VII, and XI address any independent producers who have joined Agri-Mark. The concern is that all or some of these farmers joined Agri-Mark because they feared foreclosure from selling to Hood and were unable to find alternative markets during the indefinite time they had during the spring flush season. Under paragraph XI A such producers will receive notice of the content of paragraphs VI C and VII before 15 days after entry of the proposed Judgment. Pursuant to a stipulation between the parties, the Notice will be given before July 31, 1980. While Hood and Agri-Mark must, under this Stipulation, take specific actions, the Department retains the right to withdraw its consent to the Proposed Final Judgment after receiving and reviewing comments from the public concerning the proposed Final Judgment.

Under paragraph VII of the proposed Judgment, once the independent who joined Agri-Mark has received notice under paragraph XI A, Agri-Mark must allow the independent to terminate all agreements with Agri-Mark and repay the farmer any equity or membership payments made to Agri-Mark. The producer has 20 days after receipt of the notice under paragraph XI A to mail to Agri-Mark his or her notice under paragraph VII. If the producer terminates his or her agreements with Agri-Mark, paragraph VII requires Agri-Mark to repay any membership or equity payment within 30 days.

Any producers who terminate their Agri-Mark membership agreements are free to market milk anywhere, either directly to a dairy as an independent or through another cooperative. To insure that the producer has a real opportunity to search for an alternative market, the producer may deliver to Hood as an independent producer under paragraph VI C 1 until March 1. Thus, the producer can search for an alternative market through the fall and winter period.

Paragraphs VI C 2 and XI A address the independent producers who ceased delivering to Hood, did not join Agri-Mark, and have commenced marketing milk elsewhere. The Department's concern is that all or some of these producers were caught in the uncertainty of the acquisition, and unsure of the time they would be allowed to search for a market while they delivered to Hood. Producers caught in this dilemma may have begun to deliver to another dairy on terms less favorable to the farmers than they received from Hood, and less favorable than they could reasonably expect to obtain if they could look for a market outlet for a longer period of time.

Paragraph VI C 2 (a) requires the producer to state in writing that he or she is legally free to ship milk to Hood. Hood argued that this was necessary to avoid suits by other dairies or cooperatives who have entered agreements with such producers binding them to deliver milk and who might claim that Hood tampered with or induced breaches of those contracts.

Paragraph VI C 2 (b) requires these producers to notify Hood of the desire to return to Hood within 20 days of the producer's receipt of the notification of paragraph XI A. The final sentence of paragraph VI C gives Hood 10 days to begin receiving the milk of the producer. This requirement is to give Hood sufficient time to arrange receipt of the milk.

Paragraph VI D requires Hood to purchase milk of the Hood independents at the same non-price terms and conditions of sale and with the same services provided by Hood to independents in February, 1980. Hood has provided a number of services to its independent producers, and this paragraph

will require that these services continue until March 1, 1981. It is expected that after the consummation of the acquisition, Hood will terminate its field and service personnel which it previously used to serve its independent producers. Hood will then have to contract, presumably with Agri-Mark, for those services for its independents. Since Hood by law must pay its independent producers the minimum federal order prices, it was only necessary to address the non-price terms and conditions of sale. This paragraph protects any Hood independent who takes advantage of paragraph VI C to market milk to Hood until March 1, 1981, while looking for another market outlet.

D. The Proposed Final Judgment Limits the Term of Any Hood/Agri-Mark Supply Agreement

The Complaint asked that Agri-Mark be enjoined from entering any supply contract with Hood of an unreasonable duration. Paragraph VI A of the proposed Final Judgment would prevent Agri-Mark and Hood from entering any supply agreement with a duration, even if any and all options to renew are exercised, of more than one year. A one year contract will allow Agri-Mark to supply Hood through the full seasonal cycles of production of and demand for milk. In other cases the Department has recognized the legitimacy of one year contracts between cooperatives and dairies. *United States* v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cases ¶ 61,509 (W.D. Mo., 1977) [consent decree, Paragraph VII (A)]; *United States* v. *Associated Milk Producers, Inc.*, 394 F. Supp. 29, 49–56 (W.D. Mo., 1975) [consent decree, Paragraph IV (e)].

E. The Proposed Final Judgment Provides Other Relief

The proposed Final Judgment in Paragraph VI B would also prevent Hood from hauling raw milk for Agri-Mark. This ensures that other dairies will not need to rely upon Hood for timely delivery of milk.

Agri-Mark will not own Hood, but only its assets. Agway will own all of Hood's stock and thus be able to elect Hood's management. The proposed Final Judgment assures that Agri-Mark and Hood will remain separately controlled. Paragraph IX would prevent Agri-Mark and Hood from having any common Director, Officer, or management. It would also enjoin any Agri-Mark personnel from discussing prices for raw or processed milk other than as necessary to arrange sales between themselves.

Paragraph X of the proposed Final Judgment prevents any of the Defendants for five years from acquiring any dairy or balancing plant without the consent of the Department or the Court. This will ensure that the Hood transaction does not serve as a springboard for other similar transactions. After five years, any acquisition would of course be subject to the usual limitations imposed by the Clayton Act.

Paragraph XI would require the Defendants to inform relevant personnel of the obligations imposed by the proposed Final Judgment. Paragraph XI E requires Agri-Mark to notify the Department if it suspends repayment of any member equity contribution or allocated retained earnings. This will allow the Department to make certain that any such suspension was not motivated by a desire on Agri-Mark's part to prevent members from leaving the cooperative.

Finally, the proposed Final Judgment has provisions giving the Department the right to inspect the Defendants' books and records to ensure compliance with or detect violations of the proposed Judgment. The proposed Final Judgment has a clause retaining jurisdiction in the Court to issue such orders as may be necessary under the Judgment. The term of the Final Judgment is 20 years.

IV. Remedies Available to Private Parties

Entry of the proposed Final Judgment will have no effect on the rights of persons who have been damaged by the alleged violations. Private plaintiffs may sue for money damages or any other legal or equitable remedy.

V. Procedures Available for Modification

During the time period provided in the Antitrust Procedures and Penalties Act (a minimum of 60 days following the filing of the proposed Final Judgment and its publication in the **Federal Register**), interested persons may file comments with Alan L. Marx, Assistant Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530, urging that the decree not be entered in the form proposed. These comments, and the United States' responses to them, will be filed with the Court and published in the **Federal Register.** All comments will be given appropriate consideration by the United States, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry. In addition, the proposed Judgment provides for retention of jurisdiction over this action by the Court, which will permit the parties to apply to the Court for such orders as may be necessary or appropriate for modification of the Judgment.

VI. Alternatives Actually Considered

The prayer for relief in the complaint asks that a permanent injunction be issued preventing "Agri-Mark and its successors and all persons acting on its behalf . . . from acquiring either directly or indirectly any interest in Hood or Hood's assets."

A permanent injunction to enjoin the proposed transaction would constitute full relief from any anticompetitive effect stemming from the transaction. The United States believes that this transaction can be completed without resulting in anticompetitive effects if the restrictions contained in the proposed Final Judgment are imposed on the Defendants.

On July 3, 1980, Plaintiff proposed that as part of settlement of this action Hood be enjoined for 20 years from refusing to purchase raw milk from any producer who delivered milk, directly or indirectly, to Hood in the month of December, 1979.

This provision would have ensured that producers whose milk was received by Hood in December, 1979, could remain or become independent producers and yet continue to ship to Hood. A substantial and new obligation would attach to Hood so that these producers would be guaranteed a market for 20 years by Hood, a guarantee that they did not previously enjoy. The purpose of this proposal was to provide an ample opportunity for producers to locate other markets—it was not intended to provide near life-time guarantees that Hood would buy milk of specific individuals. The Department believes that its original purpose is adequately served by Paragraphs VI and VII of the proposed Final Judgment.

On July 3, 1980, Plaintiff proposed that as part of settlement of this action Agri-Mark be enjoined for 45 days from entry of Final Judgment from refusing to allow any producer to terminate his or her Agri-Mark membership agreement if that producer gave written notice to Agri-Mark of his or her desire to terminate such agreement within the 45-day period.

This provision would have permitted any producer who joined Agri-Mark to leave during the 45-day grace period. However, for Agri-Mark to finance its organization it must be able to project revenues derived from members' equity contributions with some degree of certainty. Agri-Mark argued that this provision would have prevented that and substantially impeded its formation. This provision was designed to allow producers who joined Agri-Mark for lack of other outlets to leave. Our primary concern in this regard laid with the former Hood independents. This group of producers will receive the benefits of this proposal through paragraph VII of the proposed Final Judgment. Other provisions of the proposed Judgment dealing with possible lock-in of producers (paragraphs V and VIII) will benefit all Agri-Mark members.

VII. Determinative Documents

There were no documents that the United States considered determinative in formulating the proposed consent decree.

Dated: July 15, 1980.

Respectfully submitted,

Michael P. Harmonis,

Kenneth L. Jost,

Richard W. Pierce,

Attorneys for the United States.

[FR Doc. 80–23018 Filed 7–30–80; 8:45 am]

BILLING CODE 4410–01–M

United States v. The Cleveland Builders Supply Co., et al.; Proposed Final Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for the Northern District of Ohio, Eastern Division, in *United States* v. *The Cleveland Builders Supply Company, et al.*, Civil Action No. C79–11. The Complaint in this case alleges that the seven corporate defendants violated the Sherman Act by conspiring to restrain trade in the sale of ready-mix concrete in the Cleveland, Ohio area.

The proposed Judgment enjoins the defendants from engaging in or renewing the alleged conspiracy, prohibits certain price communications between and among the defendants and other ready-mix concrete companies, and requires each defendant to establish a program to insure compliance by its officers and employees with the Judgment.

The CIS describes the terms of the Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John A. Weedon, Chief, Cleveland Field Office, Antitrust Division, Department of Justice, 995 Celebreeze Federal Building, Cleveland, Ohio 44199.

Dated: July 22, 1980.

Joseph H. Widmar,

Director of Operations.

U.S. District Court for the Northern District of Ohio, Eastern Division

Civil No. C79–11

Judge Thomas D. Lambros

Filed: July 22, 1980.

United States of America, Plaintiff, v. *The Cleveland Builders Supply Company; The Collinwood Shale Brick & Supply Co.; Carr Bros., Inc.; Medina Supply Company; Osborne, Inc.; Alpha Concrete Corporation (formerly South Euclid Concrete Company); and Westview Concrete Corp.,* Defendants.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: July 22, 1980.

For the Plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Charles F. B. McAleer, John A. Weedon, David F. Hils, *Attorneys, Department of Justice;* James R. Williams, *United States Attorney;* William J. Oberdick, Dan Aaron Polster, Paul L. Binder, *Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: (216) 522–4014.*

For the Defendants: Leslie W. Jacobs, *Council for Carr Bros., Inc.;* Neal M. Rains, *Counsel for The Collinwood Shale Brick & Supply Company;* Frank B. Moore, *Counsel for Osborne, Inc.;* Robert J. Rotatori, *Counsel for Westview Concrete Corp.;* James M. Porter, *Counsel for The Cleveland Builders Supply Company;* Joseph L. McEntee, Jr., *Counsel for Medina Supply Company;* Stanley M. Fisher, *Counsel for Alpha Concrete Corporation (formerly South Euclid Concrete Company).*

U.S. District Court for the Northern District of Ohio, Eastern Division

Civil No. C79–11

Judge Thomas D. Lambros

Filed: July 22, 1980.

United States of America, Plaintiff, v. *The Cleveland Builders Supply Company; The Collinwood Shale Brick & Supply Co.; Carr Bros., Inc.; Medina Supply Company; Osborne, Inc.; Alpha Concrete Corporation (formerly South Euclid Concrete Company); and Westview Concrete Corp.,* Defendants.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on January 3, 1979 and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment, the term:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity; and

(B) "Ready-mix concrete" means a mixture of cement and other materials, such as sand, stone, water, and, at times, additives.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, enforcing or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any person to determine, establish, fix, raise, stabilize, maintain, or adhere to prices or other terms or conditions for the sale of ready-mix concrete to any third person.

V

Each defendant is enjoined and restrained from, directly or indirectly:

(A) Communicating to any producer, distributor, or seller of ready-mix concrete any information concerning prices at which, or terms or conditions upon which, ready-mix concrete is then being sold or offered for sale by said defendant;

(B) Communicating to any producer, distributor, or seller of ready-mix concrete any information concerning:

(1) Future prices at which, or terms or conditions upon which, ready-mix concrete will be sold or offered for sale by said defendant;

(2) Consideration by said defendant of changes or revisions in the prices at which, or the terms or conditions upon which, said defendant sells or offers to sell ready-mix concrete;

(C) Requesting from any person any information which said defendant could not communicate without violating subparagraphs (A) or (B) hereof;

(D) Urging, influencing, or suggesting to any other seller of ready-mix concrete that he quote or charge a specified price or a price within a specified range or that he adopt any specified term or condition of sale for ready-mix concrete.

VI

Nothing in Sections IV or V of this Final Judgment shall prohibit any defendant from:

(A) Communicating information to any person in the course of, and related to, negotiation for, entering into, or carrying out a bona fide purchase or sale transaction with such other person;

(B) Advertising to the public or trade generally present or future prices at which, or terms or conditions upon which ready-mix concrete is being or will be sold or offered for sale.

VII

Each defendant is ordered and directed for a period of five (5) years from the date of entry of this Final Judgment to affix to every written bid or quotation for ready-mix concrete a written certification, in substantially the form set forth in Appendix A attached hereto, signed by an officer or employee of such defendant having authority to determine the price bid or quoted and responsible for the preparation of bid or quoted and responsible for the preparation of bids or quotations, that such bid or quotation was not in any way the result, directly or indirectly, of

any discussion, communication, agreement, understanding, plan or program, whether formal or informal, between such defendant and any other person, which is prohibited by the provisions of this Final Judgment.

VIII

Each defendant is ordered and directed to:

(A) Furnish a copy of this Final Judgment within thirty (30) days after the date of its entry to each of its officers and other persons having any responsibility for the pricing or sale of ready-mix concrete;

(B) Furnish a copy of this Final Judgment to each new person who succeeds one of the persons described in subparagraph (A) hereof within thirty (30) days after each such person assumes such position;

(C) Obtain from each person furnished a copy of this final Judgment pursuant to subparagraph (A) and (B) hereof a signed receipt therefor, which receipt shall be retained in the defendants' files;

(D) Attach to each copy of this Final Judgment furnished pursuant to subparagraphs (A) and (B) hereof a statement, in substantially the form set forth in Appendix B attached hereto, advising each person of his obligations and of such defendant's obligations under this Final Judgment, and of the penalties which may be imposed upon him and upon such defendant for violation of this Final Judgment;

(E) Hold, within forty (40) days after the date of entry of this Final Judgment, a meeting of the persons described in subparagraph (A) at which meeting such persons shall be instructed concerning the defendant's and their obligations under this Final Judgment. For a period of ten (10) years from the date of entry of this Final Judgment, similar meetings shall be held at least once a year, which shall also be attended by persons described in subpargraph (B) hereof; at the meetings held in the first and tenth year after the entry of this Final Judgment, the instructions concerning the obligations under this Final Judgment shall be given by defendant's counsel;

(F) Provide the plaintiff, each year, before the anniversary of the entry of this Final Judgment, an affidavit as to the fact of its compliance with subparagraphs (B), (C), (D), and (E) hereof;

(G) Establish and implement a plan for monitoring compliance by the persons described in subparagraph (A) of this Section with the terms of the Final Judgment; and

(H) File with this Court and serve upon the plaintiff, within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact of its compliance with subparagraphs (A), (C), and (D) hereof.

IX

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets of its ready-mix concrete business that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court and serve upon the plaintiff its consent to be bound by this Final Judgment.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim or protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XII

This Final Judgment shall terminate ten (10) years from the date of its entry.

XIII

Entry of this Final Judgment is in the public interest.

Dated:

U.S States District Judge

Appendix A

The undersigned hereby certifies that to his best knowledge and belief the attached bid has not been prepared in collusion with any other seller or ready-mix concrete, and that the prices and other terms and conditions thereof have not been and will not be communicated by or on behalf of the bidder to any other seller of ready-mix concrete prior to any official opening of said bid.

Dated:

Signature of Employee Having Authority to Determine the Price Bid or Quoted

Appendix B

Notice

Re: *U.S. v. The Cleveland Builders Supply Company, et al.*

Attached hereto is a copy of a Final Judgment entered ————————, 1980 in the captioned case. We are required to provide this to you, and you should read it carefully. The provisions of the Final Judgment contained in Sections IV, V and VII apply to you, and violation of these provisions by you may subject the Company to a fine and may subject you to a fine and imprisonment.

U.S. District Court for the Northern District of Ohio, Eastern Division

United States of America, Plaintiff, V. *The Cleveland Builders Supply Company; The Collinwood Shale Brick & Supply Co.; Carr Bros., Inc.; Medina Supply compnay; Osborne, Inc.; Alpha Concrete Corporation (formerly South Euclid Concrete Company); and Westview Concrete Corp.*, Defendants.

Civil No. C79–11, Judge Thomas D. Lambros.

Filed: July 22, 1980.

Competitive Impact Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On January 3, 1979, the United States filed a civil antitrust Complaint alleging that seven corporations had conspired to fix prices in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

The Complaint alleges that, beginning at least as early as 1972 and continuing thereafter at least until early 1976, the defendants engaged in a combination and conspiracy to fix, raise, stabilize, and maintain the prices of ready-mix concrete in the Cleveland area (Cuyahoga County).

The Complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman

Act. It also asks the Court to enjoin and restrain the defendants from such activities in the future. The defendants named in the Complaint are: The Cleveland Builders Supply Company; The Collinwood Shale Brick & Supply Co.; Carr Bros., Inc.; Medina Supply Company; Osborne, Inc.; Alpha Concrete Corporation (formerly South Euclid Concrete Company); and Westview Concrete Corp.

All the defendants in this action have previously pleaded *nolo contendere* to criminal charges concerning the same combination and conspiracy alleged in this action. Defendant Medina Supply Company was named in a criminal misdemeanor Indictment; the remaining six defendants were named in a criminal felony Indictment. The Court has made preliminary sentencing determinations, but has not yet made a final decision on sentences. This civil case had been held in abeyance until the criminal charges were resolved.

II

Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

Ready-mix concrete is a mixture of cement and other materials, such as sand, stone, water, and, at times, additives. During the period covered by the Complaint, the defendants produced and sold ready-mix concrete in the Cleveland area to contractors, builders, and others on the basis of written or oral price quotations rendered to such customers. These customers used ready-mix concrete in the construction, repair, alteration, and improvement of highways and other paved surfaces, and governmental, institutional, commercial, industrial, and residential foundations and structures.

During the period specified in the Complaint, the defendants were the leading ready-mix concrete suppliers in the Cleveland area. During the four-year period from January 1972 through December 1975, the defendants had total gross sales of ready-mix concrete from plants in the Cleveland area of approximately $83 million.

The Complaint alleges that the defendants engaged in an illegal combination and conspiracy beginning at least as early as 1972 and continuing thereafter as least until early 1976, which consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators to fix, raise stabilize, and maintain the prices of ready-mix concrete in the Cleveland area.

The Complaint further alleges that the combination and conspiracy had the following effects, among others:

(a) Prices of ready-mix concrete in the Cleveland area were fixed, raised, stabilized, and maintained at artificial and non-competitive levels;

(b) Competition in the sale of ready-mix concrete in the Cleveland area was restrained; and

(c) Customers in the Cleveland area were deprived of the benefits of full, free, and open competition in the market for ready-mix concrete.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest. Accordingly, Section XIII of the proposed Final Judgment states that entry of this Final Judgment is in the public interest.

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section IV provides that the defendants are enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any person to determine, establish, fix, raise, stabilize, maintain, or adhere to prices or other terms or conditions for the sale of ready-mix concrete to any third person.

Section V further enjoins the defendants from communicating with each other or with any other ready-mix concrete company about the prices or terms of sale of ready-mix concrete.

Since ready-mix concrete producers often sell ready-mix concrete to each other, and since they sometimes advertise or publicize their prices, there are two limited exceptions to the prohibitions set forth in Sections IV and V of the proposed Final Judgment. These exceptions, contained in Section VI of the proposed Final Judgment, provide that nothing in Sections IV or V of the Judgment shall prohibit the defendants from communicating information for a *bona fide* purchase or sale or from advertising prices of ready-mix concrete to the public or trade generally.

Section VII of the proposed Final Judgment orders each defendant, for a period of five (5) years from the date of entry of the Judgment, to affix to every written bid or quotation for ready-mix concrete a written certification that the bid or quotation was not the result of any discussion, communication, agreement, understanding, plan, or program between the defendant and any other person.

Section VIII of the proposed Final Judgment orders the defendants to furnish a copy of the Final Judgment to each of their officers and other persons who has any responsibility for the pricing or sale of ready-mix concrete. Successors of those persons are also to be furnished a copy of the Judgment. Each copy of the Judgment so provided will have attached a statement informing the recipient that a violation of the Final Judgment could result in a fine for the company and a fine and imprisonment for the individual. Section VIII also requires each defendant to hold a meeting every year for ten years at which the persons described above are instructed on their obligations and their company's obligations under the Final Judgment. The defendants are required to monitor compliance of those persons with the Final Judgment.

The proposed Final Judgment is applicable to each of the defendants and to their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment by personal service or otherwise (Section III). Section IX of the proposed Final Judgment requires that, if a defendant sells the assets of its ready-mix concrete business, the purchaser must agree to be bound by the Final Judgment and must so inform the Court of the United States.

Section XII makes the Final Judgment effective for ten years from the date of its entry.

Standard provisions similar to those found in other antitrust consent judgments are contained in Section I (jurisdiction of the Court), Section X (investigation and reporting requirements), and Section XI (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutory effect on competition in the ready-mix concrete market in the Cleveland area. Not only have the defendants been enjoined from future collusive behavior, but they are also required to provide copies of the Final Judgment to each of their officers and other persons having any responsibility for the sale or pricing of ready-mix concrete. In addition, those people must meet annually to be instructed about their responsibilities under the Judgment. It is anticipated that these provisions will reduce the possibility of future violations.

IV

Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216–522–4070). These comments and the Department's responses to them will be filed with the Court and published in the **Federal Register.**

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, Section X of the proposed Final Judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such order as may be necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment after its entry.

VI

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Final Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

VII

Determination Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties act, 15 U.S.C. § 16(b).

Respectfully submitted,

John A. Weedon,
David F. Hils,
Attorneys, Department of Justice.

William J. Oberdick,
Dan Aaron Polster,
Paul L. Binder,
Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, (Telephone: 216–522–4014).

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BILLING CODE 4410–01–M

United States v. Rheem Manufacturing Co., et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed final judgment, stipulation, and competitive impact statement have been filed with the Eastern District of Pennsylvania in *United States* v. *Rheem Manufacturing Company, et al.*, Civil Action No. 79–204. The complaint in this case alleged that six corporations engaged in a combination and conspiracy to raise, fix, and stabilize the prices of water heaters in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed final judgment enjoins the defendants from entering into any contract, agreement, understanding, plan, program, combination or conspiracy with any other manufacturer of water heaters to raise, fix, stabilize, maintain or adhere to prices, discounts or other terms or conditions of the sale of water heaters to any third person. The proposed judgment further enjoins the defendants from communicating to, requesting from or discussing with any other manufacturer of water heaters information about prices at which water heaters were sold. Each defendant is required to take prescribed steps including the distribution of the judgment and a written corporate directive to certain employees. The employees would also be required to sign a statement acknowledging their receipt of the judgment and directive, and their understanding that noncompliance may result in criminal penalties.

Comments to the Department and to the court regarding the decree are invited from members of the public within the next 60 days. They are to be directed to Anthony V. Nanni, Chief, Trial Section, Antitrust Division, Room 3266, Department of Justice, Washington, D.C. 20530 (telephone: 202/633–2541).

Dated: July 22, 1980.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

U.S. District Court for the Eastern District of Pennsylvania

United States of America, Plaintiff, v. *Rheem Manufacturing Company, State Industries, Inc., Bradford-White Corporation, Mor-Flo Industries, Inc., A. O. Smith Corporation, and W. L. Jackson Manufacturing Company*, Defendants.

Civil Action No. 79–204.

Filed: July 22, 1980.

Stipulation

We stipulate that:

1. The parties consent that the court may file and enter a Final Judgment, in the form attached to this stipulation, on the court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)–(h)], and without further notice to any party or other proceedings, if plaintiff has not withdrawn its consent, which it may do at any time before entry of the judgment by serving notice of its withdrawal on defendants and filing that notice with the court.

2. If plaintiff withdraws its consent or if the proposed judgment is not entered pursuant to this stipulation, the stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

Dated: July 22, 1980.

For the plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Anthony V. Nanni, Joel F. Brenner, *Attorneys, U.S. Department of Justice.*

For the defendants: Edward W. Mullinix, Alan M. Lieberman, Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, Pennsylvania 19102, By Edward W. Mullinix, *Attorneys for Rheem Manufacturing Company;* H. Francis DeLone, Richard C. Rizzo, Dechert Price & Rhoads, 3400 Centre Square West, Philadelphia, Pennsylvania 19102, Hugh Peterson, King & Spalding, 2500 Trust Company Tower, Atlanta, Georgia 30303, By Richard C. Rizzo, *Attorneys for State Industries, Inc.;* Theodore W. Flowers, White and Williams, 1234 Market Street, Philadelphia, Pennsylvania 19107, By Theodore W. Flowers, *Attorneys for Bradford-White Corporation;* John C. Fricano, Skadden, Arps, Slate, Meagher & Flom, 1775 Pennsylvania Avenue, Washington, D.C. 20006, Ronald I. Weiss, Kohrman, Jackson & Weiss Co., P. P. A., 1600 Central National Bank Building, Cleveland, Ohio 44114, By John C. Fricano, *Attorneys for Mor-Flo Industries, Inc.;* John G. Harkins, Jr., Laurence Z. Shiekman, Pepper, Hamilton & Scheetz, 123 South Broad Street, Philadelphia, Pennsylvania 19102, David E. Beckwith, Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, By John G. Harkins, Jr., *Attorneys for A. O. Smith Corporation;* J. Guy Beatty, Jr., Edward N. Boehm, Miller & Martin, Tenth Floor Volunteer State Life Building, Chattanooga, Tennessee 37402, Henry T. Reath, Duane, Morris & Heckscher, 100 South Broad Street, Philadelphia, Pennsylvania 19110, By Henry T. Reath, *Attorneys for W. L. Jackson Manufacturing Company.*

U.S. District Court for the Eastern District of Pennsylvania

United States of America, Plaintiff, v. *Rheem Manufacturing Company, State Industries, Inc., Bradford-White Corporation, Mor-Flo Industries, Inc., A. O. Smith Corporation, and W. L. Jackson Manufacturing Company*, Defendants.

Civil Action No. 79–204.

Filed: July 22, 1980.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on January 17, 1979, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties. The complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

A. "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

B. "Water heaters" means devices that automaticaly store and provide on demand hot water for use in private residences, commercial establishments and mobile homes.

III

This Final Judgment applies to each defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. This final Judgment does not apply to (a) any activities between a defendant and any of its parent, subsidiary or affiliated corporations and (b) sales for use outside the United States in which delivery is made to the vendee outside the United States.

IV

Each defendant is enjoined and restrained from directly or indirectly entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy with any other manufacturer of water heaters to raise, fix, stabilize, maintain or adhere to prices, discounts or other terms or conditions for the sale of water heaters to any third person.

V

Each defendant is enjoined and restrained from communicating to, requesting from or discussing with any other manufacturer of water heaters information about any past, present, future or proposed price, discount or other term or condition for the sale of water heaters or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of water heaters; provided, however, that this section does not apply to (1) any communication that is made to the public or the trade generally but is not made directly to any other manufacturer of water heaters and (2) any necesary communication in connection with a bona fide contemplated or actual purchase or sales transaction between the parties to the communication.

VI

A. Each defendant shall, within 60 days after entry of this Final Judgment, furnish a copy of it to each of its employees who has management responsibility for the sale of water heaters or any responsibility for or authority over the establishment of prices for water heaters.

B. Each defendant shall furnish a copy of this Final Judgment to each person who becomes an employee described in subsection A of this section, within 60 days after he assumes the position that brings him within that description.

C. Each defendant shall take additional affirmative steps to advise each of its employees described in subsections A and B of this section of its and of their obligations. These steps shall include distribution to each of them, at least once every two years, of copies of this Final Judgment and of a written directive about the defendant's policy requiring compliance with the Sherman Act and with the judgment. The directive shall include an admonition that noncompliance will result in appropriate disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer about any compliance questions. The defendant shall require that each of them submit to it a signed statement, which it shall retain in its files, acknowledging each receipt of copies of the judgement and the directive, acknowledging that he has read them, acknowledging that he has been advised and understands that noncompliance will result in appropriate disciplinary action, which may include dismissal, and acknowledging that he has been advised and understands that noncompliance with the judgment may also result in conviction for contempt of court and fine or imprisonment, or both.

D. Each defendant shall file with the court and serve on the plaintiff, within 90 days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection A of this section.

VII

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its water heater business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court and serve on the plaintiff its consent to be bound by this Final Judgment.

VIII

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his agent made to any defendant at its principal office, subject to any legally recognized privilege:

A. On reasonable notice to the defendant, which may have counsel present, duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during office hours of the defendant, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees or agents of the defendant, any of whom may have counsel present, regarding any matters contained in this Final Judgment; and

B. The defendant shall submit such reports in writing, under oath if requested, with respect to any matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a suly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

If, at the time information or documents are furnished by a defendant to plaintiff, the defendant represents and identifies in writing the material in the information or documents to be of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure and the defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten days' notice to the defendant before divulging the material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

IX

Jurisdiction is retained by this court for the purpose of enabling any of the parties to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

X

This Final Judgment shall be in effect for the period of ten years following the date of its entry.

XI

Entry of this Final Judgment is in the public interest.

J.

U.S. District Court, for the Eastern District of Pennsylvania

United States of America, Plaintiff, v. *Rheem Manufacturing Company; State Industries, Inc.; Bradford-White Corporation; MOR-FLO Industries, Inc.; A. O. Smith Corporation; and W. L. Jackson Manufacturing Company*, Defendants.

Civil Action No. 79-204.

Filed: July 22, 1980.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (the "Act"), 15 U.S.C. § 15(b)-(h), the United States files this Competitive Impact Statment relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On January 17, 1979, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. § 4) to enjoin the above-named corporate defendants from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. § 1).

The complaint alleges that beginning as early as 1963 and continuing at least until sometime in 1977, the defendants engaged in a conspiracy to restrain interstate commerce by fixing the prices of water heaters. The complaint seeks a judgment by the court that the defendants engaged in a combination and conspiracy in restraint of trade in violation of

Section 1 of the Sherman Act and an order enjoining them from continuing or resuming such activities in the future.

Proceedings in this case were stayed pending disposition of a companion criminal prosecution, *United States* v. *Rheem Manufacturing Company, et al.*, Criminal No. 79–14 (E.D. Pa.). The indictment, filed on January 17, 1979, charged the above-named defendant corporations and eight individuals with a criminal violation of the Sherman Act arising out of the same conspiracy alleged in the complaint. The criminal case has been concluded. Four of the corporations (State Industries, Inc., Mor-Flo Industries, Inc., A. O. Smith Corporation, and W. L. Jackson Manufacturing Company) pleaded *nolo contendere* and were fined a total of $1,075,000. Five of the individuals also pleaded *nolo contendere*. Two individuals served 90-days in prison and three received suspended sentences. The remaining two corporations and three individuals were acquitted after trial.

II

The Terms of the Alleged Conspiracy

The corporate defendants are the leading manufacturers of mass-produced automatic water heaters in the United States, and sell their products to plumbing wholesalers, hardware wholesalers, retail stores and mobile home manufacturers. During the period of time covered by the complaint the total sales of such water heaters by the defendants amounted to approximately $2 billion.

The complaint alleges that the defendants conspired to restrain interstate commerce beginning in 1963 until at least sometime in 1977 in violation of Section 1 of the Sherman Act by fixing the prices of water heaters. As stated in the complaint, for the purpose of forming and effectuating the conspiracy, the defendants: agreed upon the published prices of water heaters and upon discounts to be granted in geographic markets; confronted one another with deviations from agreed upon prices and discounts; contacted one another to check deviations from agreed upon prices and discounts; exchanged proposed and published price lists; and met secretly to cover up the conspiracy. According to the complaint, the conspiracy has stabilized the prices of water heaters at noncompetitive levels, deprived buyers of water heaters of free and open competition, and restrained competition between the defendants in the sale of water heaters.

III

Explanation of the Proposed Civil Judgment

The United States and all the defendants have stipulated that the court may enter the proposed Final Judgment at any time after compliance with the Act. The Final Judgment provides that there is no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Act, entry of the proposed Final Judgment is conditioned upon a determination by the court that the proposed Final Judgment is in the public interest.

Water heaters are defined in the proposed Final Judgment as devices that automatically store and provide on demand hot water for use in private residences, commercial establishments and mobile homes. This definition is consistent with the focus of the investigation leading to the criminal indictment and the filing of the complaint.

The proposed Final Judgment enjoins the defendants from directly or indirectly entering into, adhering to, maintaining or furthering any agreement of any kind with any other manufacturer of water heaters to raise, fix, stabilize, maintain or adhere to prices, discounts or other terms or conditions for the sale of water heaters to any third person.

The proposed Final Judgment also enjoins the defendants from communicating to, requesting from or discussing with any other manufacturer of water heaters information about (a) any past, present, future or proposed price, discount or other term or condition for the sale of water heaters or (b) the consideration to make changes in such matters. This restriction does not apply to public communications not made directly to any other manufacturer of water heaters and to any necessary communication in connection with a bona fide contemplated or actual purchase or sales transaction between the communicating parties.

The proposed Final Judgment requires each defendant to advise employees with sales management or pricing responsibilities for water heaters (described employees) of the defendant's and the employees' obligations under the judgment and the Sherman Act. Each defendant must furnish a copy of the Final Judgment to each described employee within 60 days after the judgment is entered, and to each person who becomes a described employee within 60 days after the person assumes the position. Each defendant is also required to distribute, at least once every two years, a copy of the Final Judgment and a written directive to each of the described employees. The directive must warn that noncompliance with the Final Judgment and the Sherman Act will result in disciplinary action, which may include dismissal, and advise that the defendant's legal advisors are available for consultation concerning compliance questions. The employee then must submit a signed statement to his employer acknowledging that he has received and read the judgment and directive, and that he has been advised and understands that noncompliance will result in disciplinary action, which may include dismissal, and that noncompliance with the judgment may result in conviction for contempt of court and fine or imprisonment or both.

The proposed Final Judgment also provides that each defendant require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its water heater business that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court, and serve on the United States, its consent to be bound by the judgment.

The Department of Justice is given access under the proposed Final Judgment to the files and records of the defendants, subject to reasonable notice requirements, to determine compliance with the Final Judgment. The Department is also granted access to interview officers, directors, agents or employees of the consenting defendants to determine whether the defendants and their representatives are complying with the Final Judgment. Finally, the defendants, upon the written request of the Department of Justice, shall submit reports in writing, under oath if requested, with respect to any of the matters contained in the Final Judgment.

The Final Judgment is to be in effect for ten years from its date of entry.

IV

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. §15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist any person in prosecuting any private antitrust claim arising out of the conspiracy charged in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C. §16(a), this Final Judgment may not be used as prima facie evidence in legal proceedings againt the defendants.

Shortly after the commencement of this case and the criminal case by the United States, a number of private actions were filed in various federal district courts throughout the United States seeking treble damages. The cases were consolidated in the Eastern District of Pennsylvania before Judge J. William Ditter, Jr., who on January 23, 1980 approved a settlement agreement pursuant to which the defendants paid $28.3 million to a class of water heater purchasers.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Department of Justice, Antitrust Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Act. The comments and the government's responses to them will be filed with the court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that the court will retain jurisdicition over this action, and that the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against the defendants. The only alternative available to the Department of Justice is a trial of this case on the merits.

Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

Respectfully submitted,

Anthony V. Nanni,

Attorney, United States Department of Justice, Antitrust Division, Room 3268, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, (202) 633-2541.

Dated: July 18, 1980.

[FR Doc. 80-23020 Filed 7-30-80; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by September 5, 1980. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain mammals and certain geographic areas as requiring special protection. The regulations establish such a permit system and designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations were presented for public comment in draft form in the 6 March 1979 **Federal Register**. They appeared in final form in the 7 June 1979 **Federal Register**. They were effective 1 July 1979.

The purpose of the regulations is to conserve and protect the mammals, birds, and plants of Antarctica and the ecosystem upon which they depend. To that end, unless the following activities are specifically authorized by permit, it is unlawful:

- To take any mammal or bird native to Antarctica (note that "take" means "to remove, harass, molest, harm, pursue, hunt, shot, wound, kill, trap, capture, restrain, or tag" any native mammal or bird or to attempt to engage in such conduct).
- To collect any plant native to Antarctica in specially protected areas.
- To enter any Specially Protected Area or certain Sites of Special Scientific Interest.
- To import into or export from the United States any mammal or bird native to Antarctica or any plant collected in a Specially Protected Area.
- To introduce to Antarctica any nonindigenous plant or animal.

The Antarctic Conservation Act of 1978 mandates civil and criminal penalties for noncompliance with the regulations.

All mammals and birds normally found in Antarctica, excluding whales regulated by the International Whaling Commission, are designated as native mammals or native birds. Activities involving these mammals or birds require a permit. Areas of outstanding ecological interest are designated as Specially Protected Areas. No one may enter these areas or collect any native plants in these areas without a permit. Areas of unique scientific value that need protection from interference are designated as Sites of Special Scientific Interest. Entry into certain of these areas without a permit is prohibited.

The permit system is described in the regulations. To obtain a permit, each applicant must provide the scientific names and numbers of native mammals or birds to be taken, including age, size, sex, and condition (e.g., pregnant or nursing) or the scientific names and numbers of native plants to be collected in a Specially Protected Area. Each applicant must include a complete description of the location, the time period, and the manner of taking or collecting specimens. If the specimens are to be imported into the United States, the applicant must also indicate the ultimate disposition of the materials.

Permits for taking or collecting mammals, birds, or plants will be issued by the Director of the National Science Foundation or his designated representative. Each permit will be evaluated in terms of the objectives of the Antarctic Conservation Act, that is, the conservation and protection of antarctic flora and fauna and the antarctic ecosystem. Permits issued under these regulations (or copies of them) must be held in the possession of those authorized to engage in a permitted action. The permits must be displayed upon request to any person responsible for enforcing the regulations.

Anyone who knowingly commits an act prohibited by the Antarctic Conservation Act of 1978 is liable to a civil penalty of up to $10,000 for each violation. If the violation was committed without knowledge of the regulations, the fine will not exceed $5,000. Criminal penalties for willful violation of the regulations may involve a fine of up to $10,000 and/or imprisonment for not more than 1 year.

The Antarctic Conservation Act of 1978 does not supersede the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, or the Migratory Bird Treaty Act. Permit applications involving native mammals or native birds covered by these acts will be forwarded by NSF to the agencies that administer them. If a proposed activity involves approval under more than one law, then the activity must satisfy the conditions of all applicable laws or a permit cannot be granted. Even if a permit is approved by other appropriate agencies, the Director of the National Science Foundation still must decide whether to issue a permit according to the requirements of the Antarctic Conservation Act of 1978.

The regulations amend Title 45 of the Code of Federal Regulations by adding Part 670.

The applications received are as follows

1. Applicant

William J. Zinsmeister, Institute of Polar Studies, Ohio State University, Columbus, Ohio 43210.

Activities for Which Permit Requested

Enter Site of Special Scientific Interest—Cape Crozier

The applicant proposes to visit Cape Crozier to search the moraines for fossiliferous erratics. Cape Crozier is one of a very few areas in which fossiliferous erratics of Tertiary age have been recovered.

A single camp site with two scientists will be established in the vicinity of Post Office Hill. It is anticipated that no more than four days will be required to conduct the survey. Movement around

the area will be by foot. Helicopter activity will be limited to putting in and moving the camp.

Location

Ross Island, Antarctica.

Dates

January through March 31, 1981.

2. Applicant

Robert E. Ricklefs, Department of Biology, University of Pennsylvania, Philadelphia, Pennsylvania 19104.

Activity for Which Permit Requested

Taking (birds); Importing into U.S.A.

The applicant plans to study the growth and energetics of chicks of the following species: (Four Adults, 20 eggs or juveniles, each) Adelie Penquins, South Giant Petrel, Blue-eyed Shag, South Polar Skua, and Wilson's Storm-Petrel.

The specimens will be used to determine (1) changes in the relative proportions of organs, plumage, and muscle masses as a function of age, (2) accumulation of energy in lipids, and proteins during development, and (3) levels or water in tissues as an index to the acquisition of mature function. These analyses will be coupled with measurements of growth rate, oxygen consumption, and ability to maintain body temperature, to provide a complete description of growth in a variety of species having quite different patterns of development. These patterns in turn will be related to parental care and the nature of the food supply used by the adult birds.

Location

Anvers Island and vicinity, Antarctic Peninsula

Dates

December 1, 1980 to April 30, 1981.

3. Applicant

John G. Baust, Department of Biology, University of Houston, Houston, Texas 77004.

Activities for Which Permit Requested

Taking (plants-Alga, Prasiola; moss, Brylum)

Enter Specially Protected Area—Litchfield Island. Enter Site of Special Scientific Interest—Byers Peninsula Import into U.S.A.

The applicant will collect and analyze terrestrial insect and lower plant life for a study of natural antifreeze compounds. Plant material will be removed, extracted by gradual warming to force out arthropods and then replaced in the exact site from which collection was made. Some plant material will be homogenized for biochemical studies.

Location

Litchfield Island, and Livingston Island.

Dates

November 1, 1980 to April 30, 1981.

4. Applicant

Arthur L. DeVries, 524 Burrill Hall, University of Illinois, Urbana, Illinois 61801

Activities for Which Permit Requested

Introduction of non-indigenous species into Antarctica.

The applicant proposes to introduce 20 black cod (*Notothenia angustata*) into a controlled laboratory environment in Antarctica. These fish will be used in studies of isolation and characterization of messenger RNA which codes for the glycoprotein antifreeze. As the black cod is in the same family as the *Trematomus* fishes of McMurdo Sound, this fish provides a good control for comparing the types of messenger RNA which are extracted from the liver. The black cod lacks an antifreeze and therefore the messenger RNA which codes for it will be lacking in extracts of the liver from which the messenger RNA is isolated.

The turnover of a labeled glycoprotein in antifreeze in the black cod at 0°C will also be studied. In order to do these experiments the black cod will be acclimated for several weeks at +4°C in an aquarium at McMurdo Station. After the experiments have been completed the fish will be sacrificed and preserved.

The applicant undertakes to prevent the fish being introduced into the natural environment of McMurdo Sound. The applicant notes that even if these fish, because they lack the glycoprotein antifreeze, were released in McMurdo Sound they would freeze in the icy waters.

Location

McMurdo Station, Antarctica.

Dates

October 1, 1980 to March 1, 1981.

5. Applicant

David F. Parmelee, 349 Bell Museum of Natural History, University of Minnesota, Minneapolis, Minnesota 55455.

Activities for Which Permit Requested

Taking (birds—Brown Skua, South Polar Skua, Dominican Gull, American Sheatbill, Antarctic Tern, Blue-Eyed Shag, Wilson's Storm Petrel—maximum of 5 of each species).

Import into U.S.A.

Enter Specially Protected Area—Litchfield Island.

The applicant proposes to take specimens (mostly charadriiform species, including the abundant skuas, gulls, sheatbills and terns) for positive age and sex determination, food analysis, plumage and molt studies, disease determination, and identification of organisms (parasites, algae, fungi, protozoans, etc.) transported by the birds. Unless deteriorated or dissected beyond repair, the carcasses are ultimately preserved as museum specimens and used for taxonomic and educational purposes. Some of the specimens are also used as models for scientific illustrations. Many of the specimens taken are found dead, but certain ones would be taken by shooting.

Location

South Shetland Islands, Antarctic Peninsula area, especially Anvers Island, Litchfield Island.

Dates

November 1, 1980 to April 30, 1981.

6. Applicant

David E. Murrish, Department of Biological Sciencies, State University of New York, Binghamton, New York 13901.

Activities for Which Permit Requested

Taking (Adelie Penguins, Giant Petrels) Entering Specially Protected Area—Litchfield Island

1. *Adelie Penguins*—non-breeding birds will be taken for a preliminary study of the physiological controls governing heat flow through the flippers. These birds will be released unharmed to the wild.

2. *Giant Petrels*—15 eggs and 15 incubating adults will be taken for a study of the thermal relations of incubation. The eggs will be kept in the laboratory at incubation temperatures for a metabolism study. Substitute plastic eggs will be given to the adults to keep them in a brooding condition. Prior to hatching the real eggs will be returned to the adults. Few fatalities, if any, are anticipated.

A different set of adults will be taken for laboratory and field experiments involving heat and blood flow to the brood patch. Five of the birds will be killed for anatomical studies. The remaining 10 will be returned to the wild unharmed.

Part of this work involves placing radio transmitters on the petrels. To

properly track the birds for any distance requires altitude. The peak of Litchfield Island is the highest point in the harbor area and will provide a line-of-site tracking possibility of several miles.

Location

Palmer Station and vicinity, including Litchfield Island.

Dates

December 1, 1980 to April 30, 1981.

7. Applicant

Gerald L. Kooyman, Scripps Institution of Oceanography, Physiological Research Laboratory, University of California-San Diego, La Jolla, California 92093.

Activity for Which Permit Requested

Taking (up to 50 adult Weddell Seals).

This project is a broad investigation of how Weddell seals maintain themselves through the harsh winter season. The study will include observations on seasonal changes: (1) in seal distribution and social interactions (2) on depth of dive and duration preferences, and the changes in muscle chemistry before and after some of the dives (3) on visual and acoustical modes of orientation, and (4) on the physical and biotic nature of the habitat.

The procedures will make use of free-ranging seals as well as some dived from isolated experimental stations. Diving conditions for the seals will range from thin ice 1 to 2 m thick to ice more than 20 m thick and from light conditions where the sun is above the horizon for 24 hours to period when it is below the horizon for 24 hours. Data will be obtained by direct observation in the case of surveys for seal distribution and remote sampling by means of time-depth recorders deployed on seals. Other remote monitoring procedures will include radiotransmitting hydrophones and remotely activated cameras lowered into the water column.

This study will provide new information on some important but neglected aspects of Weddell seal ecology, behavior, and physiology, as well as insight into the adaptations of other species. For example, how an air breathing aquatic vertebrate can successfully exploit such a hostile habitat where there is a lengthy period of continuous darkness, at times very thick ice, and extremely low surface temperatures.

Most specimens will be released near to the capture site at the conclusion of these experiments.

Location

McMurdo Sound and White Island.

Dates

January 1981 through December 31, 1981.

Authority to take action under the Antarctic Conservation Act of 1978 has been delegated by the Director, NSF to the Director, Division of Polar Programs under NSF Staff Memorandum O/D 79-16, of May 29, 1979.

Edward P. Todd,

Director, Division of Polar Programs.

[FR Doc. 80-23017 Filed 7-30-80; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-31]

Reports, Safety Recommendations and Responses; Availability

Aircraft Accident Report

COMAIR, Inc., Piper PA-31-310, Navajo, N6642L, Greater Cincinnati Airport, Covington, Kentucky, October 8, 1979 (NTSB-ARR-80-8).—The National Transportation Safety Board on July 17 made public its formal report on investigation of this accident. The Piper PA-31, with a pilot and seven passengers on board, crashed on takeoff from runway 18 at the Greater Cincinnati Airport. All were killed, and the aircraft was destroyed.

Investigation disclosed that after 1,500 to 2,000 ft of takeoff roll, the aircraft lifted off abruptly and climbed slowly to about 150 ft above the runway. Following liftoff, the pilot reported a loss of power from an engine, and the tower controller cleared the pilot to return and land. Seconds later, the aircraft rolled to the right to an inverted position and dove, nose first, to the ground.

The Safety Board determined that the probable cause of the accident was the loss of control following a partial loss of power immediately after liftoff. The accident could have been avoided if either the pilot had rejected the takeoff or had raised the landing gear and flaps. His failure to take decisive action may have been due to preoccupation with correcting the malfunction, and a lack of familiarity with the aircraft and with its emergency procedures. Contributing to the accident was the pilot's inexperience in multiengine aircraft, a hurried departure, inadequate training, inexperienced company management, and ineffective Federal Aviation Administration certification and surveillance of the operator.

As a result of the investigation of this accident, the Safety Board reiterates the following "Class II, Priority Action" recommendations, directed to the Federal Aviation Administration:

Require that pilots involved in 14 CFR Part 135 operations be thoroughly trained on the performance capabilities and handling qualities of aircraft where loaded to their maximum certificated gross weight and/or to the limits of their c.g. envelope, or both. (A-79-80)

Develop in cooperation with industry, flight recorder standards (FDR/CFR) for complex aircraft which are predicated upon intended aircraft usage. (A-78-27)

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. 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. (A-78-28)

Recommended A-79-80 was reported at 44 FR 61477, October 25, 1979. The issuance of recommendations A-78-27 and A-78-28 was reported at 43 FR 18073, April 27, 1978.

Marine Accident Report and Safety Recommendations

Crane Barge C. L. DILL 10 Fire, Garden Island Bay, Mississippi River Delta, June 5, 1979 (NTSB-MAR-80-9).—About 0930 on June 5, 1979, a buried 4-inch-diameter, high-pressure, natural gas pipeline was separated at a collar by a mooring spud dropped from the C. L. DILL 10 as the barge was being maneuvered by a tugboat alongside tank battery No. 205 in a channel of the Texaco, Inc., oil field in the Garden Island Bay section of the Mississippi River Delta. Gas, escaping under 700-psig pressure, was ignited by an unknown source and set the barge, tugboat, and tank battery on fire. Four of the six persons on the barge drowned in their attempt to escape. The fire was extinguished about 1030; damage was estimated at $500,000.

Investigation indicated that the accident occurred while the barge was being maneuvered into a mooring position. The Safety Board determined that the crane operator, who was in charge, failed to survey the channel for pipeline crossings near the tank battery before dropping the spud. Normally, mooring at the tank battery was made using mooring lines tied to piling clusters along the tank battery. The use of spuds for mooring at a tank battery was permitted, but only when special precautions were taken. Usually, a Texaco supervisor would be at the tank battery to take charge of the operation. The precautions included probing the bottom of a channel to locate any pipelines, and then easing the spud into position to avoid the pipelines.

The crane barge had been scheduled first for cribbing repairs at oil well No. 160 and then for a pump replacement at tank battery No. 205. There had been no arrangements made for Texaco supervision at the oil well. The schedule as planned would have permitted time for the head roustabout to disconnect the pump while the cribbing repairs were made. The crane operator in charge of the barge deviated from the schedule and went directly to the tank battery. Had the barge been met by the head roustabout or some other supervisor, who had knowledge of the local hazards to direct the mooring operations, the spud might not have been dropped. There were no signs on the tank battery to prohibit mooring with spuds in the channel opposite the tank battery.

Although the Safety Board was unable to determine how the fire started, exhaust from diesel engines and sparks from an operating generator onboard the barge were available sources of ignition. The source of ignition also could have been lighted tobacco products. The crane operator, barge foreman, and one laborer smoked. There were no signs on the tank battery prohibiting smoking, and someone on the barge who was unaware of the no-smoking rule may have been smoking. The Board notes that Texaco employees who worked in the oil fields were required to attend regularly scheduled safety meetings. Attendance was optional for employees of outside contractors, such as Dill. The safety subjects discussed included smoking restrictions, policy on wearing work vests, and hazards in the oil fields. Their failure to use available lifesaving devices and their uncoordinated efforts to save themselves indicated that the DILL crews were not trained for emergencies.

The Safety Board determined that the probable cause of the accident was the dropping of a mooring spud without first surveying the channel near the tank battery to determine if active pipelines crossed beneath the channel to and from the oil wells. Contributing to the accident were the absence of posted signs prohibiting anchoring at the tank battery, and the decision of the crane operator to deviate from the planned work schedule. The failure of some of the crewmen to use available lifesaving equipment contributed to the loss of life.

As a result of its investigation of this accident, the Safety Board on July 15 issued letters recommending that:

U.S. Army Corps of Engineers—

Reassess the criteria used to determine the safe depth at which pipelines carrying oil or pressurized natural gas should be buried to protect against anchors and mooring spuds, and implement requirements based on the reassessment. (M–80–43)

Texaco, Inc.—

Provide a uniform system for marking pipelines which cross beneath the privately maintained channels and canals in the oil fields of the Mississippi River Delta. (M–80–44)

Post warning signs at Texaco facilities where active pipelines cross navigable waters of the Mississippi River Delta to prohibit mooring with spuds or anchors. (M–80–45)

Post warning signs (including signs visible from the waterside) at Texaco tank batteries to prohibit smoking. (M–80–46)

Establish a procedure to ensure that supervision is provided at every work site where work is being undertaken by an outside contractor in the Texaco oil fields of the Mississippi River Delta. (M–80–47)

Establish procedures to require employees of outside contractors who work in the Texaco oil fields to attend regularly scheduled safety meetings related to their work. (M–80–48)

C. L. Dill Company, Inc.—

Prohibit its employees from undertaking work at tank batteries and other hazardous locations in the oil fields unless a supervisor of the contracting oil company is present. (M–80–49)

Establish a program of instruction and training in emergency procedures rleated to the work for all water-borne employees who work in the oil fields of the Mississippi River Delta. (M–80–50)

Require all water-borne personnel to attend the regularly scheduled safety meetings related to their work offered by oil companies party to working contracts. (M–80–51)

American Petroleum Institute and American Gas association—

Notify member companies operating similar oil and gas production installations of the particulars of this accident and urge them to review their operating practices and procedures, and to revise them where necessary to insure safer working conditions by affording maximum protection to submarine pipelines. (M–80–52)

Each of the above marine safety recommendations is designated "Class II, Priority Action."

Aviation Safety Recommendation Letter

A–80–61 through –63 to the Federal Aviation Administration, July 21, 1980.—The Safety Board has recently investigated two similar accidents which involved explosion and fire in an aircraft wing during engine start. Both occurred in similarly Beech airplanes, a Model B58 and a Model B95. Although both occurred on the ground and no injuries resulted, the Board has determined that the unsafe condition which caused the fires could lead to fire in flight. Investigation of the April 8, 1980, Beechcraft 95 fire at Tulsa, Okla., and the May 16, 1980, Beechcraft B58 fire at Casper, Wyo., revealed that in both cases the fuel vent lines were disconnected at B-nut fittings inside the wings.

The Board notes that when the fuel tank is full and the fuel expands, the pressure relief value allows the expanded fuel and vapors to be expelled overboard through the vent line. When the vent line is disconnected, the fuel will be vented into the interior of the wing and flow inboard toward the engine nacelle because of the wing dihedral. When the fuel reaches the nacelle, it can be ignited by hot engine parts or engine exhaust. Board investigation confirmed that both fires began in this manner. In addition, one other Beechcraft Model 95 was inspected and found to have the vent line disconnected at a B-nut fitting.

On all three aircraft, the fuel tank inspection and leak test required by Airworthiness Directive 78–05–06 had been accomplished a few days before the discovery of the disconnected vent lines. The airworthiness directive requires that the inspection be accomplished in accordance with the manufacturer's instructions. For these aircraft the appropriate document is Beechcraft Service Instruction No. 0895, Revision 1. This Service Instruction states: "Plug all pressure relief vents (if equipped) and recessed vents. . . ." The method of plugging these vents is lft to the discretion of the person conducting the inspection. It appears that, rather than plugging the vent outlets, the vent lines are being disconnected and fitted with plugs. In the cases cited here it appears the plugs were removed but the vent lines were not properly reconnected. The service instruction procedure does not have specific steps for restoring the system to its original configuration.

Since the inspection applies to many aircraft, the Safety Board is concerned that the unsafe condition described above could exist in other aircraft and that the condition may recur after future inspections. Therefore, the Board recommends that FAA:

Require a one-time inspection of those aircraft that have been inspected in accordance with the requirements of Airworthines Directive 78–05–06, to ensure the integrity of the fuel vent system. (Class I, Urgent Action) (A–80–61)

Amend immediately Airworthiness Directive 78–05–06 to include a procedure which will assure vent system integrity following the inspection required by the airworthiness directive. (Class II, Priority Action) (A–80–62)

Require that the Beech Aircraft Corporation amend Service Instruction No.

0895 to advise all operators of these airplanes of the possible unsafe condition, and to specify a procedure which will assure at the vent system integrity is restored following fuel tank inspection. (Class II, Priority, Action) (A–80–63)

Responses to Safety Recommendations

A–78–82 through –83, from the Federal Aviation Administration, July 1, 1980.—Updated response concerns recommendations issued as a result of investigation of the midair collision involving a Pacific Southwest Airlines Boeing 727–214 and a Cessna 172 which occurred over San Diego, Calif., September 25, 1978. The recommendations addressed visual separation in terminal control areas and terminal radar service areas.

FAA reports that during the last year FAA policy on the present application of visual separation has been studied and reevaluated. FAA has also soliciated comments from the aviation community and FAA regions concerning this subject. The conclusion reached through these efforts was that visual separation is a viable concept in most situations. Concern was expressed regarding the impact on airport capacity and delay levels if more stringent separation methods were used. "In addition, there was strong sentiment that visual separation is efficient, practical, and, if all parties are *aware* of their responsibilities, safe," FAA stated. FAA also concluded that procedural modifications that would reinforce the safety aspects of visual separation without significantly impacting the many positive aspects of the concept were possible.

The procedure, therefore, is being revised to require controllers to: (1) receive pilot acknowledgment that the traffic is in sight prior to the application of visual separation, (2) advise the pilot of the other aircraft's intentions if they are not obvious, and (3) warn the pilot if the radar targets may converge. Also, FAA is developing a pilot training film which addresses frequent pilot questions pertaining to their roles and responsibilities while operating within the air traffic control system. One of the topics is the pilot's role in visual separation procedures. FAA is also amending the Airman's Information Manual to update, emphasize, and clarify those paragraphs which explain the pilot's authority and responsibility for refusing visual separation procedures if their application is not desired for any reason.

On February 26, 1979, the Safety Board acknowledged receipt of FAA's response of January 9, 1979, to these recommendations, indicating that they would be maintained in open status pending their resolution. (See 44 FR 5215, January 25, 1979.)

A–80–26, from the Federal Aviation Administration, July 1, 1980.—Response is to a recommendation issued April 9 as a result of the Board's investigation of failures of the right front fork assembly due to metal fatigue on selected models of Piper aircraft. The recommendation asked FAA to issue an airworthiness directive requiring an immediate inspection of all lift strut forks on those Piper aircraft enumerated in Airworthiness Directive 58–10–02 for indications of cracking, to institute fork replacement/inspection intervals more stringent for forks with cut-threads than those specified in Airworthiness Directive 58–10–02, and to limit acceptable replacement forks to those with rolled-threads. (See 45 FR 26185, April 17, 1980.)

In response, FAA notes that Airworthiness Directive (AD) 58–10–02 requires 500 hours repetitive inspection of the wing lift strut fork for seaplanes, and 1,000-hour and 2,000-hour replacement times for seaplanes and landplanes, respectively. This AD has been effective in maintaining a good level of safety since 1958 for an average of about 30,000 airplanes that use wing lift strut for P/N 14481 and 11431.

FAA notes, however, it has become evident that some airplane operators/owners are switching forks from one airplane to another. Therefore, the time in service reflected in field records becomes questionable. To avoid reliance upon these questionable records, an emergency AD was issued April 17, 1980 (copy provided) which accomplishes the recommendation. This AD also eliminates reliance upon a relatively short repetitive inspection interval for maintenance of the lift strut forks with machine threads. It requires a magnetic inspection of all wing lift strut forks within 5 hours; replacement of machine-threaded forks with forks with rolled threads within 50 hours or 180 days, whichever occurs first; 500-hour repetitive inspecion of forks with rolled threads; and continues the existing service life on forks with rolled threads. FAA has also included in the AD a request for the results of the inspection required by the AD for the purpose of determining if any further action will be required for the forks with rolled threads.

FAA further reports that AD 58–10–02 was amended April 25 by airmail letter (copy provided). It permits a dye penetrant inspection within 5 hours or 25 days, whichever occurs first. This dye penetrant inspection is permitted at 20-hour intervals, until a maximum of 50 hours or 180 days, whichever occurs first, at which time the magnetic inspection must be accomplished. Additionally, FAA states, it provides relief for operators who obtained these forks from Piper, or an FAA-approved source. This is accomplished by the provision that states if the parts have less than 195 hours or 3 years in service, whichever occurs first, compliance with the inspection requirements of the AD do not have to be accomplished until the accumulation of 200 hours in service, or 3 years, whichever occurs first. FAA has also included a number of older models in the 50-hour magnetic inspection requirements for increased safety, although FAA has not had problems with these aircraft to date.

Highway

H–80–12 and –13, from the Wyoming State Highway Department, July 15, 1980.—Response is to the Safety Board's comments of May 21 on the Highway Department's initial response of April 15 (45 FR 29146, May 1, 1980). The recommendations were developed as a result of Board investigation of a multiple-vehicle collision in a construction zone which occurred on U.S. Interstate 80 near Laramie, Wyo., August 22, 1979.

In is May 21 letter, the Safety Board noted the commitment made by the Highway Department to examine the shoulders in the area of the accident for possible regarding to a less steep incline, and to increse speed limit enforcement activities within and adjacent to construction zones. The Board requested copies of the final results of the shoulder grading study and of any orders, directives, etc., related to the increased enforcement of speed limits.

The Highway Department reports that the shoulders on I–80, from milepost 263 to milepost 312, have been examined. The results of this study are contained in a report from the Department's District Engineer from Laramie, a copy of which was provided to the Safety Board. The Department notes that its April 15 letter to the Board also served as a directive to the Director of the Wyoming Highway Patrol, and that the Director further advised his officers verbally as to increased enforcement in the areas of construction projects.

Marine

M–79–88 through –97, from the United States Coast Guard, July 14, 1980.—Response is to recommendations issued last September 6 following investigation of the collision of the motor tankship SEALIFT CHINA SEA and cargo vessel LORENZO D'AMICO which occurred in

Los Angeles harbor on January 15, 1978. (See 44 FR 52063, September 6, 1979.)

Coast Guard's response shows nonconcurrence with recommendation M–79–88, which called for amendment of 46 CFR 113.30–5(a) to add propulsion local control stations to those locations required to be provided with an efficient means of communications in vessels equipped with automated control systems. Coast Guard notes that presently, two means of communications between the wheelhouse and the engineroom are required by 46 CFR Part 113; however, there is no specific requirement for any means of communications to local control stations where such stations are located remote from the automated control station. Coast Guard believes that the most reliable and efficient means of communication for transmitting engine orders would be the engine order telegraph system between the engineroom control station and propulsion local control stations. (See discussion of M–79–90, below.) Requiring an additional efficient means of communications under 46 CFR 113.30–5(a) is not warranted since the local control stations are not normally used except in the case of failure of the automated controls. Coast Guard states, "We do not consider it necessary to regulate to protect against simultaneous failures of independent systems. It would take the failure of two independent systems, the automatic control system, and the engine order telegraph system, to create a need for a sound powered phone or other back-up means of communications at the local control station."

Recommendation M–79–89 asked Coast Guard to amend 46 CFR 113.30–20(b) to permit local control station telephones to be installed on the same circuit as the telephone stations listed in 46 CFR 113.30–5(a), and to require such installations to meet the criteria of 46 CFR 113.30–25, with special emphasis on paragraphs (c) through (g) thereof in regard to noisy locations. Coast Guard does not concur with this recommendation for the reason discussed in M–79–88.

Coast Guard does concur with recommendation M–79–90, which called for amendment of 46 CFR 113.35–5 to require installation of engine order telegraph systems between engineroom control stations and propulsion local control stations in vessels equipped with automated control systems if manual operation is an acceptable alternate means of control and the local station is not immediately adjacent to the engineroom control station. Coast Guard reports that it published on March 3 (45 FR 13982) a supplemental notice of proposed rulemaking under Docket No. CGD 74–125A, which will require engine order telegraph systems at propulsion local control stations.

Recommendation M–79–91 asked Coast Guard to amend 46 CFR Part 113 to prescribe standards for thrust indicators similar to those prescribed by 46 CFR 113.40 for rudder angle indicators and by 46 CFR 113.35 for engine order telegraph systems; regulations should require vessels of 1,600 or more tons to be equipped with thrust indicators which are: (1) separate and independent from such indicators provided by automated control consoles, (2) positioned prominently near the rudder angle indicator in the wheelhouse and bridge wings, and at the engineroom control station, (3) illuminated appropriately for effective day and night visibility, and (4) designed to display the exact shaft rpm and propeller pitch direction in either combined or individual instruments. Coast Guard partially concurs with this recommendation, and has proposed changes to 46 CFR Subchapter J (CGD 74–125A) which prescribe requirements for thrust indicators. Coast Guard will consider all aspects of this recommendation with the following exceptions:

(a) Instead of vessels of 1600 or more gross, the requirements will be proposed for all self-propelled vessels equipped with controllable pitch propellers. The requirements for rudder angle indicators apply to all self-propelled vessels regulated by Subchapter "J" and so should these parallel requirements for thrust indicators.

(b) The equipment should not be required on bridge wings. The central control point for navigation equipment has traditionally been within the wheelhouse. Coast Guard regulations require other items for navigation and communications be installed in the wheelhouse with this in mind. In addition, equipment installed within the protection of the wheelhouse is much more reliable than equipment installed in the weather. The Coast Guard believes that these regulations should not encourage the use of and dependence on equipment located outside the control point and protection of the wheelhouse.

Recommendation M–79–92 asked Coast Guard to initiate appropriate proposals to the Intergovernmental Maritime Consultative Organization for establishment of international standards similar to those prescribed by 46 CFR Part 113 as revised pursuant to the preceding four recommendations. Coast Guard reports that IMCO resolution A. 325(IX) adopted on November 12, 1975, "Recommendation Concerning Regulations for Machinery and Electrical Installations in Passenger and Cargo Ships," contains a recommendation that local control stations be considered for installation of communications equipment under Regulation 15. This document also recommends installation of thrust indicators under Regulation 7 and 27. However, it does not address independent operation and the other specified items of M–79–91. Coast Guard anticipates that this resolution will be adopted as an amendment to the SOLAS 74 Convention in 1982. A working group will soon be established to put the resolution in its finalized form and all governments will have a chance to comment in mid 1980. Coast Guard will consider initiating U.S. proposals on thrust indicator standards at that time.

Recommendation M–79–93 Called on Coast Guard to make a special evaluation, in coordination with the Military Sealift Command, to determine any deficiencies involved in maintaining the automated control systems of all nine vessels of the class, as measured by the criteria stated in NVC No. 1–69, and make the changes in manning and equipment requirements needed to achieve an acceptable degree of maintainability. Coast Guard concurs. The Military Sealift Command is presently upgrading the automation systems for all nine vessels of the SEALIFT PACIFIC class. Coast Guard is reviewing the plans and test procedures for these vessels and is inspecting the vessels as these systems are installed and tested. Coast Guard believes that these actions, when completed, will satisfy the intent of recommendation M–79–93.

Coast Guard concurs with recommendation M–79–94 which called for revision and reissuance of NVC No. 1–69 to provide guidance for standards in consonance with those prescribed by 46 CFR Part 113 as revised pursuant to the first four preceding recommendations, and to reflect maintainability criteria related to the adequacy of manning, equipment design, instruction manuals, spare parts, and shoreside support for automated control systems and other factors, as determined to be needed by the recommended special evaluation. Coast Guard intends to reissue NVC No. 1–69 and to include the revised contents in regulation. 46 CFR Part 62 which is now held in reserve will be activated and titled "Automation of Propulsion Plants." The project docket number is CGD 76–006; July 1, 1981, is the anticipated publication date for this proposal. All items of this

recommendation will be considered for inclusion in this proposal.

Coast Guard does not concur with recommendation M–79–95 which called for amendment to 33 CFR 164.35 to add illuminated shaft rpm indicators to the equipment required in the wheelhouse, and illuminated thrust direction indicators in the wheelhouse and on the bridge wings of vessels equipped with controllable-pitch propellers. Coast Guard notes that an illuminated shaft rpm indicator is one of the most commonly used shipboard devices and was installed and operating properly aboard the SEALIFT CHINA SEA. Coast Guard states, "Specifically requiring it aboard vessels considering its widespread use would not greatly improve navigation safety and is not in keeping with the national policy of reducing regulation." Coast Guard believes that the thrust direction indicators aboard the SEALIFT CHINA SEA were inoperative because they were an integral part of the automated control system. This has been shown to be unsatisfactory, Coast Guard states. When standards have been developed for the thrust direction indicated on independent circuits, they will be considered for inclusion in 33 CFR 164.35.

Coast Guard does not concur with recommendation M–79–96 which asked for amendment of 33 CFR 164.53(b) to add automated control systems and shaft rpm and thrust direction indicators to those equipments specifically required to be reported to the Coast Guard when they are not operating properly. Coast Guard notes that an automated vessel in the manual mode with indicators on separate circuits would be operating essentially as a non-automated vessel. If this mode of operation caused a hazardous condition on board a vessel as defined in 33 CFR 161.3(d), the condition would have to be reported to the appropriate Captain of the Port as per 33 CFR 161.53(b).

Recommendation M–79–97 asked Coast Guard to amend 33 CFR 124.16 to enumerate specific conditions or inoperative equipment, including automated control systems and shaft rpm and thrust direction indicators, that are deemed to constitute abnormal conditions required to be reported to the Coast Guard. Coast Guard says it concurs with the recommendation in principle. Part 125 of 33 CFR has been revoked and reserved. The requirement relative to this recommendation has been expanded to incorporate more safety considerations and is found at 33 CFR 161.15, published on November 5, 1979, under CGD 75–238. Rather than focus on inoperative equipment, the thrust of this regulation is to require reporting of a "hazardous condition" aboard a vessel. Coast Guard notes that "hazardous condition," as defined at 33 CFR 161.3(d), is basically any condition that could adversely affect the safety of any vessel, bridge, structure, etc. An attempt to list all specific conditions was considered awkward and restrictive, so a partial list was given mainly for illustrative purposes, Coast Guard said.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report 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.

July 28, 1980.

[FR Doc. 80–23023 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 37–14600–01]

Applied Health Physics, Inc.; Modification of Order

I

Applied Health Physics, Inc., 2986 Industrial Boulevard, Bethel Park, Pennsylvania 15102 (the "licensee") is the holder of Byproduct Material License No. 37–14600–01 issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the company to receive and possess packages containing waste byproduct material for the purpose of transferring the packages to authorized land burial facilities. The license was issued on September 4, 1975, and is due to expire on August 31, 1980.

II

Following the repeated failure of the licensee to transfer waste byproduct material to an authorized land burial facility not more than three (3) months following receipt of packaged waste byproduct material, the Director of the Office of Inspection and Enforcement served on the licensee an Order Requiring Prompt Repackaging Of Waste Byproduct Material And Prompt Transfer to Authorized Land Burial Facility dated July 2, 1980. The licensee informed the Office of Inspection and Enforcement by telephone and mailgram on July 16, 1980, that the transfer of waste byproduct material could not be completed by July 18, 1980, as specified in the Order dated July 2, 1980. In this mailgram, the licensee requested that the completion date be extended one month to August 18, 1980. The licensee states that every reasonable effort has been made to meet the July 18, 1980 deadline; however, the safe and proper repackaging of waste byproduct material has taken more time than originally estimated. The licensee has repackaged more than one-half of the waste byproduct material. The Staff has reviewed this matter and has determined that the licensee has made a reasonable effort to comply with the Order dated July 2, 1980 and that the transfer of waste byproduct material may be safely delayed until August 18, 1980.

III

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 20, and 30, It Is Hereby Ordered That: The Order Requiring Prompt Repackaging of Waste Byproduct Material and Prompt Transfer to Authorized Land Burial Facility dated July 2, 1980, is Modified by amending Section V(2) to read as follows:

2. Following examination and appropriate repackaging, the licensee transfer all waste byproduct material presently in his possession to a land burial facility authorized to receive the material, not later than August 18, 1980.

The Order of July 2, 1980, except as modified above, remains in effect in accordance with its terms.

For the Nuclear Regulatory Commission.

Effective Date: July 18, 1980.

R. C. DeYoung,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 80–23025 Filed 7–30–80; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–329 OM, 50–330 OM, 50–329 OL, and 50–330 OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Prehearing Conference

July 24, 1980.

On March 20, 1980 the Commission published a Notice of Hearing, 45 FR 18214, on certain issues relative to an Order Modifying Construction Permits of the Acting Director of Nuclear

Reactor Regulation and the Director of Inspection and Enforcement dated December 6, 1979, which would prohibit Consumers Power Company from performing certain soil-related activities pending approval of amendments to the construction permits Nos. CPPR 81 and CPPR 82 which authorize the construction of two pressurized water reactors in Midland, Michigan. Consumers Power Company had requested a hearing on the Order.

Subsequently, on May 28, 1980 this Atomic Safety and Licensing Board, designated to preside over any hearing in the soil-related proceeding, published in the **Federal Register** an amended notice of hearing announcing that persons whose interest may be affected by the proceeding may file petitions for leave to intervene on or before June 27, 1980. 45 FR 35949. Several residents of Michigan all residing within 25 miles of the Midland Plant, filed petitions for leave to intervene. By memorandum and order dated July 24, 1980 the board found that those petitioners had standing to intervene and provided for the later filing of contentions within the scope of the proceeding.

Also pending before the board is a Motion for Partial Consolidation dated May 27, 1980 by Consumers Power Company which requests, among other things, that this proceeding on soil-related activities be consolidated with the Midland operating license proceeding to the extent that the operating license proceeding also includes soil-related issues.

Please take notice that pursuant to 10 CFR § 2.751a of the Commission's rules of practice the Atomic Safety and Licensing Board will conduct a special prehearing confernce in the Docket 50–329–OM and 50–330–OM beginning at 9:00 a.m., September 10, 1980, at the following location: 75th District Court, Courtroom No. 2, Courthouse, Midland, Michigan 48640.

All persons who have filed petitions for leave to intervene in this proceeding or their respective counsel are directed to attend.

The purpose of the conference is to permit identification of the issues, to rule upon intervention petitions and contentions, to consider consolidation of intervenors, to provide for a schedule for discovery and further activities in the proceeding, to consider Consumer's Motion for Partial Consolidation dated May 27, 1980 and all other matters required to be considered under 10 CFR § 2.751a.

Because consideration of the Motion for Partial Consolidation will affect the Midland operating license proceeding, Dockets 50–329–OL and 50–330–OL, the board, pursuant to 10 CFR § 2.718(h) and § 2.751(b), directs all intervenors in the operating license proceeding and the Attorney General of Michigan (who has been admitted as a participant under 10 CFR § 2.715(c)) or their respective counsel to attend the conference.

The public is invited to attend the conference but there will be no opportunity for public participation.

The Atomic Safety and Licensing Board.

Ivan W. Smith,

Chairman.

July 24, 1980.

[FR Doc. 80–23024 Filed 7–30–80; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. 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.

The draft guide, temporarily identified by its task number, RS 110–5 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Nuclear Power Plant Simulators for Use in Operator Training" and is intended for Division 1, "Power Reactors." This guide is being developed as a result of the lessons learned from the accident at Three Mile Island Nuclear Station and other operating experience. It will describe a method acceptable to the NRC staff for specifying the functional requirements of a simulator used for operator training and for specifying similarity requirements between such a simulator and its reference plant. It is being developed in parallel with a revision to a national standard, ANS 3.5, "Nuclear Power Plant Simulators for Use in Operator Training."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by September 12, 1980.

Although a time limit is given for comments on these drafts, 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.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 23rd day of July, 1980.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 80–23026 Filed 7–30–80; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Privacy Act of 1974; Systems of Records

AGENCY: Nuclear Safety Oversight Committee.

ACTION: Proposed systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 552a, the Nuclear Safety Oversight Committee, hereafter known as the Committee, hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Committee. Any person interested in commenting on the

routine use portions of the system notices may do so by submitting comments in writing to the Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005. Comments should be submitted on or before September 2, 1980. The Committee's procedures for access to records in the systems are contained in Part 476 to Title 1 of the Code of Federal Regulations.[1]

DATE: Comments are due on or before September 2, 1980.

ADDRESS: Send comments to the Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT:
Mr. Steven Ebbin, (202) 653–8468.

Signed this 22d day of July, 1980.

Steven Ebbin,
Executive Director.

NSO–1

SYSTEM NAME:

Payroll Records—Nuclear Safety Oversight Committee

SYSTEM LOCATION:

General Services Administration, National Payroll Center; copies held by the Committee. (GSA holds records for the Nuclear Safety Oversight Committee under contract.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and members of the Committee.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W–2 forms, overtime requests; leave data; retirement records. Records are used by Committee and GSA employees to maintain adequate payroll information for Committee employees, and otherwise by Committee and GSA employees who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. "Money and Finance", generally. Also, Executive Order 12202.

[1] For proposed access regulations, see the Proposed Rules section of this issue of the **Federal Register**.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper and microfilm.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and Committee administrative staff.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

RECORD ACCESS PROCEDURES:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

The subject individual; the Committee.

NSO–2

SYSTEM NAME:

General Financial Records—Nuclear Safety Oversight Committee

SYSTEM LOCATION:

General Services Administration, National Capital Region; copies held by the Committee. (GSA holds records for the Nuclear Safety Oversight Committee.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and members of the Committee.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

SF–1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Committee who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. "Money and Finance", generally. Also, Executive Order 12202.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper and tape.

RETRIEVABILITY:

Manual and automated by name.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and Committee administrative staff.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

RECORD ACCESS PROCEDURES:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

CONTESTING RECORD PROCEDURES:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

The subject individual; the Committee.

NSO–3

SYSTEM NAME:

General Informal Personnel Files—Nuclear Safety Oversight Committee

SYSTEM LOCATION:

Nuclear Safety Oversight Committee

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Committee members, staff and consultants, past and present.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Personnel qualifications statements, personnel action requests and notifications, oaths of office, consultant and/or expert certifications, delegations of authority, background information for security clearances (non-sensitiv and critical-sensitive), statements of employment and financial interests, training materials and correspondence with the Committee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. "Government Organization and Employees", generally, Also, Executive Order 12202.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper.

RETRIEVABILITY:

Manual.

SAFEGUARDS:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and Committee administrative staff.

RETENTION AND DISPOSAL:

Retained until no longer needed, then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Nuclear Safety Oversight Committee, 1133 15th Street, NW., Room 307, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to Committee access regulations contained in Part 476 to Title 1 of the Code of Federal Regulations.

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CONTESTING RECORD PROCEDURES:

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RECORD SOURCE CATEGORIES:

The subject individual; the Committee.

Appendix—Nuclear Safety Oversight Committee

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this sytem of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this sytem of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc. 80–23114 Filed 7–30–80; 8:45 am]

BILLING CODE 6820–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

July 28, 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 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

Agricultural Marketing Service
Supplemental Qualifications Statement for ACG (Grain)
AMS–458
On occasion
Applicants for Federal Jobs, 650 responses; 358 hours
Charles A. Ellett, 395–7340

Food and Nutrition Service
Supplemental Application form
On occasion
Individuals applying for agency positions, 13,500 responses; 6,750 hours
Charles A. Ellett, 395–7340

Revisions

Economics, Statistics, and Cooperatives Service
Wool and Mohair—(Texas warehouses)
Annually
Wool & Mohair Warehouses, 44 responses; 7 hours
Off. of Federal Statistical Policy & Standard, 673–7974

Foreign Agricultural Service
Regulation, importation of Dairy Products
FAS–922, 923, 923A, 924, & 924A
Annually
Importers of Dairy Products, 600 responses; 600 hours
Charles A. Ellett, 395–7340

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

National Bureau of Standards
Industry assessment of NBS Productivity Impacts Survey
NBS–1161
Single time
Electronics Industry, 400 responses; 400 hours
William T. Adams, 395–4814

Revisions

Bureau of the Census
Bureau of the Census Application for Training
UTA–1
On occasion
Applicants for Data User Training Activities, 2,500 responses; 250 hours
William T. Adams, 395–4814

Industry and Trade Administration
Export Assistance Services End User Survey
ITA–4078P
On occasion
U.S. Firms: Ed end users, 6,200 responses; 3,100 hours
William T. Adams, 395–4814

DEPARTMENT OF EDUCATION

Agency Clearance Officer—William A. Wooten—472–2655

New Forms

Beog, Quality Control Project, 1980–81
Single time
Student Financial Aid Officers, Students, & Parents, 8,400 responses; 13,200 hours
Laverne V. Collins, 395–6880

Black Leaders and Black Youth Unemployment
ED 731
Single time
Black Leders, 516 responses; 129 hours
Laverne V. Collins, 395–6880

DEPARTMENT OF ENERGY

Agency Clearance Officer—Diane W. Lique—633–8526

Revisions

Weatherization Assistance Progress Report CS–434
Monthly
State grantees in Weatherization Program, 888 responses; 3,552 hours
Jefferson B. Hill, 395–7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

New Forms

Health Care Financing Administration (medicare)
Hospital survey report form
HCFA–1537
Annually
Hospitals participating in title XVIII, XIX programs, 1,710 responses; 39,930 hours
Richard Eisinger, 395–6880

Health Care Financing Administration (medicare)
Tuberculosis hospital report form
HCFA–1537B
Annually
TB hospitals participating in medicare program, 20 responses; 246 hours
Richard Eisinger, 395–6880

Health Care Financing Administration (medicare)
Psychiatric hospital survey report
HCFA–1537A
Annually
Psychiatric hospitals participating in title XVIII, XIX programs, 370 responses; 4,562 hours
Richard Eisinger, 395–6880

Health Resources Administration
Readership survey: Health planning newsletter
Single time
HSA volunteers, 750 responses; 188 hours
Richard Eisinger, 395–6880

Health Resources Administration
Application to participate in the nursing capitation grant program
Annually
Schools of nursing, 1,200 responses; 2 hours
Richard Eisinger, 395–6880

Health Resources Administration
Application form national health service corps scholarship program
On occasion
Health professions student scholarship applicants, 10,000 responses; 5,000 hours
Richard Eisinger, 395–6860

Public Health Service
National survey of family growth—cycle III: Pretest
Single time
Women 15–44 yrs of age in four communities, 1,950 responses; 700 hours
Off. of Federal statistical policy & standard, 673–7974

Social Security Administration
Supplemental security income-quality assurance case review analysis
SSA–8508
Single time
Beneficiaries receiving title XVI payments, 3,100 responses; 1,550 hours
Barbara F. Young, 395–6880

Revisions

Food and Drug Administration
Veterinary adverse reaction report
FDA 1932 & 1932A
On occasion
Practicing veterinarians, 750 responses; 315 hours
Richard Eisinger, 395–6880

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

Revisions

Community Planning and Development
Preapplication for CDBG small cities program
HUD–4007
Annually
Units of local govt. small cities, 5,000 responses; 80,000 hours
Richard Sheppard, 395–6880

Housing Production and Mortgage Credit
Mortgagees application for property appraisal and commitment for mortgage insurance under the National Housing Act
HUD 92800
On occasion
Mortgage bankers, 750,000 responses; 147,500 hours
Richard Sheppard, 395–6880

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—William L. Carpenter—343–6716

New Forms

National Park Service
National Park Service transportation census
Single time
Access transportation riders, 6,500 responses; 271 hours
Off. of Federal Statistical Policy & Standard, 673–7974

U.S. Fish and Wildlife Service
Daily report of commercial fisheries of the Great Lakes
3–234
Monthly
All commercial fishermen on the Great Lakes, 7,500 responses; 5,025 hours
Charles A. Ellett, 395–7340

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523–6341

New Forms

Employment and Training Administration
Utilization of the arts and humanities under CETA
MT–308
Single time
CETA prime sponsors and subgrantees, 400 responses; 234 hours
Arnold Strasser, 395–6880

Employment and Training Administration
Study to assess work test costs and outcomes of mandatory work regulation requirements
MT–307
Single time
Government agencies, 20,646 responses; 973 hours
Arnold Strasser, 395–6880

Employment and Training Administration
Special mail surveys of sponsors of WIN programs
MT–1069A
Single time
WIN staff, 1,040 responses; 390 hours
Arnold Strasser, 395–6880

Revisions

Employment and Training Administration
Statement from court or other agencies, statement from institutions, recommendation for Job Corps
ETA 655, 655A, & 655B
On occasion
Courts, institutions, or other agencies, 27,000 responses; 10,800 hours
Arnold Strasser, 395–6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Federal Railroad Administration
Track inspection form
FRA–F 6180–58 FRA–F 6180–58A
On occasion
State employees (inspectors), 6,000 responses; 1,000 hours
Susan B. Geiger, 395–7340

Reinstatements

Coast Guard
Application for waiver and waiver order
CG–2633
On occasion
Vessel owner/operators, 150 responses; 38 hours
Susan B. Geiger, 395–7340

ACTION

Agency Clearance Officer—James B. Lancaster—254–3172

New Forms

Foster grandparent project evaluation study
Annually

Foster grandparent vols. & those waiting to be same, 504 responses; 378 hours
Arnold Strasser, 395–6880

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—357–7811

Reinstatements

Nuclear Science Advisory Committee Survey of Manpower in basic U.S. nuclear science
Single time
U.S. nuclear scientists, 2,000 responses; 200 hours
Marsha D. Traynham, 395–7340

OFFICE OF MANAGEMENT AND BUDGET

Agency Clearance Officer—Brenda A. Mayberry—395–7250

New Forms

Federal agency quarterly individual subcontracting report
Quarterly
Subcontracting, 100,000 responses; 100,000 hours
Edward C. Springer, 395–4814

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2146

Revisions

Follow-up to educationally disadvantaged veterans
FL 27–657
On occasion
Disadvantaged veterans, 3,600 responses; 300 hours
Laverne V. Collins, 395–6880

Financial statement
26–6807
On occasion
Veteran borrowers/purchasers, 40,000 responses; 30,000 hours
Laverne V. Collins, 395–6880

Brenda A. Mayberry,
Acting Budget and Management Officer.

[FR Doc. 80–23082 Filed 7–30–80; 8:45 am]
BILLING CODE 3110–01–M

Uniform Procurement System; Public Hearings and Request for Public Review and Comment

AGENCY: Office of Federal Procurement Policy; Office of Management and Budget.

ACTION: Solicitation of views.

SUMMARY: Public Law 96–83, the Office of Federal Procurement Policy Act Amendments of 1979 (41 U.S.C. 401 et. seq.), provides that the Administrator for Federal Procurement Policy shall develop and submit to the Congress, by October 1980, a proposal for a uniform procurement system including uniform policies, regulations, procedures, and forms.

In response to this requirement, the Administrator, among other actions, established three interagency task groups—representing a cross section of procurement professionals—to review current procurement processes and to recommend changes and improvements to be incorporated, as primary building blocks, into a single uniform procurement system proposal. The task groups, which examined three major aspects of the procurement process (i.e., acquisition, supply, and procurement under grants), completed their efforts on July 11 and submitted final reports

Notice is hereby given that the views of all interested parties are solicited with regard to these reports, which are available upon written or telephone request. Views may be presented in writing to the Office of Federal Procurement Policy in Washington, D.C. not later than September 17, 1980. Alternatively, views may be presented orally at public hearings to be held in accordance with the schedule cited below. These views will help in the review of the task group recommendations by the Office of Federal Procurement Policy and in the development of the UPS Proposal.

Availability of Task Group Reports.

Requests for copies of the task group reports should be addressed to the Office of Administration, Document Distribution Center, 726 Jackson Place, NW., Room G–236 New Executive Office Building, Washington, D.C. 20503 (Telephone: 202/395–4660).

Dates, Times, and Locations of Hearings

Hearings will commence at 9:30 a.m. and will continue until 4:30 p.m. (with a one hour adjournment from 12:00 to 1:00 p.m.) in accordance with the following schedule:

August 25–26—Auditorium, Transportation Systems Center, Kendal Square, Cambridge, Mass.
September 3–4—Cobo Hall, Room 3040, One Washington Blvd., Detroit, Mich.
September 5—House Energy Information Center, 2121 West Loop South, Houston, Tex.
September 11–12—New Executive Office Building, Room 2008, 726 Jackson Place, N.W., Washington, D.C.
September 16–17—Auditorium, Department of Water and Power Building, 111 North Hope Street, Los Angeles, Calif.

The second day of hearings at the above locations, as indicated, will be conducted only if the first day does not provide sufficient time to hear all who wish to present views.

Presentation of Views at Hearings

Persons may appear on their own behalf or as representatives of any entity or of any interested group whether public or private to make oral presentations. Persons who wish to provide oral testimony should notify the Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Room 9013 New Executive Office Building, Washington, D.C. 20503 (Telephone: 202/395–7207) at least one week in advance of the scheduled hearing at which they wish to speak. (Such notification may be made by telephone.) Oral presentation at the hearings shall be limited to approximately 15 minutes and a written summary of the oral presentation should be provided to the hearing officer on the day of the hearing.

Presentation of Written Views

In lieu of, or in addition to, the presentation of oral views, written comments may be submitted on the task group reports no later than September 17, 1980. Such comments should be addressed to the Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, N.W., Room 9013 New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:
Mr. David F. Baker, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., 9013 New Executive Office Building, Washington, D.C. 20503 (Telephone: 202/395–7207).

Karen Hastie Williams,
Administrator.

[FR Doc. 80–23110 Filed 7–30–80; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17005; File No. SR–CBOE–80–7]

Government National Mortgage Association Options Proposal

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period and request for additional comments.

SUMMARY: The Commission has published notice of a proposed rule change submitted by the Chicago Board Options Exchange to amend its rules to provide for exchange trading of options on securities guaranteed by the Government National Mortgage

Association. In view of certain significant and novel issues raised by the proposal, the Commission has determined to extend to September 1, 1980, the period for public comment and to solicit additional written submissions of data, veiws and comments from interested persons, particularly with respect to the issues discussed in this release.

DATE: Comments should be received by September 1, 1980.

ADDRESSES: Interested persons should submit 25 copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File No. SR–CBOE–80–7. All submissions will be made available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: D. Michael Lefever, Esq., Office of Self-Regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 275–2412.

SUPPLEMENTARY INFORMATION: Pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(2), (the "Act") and Rule 19b–4 thereunder, the Chicago Board Options Exchange, Incorporated ("CBOE") submitted on April 17, 1980, a propsed rule change to modify it rules to provide for exchange trading of options on Government National Mortgage Association modified pass-through certificates ("GNMAs").[1] Notice of the proposed rule change was given by Securities Exchange Act Release No. 16801 (May 12, 1980) which was published in the **Federal Register** on May 16, 1980 (45 FR 32458). The purpose of this release is to exend the comment period on the CBOE proposal to September 1, 1980, and to solicit additional written submissions of data, views and comments concerning particular features of the proposed options contract and the market and regulatory environment within which these instruments would be traded.

A. *Features of the Proposed GNMA Options Contract.* (1) *Delivery Specifications.* According to the terms of the options contract proposed by CBOE, delivery obligations generally can be satisfied by the delivery of certificates bearing any coupon rate equal to or less than the current GNMA production rate. [Proposed Rule 1.1(ii)]. CBOE proposes, however, that in the event of a change in the GNMA production rate, certain modifications will be made in the terms of acceptable delivery.[2] The Commisson is seeking comment on the impact the proposed delivery specification would have on utility of the proposed options contract as well as on the underlying GNMA cash market.

When there is a decrease in the GNMA production rate, the proposed rules provide that any GNMA certificates bearing a coupon rate that would have been deliverable prior to such a change, but not after, would be deemed to bear the qualifying rate for the next 45 days or until the settlement date following the next options expiration date, whichever is later. Commentators should discuss whether this limitation on the certificates that may be delivered is appropriate. Specifically, commentators should consider whether the limitation may diminish the usefulness of the proposed GNMA options market, particularly in connection with the acquisition for hedging purposes of options positions in series that would expire beyond the next expiration date. Commentators also may wish to discuss whether the limitation would inappropriately burden the holders of GNMA certificates that, because of a decline in the GNMA production rate, would be rendered undeliverable after 45 days or the settlement date following the next expiration date.

A second exception to the delivery specifications occurs in the event of an increase in the production rate. Specifically, the proposed rules provide that any existing GNMA certificates bearing coupon rates equal to the new production rate would be deemed not to bear a qualifying rate for 45 days or until the settlement date following the next expiration date, whichever is later. Commentators should discuss the justification for this restriction and whether it would inappropriately deter participation in the GNMA options market.

As a general matter, commentators should also consider whether the proposed definition of deliverable supply and the resulting uncertainty regarding the certificates that may be delivered upon the exercise of an options contract would impair the depth and liquidity of a GNMA options market by deterring prospective market participants. Commentators are also invited to compare, both in terms of utility and impact on the underlying GNMA cash market, the CBOE's proposed GNMA options contract with alternatively structured options contracts, including for example, a series of option contracts that would vary according to the coupon rate of the underlying certificate.

Commentators are also invited to discuss the extent to which they believe GNMA options positions would culminate in exercise and delivery, as opposed to a closing transaction. Commentators should focus on the proposed delivery specifications of the proposed options contract in terms of creating specific incentives or disincentives to utilize the options market as a delivery medium.

(2) *Margin.* CBOE, in general, proposes margin for uncovered short positions in GNMA options equal to 3 percent of the value of the underlying security that would be market-to-market on a daily basis. The three percent level is based on the "haircut" applied to a broker-dealer's proprietary position in GNMAs for purposes of calculating broker-dealer net capital in accordance with Commission Rule 15c3–1 under the Act [17 CFR 240.15c3–1]. the three percent margin is approximately equal to the "margin" imposed by the boards of trade on GNMA futures positions. The suggested level is in contrast to the current 30 percent initial and maintenance margin requirements, adjusted by the amount the option is in or out of the money, prescribed by Regulation T [3] and the options exchanges,[4] respectively, for uncovered short positions in options on equity securities. The Commission is seeking comment on the appropriateness of the proposed margin. Specifically, commentators are invited to identify and discuss factors justifying a distinction between the current margin for uncovered short positions imposed by Regulation T and the options exchanges, and the three percent margin proposed by CBOE for GNMA options. Commentators also may wish to discuss whether the proposed three percent margin would encourage excessive speculative participation. In addition, commentators are invited to consider whether and to what extent margin in excess of three percent would divert either hedger or speculator participation into the futures or forward markets, and thereby impair the efficiency or liquidity

[1] The full text of the CBOE proposal is attached as an appendix to this release.

[2] The "GNMA production rate" is defined as "a rate of interest .50 percent below the maximum stated rate of interest of residential mortgages which the Federal Housing Administration is willing to insure and which the Veterans Administration is willing to guarantee, as it may vary from time to time in accordance with official announcements of changes in such rates made by the Federal Housing Administration." [Proposed Rule 1.1(jj)].

[3] *See* 12 CFR 220.8(j).

[4] *See e.g.*, CBOE Rule 12.3(a)(5).

of the proposed GNMA options market. In addition, commentators may wish to discuss the appropriateness of imposing varying margin requirements depending upon the nature or purpose of a particular GNMA options strategy.

B. *Regulatory Context.* CBOE has asserted that an important advantage of the proposed trading of standardized GNMA options on CBOE would be a significantly enhanced regulatory environment as compared to the current GNMA forward market. Unless specifically modified by CBOE's proposed rule change, current CBOE rules applicable to options trading on equity securities would be applicable to GNMA options. Among the provisions commentators may wish to focus particular attention are the following:

(1) *Suitability.* CBOE Rule 9.7(a) prohibits any member organization from accepting a customer order to effect any options transaction unless the customer's account has been approved for options trading. CBOE proposes to amend this rule to require that an account also must be specifically approved for GNMA options trading. CBOE Rule 9.9 prohibits any member from recommending an opening options transaction to a customer unless the person making the recommendation has a reasonable basis for believing that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction, and that the customer is financially able to bear the risks of the recomended position. Commentators are invited to discuss what information it would be appropriate for a member organization to obtain from prospective customers in order to assess whether that customer's account is appropriae for GNMA options trading. In focusing on this question, commentators should distinguish between individual and institutional customers. Commentators are also invited to discuss the objective criteria that should be evaluated in determining whether any particular transaction or trading strategy is suitable for a customer. Commentators may also wish to identify and discuss the tparticular risks associated with options trading, particularly the writing of puts and calls, that should be disclosed to a prospective customer.

(2) *Position limits.* A single options contract would entitle the holder to purchase or sell GNMA certificates with remaining unpaid principal balances aggregating $100,000. CBOE Rule 4.11 prohibits a member from effecting an opening options transaction for its proprietary account or for the account of a customer which will cause the total position in the account to exceed 1000 contracts on the same side of the market, aggregating long call and short put positions, and short call and long put positions. CBOE does not propose to modify this restriction. Commentators may wish to discuss whether the 1000 contract limit is sufficiently restrictive to prevent market domination by a single participant or, alternatively, whether the 1000 contract position limit may be inappropriately restrictive as to particular market participants, particularly those seeking to hedge substantial positions in the GNMA cash, forward or futures markets.

In addition to the existing suitability and position limit rules, CBOE rules, such as those relating to sales practice and account supervision, currently applicable to the trading of options on stock also would apply to the GNMA options program. Commentators may wish to discuss whether the proposed regulatory structure would ensure an adequately regulated GNMA options market and, if not, what other regulatory measures would be desirable. Commentators also may wish to consider whether any of the proposed regulatory measures would impair the vitality of the proposed options market by deterring participation by particular prospective participants.

C. *Market Context.* (1) *Economies of Standardized Options Trading.* CBOE has indicated that the availability of exchange-based trading of a standardized GNMA options contract would introduce several economic enhancements, as compared to the current GNMA forward market, including more efficient pricing of GNMA options, reduced transaction costs, a secondary market that would enable participants to liquidate options positions with relative ease, streamlined clearing and delivery procedures, and reduced need for participants to scrutinize the credit-worthiness and financial integrity of the contra-party. Commentators are invited to address these issues.

(2) *Impact on the Underlying GNMA Cash Market.* Commentators may wish to discuss the potential impact of a viable, exchange-based GNMA options market on the quality of the GNMA cash market. If any adverse impact is identified, commentators are invited to suggest possible modifications in the proposed regulatory structure that may avert such consequences.

(3) *Options/Futures Market Relationship.* Approval of the CBOE proposal would create the possibility of trading strategies involving both options and futures. Commentators are invited to discuss the possible uses of combined options/futures trading strategies, including the extent to which the strategies may be used and the specific market participants for whom such strategies may be useful. Commentators also may wish to discuss potential forms of market manipulation involving the concurrent use of options and futures.

(4) *Options/Cash Market Relationship.* Unlike equity securities on which standardized options are presently traded, GNMA are not subject to Commission regulations mandating transaction [5] and quotation reporting.[6] Commentators may wish to identify and discuss the sources of information available for pricing GNMA options and the extent to which market participants could be expected to rely on these sources. Commentators should include in this discussion the use of comparable interest sensitive securities such as Treasury instruments as a basis for derivative pricing and the utilization of prices in the futures market as a means of pricing by analogy. Given the absence of Commission-regulated transaction and quotation reporting, commentators also are requested to discuss whether sufficient pricing information would be available on a reasonably continuous and current basis and whether market participants would have equal opportunity of access to such information. In addition, commentators may discuss whether the absence of regulated transaction and quotation reporting would impair the ability of the CBOE and the Commission to detect manipulative trading practices.

As presently proposed, no restrictions would be imposed on the participation in the GNMA options market of dealers making markets in the GNMA cash market. Accordingly, such dealers would be permitted to make markets simultaneously in both the options and cash markets. Commentators should discuss whether this dual status enhances the potential for manipulation or other trading abuses and, if so, whether adequate surveillance techniques exist or can be developed to detect such abuses. Commentators may also consider the appropriateness of imposing restrictions on the participation of GNMA dealers in the GNMA options market and, if so, what those restrictions should be.

All interested persons are invited to submit in writing no later than September 1, 1980, 25 copies of their

[5] Securities Exchange Act Rule 11Aa3-1 [17 CFR 240.11Aa 3-1].

[6] Securities Exchange Act Rule 11Ac1-1 [17 CFR 240.11Ac 1-1].

views concerning the proposed rule change to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. All communications should refer to File No. SR-CBOE-80-7 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 24, 1980.

Appendix: Text of Proposed Rule Change

The following CBOE rules are proposed to be amended by adding the italicized language and deleting the bracketed language.

Definitions

Rule 1.1

* * * * *

Put

(n) The term "put" means an option contract under which the holder of the option has the right, in accordance with the terms and provisions of the option, to sell to the Clearing Corporation the number of shares *(if the underlying security is a stock) or, subject to Rule 5.6(c), the nominal principal amount (if the underlying security is a GNMA)* of the underlying security covered by the option contract.

Call

(o) The term "call" means an option contract under which the holder of the option has the right, in accordance with the terms and provisions of the option, to purchase from the Clearing Corporation the number of shares *(if the underlying security is a stock) or, subject to Rule 5.6(c), the nominal principal amount (if the underlying security is a GNMA)* of the underlying security covered by the option contract.

Exercise Price

(s) The term "exercise price" means the specified price per [unit] share *(if the underlying security is a stock) or the specified percentage of the nominal principal amount (if the underlying security is a GNMA)* at which the underlying security may be purchased or sold upon exercise of an option contract [.] *; provided that if the stated rate of interest of a GNMA delivered upon exercise of an option contract is a qualifying rate other than the desinated rate, the exercise price shall be adjusted so that the amount paid provides the same yield to maturity as the amount which would have been payable if the stated rate of interest had been equal to the designated rate (assuming a 30-year term and prepayment at the end of the twelfth year of the mortgage obligations underlying GNMAs).*

Aggregate Exercise Price

(t) The term "aggregate exercise price" means the exercise price of an option contract multiplied by the number of [units] *shares (if the underlying security is a stock) or the nominal prinicipal amount (if the underlying security is a GNMA)* of the underlying security covered by the option contract [.] *; provided that if the remaining unpaid principal balance of a GNMA delivered upon exercise of an option contract varies from the nominal principal amount, the aggregate exercise price shall be adjusted to equal the product of the exercise price and such remaining unpaid principal balance, plus in each case the appropriate differential.*

Covered

(y) The term "covered" in respect of a short position in a call option contract means that the writer's obligation is secured by a "specific deposit" or an "escrow deposit" meeting the conditions of Rule 610(f) or 610(h), respectively, of the Rules of the Clearing Corporation, or the writer holds in the same account that is the short position, on a share for share basis *(if the underlying security is a stock) or on the basis of a matching remaining unpaid principal balance (if the underlying security is a GNMA),* a long position either in the underlying security *(bearing a qualifying rate of interest and having a remaining unpaid principal balance within the variation permitted by Rule 5.6(c) if the underlying security is a GNMA)* or in an option contract of the same class of options where the exercise price of the option contract in such long position is equal to or less than the exercise price of the option contract in such short position. The term "covered" in respect of a short position in a put option contract means that the writer holds in the same account as the short position, on a share for share basis *(if the underlying security is a stock) or on the basis of a matching remaining unpaid principal balance (if the underlying security is a GNMA),* a long position in an option contract of the same class of options where the exercise price of the option contract in such long position is equal to or greater than the exercise price of the option contract in such short position.

GNMA

(ff) The term "GNMA" means a debt security guaranteed as to timely payment of principal and interest by the Government National Mortgage Association, as described in the current standard prospectus of the Department of Housing and Urban Development covering such securities, bearing a stated rate of interest at any qualifying rate. Any two or more separate certificates representing GNMAs bearing the same qualifying rate delivered in accordance with the Rules of the Clearing Corporation upon exercise of an option contract shall, for purposes of the Rule, be deemed to be a single GNMA, having a remaining unpaid principal balance equal to the sum of the remaining unpaid principal balances of such separate certificates.

Designated Rate

(hh) The term "designated rate" means a rate of interest of 8% or such other rate as may be designated by the Securities Committee.

Nominal Principal Amount

(gg) The term "nominal principal amount" means the remaining unpaid principal balance of GNMAs required to be delivered to the holder of a call or by the holder of a put upon exercise of an option without regard to any variance in the remaining unpaid principal balance permitted to be delivered upon such exercise by the Rules or the Rules of the Clearing Corporation.

Qualifying Rate

(ii) The term "qualifying rate" means any rate of interest equal to or less than the GNMA production rate; provided that in the event of any change in the GNMA production rate, a GNMA issued prior to the date of any such change bearing a stated rate of interest equal to any such changed GNMA production rate shall be deemed not to bear a qualifying rate until the expiration of 45 days from the date of such increase or until after the settlement date for options on GNMAs following the next expiration date for any series of such options, whichever shall last occur; and further provided that in the event of any decrease in the GNMA production rate, a GNMA bearing a stated rate of interest which constituted a qualifying rate on the day prior to the date of any such decrease shall be deemed to continue to brear a qualifying rate for a period of 45 days from the date of such decrease or until the settlement date for options on GNMAs following the next expiration date for any series of such options, whichever shall last occur.

GNMA Production Rate

(jj) The term "GNMA production rate" means a rate of interest .50% below the maximum stated rate of interest on residential mortgages which the Federal Housing Administration is willing to insure and which the Veterans Administration is willing to guarantee, as it may vary from time to time in accordance with official announcements of changes in such rates made by the Federal Housing Administration.

Appropriate Differential

(kk) The term "appropriate differential" with respect to an option contract on GNMAs means a positive or negative amount equal to the product of (A) the difference between the remaining unpaid principal balance of a GNMA delivered upon exercise of that contract and the nominal principal amount, and (B) the difference between the current cash market price of GNMAs bearing the same stated rate of interest as that borne by such GNMA and the exercise price.

Current Cash Market Price

(ll) The term "current cash market price" with respect to GNMAs means the prevailing price in the cash market for GNMAs to be delivered on the next monthly settlement date determined in the manner specified by the Board.

. . . Interpretations and Policies

.01 For purposes of paragraph (ff) of this Rule, the current standard prospectus of the Department of Housing and Urban Development covering GNMAs shall be form HUD 1717.

.02 The following example illustrates the meanings of the terms "exercise price," "aggregate exercise price," "nominal principal amount," and "appropriate differential" in connection with a call option on GNMAs, as those terms are defined in paragraphs (s), (t), (gg) (kk) of this Rule.

Assume that the holder of one call option on GNMAs (i.e., an option permitting the holder to purchase from the Clearing Corporation $100,000 remaining unpaid principal balance of GNMAs, the nominal principal amount), having an excise price of 85 (i.e., 85% of the nominal) principal amount), elects to exercise the call. Further, assume that the GNMA delivered to the holder upon such exercise bears a qualifying rate of interest equal to 10% and, in accordance with Rule 5.6(c), has a remaining unpaid principal balance of $99,000. Finally, assume that the current cash market price of GNMAs bearing a stated rate of interest of 10% (i.e., 100% of the remaining unpaid principal balance).

The exercise price of the option being exercised is adjusted, on the basis of the standard assumptions for GNMAs, to provide the yield equivalent of a GNMA at the designated rate of 8% (i.e., the exercise price becomes 98$^{36}/_{64}$ instead of 85). Further, because the remaining unpaid principal balance of the GNMA delivered varies from the nominal principal amount, the aggregate exercise price (which would have equaled 98$^{36}/_{64}$% × $100,000, or $98,046.88, in the event the GNMA delivered had had a remaining unpaid principal balance of $100,000, the nominal principal amount) is adjusted to equal the product of the adjusted exercise price (98$^{36}/_{64}$) and the remaining unpaid principal balance of the GNMA delivered upon exercise ($99,000), or $97,066.41, plus the appropriate differential. In this case, the appropriate differential is an amount equal to the product of the difference between the remaining unpaid principal balance of the GNMA delivered upon exercise ($99,000) and the nominal principal amount ($100,000), or −$1,000, and the difference between the current over-the-counter cash market price of GNMAs bearing a stated rate of interest at 10% (100) and the adjusted exercise price of the call (98$^{36}/_{64}$), or 1$^{6}/_{64}$, yielding −$19.53. Thus, adding the negative amount of −$19.53, the appropriate differential, to $97,066.41, the product obtained in the first step of the aggregate exercise price adjustment, the aggregate exercise price payable by the holder of the call upon exercise is $97,046.88.

.03 A determination of the current cash market price for purposes of calculating athe appropriate differential pursuant to paragraph (kk) of this Rule shall be made immediately prior to the time the Clearing Corporation, in accordance with the Rules of the Clearing Corporation, commences preparation of advice as to the aggregate exercise price of puts and calls on GNMAs which have been exercised.

Sharing of Offices and Wire Connections

Rule 4.3 [No change]

. . . Interpretations and Policies

.016 The Exchange will permit members to establish and maintain wire connections with other members or non-members for the purpose of obtaining timely information on price movements in GNMAs. Written notice of each such wire connection shall be filed promptly with the Exchange.

Restriction of Out-of-the-Money Options

Rule 4.17. (a) Subject to the provisions of paragraphs (b) and (c), no member, on behalf of a customer or for his own account, shall enter any order for an opening transaction (purchase or writing) in any call option contract *where the underlying security is a stock* as to which (i) the exercise price is more than $5 above the closing price of the underlying security in the primary market on the last previous day on which the underlying security was traded and (ii) the closing price of the option on the Exchange was less than $0.50 per unit of trading on the last previous day on which the option was traded; and no member, on behalf of a customer or for his own account, shall enter any order for an opening transaction (purchase or writing) in any put option contract *where the underlying security is a stock* as to which (x) the exercise price is more than $5 below the closing price of the underlying security in the primary market on the last previous day on which the underlying security was traded and (y) the closing price of the option on the Exchange was less than $0.50 per unit of trading on the last previous day on which the option was traded.

Designation of Securities

Rule 5.1. Securities dealt in on the Exchange are option contracts, each of which is designated by reference to the issuer of the underlying security, expiration month *(and, in the case of options on GNMAs, the year of the expiration month for the longest term option series)*, exercise price and type (put or call). *All option contracts for GNMAs shall be deemed to refer to GNMAs bearing a stated rate of interest equal to the designated rate.*

Approval of Underlying Securities

Rule 5.3. The underlying securities of option contracts traded on the Exchange shall be approved for Exchange transactions by the Board following the recommendation of the Securities Committee and the Board shall give due regard to, and the Board shall promulgate guidelines relative to, the following factors:

(a) Underlying [securities] *stocks* approved for Exchange transactions shall have, in the absence of exceptional circumstances, the following characteristics:

(i)–(iv) [No change]

(b) Underlying [securities] *stocks* shall be duly listed and registered on a national securities exchange; [and]

(c) The list of approved underlying [securities] *stocks* shall be

representative of issuers engaged in a wide variety of business activities[.]; *and*

(d) GNMAs may be approved for Exchange transactions by the Board following the recommendation of the Securities Committee, subject to such requirements as to remaining unpaid principal amount, date of issuance, pool or other characteristics as the Board deems necessary or appropriate in the interest of maintaining a fair and orderly market or for the protection of investors.

. . . Interpretations and Policies

.01 At the time it selects *a stock as* an underlying security for options transactions, the Securities Committee shall ordinarily determine from information publicly available at the Securities and Exchange Commission that the following conditions with respect toa the issuer of the underlying [security] *stock* are met:

1.–4. [No change]

Withdrawal of Approval of Underlying Securities

Rule 5.4. The approval of an underlying security for exchange transactions shall be withdrawn by the Securities Committee if the underlying security fails to meet the then current requirements necessary to maintain such approval, *or if the Securities Committee determines that for any other reason the approval of the underlying security should be withdrawn.* In the event the Securities Committee withdraws approval of an underlying security, no additional series of option contracts of the class covering that underlying security shall be opened; provided, however, that where exceptional circumstances have caused the noncompliance of an underlying [security] *stock* with subsection (E) or (F) of Section 1 of Interpretation .01 underunder the Board may, in the interest of maintaining a fair and orderly market or for the protection of investors, direct the Securities Committee to open additional series of option contracts of the class covering the subject underlying [security] *stock.*

. . . Interpretations and Policies:

.01 In connection with Rule 5.4 the Exchange has adopted certain requirements which must be met in order for an underlying [security] *stock* to maintain approval for exchange transactions. Therefore the Securities Committee shall take the action prescribed by Rule 5.4 for the withdrawal of an underlying [security] *stock* when any one of the following occurs:

1.–3. [No change]

.02 In connection with Rule 5.4 and Interpretation .01.3 thereto, the Securities Committee shall direct that no additional series of options [contracts of the class] covering an underlying [security] *stock* be opened at any time when the market price per share of the subject underlying [security] *stock* is less than $7.50 as measured by the highest closing price recorded in any market on which the underlying security stock trades. Further, no series of option contracts will be opened with a strike price of less than $10.00.

.03 Whenever the Exchange shall announce that approval of an underlying [stock] *security* has been withdrawn for any reason, each member organization shall, prior to effecting any transaction in option contracts in respect of such underlying [stock] *security* for a customer, inform such customer of such fact.

.04 [No change]

Terms of Option Contracts

Rule 5.6. (a) The expiration month (*and, if the underlying security is a GNMA, expiration year*) and exercise price of option contracts of each series of options shall be determined by the Securities Committee at the time each series of options is first opened for trading. Unless the Securities Committee otherwise provides and so indicates at the post at which the option contract is traded,

(i) option contracts *for stocks* shall expire in the months of January, April, July and October, and series of options of a given expiration month shall generally be opened for trading about 9 months prior to such expiration month (e.g., October options will generally be opened during the preceding January) [.] *; and* the exercise price of each series of options shall be fixed at a price per [unit] *share* which is reasonably close to the price per [unit] *share* at which the underlying security is traded in the primary market at the time such series of options is first opened for trading [.] *; and*

(ii) option contracts for GNMAs shall expire in the months of March, June, September and December, and a series of options of a given expiration month shall generally be opened for trading about 15 months prior to such expiration month (e.g., September options will generally be opened during June of the preceding year); and the exercise price of each series of options shall be fixed at a percentage of nominal principal amount, assuming a stated rate of interest equal to the designated rate, which is an integral multiple of 1% and which results in a yield (assuming a 30-year term and prepayment at the end of the twelfth year for the mortgage obligations underlying GNMAs) which is reasonably close to the current yield of GNMAs bearing a stated rate of interest equal to the then current highest qualifying rate (unless another qualifying rate shall have been specified, for purposes of this Rule, by the Securities Committee) as determined by the current cash market price of such GNMAs at the time such series of options is first opened for trading.

Additional series of options of the same class may be opened as the market price moves substantially from the initial price or prices.

(b) [No Change]

(c) The remaining unpaid principal balance of a GNMA delivered upon exercise of a put or a call may vary, in accordance with the Rules of the Clearing Corporation, in any amount less than 2.5% of the nominal principal amount.

Days and Hours of Business

Rule 6.1 [No change]

. . . Interpretations and Policies

.01 The Board of Directors has resolved that, except under unusual conditions as may be determined by the Board, hours during which transactions may be made on the Exchange shall correspond to the normal hours for business set forth in the rules of the primary exchange listing the stocks underlying [CBOE] options *in the case of options on stocks, and shall correspond to the hours during which underlying GNMAs are normally traded in the over-the-counter cash market, but ending at 3:00 p.m. (Chicago time), in the case of options on GNMAs.*

Trading Rotations

Rule 6.2. [No change]

. . . Interpretations and Policies

.01 Trading rotations shall be employed at the opening and at the close of the Exchange each business day. For each class of option contracts that has been approved for trading, the opening and closing rotation shall be conducted by the Board Broker or Order Book Official acting in such class of options. The rotations shall be conducted in the following manner.

The opening rotation in each class of options shall be held promptly following the opening transaction in the underlying security on the principal exchange [where] *on which* it is traded *(if the underlying security is a stock), or following the opening quotations on the quotation display mechanism(s)*

approved by the Exchange (if the underlying security is a GNMA). As a rule, a Board Broker or Order Book Official acting in more than one class of options should open them in the same order in which opening transactions are reported (*if the underlying security is a stock) or quotations are reported or available (if the underlying security is a GNMA)* in the underlying securities. In conducting each such opening rotation, the Board Broker or Order Book Official should first open the one or more series of options of a given class having the nearest expiration, then proceed to the series of options having the next most distant expiration, and so forth, until all series have been opened. Except as otherwise provided by the Floor Procedure Committee; if both puts and calls covering the same underlying security are traded, the Board Broker or Order Book Official shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

In the event an opening transaction in [the] *an* underlying [security] stock has not been reported within a reasonable time after 9:00 a.m. *(Chicago time) or in the event that current quotations are not available for underlying GNMAs within a reasonable time after 8:00 a.m. (Chicago time),* the Board Broker or Order Book Official acting in option contracts on such security shall report the delay to a Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until an opening transaction is reported [in the underlying security] *or until current quotations are available, as the case may be,* unless two Floor Officials determine that the interests of a fair and orderly market are best served by opening trading in the option contracts.

.02 [No change]

Trading Halts

Rule 6.3 (a) Halts. Any two Floor Officials may halt trading in any option contract in the interests of a fair and orderly market for a period not in excess of two consecutive business days. Among the factors that may be considered by the Floor Officials are that:

(i) trading in the underlying security has been halted or suspended in the primary market;

(ii) The opening of such underlying security in the primary market, *where the primary market is a national securities exchange;* has been delayed because of unusual circumstances; [, or];

(iii) *current quotations are unavailable for underlying securities that are GNMAs; or*

[(iii)](iv) other unusual conditions or circumstances *detrimental to the maintenance of a fair and orderly market* are present.

(b) Resumptions. [No change]

Suspension of Trading

Rule 6.4 (a) Suspension. The Board may suspend trading in an option contract in the interests of a fair and orderly market. Among the factors that may be considered by the Board are that:

(a) [No change]

(ii) *current quotations are unavailable for underlying securities that are GNMAs.*

(iii)–(iv) [(ii)–(iii)] [No change]

(b) Resumptions. [No change]

Meaning of Premium Bids and Offers

Rule 6.41. (a) General. Except as provided in paragraph (b), bids and offers shall be expressed

(i) In the case of options on stocks, in terms of dollars per unit of the underlying [security], *stock.* (E.g., a bid of "7" shall represent a bid of $700 for an option contract having a unit of trading consisting of 100 shares of an underlying [security] *stock,* or a bid of $770 for an option contract having a unit of trading consisting of 110 shares of an underlying [security] *stock* [.]*;*

(ii) In the case of options on GNMAs, as a percentage of the nominal principal amount of the underlying GNMAs, assuming a stated rate of interest equal to the designated rate. (E.g., a bid of "1" shall represent a bid of 1% or $1,000 for an option contract having a unit of trading of $100,000 remaining unpaid principal balance of GNMAs, assuming a stated rate of interest equal to the designated rate.)

(b) [change]

Fractional Changes for Bids and Offers

Rule 6.42. [No change]

. . . Interpretations and Policies

.01 [No change]

.02 In the case of options on GNMAs, bids and offers shall be expressed in 1/64 of 1% of the nominal principal amount of the unit of trading for such options unless a different percentage is approved by the Floor Procedure Committee for an option contract of a particular series.

Priority of Bids and Offers

Rule 6.45. [No change]

. . . Interpretations and Policies

.01 The Floor Procedure Committee has adopted the following guideline regarding orders to sell at a price of 1/16 *(if the underlying security is a stock) or 1/64 of 1% (if the underlying security is a GNMA)*: When a Board Broker or Order Book Official is displaying, pursuant to Rule 7.7, limit orders to sell at 1/16 *(if the underlying security is a stock) or 1/64 of 1% (if the underlying security is a GNMA)* which have priority pursuant to Rule 6.45, no Floor Broker, Board Broker, or Order Book Official shall hold a market order to sell that series. Whenever this condition occurs, Board Brokers, Order Broker Officials and Floor Brokers shall immediately return any held orders to the member firm's floor communication station clearly marked "Unable 1/16 limit in book." *(if the underlying security is a stock) or "Unable 1/64 of 1% limit in book." (if the underlying security is a GNMA).* The member firm initiating the order on the floor shall immediately transmit a request or a cancellation or a change to a limit order back to the office originating the order.

Accommodation Liquidations

Rule 6.54. Trading under the following terms and conditions shall be available for closing transactions only in series of option contracts open for trading on the Exchange:

(i) [No change]

(ii) Limit orders labeled at a price of 1 cent per share (if the underlying security is a stock) *or 1 cent per $1,000 of nominal principal amount (if the underlying security is a GNMA)* at option must be placed with the Board Broker or Order Book Official.

(iii)–(v) [No change]

(vi) All transactions at a price of 1 cent per share (if the underlying security is a stock) *or 1 cent per $1,000 of nominal principal amount (if the underlying security is a GNMA)* at option shall be reported to the Exchange following the close of each business day.

. . . Interpretations and Policies

.01 A Board Broker or Order Book Official who receives a closing buy order for 1 cent per share *(if the underlying security is a stock) or 1 cent per $1,000 of nominal principal amount (if the underlying security is a GNMA),* at option shall attempt to execute the order against any 1 cent closing sell orders in his possession. If any part of the buy order cannot be immediately executed, the Board Broker or Order Book Official shall display the 1 cent bid.

Upon receiving a closing sell order for 1 cent per share *(if the underlying security is a stock) or 1 cent per $1,000 of nominal principal amount (if the underlying security is a GNMA)*, at option the Board Broker or Order Book Official shall attempt to execute the order [of] at the best available bid. If any part of the sell order cannot be immediately executed, the Board Broker or Order Book Official shall display the order as a 1 cent offering. However, since a market or a 1/16 *(if the underlying security is a stock) or 1/64 of 1% (if the underlying security is a GNMA)*, opening buy order may come to the marketplace next, the 1 cent closing sell order should be filed in time sequence with any orders to sell at 1/16 *(if the underlying security is a stock) or 1/64 of 1% (if the underlying security is a GNMA)*. This provides the ability to execute the closing sell order at 1 cent if a closing 1 cent buy order arrives next, or at 1/16 *(if the underlying security is a stock) or 1/64 of 1% (if the underlying security is a GNMA)* if an opening buy order arrives next.

Reconciliation of Unmatched Trades

Rule 6.56. [No change]

. . . Interpretations and Policies

.01 All Exchange members, Clearing Members and their respective agents shall resolve unmatched trades from the previous day's trading no later than [9:00]*8:00* a.m. (CST) *(Chicago time)* of the following business day *in the case of options where the underlying security is a GNMA and 9:00 a.m. (Chicago time) of the following business day in the case of options where the underlying security is a stock.* If an unmatched trade is not resolved by [9:00 a.m.] *the time prescribed herein* due to one of the executing brokers not being present on the Exchange floor, the trade shall be submitted to the Options Clearing Corporation pursuant to the terms presented by the executing broker who is in attendance during the trade matching process.

.02 [No change]

Responsibilities of Floor Brokers

Rule 6.73. (a) General Responsibility. [No change]

(b) Contingency order or one-cancels-the-other order. A Floor Broker handling a contingency order or a one-cancels-the-other order that is dependent upon the price of, *or in the case of options on GNMAs the current quotation for,* the underlying security shall be responsible for satisfying the dependency requirement on the basis of the last reported price of the underlying security in the primary market that is generally available on the floor of the Exchange at any given time, *except that in the case of such orders for options on GNMAs, the Floor Broker shall be responsible for satisfying the dependency requirement on the basis of the most reliable information reasonably available to him concerning current quotations for the underlying security.* Unless mutually agreed by the members involved, an execution or nonexecution that results shall not be altered by the fact that such price *or such information* is subsequently found to have been erroneous.

(c) Combination orders at the opening or close. [No change]

Obligations of Market-Makers

Rule 8.7. (a) General. [No change]

(b) Principal Appointment. With respect to each class of option contracts for which he holds a Principal Appointment under Rule 8.3, a Market-Maker has a continuous obligation to engage, to a reasonable degree under the existing circumstances, in dealing for his own account where there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class. Without limiting the foregoing, a Market-Maker is expected to perform the following activities in the course of maintaining a fair and orderly market:

(i) *Options on stocks. (A)* [No change from present section (i)]

[(ii)] *(B)* Bidding no more than $1 lower and/or offering no more than $1 higher than the last preceding transaction price for the particular option contract. However, this standard shall not ordinarily apply if the price per share (or other unit of trading) of the underlying security has changed since the last preceding transaction for the particular option contract, in which event a Market-Maker may then bid no lower than or offer no more than $1 plus the aggregate change in the price per share (or other unit of trading) of the underlying security since the time of the last preceding transaction for the particular option contract. Nothing in this subparagraph [(b)(ii)] *(b)(i)(B)* shall alter the maximum bid/ask differentials established by subparagraph [(b)(i)] *(b)(i)(A)* of this Rule.

[(ii)] *(C)* Whenever in the judgment of two Floor Officials the interest of maintaining a fair and orderly market so requires, those Floor Officials may waive the requirements of [section (ii)] *subparagraph (b)(i)(B)* above on a case by case basis.

(ii) Options on GNMAs. Bidding and/or offering so as to create differences of: no more than 1/8% of the nominal principal amount of the underlying security between the bid and offer for each option contract for which the last preceding transaction price was 1/4% or less; no more than 1/4% where the last preceding transaction price was more than 1/4% but less than 4%; and no more than 3/8% where the last preceding transaction price was more than 4%; provided that the Floor Procedure Committee may establish differences other than the above for one or more series of options.

(c) and (d) [No change]

. . . Interpretations and Policies

.01 The Floor Procedure Committee has determined that the limitations of Rule [8.7(b)(ii)] *8.7(b)(i)(B)* should not be carried over from one day to the next, and therefore are not applicable to the Exchange's opening.

.02 [No change]

.03 *The Floor Procedure Committee has determined that the bid/ask differentials specified in Rule 8.7(b)(ii) shall apply to all but the three longest term option series for trading in options on GNMAs. For these series the bid/ask differential shall be 1/4% for option contracts where the last preceding transaction price was 1/4% or less and 1/2% for all other transactions.*

[.03] *.04* [No change]

[.04] *.05* [No change]

[.05] *.06* [No change]

Opening of Accounts

Rule 9.7. (a) Approval Required. No member organization shall accept an order from a customer to purchase or write an option contract unless the customer's account has been approved for options transactions in accordance with the provisions of this rule. *In addition, a customer's account must be specially approved for transactions in options on GNMAs before a member organization may accept an order from a customer to purchase or write such options.*

(b)–(d) [No change]

(e) Prospectus to be Furnished. At or prior to the time a customer's account is approved for options transactions, a member organization shall furnish the customer with a current [Prospectus] Clearing Corporation prospectus *on stock options* as *provided* [defined] in Rule 9.15. *In addition, if the account is specially approved for transactions in options on GNMAs, the member organization shall at the same time also furnish the customer with a current Clearing Corporation prospectus on GNMA options as provided in Rule 9.15.*

Delivery of Current Prospectus

Rule 9.15. Every member organization shall deliver a current Prospectus to each customer at or prior to the time such customer's account is approved for options transactions. Thereafter, each new current Prospectus shall be distributed to every customer having an account approved for options transactions, or, in the alternative, shall be distributed not later than the time a confirmation of a transaction is delivered to each customer who enters into an contract transaction. Where such customer is a broker or dealer, the member organization shall take reasonable steps to see to it that such broker or dealer is furnished reasonable quantities of current Prospectuses[,] as requested by him in order to enable him to comply with the requirements of Section 5 of the Securities Act of 1933. For purposes of this Rule, the term "current Prospectus" means that edition of the [Options Prospectus] *prospectus on stock options or the prospectus on GNMA options (or the GNMA options supplement together with the current prospectus on stock options)* of the Clearing Corporation as registrant which, at the time it is to be furnished to a given customer, meets the requirements of Section 10(a)(3) of the Securities Act of 1933. (Note: The Exchange will advise members when a new [Options Prospectus] *Clearing Corporation prospectus on stock options or Clearing Corporation prospectus on GNMA options* meeting the requirements of Section 10(a)(3) is available).

Communications to Customers

Rule 9.21. (a)–(d) [No change]

(d) Except as otherwise provided in the Interpretations and Policies hereunder, *(i)* no written materials respecting options *on stocks* may be disseminated to any person who has not previously or contemporaneously received a current Clearing Corporation prospectus *on stock options, and (ii) no written materials respecting options on GNMAs may be disseminated to any person who has not previously or contemporaneously received a current Clearing Corporation prospectus on GNMA options.*

(e) [No change]

. . . Interpretations and Policies:

.01 [No change]

.02 Advertisements pertaining to options shall conform to the following standards:

A. Advertisements may only be used (and copies of the advertisements may be sent to persons who have not received a Clearing Corporation prospectus) if the material meets the requirements of Rule 134 under the Securities Act of 1933, as that Rule has been interpreted as applying to options. Under Rule 134, advertisements must be limited to general descriptions of the security being offered and of its issuer. Advertisements under this Rule shall state the name and address of the person from whom a current Clearing Corporation prospectus *on stock options or a current Clearing Corporation prospectus on GNMA options may be obtained, as the case may be; if an advertisement under this Rule deals with both stock options and GNMA options, such advertisement shall state the name(s) and address(es) of the person(s) from whom current copies of both prospectuses may be obtained.* Such advertisements may have the following characteristics:

(i) [No change]
(ii) [No change]
(iii) [No change]
B. [No change]
.03 [No change]

Allocation of Exercise Assignment Notices

Rule 11.2. (a) Each Member Organization shall establish fixed procedures for the allocation of exercise notices assigned in respect of a short position in such Member Organization's customers accounts. The allocation shall be on a "first in, first out" or automated random selection basis that has been approved by the Exchange, or on a manual random selection basis that has been specified by the Exchange; *provided that, in the case of options on GNMAs, such method of allocation may provide that an exercise notice of block size shall be allocated to a customer or customers having an open short position of block size and that an exercise notice of less than block size shall not be allocated, to the extent feasible, to a customer having a short position of block size; and provided further that, in the case of GNMAs, the Member Organization shall allocate an exercise notice pertaining to a call option contract to a customer who has made a specific deposit of the underlying security if it is directed to do so by the Clearing Corporation. For the purposes of this Rule, an exercise notice or a short position of 10 or more contracts where the underlying security is a GNMA shall be deemed to be of "block size."* Each Member Organization shall inform its customers in writing of the method it uses to allocate exercise notices to its customers' accounts, explaining its manner of operation and the consequences of that system.

(b) [No change]
(c) [No change]
.01 [No change]

Disagreement on Unmatched Trade

Rule 10.1 [No change]

. . . Interpretations and Policies

.01 The Floor Procedure Committee has determined with respect to the language "resolved promptly", of Rule 10.1, the "promptly" shall be interpreted to mean that unmatched Exchange transactions rejected overnight by the Clearing Corporation shall be resolved prior to 9:00 a.m. [,] (*Chicago time*) [,] (*if the underlying security is a stock) or 8:00 a.m. (Chicago time) (if the underlying security is a GNMA),* the following business day.

Delivery and Payment

Rule 11.3. Delivery of the underlying security upon the exercise of an option contract, and the payment of the aggregate exercise price in respect thereof, shall be in accordance with the Rules of the Clearing Corporation. As promptly as possible after the exercise of an option contract by a customer, the Member Organization shall require the customer, *in the case of a call option contract;* to make full cash payment of the aggregate exercise price [in the case of a call option contract], or *in the case of a put option contract,* to deposit the underlying security [in the case of a put option contract], or to make the required margin deposit in respect thereof if the transaction is effected in a margin account, in accordance with the Rules of the Exchange and the applicable regulations of the Federal Reserve Board. As promptly as practicable after the assignment to a customer of an exercise notice the Member Organization shall, *in the case of a call option contract,* require the customer to deposit the underlying security, [in the case of a call option contract] if the underlying security is not carried in the customer's account, or, *in the case of a put option contract, require the customer* to make full cash payment of the aggregate exercise price [in the case of a put option contract], or in either case *require the customer* to deposit the required margin in respect thereof if the transaction is effected in a margin account, in accordance with the Rules of the Exchange and the applicable regulations of the Federal Reserve Board. *In the case of an option contract on GNMAs, payment*

of the aggregate exercise price (i) shall be accompanied by payment of accrued interest on the underlying GNMAs from and including the first day of the month in which such an option is exercised to and including the exercise settlement date; and (ii) shall not be required until the Member Organization informs the customer of the precise amount of the aggregate exercise price.

Margin Requirements

Rule 12.3. (a) [(1) through (4) No change]

(5) For each put or call option contract *on stocks* dealt in on an exchange carried in a short position in the account, 30% of the market value of equivalent units of the underlying security; and for each put or call contract not dealt in on an exchange carried in a short position in the account, 50% of the market value of equivalent units of the underlying security. In each case, the amount shall be increased or decreased by the amount resulting from marking the underlying security to the exercise price of the option contract; provided, however, that the minimum margin required on each such option contract shall be not less than $250 per option contract. As an exception to the foregoing, where both a put and a call option contract for the same number of shares of the same underlying security are carried in a short position in an account, the amount of the margin required shall be the margin on the put or the call, whichever amount is greater, increased by the amount of any unrealized loss on the other option.

(6) *For each put or call option contract on GNMAs dealt in on an exchange carried in a short position in the account, 3% of the market value of the nominal principal amount, assuming a stated rate of interest equal to the then current highest qualifying rate (unless another qualifying rate shall have been specified, for purposes of this Rule, by the Securities Committee). In each case, the amount shall be increased or decreased by the amount resulting from marking the nominal principal amount to the exercise price of the option contract (adjusting the exercise price of the option contract (adjusting the exercise price in accordance with paragraph(s) of Rule 1.1 on the assumption that the GNMA delivered upon exercise will bear a stated rate of interest equal to the then current highest qualifying rate, unless another qualifying rate shall have been specified, for purposes of this Rule, by the Securities Committee); provided, however, that the minimum margin required on each such option contract shall be not less than $250 per option contract. As an exception to the foregoing, where both a put and a call option contract for the same nominal principal amount of GNMAs are carried in a short position in an account, the amount of the margin required shall be the margin on the put or call, whichever amount is greater, increased by the amount of any unrealized loss on the other option.*

(b) [No change]

(1) Related Securities Positions. (A) [No Change]

(B) No margin need be required in respect of an option contract carried in a short position which is covered by a long position in equivalent units of the underlying security, in the case of a call, or a short position in equivalent units of the underlying security, in the case of a put; provided, however, in computing margin on such position in the underlying security, the current market value to be used shall not be greater than the exercise price in the case of a call *(if the underlying security is a stock) or the aggregate exercise price (if the underlying security is a GNMA) (adjusted, if necessary, in accordance with paragraphs (s) and (t) of Rule 1.1 on the assumption that the GNMAs delivered upon any exercise of the call will be the GNMAs held in the long position)* nor less than the exercise price in the case of a put. Where the short option contract is covered by an "escrow deposit" executed and delivered to the Clearing Corporation in accordance with Rule 610(h), the underlying security deposited in respect of such option contract shall not be deemed to have any value for margin purposes.

(C) [No change]

(c)-(d) [No change]

Determination of Value for Margin Purposes

Rule 12.5. Positions in active securities dealt in on a recognized exchange (including option contracts) shall, for margin purposes, be valued at current market prices; provided that options contracts whether or not dealt in on an exchange shall not be deemed to have market value for the purposes of Rule 12.3(a)(1). Positions in other securities shall be valued conservatively in the light of current market prices and the amount of anticipated realization upon a liquidation of the entire position[.]; *positions in GNMAs shall be valued at the current cash market price for GNMAs bearing the same stated rate of interest as those in the positions.* Substantial additional margin must be required in all cases where the securities carried are subject to unusually rapid or violent changes in value, or where the amount carried is such that they cannot be liquidated promptly.

[FR Doc. 80-22920 Filed 7-30-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17007; File No. SR-BSECC-80-2]

Boston Stock Exchange Clearing Corp.; Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 18, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms and Substance of the Proposed Rule Change.

The Proposed Rule Change deletes the fee which the self-regulatory organization imposes on trades made through the Intermarket Trading System ("ITS") described in File No. SR-BSECC-79-7.

Statement of Basis and Purpose

The purpose of the proposed rule change is to encourage the use of the ITS system.

The proposed rule change encourages the use of a system (ITS) for the linkage of trading markets by removing a fee particularly applicable to ITS.

No comments have been or are to be solicited.

No burden on competition is expected.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room,

1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the publication.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 25, 1980.

[FR Doc. 80-23128 Filed 7-30-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17003; File No. SR-CBOE 79-12]

Chicago Board Options Exchange, Inc. (the "CBOE"); Proposed Rule Change by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on October 5, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change. On December 5, 1979, the CBOE filed amendment number one to the proposal. On June 27, 1980 it submitted amendment number two intended to supersede the earlier submissions and which is as follows:

Text of the Proposed Rule Change

Statement of the Terms of Substance of the Proposed Rule Change

Margin Requirements

Rule 12.3.(a) [no change].

(b) The foregoing requirements are subject to the following exceptions, which in each case may be applied in the discretion of the Member Organization with which the account is maintained.

(1) [no change].

(2) Market-Makers' and Specialists' Accounts.

(A) [no change].

(B) [no change].

(C) *No market-maker or specialist shall make a practice of furnishing the initial margin required under the provisions of Section 220.4(g) of Regulation T of the Federal Reserve Board for transactions effected in underlying securities in a specialist's account by liquidation of the positions in such underlying securities resulting from such transactions. The prohibition of this Rule 12.3(b)(2)(C) shall not apply to the acquisition or liquidation of a "permitted offset position" as defined in Section 220.4(g) of Regulation T, or of a position which was reasonably anticipated by the market-maker or specialist at the time it was acquired to constitute a "permitted offset position."*

(3) [no change].

(4) [no change].

(c) [no change].

(d) [no change].

. . . Interpretations and Policies:

.01 A market-maker or specialist shall be deemed to be making a practice of furnishing the initial margin required under the provisions of Section 220.4(g) of Regulation T of the Federal Reserve Board for transactions effected in underlying securities in a specialist's account by liquidation of the positions in such underlying securities resulting from such transactions whenever such market-maker or specialist furnishes such margin deposit by liquidation of such positions which are subject to the prohibition of Rule 12.3 (b)(2)(C) more than three times in any calendar quarter.

.02 All references to Section 220.4(g) of Regulation T in Rule 12.3(b)(2)(C) shall mean Section 220.4(g) as amended on June 11, 1980, effective August 11, 1980.

CBOE's Statement of Basis and Purpose

The purpose of the proposed rule change is to prohibit market-makers, with respect to certain transactions in underlying securities, from making a practice of "free-riding," *i.e.*, furnishing the initial margin required under the provision of Regulation T of the Federal Reserve Board for transactions effected in underlying securities in a specialist's account by liquidation of the positions in such underlying securities resulting from such transactions. The practice of "free-riding" has been criticized, with respect to certain types of stock transactions, as permitting market-makers to speculate in stocks without making the margin deposits which are required of public customers. The proposed rule change would prohibit the practice of "free-riding" in a specialist's account with respect to positions in underlying securities other than positions which are, or were reasonably anticipated to be, "permitted offset positions" as defined in Section 220.4(g) of Regulation T.

The definition of "permitted offset position" includes (1) stock positions in a specialist's account resulting from the exercise of assignment of options positions in the account and (2) stock positions in a specialist's account which hedge certain options positions in the account which are not offset by certain other options positions. CBOE's proposed rule change would exempt the acquisition or liquidation of a "permitted offset position" (as does Section 220.4(g)) because such transactions directly contribute to making markets in options. Market-makers are required under CBOE's rules to take positions in options when necessary to maintain a fair and orderly market. Transactions in underlying securities which result from the exercise or assignment of such options positions are thus clearly related to the market-making obligations of the market-makers. Similarly, transactions in underlying securities effected by maket-makers to hedge options positions held by them enhance their ability to make markets by enabling them to reduce the risk associated with the options positions they must acquire pursuant to their market-making obligations.

The proposed rule change would also exempt the acquisition or liquidation of a position in an underlying security which was reasonably anticipated by the market-maker at the time the position was acquired to constitute a "permitted offset position." This exemption would apply to a position only if (i) the market-maker in fact anticipated that the position was a "permitted offset position" and (ii) such anticipation was reasonable in view of the maket-maker's securities positions and the price of the underlying security at the time of the transaction.

This exemption is needed because the definition of "permitted offset position" in § 220.4(g) of Regulation T (which definition is incorporated by reference in the proposed rule change) requires, with respect to hedging transactions, that the options positions being hedged be "in or at the money"; that is, within one standard exercise price interval of being "in the money." Under that definition, an options position could move from being within one standard exercise price interval of being "in the money" to being outside of such interval during the day of the transaction, depending upon market price movements of the underlying stock. In addition, the number of shares of underlying stock which may be considered to be a "permitted offset position" could vary depending on subsequent changes in the options positions held by the market-maker in various series of the put and call classes for such underlying stock.

A market-maker could thus acquire a position in an underlying stock, reasonably believing at the time that it was a "permitted offset position" due to a price movement in the underlying stock or because of a change in the market-maker's position in a related

options series. It would be unfair to require a market-maker to make a sizable margin deposit for a stock transaction which the market-maker reasonably believed at the time of the transaction involved a "permitted offset position." This is especially true since the conditions which may give rise to such margin requirement—such as a price movement in the underlying stock—are completely beyond the market-maker's control.

If the proposed rule change did not contain an exemption from the "free-riding" prohibition for a transaction which was reasonably anticipated at the time of the transactions to involve a "permitted offset position," market-makers would be less able to hedge the option positions they acquire pursuant to their market-making obligations. A market-maker who did not have sufficient funds available to make the margin deposit required for stock transactions not involving "permitted offset positions" would be unwilling to acquire a stock position that would not qualify as a "permitted offset position." Yet, as demonstrated in the preceding paragraph, a stock position might not qualify as a "permitted offset position" due to subsequent movements in the price of the stock or subsequent changes in the options positions of the market-maker. Under such circumstances, and particularly with respect to more volatile stocks, the market-maker could well decide not to risk a sizable margin call by effecting the stock transaction, thereby impairing his ability to hedge an options position, which in turn makes it less likely that he would be willing assume large options positions.

The proposed rule change would also add Interpretation .01 to Rule 12.3 to define when a market-maker will be regarded as making a "practice" of "free-riding." The interpretation would specify that a market-maker shall be deemed to be making a practice of "free-riding" whenever he furnishes the margin deposit required under § 220.4(g) of Regulation T for underlying stock transactions by liquidating the stock positions resulting from such transactions more than three times in any calendar quarter (excluding "permitted offset positions" or positions which were reasonably anticipated at the time they were acquired to be "permitted offset positions"). This interpretation is intended to provide a specific guideline for members of the Exchange to follow in complying with Rule 12.3(b)(2)(C) and for the Exchange to follow in enforcing such rule. The measuring period of a calendar quarter was chosen because the Exchange intends to monitor the accounts of market-makers on a quarterly basis. CBOE believes that it is appropriate to regard more than three incidents of prohibited "free-riding" in a calendar quarter as constituting a practice of prohibited "free-riding" because of the likelihood that any market-maker engaging in more than three such incidents per quarter is doing so in disregard of the rule, whereas a lesser number of incidents could reasonably be the result of a market-maker's inadvertence.

Another purpose of the proposed rule change is to provide an Exchange rule regulating "free-riding" which can serve as a substitute to the "free-riding" restriction contained in § 220.4(g) of Regulation T, which does not apply to any national securities exchange which adopts a "free-riding" rule applicable to specialists which has been approved by the Commission. In its Release dated June 11, 1980 which adopted amendments to § 220.4(g), the Federal Reserve Board expressly recognized that "the exchanges through their surveillance and enforcement program are in a better position to police ['free-riding']."

CBOE agrees with the Federal Reserve Board that it is better to regulate "free-riding" under an Exchange rule than under Regulation T. This proposed rule change would enable CBOE to act with greater flexibility in disciplining any market-maker who violates such rule. Under § 220.4(g), however, any violation of the "free-riding" prohibition (even a single inadvertent instance) would automatically prevent the market-maker from receiving any further extensions of credit for a 15 day period to finance transactions in underlying securities (other than "permitted offset positions"). In addition, § 220.4(g) would impose a policing duty on every clearing firm which extends credit to specialists. The proposed rule change, in contrast, would be enforced by CBOE, which has the surveillance capacity and personnel to monitor the activities of market-makers on a regular basis in conjunction with various surveillance functions which it already performs.

CBOE's Statement Under the Act for the Proposed Rule Changes

The basis under the Act for the proposed rule change is Section 6(b)(5), in that the rule change would enhance the ability of the Exchange to promote just and equitable principles of trade and to protect investors and the public interest, and Section 11A(a)(1)(C), in that the rule change would aid the Exchange in maintaining a fair and orderly market.

CBOE believes that the proposed rule change is also consistent with the discussion in the Report of the Special Study of the Options Market (the "Options Study") concerning "free-riding" and bona fide hedging (Ch. VII, pp. 65–69). The Options Study opposed the practice of "free-riding" to the extent that it permits options market-makers to speculate in the stock underlying an option without being required to make a margin deposit, but it also concluded that "options market-makers should have more flexibility in establishing stock positions to hedge the options risks they assume in carrying out their market-making activities" (Ch. VII, pp. 66–67). CBOE believes that the proposed rule change would further both of those objectives by prohibiting "free-riding" with respect to non-hedging stock transactions and by exmpting from such prohibition stock transactions intended to hedge options positions.

CBOE's Statement Regarding Comments Received From Members, Participants or Others on Proposed Rule Change

No comments were solicited or received from CBOE's members in conjunction with the proposed rule change in its present form.

CBOE's Statement Regarding Burden on Competiton

The Exchange does not believe that the proposed rule change will impose any burden on competition.

* * * * *

On or before September 4, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commisssion, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552 will be available for inspection at the principal office of the

above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 21, 1980.

For the Commission by the Division of Market-Regulation, pursuant to delegated authority.

Date: July 24, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-23126 Filed 7-30-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17006; File No. SR-PCC-79-1]

Pacific Clearing Corp.; Proposed Rule Change By Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 22, 1980, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is a Participant's Agreement governing the relationship between Pacific Clearing Corporation ("PCC") and its participants. A copy of the proposed rule change is attached as an Exhibit.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is designed to govern the relationship between PCC and its participants, and to subject participants to the rules of PCC.

The proposed rule change assists PCC in enforcing compliance by its participants with its rules.

Comments were neither solicited nor received on the proposed rule change.

The proposed rule change does not impose any burden on competition.

On or before September 4, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the propopsed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 21, 1980.

For the Commision by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

July 25, 1980.

Exhibit—Pacific Clearing Corp. Participant's Agreement

The undersigned hereby makes application to become a Clearing Participant at Pacific Clearing Corporation, hereinafter referred as the "Corporation," and in the event the Corporation accepts the application, in consideration of such acceptance, and in consideration of the Corporation acting on behalf of the undersigned, the undersigned agrees as follows:

1. The undersigned, while a Clearing Participant, will abide by the By-Laws and Rules of the Corporation and will be bound by all the provisions thereof, and the Corporation will have all rights and remedies contemplated by said By-Laws and Rules of the Corporation, as to all transactions, obligations, and matters entered into or incurred while the undersigned is a Clearing Participant.

2. The Corporation shall have a lien on any and all securities and other property held by it at any time or from time to time for the account of a Clearing Participant. Such lien may apply to property of a Clearing Participant held by Pacific Securities Depository Trust Company ("Depository") as well as to property held by the Corporation to secure payment by the Clearing Participant to the Corporation. In the event the Clearing Participant shall become insolvent or shall fail to pay its debit balances by the time required, or in the event the securities and other property held for its account by the Corporation shall become, in the opinion of the Corporation, insufficient to afford adequate security for the Clearing Participant's obligations to the Corporation, or in the event the Clearing Participant shall fail on demand to furnish additional collateral, the Corporation may, at its discretion, cause all or any of the securities or other property of the undersigned held by it or for it to be sold.

Notwithstanding the foregoing, any lien attaching to securities hereunder shall terminate twenty-four hours after attachment unless, prior to that time, the Corporation shall have transferred such securities to a proprietary account of the Corporation.

3. The By-Laws and Rules of the Corporation shall be a part of the terms and conditions of every transaction which the undersigned as a Clearing Participant may make or have with the Corporation, and every transaction which the undersigned, while a Clearing Participant, may direct for clearance and settlement to the Corporation.

4. The undersigned, while a Clearing Participant, will be bound by any amendments to the By-Laws and Rules of the Corporation, with respect to any transactions occurring subsequent to the time such amendment takes effect, as fully as though such amendments were now a part of the By-Laws and Rules of the Corporation, provided, however, that no such amendment shall affect the undersigned's right under the By-Laws and Rules of the Corporation to cease being a Clearing Participant, unless before any such amendments become effective, the undersigned is given an opportunity to give written notice to the Corporation of the undersigned's decision that the Corporation shall cease to act for the undersigned.

5. The undersigned cannot clear or settle through the Corporation any contracts or transactions unless the By-Laws and Rules of the Corporation are a part of the terms and conditions of such contracts or transactions.

6. The undersigned's books and records shall at all times be open to inspection by duly authorized representatives of the Corporation. The undersigned will furnish the Corporation any and all information relating to the undersigned's business and transactions, which the Corporation may require, provided that if the undersigned ceases to be a Clearing Participant, the Corporation will have no right to inspect the undersigned's books and records or to require information relating to transactions which occur after the undersigned has ceased to be a Clearing Participant.

7. In the event of dispute, claims or controversies between Clearing Participants involving any matter arising out of participation in the clearing services offered by the Corporation, the undersigned hereby agrees to submit such disputes, claims or controversies to arbitration. Matters submitted for arbitration shall be considered by an arbitration panel appointed by the Chairman of the board of the Corporation and composed of two officers or employees of the Corporation and one director. Matters brought before the panel shall be heard as promptly as possible, and in no event more than 14 days after the matter has been submitted. Both Claimant and Respondent shall be afforded the opportunity to be heard or to present evidence. Both parties shall be notified in writing of the Panel's decision. The undersigned agrees to accept the decisions of such arbitration proceedings as final, binding, and conclusive.

8. The undersigned agrees that through its participation as a Clearing Participant, and through its entering into this agreement and carrying out its terms, it does not acquire any

right or interest in any of the properties, assets, or profits of the Corporation.

9. The Corporation may at any time, upon its determination that adequate cause exists, deny participation or prohibit or limit access to services offered by the Corporation to the Clearing Participant. The Corporation may also summarily suspend and close the accounts of a Clearing Participant who (1) has been expelled from any self-regulatory organization, (2) is in default of any delivery of funds or securities to the Corporation, or (3) is in such financial or operating difficulties that the Corporation determines that such suspension and closing of accounts is necessary for the protection of the Corporation, its participants, creditors, or investors. In either case, the Corporation shall notify the Clearing Participant of its determination, and the Clearing Participant must be given an opportunity to be heard upon the specific grounds for denial, prohibition, or limitation. The Corporation shall keep a record of the proceeding. A determination by the Corporation to deny participation or prohibit or limit a person with respect to access to services offered by the Corporation shall be supported by a statement setting forth the specific grounds on which the denial or prohibition or limitation is based.

10. Should the undersigned fail or be unable to perform any of its contracts or obligations, it shall immediately inform the Corporation orally and in writing of such failure or inability.

11. The undersigned will pay to the Corporation the compensation provided for the the Rules and fee schedules of the Corporation for all services rendered to the undersigned while a Clearing Participant and such fines as may be imposed in accordance with the By-Laws and Rules of the Corporation for the failure of the undersigned while a Clearing Participant to comply therewith. In addition, the undersigned specifically acknowledges and agrees to abide by and observe the over-deposit requirement contained in the Rules of the Corporation and the requirements contained in the Rules of the Corporation relating to Participants Fund contributions.

12. The undersigned will promptly pay to the Corporation such other amounts as may become payable by the undersigned to the Corporation under the By-Laws, Rules and procedures of the Corporation.

13. The undersigned while a Clearing Participant will maintain such insurance coverage as the Corporation may from time to time require of Clearing Participants.

14. The undersigned while a Clearing Participant will maintain its accounts with the Corporation in compliance with all applicable laws, all rules and regulations thereunder, all rules of the Pacific Stock Exchange (to the extent, if any, applicable to the undersigned), and all provisions of the contracts of the undersigned with its customers, and the maintenance of any account by the undersigned with the Corporation shall constitute the representation of the undersigned to the Corporation that such account has been so maintained.

15. The undersigned recognizes and agrees that in connection with the clearance and settlement of transactions (including stock and cash dividends and stock loan) the Corporation and the Pacific Securities Depository Trust Company ("Depository") perform services for each other and for Clearing Participants. These services, and the rights and responsibilities of the undersigned in connection therewith, shall be governed by the Rules of the Corporation and the rules of the Depository.

16. The undersigned represents and warrants to the Corporation that neither the execution and delivery of this agreement nor any act to be performed pursuant to this agreement by the Corporation or by or on behalf of the undersigned will violate the partnership agreement or the charter or By-Laws, as the case may be, of the undersigned, or any other agreement which is binding upon the undersigned, or any law or regulation of governmental authority.

17. The undersigned may cease to be a Clearing Participant by delivering to the Corporation written notice of its election to do so, specifying the date and time as of which the withdrawal from participation is to become effective (which may not be less than 10 days after the date when the notice is received by the Corporation); provided, however, that the undersigned's contribution to the Participants Fund shall be returned only upon satisfaction of the conditions specified in the Rules of the Corporation.

18. By signing this agreement, the undersigned acknowledges its familiarity with the By-Laws, Rules and procedures of the Corporation and of the Depository.

19. This agreement, if accepted by the Corporation, will become effective on ——— and thereafter continue in full force as long as the Clearing Participant remains as such. The agreement shall be binding upon the parties hereto and their respective successors and assigns.

Dated ———

(Name of Partnership) ———

Form of execution by partnership:

By: ———

a General Partner

(Name of Corporation) ———

Form of execution by corporation:

By: ———

(President)

(Corporate Seal)

Attest: ———

Secretary

Accepted as of the Date Shown Above:

Pacific Clearing Corporation

By: ———

(Signature and Title)

Partnership Acknowledgment

State of

County of, ss:

On the ——— day of ———, 19——, before me came

———

one of the general partners of the firm of ——— to me known and known to me to be the individual who executed the foregoing agreement, and acknowledged that he executed said agreement in the name and behalf of said firm, pursuant to authority duly vested in him by said firm.

Notary Public ———

Corporate Acknowledgment

State of

County of, ss:

On the ——— day of ———, 19——, before me came

———

to me known and known to me to be the President of ———, and ———, to me known and known to me to be the Secretary of said corporation, and severally acknowledged that as such President and Secretary they signed the foregoing agreement in the name and on behalf of said corporation, to be affixed thereto, pursuant to authority given by the board of directors of said corporation.

Notary Public ———

Officer's Certificate (for Corporate Participants)

I, ———, the duly elected, qualified and acting Secretary of ———, a corporation organized and existing under the laws of the State of ——— (hereinafter referred to as the "Corporation"), Hereby Certify that:

1. The following is a correct copy of a resolution duly adopted by the board of directors of the Corporation at a meeting thereof legally and regularly called and held on the ——— day of ———, 19——, at which meeting a quorum was present and acting:

Resolved, that the President or any Vice President of the Corporation is authorized to execute and deliver, in the name and behalf of the Corporation, under its corporate seal attested by its Secretary or Assistant Secretary, a Participants's Agreement between the Corporation and Pacific Clearing Corporation, in the form presented to this meeting and hereby approved.

2. Said resolution is still in full force.

3. The executed Participant's Agreement to which this certificate is attached is in the form presented to and approved by the board of directors of the Corporation at the above described meeting.

In witness whereof I have subscribed my name and affixed the seal of the Corporation this ——— day of ———, 19——.

Secretary ———

(Corporate Seal)

[FR Doc. 80-23125 Filed 7-30-80, 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 23, 1980.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(F)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: White Consolidated Industries, Inc., Common Stock, $1 Par Value (File No. 7-5682).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 13, 1980 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-23127 Filed 7-30-80; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 25, 1980.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Eli Lilly & Company, Common Stock, $.62½ Par Value (File No. 7-5683).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 15, 1980 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-23129 Filed 7-30-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16998]

Clearing Agencies; Registration of Philadelphia Depository Trust Co.

The Securities and Exchange Commission hereby announces the institution of a proceeding to determine whether to grant or deny the registration of Philadep at the expiration of the registration previously granted to Philadep pursuant to subsection (c) of 17 CFR Section 240.17Ab2-1 under the Securities Exchange Act of 1934 (the "Act"). In this proceeding, which is being instituted pursuant to subsections 17A (a) and (b) and subparagraph 19(a)(1)(B) of the Act and Section 240.17Ab2-1 thereunder, the Commission will consider the issues and grounds described herein. At the conclusion of this proceeding, the Commission, by order, will grant or deny registration as a clearing agency to Philadep.

Description of Philadep

Philadep, a whooly owned subsidiary of the Philadelphia Stock Exchange, was incorporated under Pennsylvania law as a limited purpose trust company to engage in the business of holding, receiving, and delivering securities and making book entries with respect to the transfer and pledge thereof as a clearing corporation and as a custodian bank for other clearing corporations.

Background

On May 23, 1979, the Commission noticed the filing of Philadep's application for registration as a clearing agency.[1] On October 24, 1979, the Commission granted Philadep registration [2] which, pursuant to subsection (c) of Section 240.17Ab2-1, was effective for not more than eighteen months. The approach to registration incorporated in subsection (c) of Section 240.17Ab2-1 was intended to permit clearing agencies to be registered in compliance with the Act, upon a finding that their operations were safe, while affording the Commission sufficient time to make the other determinations required by subparagraphs (A)—(I) of paragraph 17A(b)(3) of the Act ("Subparagraphs (A)—(I)"), including determinations pertinent to the establishment of a national clearing and settlement system.

The Commission has instituted this proceeding in order to obtain the views of interested persons concerning Philadep's compliance with the standards which the Commission is required to apply under the Act in making determinations in connection with the registration of clearing agencies.[3]

Standards To Be Applied in Determining Whether To Grant or Deny Registration

Paragraph 17A(a)(1) of the Act sets forth the Congressional finding that:

(A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors.

(C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

(D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Paragraph 17A(a)(2) of the Act directs the Commission to "use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities * * *." Paragraph 17A(a)(2) of the Act also directs the Commission, in carrying out its responsibilities under Section 17A, to have:

due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents * * *.

Subsection 17A(b) of the Act makes it unlawful for a clearing agency to perform the functions of a clearing agency with respect to any security (other than an exempted security) unless the clearing agency has been registered with the Commission.

[1] Securities Exchange Act Release No. 34-15890 (May 23, 1976), 44 FR 31337 (May 31, 1979).

[2] Securities Exchange Act Release No. 34-16294 (October 24, 1979).

[3] The Commission previously has instituted proceedings to determine whether the registrations of the other 12 clearing agencies temporarily registered under Rule 17Ab2-1 should be granted or denied.

In the exercise of its authority under Section 17A of the act, on November 3, 1975, the Commission adopted Section 240.17Ab2–1 and related Form CA–1 for the registration of clearing agencies. Although paragraph 17A(b)(3) of the act requires the Commission to make a number of determinations with respect to the applicant's operations, capabilities and rules[4] before granting registration, paragraph (c)(1) of Section 240.17Ab2–1 provides that, if requested by an applicant for registration as a clearing agency, the Commission may register the applicant for eighteen months without making all the determinations called for by Subparagraphs (A)–(I).

In the case of a clearing agency registered in accordance with paragraph (c)(1) of Section 240.17Ab2–1, the Commission is required, not later than nine months from the date such registration is made effective, either to grant registration in accordance with subsection 17A(b) and paragraph 19(a)(1) of the Act, without exempting the registrant from the requirements of one or more of the subparagraphs (A)–(I) determinations, or to institute proceedings in accordance with subparagraph 19(a)(1)(B) of the Act to determine whether to grant or deny registration.

Philadep applied for registration under paragraph (c)(1) of Section 240.17Ab2–1, thereby requesting that registration be granted while it was exempted, temporarily, from having to satisfy one or more of the requirements as to which the Commission is directed to make a determination pursuant to Subparagraphs (A)–(I). The Commission registered Philadep in accordance with paragraph (c)(1) of Section 240.17Ab2–1, upon the Commission's findings: that Philadep was so organized and had the capacity to safeguard securities and funds in its custody or control or for which it was responsible; that Philadep's rules did not impose any schedule of prices, or fix rates or other fees, for services rendered by participants; and that Philadep's rules assured the safeguarding of securities or funds which were in Philadep's custody or control or for which it was responsible.

When this proceeding is concluded, the Commission, by order, will grant or deny registration as a clearing agency to Philadep on the expiration of the registration previously granted to Philadep pursuant to subsection (c) of § 240.17Ab2–1 under the Act unless the Commission, for good cause, extends the time for conclusion of these proceedings and publishes its reasons for so doing or Philadep agrees to an extension of the time for the conclusion of these proceedings.

Issues and Grounds for Denial Under Consideration

In deciding whether to grant or deny registration, the Commission must consider whether Philadep satisfies the requirements of Section 17A of the Act, including the determinations required by Subparagraphs (A)–(I). Of particular concern to the Commission in making its decision are whether Philadep's organization and rules (i) are consistent with the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities; (ii) continue to provide for the protection of investors and the safeguarding of securities and funds in Philadep's custody or control; and (iii) will enable it to reduce unnecessary costs and establish efficient, effective and safe procedures for clearance and settlement by taking advantage of new communications and data processing techniques.

The Commission would like to receive comments from interested persons on the appropriateness of registering Philadep, with particular reference to the compliance of its organization and rules with the objectives of the Act described above, including the determinations called for by Subparagraphs (A)–(I).[5]

All interested persons are invited to submit written data, views and arguments concerning the foregoing application on or before October 29, 1980. Such written data, views and arguments will be considered by the Commission in determining whether registration should be granted or denied in accordance with Sections 17A(b) and 19(a)(1)(B) of the Act and paragraph (c)(2) of Section 240.17Ab2–1 thereunder. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 600–19.

Copies of the applications and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20006.

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[4] The determinations are set forth in subparagraphs (A) through (I) of paragraph 17A(b)(3) of the Act. Paragraph 17A(b)(3) provides:

A clearing agency shall not be registered unless the Commission determines that—

(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

[5] In commenting, interested persons may wish to make reference to Securities Exchange Act Release No. 34–16900 (June 17, 1980) in which the Commission announced standards that the Division of Market Regulation will use in reviewing the organization, capacities and rules of all clearing agencies that are registered temporarily with the Commission and any clearing agencies that apply for registration in the future.

For further information contact Michael J. Simon, Division of Market Regulation, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2908.

By the Commission.

Dated: July 23, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–23015 Filed 7–30–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17001; SR–MSRB–80–5]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

July 23, 1980.

On April 25, 1980, the Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue, NW., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change to modify the reclamation provisions of MSRB rule G–12, applicable to inter-dealer transactions. Rule G–12 currently provides, among other things, that reclamation may be made by either party, within 18 months of the delivery date, if there is either an irregularity in delivery or a refusal to transfer or deregister by a transfer agent due to lack of certain specified documentation. The proposed rule change would expand the circumstances under which reclamation within 18 months would be permitted to include situations where descriptive information concerning a security, as contained in the confirmation, was inaccurate either because required information was omitted or erroneously noted, or because information not required by rule G–12, but material to the transaction, was erroneously noted.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16786 (May 5, 1980)) and by publication in the **Federal Register** (45 FR 31565 (1980)). No comments with respect to the proposed rule change have been received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–23014 Filed 7–30–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 16997; SR–PSE–80–2]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 23, 1980.

On March 13, 1980, the Pacific Stock Exchange, Incorporated ("PSE"), 618 South Spring Street, Los Angeles, CA 90014, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change which would amend Articles V, X, XI, XII and XIV of its constitution.[1] The proposed amendments would provide standards which the PSE Board of Governors and its Executive Committee may use in determining grounds for suspension or expulsion of members or member organizations, to limit access of members or member organizations with respect to services offered by the Exchange, to provide procedures for review of any summary action taken by the Board or its Executive Committee, and to provide procedures for reinstatement after suspension. The proposal also would redefine those matters which may be submitted to arbitration pursuant to the rules of the Exchange.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16723, April 7, 1980) and by publication in the **Federal Register** (45 FR 25205, April 14, 1980). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room. No comments were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, Sections 6(b)(5), (6) and (7) of the Act, and the rules and regulations thereunder, in that it is designed to promote just and equitable principles of trade to protect investors and the public interest, and to provide that members and member organizations be appropriately disciplined for violations of the Act, as well as violations of the PSE.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–23013 Filed 7–30–80; 8:45 am]

BILLING CODE 8010–01–M

[1] The PSE is withdrawing the last sentence of proposed Article X, Section 2 and all of proposed Article X, Section 7.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80–87]

Need for Alteration of the Burlington Northern Railroad Bridge Across the Willamette River, Mile 6.9, at Portland, Oreg.; Public Hearing

Notice is hereby given in accordance with Section 3 of the Act of June 21, 1940, as amended (Truman-Hobbs Act), that a public hearing regarding the need for alteration of the Burlington Northern railroad bridge across the Willamette River, mile 6.9, at Portland, Oregon, will be held on Tuesday, September 2, 1980, at 1 p.m. and 7 p.m., in the Bonneville Power Administration Auditorium, 1002 North Holladay Street, Portland, Oregon 97232.

The existing swing span bridge provides a horizontal clearance of 230 feet between fenders and vertical clearance of 39 feet above mean high water in the closed position and unlimited in the open position. Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. This may require increasing the horizontal clearance on the bridge to meet the needs of navigation. The purpose of the hearing is to give interested parties an opportunity to be heard and offer evidence as to whether the existing bridge is unreasonably obstructive and if so, what alterations are needed having

due regard to the necessity of free and unobstructed water navigation and to the necessities of rail traffic and the impact that alteration may have on the quality of the human environment.

Any person who wishes may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Commander, Thirteenth Coast Guard District, Federal Building, Room 3564, 915 Second Avenue, Seattle, Washington 98174 (206–442–5864), any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Thirteenth Coast Guard District.

(54 Stat. 498, 33 U.S.C. 513, Sec. 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6))

Dated: July 24, 1980.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 80-23094 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Ponce, P.R.

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 in Ponce, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Juan O. Cruz, Assistant Division Administrator, Federal Highway Administration, Federico Degetau Federal Building and U.S. Courthouse, Carlos Chardon Street, Hato Rey, Puerto Rico, Telephone: (809) 753–4600 or Nestor Quevedo Cordero, Chief, Environmental Studies Division, Puerto Rico Department of Transportation and Public Works, Box 41269, San Juan, Puerto Rico 00940, Telephone: (809) 726–7060.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Puerto Rico Department of Transportation and Public Works, will prepare an environmental impact statement (EIS) on a proposal to construct a segment of Route PR–52, Ponce South By-pass and of PR–10, North-South Expressway in the city of Ponce, Puerto Rico.

The Ponce South By-pass will be a multilane freeway with full access control. It will connect with the existing PR–52 in the east side of Ponce and with the North-South Expressway and existing PR–2 in the west side of Ponce. It will be the southern link of the Ponce Circumvallation system. It will have a length of approximately eight (8) kilometres and a cross section consisting of two (2) roadways of 7.30 metres wide in each direction. Each roadway will consist of two (2) lanes of 3.65 metres wide, a 3.0 metres wide shoulder on the right side and 1.20 metres wide shoulder on the left side of the roadway. The minimum right-of-way width will be 90.0 metres and a 34.60 metres median with provisions to include two additional lanes in each direction in the future. Additional lanes will be provided as required when approaching major intersections. Bridges will be constructed over the Bucana River Channel and the proposed Matilde River Channel.

The North-South Expressway, PR–10, will be a multilane highway type road, with full access control. Its location will be west of the city of Ponce and its alignment extends in a south-north direction. Starting at the intersection with Ponce South By-pass, PR–52, and continuing in a northerly direction, passing near the Ponce Cement Factory, traversing the east side of existing PR–10 and ending on the proposed East-West Expressway, PR–9. It will be a four (4) lane freeway approximately 5.3 kilometres long. The highway section will consist of two roadways of 7.30 metres wide in each direction. Each roadway will consist of two (2) lanes of 3.65 metres wide, a 3.00 metres wide shoulder at the right side and 1.20 metres shoulder in the interior side of the expressway. This highway section will be divided by a 14.60 metres median with provisions to include two additional lanes in each direction in the future. It will also have additional lanes when approaching major intersections. Several retaining walls will be necessary to avoid encroachment with existing facilities. It will also include bridges over the Matilde and Canas Rivers, and will require channelization work for the relocation of Canas River.

Mass Transit and the No-Build are the alternatives under consideration. Also, five (5) location alternatives are being considered for the North-South Expressway in the Canas area to avoid encroachment into an industrial area, residential urbanization and to avoid an electric power substation and the Ponce Cement Factory.

The Ponce Metropolitan Area is ranked as the second largest city in the island and is accessible from all parts of Puerto Rico through the island's highway system. The Ponce main arteries are presently subjected to daily congestion and the forecasted growth, the increase in personal standards of living and the increases in development in the area will contribute to worsen the existing conditions.

The facilities under study are two (2) of the three (3) expressways recommended for the Ponce Metropolitan Area to adequately serve the population growth forecasted for 1990.

Coordination with all concerned agencies has been made through a consultation process by letter. A brief description of the most important aspects of the project and an outline of the alignment was distributed to all concerned agencies so they could comment and give their technical advice. All the federal and state agencies consulted responded and their comments and recommendations are being considered in the prepared Environmental Evaluation. Meetings with the regulatory agencies are being contemplated in case that they are necessary.

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 and questions concerning this proposed action and the EIS should be directed to the FHWA, at the address provided above.

Issued on: July 23, 1980.

Juan O. Cruz,

Assistant Division Administrator, San Juan, Puerto Rico.

[FR Doc. 80-22923 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Mayaguez, P.R.

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 in Mayaguez, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Juan O. Cruz, Assistant Division

Administrator, Federal Highway Administration, Federico Degetau Federal Building & U.S. Courthouse, Carlos Chardon Street, Hato Rey, Puerto Rico 00918, Telephone (809) 753–4600 or Nestor Quevedo Cordero, Chief, Environmental Studies Division, Puerto Rico Department of Transportation and Public Works, Box 41269, San Juan, Puerto Rico, Telephone (809) 762–7060.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Puerto Rico Department of Transportation and Public Works, will prepare an environmental impact statement (EIS) on a proposal for the conversion to expressway a segment of Route PR–2, Eugenio Maria de Hostos Avenue from Yaguez River to PR–100 in the Hormigueros-Mayaguez Metropolitan Area.

The study is located near the west coast of the island of Puerto Rico. Route PR–2 serves as the major link between Mayaguez and San Juan (Island Capital) along the north coast, and to Ponce (second largest city) along the south coast. The existing highway cross section provides for four (4) traffic lanes and two shoulders, except at the elevated section, where two lanes and two frontage roads exist.

The proposed project begins at Km. 154.1 (Yaguez River), and runs along the western limit of the City of Mayaguez, through build-up residential and commercial areas, ending at Km. 160.9, for a total length of 6.8 kilometres (4.25 miles).

The alignment of the proposed action will follow the existing one. Access to the expressway will be restricted to specific interchanges. It will consist of an elevated section from approximately its beginning to Km. 1551, providing a four (4) lanes divided roadway and two-lane frontage road at both sides. Existing viaduct in that section will be widened so as to meet above highway cross section. From Km. 155.1 to the end of the project, the highway cross section will consist of six (6) lanes, three (3) lanes in each direction, divided by a median, and two-lane frontage road at both sides. Another elevated section will occur over Nenadich Street. Except for those described elevated sections, the remaining improved route will be at-grade, following existing PR–2 profile. Route PR–2 will underpass the remaining of the proposed interchanges.

Existing right of way (ROW) is not enough to accommodate the proposed highway cross section. Present ROW totals 96.3 acres. Additional ROW will be required but most of this land has been reserved by the Commonwealth of Puerto Rico Planning Board for the improvement of Route PR–2.

The propsed conversion to expressway of Route PR–2 was included in *The Recommended Plan and Growth Analysis, Mayaguez Transportation Study*, prepared for the Commonwealth of P.R. Highway Authority. It identified this facility as ideally located through the heart of two development corridor where it is attractive as a route for many local as well as through traffic. The recommended Plan was adopted by the Metropolitan Organization for the Planning of Transportation, on August 4, 1974. The Mayaguez Metropolitan Area is expanding toward the south. Route PR–2 will serve as the link between the existing and proposed developments and the City Center. The industrial and commercial activities within the area under study depend on this route for their expected growth. The existing route capacity is presently being exceeded by the traffic demand at peak hours and it is expected that the condition be deteriorated rapidly if the proposed action is not taken.

Alternatives under consideration include (1) no build; (2) mass transit; (3) postponing the action; (4) reduced facility; and (5) two design alternatives. The lasts consist of slight variations on horizontal and vertical alignment at critical sites, aiming the minimum adverse effects on sensitive lands such as park and schools.

Early in the preparation of the Environmental Studies, the scoping process was initiated by consulting state and federal agencies requiring their comments. Meetings have been held with the Department of Public Education of Puerto Rico and the Parks and Recreation Administration, for the discussion of the project possible impact on schools and parks near the project location.

Additional scoping meetings with each of the following governmental instrumentalities will be necessary prior to the approval of the Draft Environmental Impact Statement: Department of Public Education of Puerto Rico, Parks and Recreation Administration and Mayaguez Medical Center.

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 the FHWA, at the address provided above.

Issued on: July 23, 1980.

Juan O. Cruz,

Assistant Division Administrator, San Juan, Puerto Rico.

[FR Doc. 80-22924 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Mountlake Terrace, Snohomish County, Wash.

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 in Snohomish County, Washington.

FOR FURTHER INFORMATION CONTACT: William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza Building, 711 South Capitol Way, Olympia, Washington 98501, Telephone (206) 753–9480.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation and the city of Mountlake Terrace will prepare an Environmental Impact Statement (EIS) on the proposed action of improving traffic circulation in the vicinity of an existing half-diamond interchange at 220th Street S.W. in Mountlake Terrace, Snohomish County, Washington. The proposal would be accomplished by widening the existing structure on 220th Street S.W. and by providing new ramps connecting this street to I–5 southbound and from I–5 northbound. The present configuation of complimentary half-diamond interchanges at 220th Street S.W. and 236th Street S.W. has resulted in heavy congestion on the connecting parallel north/south streets, and on the existing ramp connections to and from I–5. The completion of this proposed action would alleviate the traffic congestion problem by increasing vehicle-carrying capacity of 220th Street S.W. and providing additional direct connections to I–5.

Alternatives under consideration include:

1. No Action.

2. Providing ingress and egress to and from the south on I–5 and the widening of the 220th Street S.W. Bridge.

3. Providing ingress and egress to and from the south on I–5 at 212th Street S.W.

Options to be considered in the evaluations of alternatives two and three include the restriction to use by High Occupancy Vehicles only of the

southbound on-ramp at 236th Street S.W. during a.m. peak hours versus ramp metering of both the southbound on-ramps at 236th Street S.W. and either the 220th Street S.W. or the 212 Street S.W. on-ramp.

The Washington State Department of Transportation in cooperation with Snohomish County Community Transit have conducted studies and developed plans for improved public transit in the area. An integral part of the evaluation of each alternative will be consideration of the effect of an efficient system of public transit.

Letters describing the proposed action and indicating time and place of the Scoping Meeting were sent to appropriate federal, state, local agencies, private organizations and interested citizens. The formal scoping meeting was held on the evening of May 21, 1980, at Melody Hill Elementary School in Mountlake Terrace.

Also federal and state agencies were sent a request for a written reply asking which actions, alternative, and impacts should considered in the preparation of the Environmental Impact Statement. A public hearing will be held during the Draft EIS Review Period and a public notice will give the date, time, and place of the public hearing. A Draft EIS will be available for public and agency review and comments at this 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 the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: July 25, 1980.

William J. Glover,

Environmental Engineer, Washington Division, Olympia, Washington.

[FR Doc. 80-23033 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: New Castle County, Del.

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 New Castle County, Delaware.

FOR FURTHER INFORMATION CONTACT: Michael Otto, Area Engineer, Federal Highway Administration, Delaware Division, P.O. Box 517, Dover, Delaware, 19901, Telephone: (302) 736-5616; Nicholas S. Blendy, Environmental Planner, Environmental Studies Office, Delaware Department of Transportation, P.O. Box 778, Dover, Delaware, 19901, Telephone (302) 736-4642.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Delaware Department of Transportation, will prepare an environmental impact statement (EIS) as part of a planning study for a proposal to improve Delaware Route 7 in northern New Castle County, Delaware. The planning study is being undertaken for the portion of Delaware Route 7 from the existing Interstate I-95 Interchange near the town of Christiana south to U.S. Route 13, a distance of approximately six miles. The purpose of the study is to establish an alignment for an improved Delaware Route 7 within the corridor area. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal will be a crossing of the Christiana River and evaluation of interchange connections with U.S. Route 13, U.S. Route 40 and the proposed Christiana Bypass (Route 273).

Alternatives under consideration include (1) taking no action; (2) widening the existing two-lane highway to four lanes; and (3) constructing a four-lane, limited access highway on new location. Alignment and design variations will be incorporated into and studied with the various build alternatives.

Letters describing the proposed action and soliciting cooperation into the study through the incorporation of scoping will be sent to appropriate Federal, State, and local agencies. A formal scoping meeting is planned for August 6th 1980 at a location within the corridor area. A public notice announcing the undertaking of the study has appeared in the local newspapers and distributed to private organizations and citizens who have previously expressed interest on the proposal. A series of public meetings will be held in the corridor area from September through December, 1980. In addition, a public hearing is scheduled for early 1981. Public notice and individual mailing from an established list will be utilized to announce the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment.

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.

Comment or questions concerning this proposed action and the EIS should be directed to the FHWA address provided above.

Issued on July 25, 1980.

John F. Sullivan, Jr.,

Division Administrator, Dover, Delaware.

[FR Doc. 80-22940 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Hunt and Fannin Counties, Tex.

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 Hunt and Fannin Counties, Texas.

FOR FURTHER INFORMATION CONTACT: George H. Nelson, P.E., District Engineer, Federal Highway Administration, 826 Federal Building, Auston, Texas 78701, Telephone: (512) 397-5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare an environmental impact statement (EIS) on a proposal to upgrade U.S. Highway 69 to a two-lane highway facility with paved shoulders. The existing highway is a two-lane facility in poor structural condition. Some sections of the highway do not have usable shoulders. Current traffic volumes vary from 1780 to 2390 vehicles per day. Because of difficulty in predicting availability of funds, the State Department of Highways and Public Transportation has not decided whether to use State or Federal funds to finance construction of this project.

The improved highway facility will provide the users of U.S. 69 with a safer, more efficient route for travel between Greenville and Leonard.

Four alternates will be considered for this proposed project: (1) Route A, which follows the existing alignment to Celeste and is on new location from Celeste to Leonard; (2) Route B, which follows the existing facility to 1.8 mile south of Celeste and is on new location to Leonard; (3) Route C, which follows the existing facility for the full length of the project; and (4) no-build.

There are currently no plans to hold a formal scoping meeting for this proposal.

A public meeting will be held during the early stages of project planning within the project area. Adequate public notice will be given through news media as to time and place that the 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 the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: July 21, 1980.

George H. Nelson, P.E.,

District Engineer, Austin, Texas.

[FR Doc. 80–23034 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Hunt County, Tex.

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 Hunt County, Texas.

FOR FURTHER INFORMATION CONTACT: George H. Nelson, P.E., District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, Telephone: (512) 397–5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare an environmental impact statement (EIS) on a proposal to construct a four-lane, divided highway on new location that will provide a loop around the northwest corner of the City of Commerce in Hunt County. The proposed highway will be approximately 2 miles long and will bypass a business and residential section of Commerce, providing through traffic with a faster and safer route. Because of difficulty in predicting availability of funds, the State Department of Highways and Public Transportation has not decided whether to use State or Federal funds to finance construction of this project.

No facility currently exists at the proposed location. If no improvement is made, traffic will continue to use the existing two-lane roadway which is routed through a business and residential area of Commerce. The proposed facility is part of a proposed four-lane highway from Oklahoma to Interstate Highway 30.

Two alternates will be considered for the proposed project: (1) new location route and (2) no-build.

There are currently no plans to hold a formal scoping meeting for this proposal. A public meeting will be held during the early stages of project planning within the project area. Adequate public notice will be given through news media as to time and place that the 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 the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: July 21, 1980.

George H. Nelson, P.E.,

District Engineer, Austin, Texas.

[FR 80–22727 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Grayson County, Tex.

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 Grayson County, Texas.

FOR FURTHER INFORMATION CONTACT: George H. Nelson, P.E. District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, Telephone: (512) 397–5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare an environmental impact statement (EIS) on a proposal to construct a four-lane, divided highway on new location from SH 11, east and north to U.S. 82, a distance of 2.7 miles. The proposed highway will lie in the southeast portion of Sherman in Grayson County. Because of difficulty in predicting availability of funds, the State Department of Highways and Public Transportation has not decided whether to use State or Federal funds to finance construction of this project.

Anticipated increases in traffic on existing SH 11 will create more congestion around churches, businesses, the city park and the public schools. The proposed facility will provide a safer, faster and more convenient route for traffic between south Sherman and east Sherman.

Two alternatives will be considered for this project: (1) construct project on new location and (2) no-build. The exact location of the proposed highway will be determined after the public involvement process is complete.

There are currently no plans to hold a formal scoping meeting for this proposal. A public meeting will be held during the early stages of project planning within the project area. Adequate public notice will be given through news media as to time and place that the 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 the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: July 21, 1980.

George H. Nelson, P.E.,

District Engineer, Austin, Texas.

[FR Doc. 80–22862 filed 7–30–80; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Lake County, Minn.

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 Lake County, Minnesota.

FOR FURTHER INFORMATION CONTACT: Ronald L. Lacy, District Engineer, Federal Highway Administration, Suite 490, Metro Square Building, St. Paul,

Minnesota 55101, Telephone: (612) 725–5953; James E. St. John, Staff Specialist for Environment, Federal Highway Administration, Suite 490, Metro Square Building, St. Paul, Minnesota 55101, Telephone: (612) 725–7003; Richard P. Braun, Commissioner, Minnesota Department of Transportation, St. Paul, Minnesota 55155, Telephone: (612) 296–3000; Russ Kauzlaric, Preliminary Design Engineer, Minnesota Department of Transportation, District One, 1123 Mesaba Avenue, Duluth, Minnesota 55811, Telephone: (218) 723–4860.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Minnesota Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve Trunk Highway 61 (TH 61) in Lake County, Minnesota. A part of the Lake Superior Circle Route, TH 61 is a scenic highway which is the only major facility serving northeastern Minnesota and Canada along the Lake Superior Shoreline. The proposed project involves the reconstruction of 36.4 miles of TH 61 from Illgen City to one-half mile west of Two Harbors. Improvements to the roadway are considered necessary due to various deficiencies which include: narrow shoulders, numerous no passing zones, and roadway thicknesses along most of the highway which are less than those required to maintain a nine-ton load limit during spring thaw.

Alternatives under consideration include (1) taking no action; (2) reconstructing the existing two-lane highway on the existing alignment with an exception at several locations to improve horizontal alignment; (3) reconstructing the existing highway except at major problem areas to be bypassed; and (4) building a completely new inland route. Incorporated into the various construction alternatives will be design variations of grade and alignment.

Several technical studies have been conducted. The North Shore Study is a computer study involving soils, vegetation, water, air, noise, land use, recreational land use, wildlife, scenery and engineering. Edwards & Kelcey, Inc. prepared a primarily economic study dealing with the compability of leisure and high-mobility traffic in a scenic corridor.

The proposed project has had extensive public and agency involvement. There have been several informational meetings, three public forum meetings, as well as numerous meetings with the Minnesota Department of Natural Resources. The A–95 Review by the Arrowhead Regional Development Commission was completed in 1977. A scoping document has been prepared and is being submitted to all interested government agencies. As a follow-up to the scoping document, a formal scoping meeting will be held involving interested agencies and citizens. A final date for that meeting has not been selected. Notification of the date will be advertised at least thirty days in advance of the meeting.

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 project and the EIS should be directed to the FHWA at the address provided above.

Issued on: July 17, 1980.

John S. Bowers,

Acting Division Administrator.

[FR Doc. 80-22877 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Lucas County, Ohio

AGENCY: Federal Highway Administration.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) is being prepared for a proposed highway project in Lucas County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McBee, Division Administrator or Mr. Robert W. Cooper, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215, Telephone: (614) 469–6896 or 469–5150.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the Ohio Department of Transportation (ODOT) and the City of Toledo has been preparing a draft environmental impact statement (EIS) since 1976 on the proposed construction of approximately 3.5 miles of parkway between Cherry Street and Manhattan Boulevard in the City of Toledo, Ohio. The proposed improvement, known as the Buckeye Basin Greenbelt Parkway, will be a four-lane divided, controlled access facility with at-grade crossings at major intersections and an interchange with I–280. Approximately one-half the length of the project closely follows the right-of-way of the Toledo Terminal and Ann Arbor Railroads and the remainder traverses a relatively undeveloped lowland area northeast of the Toledo central business district.

The proposed facility will provide a new arterial roadway which will relieve traffic congestion, by removing through local traffic (and trucks) from a number of residential streets.

At this stage of development the alternatives being considered besides the no build, are the I–280 interchange scheme and refinement of various alignments in the undeveloped lowland area along the corridor.

There are currently no plans to hold a formal scoping meeting. To date, there has been extensive public, Federal, State, and local involvement with the proposed project. It is envisioned that such involvement will continue throughout further development of the project.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this section and the EIS should be addressed to the FHWA at the address provided above.

Issued: July 22, 1980.

Frank M. Mayer,

Acting Division Administrator, Columbus, Ohio.

[FR Doc. 80-22863 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Petition for Hearing on Notification and Remedy of Defects; Denial

This notice sets forth the reasons for the denial of a petition for a hearing on the question of whether a manufacturer has reasonably met its obligation to remedy a safety-related defect.

On March 22, 1980, Ms. Carla Lucchino of Chappaqua, New York, petitioned the agency to hold a public hearing pursuant to 49 CFR 557.3(c) to determine if SAAB-Scania of America, Inc. had reasonably met is responsibility to correct a safety-related defect in her 1975 SAAB 99, specifically to prevent the possibility that ice may build up in the throttle housing under certain extreme winter driving conditions. SAAB's remedy campaign was inititated in September 1979 and covered 99,000 vehicles.

Information received from SAAB indicated that the vehicle was repaired on April 14, 1980. Based upon the fact that the problem was resolved without holding a hearing, the petition was denied on April 30, 1980.

(Sec. 156, Pub. L. 93–492, 38 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on July 23, 1980.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 80–22817 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–59–M

Federal Motor Vehicle Safety Standards; Denial of Petition for Defect Proceeding and Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for defect proceeding and rulemaking.

SUMMARY: This notice denies a petition filed by American Measures and Amercian Standards Association (AMASA), requesting this agency to order the recall of all P-metric tires. Further, AMASA requested this agency to amend its regulations to prohibit the labeling information on tires from appearing in any measurement system other than the standard British system, or, in the alternative, to change the unit of measurement used by tire manufacturers when expressing load-carrying capacity under the International system of measurement (commonly called the "metric system"). The petition for a defect proceeding is denied because no safety problem was alleged by AMASA and none is apparent. The petition for a prohibition is denied because the Metric Conversion Act of 1975 states that it is national policy to encourage the use of the metric system in the United States. Further, the petition for a change in metric units is denied because the agency is using the correct metric unit of measurement to express the load-carrying capacity of tires.

FOR FURTHER INFORMATION CONTACT: Arturo Casanova, Office of Vehicle Safety Standards, Nation Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1714).

SUPPLEMENTARY INFORMATION: AMASA filed a petition on October 22, 1979, requesting NHTSA to evaluate the correctness of the metric units labeled on P-metric passenger car tires and used to express the load-carrying capacity of those tires.

Specifically, AMASA requested that NHTSA:

1. Recall all P-metric tires because, according to AMASA, they are inaccurately labeled;

2. Reevaluate metric tire labeling requirements, and change them to require that information expressed on tire labels be only in British units (i.e., pounds and pounds per square inch), since those units are readily understood by all consumers and users of tires; and

3. If NHTSA decides to continue to permit the use of metric measurements, change the units of measure in which the load-carrying capacity of tires is expressed because tire manufactureres are, according to AMASA, using the wrong units of measurement.

The first part of the petition arises from the errrors made by some tire manufacturers in abbreviating kilograms and kiloPascals in providing load-carrying information on their P-metric passenger car tires. The used "KG" instead of "kg" for Kilograms and "KPA" instread of "kPa" for kiloPascals. Although the tires were labeling with the same information in British units using the correct abbreviations, AMASA concludes that the metric errors require that all these tires be recalled. AMASA did not expaing the basis for its conclusion. That organization neither described a safety problem nor suggestd how one might arise.

NHTSA has independently considered the significance of the erroneous abbreviations and has determined that the errors will not create any safety problem. The agency has no information indicating that there is any such problem. Further, although there are other metric units for which 'KG" and "KPA" are the correct abbreviation, there does not appear to be any chance that consumders will assume that the erroneour abbreviations on the P-metric tires were intended to refer to those units. Neither of those other units has any application to tires. One relates to electrictiy and the other to temperature. In the unlikely event that consumers realize that erroneous abbreviations have been used and are confused by the error, the agency believes that the consumers will simply discount the metric unit information and rely instread on the same information provided on the tires in British units. Accordingly, the agency denies AMASA's petition for commencing a defect proceeding.

In the interest of ensuring that exactly correct abbreviations are used, the agency has contacted the manufacturers of the P-metric tires bearing the erroneous abbreviations. They have agreed to check that all their new molds use the proper abbreviations, so that the correct metric units will appear in the future.

The second part of AMASA's petition requests NHTSA to ban the labeling of tires in metric units pursuant to the Metric Conversion Act of 1975 (Pub. L. 94–168; 15 U.S.C. 205). This request is difficult to understand since that Act states it to be the policy of the United States to increase the use of the metric system. Additionally, that Act requires Federal agencies to encourage and coordinate the voluntary use of the metric system in the United States. it is not clear why AMASA believes this Congressional mandate supports its request to eliminate the use of the metric system. Since the labeling of P-metric tires with metric load-carrying information promotes the use of the metric system and promotes public understanding of the metric system through providing the same information in British units, NHTSA believes that such labeling is fully consistent with the Metric Conversion Act. Accordingly, this part of the AMASA petition is denied.

The third part of AMASA's petition requests that NHTSA, if it is to use metric measurements, express tire load-carrying capacity in newtons, a unit of force, instead of kilograms, a unit of mass. However, the information which the user of a vehicle and tire needs to know is the weight of the load which can safely be carried by the tire. If a consumer loading a car or truck has to sit down and attempt to calculate the amount of force which will be exerted on the tires by a particular load, the purpose to be served by labeling the tire will be substantially impaired.

The program official and attorney principally responsible for the development of this agency position are Arturo Casanova and Stephen Kratzke, respectively.

(Secs. 103, 119, 201, and 202, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 22, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking

[FR Doc. 80–22763 Filed 7–30–80; 8:45 am]

BILLING CODE 4910–59–M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement; Westside Transportation Corridor, Portland, Oreg.

In accordance with the provisions of the National Environmental Policy Act (83 Stat. 852), the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508) and the Urban Mass Transportation Administration's (UMTA) "Policy on Major Urban Mass Transportation Investments" (published in the **Federal Register** on September 22, 1976), the Urban Mass Transportation Administration hereby gives notice that an analysis of transportation alternatives in the Westside Transportation Corridor (of the Portland, Oregon, metropolitan area) and preparation of a related Draft

Environmental Impact Statement (EIS) are to begin following two meetings on August 13, 1980, at which the scope and conduct of the analysis will be discussed. The purpose of these meetings is to help establish the basic purpose and framework for the alternatives analysis study, not to express a preference for a specific alternative or alternatives.

Members of the public and interested Federal, State and local agencies are invited to comment on the proposed scope of work, the alternatives to be studied and the evaluation criteria which will be used to arrive at a decision.

For interested government agencies and private organizations, the scoping meeting will be held on August 13, 1980, at 10:00 a.m. in the offices of the Metropolitan Service District, Conference Rooms A1 and A2, 527 SW Hall St., Portland, Oregon, 97201. For interested citizens, a special meeting of the Westside Citizens' Advisory Group will be held at 5:00 p.m. on August 13, 1980 at the city of Beaverton Operations Center, 9600 SW Allen Blvd., Beaverton, Oregon 97005.

The Urban Mass Transportation Administration's "Policy on Major Urban Mass Transportation Investments" requires the appropriate local agencies or organizations to undertake an analysis of alternatives if federal funding for a major transit investment is contemplated. The policy defines a major investment as any new or extended fixed guideway transit facility such as a light rail transit (LRT) facility or an exclusive busway. To be eligible for federal funding, such an analysis must be conducted, but its completion does not ensure that federal funds will be forthcoming.

The subject analysis will be conducted by the Metropolitan Service District with the cooperation of the Tri-County Metropolitan Transportation District (Tri-Met), the Oregon Department of Transportation (ODOT), Washington and Multnomah Counties, and the cities of Portland, Beaverton and Hillsboro. In addition, there will be engineering and environmental analysis consultants.

The Westside Transportation Corridor includes much of west Multnomah County, and the eastern portion of Washington County, extending from downtown Portland on the east through the city of Beaverton on the west. The corridor is one of the fastest growing in the Portland area, with population expected to increase by more than 50 percent between 1977 and 1995 and employment by 100 percent.

In accordance with the UMTA's "Policy on Major Urban Mass Transportation Investments," an initial evaluation of 16 alternatives for this corridor was undertanken. This evaluation identified five promising options for more detailed analysis. The detailed analysis for these alternatives will be documented in the Draft Environmental Impact (DEIS).

These five options are:

1. Do Nothing (Null Case) or the continuation of existing transit service levels.

2. Major expansion of Westside bus service without transitway construction, but with actions to improve transit speed, reliability and attractiveness such as bus-lanes, bus stations and fringe parking.

3. A grade separated busway connecting downtown Portland with the west Beaverton vicinity via Sunset Hwy. (U.S. Route 26) and State Hwy. 217 routing.

4. LRT connecting downtown Portland with the west Beaverton vicinity via Sunset Hwy. (U.S. Route 26) and State Hwy. 217 routing.

5. LRT connecting downtown Portland with the west Beaverton vicinity via Macadam Ave. and Multnomah Blvd., routing.

In coordination with the evaluation of these alternatives a major land use study (the "185th East/West Land Use Study") and circulation studies will be undertaken by local agencies.

The proposed evaluation criteria will include transportation, environmental, social, economic and financial impacts as required by current Federal environmental laws (the National Environmental Policy Act) and current Federal CEQ, UMTA and Federal Highway Administration (FHWA) guidelines. Additional impact areas important to local decision-making will also be included.

At the August 13 scoping meeting, staff will present the above alternatives in more detail, a plan for an active citizen participation program, a work schedule and budget. The public and affected public agencies will be invited to comment, either orally at the meeting or in writing for a period of 30 days following the meeting. Appropriate adjustments to the work scope and alternatives will be made accordingly.

If there are any questions, please contact the UMTA Regional Office Planning Representative, Ms. Pat Levine, Suite 3142 Federal Building, 8915 Second Avenue, Seattle, Washington, 98174, telephone (206) 442-4210; or the Local Agency Project Director, Mr. Steve Siegel, Metropolitan Service District, 527 SW Hall, Portland, Oregon 97201, telephone (503) 221-1646.

Dated: July 25, 1980.

Robert H. McManus,

Associate Administrator for Planning, Management and Demonstrations.

[FR Doc. 80-22986 Filed 7-30-80; 8:45 am]

BILLING CODE 4910-57-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 29, 1980, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Clay County Board of Education Farm Cooperative Training Program, Celina, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 23, 1980.

R. S. Bielak,

Director, VA Regional Office.

[FR Doc. 80-22942 Filed 7-30-80; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on September 5, 1980, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Chattanooga State Technical Community College, 4501 Amnicola Highway, Chattanooga, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: July 25, 1980.

R. S. Bielak,

Director, VA Regional Office.

[FR Doc. 80-22926 Filed 7-30-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 149
Thursday, July 31, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., August 5, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Fiscal year 1982 budget.
Enforcement Matter—Dismissal of administrative proceeding.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1455-80 Filed 7-29-80; 3:20 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., August 5, 1980.

PLACE: 2033 K Street, NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Amendments to the Large Trader Reporting Rules.
Status report on the New Orleans Commodity Exchange.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1456-80 Filed 7-29-80; 3:21 pm]

BILLING CODE 6351-01-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, August 5, 1980, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel. Litigation (status).

* * * * *

DATE AND TIME: Wednesday, August 6, 1980, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Any matters not concluded on August 5, 1980.

* * * * *

DATE AND TIME: Thursday, August 7, 1980, 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 1980-67: Theodore (Ted) L. Jones, Counsel, The Russell B. Long Committee.
  Draft AO 1980-72: Miles J. Alexander (Law Firm Political Contribution Plan).
  Draft AO 1980-78: Don L. Richardson, Republican Candidate, U.S. Senate, Texas.
1980 election and related matters
Appropriations and budget
  1981 Management Plan
Pending legislation
Classification actions
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Lena L. Stafford,
Acting Secretary to the Commission.

[S-1458-80 Filed 7-29-80; 3:44 pm]

BILLING CODE 6715-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 50035, July 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 30, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

M-2: RM79-6, Procedures Governing the Collection and Reporting of Information Associated with the Cost of Providing Electric Service.
RP-6: SA80-63, Vertac Chemical Corp.

Kenneth F. Plumb,
Secretary.

[S-1447-80 Filed 7-29-80; 8:47 am]

BILLING CODE 6450-85-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 50035, July 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 A.M., JULY 30, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

M-3: (A) RM78-15, Rules Relating to Investigations.
M-3: (B) RM80- , Delegation of Authority for the Director of Office of Enforcement.

Kenneth F. Plumb,
Secretary.

[S-1448-80 Filed 7-29-80; 9:09 am]

BILLING CODE 6450-85-M

6

[No. 371, July 29, 1980]

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 50502, July 29, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. July 31, 1980.

PLACE: 1700 G Street, NW., board room, fifth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The meeting previously scheduled to start at 9:30 a.m., will start at 10 a.m. The following items have been added to the agenda for the open meeting:

Regulation on Proposed Rule on Investment in Consumer Loans, Commercial Paper and Corporate Debt Securities

Regulation on Real Estate Lending
Application for Branch Office—Fortune Federal Savings and Loan Association, Clearwater, Florida
Application for Branch Office—Dallas Federal Savings and Loan Association, Dallas, Texas

Announcement is being made at the earliest practicable time.

[S-1457-80 Filed 7-29-80; 3:30 pm]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., August 6, 1980.

PLACE: Hearing room one, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Puerto Rico Maritime Shipping Authority 5.2 percent general increase applying between United States and Gulf ports and ports in Puerto Rico and between ports in Puerto Rico and ports in Canada, via Elizabeth, New Jersey.
2. Petition of the National Association of Stevedores for order or rule exempting terminal leases between "other persons" subject to the Act from section 15 of the Shipping Act, 1916.
3. Docket No. 80-7: The Mennen Company v. Mitsui O.S.K. Lines Ltd.—Consideration of the record.
4. Docket No. 80-36: Exemption of Husbanding Agreements—Notice of Proposed Rulemaking—Consideration of comments received.
5. Informal Docket No. 774(F): Exim, Ltd. v. Kuehne & Nagel—Request of Presiding Judge for clarification of respondent's status.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1453-80 Filed 7-29-80; 2:19 pm]

BILLING CODE 6730-01-M

8

FEDERAL RESERVE SYSTEM.

(Board of Governors)

Committee on Employee Benefits.

TIME AND DATE: 2 p.m., Tuesday, August 5, 1980.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C., 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals on internal personnel procedures relating in the System's employee benefits program, including the following: (a) review of the revised 1980 and proposed 1981 budgets for the Office of Employee Benefits; and (b) review of acturial assumptions recommended by a consulting firm.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board. (202) 452-3204.

Dated: July 28, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-1449-50 Filed 7-29-80; 9:47 am]

BILLING CODE 6210-01-M

9

[USITC ERB-80-9]

INTERNATIONAL TRADE COMMISSION.

(Executive Resources Board (ERB).

TIME AND DATE: 10 a.m., Friday, August 8, 1980.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Old business:
   a. Discussion of criteria for SES bonuses and awards.
   b. Executive Development.
   c. SES Manpower Planning.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1446-80 Filed 7-29-80; 4:20 pm]

BILLING CODE 7020-02-M

10

POSTAL SERVICE BOARD OF GOVERNORS.

Notice of vote to close meeting.

The Board of Governors of the United States Postal Service has voted (by mail ballot) to close to public observation a portion of its meeting scheduled for August 5, 1980. Each of the members of the Board voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Wright, Hardesty, Allen, Camp, Ching and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; Counsel to the Governors Califano; and Senior Assistant Postmaster General Finch.

The portion of the meeting to be closed involves a discussion of the decision by the Governors on the Postal Rate Commission's Opinion and Recommended Decision on the Red Tag Proceeding, 1979 (Commission Docket No. MC79-3), dated May 16, 1980.

The Governors are of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public interest in having the Governors discuss the written decision without concern for unreasonably influencing particular litigation, petitions for review of the Governors' decision already having been lodged in two U.S. courts of appeals.

Accordingly, the Governors have determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest does not require the discussion of this matter to be open to the public. In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-1452-80 Filed 7-29-80; 2:13 pm]

BILLING CODE 7710-12-M

11

SECURITIES AND EXCHANGE COMMISSION.

STATUS: Closed meeting.

TIME AND DATE: 10 a.m., July 29, 1980.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C. The following items will be considered by the Commission at a closed meeting scheduled for Tuesday, July 29, 1980, at 10 a.m.:

Consideration of amicus participations.
Legislative matter bearing enforcement implication.
The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, and Friedman determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted,

or postponed, please contact: Anne Sullivan at (202) 272–2468.

July 28, 1980.

[S–1450–80 Filed 7–29–80; 10:23 am]

BILLING CODE 8010–01–M

12

[Meeting No. 1249]

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:15 a.m., Tuesday, August 5, 1980.

PLACE: Conference room B–32, West Tower, 400 Commerce Avenue, Knoxville, TN.

STATUS: Open.

MATTERS FOR ACTION:

Power items

1. Adoption of supplemental resolution authorizing 1980 Series D Power Bonds.
2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1980 Series D Power Bonds.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: July 29, 1980.

[S–1454–80 Filed 7–29–80; 2:31 pm]

BILLING CODE 8120–01–M

13

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., August 7, 1980.

PLACE: 955 L'Enfant Plaza North, S.W., board room, room 2–500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (9 a.m.):

1. Consideration of internal personnel matters.
2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
3. Litigation report.

Portions open to the public (10 a.m.):

4. Approval of minutes of the July 10, 1980 Board of Directors Annual Meeting.
5. Consideration of Conrail drawdown request for August.
6. Consideration of Missouri-Kansas-Texas Railroad request for waiver from loan agreement in order that it require the OKT.
7. Contract Actions (extensions and approvals).
8. Report on Conrail monitoring.
9. Legislative report.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow (202) 426–4250.

[S–1451–80 Filed 7–29–80; 11:46 am]

BILLING CODE 8240–01–M

federal register

Thursday
July 31, 1980

Part II

Department of the Interior

Office of the Secretary

Semiannual Agenda of Rules Scheduled for Review or Development

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Chs. 14H and 14R

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual Agenda of Rules Scheduled for Review or Development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between July and December 1980, and the status of rules previously scheduled. A semiannual agenda is required by Executive Order 12044 and 43 CFR 14.8.

ADDRESSES: Unless otherwise indicated, all Contacts are located at the Department of the Interior, 1800 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Contact.

SUPPLEMENTARY INFORMATION: The Department has revised the format of the semiannual agenda in order to make it more readable and informative and to reflect the chronology of development of the rules. For ease of transition to the new format, all rulemaking actions that were completed between January and June 1980 are reported in our previously used Status format.

We have listed rules which are significant, not significant, scheduled for sunset review, and rules for which the determinations of significance and decisions on preparation of regulatory analyses have not been made as of the date of this agenda. It should be noted that the determinations of significance and decisions on preparation of regulatory analyses may, in some cases, be subject to change as the rules are developed. Such changes will be reflected when the agenda is updated semiannually.

Dated: July 23, 1980.

Cecil D. Andrus,

Secretary.

Semiannual Agenda of Rules Scheduled for Review or Development

Subject	Summary	Contact	Action
	Office of Inspector General		
43 CFR Part 20—Employee Responsibilities and conduct.	This rule is being revised to conform with the Ethics in Government Act of 1978 and to set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 95-521. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Gabriele J. Paone, 202-343-3932.	Appendixes C, D, E, F, and G were published on Feb. 20, 1980.
	Office of Small and Disadvantaged Business Utilization		
43 CFR Part 35—Involvement of Minority and Female-Owned Business Enterprises in Outer Continental Shelf Leasing Activities.	This rule will establish a program for the active participation of business enterprises owned and controlled by minorities and women in all activities related to leasing of the Outer Continental Shelf. *Originally Scheduled:* January 1980. *Authority:* Sec. 604, Pub. L. 95-372, 43 U.S.C. 1863. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Kenneth T. Kelly, 202-343-4907.	The proposed rule was published on May 9, 1980. The final rule should be published in October 1980.
	Office for Equal Opportunity		
43 CFR part 17, Subpart A—Nondiscrimination on the Basis of Race, Color, or National Origin.	This rule is being revised to make it consistent with Department of Justice regulations in 28 CFR.42.400, Subpart F and Executive Order 11247; to establish a procedure for processing complaints of discrimination; to provide guidelines which outline recipient obligations; and to list all programs of the Department which come under Title VI. *Originally Scheduled:* July 1980. *Authority:* 42 U.S.C. 2000d; 28 CFR 42.400. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Alfred J. Poole, 202-343-4331.	
43 CFR Part 17, Subpart B—Nondiscrimination on the Basis of Handicap.	This rule will set forth guidelines for non-discrimination on the basis of handicap in programs or activities receiving federal financial assistance from the Department. *Originally Scheduled:* January 1979. *Authority:* Sec. 504, Pub. L. 95-602, 29 U.S.C. 794. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule but does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. This rule is significant because of its potential impact on the programs of the Department.	Alfred J. Poole, 202-343-4331.	The Advance Notice of Proposed rulemaking was published on Apr. 13, 1979. The proposed rule was published on Apr. 18, 1980. The final rule should be published in August 1980.
43 CFR Part 17, Subpart C—Nondiscrimination on the Basis of Age.	This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving federal financial assistance from the Department. *Originally Scheduled:* January 1979. *Authority:* 42 U.S.C. 6101; 45 CFR Part 90. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Alfred J. Pool, 202-343-4331.	The proposed rule was published on Jan. 3, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203		
43 CFR Part 4, Subpart A—General; Office of Hearings and Appeals.	Revision of regulations to comply with E.O. 12044 (43 FR 12661, March 24, 1978) which mandates the review, revision, and deletion where necessary, of existing and future regulations. *Originally Scheduled:* January 1980. *Authority: 5 U.S.C. 301; E.O. 12044. Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sara Russell, 703-557-9200.	Proposed rules was published May 27, 1980. Final rule should be published in fall 1980.
43 CFR Part 4, Subpart B—General Rules Relating to Procedures and Practice.	The general rules now existing in this subpart are proposed for inclusion, where needed, in the several subparts of 43 CFR Part 4 so that each subpart can stand alone. When this has been done, Subpart B will be deleted. *Originally Scheduled:* January 1979. *Authority:* 5 U.S.C. 301; E.O. 12044. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sara Russell, 703-557-9200.	Proposed rule was published May 27, 1980. Final rule should be published in fall 1980.
43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals.	Rules are being developed to update the procedural provisions regarding proceedings before the Board of Contract Appeals in conformance with the Contract Disputes Act of 1978 and generally to conform with the recommended guidelines of OFPP for Boards of Contract Appeals in the Federal Government. *Originally Scheduled:* January 1979. *Authority:* The Contract Disputes Act of 1978, Pub. L. 95-563, 41 U.S.C. 601 *et seq. Statement of significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David Doane, 703-557-1450.	
43 CFR Part 4, Subpart D—Special Rules Applicable to Proceedings in Indian Probate, Including Hearings and Appeals; Tribal Purchase of Interests Under Special Statutes, Including Hearings and Appeals; and Administrative Appeals in Indian Affairs Generally.	Revision of regulations to improve procedures in administration of Tribal Purchase of Interests Under Special Statutes (43 CFR 4.300 – 4.317), and to simplify and reduce language in the regulations. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 91-627; Pub. L. 92-377; Pub. L. 92-443; E.O. 12044. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sara Russell, 703-557-9200.	Proposed rule was published Oct. 9, 1979. Final rule should be published in fall 1980.
43 CFR Part 4, Subpart D—Special Rules Applicable to Proceedings in Indian Probate, Including Hearings and Appeals; Tribal Purchase of Interests Under Special Statutes, Including Hearings and Appeals; and Administrative Appeals in Indian Affairs Generally.	43 CFR 4.354 to conform Interior Board of Indian Appeals notice time limitations to time limits set by Bureau of Indian Affairs regulation appearing at 25 CFR 2.19; revision to provide procedural rules in proceedings before Interior Board of Indian Appeals based upon rules currently within 43 CFR Part 4, Subpart B; and proposal to provide rules governing intervention in appeals pending before Interior Board of Indian Appeals. *Originally Scheduled:* January 1980. *Authority:* 25 U.S.C. 2, 9, 372, 374, 373a, 373b. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Franklin Arness, 703-557-1400.	Proposed rule should be published in October 1980.
43 CFR Part 4, Subpart E—Special Rules Applicable to Public Land Hearings and Appeals.	Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to include relevant general regulations presently appearing in Subpart B; add limitations to the filing of petitions for reconsideration; amend existing regulations to permit the Board to consider certain proprietary information which has served as the basis for the decision below; require service on parties of recommended decisions of administrative law judges under existing regulation 4.439; provide for intervention in appeals; revise regulation relating to the filing of protests; and coordinate, to the maximum extent feasible, the various hearing procedures as they presently exist. *Originally Scheduled:* July 1979. *Authority:* 43 U.S.C. 1201, 1701. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	James Kleiler, 703-557-9040.	Proposed rule should be published by December 1980.
43 CFR Part 4, Subpart G—Special Rules Applicable to Other Hearings and Appeals.	Existing rules are being clarified, simplified, and up-dated for appeals not within the appellate review jurisdiction of established appeals boards of the Office. *Originally Scheduled:* July 1979. *Authority: 5 U.S.C. 301 (1976). Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Kathryn Lynn, 703-557-9037.	Proposed rule should be published by September 1980.
43 CFR Part 4, Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11246, as Amended by Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder.	Deletion of regulations to comply with Executive Order 12086, which transferred all functions under Executive Order 11246, as amended by Executive Order 11375, to the Department of Labor. *Originally Scheduled:* January 1980. *Authority:* 5 U.S.C. 301, E.O. 12044. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sara Russell, 703-557-9200.	Proposed rule was published May 27, 1980. Final rule should be published in fall 1980.
43 CFR Part 4, Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally-Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964.	Revision of regulations to comply with Executive Order 12044 which mandates the review, revision, and deletion where necessary, of existing and future regulations. *Originally Scheduled:* July 1980. *Authority:* 5 U.S.C. 301; E.O. 12044. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Sara Russell, 703-557-9200.	Proposed rule was published May 27, 1980. Final rule should be published in fall 1980.
43 CFR Part 4, Subpart J—Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals.	Existing rules are being amended to clarify procedures and simplify language, and to carry out Secretarial policy decisions on (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under Section 14(c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and (4) procedure for hearings on questions of fact.	Judith M. Brady, Chairman, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99051, (907) 265-5356.	Proposed rule was published Feb. 8, 1979. Final rule should be published in summer 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203 —Continued		
	Originally Scheduled: January 1979. *Authority:* Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.* *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.		
43 CFR Part 4, Subpart K—Special Procedural Rules Applicable to Contest Proceedings to Disenroll Alaska Natives.	Deletion of regulations because the deadline for disenrollment contest review (October 1, 1978) has passed (See 25 CFR 43h.15(h)). *Originally Scheduled:* January 1980. *Authority:* 5 U.S.C. 301; E.O. 12044. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sara Russell, 703–557–9200.	Proposed rule published May 27, 1980. Final rule should be published in fall 1980.
43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Rules are being developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979). *Originally Scheduled:* May 1978. *Authority:* Sec. 201, Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211 (Supp. I 1977). *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Bruce Harris, 703–557–9037.	
43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Existing rules governing hearings and appeals under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201–1328 (Supp. I 1977), are being reviewed to determine the necessity for clarification and improvement. *Originally Scheduled:* July 1980. *Authority:* Executive Order 12044; Sec. 201, Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211 (Supp. I 1977). *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Bruce Harris, 703–557–9037.	
	Heritage Conservation & Recreation Service, 440 G. St., NW, Washington, D.C. 20243		
36 CFR Part 1228, Subparts A, C, and D—Urban Park and Recreation Recovery Program: Grants Procedures.	This Rule will be published to finalize the administration of the grant-in-aid program under the Urban Park and Recreation Recovery Program (Title X of the National Parks and Recreation Act of 1978, Pub. L. 95–625) and to report on comments received on the Interim regulations published in the August 9, 1979, **Federal Register** (44 FR 47018). The Program Information section will also be revised in response to general requests for clarification. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 95–625, 16 U.S.C. 2501. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule and requires a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. This rule is significant because it will have an annual economic effect of $100 million or more on the entire economy.	Sam L. Hall, 202–343–5971.	Interim rule was published on Aug. 9, 1979.
36 CFR Part 1207—Secretary's Standards for Historic Preservation Projects.	The Service is amending the general standards for historic preservation projects (36 CFR 1207.3) in order to encourage consideration of energy conservation needs as well as the economic and technical feasibility of each project. *Originally Scheduled:* July 1980. *Authority:* Power Plant and Fuel Use Act of 1978, Sec. 402(b), and Executive Order 12185, Energy Conservation of Petroleum and Natural Gas. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Carrolena Key, 202–343–5712.	Proposed rule published on May 7, 1980. Final rule should be published by August 1980.
36 CFR Part 1210—Recovery of Scientific, Prehistoric, Historic and Archeological Data: Procedures for Notification, Reporting and Data Recovery.	This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act. (This rule will be redesignated from 36 CFR Part 66.) *Originally scheduled:* January 1979. *Authority:* Section 5(c) of the Archeological and Historic Preservation Act of 1974. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Roy Reaves, 202–343–7105. Mark Barnes, 202–343–7105.	Final rule should be published in July 1980.
36 CFR Part 1205—National Historic Landmarks Program.	This interim rule sets forth the process used to identify, designate, and monitor National Historic Landmarks and the criteria which properties must meet in order to be designated National Historic Landmarks. *Originally Scheduled:* January 1979. *Authority:* Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. 461 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Carol D. Shull, 202–343–6401.	An interim rule with request for comments was published on Dec. 18, 1979.
36 CFR Part 1204—Determination of Eligibility for Inclusion in the National Register of Historic Places.	Sunset review of this rule was scheduled in conjunction with its transfer from 36 CFR Part 63. The review resulted in amendments which expand and clarify the role of the State Historic Preservation Officer in the Determination of Eligibility process, and amendments to the procedures by which determinations of eligibility are reviewed by the Service. The amendments provide for an opinion of eligibility for the National Register of Historic Places and a concise evaluation by the State Historic Preservation Officer and by Federal agencies. *Originally Scheduled:* July 1979. *Authority:* National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Carol D. Shull, 202–343–6401.	Proposed rule published on May 23, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
Heritage Conservation & Recreation Service, 440 G. St., NW, Washington, D.C. 20243—Continued			
36 CFR Part 1201—Criteria for Comprehensive Statewide Historic Survey and Plans.	Sunset Review of this rule resulted in publication of amendments to clarify the duties of State Historic Preservation Officers (SHPO's) with respect to participation in the Historic Preservation Fund grants program. The major changes reduce the minimum staff and review board requirements and allow flexibility for HCRS to approve alternative requirements for States demonstrating special needs or problems with respect to the established minimum. (This rule was redesignated from 36 CFR Part 61.) *Originally Scheduled:* May 1978. *Authority:* National Historic Preservation Act of 1966 as amended: 16 U.S.C. 470 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Lawrence E. Aten, 202-343-6221.	An interim rule with request for comments was published May 9, 1980. Final rule should be published by September 1980.
36 CFR Part 1213—Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties.	These regulations implement the Department's responsibilities for the identification, protection, preservation and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, EO 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and §§ 800.10 and 800.11 of the amended regulations of the Advisory Council, "Protection of Historic and Cultural Properties" (36 CFR Part 800). *Originally Scheduled:* July 1979. *Authority:* These regulations were issued pursuant to the directives of the President's Memorandum on Environmental Quality and Water Resources Management and § 800.10 of the Advisory Council regulations (36 CFR Part 800). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Roy Reeves, 202-343-7105. Mark Barnes, 202-343-7105.	Proposed Rule published on Aug. 2, 1979. Final rule should be published in July 1980.
36 CFR Part 1214—Preservation of American Antiquities: Definition of an Object of Antiquity.	This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to Federal court ruling on vagueness of the term "object of antiquity" and failure of the Federal Government to inform the public in lay terms. (This rule will be redesignated from 43 CFR Part 3.) *Originally Scheduled:* January 1980. *Authority:* American Antiquities Act of 1906 (Pub. L. 59-209, 16 U.S.C. 431-433). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Charles M. McKinney, 202-343-7105.	Proposed rule was published on Apr. 10, 1978, under 43 CFR Part 3. Final rule should be published by March 1981.
36 CFR Part 1212—National Natural Landmarks Program.	This rule sets forth the process used to study, designate, register, and monitor National Natural Landmarks including criteria for listing areas on the National Registry of Natural Landmarks. These regulations will make available to other Federal agencies, State and local governments, private organizations and individuals information on the National Natural Landmarks Program, and formalize the Secretary of the Interior's procedures and criteria for designat<ing National Natural Landmarks. *Orginally Scheduled:* January 1980. *Authority:* 16 U.S.C. 461. *Statement of Significance:* The Department of Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Wayne Strum, 202-343-4243. James Orr, 202-343-4243.	Interim rule was published on Nov. 20, 1979. Final rule should be published by December 1980.
36 CFR Part 1208—Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978.	Sunset review of this rule was scheduled in conjunction with its transfer from 36 CFR Part 67. As a result of the review, amendments were proposed that would revise the procedures by which owners desiring tax benefits for rehabilitations of historic buildings or desiring to demolish buildings within Registered Historic Districts apply for certifications pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978. *Orginally Scheduled:* July 1979. *Authority:* Sec. 101(a)(1), 80 Stat. 915, as amended (16 U.S.C. 470-1(a); Sec. 2124, Stat. 1519, Sec. 315, 92 Stat. 2828. *Statement of Significance:* The Department of Interior had determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ms. Carol Shull, 202-343-6401.	Proposed rule published on May 23, 1980
36 CFR Part 1215—Protection and Conservation of Archaeological Resources: Uniform Regulations.	This uniform rulemaking, to implement the provisions of the Archaeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal Government and to further advise of the Federal Government's obligations to the public concerning the protection and conservation of archaeological resources located on public lands within the United States, its territories, and possessions. *Originally Scheduled:* January 1980. *Authority:* Archaeological Resources Protection Act of 1979 (Pub. L. 96-95; 16 U.S.C. 470 aa *et seq.*) *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Charles M. McKinney, 202-343-7105.	Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between Mar 22, and Apr. 19, 1980.
36 CFR Part 1229—Land and Water Conservation Fund State Assistance Program.	This rule will set forth the regulation for administration of the State side of the Land and Water Conservation Fund Program, including the preparation and implementation of Statewide Comprehensive Outdoor Recreation Plans, and the criteria and guidelines for acquisition and development grants from both the general fund and the Secretary's Contingency Reserve. (This rule was previously scheduled as 36 CFR Part 1230.) *Originally Scheduled:* January 1979. *Authority:* Land and Water Conservation Fund Act of 1965 (Pub. L. 88-578, 78 Stat. 897) as amended by Pub. L. 95-42, 90 Stat. 1313. *Statement of Significance:* The determination of significance and a decision on the preparation of a regulatory analysis have not been made at this time.	Cathy-Martin Urbanek, 202-343-7801.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	National Park Service		
36 CFR Part 14—Rights-of-Way	Current regulations governing rights-of-way found in 43 CFR Part 2800 are being revoked by the Bureau of Land Management. As a result, the Service has determined that it is necessary to develop regulations specifically tailored to the needs of the Service. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 5 and 79; 23 U.S.C. 317. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule under Executive Order 12044 and 43 CFR Part 14. The decision on preparation of a regulatory analysis has not been made at this time. This rule is significant because of its potential regionwide or local impact on State and local governments, and on other programs of the Department or other Federal agencies.	Maureen Finnerty, 202-343-4874.	An interim rule and request for comments was published July 11, 1980.
36 CFR Part 7—Hunter Access Routes—Olympic National Park.	Hunter access routes and special hunting camps will be eliminated within the Queets Corridor of Olympic National Park, Washington (§ 7.28). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Roger Contor, Superintendent, Olympic National Park, Port Angeles, WA 98362, 206-452-4501.	Proposed rule published July 2, 1980.
36 CFR Part 28—Zoning Regulations—Fire Island National Seashore.	This rule will revise existing zoning standards within Fire Island National Seashore in order to achieve consistency with the general management plan. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Maureen Finnerty, 202-343-4874.	Proposed rule was published on Sept. 18, 1978. A final rule with request for comments was published on Jan. 17, 1980. The final rule should be published in July 1980.
36 CFR Part 13—Alaska National Monuments.	This rule provides the regulations for public use and recreation, subsistance and other special provisions for the Alaska National Monuments. *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Michael Finley, 202-343-2504	
36 CFR Part 50—Demonstration and Special Events.	This rule will clarify and simplify the procedures for obtaining demonstration and special event permits in Washington, D.C. and its environs (§ 50.19). *Originally Scheduled:* July 1979. *Authority:* July 1979. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Rick Robbins, 202-343-4338.	Proposed rule published May 6, 1980. Final rule should be published in September 1980.
36 CFR Part 50—Sale and Distribution of Printed Matter.	This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literatute in fixed locations in the public areas of the interiors of specified buildings (§ 50.19). *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Rick Robbins, 202-343-4338	Interim rule published on Oct. 3, 1979. Final rule should be published in September 1980.
36 CFR Part 3—Boating Regulations	This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules. *Originally Scheduled:* May 1978. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Harry DeLashmutt, 202-343-5607.	
36 CFR Part 6—Foreign Currency	The Service is developing a comprehensive policy concerning the acceptance of foreign currency in LWCFA fee transactions Servicewide. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Harry DeLashmutt, 202-343-5607.	
36 CFR Part 7—Fishing Regulations—Yellowstone National Park.	This rule will provide for further protection of native fish species, relaxation of creel limits on certain exotic species of fish, and provide for more effective protection programs (§ 7.13). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Bob Mihan, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, 307-344-7381.	
36 CFR Part 7—Motorboat Regulations—Buffalo National River.	This rule will regulate power boat usage and restrict access to cave systems, through permitting, in Buffalo National River, Arkansas (§ 7.35). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	John Turney, Superintendent, Buffalo National River, P.O. Box 1173, Harrison, AK 72601, 501-741-5443.	
36 CFR Part 7—Alcoholic Beverages—Yellowstone National Park.	This rule is being revised to delete the subsection dealing with Alcoholic Liquors and to conform to applicable State statutes through provisions in 36 CFR 2.16 (§ 7.13). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Harry DeLashmutt, 202-343-5607.	
36 CFR Part 7—Alcoholic Beverages—Lake Mead National Recreation Area.	This rule is being revised to rescind the regulations pertaining to the sale or gift of alcoholic beverages in Lake Mead National Recreation Area, Arizona and Nevada (§ 7.48).	Maureen Finnerty, 202-343-4874.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	National Park Service—Continued		
	Originally Scheduled: July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Determination of significance and decision on preparation of a regulatory analysis have not been made at this time.		
36 CFR Part 7—Fish Management Waters—Yosemite National Park.	This rule is being revised to rescind the regulations relating to experimental fish management waters in Yosemite National Park, California (§ 7.16). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The detrmination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Maureen Finnerty, 202-343-4874.	
36 CFR Part 7—Snowmobile Regulations—Grand Teton National Park.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (§ 7.22). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation ol a regulatory analysis have not been made at this time.	Alan Atchison, Grand Teton National Park, P.O. Box 170, Moose, WY 83012, 307-733-2880.	
36 CFR Part 7—Alcoholic Beverages—Kennesaw Mountain National Battlefield Park.	This rule will control the use and possession of alcoholic beverages in the Kennesaw Mountain park area (§ 7.31). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Emmet Nichols, Acting Superintendent, Kennesaw Mountain National Battlefield Park, P.O. Box 1167, Marietta, GA 30061, 404-427-4686.	
36 CFR Part 7—Public Use Restrictions—Haleakala National Park.	This rule will close certain areas of Haleakala National Park, Hawaii, to public use because of their ecologically fragile nature and the presence of rare and endangered species (§ 7.33). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Maureen Finnerty, 202-343-4874.	
36 CFR Part 7—Fishing Regulations—Katmai National Monument.	This rule will reinstate a subsection concerning fly fishing on the Brooks River which was previously deleted in the 1976 printing of Title 36 (§ 7.46). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David Morris, Superintendent, Katmai National Monument, P.O. Box 7, King Salmon, AK 99613, 907-246-3305.	
36 CFR Part 7—Fishing and Fish Waste Disposal—Grand Canyon National Park.	This rule will provide for the disposal of fish entrails into the Colorado River and to regulate the use of bait in Grand Canyon National Park, Arizona (§ 7.4). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Jim Walters, Grand Canyon National Park, P.O. Box 129, Grand Canyon, AZ 86023, 602-638-7411.	
36 CFR Part 7—Boating, Aircraft Landing Areas and Snowmobile Regulations—North Cascades National Park Complex.	This rule will control boating and water activity on waters of the recreation areas and designate lands and waters on which the operation and use of aircraft are permitted (§ 7.66). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Maureen Finnerty, 202-343-4874.	
36 CFR Part 7—Aircraft Regulations—Cape Lookout National Seashore.	This rule will designate one airstrip to be utilized by aircraft ferrying visitors to the seashore and will promote safety protection of resources and reduce user conflict (§ 7.32) *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Preston Riddel, Superintendent, Cape Lookout National Seashore, P.O. Box 690, Beaufort, NC 28516, 919-728-2121.	
36 CFR Part 7—Fishing Regulations—Glacier National Park.	This rule provide the Superintendent of the Park with the authority to require a permit of all anglers fishing the waters of the Park (§ 7.3). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Phillip Iversen, Superintendent, Glacier National Park, West Glacier, MT 59936, 406-888-5441.	
36 CFR Part 7—Snowmobile Regulations—Blue Ridge Parkway.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (§ 7.34). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Harry DeLashmutt, 202-343-5607.	
36 CFR Part 7—Snowmobile Routes—Rocky Mountain National Park.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department, and will notify the public of certain trail changes affected by the transfer of Shadow Mountain National Recreation Area to the U.S. Forest Service (§ 7.7). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David Essex, Rocky Mounmtain National Park, Estes Park, CO 80517, 303-586-2371.	
36 CFR Part 7—Public Use Restriction—Guadalupe Mountains National Park.	This rule will close certain areas of Guadalupe Mountains National Park, NM, to public use because of their fragile ecological nature and the presence of rare and endangered species (§ 7.93). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Maureen Finnerty, 202-343-4874.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	U.S. Fish and Wildlife Service		
50 CFR Part 20—Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules.	The Service proposes to publish a series of documents establishing migratory bird hunting regulations for the 1980–81 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections. *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 703–711. *Statement of Significance:* The Department of the Interior has determined that these documents are significant rules but do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. These rules are significant because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population date for these migratory birds requires that the regulatory schedule be shortened. The Assistant Secretary for Fish and Wildlife and Parks has therefore exempted these rules from the Departments procedures for developing significant rules.	John P. Rogers, 202–343–3207.	Proposed Frameworks published on July 1, 1980. Final Frameworks scheduled for September 1980. Final rules scheduled for October 1980.
50 CFR Part 410—Fish and Wildlife Coordination Act.	Rules will be promulgated which will establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA). The President's Water Policy Message of June 6, 1978, and the President's Water Policy Memorandum dated July 12, 1978, directed the publication of these rules. These rules would standardize agency procuedures and interagency relationships in the analysis of the impacts of Federal, or federally-approved, water-related projects upon wildlife resources. They relate closely to the procedures established for compliance with the National Environmental Policy Act (NEPA). *Originally Scheduled:* January 1979. *Authority:* Fish and Wildlife Coordination Act, Pub. L. 85–264, 72 Stat. 563 (16 U.S.C. 661, *et. seq.*); National Environmental Policy Act of 1969, sec. 102(2)(A) and (B), Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332(2)(A) and (B)); 5 U.S.C. 522; Fish and Wildlife Act of 1956, sec. 7, 70 Stat. 1122 (16 U.S.C. 742f); President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978, (See also, Weekly Comp. of Pres. Doc. 105, June 6, 1978); 5 U.S.C. 301; 3 U.S.C. 301. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule but does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. This rule is significant because of its potential impact on Federal agencies. An Environmental Impact Statement is also being prepared pursuant to the National Environmental Policy Act of 1969.	Richard K. Robinson, (202) 343–5197. Thomas J. Bond, (202) 343–7292.	Notice of Intent to proposed rules was published Sept. 29, 1979. Proposed rule was published May 18, 1979. The Draft EIS should be available in August 1980.
50 CFR Part 23—Endangered Species Convention Subpart D—Public Participation in Development of Negotiating Positions for Meetings of the Parties.	Adds new subpart D to Part 23 and provides procedures for public participation and agency consultation in the development of negotiating positions for meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species on Wild Fauna and Flora. *Originally Scheduled:* July 1980. *Authority:* Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–43. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Richard Parsons, 703–235–1937.	Proposed rule published on May 20, 1980.
50 CFR Part 14—Importation, and Transportation of Wildlife.	Provisions of the Endangered Species Act of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Lacey Act, the Black Bass Act, and other statutes administered by the Service would be implemented by amending certain regulations governing the importation, exportation, and transportation of wildlife. The temporary permission to do business granted in the **Federal Register** on March 5, 1974 (39 FR 8357), to all persons engaged in business as importers or exporters of wildlife would be replaced by a licensing system which regulates all persons who import or export wildlife for gain or profit. The licensing system is intended to improve the Service's ability to monitor wildlife traffic, protect wildlife resources, and communicate with persons most affected by subsequent Service rulemakings. Controls on the exportation of wildlife, including declaration requirements, would be added to compliment those in effect for the importation of wildlife. These controls implemeting obligations regarding certain wildlife exports placed on the Service by the Endangered Species Act of 1973 and the Convention, are expected to provide the Service with previously lacking information on export volume, in total and by species, and should further the Service's ability to protect wildlife resources. The definition of "fish or wildlife," the cornerstone of the regulatory scheme, would be broadended to include species not currently covered, yet would remain restrictive enough to exclude domestic varieties of animals. Some ports through which certain wildlife may enter or leave the United States would be changed to coincide with actual wildlife traffic patterns, or to accommodate importers of personally owned pet birds or certain antique articles who must comply with the port of entry requirements of other Federal agencies. Finally, the container marking requirements derived from the Black Bass and Lacey Acts would be simplified. *Originally Scheduled:* January 1980. *Authority:* Lacey Act, (18 U.S.C. 42–44); Endangered Species Act of 1973, (16 U.S.C. 1538(d)–(f), 1540(f)); Marine Mammal Protection Act of 1972, (16 U.S.C. 1382); Migratory Bird Treaty Act (16 U.S.C. 704, 712); Act of August 31, 1951, Ch. 376, Title 5, sec. 501, (31 U.S.C. 483a); Black Bass Act, (16 U.S.C. 852c). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C. R. Bavin, (202) 343–9242.	Proposed rule published on Mar. 27, 1978. Final rule should be published in July 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	U.S. Fish and Wildlife Service —Continued		
50 CFR Part 14—Importation, Exportation, and Transportation of Wildlife, Subpart B—Importation and Exportation at Designated Ports.	Designated port status under 50 CFR 14.12 would be conferred on Dallas/Ft. Worth, Texas. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1538(F). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C. R. Bavin, 202-343-9242.	Proposed rule published July 14, 1980.
50 CFR Part 21—Migratory Bird Permits, Subpart B—General Requirements and Exceptions.	Under 50 CFR 21.12 certain hybrid "barnyard" waterfowl and certain breeds of domesticated mallards would be excepted from the general permit requirements. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703-712. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C. R. Bavin, (202) 343-9242.	Proposed rule Nov. 12, 1976. Final rule December 1980.
50 CFR Part 20—Migratory Bird Hunting, Subpart C—Taking.	The taking prohibition found at 50 CFR 20.21 would be amended to allow disabled (paraplegic and single or double amputees of the legs) hunters to take migratory game birds from a stationary motor vehicle or a stationary motor driven land conveyance. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703-712. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C. R. Bavin, (202) 343-9242.	Proposed rule was published Feb. 15, 1979. Final rule should be published in July 1980.
50 CFR Part 22—Eagle Permits, Subpart C—Eagle Permits.	Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668-668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Eagle Protection Act to allow the Secretary of the Interior to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C of 50 CFR Part 22 to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle. *Originally Scheduled:* May 1978. *Authority:* 16 U.S.C. 668a. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C. R. Bavin, (202) 343-9242.	Proposed rule published on Jan. 3, 1980. Final rule should be published in December 1980.
50 CFR Part 20—Migratory Bird Hunting, Subpart M—Wildlife Development Areas.	Procedures found at 50 CFR 20.141-143 for the establishment of wildlife development areas on lands outside the National Wildlife Refuge System would be deleted. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703-712. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C. R. Bavin, (202) 343-9242.	Proposed rule was published on July 11, 1979. Final rule should be published in December 1980.
50 CFR Part 402—Endangered Species—Interagency Cooperation.	The Endangered Species Act Amendments of 1978 and 1979 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the Amendments and incorporating other procedural changes designed to improve interagency cooperation. *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95-632 (92 Stat. 3751). Pub. L. 96-159 (93 Stat. 1225). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	John Spinks, (703) 235-2771.	Proposed rule should be published in July 1980.
50 CFR Parts 96-106—Alaska National Wildlife Monuments.	General land management regulations for Yukon Flats and Becharof National Wildlife Monuments. *Originally Scheduled:* July 1979. *Authority:* The Antiquities Act of 1906 (16 U.S.C. 432); The Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742(f); Pub. L. 87-714, Sec. 4 (16 U.S.C. 460k-3); Presidential Proclamations of December 1, 1978, 43 FR 57009. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Burkett S. Neely, (202) 343-7533.	Notice of Intent published Feb. 28, 1979. Proposed regulations published June 28, 1979. Final regulation should be published August 1980.
50 CFR Part 107—Alaska National Wildlife Monuments, Minerals Management.	To establish management regulations governing mining in Yukon Flats and Becharof National Wildlife Monuments. Under these proposed rules, persons seeking to conduct mining activities on valid existing mining claims within these areas would be required to submit and obtain approval of a plan of operations. The regulations will provide environmental protections. *Originally Scheduled:* January 1980. *Authority:* The mining law of 1972, as amended (30 U.S.C. 21 *et seq.*), The Antiquities Act of 1906 (16 U.S.C. 432); The Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742(f); Presidential Proclamations of December 1, 1978, 43 FR 57019; (30 U.S.C. 612). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Burkett S. Neely, (202) 343-7533.	Notice of Intent published Feb. 28, 1979. Proposed rule published January 11, 1980. Final regulations should be published August 1980.
50 CFR Part 26, Subpart C—National Wildlife Refuges.	This rule withdraws and reserves twelve areas in Alaska as National Wildlife Refuges. *Originally Scheduled:* July 1980. *Authority:* National Wildlife Refuge Administration Act of 1966, as amended, 16 U.S.C. 668dd et seq.; Section 204(c) Withdrawal proclamation of February 11, 1980, 45 FR 9562. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Burkett Neely, 202-343-7533.	Emergency rule published Mar. 4, 1980. Notice of Intent to be published in July 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	U.S. Fish and Wildlife Service—Continued		
50 CFR Part 20 Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules.	The Service proposes to publish a series of documents establishing migratory bird hunting regulations for the 1981–82 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections. *Orginally Scheduled:* July 1980. *Authority:* 16 U.S.C. 703–711. *Statement of Significance:* The determination of significance and decison on preparation of regulatory analysis have not been made at this time.	John P. Rogers, 202–343–3207.	
50 CFR Part 13—General Permit Procedures.	Revision of schedule of fees to be charged for U.S. Fish and Wildlife Service permit applications. *Orignally Scheduled:* January 1980. *Authority:* Marine Mammal Protection Act of 1972 (16 U.S.C. 1374); Endangered Species Act of 1973 (16 U.S.C. 1540); general statutory authority (31 U.S.C. 483). *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at thsi time.	Richard Parsons, (703) 235–1937.	
50 CFR Part 13—General Permit Procedures.	Development of specific procedures for permit applicants to follow in appealing decisions on issuance of U.S. Fish and Wildlife Service permits. *Originally Scheduled:* January 1980. *Authority:* Tariff Classification Act; Endangered Species Act of 1973; Migratory Bird Treaty Act; Marine Mammal Protection Act. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Richard Parsons, (703) 235–1937.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart A—Introduction and General Revisions.	This rule will revise the definition of Pre-Act Wildlife. *Originally Scheduled:* July 1980. *Authority:* Endangered Species Act of 1973. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Richard Parsons, (703) 235–1937.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart D—Threatened Wildlife.	Revision of Treatened Wildlife regulations to allow exceptions for certain noncommercial imports; Revision of Special Rule for African elephant to focus regulations on imports. *Originally Scheduled:* January 1980. *Authority:* Endangered Species Act of 1973. *Statement of Significance:* The determination of significance and discussion on preparation of a regulatory analysis have not been made at this time.	Richard Parsons, (703) 235–1937.	
50 CFR Part 10—General Provisions, Subpart B—Definitions.	The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment concluded November 10, 1976. Also, the laughing gull, which was inadevertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck which is no longer found in the United States would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 704, 712. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	C. R. Bavin, (202) 343–9242.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart C—Endangered Wildlife and Subpart D—Threatened Wildlife.	Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife respectively would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a defense to a civil penalty assessment or a criminal prosecution. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1540 (a), (b). *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	C. R. Bavin, (202) 343–9242.	
50 CFR Part 18—Marine Mammals.....	The Fish and Wildlife Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes. *Originally Scheduled:* July 1980. *Authority:* Marine Mammal Protection Act of 1972, as amended: 16 U.S.C. 1382(a); Pub. L. 92–522, as amended. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	John L. Bardwell, Jr., (202) 632–2202.	
50 CFR Part 21—Migratory Bird Permits, Subpart C—Specific Permit Provisions.	Raptors (birds of prey) that were held in captivity or a controlled environment on November 10, 1978, and the offspring of these birds are exempt from the prohibitions of the Endangered Species Act of 1973. Falconry permits (50 CFR 21.28) and Federal falconry standards (50 CFR 21.29) would be amended to allow exempted raptors to be used in the sport of falconry. A new section authorizing the issuance of raptor propagation permits would be added. *Originally Scheduled:* May 1978. *Authority:* 16 U.S.C. 1538(b), 16 U.S.C. 704, 712. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	C. R. Bavin, (202) 343–9242.	
50 CFR Part 23—Endangered Species Convention.	Revision of the regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora to clarity them and to incorporate certain recommendations of the Parties.	Richard Parsons, (703) 235–1937.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	U.S. Fish and Wildlife Service —Continued		
	Originally Scheduled: January 1980. *Authority:* Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–43. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.		
50 CFR Part 23—Endangered Species Convention.	The 1979 amendments to the Endangered Species Act of 1973 designated the Secretary of the Interior as Scientific Authority of the United States for purposes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. These new rules will set forth the procedures to be followed by the Scientific Authority in carrying out its functions under the terms of the Convention. These procedures primarily concern the development of advice to the Management Authority on issuance of permits and the preparation of proposals to amend the list of plant and animal species included in appendices to the Convention. The rules also will set forth the Scientific Authority's determinations on export of certain species included in Appendix II, for which advice is developed for an entire class of permits each year rather than on a permit-by-permit basis. *Originally Scheduled:* July 1980. *Authority:* Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543). *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Richard Jachowski, (202) 653–5948.	
50 CFR Part 92—Exotic Organisms	The Fish and Wildlife Service will propose rules that would implement Executive Order 11987 dealing with exotic organisms. It would implement the Order by clarifying certain of its terms and by establishing procedures for findings of no adverse effect called for by Section 2(d) of the Order. Section 3 of the Order directs the Secretary of the Interior to issue implementing regulations in consultation with the Secretary of Agriculture and other appropriate agencies. *Originally Scheduled:* July 1980. *Authority:* Executive Order 11987, Exotic Organisms. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	John L. Bardwell, Jr., (202) 632–2202.	
50 CFR Part 80—Restoration of Game Birds, Fish and Mammals.	This rule is being revised to simplify existing language, clarify the requdirements, and to delete certain sections which are no longer applicable or are covered adequately in other regulations such as OMB Circular A–102. *Originally Scheduled:* July 1980. *Authority:* Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 *et. seq.*) and Federal Aid in Fish Restoration Act (16 U.S.C. 777 *et. seq.*). *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Charles K. Phenicie, (703) 235–1526.	
50 CFR Part 18—Marine Mammals, Subpart D—Special Exceptions.	This rule is being revised to ease the burden of permit procedures for scientific research and public display. *Originally Scheduled:* January 1980. *Authority:* Marine Mammals Protection Act of 1972. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Richard Parsons 703–235–1937.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart D—Threatened Wildlife.	The special rule pertaining to the American alligator found at 50 CFR 17.42(a) would be amended to modify the conditions imposed on buyer, tanner, or fabricator permit issued under the special rule. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1533. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	C.R. Bavin, (202) 343–9242.	
	Geological Survey, National Center, Reston, Virginia 22092		
30 CFR Part 221—Coal Mining Regulations...	The rules in this part delineate the functions and responsibilities of the Geological Survey (GS) for coal mining operations on Federal lands and govern coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development, and maximum economic recovery (MER) on Federal lands under the Mineral Leasing Act of 1920, as amended (MLA). The rules also recodify the regulations in 30 CFR Part 211 relating to the initial Federal Lands Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). *Originally Scheduled:* May, 1978. *Authority:* 30 U.S.C. 181; 30 U.S.C. 1201. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Tom Leshendok, 703–860–7506.	Proposed rules were published on May 19, 1980. Final rule should be published in October 1980.
30 CFR Part 211—Coal Mining Operating Regulations; Part 221—Oil and Gas Oerating Regulations; Part 231—Operating Regulations for Exploration, Development, and Production; Part 270–Geothermal Resources Operations on Public, Acquired, and Withdrawn Lands.	Temporary regulations are proposed for certain Parts of Title 30 of the Code of Federal Regulations which contain royalty collection provisions. The temporary regulations will implement the policy of imposing a late payment charge on all payments which are not received by the due date established by the terms of mineral leases and permits issued for Federal and Indian lands. The temporary regulations will also afford an opportunity for submitting comments for consideration when the final rules are written. *Originally Scheduled:* July 1980. *Authority:* Treasury Circular No. 1084. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Gerald Daniels, 703–860–7517.	
30 CFR Part 241—Leasing and Acquisition of Water Wells.	A revision of this Part will modify the procedures by which the Secretary acquires and conditions abandoned oil and gas wells for water production. The revision will shorten the period of time required to complete the acquisition process so that the wells will not be plugged and abandoned before the Secretary can determine that they are desired for water. *Originally Scheduled:* January 1979.	Andrew DeVito, 704–860–7521.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Geological Survey, National Center, Reston, Virginia 22092 —Continued		
	Authority: 30 U.S.C. 229a. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.		
	Office of Surface Mining, 1951 Constitution Avenue NW, Washington, D.C. 20240		
30 CFR Parts 716, 717, 816, and 817, Sedimentation Ponds.	This rule revises the effluent standards, rainfall exemptions, and design requirements for sedimentation ponds. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule under Executive Order 12044 and 43 CFR Part 14. The decision on preparation of a regulatory analysis has not been made at this time.	Jose del Rio, 202–343–4022.	Notice of Intent published Dec. 31, 1979. Advance Notice of proposed rulemaking should be published in September 1980.
30 CFR Part 722—Enforcement Procedures	The Interior Board of Surface Mining Appeals has ruled only performance standard violations are administratively sanctionable under the regulations. OSM is reconciling the regulations with the Act. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Neil Stoloff, 202–343–2084.	Proposed rule published July 1, 1980.
30 CFR Parts 700 and 701, General; Permanent Regulatory Program.	This rule will resolve any lingering ambiguity as to the meaning of "surface coal mining operations," as the term is used in both the interim and permanent programs under the Act. This is accomplished by redefining that term to reflect more clearly the meaning that OSM believes Congress intended (§ 700.5; § 701.5). *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulation analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	Richard Robinson, 202–343–8061.	Proposed rule published June 24, 1980.
30 CFR Subchapter J—Bonding	The proposed changes would provide revisions concerning the period of liability, the form of the performance bond, performance bond requirements, long-term facility and disturbance and forfeiture of the bond. Several of the changes are in direct response to a petition for rulemaking filed with OSM, while others were generated from comments received during the petition review process. *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Russ Price, 202–343–4022.	Proposed rule published Jan. 24, 1980. Final rule scheduled for July 1980.
30 CFR Part 211—State and Federal Cooperative Agreements.	Implement State and Federal Cooperative Agreement Inital Regulatory Program on Federal Lands in Colorado and New Mexico. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not requre a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Don Maurer, 202–343–5335.	New Mexico final agreement scheduled for July 1980.
30 CFR Part 701—Pre-existing, non-conforming structures.	To remove the discretion of the Regulatory Authority to grant an exemption for preexisting, non conforming structures. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a signficant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ray Aufmuth, 202–343–4022.	Proposed rule published Feb. 6, 1980. Public hearing held Feb. 25, 1980. Final rule scheduled for July 1980.
30 CFR Part 705—Definition of Employee	To revise and increase the restrictions on members of boards and commissions in order to prevent industry members from taking actions which affect their own interests. *Originally Schedule:* July 1979. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a signficant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Art Abbs, 202–343–5351.	Proposed rule published Sept. 6, 1979. Final rule scheduled for July 1980.
30 CFR Part 715—General Performance Spoil on Lower Bench.	To clarify the requirements pertaining to "Spoil on Lower Bench." *Originally Schedule:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a signficant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ray Aufmuth, 202–343–4022.	Proposed rule scheduled for July 1980.
30 CFR Parts 715, 716, 816—Guidelines on Finger Ridges and Apple Core Removal.	Interpretive rule provide consistency in the guidelines on finger ridges pertaining to 30 CFR 715.11, 716.2, 826, 102–105. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ray Aufmuth, 202–343–4022.	Final rule scheduled for July 1980.
30 CFR Parts 715, 716, 817—Development on Old Bench and Multiple Seam Mining.	To clarify the requirements pertaining to multiple seam mining. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ray Aufmuth, 202–343–4022.	Proposed rule published on May 16, 1980. Public hearing held June 11, 1980. Final rule scheduled for July 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Office of Surface Mining, 1951 Constitution Avenue NW, Washington, D.C. 20240—Continued		
30 CFR Part 716—Anthracite coal interim regulations to include underground mining.	To amend anthracite coal interim regulations to include underground mining. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	C.Y. Chen, 202–343–5244.	Proposed rule published on May 9, 1980. Final rule scheduled for July 1980.
30 CFR Part 716—Special Performance Standards.	Interim program variance from approximate original contour requirement in steep slope mining area. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Allan Palisoul, 202–343–2084.	Proposed rule published on Oct. 24, 1980. Final rule scheduled for August 1980.
30 CFR Part 716—Prime Farmlands	To repropose prime farmlands regulations to replace those portions of the initial prime farmlands regulations which the court enjoined and remanded. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Don Smith, 202–343–8032.	Proposed rules published on June 11, 1979. Final rules to be published in December 1980.
30 CFR Parts 723 and 845—Civil Penalties	For non-abatement cases in both permanent and interim program regulations, this rule would limit the penalty assessment to $750 per day for a maximum 30 days and would mandate a review for a potential pattern of violations. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Richard Robinson, 202–343–8061.	Proposed rule published Jan. 23, 1980. Final rule scheduled for July 1980.
30 CFR Part 741—Permits	Establish schedule for Director's action on Federal lands permit application. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Don Maurer, 202–343–5335.	
30 CFR Part 741—Permits	Establish permit fee schedule for Federal lands. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Don Maurer, 202–343–5335.	
30 CFR Part 742—Bonds and Liability Insurance of Federal Lands.	Establish form of performance bond on Federal Lands. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Don Maurer, 202–343–5335.	
30 CFR Part 745—Federal Lands for States	Prepare rules for Federal lands program for States with approved program. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Don Maurer, 202–343–5335.	
30 CFR Part 761—Areas where mining is prohibited or limited.	Elimination of "eligible" properties and private properties from those to be included as related to 30 CFR 761.11(c) and 761.12(f). *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Bernadine Thompson, 202–343–5361.	Proposed rule scheduled for August 1980.
30 CFR Part 761—Definition of Public Road	To achieve consistency with the Secretary of the Interior's definition. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Carl Close, 202–343–4225.	Proposed rule was published on Feb. 2, 1980.
30 CFR Part 761—Valid Existing Rights	To allow State case law to be used for interpretation of documents relied upon to estalish valid existing rights as found in 30 CFR 761.5(c). *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Carl Close, 202–343–4225.	Proposed rule published Feb. 6, 1980.
30 CFR Part 761—Waivers	Clarify interpretation of waiver requirements as related to 30 CFR 761.12(e). *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Carl Close, 202–343–4225.	Proposed rule scheduled for August 1980.
30 CFR Part 770—Revision of permanent regulations on incorporation of NPDES requirements into SMCRA regulations.	To coordinate Surface Mining permits with requirements of the NPDES permitting procedures. *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Lewis McNay, 202–343–8032.	Proposed rulemaking and final Memorandum of Understanding scheduled for 1980.
30 CFR Parts 779, 783—Prime Farmland Investigation.	To clarify the criteria as related to 30 CFR 779.27 and 30 CFR 783.27 *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Leroy DeMoulin, 202–343–2184.	Proposed rule scheduled for August 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Office of Surface Mining, 1951 Constitution Avenue NW, Washington, D.C. 20240 —Continued		
30 CFR Part 783—Geology Description	Narrow application of requirement pertaining to 30 CFR 783.14. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Chuan Y. Chen, 202-343-5244.	Proposed rule published Apr. 16, 1980. Final rule scheduled for July 1980.
30 CFR Parts 783, 784 and 817—Post-Mining Land Use.	Interpretative rule to allow operator to apply through the permit revision or renewal procedures of 30 CFR 78.12-15 for approval of alternative post-mining land use if original permit demonstrates land will be returned to pre-mining land use capability (as required by 30 CFR 817.133(a)). *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ray Aufmuth, 202-343-4022.	Final rule scheduled for July 1980.
30 CFR Parts 785 and 716—Prime Farmland Grandfather clause and interim program.	To amend prime farmland interim regulations with regard to grandfathering. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ed Johnson, 202-343-5261.	Proposed rule published Apr. 16, 1980. Public hearings held Apr. 30, 1980. Final rule scheduled for July 1980.
30 CFR Part 786—Definition of Irreparable Damage.	To redefine original definition as related to 30 CFR 786.5. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Carl Pavetto, 202-343-5365.	Proposed rule published Feb. 6, 1980.
30 CFR Parts 816 and 817—Subdrainage System for Coal Processing Waste Banks.	To provide exemption from underdrain requirement if the operator can demonstrate alternative will ensure structural integrity of the waste bank and protect water quality. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ray Aufmuth, 202-343-4022	Proposed rule published Apr. 16, 1980. Final rule scheduled for July 1980.
30 CFR Parts 816, 817—Treatment of Toxic Materials.	To achieve consistency through rules (30 CFR 816.103 and 30 CFR 817.103) to provide for treatment as an alternative to covering toxic wastes. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Charles Meyers, 202-343-2184.	Proposed rule published Feb. 6, 1980. January 1980.
30 CFR Part 817—Revegetation Standards for Success.	To provide that certain performance standards may be used as alternatives to measure revegetation success for permit areas of 40 acres or less in locations with annual precipitation of more than 26 inches. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Arlo Dalrymple, 202-343-8032.	Proposed rule published Apr. 16, 1980. Final rule scheduled for July 1980.
30 CFR Part 817—Monitoring Ground Water..	To eliminate the requirement of monitoring recharge capacity for underground mining. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	John Mosesso, 202-343-8032.	Proposed rule published Apr. 16, 1980. Final rule scheduled for July 1980.
30 CFR Part 850—Blaster Training and Certification Program.	To repropose blasting programs for blasters and members of blasting crews and certification programs. *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Jean McIntyre, 202-343-6101.	Proposed rule published June 29, 1979. Final rule scheduled for August 1980.
30 CFR Parts 943 and 926—State Program Approvals.	Approval of State programs for regulatory authority in States to administer SMCRA. Final rules of State Programs. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	Bruce Carroll, 202-343-5335	Texas—Final Rule approved June 18, 1980. Montana—Conditional approval: April 1, 1980. Other States which have submitted programs will be decided by January 3, 1981.
30 CFR Parts 715, 816, and 817—Gravity Transport of Spoil.	To clarify the requirements on gravity transport of spoil. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Ray Aufmuth, 202-343-4022.	
30 CFR Part 785—Prime Farmland-Moist bulk density.	To amend prime farmland regulations with regard to moist bulk density. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Lee de Moulin, 202-343-2184.	
30 CFR Parts 785 and 820—Stream Dredging Regulations.	Addition to the Permanent Program to regulate coal dredging operations to insure protection of waters and wetlands of the United States. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Henry Grike, 202-343-8032.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Office of Surface Mining, 1951 Constitution Avenue NW, Washington, D.C. 20240 —Continued		
30 CFR Part 780—Reclamation Plan	To consider amendments to OSM regulations to permit research on small acreage without requiring amendments to existing permit requirements. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Parts 816, 817, 826—Drainage structure at top of backfill highwall.	Clarify regulations on specific diversion structures which will fulfill the intent of the regulations. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Ray Aufmuth, 202-343-4022.	
30 CFR Parts 816 and 817—Backfill relief for remining.	To clarify regulations concerning backfilling when remining. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Ray Aufmuth, 202-343-4022.	
30 CFR Subchapter D—Federal Lands Program.	Revision of existing rules to conform to definition of Federal Lands in Pub. L. 95-87. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Don Maurer, 202-343-5335.	
30 CFR Parts 910, 947, 937, 922, 921 and 939—Federal Programs.	Proposed and final rules for Federal program in Georgia, Washington, Oregon, Michigan, Massachusetts, and Rhode Island. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Bernadine Thompson, 202-343-5361.	
30 CFR Part 823—Prime farmland on underground mines.	Amend regulations to comply with District Court decision of May 16, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Ed Johnson, 202-343-4264.	
30 CFR Parts 816 and 817—Revegetation	Amend regulations to comply with District Court decision of Feb. 26, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 816—Road classification	Amend regulations to comply with District Court decision of May 16, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 816—Land use	Amend regulations to comply with District Court decision of Feb. 26, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 816—1000 blasting limit amend interims to include 1. air blast, 2. blast plan, and 3. fly rock.	Amend regulations to comply with District Court decision of May 16, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Russ Price 202-343-4022.	
30 CFR Parts 779 and 783—Soil Survey	Amend regulations to comply with District Court decision of Feb. 26, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 776—Coal exploration	Amend regulations to comply with District Court decision of May 16, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 715—Reproposed rule—one inch per second peak particle velocity.	Amend regulations to comply with Court of Appeals decision of May 2, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Russ Price, 202-343-4022.	
30 CFR Part 701—Mine Plan area	Amend regulations to comply with District Court decision of February 26, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264	
30 CFR Part 783—Prime farmland management.	Amend regulations to comply with District Court decision of May 16, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 785—Alluvial Valley Floor Hydrologic Data.	Amend regulations to comply with District Court decision of Feb. 26, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	
30 CFR Part 785—Prime farmland management.	Amend regulations to comply with District Court decision of May 16, 1980. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	David R. Maneval, 202-343-4264.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Water and Power Resources Service		
43 CFR Part 426—Acreage Limitation Rules and Regulations.	The Department proposes to issue rules and regulations establising policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of Reclamation law. The rules will be issued in compliance with a U.S. District Court order to promulgate rules and regulations dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land. *Originally Scheduled:* July 1980. *Authority:* The Reclamation Act of 1902, as amended and supplemented, 43 U.S.C. 371, et seq. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule and requires a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. An Environmental Impact Statement is being prepared which will assess the economic, social, community, and environmental effects associated with this rule.	Vernon S. Cooper, 202-343-2148.	Proposed rule published on Aug. 25, 1977. Draft EIS should be available and a second proposed rule should be published in December 1980.
43 CFR Part 428—Sale of Replacement Farms.	This rule provides for the sale of economic farm units to qualifying farmers whose land is economically infeasable to reclaim from damage resulting from the Teton flood and restore the economic and agricultural base of the flood damaged region. *Originally Scheduled:* January 1980. *Authority:* 42 U.S.C. 2011, Pub. L. 95-238, Sec. 210. *Statement of Significance:* The Department has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Terry G. Cooper, 202-343-5204.	Proposed rule published Mar. 18, 1980.
43 CFR Part 21—Cabin Sites	This rule establishes standards for use of conservation and recreation areas under private cabin permits. *Originally Scheduled:* January 1979. *Authority:* Sec. 10, 32 Stat. 390; 43 U.S.C. 373; 52 Stat. 609, as amended, 43 U.S.C. 682; R.S. 2478, 43 U.S.C. 1201; 44 Stat. 471, as amended, 43 U.S.C. 869; 76 Stat 653, 16 U.S.C. 460; 48 Stat. 402 as amended, 16 U.S.C. 690; 43 Stat. 651, 16 U.S.C. 725; 48 Stat. 1270, 43 U.S.C. 315; 39 Stat. 535, 16 U.S.C. 3. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	L. David Williamson, 202-343-5206.	
	Bureau of Land Management		
43 CFR Part 3809—Surface Management of Unpatented Mining Claims Located on Public Lands.	This rule will provide the procedures to prevent impairment of wilderness suitability and undue and unnecessary degradation of the surface resources of public lands from operations authorized by the United States Mining Laws. *Originally Scheduled:* January 1979. *Authority:* 30 U.S.C. 22 et seq.; 43 CFR 1701 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is a significant rule and requires a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. *The changes made in the second proposed rulemaking made this rule a major Federal action significantly affecting the quality of the human environment. An environmental inpact statement has therefore been prepared pursuant to the National Environmental Policy Act of 1969. This and other facts led to the decision to also prepare a regulatory analysis.*	Robert Anderson, 202-343-8537. Robert C. Bruce 202-343-8735.	Proposed rule published Feb. 28, 1979. A second proposed rule was published Mar. 3, 1980.
43 CFR Part 9239—Kinds of Trespass	This rule is being revised to clarify the authority of the Secretary of the Interior in instances of mineral trespass. *Originally Scheduled:* July 1980. *Authority:* 30 U.S.C. 181 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	David Carty, 202-343-8537. Robert C. Bruce, 202-343-8735.	Proposed rule published Mar. 11, 1980. Final rule should be published in Summer 1980.
43 CFR Part 9212—Fire Prevention	This rule will provide the procedures for the prevention of fire on the public lands. *Originally Scheduled:* July 1980. *Authority:* 43 U.S.C. 1701 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Jim Richardson, 202-343-7864. Cecil Feeney, 202-343-8735.	Proposed rule published July 17, 1980.
43 CFR Part 8350—Management Areas	This rule provides the procedures for the enforcement of management decisions in Wild and Scenic River areas under the jurisdiction of the Bureau of Land Management. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 1281 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Young, 202-343-9353. Robert C. Bruce, 202-343-8735.	Proposed rule published Mar. 5, 1980. Final rule should be published in summer 1980.
43 CFR Part 2650—Alaska Native Selections	This rule is being revised to amend certain sections dealing with Alaska Native Selections. Amendments are needed to clarify and speed-up the selection process. *Originally Scheduled:* January 1980. *Authority:* 43 U.S.C. 1601 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	Beaumont McClure, 202-343-8735. Robert C. Bruce, 202-343-8735.	Proposed rule published May 8. Final rule should be published in Fall 1980.
43 CFR Parts 4 and 1840—Procedure for Handling Review of Wilderness Inventory Decisions.	These rules are being revised to include new appeal procedures for specialized wilderness decisions. *Originally Scheduled:* January 1980. *Authority:* 43 U.S.C. 1782. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	Robert Lund, 202-343-6064. George Hollis, 202-343-8735.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Bureau of Land Management—Continued		
43 CFR Part 2200—Exchanges of Public Lands.	This rule provides procedures under which exchanges of public lands will be handled. *Originally Scheduled:* January 1979. *Authority:* 43 U.S.C. 1716. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	David Hemstreet, 202-343-8731. Robert C. Bruce, 202-343-8735.	Proposed rule should be published in July 1980.
43 CFR Part 2300—Withdrawal of Public Lands.	This rule provides the procedure for the filing and processing of applications for withdrawal of the public lands from the effects of the public land laws. *Originally Scheduled:* January 1979. *Authority:* 43 U.S.C. 1714. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	Keith Corrigal, 202-343-8731. Robert C. Bruce, 202-343-8735.	Proposed rule published Dec. 4, 1979. A second proposed rule should be published in July 1980.
43 CFR Part 3500—Leasing of Minerals Other than Oil and Gas; General.	This rule is being revised to include a definition of the term "Chiefly valuable." *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 181 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	David Carty, 202-343-8537. George Hollis, 202-343-8735.	Proposed rule published Mar. 3, 1980. Final rule should be published in summer 1980.
43 CFR Part 3211—Bureau Motion, Land Previously Leased for Geothermal Resources.	This rule is being revised to amend the existing geothermal leasing sections in order to expedite leasing of lands with geothermal potential. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 1001-1025. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Doris Koivula, 202-343-7753. Cecil Feeney, 202-343-8735.	Proposed rule should be published in Fall 1980.
43 CFR Group 2900—Use; Leases and Permits.	This rule is being revised to amend the procedure under which applications for the non-Federal use of public lands will be filed and processed. (43 CFR Part 2920) This rule will also delete 43 CFR Part 9 in its entirety. *Originally Scheduled:* May 1978. *Authority:* 43 U.S.C. 1732. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Ralph Conrad, 202-343-8731. Robert C. Bruce, 202-343-8735.	Proposed rule published May 12, 1980. Final rule should be published in Fall 1980.
43 CFR Part 8370—Use Authorizations.....	This rule cover fees for the use of recreation areas under the jurisdiction of the Bureau of Land Management. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 4601-6a. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Young, 202-343-9353. Cecil Feeney, 202-343-8735.	
43 CFR Part 2650—Alaska Native Selections	This rule is being amended to include a procedure for the determination of a "Federal installation" in the sections on Alaska Native Selections. *Originally Scheduled:* July 1979. *Authority:* 43 U.S.C. 1601 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Beaumont McClure, 202-343-6511. Robert C. Bruce, 202-343-8735.	Proposed rule published Sept. 18, 1979. Final rule should be published in Fall 1980.
43 CFR Part 3040—Environment and Safety..	This rule will provide procedures for the management of oil and gas geophysical operations on the public lands. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 181 et seq. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Doris Koivula, 202-343-7753. George Hollis, 202-343-8735.	
43 CFR Part 1864—Disclaimers.....	This rule will provide the procedure for filing applications for documents of disclaimer and correction of patents and documents of conveyance and their processing. *Originally Scheduled:* July 1980. *Authority:* 43 U.S.C. 1745-1746. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Keith Corrigal 202-343-8731. Robert C. Bruce, 202-343-8735.	
43 CFR Part 7631—Management of Paleontological Resources.	This rule will provide the procedure for the management of paleontological specimens located on the public lands. *Originally Scheduled:* July 1980. *Authority:* 43 U.S.C. 1701 et. seq. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Vincent J. Hecker, 202-343-8537. Cecil Feeney, 202-343-8735.	
43 CFR Part 3600—Mineral Material Disposals.	This rule is being revised to include new procedures for the disposal of mineral materials. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 1601-1602. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Robert Anderson, 202-343-8537. George Hollis, 202-343-8735.	
43 CFR Part 7100—Protection of Endangered Species.	This rule will provide the procedures for the protection of endangered plants and their habitats on the public lands. *Originally Scheduled:* July 1979. *Authority:* 43 U.S.C. 1701 et seq.; 16 U.S.C. 1531 et seq. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Robert J. Verniman, 202-343-6188. Robert C. Bruce, 202-343-8735.	
43 CFR Part 3500—Leasing of Minerals Other than Oil and Gas; General.	This rule, which is scheduled for Sunset Review, provides the procedure for leasing of minerals other than oil and gas or coal. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 181 et seq. *Statement of Significance:* If the review indicates revisions are necessary, the determination of significance will be made based on the nature of revisions required.	David Carty, 202-343-8537. Cecil Feeney, 202-343-8735.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Bureau of Indian Affairs		
25 CFR Part 55b—Referendum Election to Determine whether the Yurok Tribe desires to establish a Representative governing Committee.	This rule will establish procedures for the conduct of an election in which the eligible Yurok voters would express their approval or disapproval of conducting a further election for the creation of an interim Yurok governing committee. *Originally Scheduled:* July 1980. *Authority:* 5 U.S.C. 301, R.S. 463 and 465, 43 U.S.C. 1457, 25 U.S.C. 2 and 9, Reorganization Plan No. 3 of 1950 (64 Stat. 1262). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. (Determination of significance currently under review within the Department.)	William F. Finale, Area Director, Bureau of Indian Affairs, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA, 916-484-4682.	Published as a proposed rule on May 7, 1980. Final rule should be published in August 1980.
25 CFR Part 31i—Student Rights, Responsibilities and Due Process Procedures.	This rule will establish procedural requirements to protect the constitutional and civil rights of American Indians/Alaska Native students enrolled in Bureau schools. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 95-561. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Jim Martin, 202-343-6676.	Proposed rule published May 22, 1979. Final rule should be published in August 1980.
25 CFR Part 53—Procedures for petitioning to request the Secretary or the Commissioner to take certain actions.	This rule will clarify confusing language and extend existing procedures to cover petitioning the Secretary to issue a charter to a reorganized tribe and any other action a tribal constitution or charter may authorize the Secretary to take upon receipt of a petition. *Originally Scheduled:* July 1979. *Authority:* 5 U.S.C. 301 and 25 U.S.C. 2, 9, 473a, 476, 477, 503. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Farring, 202-343-2511.	Proposed rule published on July 10, 1979. Final rule should be published by September 1980.
25 CFR Part 52—Conduct of elections to adopt or amend tribal contstitutions and corporate charters.	This rule will extend to tribes in Oklahoma and Alaska Native entities published procedures for reorganizing under Federal Statute previously available only to reservation based tribes under the Indian Reorganization Act. *Originally Scheduled:* July 1979. *Authority:* 250 U.S.C. 473a, 476, 477, and 503. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Farring, 202-343-2511.	Proposed rule published on July 10, 1979. Final rule should be published by September 1980.
25 CFR Part 31i—Student Rights, Responsibilities and Due Process Procedures.	This rule will establish procedural requirements to protect the constitutional and civil rights of American Indians/Alaska native students enrolled in Bureau schools. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 95-561. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Jim Martin, 202-343-6676.	Proposed rule published May 22, 1979. Final rule should be published in August 1980.
25 CFR Part 131—Leasing and Permitting.....	The Bureau is revising this part which deals with leasing and permitting of Indian lands. It is proposed to reorganize part 131 into three new subheadings: (1) How to Acquire Leases (2) Special Provisions and Requirements of Leases, and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. *Originally Scheduled:* July 1979. *Authority:* 25 CFR parts 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, and 635. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Jones, Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 602-261-2275.	Proposed rule published on Oct. 27, 1978. Final rule should be published in August 1980.
25 CFR Part 161—Rights of way over Indian lands.	The Bureau is making minor revisions to this part which deals with the granting of rights-of-way over and across tribal land, individually owned Indian land, and Government-owned land under the jurisdiction of the Bureau of Indian Affairs. Inasmuch as the rights-of-way regulations underwent major revisions in 1968 and subsequently there has been no major legislation affecting rights-of-way over and across Indian lands, the revisions contained herein are considered necessary as they will clarify certain policies and procedures concerning the granting of rights-of-way. *Originally Scheduled:* May 1978. *Authority:* 5 U.S.C. 301, 62 Stat. 17 (25 U.S.C. 323-328) and other acts cited in the text. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Richard S. McDermott, Director, Palm Springs Office, Bureau of Indian Affairs, 587 South Palm Canyon Drive, Palm Springs, CA 92262, 714-325-2163.	Proposed rule published on July 7, 1978. Final rule will be published in July 1980.
25 CFR Part 120a—Land Acquisitions.....	The Bureau is adding new regulations dealing with the acquisition of land for Indians in a trust or restricted status. The regulations cite the authorities and enunciate the policies and procedures which are to be followed in such land acquisitions. These regulations are being proposed because of the need for a clearly stated uniform policy in the acquisition of land for Indians. Several laws enacted in recent years add authorities for such acquisition conditions for the exercise of such authority. *Originally Scheduled:* January 1979. *Authority:* 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, and 1495, and other authorizing acts. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Raymond W. Jackson, Area Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 602-261-2275.	Proposed rule published on June 26, 1978. Final rule should be published in August 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Bureau of Indian Affairs—Continued		
25 CFR Part 252—Business practices on the Navajo, Hopi and Zuni Reservations.	This rule will change bonding requirements to benefit the Navajo Indians. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 93-638. *Statement of Significance:* The Department of Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	E. F. Suarez, Sr., 202-343-5787.	Proposed rule was published on Oct. 10, 1979.
41 CFR Chapter 14H—Buy Indian Act Contracting.	This rule will add a new part to 41 CFR Chapter 14H in order to establish policies and procedures concerning the Bureau of Indian Affairs Acquisition Management System. This issuance pertains to contracts entered into with Indian contractors for the products of Indian industry pursuant to the Act of June 25, 1910 (36 Stat. 861, 25 U.S.C. 47) which is usually referred to as the "Buy Indian Act." *Authority:* 25 U.S.C. 47. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analaysis have not been made at this time.	Don Asbra, 703-235-8061.	
25 CFR Part 34—Vocational Training for Adult Indians.	This rule will describe eligibility criteria required for participation in the Bureau's program of Vocational Training for Adult Indians and explain application procedures. *Originally Scheduled:* May 1978. *Authority:* Pub. 84-959, Pub. L. 88-230. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Bob Delaware, 703-235-8355.	
25 CFR Part 273—Education Contracts under Johnson-O'Malley Act.	This rule will revise procedures used by the Bureau in awarding Education contracts under the Johnson-O'Malley Act. *Originally scheduled:* May 1978. *Authority:* Pub. L. 95-561. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Jim Martin, 202-343-6676.	
25 CFR Part 32—Administration of Education loans, grants, and other assistance for higher education.	This rule will revise procedures used by the Bureau in awarding education loans, grants, and working scholarships. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 67-85. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Leroy Falling, 202-343-7387.	
25 CFR Part 60—Use and Distribution of Indian Judgment Funds.	This rule is being revised to reflect anticipated amndments to Indian Judgment Funds Act of Oct. 19, 1973. Principal amendments would affect the time period for submittal of Secretarial plans to Congress. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 96-134. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Steve Feraca, 202-343-4623.	
25 CFR Part 31f—Educational Standards.....	This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-561. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Jim Martin, 202-343-6676.	
25 CFR Part 31e—Dormitory Standards.....	This rule will provide the national criteria for the operation of dormitories by the Bureau. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-561. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Jim Martin, 202-343-6676.	
25 CFR Part 42—Enrollment Appeals.....	This rule will amend the Enrollment Appeals regulations to clarify them and eliminate any confusion. *Originally Scheduled:* January 1979. *Authority:* 25 U.S.C. 2 and 9. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Janet L. Parks, 703-235-8275.	
25 CFR Part 31c—Procedures and Practices.	This rule will provide procedures which will govern the provision of support services by the Bureau to the Office of Indian Education Programs. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-561. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Jim Martin, 202-343-6676.	
25 CFR Parts 171, 177, and 182—Various Mining Regulations.	This rule will update and clarify current regulations governing mining on Indian lands in acknowledgment of the increasing desire of Indian mineral owners, both tribal and individual, to exercise greater responsibility in the development and management of their minerals and other natural resources. That desire is reflected in recent attempts to maximize the economic return on Indian mineral development, to achieve greater Indian self determination, and also to minimize the adverse effects of such development on Indian culture and surrounding environment. *Authority:* Section 4 of the Act of May 11, 1939 (52 Stat. 348, 25 U.S.C. 396d), the Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396), section 1 of the Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415), the Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380), sections 16 and 17 of the Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477), section 2103 of Revised Statutes (25 U.S.C. 81), section 3 of the Act of February 28, 1891 (26 Stat. 795, 25 U.S.C. 397), the Act of May 29, 1924 (43 Stat. 244, 25 U.S.C. 398), the Act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a-e), Section 26 of the Act of June 30, 1919, as amended (41 Stat. 31, 25 U.S.C. 399), and Section 3 of the Act of June 28, 1906, as amended (34 Stat. 543). *Originally Scheduled:* May 1978. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Tom Riggs, 202-343-3722.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Subject	Summary	Contact	Action
	Bureau of Indian Affairs—Continued		
25 CFR Part 121—Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands.	This rule will clarify language, provide additional cross-references and add certain new provisions which more fully encompass the authority found in the statutes. *Originally Scheduled:* January 1979. *Authority:* 25 U.S.C. 378, 379, 404, 405, 372, 373, 483, 355, and 209 DM8. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Wilford G. Bowker, Area Realty Officer, Portland Area Office, P.O. Box 3785, Portland, OR 97208, 503-231-6714.	
25 CFR Part 31j—Aid to Federally Impacted Areas.	This rule will establish procedures whereby a Tribe can contract with the BIA for educational services previously provided by a public school. *Originally Scheduled: January 1980.* *Authority:* Pub. L. 95-561; Pub. L. 81-874. *Statement of Significance:* The determination of significance and decision on preparation of a regulatory analysis have not been made at this time.	Jim Martin, 202-343-6676.	

STATUS OR RULES PREVIOUSLY SCHEDULED FOR REVIEW OR DEVELOPMENT

Review period	CFR citation	Subject	Status	Knowledgeable official
		Office of the Solicitor		
Jan. 1979 to June 1979	41 CFR Part 14R-9	Patents, Data and Copyrights	The final rule was published on May 12, 1980	Gersten Sadowsky, 202-343-4471.
		Office for Equal Opportunity		
Jan. 1979 to June 1979	43 CFR Part 34	Requirement for Equal Opportunity During Construction and Operation of the Alaska Natural Gas Transportation System.	The final rule was published on May 12, 1980	Edward Shelton, 202-343-5693.
		Office of Hearings and Appeals 4015 Wilson Boulevard, Arlington, Va. 22203		
July 1979 to Dec. 1979	43 CFR Part 4, Subpart M	Special Rules Applicable to Fish and Wildlife Civil Penalty Proceedings.	The Department has determined that this rule is current and no revisions are necessary.	James L. Burski, 703-557-9040.
		Heritage and Conservation and Recreation Service 440 G. St., NW, Washington, D.C. 20243		
July 1979 to Dec. 1979	36 CFR Part 1202	National Register of Historic Places.	Final rule published on April 16, 1980	Carol D. Shull, 202-343-5661.
Jan. 1979 to June 1979	36 CFR Part 1228 Subpart B	Urban Park and Recreation Recovery Program: Local Recovery Action Program.	Final rule published on March 10, 1980	Sam L. Hall, 202-343-5971.
July 1979 to Dec. 1979	36 CFR Part 1206	Historic Preservation Fund Grants Administration Procedures.	Interim rule published in the Federal Register on July 5, 1979. It has been decided that Historic Preservation Fund Grants Administration Procedures will not be published under 36 CFR Part 1206; rather a notice of a revised administrative manual for the historic preservation grants-in-aid program will be published in July 1980.	Stephen Newman, 202-343-4941.
Jan. 1980 to June 1980	36 CFR Part 1227	Federal Recreation Fees	Final rule published on June 26, 1980	Jim Cook, 202-343-7665. Brian Romanek, 202-343-7665.
		National Park Service		
Jan. 1980 to June 1980	36 CFR Part 7	Protection of Humpback Whales, Glacier Bay National Monument, Alaska (§ 7.23).	Final rule published on May 15, 1980	John Chapman, Glacier Bay National Monument, P.O. Box 1089, Juneau, AK 99802, 907-586-7137.
		U.S. Fish and Wildlife Service		
July 1979 to Dec. 1979	50 CFR Part 20	Hunting of migratory birds	A final rule describing non-toxic shot zones for waterfowl hunting seasons in 1980 and in January and February 1981 was published on June 5, 1980 (45 FR 37847).	Robert I. Smith, 703-254-3207.
July 1979 to Dec. 1979	50 CFR Parts 17, 402 and 424	Rules for listing Endangered and Threatened species, designating Critical Habitat, and maintaining the lists.	A final rule revising listing procedures to ensure compliance with the Endangered Species Act Amendments of 1978 and 1979 was published on February 27, 1980.	John Spinks, 703-235-2771.
		Bureau of Land Management		
May 1978 to Dec. 1978	43 CFR Group 2700	Land Disposals (Sales)	Final rulemaking published June 10, 1980, effective July 10, 1980.	Keith Corrigall, 202-343-8731. Robert C. Bruce, 202-343-8735.

STATUS OR RULES PREVIOUSLY SCHEDULED FOR REVIEW OR DEVELOPMENT

Review period	CFR citation	Subject	Status	Knowledgeable official
Bureau of Land Management—Continued				
January 1979 to June 1979	43 CFR Part 1700	Advisory Boards	Final rulemaking published February 6, 1980, effective March 7, 1980.	Lee Laitala, 202-343-5629. Cecil Feeney, 202-343-8735.
January 1979 to June 1979	43 CFR Part 2610	Carey Act Grants	Final rulemaking published May 21, 1980, effective June 20, 1980.	Keith Corrigall, 202-343-8731. Robert C. Bruce, 202-343-8735.
January 1979 to June 1979	43 CFR Part 3802	Surface Protection—Wilderness	Final rulemaking published March 3, 1980, effective April 2, 1980.	Robert Anderson, 202-343-8537. Robert C. Bruce, 202-343-8735.
July 1979 to December 1979	43 CFR Part 4700	Wild Free Roaming Horses and Burros Protection—Management Control.	Final rulemaking published December 28, 1979, effective January 28, 1980.	Robert J. Springer, 202-343-6188. Cecil Feeney, 202-343-8735.
January 1980 to June 1980	43 CFR Part 3100	Oil and Gas Leasing—Simultaneous Leasing Procedures.	Final rulemaking published May 23, 1980, effective June 16, 1980.	Charles Weller, 202-343-7753. Robert C. Bruce, 202-343-8735.
January 1980 to June 1980	43 CFR Part 3100	Oil and Gas Leasing—Simultaneous Leasing Redrawing Procedures.	Final rulemaking published February 8, 1980, effective February 8, 1980.	Dale Zimmerman, 202-343-2716. Robert C. Bruce, 202-343-8735.
January 1980 to June 1980	43 CFR Part 3503	Fees, Rentals and Royalties	Final rulemaking published May 28, 1980, effective June 27, 1980.	Dave Carty, 202-343-8537. Robert C. Bruce, 202-343-8735.
January 1979 to June 1979	43 CFR Part 2800	Rights-of-Way; principles and procedures.	Final rulemaking published July 1, 1980, effective July 31, 1980.	Robert Mollohan, 202-343-5537. Robert C. Bruce, 202-343-8735.
July 1979 to December 1979	43 CFR Part 1881	Payment in Lieu of Taxes	Final rulemaking published July 15, 1980, effective August 14, 1980.	Edward P. Greenberg, 202-343-3607. George Hollis, 202-343-8735.
January 1980 to June 1980	43 CFR Part 8340	Off-Road Vehicles	Final rulemaking published July 17, 1980, effective August 18, 1980.	Larry Young, 202-343-9353. Cecil Feeney, 202-343-8735.
GEOLOGICAL SURVEY (National Center, Reston, Va. 22092)				
May 1978 to December 1978	30 CFR Part 250	Oil and gas and sulfur operations on the Outer Continental Shelf.	Published as a final rule on March 7, 1980	John Goll, 703-860-7136.
January 1979 to June 1979	30 CFR Part 251	Geological and Geophysical Exploration of the Outer Continental Shelf.	Published as a final rule on January 25, 1980	Gordon Burton, 703-869-7546.
May 1978 to December 1978	30 CFR Part 221	Oil and Gas Operating Regulations.	The Department has determined that this rule is current and no revision is required.	Eddie Wyatt, 703-860-9638.
Office of Surface Mining (1951 Constitution Avenue NW., Washington, DC 20240)				
January 1980 to June 1980	30 CFR Part 700	General	This rule duplicates the "Two Acre Exemption" rule both reported in the January 1980 agenda. Therefore, this rule is being dropped.	Carl Pavetto, 202-343-5365.
July 1979 to December 1979	30 CFR Part 722	Enforcement Procedures	Final rule issued Jan. 11, 1980	Richard Robinson, 202-343-8061.
January 1980 to June 1980	30 CFR Part 770	Coordination of NPDES Permit Requirements with SMCRA Regulations.	This rule duplicates the "Permit Requirements" rule which was originally reported in the July 1979 agenda. Therefore, this rule is being dropped.	David Maneval, 202-343-4264.
January 1980 to June 1980	30 CFR Part 816	Water Quality Guidelines	OSM has determined not to publish these standards as rules, but as internal directives.	David Maneval, 202-343-4264.
Bureau of Indian Affairs				
July 1979 to December 1979	25 CFR Part 271	Contracts and Grants under Indian Self Determination and Education Assistance Act.	Final rule published February 29, 1980	Jay T. Suagee, 202-343-2706.
May 1978 to December 1978	25 CFR Part 274	School Construction Contracts or Services for tribally operated previously private schools.	Final rule published February 29, 1980	John Carmody, Albuquerque Area Office, P.O. Box 1788, Albuquerque, N.M., 505-474-2805.
May 1978 to December 1978	25 CFR Part 277	School construction contracts for public schools.	Final rule published February 29, 1980	John Carmody, Albuquerque Area Office, P.O. Box 1788, Albuquerque, N.M., 505-474-2805.

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federal register

Thursday
July 31, 1980

Part III

Department of Defense

Department of the Air Force

Privacy Act Systems of Records: Deletions, Additions, and Amendments

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Systems of Records: Deletions, Additions, Amendments

AGENCY: Department of the Air Force (AF).

ACTION: Deletions, additions and amendments to Air Force systems of records.

SUMMARY: The Air Force is deleting 14 and amending 52 and adding 1 system of records in its inventory of records subject to the Privacy Act of 1974. This is a periodic updating of the Air Force's systems of records inventory. The Act requires that any changes to a system must be published for public review and comment.

DATES: The amendments and addition shall be effective as proposed without further notice on September 2, 1980 unless comments are received on or before which would result in a contrary determination and require republication for further comments.

ADDRESS: Any public comments, including written data, views or arguments concerning the amendments should be addressed to Headquarters United States Air Force, (HQ USAF/DAAD(S)), Washington, DC 20330.

FOR FURTHER INFORMATION CONTACT:
Mr. Jon E. Updike, HQ USAF/DAAD(S), Washington, DC 20330, telephone 202–694–3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 has been published in the **Federal Register** as follows:

FR Doc. 79–37052 (44 FR 74145) December 17, 1979
FR Doc. 80–2008 (45 FR 5514) January 23, 1980

The proposed addition and amendments are not deemed to be within the purview of the provisions of 5 U.S.C. 552(o) of the Privacy Act which requires submission of an altered system report in accordance with Office of Management and Budget (OMB) guidance set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
July 23, 1980

Deletions

F01102 OBXQPCA

System name: Student Information Cards (44 FR 74162).
Reason: This system has been discontinued.

F01102 OIACYVB

System name: Locator Personnel Data (44 FR 74165).
Reason: This notice duplicates F01102 ARPC A, Locator or Personnel Data (44 FR 74160).

F01102 OMUHHZA

System name: Air Force Office of Information/OI Personnel Background Record (44 FR 74165).
Reason: This system has been discontinued.

F03004 OSGHLNA

System name: Group Scheduling Listing (44 FR 74189).
Reason: This system has been discontinued.

F03501 DPMVO 1

System name: Effectiveness/Performance Reporting System (44 FR 74205).
Reason: This system is being republished under the added systems in this **Federal Register** in order to provide greater clarity and detail. See F03501 MPC B.

F03501 06SCEYA

System name: Air Force Audit Agency (AFAA) Personnel Electronics Evaluation Reporting System (PEERS) (44 FR 74217).
Reason: This system has been discontinued.

F03501 06SCEYC

System name: AFAA Management Information System—Career File (44 FR 74218).
Reason: This system has been discontinued.

F04002 OBXQPCB

System name: Temporary Quarters Subsistence Expense (44 FR 74256).
Reason: This system has been discontinued.

F04501 OIACYVA

System name: Air Force Reserve Applications (44 FR 74262).
Reason: This notice duplicates F04501 ARPC A, Air Force Reserve Applications (44 FR 74160).

F05001 OMUHHZB

System name: Air Force Reserve Medical School Tour Allocations (44 FR 74270).
Reason: Records are filed by allocation number and are not a system of records as defined by the Privacy Act.

F05001 OSGHLNE

System name: Combat Intelligence Crew Training Record (44 FR 74271).
Reason: This system has been discontinued.

F05002 OSGHLNA

System name: Training Work Sheet (ERF Form 36) (44 FR 74282).
Reason: This system has been discontinued.

F16803 SGHB B

System name: Admission and Disposition System (44 FR 74343).
Reason: Records are filed chronologically and are not a system of records as defined by the Privacy Act.

F17721 DPMSN B

System name: Employee's Quarterly Federal Tax Return (44 FR 74363).
Reason: These records are maintained as part of F17602 OEACYVA, Nonappropriated Funds Standard Payroll System (44 FR 74351), and do not form a separate system of records.

Addition

Notice is given that the system of records notice listed below is added. This notice is published to more clearly describe Air Force records and replaces another notice deleted above. Since this notice does not create any new records or change any individual rights, it is not subject to Office of Management and Budget (OMB) reporting requirements as set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

F03501 MPC B

System name: Effectiveness/Performance Reporting System.
Insert: Before system F03501 REP A.

Reason: Notice republishes F03501 DPMVO 1 in order to provide greater clarity and detail.

F03501 MPC B

System name: Effectiveness/Performance Reporting Systems.

System location: Headquarters, United States Air Force, Washington, D.C. 20330; Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148; National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63118; headquarters of the major commands and separate operating agencies; consolidated base personnel offices; each State Adjutant General Office; Reserve and Air National Guard units, and the Human Resources Laboratory, Lackland Air Force Base, TX. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system: Military Personnel Only. Officer: applies to active duty/Air National Guard/Air Force Reserve Personnel serving in grades Warrant Officer (W–1) through Colonel (O–6). Airmen: applies to active duty personnel in grades Airman Basic (E–1) through Chief Master Sergeant (E–9), and to Air Force Reserve personnel in grades Staff Sergeant (E–5) through Chief Master Sergeant (E–9).

Categories of records in the system: Lieutenant Colonel Promotion Potential Evaluation Forms; Colonel Promotion Recommendation Report; Officer Effectiveness Report; Education/Training Report; Airman Performance Report; Technical Sergeant (TSGT), Staff Sergeant, and Sergeant (SGT) Performance Report; Chief Master Sergeant (CMSGT), Senior Master Sergeant (SMSGT), and Master Sergeant (MSGT) Performance Report; Description of Data Contained Therein: Name; Social Security Account Number (SSAN); Active and Permanent Grades; Specialty Data; Organization location and Personnel Accounting Symbol (PAS); Period of Report; Number of days of supervision; Performance Evaluation Scales; Estimates of Potential; Comments Regarding Ratings; Officer Effectiveness Report (OER) Notice Contains: Rater Name; Rater SSAN (only if USAF officer); Rater Organization; Rater Office Symbol; Rater Duty Phone Number; Ratee Name, Ratee SSAN; Ratee Organization; Period of Report; Length of Rater's Supervision; Reason for Report; Ratee Duty Air Force Specialty Code (DAFSC); Ratee Primary Air Force Specialty Code (PAFSC); Ratee Second Air Force Specialty Code (2 AFSC); Ratee Temporary Grade; Ratee Permanent Grade; Ratee Aeronautical Rating; Ratee Aviation Service Code; Ratee Job Level; Ratee Command Level; Ratee Management Level; Ratee Duty Title; Effective Date of Duty Title; Ratee PAS; Rater PAS; Rater Aeronautical Rating; Rater Aviation Service Code; Rater Job Level; Rater Command Level; Rater Management Level; Additional Rater or Reviewer Name; Additional Rater or Reviewer Organization; Date Rater Forwarded Report to Additional Rater or Reviewer. Reviewer Message Contains: Reviewer Name; Reviewer SSAN; Reviewer Grade; Reviewer Organization; Number of reports for which the reviewer was so designated; Number of reports, by rating, which the reviewer signed; Number of reports escalated for signature; SSAN of ratee on reports escalated for signature; Number of reports escalated to reviewer for signature; SSAN of ratee on reports escalated to reviewer for signature. Rater name; Rater SSAN (only if US military); Rater Organization; Rater office symbol; Ratee name; Ratee grade; Ratee SSAN; Ratee organization; Ratee PAS Code; Period of report; Length of supervision; Reason for report; Ratee's primary, duty and control AFSC's; Rater job level, management level, command level and duty title; Ratee effective date of duty; Ratee reserve/warrant commission; unfavorable information file (UIF) identifier.

Authority for maintenance of the system: Title 44, United States Code (USC), Public Printing and Documents, Chapter 31, Records Management by Federal Agencies, Section 3101; and Title 10, USC, Armed Forces, Chapter 33, Appointments in Regular Components, Section 564.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Uses Include: Documentation of effectiveness/duty performance history; Promotion selection; school selection; assignment selection; reduction-in-force; control roster; reenlistment; separation; research/statistical analysis; other appropriate personnel actions. Users Include: supervisor; commander; major command; Headquarters USAF; other Military Services. OER/APR notices are used to: provide notification to a rater that an OER/APR is due; provide the rater with information necessary to complete portions of the evaluation report form; raters may be either Military or civilian within or outside the Department of Defense; and source document to provide the CBPO the capability of tracing a missing report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in visible file binders/cabinets.

Retrievability: Filed by Name.

Safeguards: Records are accessed by custodian of the record system and by person[s] responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal: Copies of performance reports are retained until separation or retirement. At separation/retirement, data subject is presented with field and command record copies of his/her reports. The Headquarters Air Force (HAF) copy is a permanent record that is forwarded to the National Personnel Records Center, St. Louis, Missouri. In the event member has a Reserve commitment, HAF copy is sent to Air Reserve Personnel Center (ARPC), York Street, Denver, Colorado. However, the following exceptions apply: Offices Field Record: Remove and give to individual when promoted to Colonel, when separated or retired. Destroy when voided by action of the Officer Personnel Records Review Board. When voided by action of the Air Force (AF) Board for Correction of Military Records, forward all copies of report to Headquarters, United States Air Force (HQ USAF) when directed. Command Record: The command custodian will destroy the reports when voided by action of Officer Personnel Records Review Board. When voided by action of the AF Board for Correction of Military Records, forward all copies of report to HQ USAF when directed. HAF Record: Remove reports voided by action of the Officer Personnel Records Review Board from the selection folder and file in the board recorder's office until destroyed by tearing into pieces, shredding, pulping, macerating or burning.

Remove reports voided by action of the AF Board for Correction of Military Records from selection folder and submit to Board's Secretariat with duplicate and triplicate copies, for custody and disposition. Active duty: airmen grades E–3 through E–6: Airman Performance Reports (APRs) on separation or retirement are forwarded to the National Personnel Records Center, St. Louis, Missouri unless data subject holds a reserve obligation—in which case they are forwarded to ARPC. Grades E–7/8: Duplicate copies, those retained in promotion selection folders, are returned at separation or retirement. Permanent copy (field record) is forwarded to the National Personnel Records Center or to ARPC if data subject holds a reserve obligation. Non-EAD

USAFR airmen: Air Force Reserve Forces Non-commissioned Officers Performance Report; upon separation, retirement or assignment to a non-participating reserve status, they are forwarded to ARPC for file in the master personnel record and disposed of as a part of that record. Effectiveness/ Performance Report Notices are destroyed when their purpose has been served as they are used as control measures in the creation of effectiveness reports.

System manager(s) and address: Deputy Chief of Staff/ Manpower and Personnel, Headquarters United States Air Force, Washington, DC 20330, and Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

Notification procedure: Requests from individuals should be addressed to the systems manager.

Record access procedures: Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures: The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories: The basis of the ratings is observed on-the-job or education/training performance progression of the individual. Further, evaluation reports may have as an additional source of information, Letters of Evaluation which may be supplied and used for periods of duty performed away from the normal reporting official.

Systems exempted from certain provisions of the act: Parts of this system may be exempt under 5 U.S.C. 552a (j) or (k), as applicable. For additional information, contact the Systems Manager.

Amendments

Following the identification code of the record systems and the specific changes made therein, the complete revised record systems, as amended, are published in their entirety.

F01102 DPEEB A

System name: Congressional and Other High Level Inquiries (44 FR 74161).

Changes:

System identification: Change to read, "F01102 AF A."

System location: Change to read, "At Air Force Manpower and Personnel Center, Major Commands, Separate Operating Agencies and Consolidated Base Personnel Offices (CBPOs) at Air Force Installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices."

Retention and disposal: Change "two years" in line 2 to "one year."

F03001 DPXVV A

System name: File Designation, Drug Abuse, Waiver Requests (44 FR 74172).

Change:

System location: Delete, "Accession Policy Branch, Accession Policy Division, Directorate of Personnel Plans (HQ USAF/DPXOA) Washington, DC 20330."

F03005 PRENC C

System name: Base Housing Management (44 FR 74193).

Change:

Retention and disposal: Add, "Supporting records are destroyed when superseded or no longer needed."

F03501 OMUHHZA

System name: Personnel Interview Record (44 FR 74214).

Changes:

System location: Change "79 AEWCS" to "915 TFG," "452 TAW, Hamilton AFB, CA 94934" to "452 AREFW, March AFB, CA 92508," and "940 TAG, McClellan AFB, CA 95652" to "940 AREFG, Mather AFB, CA 95655."

F03503 OMUHHZA

System name: Reserve Manning Report (44 FR 74233).

Changes:

System location: Delete entire entry and substitute. "14 AF(R)/RS, Dobbins AFB, GA 30060; 10 AF(R)/RS, Bergstrom AFB, TX 78743; and 4 AF(R)/RS, McClellan AFB CA 95652."

F03504 DPMHC A

System name: Chaplain Personnel Action Folder (44 FR 74234).

Change:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Add "Records may be disclosed to endorsing agents concerning the qualifications of their chaplains for continued duty as representatives of their denominations."

F03508 OIACYVA

System name: Officer Promotions (44 FR 74251).

Change:

Retention and disposal: In line 2, after "cut off," add, "transferred to records staging area for an additional three years." In line 3 change "for permanent retention," to, "and destroyed after 50 years."

F03509 OIACYVA

System name: Requests for Discharge From the Air Force Reserve (44 FR 74252).

Changes:

System location: Change entry to read, "Air Reserve Personnel Center, Denver CO 80280, (all Reserve personnel other than unit assigned); Headquarters Air Force Reserve, Robins AFB GA 31098, (AFRES unit assigned Reserve personnel)."

Retention and disposal: Change entry to read, "Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. HQ AFRES forwards copies of actions resulting in discharge to the Air Reserve Personnel Center, Denver CO 80280 for inclusion in the individual's Master Personnel Record Group."

System manager(s) and address: Change entry to read, "Commander, Air Reserve Personnel Center (ARPC), Denver CO 80280; Vice Commander, Headquarters Air Force Reserve, Robins AFB GA 31098."

Notification procedure: Change entry to read, "Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver CO 80280, (non-unit assigned personnel), or the Chief, Personnel Actions Division, HQ AFRES/DPAA, Robins AFB GA 31098, (AFRES unit assigned personnel). Written requests for information should contain full name, SSN, current mailing address, and if known, the case (control) number on correspondence received from ARPC or HQ AFRES. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Building 444, Lowry AFB CO or Headquarters Air Force Reserve, DPAA, Bldg 210, Robins AFB GA between 8:00 a.m. and 3:00 p.m. (ARPC), 8:00 a.m. and 4:45 p.m. (AFRES), on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the persons identification."

Record access procedures: Change entry to read, "Individuals may obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver CO 80280; telephone (303) 370–4667 (Non-Unit Personnel), or the Chief, Personnel Actions Division, (AFRES/DPAA). Bldg 210, HQ AFRES, Robins AFB GA 31098; telephone (912) 926–3107 (Unit Assigned Personnel)."

F03509 OIACYVB

System name: Administrative Discharge for Cause on Reserve Personnel (44 FR 74252).

Changes:

System location: Change entry to read, "Air Reserve Personnel Center, Denver CO 80280, (all Reserve personnel other than unit assigned); Headquarters Air Force Reserve, Robins, AFB GA 31098, (AFRES unit assigned Reserve personnel)."

Retention and disposal: Change entry to read, "Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. HQ AFRES forwards copies of actions resulting in discharge to the Air Reserve Personnel Center, Denver CO 80280 for inclusion in the individual's Master Personnel Record Group. Individual's military personnel record is then forwarded to the National Personnel Record Center, 9700 Page Blvd, St Louis MO 63132, for permanent storage."

System manager(s) and address: Change entry to read, "Commander, Air Reserve Personnel Center (ARPC), Denver CO 80280; Vice Commander, Headquarters Air Force Reserve, Robins AFB GA 31098."

Notification procedure: Change entry to read, "Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver CO 80280, (non-unit assigned personnel), or the Chief, Personnel Actions Division, HQ AFRES/DPAA, Robins AFB GA 31098, (AFRES unit assigned personnel). Written requests for information should contain full name, SSN, current mailing address, and if known, the case (control) number on correspondence received from ARPC or HQ AFRES. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Building 444, Lowry AFB CO or Headquarters Air Forces Reserve, DPAA, Bldg 210, Robins AFB GA between 8:00 a.m. and 3:00 p.m. (ARPC), 8:00 a.m. and 4:45 p.m. (AFRES), on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the persons identification."

Record access procedures: Change entry to read, "Individuals may obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver CO 80280; telephone (303) 370–4667 (Non-Unit Personnel), or the Chief, Personnel Actions Division, (AFRES/DPAA), Bldg 210, HQ AFRES, Robins AFB GA 31098; telephone (912) 926–3107 (Unit Assigned Personnel)."

F05002X0J ED A

System name: Community College of the Air Force Student Record System (44 FR 74284).

Changes:

System location: Change "Lackland AFB, TX 782.36" to "Maxwell AFB, AL 36112."

System manager(s) and address: Change "Lackland AFB, TX 78236" to "Maxwell AFB, AL 36112."

Notification procedure: Change "Lackland AFB, TX 78236" to "Maxwell AFB, AL 36112."

Fo5301XOBXQPCB

System name: Education and Research Data Base (44 FR 74290).

Changes:

System name: Change to "Educational Research Data Base."

System manager(s) and address: Change to "Director of Admissions and Registrar, United States Air Force Academy, CO 80840."

F11001 SAFPC A

System name: Air Force Discharge Review Board Voting Cards (44 FR 74305).

Change:

Retention and disposal: Change in line 1, "fifteen years from latest hearing" to "one year from date of hearing."

F16001 AFA A

System name: Cadet Hospital/Clinic Records (44 FR 74328).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such users: In lines 15 and 16, change, "Cadet Safety" to "Cadet Wing Airmanship Division."

Safeguards: In last line, change "Cadet Wing Safety" to "Cadet Wing Airmanship Division."

Retention and disposal: Add "(1)" before "retained" in line 2. Add at end, "(2) Retained in office files for three months or until purpose has been served, whichever is sooner; then destroyed by tearing into pieces, shredding, pulping, macerating, or burning."

F16002 SGPS A

System name: Department of Defense Medical Examination Review Board Medical Examination Files (44 FR 74329).

Changes:

Categories of individuals covered by the System: Add "and Uniform Services University of Health Sciences."

Categories of records in the system: In line 5, after "applicant," and "and/or parental/guardian consultation concerning applicant's medical history or status." In line 6, change "storage in a Burrough's 3500 Computer" to "computer storage."

Routine uses of records maintained in the system, including categories of users and the purposes of such users: In line 1, change "qualification" to "acceptability." Add "and/or USUHS" in line 2 after "ROTC." In line 4, delete "service academies and ROTC." In line 5, after "of" add "initial medical status" and after "any" delete "medical." Add at end "Consultations concerning medical conditions may be necessary with parent/guardian to clarify/explain applicant's medical status. Examinations may be accomplished by military medical facilities personnel, civilian contract agents of the government and/or private physicians."

Storage: Delete entry and substitute "stored in file folder, microfilm jackets, and computer disks or tape."

Retention and disposal: Delete entry and substitute, "Paper copy is destroyed at end of current year cycle, microfilm copy is kept five years and computer storage file is kept for two years following end of cycle. Destruction is by tearing into pieces, shredding, pulping, macerating or burning except for computer media which is degaussed or overwritten."

F17801 OJ RS A

System name: Recruiting Advertising Evaluation (RAE) (44 FR 74371).

Changes:

System name: Change system name to "Lead Management System (LMS)."

Categories of records in the system: In line 1, delete "Social Security Number."

System manager (s) and addresses: Change "Director, Marketing and Analysis" to "Director, Advertising."

In the following systems, change the address of the Air Reserve Personnel Center (ARPC) in all places where it appears, to read, "Air Reserve Personnel Center, Denver, CO 80280."

System Identification and System Name

F01003 OIACYVA Background Material (44 FR 74154).
F01102 ARPC A Locator or Personnel Data (44 FR 74160).
F01201 XOIACYVA Fee Case File (44 FR 74169).
F02501 OIACYVA Manpower Standards Study Reports (44 FR 74169).
F03001 XOIACYVB Inquiries on the Reserve Program (44 FR 74175).
F03002 OIACYVA Applications for Identification (ID) Cards (44 FR 74176).
F03004 AFDPMDB Advanced Personnel Data System (APDS) ADS–E300 (44 FR 74179).
F03004 ARPC A Point Credit Accounting Record System (PCARS) (44 FR 74185).
F03501 AFDPG O General Officer Personnel Data System (44 FR 74195).
F03501 AFDPG Z General Officer Personnel Data System (44 FR 74195).
F03501 ARPC A Informational Personnel Records (44 FR 74197).
F03501 ARPC B Biographical File (44 FR 74197).
F03501 ARPC C Personnel Management Records (44 FR 74198).
F03501 DPMDQIA Military Personnel Records System (44 FR 74201).
F03501 OIACYVG Correction of Military Records of Officers and Airmen (44 FR 74212).
F03501 XOIACYVA Reserve Supplement Officer (RSO) Case File (44 FR 74224).
F03501 XOIACYVB Application for Separation from the Regular AF to AF Reserve/National Guard (44 FR 74224).
F03501 XOIACYD Servicemen's Group Life Insurance (SGLI) Entitlement Case Files (44 FR 74225).
F03504 OIACYVA Data Change/Suspense Notification (44 FR 74239).
F03505 DPMAO B Personnel Action File (Digest File) (44 FR 74244).
F03505 OIACYVA Unfavorable Information Files (UIFs) on Officers and Airmen (44 FR 74245).
F03507 OIACYVA Flying Status Actions (44 FR 74248).
F03508 OIACYVA Officer Promotions (44 FR 74251).
F03508 OIACYVB Air Force Reserve Airmen Demotions (44 FR 74251).
F03509 OIACYVA Requests for Discharge from the AF Reserve (44 FR 74252).
F03509 OIACYVB Administration Discharge for Cause on Reserve Personnel (44 FR 7452).
F04501 ARPC A Air Force Reserve Application (44 FR 74261).
F04501 OIACYVC Professional Officer Course (POC) and Financial Assistance Program Cadets (44 FR 74263).
F04501 XOIACYVA Air Force Service Data of Employees and Relatives (44 FR 74265).
F04501 XOIACYVD Air Force Reserve Officer Training Corps (AFROTC) Contract Violators (44 FR 74266).
F04501 XOIACYVE Involuntary Recall (44 FR 74266).
F04502 OIACYVA Inactive Duty Training, Extension Course Institute (ECI) Training (44 FR 74267).
F05001 OIACYVA Professional Military Education (PME) (44 FR 74269).
F12502 SPP A Correction Records (44 FR 74323).
F16002 OACYVA Physical Examination Reports Suspense File (44 FR 74330).
F16805 ASGHB R Health and Outpatient Records (44 FR 74344).
F17725 OEACYVA Air Reserve Pay and Allowance System (ARPAS) (45 FR 5529).

UNITED STATES AIR FORCE

F01003 0IACYVA

System name:

01003-0IACYVA Background Material.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Letter request for orders, amendments, including justification on files on special authorizations when required by order publishing activity.

Authority for maintenance of the system:

10 USC 1162.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information on form is utilized for publication of discharge orders used by military personnel and AF civilian employees within the office and verify that discharge orders were published.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander, Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve. identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions, police and investigating officers, witnesses and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F01102 AF A

System name:

01102-AF-A Congressional and Other High Level Inquiries.

System location:

At Air Force Manpower and Personnel Center, Major Commands, Separate Operating Agencies and Consolidated Base Personnel Offices (CBPOs) at Air Force installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force military personnel serving on active duty, in the Air Force Reserve, or retired or discharged from the Air Force. Civilian personnel currently or formerly employed by the Air Force. Personnel attending Air Force training institutions or undergoing training under Air Force sponsorship.

Categories of records in the system:

Background information and information reflecting Air Force policies and procedures; copies of inquiries received from the Office of the President, Members of Congress and other high level sources requesting information by or on behalf of a constituent; copies of replies to such inquiries including transmittal media used en route from and to the Air Force Office of Legislative Liaison (SAF/LL).

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force; power and duties; delegation by; and 10 USC 8032, general

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information pertinent to the inquiry is forwarded to SAF/LL for preparation of the reply to the high level requester. In some instances, response may be direct in the requester without referral through SAF/LL; however, when required by directive, copies of such responses are furnishedbe used in responding to subsequent inquiries concerning the same individual. The record system mayto determine trends on the nature of complaints and questions and for statistical purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by name.

Safeguards:

Records are accessed by the custodian of the record system and by persons responsible for servicingin performance of their official duties who are properly cleared for need-to-know. Records are stored in security file containers/cabinets, locked cabinets or rooms.

Retention and disposal:

Retained for 2 years after end of year in which case was closed, then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force; commanders of major air commands, numbered air forces or comparable level activities.

Notification procedure:

Requests from individuals must contain reasonable particulars about the subject in question and should be addressed to the respective system manager.

Record access procedures:

Individual can obtain assistance in gaining access from the respective system manager. Individual's request must contain reasonable identifying particulars about the subject in question.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinationsby the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information provided by major command or consolidated base personnel office personnel, manual or aupersonnel records, Air Force policies and procedures, copies of inquiries, congressional/high level officials'/constituents' comments or requests and Air Force replies thereto

Systems exempted from certain provisions of the act:

None.

F01102 ARPC A

System name:

01102-ARPC-A Locator or Personnel Data

System location:

At Air Reserve Personnel Center, Denver CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel. Retired and former Air Force military personnel. ARPC civilian personnel. Air Force active duty military personnel.

Categories of records in the system:

Cards, forms, ledgers, record request, computer listings containing individual's name or names, Social Security Number (SSN), Air Force service number, grade, reserve status, present and former address, record of employer, parent and other relative of reservist or personnel data. Veterans Administration claim number, education institutes reservist attended, school affiliations. Correspondence to and from Federal agencies and employers trying to establish current address of reservists; vouchers for medical service, final payment of medical service bills, medical action required; notes indicating if individual is authorized to earn point credit; and other personnel data. Documents which contain a summary of action taken or to be taken.

Authority for maintenance of the system:

10 USC 267, Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; 10 USC 268, Ready Reserve: Training requirements; 10 USC 271, Ready Reserve: continuous screening; 10 USC 273, Standby Reserve: composition, inactive status list; 10 USC 275, Personnel records; 10 USC 278, Dissemination of Information; 10 USC 279, Training Reports; 10 USC 8012, Secretary of the Air Force: powers and duties, delegation by; 10 USC 591, Reserve components: qualifications; 10 USC 592, Commissioned officer grades; 10 USC 593, Commissioned officer: appointment, how made, term; 10 USC 594, Commissioned officers: original appointment limitation. Routine uses of records maintained in the system, including

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to control records distribution, to record location of record, actions taken or/to be taken, used to manage individual's records, to answer inquiries from individual and Air Force units to which individuals are assigned or are to be assigned or other agencies with a need to know of action taken, verify if author of a letter, was a member/or is a member of reserve and what his or her SSN should be, search for good address and stop computer mail from going to bad address, refer for administrative discharge action on reservist that cannot be located, advise reservist or civilian of reserve matters or center actions, provide comprehensive record of all medical actions taken by Surgeon's Office and record authorization for physical examinations at Government expense or no expense and record voucher number, preparing point credit authorization and forwarding authenticated point credit forms to servicing personnel office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in note books/binders, in visible file binders/cabinets, in card files, on paper tape and on computer cards.

Retrievability:

Filed by Name, by Social Security Number (SSN), by Military Service Number, by other identification number or system identifier and/or voucher number, school affiliation, by Air Force Service Number, or by last address of Reservist.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver CO 80280.

Notification procedure:

Request from individual should be addressed to Documentation Management Officer, ARPC/DADF, Denver CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number), current address, and the case (control) number shown on correspondence received from Center. Records may be reviewed in records review room ARPC, Denver CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve I.D. card and/or drivers license and give some verbal information that could verify his/her military records such as place of birth, reserve status.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Extract from individual records, individual advance personnel data computer system. For address information secured from last recorded employer, postmaster of city of last recorded address, telephone information operator at last city of good address, parents of reservist, other relatives of reservist, Veterans Administration if reservist has a claim number listed in master personnel record, college or university reservist attended, Selective Service Boards, Internal Revenue Service, public utilities or any other lead that may be found in the master personnel record of the reservist, military pay records at Air Force Accounting and Finance Center, Lowry AFB, Denver CO 80279, log books and from Consolidated Base Personnel Offices. Medical information is also secured from medical facilities, physicians, medical specialists.

Systems exempted from certain provisions of the act:

NONE

F01201X0IACYVA

System name:

01201X0IACYVA Fee Case File

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Copies of general correspondence, chargeable case control, and public voucher for refunds involving collection of fees for reproduction of documents from an Air Force reserve or Air National Guard members master personnel record,at the request or authorization of the member for release to himself/or herself or approved agencies.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose is for suspense and control to insure chargeable fees are collected and to verify action completed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

Retention and disposal:

Filed for two years then destroyed by tearing, pulping, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from other military agencies and the National Personnel Records Center, St. Louis, MO 63132.

Systems exempted from certain provisions of the act:

NONE

F02501 0IACYVA

System name:

02501-0IACYVA Manpower Standards Study Reports.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force active duty military personnel. Air Force civilian employees.

Categories of records in the system:

Workload and man hour record

Authority for maintenance of the system:

31 USC sections 18, 18a and 18b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To collect manhour and workload data for the purpose of comparing work accomplished to the standard and to expected to be done, to identify excessive workload buildups and to determine individual employee performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tapes and on computer paper printouts.

Retrievability:

Filed by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP CO, 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information collected from individual.

Systems exempted from certain provisions of the act:

NONE

F03001 DPXVV A

System name:

03001-DPXVV-A File Designation, Drug Abuse, Waiver Requests.

System location:

Directorate of Student Resources, USAF Recruiting Service, Air Training Command, Randolph Air Force Base, Texas 78148 (ATC/RSS, Randolph AFB TX 78148); 3700 Personnel Processing Group, Lackland AFB, Texas 78236 (3700 PPG, Lackland AFB, Texas 78236); USAF Recruiting Service Detachment Headquarters; USAF Recruiting Service Offices; Deputy Chief of Staff, Education, Headquarters Air University, Maxwell AFB, Alabama 36112) (AU/ED, Maxwell AFB AL 36112); Directorate of Senior Programs, Headquarters Air Force Reserve Officer Training Corps (AFROTC), Maxwell AFB, Alabama 36112 (AFROTC/SD, Maxwell AFB, Alabama 36112); AFROTC Detachments; Directorate of Admissions and Registrar, United States Air Force Academy, USAF Academy, Colorado 80840 (USAFA/RR, USAF Academy, Colorado 80840);

Categories of individuals covered by the system:

Applicants for enlistment or commissioning who have a history of pre-service drug abuse and who have requested a waiver of their disqualification.

Categories of records in the system:

A Copy of the USAF Drug Abuse Certificate and Drug Abuse Circumstances, Recommendation of Intermediate commands, and cover letter containing HQ USAF decision on waiver request are maintained

Authority for maintenance of the system:

10 USC 504 and 44 USC 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

This record is not released outside the Air Force. Records are maintained for future reference in the case of further inquiries relative to approval or disapproval of the request for waiver of pre-service drug abuse.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes and locked cabinets or rooms.

Retention and disposal:

After action on the request, the paper record is filed in secured file cabinets, retained for no more than six months, and destroyed by tearing into pieces.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Requests from individuals should be addressed to the system's manager

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Records maintained in the system are provided by either Air Training Command, Air University, or the USAF Academy.

Systems exempted from certain provisions of the act:

NONE

F03001X0IACYVB

System name:

03001X0IACYVB Inquiries on the Reserve Program.

System location:

At Air Reserve Personnel Center (ARPC), Denver, Co 80280.

Categories of individuals covered by the system:

Air Force active duty officer and enlisted personnel. Air Force civilian employees. Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel. Civilians.

Categories of records in the system:

Letters from active, reserve military personnel and civilians requesting assignment, vacancy search action in the Air Force reserve program.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ARPC personnel answer questions on the reserve program and/or try to locate vacancies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify his/her inquiry.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer ARPC/DADP, Denver CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual.

Systems exempted from certain provisions of the act:

NONE

F03002 0IACYVA

System name:

03002-0IACYVA Applications for Identification (ID) Cards.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Applications for ID cards and discharge orders.

Authority for maintenance of the system:

18 USC 499, 506 and 701.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose is to suspend pending receipt of ID card or correspondence from reservist advising of prior disposition of identification card.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Destroy when notified that credential has been returned to issuing activity by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information is extracted from master personnel record when individual is discharged from the Air Force Reserve.

Systems exempted from certain provisions of the act:

NONE

F03004 AFDPMDB

System name:

03004-AFDPMDB Advanced Personnel Data System (APDS).

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. Headquarters of the major commands and separate operating agencies and at consolidated base personnel offices, at central civilian personnel offices (CCPOs) and at consolidated reserve personnel offices. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. The Central Data Processing facility for APDS is operated by the Directorate of Personnel Data Systems, Asst DCS/Personnel for Military Personnel, Headquarters USAF, Randolph AFB, TX, 78148. Remote terminals located within this Air Force Manpower and Personnel Center (AFMPC) complex permit authorized users access to the central data base. In addition, remote terminals located at Headquarters of the following major commands provide direct access to the Central Data Base at Randolph AFB for update and retrieval of data: Hq Air Training Command/DPD, Randolph AFB, TX 78148; Hq Strategic Air Command/DPD, Offutt AFB, NE 68113; Hq Tactical Air Command/DPD, Langley AFB, VA 23365; Hq Air Force Logistics Command/DPM, Wright Patterson AFB OH 45433; Hq Air Force Systems Command/DPD, Andrews AFB, MD 20331; Hq Air University/DPD, Maxwell AFB, AL 38112. Hq Military Airlift Command/DPD, Scott AFB, Il 62225; Hq USAF Electronic Security Command/DPD, San Antonio, TX 78243; Hq Air Force Communications Command/DPD, Scott AFB, IL 62225; Hq Air Force Reserve/DPD, Robins AFB, GA 31098; Hq Pacific Air Force/DPD, APO San Francisco 96553; HQ United States Air Force Europe/DPD, APO New York 09012; HQ Alaskan Air Command/DElmendorf AFB, AK 99506. Certain Air Force Staff Agencies, Separate Operating Activities and other specialized activities are provided remote access to the Central Data Base as required to discharge their respective functions. Remote terminals to support these requirements are found at the following locations: HQ USAF/Surgeon General, HQ USAF/Judge Advocate, HQ USAF/Director of Civilian Person-

nel, Washington DC 20314; The Pentagon, (HQ USAF/Director of Personnel Plans, HQ USAF/Director of Personnel ProgramsHQ USAF/Reserve Personnel Division, National Guard Bureau/Air Personnel Division, HQ USAF/Assistant for Colonels' Assignments) Washington DC 20330; Air Force Intelligence Service, Air Reserve Personnel CeDirector of Personnel Systems, Denver CO 80280; Hq Air Force Reserve, Robins AFB, GA 31098; United States Air Force Academy, Colorado Springs, CO 80840; Air Force Accounting and Finance Center, Lowry AFB, Denver, CO 80279; Air Force Office of Special Investigations, Washington, DC 20330; Air Force Data Automation Agency, Gunter AFS, AL 36114; Air Force Audit Agency, Norton AFB, CA 92409; Air Force Inspection and Safety Center, Norton AFB, CA 92409; Air Force Technical Evaluation Center, Kirtland AFB, NM 87117; and Headquarters United States Air Force, Pentagon, Washington, DC 20330; Washington Area Automated Data Processing Support Office/DPMDQ, Bolling AFB, DC 20332; Hq Air Training Command, Directorate of Student Resources, and Deputy Chief of Staff for Recruiting Service, Randolph AFB, TX 78148; Office of Civilian Personnel Operations, Randolph AFB, TX 78148; Consolidated Base Personnel Offices (CBPOs) and CCPOs located at selected Air Force Bases around th world maintain computer data bases on persons for whom they have a servicing responsibility. In addition, CBPOs and CCPOs can request - by mail or the DOD Automatic Digital Network (AUTODIN) data from the Central Data Base at Randolph AFB, TX. CBPOs and CCPOs do not have direct remote acceto the Central Data Base. Official mailing addresses of CBPOs and CCPOs are in the DOD directory inthe appendix to this systems notice. The three APDS processing echelons (Base, Major Command, and Hq USAF) are linked into one vertical system. The CBPOs are linked into major Command and HQ USAF via AUTODIN. Major Commands are linked into HQ USAF via AUTODIN and telecommunications network. Data items are updated by the office and at the level having primary responsibility for the item in question. Data may be retrieved by the office and at the level having a validated requirement for access to it.

Categories of individuals covered by the system:

Air Force active duty and retired military personnel. Air Force Reserve and Air National Guard personnel. Air Force Academy cadets. Air Force Civilian Employees. Certain surviving dependents of deceased members of the US Air Force and predecessor organizations; potential Air Force enlistees; candidates for commission enrolled in college level Air Force Reserve Officer Training Corps Programs; Deceased members of the Air Force and predecessor organizations; Separated members of the US Air Force, the Air National Guard (ANG) and Air Force Reserve (USAFR); ANG and USAFR Technicians; Prospective, pending, current, and former Air Force civilian employees, except Air National Guard Technicians and nonappropriated fund employees-current and former civilian employees from other Governmental agencies that are serviced at CCPOs may be incat the option of servicing CCPO.

Categories of records in the system:

The principal digital record maintained at each APDS operating level is the master personnel record, which contains the following categories of information: 1. Accession data pertaining to an individual's entry into the Air Force (place of enlistment source of commission, home of record, date of enlistment, place from which ordered to EAD). 2. Education and training data, describing the level and type of education and training, civilian or military (academic education level, major academic specialty, professional specialty courses completed, professional military education received). 3. Utilization data used in assigning and reassigning the individual, determining skill qualifications, awarding Air Force Specialty Codes, determining duty location and job assignment, screening/selecting individual for overseas assignment, performing strength accounting processes, etc. (Primary Air Force Specialty code, Duty and Control Air Force Specialty Code, personnel accounting symbol, duty location, up to 24 previous duty assignments, aeronautical rating, date departed last duty station, short tour return date, reserve section, current/last oversea tour). 4. Evaluation Data on members of the Air Force during their career (Officer Effectiveness Report dates and ratings, Airman Performance Report dates and ratings, results of various qualification tests, an 'Unfavorable Information' indicator, and Drug and Alcohol Abuse data). 5. Promotion Data including promotion history, current grade and/or selection for promotion (current grade, date of rank and effective date; up to 10 previous grades, dates of rank and effective dates; projected temporary grade, key 'service dates'). 6. Compensation data - although APDS does not deal directly with paying Air Force members, military pay is largely predicated on personnel data maintained in APDS and provided to the Air Force Accounting and Finance Center (AFAFC) as described in ROUTINE USES below (pay date, Aviation Service Code, sex, grade, proficiency pay status. 7. Sustentation data - information dealing with programs provided or actions taken to improve the life, personal growth and morale of Air Force members (awards and decorations, marital status, number of dependents, religious denomination of member and spouse, race relations education). 8. Separation and retirements data, which identifies an individual's eligibility for and reason for separation (date of separation, mandatory retirement date, projected or actual separation program designator and character of discharge). At the central processing site (AFMPC), other subsidiary files or processes are operated which are integral parts of APDS: 1. Procurement Management Information System (PROMIS) is an automated system designed to enable the USAF to exercise effective management and control of the personnel procurement personnel required to meet the total scheduled manpower requirements necessary to accomplish the Air Force mission. The system provides the recruiter with job requirement data such as necessary test scores, Air Force Specialty Code, sex, date of enlistment; and the recruiter enters personal data on the applicant - SSN, name, date of birth, etc. - to reserve the job for him or her. 2. Career Airman Reenlistment Reservation System (CAREERS) is a selective reenlistment process that manages and controls the numbers by skill of first-term airmen that can enter the career force to meet established objectives for accomplishing the Air Force mission. A Centralized data bank contains the actual number, by quarter, for each Air Force Specialty Code (AFSC) that can be allowed to reenlist during that period. The individual requests reenlistment by stating his eligibility (AFSC, grade, active military service time, etc). If a vacancy exists, a reservation - by name, SSN, etc - will be made and issued to the CBPO processing the reenlistment. 3. Airman Accessions provides the process to capture a new enlistee's initial personal data (entire personnel record) to establish a personnel data record and gain it to the Master Personnel File of the Air Force. The initial record data is captured through the established interface with the Processing and Classification of Enlistees System (PACE) at Basic Military Training, Lackland AFB for non-prior service; for prior service enlistees the basic data (Name, SSN, DOE, Grade, etc) is input directly by USAF Recruiting Service and updated and completed by the initial gaining CBPO. 4. Officer Accessions is the process whereby each of the various Air Force sources of commissioning (AF Academy, AFROTC, Officer Training School, etc.) project their graduates in advance allowing management to select by skill, academic specialty, etc which and how many will be called to active duty when, by entering into the record an initial assignment and projected entry onto Active Duty date. On that date the individual's record is accessed to the active Master Personnel File of the Air Force. 5. Technical Training Management Information System (TRAMIS) is a system dealing with the Technical Training activities controlled by Air Training Command. The purpose of the system is to integrate the training program, quota control and student accounting into the personnel data system. TRAMIS consists of numerous files which constitute 'quota banks' of available training spaces, in specific courses, projected for future use based on estimated training requirements. Files include such data as: Course Identification Numbers, Class Start and Graduation Dates, Length of Training, Weapon System Identification, Training Priority Designators, Responsible Training Centers, Trainee Names, SSN (and other pertinent personnel data) on individuals scheduled to attend classes. 6. Training Pipeline Management Information System (TRAPMIS) is an automated quota allocating system which deals with specialized combat aircrew training and aircrew survival training. Its files constitute a 'quota bank' against which training requirements are matched and satisfied and through which trainees are scheduled in 'pipeline' fashion to accommodate the individual's scheduled geographical movement from school to school to end assignment. Files contain data concerning the courses monitored as well as Names, SSN's and other pertinent personnel data on members being trained. 7. Air Force Institute of Technology (AFIT) Quota Bank File reflects program quotas by academic specialty for each fiscal year (current plus two future fiscal years, plus the past fiscal year programs for historical purposes). Also, this file reflects the total number of quotas for each academic specialty. Officer assignment transactions process against the AFIT Quota Bank file to reflect the fill of AFIT Quotas. Examples of data maintained are: Academic Specialty, Program Level, Fiscal Year, Name of Incumbent selected, projected, filling AFIT Quota. 8. Job File is derived from the Authorization Record and is accessible by Position Number. Resource managers can use the Job File to validate authorizations by Position Number for assignment actions and also to make job offers to individual officers. Internal suspensing within the Job File occurs based upon Resource Managers update transactions. Data in the file includes: Position Number, Duty AFSC, Functional Account Code, Program Element, Location, and name of incumbent. 9. Casualty subsystem is composed of transactions which may be input at Headquarters Air Force and/or CBPOs to report death or serious illness of members from all components. A

special file is maintained in the system to record information on individuals who have died. Basic identification data and unique data such as country of occurrence, date of incident, casualty group, aircraft involved in the incident and military status are recorded and maintained in this file. 10. Awards/Decorations are recorded and maintained on all component personnel in the headquarters Air Force master files. All approved decorations are input at CBPOs whereas disapproved decorations are input at MAJCOM/HAF. A decorations statistical file is built at AFMPC which reflects an aggregation of approvals/disapprovals by category of decoration. This file does not contain any individually identifiable data. All individually identifiable data on decorations is maintained in the Master Personnel File. Such information as the type of decoration, awarding authority, special order number and date of award are identified in an individual's record. Seven occurrences for all decorations are stored; however only specific data on the last decoration of a particular type is maintained. 11. Point Credit Accounting and Reporting System (PCARS). This system is an Air National Guard/Air Force Reserve Unique supported by APDS. Its basic purpose is to maintain and account for retirement/retention points accrued as a result of participating in Drills/ Training. The system stores basic personal identification data which is associated with a calendar of points, earned by participation in the Reserve program. Each year an individuals record is closed and point totals are accumulated in history, and a point earning statement is provided the individual and various records custodians. 12. Human Reliability/Personnel Reliability File: This file is maintained at Headquarters Air Force in support of AFM 35-98 and AFR 35-99. It is not part of the Master Personnel Files but a free standing file which is updated by transactions from CBPOs. The file was established to specifically identify individuals who have become permanently disqualified under the provisions of the above regulations. A record is maintained on each disqualified individual which includes basic identification data, service component, Personnel/Human reliability status and date, and reason for disqualification. 13. Variable Incentive Pay (VIP) File for medical officers: Contains about 125 character record on all Air Force physicians and is specifically used to identify whether the individual is participating in the Continuation Pay or Variable Incentive Pay programs. Update to this file is provided by the Surgeon (AFMPC), the Air Force Accounting and Finance Center and directly from changes to the Master Personnel File. Besides basic identification data an individual's record includes source of appointment, graduate medical location status, amount of VIP or Continuation Pay and the dates of authorization and the dates and reason for separation. 15. Weighted Airman Promotion System: (a) The Test Scoring and Reporting Subsystem (TSRS) provides for: identifying at the CBPO individuals eligible for testing; providing output to the Base Test Control Officer and the CBPO to control, monitor, and operate WAPS testing functions; editing and scoring WAPS test answer cards at AFMPC; providing output for maintaining historical and analytical files at AFMPC and the Human Resources Laboratory (HRL) and includes the central identification at AFMPC of individuals eligible for testing. (b) The Personnel Data Reporting Subsystem (PDRS) provides for: identifying promotion eligibles at AFMPC; verifying these eligibles and selection promotion data; merging test and weighted promotion data at AFMPC to effect promotion scoring, assigning the promotion objective and aligning selectees in promotion priority sequence; maintaining projections on promotion selectees at AFMPC, MAJCOM, and the CBPO; updating these projections monthly; creating output products to monitor the flow of data in the system; maintaining promotion historical and analytical files and reports at AFMPC. (c) Basically, identification data along with time in grade, test scores, decoration information, time in service, and airman performance report history is used to support this program. 16. Retired Personnel Data System (RPDS) is made up of four files - Retired Officer Management File and Retired Airman Management File containing records on members in retired status and the Retired Officer and Airman Loss Files containing records on former retirees who have been lost from rolls, usually through death. The RPDS is used to produce address listings for the Retired Newsletter and Policy letter, statistical reports for budgeting, to manage the Advancement Program, the Temporary Disability Retired List, Age 59 rosters for ARPC, General Officer roster, and statistical digest data for management analysis functions. Data is extracted from the master files upon retirement from Active Duty or Reserves. Data includes: Name, SSN, Grade data, service data, Education data, Retirement data and address. 17. Separated Officer File contains historical information on officers who leave the Air Force via separation, retirement, or death. Copies are sent to Human Resources Lab and Washington offices for research purposes. The data comprises the Master Personnel Record in its entirety and is captured 30 to 60 days after separation from the Air Force. 18. Airman Gain/loss File includes data extracted from the Airman Master file when accession and separation (gains and losses) occur. This file, like the Separated Officer File, is used for historical reports regarding strength changes. Data includes Name, SSN, and other data that reflects strength, i.e., promotions, reassignment data, specialty codes, etc. 19. Officer and Airman Separation Subsystem is used to process, track, approve, disapprove and project separations from the Air Force and transfers between components of the Air Force. This subsystem uses the Active, Guard, and Reserve MPFs. Data includes that specifically related to separations, e.g., Date of Separation, Separation Program Designator, waivers, etc. 20. The Retirements Subsystem is used to process and track applications for and approval/ disapproval and projections of retirements. This subsystem uses the Master Files for Active Duty and Reserve officers and airmen. Data specifically related to retirements includes application data, date of separation, waiver codes, disapproval reason codes, Separation Program Designator, Title 10 United States Code section, etc. 21. Retired Orders Log is a computer produced retirement orders routine. Orders are automatically produced when approval, verification of service dates, and physical clearance have been entered in system. The orders log contains data found in administrative orders for retirement, including name, SSN, grade, order number, effective dates, etc. The log is used to control assignment of order number, and as a cross-reference between orders, revocations, and amendments. 22. General Officer Subsystem of APDS contains data extracted from the Master Personnel File and language qualification data and assignment history data maintained by the Assistant for General Officer matters. A record is maintained on each general officer and general officer selectee. The general officer files are updated monthly and is used to produce products used in the selection/identification of general officers for applicable assignments. 23. Officer Structure Simulation Model (OSSM) provides officer force descriptions in various formats for existing, predictive or manipulated structures. It functions as a planning tool against which policy options can be applied so as to determine the impact of such policy decisions. The OSSM input records contain individual identifiable data from the Master Personnel Record, but all output is statistical. 24. Widow's File is maintained on magnetic tape and updated by the Office of Primary Responsibility. When required, address labels and listings are produced by employing selected APDS utility programs. The address labels are used to forward the Retired Newsletter to widows of active duty and retired personnel. The listings are used for management control of the program. Contained in the file are the name, address, and SSN of the widow. Additionally, the deceased sponsor's name, SSN, date of death, and status at time of death are maintained. 25. Historical Files are files with a retention period of 365 days or more. They consist of copies of active master files, and are used primarily for aggregation and analysis of statistical data, although individual records may be accessed to meet ad hoc requirements. 26. Miscellaneous files, records, and processes are a number of work files, inactive files with a less-than-365-day retention period, intermediate records, and processes relating to statistical compilations, computer operation, quality control and problem diagnosis. Although they may contain individual-identifying data, they do so only as a function of system operation, and are not used in making decisions about people. 27. Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluations of potential; civilian historical files covering job experience, training and transactions; civilian awards information; merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand alone files, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files, as described in item 26, above.

Authority for maintenance of the system:

10 USC, Chapter 11, Reserve Components, Section 265 - policies and regulations: participation of reserve officers in preparation and administration; 269 - Ready reserve: placement in; transfer from; 275 - Personnel records; 278 - Dissemination of information. 10 USC Chapter 13, The Militia, Section 279 - Training Reports. 10 USC, Capter 31, Enlistments, Sections 504 - Persons not qualified; 505 - Regular components: qualifications, term, grade; 506 - Regular components: extension of enlistments during war; 507 - Extension of enlistment for members needing medical care or hospitalization; 508 - Reenlistment: qualifications; 509 - Voluntary extension of enlistments: periods and benefits; 510 - Reserve components: qualifications; 511 - Reserve components: terms; 512 - Reserve components: transfers. 10 USC Chapter 33, Appointments in Regular Components, Section 564 - Warrant officers: effect of second failure of promotion. 10 USC

Chapter 35, Appointments as Reserve Officers, Section 593 - Commissioned officers: appointment, how made; term. 10 USC Chapter 37, General Service Requirements, Section 651 - Members: required service. 10 USC Chapter 39, Active Duty, Sections 671 - Members not to be assigned outside US before completing training; and 673 - Ready reserve. 10 USC Chapter 47, Uniform Code of Military Justice, Sections 835 - Art. 35. Service of Charges; 837 - Art. 37. Unlawfully influencing action of court; 885 - Art: 85. Desertion; 886 - Art. 86. Absence without leave; 887 - Art. 87. Missing movement; 972 - Enlisted members: required to make up time lost. 10 USC Chapter 51, Reserve Components: standards and procedures for retention and promotion, Section 1005 - Commissioned officers: retention until completion of required service. 10 USC Chapter 59, Separation, Sections 1163 - Reserve components: members; limitations on separation; 1164 - Warrant officers; separation for age; 1166 - Regular warrant officers: elimination for unfitness or unsatisfactory performance. 10 USC Chapter 61, Retirement - Physical disability. 10 USC Chapter 63, Retirement for Age, Section 1263 - Age 62: Warrant officers. 10 USC Chapter 65, Retirement for Length of Service, Sections 1293 - Twenty years or more: warrant officers; 1305 - Thirty years or more: regular warrant officers. 10 USC Chapter 67, Retired pay, Sections 1331 - Computation of years of service in determining entitlement to retired pay; 1332 - Age and service requirements; 1333 - Computation of years of service in computing retired pay. 10 USC Chapter 79, Correction of Military Records. 10 USC Chapter 165, Accountability and responsibility, Section 2771 - Final settlement of accounts: deceased members. 10 USC Chapter 803, Department of the Air Force, Section 8012 - Secretary of the Air Force: powers and duties: delegation by: compensation. 10 USC Chapter 805, The Air Staff, Sections 8032 - General duties; and Section 8033 - Reserve components of Air Force; policies and regulations for government for government of: functions of National Guard Bureau with respect to Air National Guard. 10 USC Chapter 831, Strength, Section 8224 - Air National Guard of the United States. 1-USC Chapter 833, Enlistments, Sections 8251 - Definition; 8252 - Temporary enlistments; 8253 - Air Force: persons not qualified; 8256 - Regular Air Force: qualifications, term, grade; 8257 - Regular Air Force: aviation cadets: qualifications, grade limitations; 8258 - Regular Air Force; reenlistment after service as an officer; 8259 - Air Force Reserve: transfer from Air National Guard of United States; 8260 - Air Force Reserve: transfer to upon withdrawal as member of Air National Guard; 8261 - Air National Guard of United States; 8262 - Extension of enlistment for members needing medical care or hospitalization; 8263 - Voluntary extension of enlistment. 10 USC Chapter 835, Appointments in the Regular Air Force, Sections 8284 - Commissioned officers: appointment, how made; 8285 - Commissioned officers: original appointment; qualifications; 8296 - Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion; 8297 - Selection boards; 8303 - commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel. 10 USC Chapter 837, Sections 8360 - Commissioned officers: promotion service; 8362 - Commissioned officers: selection boards; 8363 - Commissioned officers: selection boards; general procedures; 8366 - Commissioned officers: promotion to captain, major or lieutenant colonel; 8376 - Commissioned officers: promotion when serving in temporary grade higher than reserve grade. 10 USC Chapter 839, Temporary Appointments, Sections 8442 - Commissioned officers; regular and reserve components: appointment in higher grade; 8447 - Appointments in commissioned grade: how made; how terminated. 10 USC Chapter 841, Active Duty, Section 8496 - Air National Guard of United States: commissioned officers; duty in National Guard Bureau. 10 USC Chapter 853, Rights and benefits; Section 8691 - Flying officer rating: qualifications. 10 USC Chapter 857, Decorations and Awards, Sections 8741 - Medal of Honor: award; 8742 Distinguished service cross: award; 8743 - Distinguished service medal: award; 8746 - Silver star: award; 8749 - Distinguished flying cross: award; limitations; 8751 - Service medals: issue, replacement; availability of appropriations. 10 USC Chapter 859, Separation, Sections 8786- Officer considered for removal: voluntary retirement or honorable discharge; severance benefits;8796 - Officers considered for removal: retirement or discharge. 10 USC Chapter 863, Separation or Transfer to Retired Reserve, sections 8846 - Deferred Officers; 8848 - 28 years: reserve first lieutenants, captains, majors, and lieutenant colonels; 8851 - Thirty years or five years in grade: reserve colonels and brigadier generals; 8852 - Thirty-five years or five years in grade: reserve major generals; 8853 - Computation of years of service. 10 USC Chapter 865, Retirement for Age, Sections 8883 - Age 60; regular commissioned officers below major general; 8884 - Age 60: regular major generals whose retirement has been deferred; 8885 - Age 62: regular major generals; 8886 - regular major generals whose retirement has been deferred. 10 USC Chapter 867, Retirement for Length of Service, Sections 8911 - Twenty years or more; regular or reserve commissioned officers; 8913 - Twenty years or more: deferred officers not recommended for promotion; 8914 - twenty to thirty years: regular enlisted members; 8915 - Twenty-five years: female majors except those designated under section 8067(a)-(d) or (g)-(i) of this title; 8916 - twenty-eight years: promotion-list lieutenant colonels; 8917 - Thirty years or more: regular enlisted members; 8918 - Thirty years or more: regular commissioned officers; 8921 - Thirty years or five years in grade: promotion-list colonels; 8922 - Thirty years or five years in grade: regular brigadier generals; 8923 - Thirty-five years or five years in grade: regular major generals; 8924 - Forty years or more: Air Force officers. 10 USC Chapter 901, Training generally, Sections 9301 - Members of Air Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals; and 9302 - Enlisted members of Air Force: schools. 10 USC Chapter 903, United States Air Force Academy, Sections 9342 - Cadet: appointment; numbers, territorial distribution; 9344 - Selection of persons from Canada and American Republics; 9345 - Selection of Filipinos. 32 USC Chapter 1, Organization, sections 102 - General policy; and 104 - units: location; organization; command. 32 USC Chapter 3, Personnel, Section 307 - Federal recognition of officers: examination, certification of eligibility. 32 USC Chapter 7, Services, supplies, etc., Section 709 - Caretakers and clerks. 37 USC Chapter 3, Basic Pay, Section 308 - Special pay: reenlistment bonus; 313 - Special pay: medical officers who execute active duty agreements. 37 USC Chapter 7, Allowances, Section 407 - Travel and transportation allowances: dislocation allowance. 37 USC Chapter 10. For civilian employees-5 US Code 301 and 44 US Code 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Air Force operates what is essentially a centralized personnel management system in an environment that is widely dispersed geographically and encompasses a population that is quite diverse in terms of qualifications, experience, military status and needs. There are three major centers of Air Force personnel management: Washington, D.C., where most major policy and long-range planning/programming decisions are made; the Air Force Manpower and Personnel Center at Randolph AFB, Tx., which performs most personnel operations-type functions for the active duty components of the force; and the Air Reserve Personnel Center at Denver Co., which performs certain operational functions for the Reserve components of the force. Offices at Major Command Headquarters, State Adjutant General, and Air Force Bases perform operational tasks pertaining to the population for which they are responsible. The structure of the Air Force and its personnel management system, the composition of the force, and the Air Force's stated objective of treating its people as individuals, i.e., giving due consideration to their desires, needs and goals, demand a dynamic data system that is capable of supporting the varying needs of the personnel managers at each echelon and operating locations. It is to this purpose that the data in the Advanced Personnel Data System is collected, maintained, and used. A. ROUTINE USES WITHIN THE AIR FORCE - INTERNAL TO THE PERSONNEL COMMUNITY: HQ USAF, WASHINGTON, DC: Deputy Chief of Staff, Personnel and his immediate staff; Director of Personnel Plans; Director of Personnel Programs; Assistant for General Officer Matters; Assistant for Colonel Assignments; Reserve Personnel Division; Air National Guard Personnel Division; and The Surgeon General, the Chief of AF Chaplains and the Staff Judge Advocate, each of which perform certain Personnel functions within their area of responsibility. Data from the central data base at the AFMPC is furnished Washington area agencies by retrieval from the computer at Randolph via remote access devices and by provision of recurring products containing required management information, including computer tape files which are used as input to unique systems with which APDS interfaces. Although most of the data is used by policy makers to develop long-term plans and programs and track progress toward established goals, some individual data is provided/retrieved to support actions taken on certain categories of persons managed by offices in the headquarters e.g. General Officers, Colonels, Air National Guard personnel, etc. AIR FORCE MANPOWER AND PERSONNEL CENTER (AFMPC), RANDOLPH AFB, TX. Personnel managers at AFMPC use the data in APDS to make decisions on individual actions to be taken in areas such as personnel procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, casualty and personal affairs, separation and retirement. AIR RESERVE PERSONNEL CENTER (ARPC), DENVER, COLORADO. Personnel managers at ARPC perform many of the same functions for the Reserve components of the Air Force as the managers at AFMPC perform for the active duty force. As with the Washington area, ARPC obtains data from the central data base at AFMPC by retrieval through remote terminals and recurring output products containing information necessary

to their management processes. MAJOR COMMAND HEADQUARTERS. Major command headquarters personnel operations are supported by the standard content of APDS records provided them by AFMPC. In addition, there is provided in the APDS record an 'add-on area' which the commands are authorized to use for the storage of data which will assist them in fulfilling unique personnel management requirements generated by their mission, structure, geographical location, etc. The standard functions performed fall generally under the same classifications as those in AFMPC, e.g., assignment, classification, separation, etc. Non-standard usages include provisions of unique aircrew data, production of specially-tailored name listing, control of theatre oriented training, etc. Some commands use APDS data - both standard and add-on as input to unique command systems, which are seperately described in the Federal Register. CONSOLIDATED BASE PERSONNEL OFFICES (CBPO). CBPOs, which represent the base-level aspect of APDS, are the prime point of system-to-people interface. Supplied with a standard data base and system, CBPOs provide personnel management support to commanders and supervisors on a daily basis. Acting on receipt of data from higher headquarters, primarily by means of transactions processed through APDS, they notify people of selection for reassignment, promotion, approval/disapproval of requests for separation and retirement, and similar personnel actions. When certain events occur on an individual at the local level, e.g., volunteer for overseas duty, reduction in grade, change in marital status, application for retirement, etc., the CBPO enters transactions into the vertical system to transmit the requisite information to other management levels and update the automated records resident at those levels. CBPOs too are allotted an 'add-on' area in the computer record which they use to support local management unique requirements such as local training scheduling, unique locator listing, urinalysis testing scheduling, etc. B. ROUTINE USES WITHIN THE AIR FORCE - EXTERNAL TO THE PERSONNEL COMMUNITY 1. HEADQUARTERS USAF/AFMPC INTERFACES: Automated interfaces exist between the APDS central site files and the following systems of other functions: a. The Flight Records Data System (FRDS) maintained by the Air Force Inspection and Safety Center (AFISC) at Norton AFB, CA. (1) Certain personnel identification data on rated officers is transferred monthly to the FRDS. This data flow creates the basic identifying data in the FRDS, insures compatability with the APDS, and precludes duplicative data collection and input generation by the AFISC. (2) Update of the personnel data to the FRDS generates return flow of flying hour data which is used at AFMPC for rated resource distribution management. b. The Master Military Pay Account (MMPA), is the Joint Uniform Military Pay System (JUMPS) centralized pay file maintained by the Air Force Accounting and Finance Center (AFAFC) at Denver, CO. The APDS transfers certain pay related data as changes occur to update the MMPA, e.g., promotions, accessions, separations/retirements, name, SSN, grade. These data provide criteria for the AFAFC to determine specific pay entitlements. c. The AFAFC maintains a separate pay system for Air National Guard and Air Force Reserve personnel called the Air Reserve Pay and Allowances System (ARPAS). (1) APDS outputs certain pay related data to ARPAS as changes occur, e.g., retirements/ separations, promotions, name, SSN, grade. These data form the criteria for the AFAFC to determine specific Reserve pay entitlements. (2) ARPAS outputs data which affect accumulated point credits for Air National Guard/ Reserve participation to AFMPC for update of the Point Credit Accounting and Reporting System (PCARS), a component of APDS. PCARS also receives monthly input from Hq Air University which updates point credits as a result of completing an Extension Courses Institute correspondence program. d. AFAFC provides data on Variable Incentive Pay (VIP) for Medical Officers which is used to update a special control file within APDS and produce necessary reports for management of the VIP program. e. Air Training Command operates a system called PACE (Processing and Classification of Enlistees) at Lackland AFB TX. From that system data is fed to AFMPC to initially establish the APDS record on an Air Force enlistee. f. On a monthly basis, copies of the APDS master Personnel File are provided to the Human Resources Laboratory at Brooks AFB, TX, where they are used as a statistical data base for research purposes. g. On a quarterly basis, AFMPC provides the USAF School of Aerospace Medicine with data concerning name, SSN and changes in base and command of assignment of flying personnel. The data reflects significant medical problems in the flying population. h. A complete printout of APDS data pertaining to an individual is included in his Master Personnel Record when it is forwarded to National Personnel Records Center. i. APDS data is provided to the Contingency Planning Support Capability (CPSC) at six major command headquarters: Tactical Air Command, Strategic Air Command, Military Airlift Command, Air Force Communications Command, United States Air Forces, Europe, and Pacific Air Forces. A record identifiable by individual's name and SSN provides contingency and/ or manning assistance temporary duty (TDY) being performed by the individual. Record is destroyed upon completion of the TDY. Statistical records (gross statistics by skill and unit) are also generated for CPSC from APDS providing force availability estimates. CPSC is described separately in the Federal Register. 2. BASE LEVEL (CBPO) INTERFACES: Certain interfaces have been established at base level to pass data from one functional system to another. The particular mode of interface depends on the needs of the receiving function and the capabilities of the system to produce the necessary data: a. The Flight Management Data System (FMDS) receives an automated flow of selected personnel data on flying personnel as changes occur. This data consists primarily of assignment data and service dates which the base flight manager uses to determine appropriate category of aviation duty which is reflected by designation of an Aviation Service Code. The FMDS outputs aviation service data as changes occur to the BLMPS. These data subsequently flow to the APDS central site files at AFMPC so it is available for resource management decisions. b. The Medical Administration Management System (MAMS), currently being developed and tested, will receive flow of selected assignment data as changes occur for personnel assigned to medical activities. MAMS will use these data to align assigned personnel with various cost accounting work centers within the medical activity and thus be able to track manpower expenditure by sub-activities. c. The Automated Vehicle Operator Record (AVOR) is being developed to support motor vehicle operator management. Approximately 115 characters of vehicle operator data will be incorporated into the BLMPS data base during FY76 for both military and civilian personnel authorized to operate government motor vehicles and selected personnel data items (basic identification data) will be authorized for access by the vehicle operator managers. The base Chief of Transportation will be responsible for accuracy of this data and will be the responsible official for actions associated with the Privacy Act of 1974. d. Monthly, a magnetic tape is extracted from BLMPS containing selected assignment data on all assigned personnel. This tape is transferred to the base Accounting and Finance Office for input into the Accounting Operations System. This system uses these data to derive aggregate base manpower cost data. e. A procedure is designed into BLMPS to output selected background data in a pre-defined printed format for personnel being administered military justice. This output is initiated upon notification by the base legal office. The data is forwarded to the major command where it is input into the Automated Military Analysis and Management System (AMJAMS). f. The BLIMPS output (on an event-oriented basis) pay-affecting transactions such as certain promotions, accessions, and assignments/reassignments, to AFAFC, where the data is entered into the JUMPS. C. ROUTINE USES EXTERNAL TO THE AIR FORCE, TO THE OFFICE OF THE SECRETARY OF DEFENSE (OSD). Individual information is provided to offices in OSD on a recurring basis to support top-level management requirements within the Department of Defense. Examples are the DOD Recruiter File to the Assistant Secretary for Manpower and Reserve Affairs (M&RA), a magnetic tape extract of military personnel records (RCS: DDM(SA)1221) to M&RA, input to the Reserve Component Common Personnel Data System to M&RA, and the Post Career Data File to M&RA. 2. TO OTHER DEFENSE AGENCIES. APDS supports other components of DOD by provision of individual data in support of programs operated by those agencies. Examples are the Selected Officer List to the Defense Intelligence Agency for use in monitoring a classified training program and the Defense System Management School (DSMS) Track Record System to DSMS for use in evaluating the performance of graduates of that institution. An extract file on Air National Guard Technicians is provided the National Guard Computer Center. 3. OTHER GOVERNMENT/QUASI-GOVERNMENT AGENCIES. Information used in analyzing officer/airman retention is provided RAND Corporation. Data on prior service personnel with military service obligations is forwarded to the National Security Agency. Lists of officers selected for promotion and/or appointment in the Regular Air Force are sent to the Office of the President and/or the Congress of the United States for review and confirmation. Certain other personnel information is provided these and other government agencies upon request when such data is required in the performance of official duties. Selected personnel data is provided foreign governments, US governmental agencies, and other Uniformed Services on USAF personnel assigned or attached to them for duty. Examples: the government of Canada, Federal Aviation Administration, US Army, Navy, etc.) 4. LITIGATION. Information from APDS may be used in litigation in the event that the United States, its officers, or its employees are involved in the litigation. 5. MISCELLANEOUS. Lists of individuals selected for promotion or appointment, who are being reassigned, who die, or who are retiring are provided to unofficial publications such as the Air Force

Times, along with other information of interest to the general Air Force public. Information from APDS support a world-wide locator system which responds to queries as to the location of individuals in the Air Force. Material for preparing mailing labels is furnished commercial publishing or mailing firms working under contract to the Air Force who print or mail quasi-official publications to specified portions of the Air Force population, e.g., retired personnel, widows, etc. Locator information pertinent to personnel on active duty may be furnished to a recognized welfare agency such as the American Red Cross or the Air Force Aid Society. For civilian personnel--to provide automated system support to Air Force officials at all levels from that part of the Office of Personnel Management required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotion, demotions, reductions in force, complaints resolution, labor management relations, and the suspensions and processing of personnel actions; to provide for transmission of such records between employing activities within the Department of Defense - to provide individual records and reports to OPM; to provide information required by OPM for the transfer between federal activities; to provide reports of military reserve status to other armed services for contingency planning - to obtain statistical data on the work force to fulfill internal and external report requirements and to provide Air Force offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs - to provide minority group designator codes to the Office of Personnel Management's automated data file - to provide the Office of the Assistant Secretary of Defense Manpower and Reserve Affairs with data to access the effectiveness of the program for employment of women in executive level positions - to obtain listings of employees by function or area for locator and inventory purposes by Air Force offices - to assess the effect or probable impact of personnel program changes by simulation and modeling exercises - to obtain employee duty locations and other employee data for personnel program management purposes - to obtain employee duty locations and other information releasable under OPM rules and the Freedom of Information Act to respond to request from Air Force offices, other Federal agencies and the public - to provide individual records to other components of the Department of Defense in the conduct of their official personnel management program responsibilities - to provide records to law enforcement or inauthorities for investigation and possible criminal prosecution, civil court action, or regulatory order - to provide records to OPM for file reconciliation and maintenance purposes - and to provide information to employee unions as required by negotiated contracts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, card files, on computer magnetic tapes, disks or computer paper printouts or microfiche.

Retrievability:

Filed by name, Social Security Number (SSN) or other identification number or system identifier. The primary individual record identifier in APDS is SSN. Some files are sequenced and retrieved from by other identifiers; for instance, the assignment action record is identified by an assignment action number. Additionally, at each echelon there exists computer programs to permit extraction of data from the system by constructing an inquiry containing parameters against which to match and select records. As an example, an inquiry can be written to select all Captains who are F-15 pilots, married, stationed at Randolph AFB, who possess a master's degree in Business Administration; then display name, SSN, number of dependents and duty location. There is the added capability of selecting an individual's record or certain pre-formatted information by SSN on an immediate basis using a teletype or cathode ray tube display device. High-speed line printers located in the Washington DC area, at Major Command Headquarters, and at ARPC permit the trvolume products to and for the use of Personnel managers at those locations.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in the performance of their official duties where authorized, and properly screened and cleared for need-to-know, and by commanders of medical centers and hospitals. Records are stored in security file containers/cabinets, safes, vaults and locked cabinets or rooms. Records are protected by guards. Records are controlled by personnel screening visitor registers and computer system software.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Preceding retention statement applies to Analog output products of the Advanced Personnel Data System. Data stored digitally within system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements. Files with a retention period of 364 days or less are automatically released at the end of their specified retention period. 'Permanent history' files are retained for 10 years. Files 365 or more days old are defined as 'historical files' and are not automatically released. Retention periods for categories of APDS files are as follows: If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, then the retention will be not greater than 10 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, which is also used for processing of weekly runs, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of quarterly runs, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of Semi-Annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is monthly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of semi-annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is semi-annual, and the created magnetic tape file will be used for processing of next semi-annual, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is semi-annual, and the created magnetic tape file will be used for processing of next semi-annual, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If created magnetic tape file will be used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next annual, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next annual, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If the program or series of programs creating output is a one time run, and the file will be used for processing as required, then the retention will be lowest

possible retention commensurate to job completion. If the program or series of programs creating output is compile card image or SOLT tapes, and the created magnetic tape file will be used for processing as required run, then the retention will be not greater than 90 days maximum. If cycle in which a program or series of programs creating output is as required runs, and the created magnetic tape file will be used for processing as required, the retention will be lowest possible retention commensurate to job completion. If the program or series of programs creating output is test files, and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 30 days. If the program or series of programs creating output is print/punch backup and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 10 days. In addition, for civilian personnel at base level (CCPO), master personnel files for prospective employees are transferred to the active file upon appointment of the employee or in the event the employee is not appointed and will no longer be considered a candidate for appointment, are destroyed by degaussing-master personnel files for active employees are transferred to the separated employee history file where they are retained for three years subsequent to separation and then destroyed by degaussing. The notification of personnel action - Standard Form 50 - is disposed of as directed by OPM - work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and Social Security Number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning-work sheets pertaining to qualification and retention registers are disposed of as directed by OPM - transitory files such as pending files, and recovery files are destroyed after use by degaussing-files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. Those records at AF Manpower and Personnel Center for the end of each fiscal year quarter are retained for five years before destroying by deletion - the separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force. Subordinate system managers are: A. Director of Personnel Data Systems, Assistant Deputy Chief of Staff for Personnel for Military Personnel, Air Force Manpower and Personnel Center (AFMPC), Randolph AFB, TX, 78148. He is responsible for overall APDS design, maintenance and operation, and is designated the Automated Data Processing System Manager for all Air Force personnel data system. B. The Director of Personnel Data Systems at each Major Command headquarters for systems operated at that level. C. The Chief, CBPO, at Air Force installations for systems operated at that level. D. The Civilian Personnel officer at Air Force installations for civilian systems operated at that level.

Notification procedure:

Requests from individuals for notification as to whether the system contains a record on them should be addressed to the system manager of the operating level with which they are concerned. Persons submitting such a request, either personally or in writing, must provide SSN, name, and military status (active, ANG/USAFR, retired, etc. ANG members not on extended active duty may submit such requests to the appropriate State Adjutant General or the Chief of the servicing ANG CBPO. USAFR personnel not on extended active duty may submit such requests to ARPC, Denver, CO, 80280 or, if unit assigned, to the Chief of the servicing CBPO or Consolidated Reserve Personnel Office. Personal visits to obtain notification may be made to the Military Records Review Room, Air Force Manpower and Personnel Center, Randolph AFB, TX 78148, the Military Records Review Room, Air Reserve Personnel Center, Denver CO 80280; The Office of the Director, National Personnel Records Center (NPRC), 111 Winnebago St., St. Louis, MO, 63118; the office of the Director of Personnel Data Systems at the appropriate major command headquarters; or the office of the Chief of his servicing CBPO. Identification will be based on presentation of DD Form 2AF, Military Identification Card. Air Force civilian employees must provide SSN, full name, previous names if any, last date and location of Air Force civilian employment if not currently employed by the Air Force - current employees should submit such requests to their CCPO - former employees of the Air Force should submit such requests to the CCPO for the last Air Force installation at which they were employed. Authorizations for a person other than the data subject to have access to an individual's records must be based on a notarized statement signed by the data subject.

Record access procedures:

Assistance in gaining access to his records will be provided the individual by the appropriate subordinate system manager at AFMPC, ARPC, NPRC, major command or CBPO/CRPO/CCPO.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions, medical institutions, automated system interfaces, police and investigating officers, the bureau of motor vehicles, a state or local government and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03004 ARPC A

System name:

03004-ARPC-A Point Credit Accounting Record System (PCARS).

System location:

At Air Reserve Personnel Center, Denver, CO 80280. At Air National Guard and Air Force Reserve activities. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. At Air Force Manpower and Personnel Center, Randolph Air Force Base, Texas 78148.

Categories of individuals covered by the system:

Air Force Reserve and National Guard Personnel.

Categories of records in the system:

Correspondence, orders; forms; and reports which include identifying personnel data including name, SSN, address, grade, and retirement/retention date; record of retirement points and service earned prior to and record of points earned, by type duty, for the current retirement year. Reports include automated listings, processed transactions, rejected transactions, accession transactions, point summary lists, statistical reports, individual point summary reports, and input lists for participation verification.

Authority for maintenance of the system:

10 USC 1331, Age and service requirement; 10 USC 1332, Computation of years of service in determining entitlement to retired pay; and 10 USC 1333, Computation of years of service in computing retired pay.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to maintain accurate listings of transactions processed to active reserve force member's point credit account, to reconcile strength of the Air National Guard and Air Force Reserve members between the various mechanized accounting systems, to identify new members of the Air Force Reserve and Air National Guard; to certify accuracy and completeness of transactions manually submitted to the point record as required by Air Force audit requirements, to advise member and reserve managers of the member's participation in reserve affairs, for promotion evaluation considerations, and for determination of retirement eligibility.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, on computer tape, and paper printouts.

Retrievability:

Filed by name and by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Documents not required for inclusion in military personnel record system are retained in office files until superseded, obsolete, no longer needed for reference, or after 16 months, whichever is sooner, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to the Documentation Management Officer, ARPC/ DADP, Denver, CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number), current address and the case control number shown on correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current reserve ID card and/or drivers license and give some verbal information that could verify his/her reserve assignment.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from master personnel record and authorized point credit documents obtained from automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

F03005 PRENC C

System name:

03005-PRENC-C Base Housing Management.

System location:

Headquarters United States Air Force, Washington DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

Categories of individuals covered by the system:

Categories of individuals on whom records are maintained: All Military members desiring base family housing and eligible Department of Defense (DOD) civilian employees.

Categories of records in the system:

Categories of records and description of data maintained in system: Application for and Assignment to Military Family Housing, contains the following data: Name, address, rank, Social Security Account Number (SSN), service data, family composition, and other information such as health problems. Other supporting documents-quarters condition inspection reports, assignment orders, etc.

Authority for maintenance of the system:

10 U.S.C. 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to apply for family housing and provide information upon which eligibility can be determined. Used by base housing officials to respond to Congressional, Inspector General, and other inquiries on an individual basis pertaining to family member's housing situation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets, computer and computer output products.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records are controlled by personnel screening.

Retention and disposal:

Advance applications are retained by losing activity and destroyed after six months. Applications received by gaining activities are destroyed one year after termination of quarters. Applications are destroyed by tearing, burning, pulping, shredding or macerating. Supporting records are destroyed when no longer needed.

System manager(s) and address:

Deputy Chief of Staff/Programs and Resources, Headquarters United States Air Force, Washington, DC

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Individuals may contact agency officials at the Base Housing Office at the installation at which he completed the applicable form or the installation which will be providing military family housing.

Record access procedures:

Same procedures as for notification above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtain from individual's voluntary application.

Systems exempted from certain provisions of the act:

NONE

F03501 AFDPG O

System name:

03501-AFDPG-0 General Officer Personnel Data System.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Active Duty/Air National Guard/Reserve General Officers

Categories of records in the system:

Promotion board data, effectiveness reports, 'Career Brief' data and cards, Officers Personnel Record, Photos, Award/Decoration citations, biographies, letters of appreciation,retirement letters, dependent data, promotion orders, assignment orders, assignment preference data , demotion data, frocking letters, case studies, training points sum (Air National Guard/Reserve only), language data, and education data; and USAFR and Colonels filling General Officer position listings.

Authority for maintenance of the system:

10 USC 8012, 8032 and 8034; 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Promotions, assignment nominations/worksheets, retirements, congressional inquiries/responses, statistical analysis, force structure policies and history and strength history, career administration/planning, career profiles, Memorandums for Record affecting actions taken on general officers, vacancy lists, array of general officers by temporary/permanent grade and mandatory retirement date, seniority lists, retirement lists, personnel information is disclosed as directed to agencies within Office of the Secretary of Defense and Office of Management and Budget, The Office of the President and The Congress.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets/safes.

Retrievability:

Most records are retrieved by last name and/or grade. Case studies, statistical analyses, promotion board results, congressional inquiries and responses are retrieved by topic by year of action.

Safeguards:

Access to these records is given only to the Chief of Staff, Deputy Chief of Staff/Personnel, Assistant for General Officer Matters, Chief of Air Force Reserve, Chief National Guard Bureau, and Air Reserve Personnel Center/Director of Reserve Record/DPFR; and RAND Corporation, and the assigned officers/noncommissioned officers and civilian and clerical help, totaling approximately 20 people. Security procedures, equivalent to the security required for Confidential and Secret data, are employed.

Retention and disposal:

Records are maintained until retirement of the officer involved. Case studies, statistical analyses, promotion board results, promotion ballots, vacancy lists, spread sheets, seniority lists, retirement lists have been maintained since their respective creation.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. An individual's full name Social Security Number active duty grade will be needed to process written requests. An individual may visit the Pentagon, Room 4E212, the Office of Assistant for

General Officer Matters, Headquarters United States Air Force (HQ USAF/DPG), to obtain the information. A requester must present his Military Identification Card when appearing in person and requesting personal information. When requesting personal information in writing, the requester must have his request notarized.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Most records will be released upon request; however any record the release of which is questionable in the view of the Assistant for General Officer Matters, will be cleared for release by the HQ USAF DCS Personnel before it is finally released to the individual.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Personnel Data Base, Member, Inspector General Investigations.

Systems exempted from certain provisions of the act:

NONE

F03501 AFDPG Z

System name:

03501-AFDPG-Z General Officer Personnel Data System.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Retired Active Duty General Officers and Retired Air National Guard (ANG)/Reserve General Officers.

Categories of records in the system:

Promotion Board Data; 'Career Brief' Data/Cards; Forms 11; Photographs; Biographies; Retirement Letters; Dependent Data; Education Data; Promotion Orders; Assignment Orders; Demotion Data; Frocking Letters; Case Studies; Language Data.

Authority for maintenance of the system:

10 USC, Chapter 805, The Air Staff, Section 8032.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Individual Queries; Precedent Actions; Statistical Analyses of Historical Nature; Assignment Nominations/Worksheets; Congressional Inquiries and Responses; Memorandums for Record Affecting Actions Taken on General Officers; Career Profiles; Vacancy Lists; Array of General Officers by Temporary/Permanent Grade and Mandatory Retirement Date; Seniority Lists; Retirement Lists.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets card files.

Retrievability:

Most records are retrieved by last name and/or grade. Case studies, statistical analyses, promotion board results, Congressional inquiries and responses are retrieved by topic by year of action.

Safeguards:

Access to these records is given only to the Chief of Staff, Deputy Chief of Staff (DCS)/Personnel, Assistant for General Officer Matters, Chief of Air Force Reserve, Chief National Guard Bureau, and Rand Corporation, and the assigned officers/Noncommissioned Officers (NCOs) and civilian and clerical help, totaling approximately 20 people. Assistant for General Officer Matters (DPG), Manpower and Personnel Center/Records Maintenance Branch (MPC/DPMDRR) and Air Reserve Personnel Center/Director of Personnel Actions (ARPC/DPAAR) are the only offices in the Air Force where this data could be maintained. Security procedures employed by DPG are equivalent to the security required for Confidential and Secret data.

Retention and disposal:

Retired 4-star General Officer records are maintained indefinitely; Retired 1, 2 and 3-star General Officer records are retained for 3 years, reviewed to determine if there are any materials of historical value which warrant indefinite retention - if not, they are destroyed by tearing into pieces, shredding, pulping or macerating.

System manager(s) and address:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. An individual's full name Social Security Number (SSN) active duty grade will be needed to process written requests. An individual may visit the Pentagon, Room 4E212, The Office of the Assistant for General Officer Matters, to obtain the information. A requester must present Military Identification (ID) card when appearing in person and requesting information. When requesting personal information in writing, the requester must have request notarized.

Record access procedures:

An individual may obtain access to records by either writing Headquarters United States Air Force/Assistant for General Officer Matters (HQ USAF/DPG) - The Pentagon or by appearing in person and requesting the information. Most records will be released upon request; however, any record, the release of which is questionable in the view of the Assistant for General Officer Matters, will be cleared for release by the HQ USAF/DCS Personnel before it is finally released to the individual.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Personnel Data Base; Member; Inspector General (IG) Investigations.

Systems exempted from certain provisions of the act:

NONE

F03501 ARPC A

System name:

03501-ARPC-A Informational Personnel Records.

System location:

At Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel. Retired and former Air Force military personnel.

Categories of records in the system:

Documents pertaining to individual, that are not authorized for inclusion in other military personnel record systems.

Authority for maintenance of the system:

10 USC 274 Retired Reserve; 10 USC 275 Reserve personnel; 10 USC 2001 Reserve components; 10 USC 8012 Secretary of the Air Force: Powers and Duties; Delegation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Determining eligibility for retirement related action, status of active duty tour, position occupied; training reports; answering correspondence/telephone inquiries; mobilization; updating and/or changing information in computer and/or individual reservist record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in card files.

Retrievability:

Filed by name and by Social Security Number (SSN).

Safeguards:

Records are accessed by the custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retain in office files until inactivation, reassignment or separation; or one year after annual cut-off, then destroy by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to the Documentation Officer, AFPC/DADP, Denver, CO 80280. Written request for information should contain full name of individual, SSN (social security number), current address and the case (control) number shown on correspondence received from center. Records may be reviewed in Records Review Room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the

individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her retirement date, date of birth, or reserve status.

Record access procedures:

Individual can obtain assistance in gaining access from Command Documentation Manager, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information supplied by individual as relates to but not limited to application for retirement, military orders, personal data; statement of military service from other military components; correspondence from serving Consolidated Base Personnel Office/ Consolidated Reserve Personnel Office and Major Command units. Information from source documents prepared on behalf of the Air Force Advance Personnel Data System.

Systems exempted from certain provisions of the act:

NONE

F03501 ARPC B

System name:

03501-ARPC-B Biographical File.

System location:

At Air Reserve Personnel Center, Denver, CO 80280, Ecclesiastical endorsing agencies if appropriate.

Categories of individuals covered by the system:

Air Force Reserve personnel assigned to but not limited to the Air Reserve Information Squadron (ARIS), Chaplain (HC) and Surgeon (SG) programs.

Categories of records in the system:

Biographies provided by members, correspondence, orders and/or forms containing information as to individual name, rank, social security number, service dates, date of birth, unit assignments, civilian employment, military and civilian education, military and civilian experience, program specialties, hobbies, and names of family members, religion of chaplains, professional expertise and appointments, membership in professional societies, civic activities and state of licensure.

Authority for maintenance of the system:

10 USC 262 Purpose; 10 USC 8067 Designation: Officers to perform certain professional functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To select information, chaplains, legal, medical field reserve officer personnel for special duties according to specific expertise required. Chaplain records are used by Chaplains Office personnel, medical reservist records are used to provide the ARPC/SG, Surgeon General, Major Command surgeons, USAF/RE, and Reserve Regions an in-depth personal history of Reservist Medical Officer. Used to provide overview of skill resources available in ARIS Program. Allow selection of members best qualified to meet specific program requirements and task assignments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in note books/binders.

Retrievability:

Filed by name.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties, and by commanders medical centers and hospitals. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to Documentation Management Officer ARPC/DADP, Denver, CO 80280. Written request for information should contain full name of individual, SSN (social security number), current address and the case (control) number shown on correspondence received from Center. Records may be reviewed in Records Review Room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her military personnel record, his/her religion if in the Chaplain program.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-3667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Provided by individual Reservist.

Systems exempted from certain provisions of the act:

NONE

F03501 ARPC C

System name:

03501-ARPC-C Personnel Management Records.

System location:

At Air Reserve Personnel Center, Denver CO 80280; Headquarters United States Air Force, Washington DC 20330; United States Air Force Academy, CO 80840; major commands and major subordinate commands. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Categories of individuals covered by the system:

Air Force Reserve Personnel and civilian/active military applicants to Air Force Reserve.

Categories of records in the system:

Officer and airman assignment files which includes correspondence, memos, completed forms, messages and vacancy authorization data for assignment approvals, disapprovals, waivers, manning assistance, discharges, screening data, orders, evaluation reports, documents changing training category, personal data, photographs, chaplain ecclesiastical endorsement, record of security clearance, miscellaneous correspondence to and from individual; case file of reserve personnel placed on active duty containing copies of special and reserve orders, correspondence, documents complete with information used for travel overseas; assignment instructions; list of actions taken by technician; board actions on involuntary Airmen; certified receipts acknowledgement of receipt of special orders card.

Authority for maintenance of the system:

10 USC 275 Personnel Records, 10 USC 672 Reserve Components generally, 10 USC 673 Ready Reserve and Executive Order 11366, 4 Aug 67, 10 USC Chapter 103 Senior Reserve Officer: Training Corps, 10 USC 262 Purpose, and 10 USC 8067 Designation: Officers to perform certain professional functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to determine eligibility/suitability for assignment/reassignment with the Air Force Reserve; to make determinations on discharges or mobilization, deferments, fulfillment of statutory requirements, voluntary and involuntary order to extended active duty (EAD) and temporary release. These include but are not limited to members participating in the Air Reserve Information Squadron (ARIS), Chaplain, Judge Advocate, Surgeon General Program. Records maintained as a historical file. Used as a reference file to answer inquiries from Reservist and Air Force personnel requiring information on the Reservist being recalled to active duty, to send gaining active units additional copies as requested, used as substantiating documents to show all action was taken in accordance to prescribing directives. Information on personnel in the ARIS, Chaplain, Judge Advocate, Surgeon General and other Officer management programs is used by personnel responsible for program in order to assist Reservist in their careers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/note books/binders and in visible file binders/cabinets.

Retrievability:

Filed by name, by Social Security Number (SSN), and ascending AFSC order, rank and name.

Safeguards:

Records are accessed by person(s) responsible for servicing the records system in performance of their official duties and by custodian of the record system. Records controlled by personnel screening and are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC) is responsible for records at ARPC in Denver, CO. Individuals included in above records systems should deal directly with agency official of respective location to exercise their rights under the act.

Notification procedure:

Request from individual should be addressed to the Documentation Management Officer ARPC/DADP, Denver CO 80280. Written requests for information should contain full name of individual, SSN (Social Security Number), current address and the case (control) number shown on correspondence received from Center. Records may be reviewed in Records Review Room ARPC, Denver CO 80280, between 8:00 a.m. and 3:00 p.m. on normal work days. For personal visits, the individual should provide current Reserve ID card and/or driver's license and give some verbal information that could verify his/her identity from the records.

Record access procedures:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from the individual requesting assignment or making the inquiry, master personnel record, correspondence and orders, annual survey and advance personnel data system, instructions from Air Force Military Personnel Center, Randolph Air Force Base, San Antonio, TX 78148, instructions and board actions from Air Force and Reserve, DPAA Robins Air Force Base, Warner Robins, GA 31093 and Air Force Training Corps/SDAA, Maxwell Air Force Base, Montgomery, Alabama 36112 and the National Guard Bureau, Washington DC 20310, and other Air Command, instructions from Headquarters/JAEC, Washington DC 20314.

Systems exempted from certain provisions of the act:

NONE

F03501 DPMDQIA

System name:

03501-DPMDQIA Military Personnel Records System.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Headquarters of the major commands and separate operating agencies. At consolidated base personnel offices and other installation units. At State Adjutant General Office of each respective State, District of Columbia or Commonwealth of Puerto Rico. At Air Force Reserve and Air National guard units, official mailing addresses are in the Department of Defense Directory in the Appendix to the Air Force's Systems Notice.

Categories of individuals covered by the system:

Air Force active duty military personnel. Officer Correspondence and Miscellaneous Document Group (C&M) at Air Force Military Personnel Center (AFMPC); Headquarters United States Air Force (HQ USAF) Selection Record Group (SR) at HQ USAF Assistant for General Officer Matters; Retired Air Force general officers. Master Personnel Record Group (MPeRGp) at AFMPC; active duty colonels at HQ USAF, Assistant for Senior Officer Management, C&M at AFMPC Air Force active duty officer personnel. MPeRGp at AFMPC Officer Command Selection Record Group (OCSR) at the respective major command or separate operating agency, Field Record Group (FRGp) at the respective Air Force base of assignment/servicing Consolidated Base Personnel Office (CBPO); Air Force active duty enlisted personnel. MPeRGp at AFMPC, FRGp at respective servicing CBPO, Senior Noncommissioned Officer (NCO) Selection Folder at the respective servicing CBPO; personnel in Temporary Disability Retired List (TDRL) status, Missing in Action (MIA), Prisoner of War (POW), Dropped From Rolls (DFR), MPeRGp at AFMPC; Reserve officers MPeRGp at Air Reserve Personnel Center (ARPC), OCSR at the respective Air Force (AF) major command (MAJCOM) when applicable, FRGp at the respective unit of assignment or servicing CBPO or Consolidated Reserve Personnel Office (CRPO); Reserve airmen MPeRGp at ARPC, FRGp at the respective unit of assignment or servicing CBPO/CRPO; Air National Guard (ANGUS) officers MPeRGp at ARPC, OCSRat the respective State Adjutant General Office, FRGp at the respective unit of assignment, ANGUS airmen MPerGp at the respective State Adjutant General Office FRGp at the respective unit of assignment; Retired Air Force military personnel; Discharged personnel MPerGp at National Personnel Records Center (NPRC); Air Force Academy cadets MPerGp at unit of assignment CBPO.

Categories of records in the system:

Substantiating documentation such as forms, certificates, administrative orders and correspondence pertaining to appointment as a commissioned officer, warrant officer, Regular AF, AF Reserve or ANGUS; enlistment/reenlistment/extension of enlistment; assignment Permanent Change of Station (PCS)/Temporary Duty (TDY); promotion/demotion; identification card requests; casualty; duty status changes - Absent Without Leave (AWOL)/MIA/POW/Missing/Deserter; military test administration/results; service dates; separation; discharge; retirement; security; training, Precision Measurement Equipment (PME), On The Job Training (OJT), Technical, General Military Training (GMT), commissioning, driver; academic education; performance/effectiveness reports; records corrections - formal/informal; medical or dental treatment/examination; flying/rated status administration; extended active duty; emergency data; line of duty determinations; human/personnel reliability; career counseling; records transmittal; AF reserve administration; Air National Guard administration; board proceedings; personnel history statements; Veterans Administration compensations; disciplinary actions; record extracts; locator information; personal clothing/equipment items; passport; classification; grade data; Career Reserve applications/cancellations; traffic safety; Unit Military Training; travel voucher for TDY to Republic of Vietnam; dependent data; professional achievements; Geneva Convention cards; drug abuse; Federal Insurance; travel and duty restrictions; Conscientious Objector status; decorations and awards; badges; Favorable Communications (colonels only); Inter-Service transfers; pay and allowances; combat duty; leave; photographs; Advanced Personnel Data System products.

Authority for maintenance of the system:

44 USC 3101: Records Management by Federal Agencies; Records Management by agency heads; general duties; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to satisfying the Title 44 requirement for records retention, Military Personnel Records are utilized at all levels of Air Force personnel management within the agency for actions/processes related to procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, sustentation, separation and retirement. Military Personnel Records are routinely utilized outside the Air Force for actions/processes related to assignment or transfer to other services or joint service organizations; compensation claims submitted to Veterans Administration Regional Offices; dependents and survivors requesting issuance or determination of eligibility for identification card privileges; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) eligibility and benefits requests - copies are provided to CHAMPUS, Denver, Colorado; Immigration and Naturalization - copies are provided to respective local Immigration Office; Unemployment Compensation Requests - verification of service related information provided to State Unemployment Compensation (UCX) Office; Vietnam State Bonus - information provided to respective local State offices; Civil Service requests for verification of military service for benefits; leave or Reduction in Force (RIF) purposes - copies provided to local Civilian Personnel Office; National Cemetary Burial/Headstone cases - copies provided to Superintendent National Cemetary, Army Quartermaster Corps, Virginia; Worldwide locator inquiries - response provided to legitimate requests in accordance with the Freedom of Information Act; Dual compensation cases involving former officers - provided to establish Civil Service employee tenure and leave accrual rate; Social Security Re-

tirement Credit Verification - verification of service data provided to substantiate applicant's credit for Social Security compensation; Soldiers and Sailors Civil Relief Act requests - verification of service - related information provided to State courts in civil actions; Litigation - in event the United States, its officers or employees are involved. Changes in member's official records regarding name, Social Security Account Number, date or place of birth or home of record - required information provided to Director of Selective Service, Federal Bureau of Investigation, and Personnel Research Division of the Air Force Human Resources Laboratory at Lackland Air Force Base, Texas. Secretary of the Air Force Legislative Liaison releases when authorized by individual concerned. US Department of Agriculture for investigative and audit procedures US Department of the Treasury for Secret Service investigations, Coast Guard Activities Bureaus of Customs, Narcotics, Engraving and Printing and Internal Revenue Service for official activities; US State Department, Federal Aviation Agency for background investigations of employment applicants; Central Intelligence Agency for Investigations, US Postal Service for Official Postal Inspector Duties, General Services Administration for Investigation of Incumbent Employees; Department of Justice for Investigations conducted by the Federal Bureau of Investigation and Immigraton and Naturalization Small Business Administration for Investigations concerning Loans, National Security Agency Review of Records for Security Investigations United States Information Agency for Review of Records for Background Investigations. United States Civil Service Commission to conduct investigations either by personal investigations or written inquiry to determine suitability, eligibility, or qualifications of individuals for Federal employment, Federal contracts, or access to classified information or restricted areas. Separation information provided to the Veteran's Administration and Selective Service Agencies. American National Red Cross - information to local Red Cross offices for emergency assistance to military members, dependents, relatives or other persons if conditions are compelling. Drug Enforcement Administration. Department of Labor: Bureau of Employees' compensation - medical information for claims of civilian employees formerly in military services; Employment and Training Administration - verification of service-related information for unemployment compensation claims; Labor Management Services Administration for investigations of possible violations of labor laws and pre-employment investigations; National Research Council - for medical research purposes; U.S. Soldiers' and Airman's Home - service information to determine eligibility.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders placed in metal file containers or on open shelves. Microfiche placed in rotary power files; computer disk resident data file consists of Social Security Number (SSN) and disk location of the associated image record which includes document data describing document type, date, location, and number of pages in each document.

Retrievability:

Information in the system is retrieved by last name, first name, middle initial and Social Security Number (SSN). Records stored at National Personnel Records Center Center are retrieved by registry number, last name, first name, middle initial and SSN. Information can be displayed via closed circuit television subsystem, produced on a duplicate microfiche, or paper reproduction.

Safeguards:

The prescribing directive for the Military Personnel Records System requires those records to be stored (after duty hours) in a locked building, room or filing cabinets. Access is specifically limited to those personnel designated by the Consolidated Base Personnel Office (CBPO) Chief and those provisions for access and release of information contained in Air Force Regulation 31-6.

Retention and disposal:

Users who are granted access to the microfiche files are screened by computer software. Those documents designated as Temporary in the prescribing directive remain in the records until their obsolescence (superseded, member terminates status, or retires) when they are removed and provided to the individual data subject. Those documents designated as Permanent remain in the military personnel records system permanently and are retired with the master personnel record group.

System manager(s) and address:

Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, Texas 78148 is the official responsible for the system of records. Individuals in categories included above may deal directly with agency officials at the respective records location to exercise their rights under the Act.

Notification procedure:

The individual data subject may be notified that a record exists on him by submitting a request to or appearing in person at the responsible official's office or the respective repository for records for personnel in particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. Response to written requests will be provided not later than ten days following receipt of request. The System Manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas.

Record access procedures:

The same written notification or personal visit procedures which apply to notification also apply to access.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Sources of information contained in the system include data subject's applications, requests, personal history statements, supervisors' evaluations, correspondence generated within the agency in the conduct of official business, medical treatment records, educational institutions, civil authorities, other service departments, and interface with the Advanced Personnel Data System.

Systems exempted from certain provisions of the act:

NONE

F03501 0IACYVG

System name:

03501-0IACYVG Correction of Military Records of Officers and Airmen.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel and Air National Guard personnel.

Categories of records in the system:

case files containing letters from individual reservist requesting correction of military record, related documents and replies to reservist.

Authority for maintenance of the system:

10 USC 275, Personnel Records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by Office Managers and Section supervisors and technicians to process correction of reserve records when requested. Base files are sent to Manpower and Personnel Center for final action

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in

the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

from personnel records

Systems exempted from certain provisions of the act:

NONE

F03501 0MUHHZA

System name:

03501-0MUHHZA Personnel Interview Record.

System location:

915 Tactical Fighter Group, Homestead Air Force Base, FL 33030; 452 AREFW, March Air Force Base, CA 92508; 446 Military Airlift Wing (MAW) Assoc McChord Air Force Base, WA 98438; 459 TAW Andrews Air Force Base, MD 20331; 445 MAW Assoc Norton Air Force Base, CA 92409; 442 TAW Richards Gebaur Air Force Base, MO 64030; Det 507 301 Tactical Fighter Wing Tinker Air Force Base, OK 73145; 439 TAW Westover Air Force Base, MA 01022; 512 MAW Associate Dover Air Force Base, DE 1901; Det 508 301TFW Hill Air Force Base, UT 84406; 440 TAW Gen Billy Mitchell Fld WI 53207; 910 Tactical Fighter Group (TFG) Youngstown MAP OH 44473; 911 TAG GTR Pittsburgh IAP PA 15231; 913 TAG Willow Grove Airport PA 19090; 908 TAG Maxwell Air Force Base, AL 36112; 514 MAW Assoc McGuire Air Force Base, NJ 08641; 914 TAG Niagara Falls MAP NY; 917 TFG Barksdale Air Force Base, LA 71110; 919 TAG Eglin Air Force Base, FL 32542; 920 TAG Keesler Air Force Base, MS 39534; 924 TAG Ellington Air Force Base, TX 77209; 94 TAW Dobbins Air Force Base, GA 30060; 301 TFW Carswell Air Force Base, TX 76127; 926 TAG United States Naval Air Station New Orleans LA 70037; 940 AREFG, Mather AFB, CO 92655; 934 TAG Minneapolis St Paul IAP MN 55417; 928 TAG Chicago Ohare IAP IL 60666; 932 TAG Scott Air Force Base, IL 62225; 302 TAW Rickenbacker Air Force Base, OH 43217; 315 MAW Assoc Charleston Air Force Base, SC 29404; 349 MAW Assoc Travis Air Force Base, CA 94535; 403 TAW Seldridge Air Force Base, MI 48045; 433 TAW Kelly Air Force Base, TX 78241; 434 TFW Grissom Air Force Base, IN 46970

Categories of individuals covered by the system:

All USAF Reserve non prior service & prior service applicants.

Categories of records in the system:

Data on military and civilian history for interviewing and tentatively qualifying a prospect.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used for interviewing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on roll microfilm.

Retrievability:

Filed by Name and by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system.

Retention and disposal:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

AFRES/RS, Robins AFB, GA 31098

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual.

Systems exempted from certain provisions of the act:

NONE

F03501X0IACYVA

System name:

03501X0IACYVA Reserve Supplement Officer (RSO) Case File.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force active duty officer personnel and enlisted personnel. Air Force civilian employees. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Documents pertaining to requisition, assignment, reassignment, separation, or TDY assignment request, work sheet, orders, amendments, notification of receipt of application solicitation letter.

Authority for maintenance of the system:

10 USC 269.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the military and civilian personnel of the reserve supplement officer assignment branch; information is disclosed to Consolidated Base Personnel Office and other branches within the Air Reserve Personnel Center to insure proper information is maintained on the individual for assignment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC) Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Major commands, personnel records, Air Reserve units.

Systems exempted from certain provisions of the act:

NONE

F03501X0IACYVB

System name:

03501X0IACYVB Application for Separation from the Regular AF to AF Reserve/Air National Guard.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force active duty officer and enlisted personnel. Air Force civilian employees. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Application concerning separation from the Regular Air Force to the Air Force Reserve/Air National Guard, documents pertaining to requisition, assignments, reassignment, separation and declination

Authority for maintenance of the system:

10 USC 269.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To help in obtaining a position in the Air Reserve forces. Used by Regular Air Force, Air Reservist, Air National Guard and civilian personnel to facilitate finding a position for reservists.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander, Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, AFPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify his/her application/declination or orders.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, AFPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Major commands, Consolidated Base Personnel Office, Consolidated Reserve Personnel Office.

Systems exempted from certain provisions of the act:

NONE

F03501X0IACYVD

System name:

03501X0IACYVD Servicemen's Group Life Insurance (SGLI) Entitlement Case Files.

System location:

Air Reserve Personnel Center, Denver, CO 80205.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Copies of correspondence, casualty reports, record of emergency data, SGLI election, death order, death Certificate, Air Force Accounting And Finance Center (AFAFC) verification of premium payments.

Authority for maintenance of the system:

38 USC 765-776.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose is to determine if an individual qualified for SGLI coverage, applied and paid for premiums for SGLI coverage and to report this information to office of SGLI, Newark NJ for processing insurance claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and card files.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from notification of death and documents pertinent to death and SGLI coverage obtained from other military branches, public health records, next of kin, or civilian organizations.

Systems exempted from certain provisions of the act:

NONE

F03503 0MUHHZA

System name:

03503-0MUHHZA Reserve Manning Report.

System location:

14 AF(R)/RS, Dobbins AFB, GA 30060; 10 AF(R)/RS, Bergstrom AFB, TX 79743; and 4 AF(R)/RS, McClellan AFB, CA 95652.

Categories of individuals covered by the system:

Manning specialists.

Categories of records in the system:

Data pertaining to nonprior and prior enlistments and accessions.

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Standardize statistical data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name. Filed by Social Security Number (SSN).

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

Retention and disposal:

Retained in office files for 2 years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

HQ AFRES/RS, Robins AFB GA 31098.

Notification procedure:

Requests from individuals should be addressed to the parent Region/RS

Record access procedures:

Individual can obtain assistance in gaining access from the parent Region/RS.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Department of Defense (DD) Form 4, Department of Defense Form 1644 Interservice Transfer.

Systems exempted from certain provisions of the act:

NONE

F03504 DPMHC A

System name:

03504-DPMHC-A Chaplain Personnel Action Folder.

System location:

Headquarters United States Air Force, Washington DC 20330.

Categories of individuals covered by the system:

Active Duty Chaplains.

Categories of records in the system:

This is a grouping of information for each United States Air Force (USAF) chaplain. Items of information in these folders included the following: current official photograph, current career brief, summary of education, Officer Career Objective Statement, Chaplain Services Personnel Evaluation, copy of chaplain's Ecclesiastical Endorsement, copy of Appointment orders, copy of initial Extended Active Duty Orders, Application for Extended Active Duty with the United States Air Force USAF, Application for Appointment as Reserve of the Air Force, student information sheets prepared while attending USAF Chaplain School Courses, copies of assignment action documents, correspondence between the chaplains and Headquarters USAF/Chief of Chaplains and requests for special personnel actions and dispositions curtailments, etc.

Authority for maintenance of the system:

10 USC 8012 and 8032.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The documents maintained in these folders are utilized by the Resource Manager in Headquarters United States Air Force/Chief of Chaplains, Personnel Division for assignment selection of chaplains. Because of the necessity to insure an equitable denominational spread of chaplains on an installation and to insure the proper placement of specially qualified chaplains, it is necessary to maintain current information on each chaplain. Records may be disclosed to endorsing agents concerning the qualifications of their chaplains for continued duty as representatives of their denominations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name.

Safeguards:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained for 2 years after separation then destroyed by macerating or burning.

System manager(s) and address:

Chief of Chaplains, Headquarters United States Air Force.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Member's personnel action requests/preferences and information retrieved from the Advanced Personnel Data System (ADPS).

Systems exempted from certain provisions of the act:

NONE

F03504 0IACYVA

System name:

03504-0IACYVA Data Change/Suspense Notification.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Correspondence and forms used to record discrepancies or changes.

Authority for maintenance of the system:

10 USC 275 personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To resolve discrepancies detected during annual records review.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

Retention and disposal:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from source documents prepared on behalf of the Air Force Advance Personnel Data System or supplied by Reservist.

Systems exempted from certain provisions of the act:

NONE

F03505 DPMAO B

System name:

03505-DPMAO-B Personnel Action File (Digest File).

System location:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78148 for active and Air Reserve Personnel Center, Denver CO 80280 for nonactive duty USAFR officers.

Categories of individuals covered by the system:

Air Force active duty officer personnel and nonactive duty USAFR officers.

Categories of records in the system:

Composed largely of summaries/extracts or notices of the Air Force Office of Special Investigations (AFOSI) Reports of Investigation (ROIs). The system may also contain other official records or documents which reflect relevant derogatory information about officers, e.g., notice of involuntary separation proceedings, notice of Special Security File, reports of AWOL/Desertion status, administrative inquiries and investigations, Inspector General (IG) reports, and reports of violations of public trust in contract, procurement, and other matters. Additionally, a file will contain a statement regarding the subject matter from the officer if one is made, plus any comments and recommendations by the member's commander. Finally, a Digest File will contain copies of documentation used to notify the individual and the commander of the file and a record of the Officer Personnel Records Review Board (OPRRB) decision to retain the file. The system of records also includes letters of notification when digest files are destroyed.

Authority for maintenance of the system:

10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Digest Files are reviewed by career management officials and Central Selection Boards at AFMPC or ARPC, as appropriate, to insure the propriety of personnel decisions finalized at those levels regarding promotion, assignment, mobilization, recall to extended active duty, selection, utilization and separation. The purpose of such review is to insure that individual career management decisions enhance the quality of professionalism in the Air Force.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed alphabetically by name.

Safeguards:

Records are accessed by persons responsible for servicing the record system and by other personnel whose names appear on an authorized access list indicating they have a need to know in the performance of their official duties. Records are stored in locked cabinets.

Retention and disposal:

Disposition is pending approval under 44 U.S.C. 3303(3).

System manager(s) and address:

Chief, Special Control and Records Review Group (AFMPC/DPMAO), Randolph AFB TX 78148 for active duty officers and Commander, Air Reserve Personnel Center (ARPC), Denver CO 80280 for non-active duty USAFR officers.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Written requests should contain the member's full name, rank, and SSN. Information may also be obtained by personal visit with the appropriate Systems Requests from individuals should be addressed to the Chief, Special Control and Records Review Group (AFMPC/DPMAO), Randolph AFB TX 78148 for active duty officers or the Documentation Management Officer (ARPC/DADP), Denver CO 80280 for nonactive duty USAFR officers. Written request(s) for information should contain full name of individual, rank and SSN (Social Security Number). Nonactive duty USAFR officers should also include current address and the case (control) number shown on any correspondence received from the Center. Information may be obtained by active duty officers by personal visit with the System Manager upon verification of the identification data required for written requests. Nonactive duty USAFR officers may review records in Records Review Room (2-B18-2) ARPC, Denver CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID cards and/or drivers license and present some verbal information that could verify their identity from their record.

Record access procedures:

Individuals can obtain access to their own Digest Files by following the procedures described above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Digest File information is obtained from AFOSI, Commanders, Consolidated Base Personnel Offices, FBI, MAJCOMs, HQ USAF/IG and from official records, reports or documents prepared on behalf of the Air Force by boards, committees, panels, and investigating officers.

Systems exempted from certain provisions of the act:

NONE

F03505 0IACYVA

System name:

03505-0IACYVA Unfavorable Information Files (UIFS) on Officers and Airmen.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Records of punishment under article 15, Uniform Code of Military Justice for written admonition or reprimand not pursuant to article 15 or sentences of court martial, results of court martials, convictions, letters of indebtedness, a reported failure to support dependents, civil and military law enforcement reports resulting in a finding of guilty, judicial or administrative, except for minor traffic violations.

Authority for maintenance of the system:

10 USC 262.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Reviewed in connection with promotion consideration, selection for schools, assignment, and all personnel actions used by active duty personnel and AF civilian employees for all personnel actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in safes.

Retention and disposal:

Retained for 1 year after date of reprimand, or 1 year from date of unfavorable correspondence not related to administrative reprimands, or until member reenlists, separates, retires or dies, and then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, Co 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current

mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from police and investigating officers, from state or local governments, from witnesses or from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03507 0IACYVA

System name:

03507-0IACYVA Flying Status Actions.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Correspondence and related documents pertaining to request for suspension, nonrated officer utilization, aeronautical rating data documents that pertain to aeronautical ratings or suspensions and request for update of the uniform officer record and applications for other flying status/actions.

Authority for maintenance of the system:

10 USC 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To track each action taken until computer action is complete; reservist is informed and file copy is in master personnel record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards. Records are accessed by custodian of the record system.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

information from source documents prepared on behalf of the Air Force advanced personnel data system or supplied by reservist.

Systems exempted from certain provisions of the act:

NONE

F03508 0IACYVA

System name:

03508-0IACYVA Officer Promotions.

System location:

Air Reserve Personnel Center, Denver, CO 80280. Washington National Records Center, Washington, DC 20409.

Categories of individuals covered by the system:

Air Force active duty officer personnel. Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Proceedings, findings and related documents such as rosters, board membership and board support and orders announcing promotion.

Authority for maintenance of the system:

10 USC 8362, 8366, 8367, 8371, Commissioned Officer selection board procedures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by promotion division personnel in preparation for promotion boards and by the actual promotion board when convened.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders and in note books/binders.

Retrievability:

Filed by Name, Social Security Number (SSN), or other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

Retention and disposal:

Retained in office files for 2 years after annual cut-off, then retired to Washington National Records Center, Washington DC 20409, for permanent retention.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC).

Notification procedure:

Requests from individual should be addressed to Command Documentation Officer ARPC/DAD, Denver CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number). Current address and the case (control) number shown on correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 am and 3:00 pm on normal work days. For personal visits, the individual should provide current reserve i.d. card and/or drivers license and give some verbal information that could verify his/her record.

Record access procedures:

Individual can obtain assistance in gaining access from command documentation manager, ARPC/DAD, Denver, CO 80280, telephone area code (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03508 0IACYVB

System name:

03508-0IACYVB Air Force Reserve Airman Demotions.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Documents and rosters relating to a weighted airman selection system and case files for reserve Airmen who were demoted.

Authority for maintenance of the system:

10 USC 275 personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Monitor and process promotion actions by office personnel, and for research of related documents.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/ note books/binders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

Retention and disposal:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

From master personnel records and computer products, automated system interfaces and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F03509 0IACYVA

System name:

03509-0IACYVA Requests for Discharge From the Air Force Reserve.

System location:

Air Reserve Personnel Center, Denver, CO 80280, (all Reserve personnel other than unit assigned); Headquarters Air Force Reserve, Robins AFB GA 3 31098, (AFRES unit assigned Reserve Personnel).

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Applications and other documents related to discharge or separation by reason of dependency or hardship or for the convenience of the government.

Authority for maintenance of the system:

10 USC 1074 Personnel Records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To maintain tracking of each action taken until computer action is complete, reservist is informed and file copy is in Master Personnel Record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards and stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Hq AFRES forwards copies of actions resulting in discharge to the Air Reserve Personnel Center, Denver CO 80280 for inclusion in the individual's Master Personnel Record Group.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280; Vice Commander, Headquarters Air Force Reserve, Robins AFB, GA 31098.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280 (non-unit assigned personnel) or the Chief, Personnel Actions Division, HQ AFRES/DPAA, Robins AFB, GA 3 01098 (AFRES unit assigned personnel). Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC or HQ AFRES. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, (ARPC), Building 444, Lowry AFB, CO between 8:00 am and 3:00 pm on normal work days or Headquarters Air Force Reserve, DPAA, Building 210, Robins AFB, GA between 8:00 am and 4:45 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667 (Non-Unit Personnel), or (AFRES/DPAA), Bldg 210, HQ AFRES, Robins AFB, GA 31098; telephone (912) 926-3107, Unit Assigned Personnel).

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from source documents prepared on behalf of the advanced personnel data system or supplied by reservist.

Systems exempted from certain provisions of the act:

NONE

F03509 0IACYVB

System name:

03509-0IACYVB Administrative Discharge for Cause on Reserve Personnel.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Board proceedings, board waiver, recommendations, and other records which result in discharge.

Authority for maintenance of the system:

10 USC 1162.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To effect the administrative separation of officer members of the United States Air Force Reserve (USAFR) from their appointment as reserve Officers and to effect the administrative separation of enlisted members of the USAFR from their enlistment as reserve members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and by Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in safes.

Retention and disposal:

Retained in office files until discharged then forwarded for inclusion in the Individual's military personnel record in the National Personnel Record Center 9700 Page Blvd St Louis, MO 63132 for permanent storage.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions, police and investigating officers and from witnesses.

Systems exempted from certain provisions of the act:

NONE

F04501 ARPC A

System name:

04501-ARPC-A Air Force Reserve Application.

System location:

At Air Reserve Personnel Center, Denver CO 80280.

Categories of individuals covered by the system:

Air Force active duty personnel, civilian employees and former employees, Air Force Reserve and Air National Guard personnel, dependents of military personnel.

Categories of records in the system:

Copies of application for appointment as reserve of the Air Force and comparable forms, correspondence, and related papers. Applications for extended active duty (EAD) including correspondence and related papers.

Authority for maintenance of the system:

10 USC 275 Personnel Records, 10 USC 672 Reserve Components General, 10 USC 8358 Commissioned Officers original appointment; service credit, 10 USC 8359 Commission Officers original appointment; determination of grade.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine if individual qualifies for appointment or commissioning in the Reserve of the Air Force or voluntary entry on EAD and qualifications, if any, for an Air Force Speciality Code (AFSC). Medical applications are forwarded for approval to AFMPC/SG, Randolph AFB, TX 78148.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files and file folders.

Retrievability:

Filed by Social Security Number (SSN), by name, or case control number.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

Retention and disposal:

Destroy one year after approval or one year after individual declines appointment. Applications for EAD are destroyed after one year or when superseded, obsolete and no longer needed for reference or inactivation whichever is sooner. Documents destroyed by tearing, shredding, macerating, or pulping.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Request from individual should be addressed to the Documentation Management Officer ARPC/DADP, Denver, CO 80280. Written request for information should contain full name of individual, Social Security Number (SSN), current address and the case control number shown on any correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 A.M. and 3:00 P.M. on normal work days. For personal visits, the individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her identification, such as is on an application for a reserve appointment or EAD.

Record access procedures:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DADP, Denver, CO 80280, telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual applying for appointment in the reserve, applications for extended active duty, and statement of military who served Navy or Marine Corps.

Systems exempted from certain provisions of the act:

NONE

F04501 0IACYVC

System name:

04501-0IACYVC Professional Officer Course(POC) and Financial Assistance Program Cadets.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Copies of transmittal letters for disenrolled Air Force Reserve Officer Training Corps (AFROTC) cadets to be discharged.

Authority for maintenance of the system:

10 USC 2104 and 2107.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To determine if AFROTC cadets were identified for discharge due to disenrollment and the date identified. To provide historical data on number discharged.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets and protected by guards.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from individual reservists, from educational institutions and from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F04501X0IACYVA

System name:

04501X0IACYVA Air Force Service Data of Employees and Relatives.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve and Air National Guard personnel.

Categories of records in the system:

Personal data of active duty military personnel and civilian employees or a relative of either who are assigned to the Air Reserve Personnel Center, Members of the Air Force Reserve or Air National Guard.

Authority for maintenance of the system:

10 USC 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to identify a master personnel record and place it in a more secure file to which access is limited. When completed, the form is maintained and used by the records maintenance division (DPFR) Air Reserve Personnel Center.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual, member or relative.

Systems exempted from certain provisions of the act:

NONE

F04501X0IACYVD

System name:

04501X0IACYVD Air Force Reserve Officer Training Corps (AFROTC) Contract Violators.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Cards reflecting incoming referrals annotated with name, Social Security Number (SSN), address and resume of actions taken

Authority for maintenance of the system:

10 USC 2107 Financial assistance program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control and account for AFROTC contract violator cases. Used by military personnel technicians for central accounting of AFROTC contract violator.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on corre-

spondence received from ARPC. Records may be reviewed in the records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from Commandant AFROTC, Maxwell AFB, Alabama 36112.

Systems exempted from certain provisions of the act:

NONE

F04501X0IACYVE

System name:

04501X0IACYVE Involuntary Recall.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Documents consist of listings of incoming referrals with name, Social Security Number (SSN), line number and resume of actions taken.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To control and account for involuntary recall of nonparticipating Airmen. Used for control by military personnel technicians.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in note books/binders.

Retrievability:

Filed by name, Social Security Number (SSN) and line number.

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC) Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from the National Guard Bureau, Wash, DC, 20310. Headquarters Air Force Reserve/DPAA Robins AFB Georgia 31098. ARPC/DPRM, Denver, CO 80280.

Systems exempted from certain provisions of the act:

NONE

F04502 0IACYVA

System name:

04502-0IACYVA Inactive Duty Training, Extension Course Institute (ECI) Training.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Authorization for inactive duty training, authorization for individual inactive duty training (for nonpay status only; for pay status authorization). Certificate of completion issued on completion of volume of a course.

Categories of records in the system:

Point credit source documents maintained on active air force reserve member.

Authority for maintenance of the system:

10 USC 1331, 1332 and 1333.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The record shows the completion of each volume of a correspondence course by a reservist and shows training performed for either paid or nonpaid status. Record is used by military personnel clerks to audit a reservist point credit account. It is used as a cross check to insure accuracy of the reservists yearly point credit account as it pertains to his pay account.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in visible file binders/cabinets.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know and protected by guards.

Retention and disposal:

Inactive duty training documents are destroyed after 5 years. ECI certificates (duplicates) are destroyed six months after reservist receives his copy.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from individual reservist, Air National Guard and Air Force Reserve unit.

Systems exempted from certain provisions of the act:

NONE

F05001 0IACYVA

System name:

05001-0IACYVA Professional Military Education (PME).

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Records concerning school (pme) quotas, school selection boards results selecting a reservist to attend a pme course.

Authority for maintenance of the system:

10 USC 262.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used to monitor, manage and comply with the requirements to fulfill the quotas allocated to reservist by the office of primary responsibility at ARPC.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/note books/binders.

Retrievability:

Filed by Name, Social Security Number (SSN) or by other identification number or system identifier.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

Retention and disposal:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from master personnel record and individuals application.

Systems exempted from certain provisions of the act:

NONE

F05002X0J ED A

System name:

05002X0J-ED-A Community College of the Air Force Student Record System.

System location:

The system is centrally administered by the Community College of the Air Force (ATC/ED) Maxwell AFB, AL 36112. Computer processing for the system is furnished by the San Antonio Data Services Center (SADSC) 8630 Broadway San Antonio, TX 78217. Microfiche for the system are created by the USAF Electronic Security Command (HQ ESC/DADS) Kelly Air Force Base, TX 78243.

Categories of individuals covered by the system:

The system may have a record for any person who has a Social Security Number and who has since 1 January 1968 completed a formal course of instruction conducted Air Force schools identified in the current Community College of the Air Force General Catalog. (Note: Such courses do not include pre-commissioning courses and courses conducted exclusively for officers or their civilian cThe system also includes records reflecting Air Force courses completed before 1968 and other educational accomplishments for persons who as enlisted members of the Air Force registered in programs of study leading to credentials awarded by the college. (Note: Both here and where appropriate below, the general term Air Force should be understood as including the regular Air Force, the Air Force Reserve, and the Air National Guard.)

Categories of records in the system:

The college originates and maintains individual academic records and, where necessary to serve Airmen registered in study programs leading to credentials awarded by the college, maintains a variety of source or substantiating records such as copies of registration applications and document control records derived from such applications; civilian college transcripts; college level examination progcopies of educational records originated by other Air Force and non-Air Force agencies external to the college (such as the Federal Aviation Agency, the United States Armed Forces Institute, and the Defense Activity for Non-Support); copies of a variety of Air Force personnel records (such as documents derived from master records maintained by the USAF Military Personnel Center and microfiche records of locator data); and records of credentials awarded to graduates, Is necessary to manage the day-to-day operations and to plan development of the record system. The college also maintains copies and related records of communications from, to, or regarding persons interested in the college, its educational programs, its student record system, and related matters. Copies of and statistical records derived from individual responses to surveys, questionnaires, and similar instruments authorized by HQ USAF may also be maintained as needed for managerial evaluation and planning by officers of the college.

Authority for maintenance of the system:

44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records originated in the system serve the purpose of documenting, in terms of credit awarded or acthe college, individual educational accomplishments which satisfy curricular requirements of study programs leading to credentials offered by the college. Transcripts of records originated in the college are at the written request of persons concerned furnished to any recipient(s) designated in such requests. Such recipients typically include Air Force Education Services Centers, other offices wherever Air Force personnel are stationed, educational institutions, and potential or current employers. CCAF transcripts and coriginated in the college are typically used to support educational and occupational counselling, pladmission to other colleges; and related individual affairs. Other disclosures of personal records originated in or maintained by the college may without the knoconsent of persons concerned be made to Air Force officers, enlisted personnel, and civilian employees directly involved in administering or supporting the educational programs offered or records managed by the college; other Air Force officers, enlisted personnel, and civilian employees who provide educational and related services to Air Force personnel; officers and employees of other agencies as may be necessary to comply with proper requests for recoFreedom of Information Act (Title 5 U.S. Code 552, as amended by Public Law 93-502); and to officers and employees of other agencies as may be necessary to overcome extended interruptions in nprocessing (which agencies may include the Veterans Administration, Trinity University, and the UnitAssociation). Similar incidental disclosures of information recorded in the system may be made to employees of civilian contractors engaged by the Air Force to provide services which directly or indirectly support the record system. Contractors thus engaged at this time are Rothe Development INC, Support Contractors INC, Fred Clark Electric Contractors INC, International Business Machines CORP, Storage Technology CORP, TELEX Computer Products INC, ITEL Computer Products INC, SORBUS INC, Cambridge Memories INC, Xerox CORP, Nashua INC, COMDISCO INC, Sperry-Univac CORP, Burroughs CORP, Honeywell INC, General Kinetics INC, American Telephone and Telegraph CO, Southwestern Bell Telephone CO, Stromberg-Datagraphix INC, and Minnesota Mining and Manufacturing CO.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Permanent student records are maintained on and reproduced as necessary from microfiche created by computer processing. Micro-

fiche are maintained in special filing stands and in special three-ring binders. Computer records are maintained on and as necessary reproduced from magnetic media (tape and disk) ware filed in special cabinets and racks in a library facility. Paper records are maintained in file folders, card files, and conventional cabinets, and in special binders and cabinets designed for computer listings.

Retrievability:

Computer records are retrievable by a combination of Social Security Number (SSN) and certain letters of last name. Microfiche records are retrievable by SSN exclusively. Paper records are retrievable by either SSN or name. Note as may be necessary to support managerial studies by the college staff, computer records may also be retrieved in groups where such records bear common information.

Safeguards:

Records maintained in the college are normally disclosed only upon written request from the persons whose records are to be disclosed or upon written request from an Air Force officer or employee responsible to provide educational or related services to Air Force personnel. Disclosures to non-Air Force agencies not requested by the persons whose records are to be disclosed are made only with consent of an officer of the college and as consistent with the Privacy Act of 1974 and the Freedom of Information Act. Except for disclosures within the college as may be necessary to its operations, requests by telephone and other unwritten means will not be honored unless in the judgment of a responsible member of the collis a member or employee of the Air Force acting on behalf of, or is, the person whose record is requested. Special care is exercised to ensure complete identification of the requestor, the person whose record is to be disclosed, and intended use. Other systematic safeguards to ensure integrity of records include secure storage of successive generations of computer master files, existence and long term retention in other Air Force agencies of records which would be needed to rebuild the entire system in the event of catastrophe, and traditional measures to ensure the security of Air Force facilities. All records in the system are during duty hours attended by responsible Air Force personnel and during non-duty hours stored in locked facilities under constant or periodic surveillance by Air Force security police or guards.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. specific rules for retention of permanent microfiche and corresponding magnetic tape records have not yet been determined. It is anticipated that such recorretained for not less than 30 and not more than 50 years beyond the latest entries on each such record. Transitory computer records (such as input transaction records and records on successive generations of master files) are typically retained only so long as they may be useful, which may be as little as 48 hours or as much as 60 days. Active master file records are by their nature evolutionary and are typically retired within 180 days of a person:s separation or retirement or 5 years after thon a given record. (The last rule applies to persons who were not enlisted Air Force members when the last entries on their records were made.) Paper records maintained to serve students registered in study programs are retained so long as a registrant remains active in his or her program. Such records are destroyed 1 year after a registrant completes his or her study program or 3 years after the most recent communication from an airman whose program has not been completed. Other records are typically retained only so long as they may serve a useful purpose, which is typically between 30 and 90 days. No rule has yet been defined for retaining records which verify awards of credentials by the college, but it is expected that such records will need be archival.

System manager(s) and address:

Senior official responsible for policies and procedures which govern the system: Deputy Chief of Staff/Personnel, Headquarters United States Air Force. System Manager: President, Community College of the Air Force (CCAF/CC) Maxwell AFB, AL 36112.

Notification procedure:

Persons who have not registered in the college should address inquiries regarding records maintained by the college to Chief, Student Records Branch (CCAF/RRR) Maxwell AFB, AL 36112. Persons who have registered in the college may address inquiries as above or to Chief, Careers Division (CCAF/AY), also at Maxwell AFB. Such inquiries will need include the full name (and former names if appropriate), SSN, and birthdate of the inquirer, and should include a full return address (including zip code). Visits to the college are welcomed, and visitors seeking information about personal records should first visit the Office of the Registrar.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. and from addresses listed above.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions. Information obtained from automated system interfaces. and from source documents submitted to the college by or at the request of individuals concerned, or by other Air Force agencies acting on behalf of individuals concerned.

Systems exempted from certain provisions of the act:

NONE

F05301XOBXQPCB

System name:

05301XOBXQPCB Educational Research Data Base

System location:

United States Air Force Academy, USAF Academy CO 80840.

Categories of individuals covered by the system:

Active, retired and separated Air Force officers who received their commissions through the USAF Academy.

Categories of records in the system:

High school, college and USAF career information including military performance, academic performance, certain medical, disciplinary and personal facts.

Authority for maintenance of the system:

10 USC 8012

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of System: To provide readily available information on Academy graduates. Category of Users: Faculty and staff. Specific Use: Used to complete various analyses and inquiries concerning how Academy graduates are competing with their contemporaries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer magnetic tapes.

Retrievability:

Filed by Name. Filed by Social Security Number (SSN), Military Service Number and date of birth.

Safeguards:

Records are accessed by custodian of the record system, and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Director of Admissions and Registrar, United States Air Force Academy, CO 80840

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from educational institutions, medical institutions, automated system interfaces, and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F11001 SAFPC A

System name:

11001-SAFPC-A Air Force Discharge Review Board Voting Cards.

System location:

Office of the Secretary of the Air Force, Washington DC 20330.

Categories of individuals covered by the system:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

Categories of records in the system:

Voting cards.

Authority for maintenance of the system:

10 USC 1553 - Review of Discharge or Dismissal.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used by the Air Force Discharge Review Board to record votes of board members on individual cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in card files.

Retrievability:

Filed by Name, Social Security Number (SSN) or Military Service Number.

Safeguards:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

Retention and disposal:

Retained in office files for one year from date of hearing and then destroyed by burning or shredding.

System manager(s) and address:

Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Written requests should contain the full name service number and social security account number of the requester. Personal visits may be made to room 920, Commonwealth Building, 1300 Wilson Blvd, Arlington, VA. Personal visitors must supply full name service number, social security account number and some form of identification such as driver's license, credit cards, etc.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual's military personnel record.

Systems exempted from certain provisions of the act:

NONE

F12502 SPP A

System name:

12502-SPP---A Correction Records.

System location:

Headquarters United States Air Force, Washington DC 20330. Air Force Accounting and Finance Center, Denver, CO 80279. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Washington National Records Center, Washington DC 20409. Maintained by the Chief of Security Police and Staff Judge Advocate at the installation where the individual was last assigned, Commander 3320th Retraining Group, Lowry AFB, Co., Commandant United States Disciplinary Barracks (USDB), Leavenworth, KS and the Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, D.C.

Categories of individuals covered by the system:

Records are maintained on any individual who was placed in confinement at an installation, assigned to the 3320th Retraining Group or the USDB for purposes of retraining or confinement, placed in a federal prison system as the result of criminal conviction, or spent time in the correctional custody program at any Air Force installation.

Categories of records in the system:

System includes prisoner personnel records consisting of confinement orders, release orders, personal history records, medical examiners report, request and receipt for health and comfort supplies, recommendations for disciplinary action, inspection records, requests for interview and evaluation reports; corrections officers records including personal deposit fund records and related documents, disciplinary books, correction facility blotters and visitor registers; prisoner records consisting of daily strength records, and reports of escaped and returned from escaped prisoners; prisoner classification summaries; retrainee test records and correctional custody case files consisting of disciplinary punishment letters, evaluation of individual and personal history, and records pertaining to any clemency/ parole actions.

Authority for maintenance of the system:

44 USC 3301 and 10 USC 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Purpose of these records is to maintain a life file on the individual as a prisoner or correctional custodee on an installation, or as a retrainee at the 3320th Retraining Group or when an Air Force prisoner serving a sentence in a federal prison. Routine uses of the records are to establish background for either disciplinary or good conduct action as well as general administration uses of the records concerning health and welfare of the individual, as well as clemency and parole actions. Any individual record or part thereof can be transferred to any component of the Department of Defense or the Department of Justice, as well as civilian agencies such as law enforcement agencies, or law firms as a basis for consideration of civil action either against or on behalf of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in note books/binders, in card files, on computer paper printouts, on roll microfilm and on microfiche. Maintained as photographs.

Retrievability:

Filed by Name, Social Security Number (SSN) and fingerprint classification.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by visitor registers.

Retention and disposal:

Depending on the type of record within the system, it is either destroyed after release of the prisoner/custodee/retrainee, maintained for one year after the release of the individual, or retained in the files at the facility in which the individual was confined for two years, after which time the record is either destroyed or transferred to a staging area for two additional years, then either retired to the Washington National Records Center, Washington DC 20409, for permanent retention or destroyed by tearing into pieces, shredding pulping, macerating, or burning. Records pertaining to clemency/ parole actions are retained for 5 years after final action, then destroyed by burning and shredding.

System manager(s) and address:

Chief of Security Police, Kirtland AFB, NM 87117. The Judge Advocate General, Headquarters United States Air Force. Unit commander at the individual's last assignment; the commander of the 3320th Retraining Group, Lowry AFB, Colorado; Installation Chief of Security Police, Commandant USDB, Chairman Air Force Clemency and Parole Board.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager. Installation Chief of Security Police, Installation Staff Judge Advocate Commander of unit to which individual was last assigned, or the Commander, 3320th Retraining Group. Records of clemency and parole actions are maintained by the Office of the Secretary of the Air Force Personnel Council and the Commandant USDB. Requestors should provide full name and proof of identity. When visiting, requestor will be required to provide proof of identity.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from financial institutions, medical institutions, police and investigating officers, state or local governments, witnesses or source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

Systems exempted from certain provisions of the act:

NONE

F16001 AFA A

System name:

16001-AFA-A Cadet Hospital/Clinic Records.

System location:

At USAF Academy CO 80840.

Categories of individuals covered by the system:

AF Academy Cadets.

Categories of records in the system:

Daily roster of cadets hospitalized and report of cadet visits to the cadet clinic.

Authority for maintenance of the system:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Information collected for purpose of notifying concerned individuals of status of cadets hospitalized. Users include: Superintendent, Commandant of Cadets and Hospital Commander. Information used to provide Superintendent daily report of number and status of cadets hospitalized; provide Hospital Commander and staff daily report of status of cadets hospitalized; provide Commandant and staff daily report of number and status of cadets hospitalized; provide information to Air Officer Commanding so that he may notify parents as required when their child is hospitalized more than three days; concerned personnel can note trends in hospitalization in terms of numbers of cadets hospitalized, length of hospital stay, and nature of medical problems being treated. (2) Report of visits to cadet clinics; record the time a cadet enters the clinic, what his complaint is and explanation of excusals and time he exited the clinic. Distribution of this info is made to Cadet Wing Airmanships Division, Athletics and individual concerned. Cadet Wing Airmanships Division uses it to monitor cadet activity for ground safety program. Athletics uses to monitor excusals from physical education and to evaluate injury rates. The individual uses it to justify time away from classes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by name.

Safeguards:

(1) Records are accessed by the custodian, person(s) responsible for servicing the record system, and authorized personnel who are properly screened and have a need-to-know. Records are stored in locked cabinets or rooms. (2) Clinic copy is under the direct control of Non-Commissioned Office in Charge (NCOIC) of Administrative Services. Distribution is made only to acknowledged representatives of Cadet Wing Airmanship Division and Athletics.

Retention and disposal:

(1) Retained in office files for one year after annual cut-off then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. (2) Retained in office files for three months or until purpose has been served, whichever is sooner; then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

System manager(s) and address:

Commander, USAF Academy Hospital, USAF Academy, CO 80840.

Notification procedure:

Requests should be addressed to the Registrar, USAF Academy Hospital Cadet Liaison, and should include full name, and date of hospital admission.

Record access procedures:

Individual can obtain assistance in gaining access from the System Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions, the individual, a physical and/or medical technicians.

Systems exempted from certain provisions of the act:

NONE

F16002 SGPS A

System name:

16002-SGPS–A Department of Defense Medical Examination Review Board Medical Examination Files

System location:

Department of Defense Medical Examination Review Board (DODMERB) US Air Force Academy CO 80840.

Categories of individuals covered by the system:

All applicants to the five service academies or the Four Year Reserve Officer Training Corps (ROTC) Scholarship Program and Uniform University of Health Sciences.

Categories of records in the system:

The record system is maintained in three forms: The original hard copy report of Medical Examination, Report of medical history, narrative summary and any associated civilian forms or tests that may have been accomplished; may also contain personal correspondence between the DODMERB and the applicant and/or parental/guardian consultation concerning applicant's medical history or status; the second portion is microform copy of the hard copy file; the third portion is in computer storage.

Authority for maintenance of the system:

10 USC 133.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The paper copy is used to determine medical acceptability for one or more of the service academies or the ROTC and/or USUHS. The microform portion is used for historical retrieval of previous actions; The computer form is used to advise the program managers of initial medical status any update actions on an applicant. Statistical summarieare extracted from the computer bank. Consultations concerning medical conditions may be necessary with parent/guardian to clarify/explain applicant's medical status. Examinations may be accomplished by military medical facilities personnel, civilian contract agents of the government and/or private physicians.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Stored in file folders, microfilm jackets and on computer disks or tapes.

Retrievability:

Filed by Name and by Social Security Number (SSN).

Safeguards:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by computer system software.

Retention and disposal:

Paper copy is destroyed at end of current year cycle, microfilm copy is kept five years and computer storage file is kept for two years following end of cycle. Destruction is by tearing into pieces, shredding, pulping, macerating or burning except for computer media which is degaussed or overwritten.

System manager(s) and address:

Department of Defense Medical Examination Review Board, US Air Force Academy CO 80840.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information obtained from medical institutions.

Systems exempted from certain provisions of the act:

NONE

F16002 0IACYVA

System name:

16002-0IACYVA Physical Examination Reports Suspense File.

System location:

Air Reserve Personnel Center, Denver, CO 80280.

Categories of individuals covered by the system:

Air Force Reserve personnel.

Categories of records in the system:

Incomplete reports of physical examinations, correspondence to and from reservists/individuals.

Authority for maintenance of the system:

10 USC 275.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in files is used to provide control of reservists/individual medical status.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and by commanders of medical centers and hospitals. Records are protected by guards.

Retention and disposal:

Filed in the individual personnel records maintained at ARPC.

System manager(s) and address:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

Notification procedure:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 am and 3:00 pm on normal work days. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's identification.

Record access procedures:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, Colorado 80280; telephone (303) 394-4667.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Information from examining facilities, physicians (military and civilian, and summary of physicians evaluation.

Systems exempted from certain provisions of the act:

NONE

F16805 ASGHB R

System name:

16805-ASGHB-R Health and Outpatient Records.

System location:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. United States Air Force Academy, CO 80840. National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Air Force hospitals, medical centers and clinics. Consolidated flight record custodians at Air Force installations. Air National Guard activities. Air Force Reserve units. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Other authorized medical units servicing military personnel and/or their dependents, such as National Aeronautics and Space Administration, Embassies, Federal Aviation Agency, Public Health Service, Veterans Administration.

Categories of individuals covered by the system:

All personnel authorized to receive medical care in an Air Force facility.

Categories of records in the system:

Chronological record of all care received in military medical facilities. This is primarily a record of all treatment received on an outpatient basis with supporting documentation such as laboratory and x-ray reports; the record also includes copies of cover sheets and summaries of each period of hospitalization the patient has had. Certain administrative forms which concern medical conditions, such as Line of Duty Determinations, Physical Profiles, Medical Recommendation for Flying Duty are also included. To provide ready accessibility to the records, an alphabetical name file is maintained.

Authority for maintenance of the system:

10 USC 133 and 8012.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used as chronological record of patient's health while authorized care in a military medical facility. Used by patient or legal representative for further medical care, legal purposes, other uses such as insurance requests or compensation claims as specifically authorized by the patient. Used by physician for further medical care of patient, research, teaching, legal purposes. Used by other Patient Care Providers within the hospital for further medical care of the patient, research, teaching, legal purposes. Used by hospital and medical staff for evaluation of medical staff performance in the medical care rendered; medical research; teaching; hospital accreditation; preparation of statistical reports; reporting communicable diseases and other conditions required by law to federal and state agencies; legal purposes. Used by Army-Navy-VeteranAdministration-Public Health Service-any other hospital, clinic etc for further medical care of the patient if currently undergoing treatment there. Used by attorneys and courts for litigation purposes (record is released only upon receipt of the patients' signed authorization or a court order). Used by insurance companies - requires the patients' writteconsent for release. Used for establishing insurance benefits or payment of benefits. Used by otheAir Force Agencies - such as Central Tumor Registry which maintains files on all patients in whom a malignancy has been diagnosed; Office of Special Investigations when required for an investigation they are conducting; Judge Advocate General for litigation purposes. Used by other Federal and State Agencies - such as Veterans Administration and Department of Labor (Workmens Compensation) for adjudication of claims; reporting communicable disease or other conditions required by law. Other persons or agencies as specifically authorized by the patient.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders, in card files and in machine - readable form.

Retrievability:

Filed by Name. Filed by Social Security Number (SSN) or by Military Service Number.

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know, and by commanders of medical centers and hospitals. Records are stored in locked cabinets or rooms and controlled by personnel screening.

Retention and disposal:

Records for military personnel are retained for 50 years after date of last document; for all others, 25 years. While on active duty, the Health Record of a US military member is maintained at the medical

unit at which the person receives treatment. On separation, or retirement, records are forwarded to National Personnel Records Center/ Military Personnel Records (NPRC/MPR) or other designated depository, such as Air Reserve Personnel Center if reservist; to appropriate state National Guard unit, if National Guard member; to appropriate Veterans Administration Regional Office if VA Claim has been filed. Records of other personnel may be handcarried or mailed to the next military medical facility at which treatment will be received, or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retired to NPRC or other designated depository, such as, but not limited to, Commandant (PM) US Coast Guard, Washington DC 20226 for Coast Guard active duty members; Medical Director, American Red Cross, Washington DC 20006 for Red Cross Personnel. (Records at NPRC are destroyed by burning or shredding).

System manager(s) and address:

The Surgeon General, Headquarters United States Air Force. Chief of Air Force Reserve, Headquarters United States Air Force. Director of Air National Guard, Headquarters United States Air Force. Commanders of medical centers hospitals clinics medical aid stations; Commander, Manpower and Personnel Center; Director National Personnel Record Center (military) 9700 Page Blvd, St Louis, MO 63132; Director, National Personnel Record Center (civilian), 111 Winnebago St., St Louis, MO 63118. Individuals who have records responsibility at all other authorized medical units servicing military personnel and their dependents.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Physicians and other patient care providers such as nurses, dietitians, physicians assistants, etc. Administrative forms filed in the records will be completed by appropriate official, military or civilian.

Systems exempted from certain provisions of the act:

NONE

F17725 0EACYVA

System name:

17725-0EACYVA Air Reserve Pay and Allowance System (ARPAS).

System location:

Primary system location: Air Force Accounting and Finance Center, Lowry AFB, Denver CO 80279; decentralized supporting segments are located at: Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78148. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Air National Guard activities and Air Force Reserve units. Accounting and Finance Offices at Air Force bases Servicing individual Air Reserve Forces members. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices, Denver Federal Archives and Record Center, Bldg 48, Denver Federal Center, Denver, CO 80225; and records Center annex GSA, p.o. Box 141, Neosho, MO 64850 (system back- up storage).

Categories of individuals covered by the system:

Active Air Reserve Forces members in a military pay status and Dependents of military personnel except Air Reserve Forces members on extended active duty and members of the Air Force Reserve Officer Training Corps.

Categories of records in the system:

Military pay account computer records and supporting documentations relating to Air Reserve Forces military pay and allowance entitlements, deductions, and collections. Military pay computer records, including but not limited to, master individual pay account files (containing essential check and member identification data, military pay entitlement and allowance data, accounting data, tax withholding rate and amount data, collection and indebtedness data, and performance data); wage and tax withholding records; records of Air Reserve Forces calendar day performance; check issue, control and cancellations records; transaction input, system reject, and system recycle records; disbursement and collection report records; accounting report records; and other generated records supporting, substantiating, or authorizing Air Reserve Forces military pay and allowance entitlement, deduction, or collection actions. Military pay documentation records include, but are not limited to, travel orders, requests and performance records; active military duty performance records; statements of tours or performance of military duty; payroll attendance lists and rosters; document records establishing, supporting, reducing, or cancelling entitlements to basic pay; special compensations (such as medical, dental, veterinary, and optometry); special pays (such as foreign duty, hostile fire); allowances (such as basic allowance for subsistence, basic allowance for quarters, family separations, clothing maintenance and monetary allowances); incentive pays; and other entitlements in accordance with the Department of Defense Pay and Allowance Entitlement Manual; certificates and statements changing address, name, military assignment, and other individual data necessary to identify and provide accurate and timely Air Reserve Forces military pay and performance credit; allotment start, stop, or change records; declarations of benefits and waivers; military pay and personnel orders; medical certifications and determinations; death and disability documents; check issuing and cancellation records and schedules; payroll vouchers; money lists and accounting records; pay adjustment authorization records; system input certifications; member indebtedness and tax levy documentation; earnings statements; employees wage and tax reports and statements; casual payment authorization and control logs; punch card transcripts; and other documentation supporting, authorizing, or substantiating Air Reserve Forces military pay and allowance entitlement, deduction, or collection. Inquiry files, sundry lists, reports, letters, correspondence, and rosters including, but not limited to, Congressional inquiries, Internal Revenue Service notices and reports, state tax and insurance reports, Social Security Administration reports, Veterans Administration reports, inter-Department of Defense requests, treasury reports, and health education and institution inquiries.

Authority for maintenance of the system:

37 USC 101 et. Seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is collected in the system to ensure accurate and timely military pay and allowances to supported Air Reserve Forces members; provide timely, complete master individual pay account review; document and account for Air Reserve Force military pay and allowance disbursements and collections; and provide account inquiry research response capability. Records are utilized to determine net military pay and allowances check issues to Air Reserve Force members; to verify and account for system input transactions; to identify, correct, and collect overpayments; to establish, control, and collect member collection and indebtedness notices and levies; to maintain complete accounting records for Air Reserve Forces military pay and allowance disbursements, collections, refunds, and reimbursement actions; and to provide internal and external managers with statistical and monetary reports. Other users of system record data include such Air Force components as Headquarters US Air Force, Major Air Force Commands, Air Force installations, Air National Guard and Air Force Reserve Consolidated Base Personnel Offices and Consolidated Reserve Personnel Offices, Air National Guard Base Comptrollers, and ARPAS payroll offices. Other users and uses include, but are not limited to, record transfers to components of the Department of Defense for system transaction validity and accuracy audit, accounting, and documentation utilization; other federal agencies such as the Internal Revenue Service for wage and tax withholding reporting, accounting, tax audits or levies; Social Security Administration for wage and tax withholding reporting, accounting, or tax audit; Civil Service Commission for personnel management functions; Comptroller General and the General Accounting Office for system transaction validity and accuracy audits; Veterans Administration for compensation and waiver reporting and audits, life insurance accounting, disbursement and benefit determinations; US Federal Courts for legal proceedings; Federal, State, or local Governmental agencies for reports and accounting utilization; state and local governments for tax and welfare information; educational institutions for verifying scholarship qualifications and performance; charitable institutions and military associations to render recognition for meritorious service; and financial institutions for deposits (checks to banks) and credit references. Pay data is released to computer and accounting service centers upon request of financial organizations designated by individuals to receive money due them. Pay data is also released to Federal Reserve Banks under procedures specified in 31 CFR 210 for Federal recurring payments by means other than by checks. Disclosure made persuant to the Freedom of

Information Act. Disclosures to the Department of Justice for criminal prosecution, civil litigation or investigation. The American Red Cross and Air Force Aid Society use this information to determine needs of a member of his or her dependents in emergency situations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained in file folders/ in note books/binders/ visible file binders/cabinets/card files on computer magnetic tapes and computer paper printouts, on roll microfilm and microfiche.

Retrievability:

Filed by Name and Social Security Number (SSN).

Safeguards:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/safes/ vaults, protected by guards, and controlled by personnel screening, visitor registers and computer system software requiring special random input entry identifiers.

Retention and disposal:

The system contains differing types of records subject to varied retention of from 6 months to 56 years. Records are retired to the Denver Federal Archives and Record Center, and also are stored at the Records Center annex GSA at Neosho, MO for back-up storage. Final destruction of records is by sale to a salvage company for shredding.

System manager(s) and address:

Comptroller of the Air Force, Headquarters United States Air Force; Director Accounting and Finance United States Air Force (USAF); managers for geographically dispersed supporting elements to the system are Chief of Air Force Reserve, Headquarters United States Air Force. Director of Air National Guard, Headquarters United States Air Force. Accounting and Finance Officers, Consolidated Base Personnel Officers, Air National Guard Base Comptrollers, Consolidated Reserve Personnel Officers, ARPAS Payroll Officers, and designated representatives thereof.

Notification procedure:

Information as to whether the record system contains Information on an individual may be obtained from AFAFC/DAD, Lowry AFB,, Denver, CO 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the applicable Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requesters should be able to provide sufficient proof of identity, such as name, social security number, military status, last Air Reserve Forces unit of assignment, duty status or place of employment, or other information verifiable from the system record itself.

Record access procedures:

Requests from individuals should be addressed to AFAFC/DAD, Lowry AFB, Denver, CO 80279, telephone (303) 320-7553. Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the Air Force component listed in the Department of Defense Directory in the appendix to the Air Force system notice. Requesters should be able to provide sufficient proof of identity, such as name, social security number, military status, last Air Reserve Force unit of assignment, duty status, or place of employment, or other information verifiable from the system record itself.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Record system sources for information include, but are not limited to, the following: Headquarters USAF, Air Force Major Commands and Air Force installations, Consolidated Base Personnel Offices and Consolidated Reserve Personnel Offices, Air National Guard Base Comptrollers, ARPAS Payroll Offices, other DoD components; the Internal Revenue Service, Social Security Administration, Veterans Administration, and other federal agencies; financial institutions, educational institutions, medical institutions, automated system interfaces, and state and local agencies.

Systems exempted from certain provisions of the act:

NONE

F17801 OJ RS A

System name:

17801-OJ-RS-A Lead Management System (LMS).

System location:

Air Force Opportunity Center (AFOC) (Duties of this Center are performed by a civilian contractor who is engaged by the Air Force to provide lead fullfillment services to Headquarters, United States Air Force Recruiting Service, Randolph AFB TX 78148. Location depends on the contractor.

Categories of individuals covered by the system:

Respondents to United States Air Force Recruiting Service advertisements and referrals made by active duty military personnel, retired military personnel and Air Force civilian employees.

Categories of records in the system:

Respondent's inquiry record containing name, address, date of birth, sex, telephone number, advertising medium, recruiting program in which interested, and source of referral, including name and Air Force base assigned. Recruiter contact records containing success of contract efforts, reason for not contacting, how contact was made, confirmation of educational level, qualification of individual and status of individual.

Authority for maintenance of the system:

10 U.S.C. 503 and E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The contractor fullfills requests from respondents for information about the Air Force and notifies appropriate recruiting activities of respondent's interest. Contractor develops statistical summaries which are used by USAF Recruiting Service to evaluate the effectiveness of the advertising and referral programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Maintained on computer and computer products.

Retrievability:

Filed by name.

Safeguards:

Records are accessed by custodian and by persons responsible for servicing the system.

Retention and disposal:

Retained by contractor at the AFOC for two years, then destroyed. HQ USAF Recruiting Service computer paper printouts retained for 60 days, then destroyed. Subordinate recruiting activities files retained for one year after final follow up action is complete, then destroyed.

System manager(s) and address:

Director, Advertising, USAF Recruiting Service, Randolph AFB TX 78148.

Notification procedure:

Requests from individuals should be addressed to the Systems Manager.

Record access procedures:

Individuals can obtain assistance in gaining access from the Systems Manager.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Individual respondent and automated system interfaces.

Systems exempted from certain provisions of the act:

NONE

[FR Doc. 80-22755 Filed 7-30-80; 8:45 am]

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Part IV

Environmental Protection Agency

Fuel Economy of Motor Vehicles; Fuel Economy Labeling Requirements for 1981 and Later Model Year Passenger Automobiles; Gas Guzzler Tax Statement

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 600

[FRL 1521-1, Docket No. A79-44]

Fuel Economy of Motor Vehicles; Fuel Economy Labeling Requirements for 1981 and Later Model Year Passenger Automobiles; Gas Guzzler Tax Statement

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule sets forth the (1) label requirements, (2) format and contents of labels, and (3) the Gas Guzzler Tax statement and tax liability schedule for 1981 and later model year passenger automobiles subject to a Gas Guzzler Tax assessment. The tax schedule depicts the tax which will be assessed manufacturers for each vehicle with fuel economy values which are below the minimum tax-free fuel economy value specified in the Energy Tax Act of 1978. The regulation was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on October 4, 1979 (44 FR 57362). (The Internal Revenue Service [IRS] is responsible for promulgating regulations pertaining to the total dollar assessment and collection of the tax. A temporary regulation was published on February 8, 1980 addressing this aspect.)

EFFECTIVE DATE: These regulations are effective September 2, 1980.

ADDRESSES: Material relevant to this final rule are contained in Public Docket No. A79-44 at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall, Room 2903B (EPA Library), 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0308. Single copies of EPA's Summary and Analysis of Comments document can be obtained (free of charge) by request from the Director, Certification Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: Clifford D. Tyree, Technical Support Staff, Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone (313) 668-4310.

SUPPLEMENTARY INFORMATION:

I. Background

Two legislative actions taken by the 95th Congress in late 1978 require that EPA amend its regulations governing vehicle fuel economy labeling. These two laws are the Energy Tax Act of 1978 and the National Energy Conservation Policy Act (NECPA). Title II, Part I, Section 201 of the Energy Tax Act of 1978 (Pub. L. 95-618, 92 Stat. 3180, 26 U.S.C. 4064) establishes a schedule of taxes to be levied on the manufacture of each automobile which does not meet certain fuel economy targets, based on the combined fuel economy value as calculated by EPA. This is called the "Gas Guzzler Tax" and is administered by the Internal Revenue Service (in accordance with regulations promulgated by the Department of Treasury) beginning with the 1980 model year.

There are several types or classes of vehicles to which the tax does not apply. These include vehicles defined as nonpassenger automobiles (light trucks) for purposes of Section 501 of the Motor Vehicle Information and Cost Savings Act (MVICSA) (15 U.S.C. 2001). In addition, emergency vehicles such as (1) ambulances or combination ambulance/hearses, (2) vehicles sold to and used by Federal, state, or local governments for police or other law enforcement purposes, and (3) vehicles used for any other emergency purposes as defined by the Secretary of the Treasury will also be exempt from this tax assessment.

Title IV, Part I, Section 403 of the NECPA (Pub. L. 95-619, 92 Stat. 3256) amends Section 506 of the MVICSA (15 U.S.C. 2006) to require that any vehicle which is subject to a Gas Guzzler Tax assessed under the Energy Tax Act of 1978 must bear a statement of that tax on the vehicle's fuel economy label. A regulation pertaining to the 1980 model year was published October 4, 1979 (44 FR 51358). EPA is today promulgating a regulation which will require that the vehicle fuel economy label contain a Gas Guzzler Tax statement for those vehicles classified as Gas Guzzlers for the 1981 and later model years.

II. Major Issues

A. Wording of the Gax Guzzler Tax Statement

The provisions of the NECPA required that any vehicle subject to a Gas Guzzler Tax bear a statement to that effect on the fuel economy label presently required to be affixed to the vehicle. The general criterion for the language which was to be incorporated was that it be informative, with as few words as possible. EPA's previous experience with language on the general label and the knowledge that there is very little space on the present label resulted in establishing a 30-word limitation for the Gas Guzzler Tax statement.

Two of the three commenters found EPA's language to be acceptable. The third manufacturer proposed alternative language. While the alternative language did not exceed the 30-word limitation, it deleted reference to the *Gas Mileage Guide* as a source of further information and deleted the phrase "Gas Guzzler Tax." These two deletions detracted from the purpose of the tax statement which is to identify Gas Guzzlers, and therefore, EPA retained the proposed language in the final rulemaking (FRM).

B. Confusion Introduced by the Gas Guzzler Tax Labeling Requirement

The provisions of the MVICSA require fuel economy labels. The labeling program required that each vehicle bear a label indicating fuel economy for that model type (e.g., Buick Regal—Automatic 3-speed, 4.9-liter displacement), the estimated annual fuel cost associated with that fuel economy value, and the fuel economy of comparable sized vehicles. Now, in addition to the above information, a Gas Guzzler statement and fuel economy value must also appear for those vehicles subject to a tax. Confusion may stem from the fact that the fuel economy label value and the fuel economy value upon which the Gas Guzzler Tax is based are different numbers. The fuel economy label value is solely the sales-weighted product of the urban test cycle. The Gas Guzzler Tax is assessed on the basis of combined (i.e., average of urban and highway test results weighted 55/45 respectively) fuel economy. (The combined fuel economy value does not appear on the fuel economy label.) This can result in one vehicle being subject to a Gas Guzzler Tax liability and another not being subject to a Gas Guzzler Tax, with both vehicles having the same "estimated fuel economy value" as described on the label.

One manufacturer wanted EPA to display, in addition to the present value displayed, a fuel economy value which is derived from a test procedure which simulates highway driving. However, because the fuel economy values obtained on the highway cycle often overstate "in-use" fuel economy, the manufacturer suggested that EPA should qualify the highway cycle data by establishing a "range" of values a customer might expect to achieve. This suggestion would require more information to be incorporated on the label and do little to further explain the combined fuel economy value which is the basis of the Gas Guzzler Tax.

Another manufacturer agreed with EPA that there was no easy way to avoid this potential confusion and

suggested EPA use the *Guide* to describe in more detail the two programs.

EPA concluded that describing the Gas Guzzler programs in the *Guide* was the most reasonable alternative available and, while the 1980 *Guide* does address the issue, additional information will be incorporated into the 1981 *Guide*.

C. Change in Vehicle Tax Liability

Chrysler suggested that the fuel economy value for a Gas Guzzler Tax assessment should be based upon specific label rather than general label values as proposed. Specific labels are based upon test data from a single, fairly unique vehicle design (defined in the fuel economy regulations as vehicle configuration). General label values are calculated for each model type which reflects a combination of data from all vehicle configurations which have in comon their basic engine design, car line, and transmission class (e.g., automatic or manual). Under current labeling regulations, general label values are determined early in the model year based on available model type data. The general label values remain unchanged although model type values are updated with new data and recalculated for use in the Corporate Average Fuel Economy (CAFE) program. In Chrysler's opinion, basing the Gas Guzzler Tax on the specific label (i.e., vehicle configuration) fuel economy values would allow the manufacturer greater flexibility to make design improvements during the model year to improve poor fuel economy designs produced early in the model year and thus limit their Gas Guzzler Tax liability.

This rulemaking does not limit a manufacturer's flexibility to make design improvements. Changes to a product line can be implemented as in the past; this rulemaking simply does not contain provisions for a change in tax liability (either an increase or decrease) as a result of such design modifications. Commenters other than Chrysler agreed with EPA's contention in the NPRM that the fuel economy changes after general label model type values are calculated were seldom of a magnitude which would cause a change in tax liability.

The Internal Revenue tax code as amended by Section 201 of the Energy Tax Act is very specific in requiring that the Gas Guzzler Tax be based on the model type values. This would appear to rule out the possibility of basing the Gas Guzzler Tax liability on specific label values as suggested by Chrysler. However, the Energy Tax Act amendments do not necessarily require that the tax assessment be tied to the general label model type values; that is, assessment could be based on the updated model type values used in the CAFE program. Although the Agency is considering amending the fuel economy labeling program to include updating of label values throughout the year, such changes have not yet been proposed and are not being considered here. Because it minimizes the resource effort and as a matter of consistency, it is appropriate to use the same data base for determining the general label fuel economy value and the Gas Guzzler Tax liability which will be included on the general label. For these reasons, the Agency has decided to promulgate these regulations as proposed by basing the Gas Guzzler Tax assessment on the model type values used in calculating the general label values.

D. Degree of Precision to Which Model Type Values are Determined

The Energy Tax Act of 1978 establishes tax liability for ranges of model type fuel economy values. For the 1981, 1983, and 1985 model years, all ranges are described by whole numbers and for the 1982, 1984, and 1986 model years, the ranges are described by numbers ending with XX.5. For example, one of the fuel economy ranges for 1981 model year automobiles is at least 16.0 mpg but less than 17.0 mpg. For the 1982 model year, the fuel economy range is at least 17.5 mpg but less than 18.5 mpg. In order to assure that all model type values within these ranges are properly accounted, EPA proposed that model type values be calculated to the nearest 0.1 mpg for the purpose of determining tax liability.

Commmenting manufacturers said that calculating model type values to the nearest 0.1 mpg was unjustified because the values were generally not that accurate a representation of expected fuel economy performance. They suggested, instead, that the model type values be calculated to the nearest 0.5 mpg for the purpose of determining tax liability. However, none indicated either why calculating to the nearest 0.5 mpg was the most accurate representation of expected fuel economy performance for the model type or why it was the best calculating method for determining tax liability.

Based upon analysis of hypothetical data, the Agency believes it inappropriate to calculate the model type values to the nearest 0.5 mpg because, under some circumstances, it could result in inappropriately assigning tax liability. For example, using the American Society for Testing and Materials (ASTM) recommended practice for rounding to the nearest 0.5 mpg, an unrounded model type value of 16.44 mpg would be rounded to 16.5 mpg. On the other hand, using the ASTM recommended practice for rounding to the nearest 0.1 mpg would yield a rounded model type value of 16.4 mpg. In the case of the tax liability associated with model type values of "at least 15.5 mpg but less than 16.5 mpg," rounding to the nearest 0.1 mpg would properly categorize the example model type fuel economy, whereas rounding to the nearest 0.5 mpg would inappropriately place the model type in the next tax liability category which has a lower tax liability, thus avoiding the intended tax penalty.

Since under no circumstances will rounding to the nearest 0.1 mpg result in inappropriately establishing Gas Guzzler Tax liability, this final rule adopts this precision and rounding procedure as proposed.

E. Specific Labeling of 1981 and Later Model Year Vehicles

Two types of labels are presently allowed by EPA to satisfy the MVICSA labeling requirements. These two types of labels are called "General Labels" and "Specific Labels." The general label is used when a manufacturer has completed all of the fuel economy and certification testing for a "model type." A model type can include vehicles varying in vehicle weight, axle ratio, etc. The general label fuel economy value is based on the sales-weighted individual fuel economy measurement of the various vehicle designs within the model type. If, however, the manufacturer has completed the certification and fuel economy testing for only a specific vehicle design within a model type (a situation which can only occur during the first days of model year production), he may request approval of a specific label for that specific vehicle. As soon as all data necessary for calculating the general label value are available, the manufacturer must use the general label for every vehicle within the model type.

Because Gas Guzzler Tax statements are dependent on model type (i.e., general label) fuel economy estimates, it is impossible to firmly establish tax liability using only the specific label data. EPA proposed in the NPRM that specific labels would not be approved unless the fuel economy was 1 mpg greater than the fuel economy value for which the Gas Guzzler Tax is $0. This restriction was to reduce the number of Gas Guzzlers which would not be identified as Gas Guzzlers because, as proposed in the NPRM, the specific label language would not identify potential Gas Guzzlers. Some commenters

objected to this restriction because they felt that the 1 mpg "cushion" was in fact an unauthorized standard and because this restriction could delay the introduction of the affected vehicle designs for a period of time.

So as not to unnecessarily restrict the sales of these particular vehicle designs, EPA has deleted the proposed restriction on the use of specific labels. As a compromise solution, EPA will require that any vehicle for which a specific label is requested which has a fuel economy value at or below the minimum tax-free value for the specific model year must include a statement which states that the vehicle is a potential Gas Guzzler.

F. Relabeling of Vehicles That Have Been Issued a Specific Label

EPA proposed that those vehicles which had specific labels affixed to them (which contain no information pertaining to the Gas Guzzler Tax statement or tax liability) and are ultimately determined to be Gas Guzzlers would have to be relabeled. One manufacturer asked that provisions be included for a "grace period" in which the manufacturer had the option of relabeling or not prior to delivery to the ultimate purchaser. This would allow the manufacturers to distribute the labels to the dealerships. Another manufacturer stated that the regulations were not clear regarding the tax liability of these vehicles.

EPA has incorporated language, requested by Ford, which allows for a 5-day grace period before vehicles are required to be relabeled with appropriate general labels on which the Gas Guzzler Tax statement will be depicted. EPA also clarified the language which describes the manufacturer's liability for any tax on those vehicles already sold and/or relabeled which were originally labeled with a specific label.

Should any inconsistencies arise between this regulation and the IRS regulation, EPA will amend this regulation to make the IRS and EPA regulations consistent.

Under Executive Order No. 12044, EPA is required to judge whether a regulation is "significant," and therefore subject to the procedural requirements of the Order, or whether it may follow other developmental procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order No. 12044.

Dated: July 23, 1980.

Douglas M. Costle,

Administrator.

1. 40 CFR Part 600 is amended by adding the new § 600.306–81 which reads as follows:

§ 600.306–81 Labeling requirements.

(a) Prior to being offered for sale, each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile:

(1) A general fuel economy label as described in § 600.308, or;

(2) A specific label, as described in § 600.309, for those low altitude automobiles manufactured or imported before the date that occurs 15 days after general labels are approved for the manufacturer.

(i) If the manufacturer elects to use a specific label within a model type (as defined in § 600.002(a)(19)), he shall also have approved specific labels affixed on all automobiles within this model type, except on those automobiles manufactured or imported before the date that labels are required to bear range values as required by paragraph (b) of this section, or determined by the Administrator, or as permitted under § 600.310.

If a manufacturer elects to change from general to specific labels or vice versa within a model type, the manufacturer shall, within five calendar days, initiate or discontinue as applicable, the use of specific labels on all vehicles within a model type at all facilities where labels are affixed.

(3) For any vehicle for which a specific label is requested which has a fuel economy value at or below the minimum tax-free value, the following statement must appear on the specific label:

(Manufacturer's name) may have to pay IRS a Gas Guzzler Tax on this vehicle because of its low fuel economy unless the combination of mpg data from similar vehicles exceeds the minimum tax-free mpg.

(4)(i) At the time a general fuel economy value is determined for a model type, a manufacturer shall, except as provided in paragraph (a)(4)(ii) of this section, relabel, or cause to be relabeled, vehicles which (1) have not been delivered to the ultimate purchaser and (2) have a combined model type fuel economy value of 0.1 mpg or more below the lowest fuel economy value at which a Gas Guzzler Tax of $0 is to be assessed.

(ii) The manufacturer has the option of relabeling vehicles during the first five working days after the general label value is known.

(iii) For those vehicle model types which have been issued a specific label and are subsequently found to have tax liability, the manufacturer is responsible for the tax liability regardless of whether the vehicle has been sold or not or whether the vehicle has been relabeled or not.

(b) The manufacturer shall include the current range of fuel economy of comparable automobiles (as described in § 600.314) in the label of each vehicle manufactured more than fifteen calendar days after the current range is made available by the Administrator.

(1) Automobiles manufactured before a date sixteen calendar days after the initial label range is made available under § 600.314(d)(1) may be labeled without a range of fuel economy of comparable automobiles. In place of the range of fuel economy of comparable automobiles, the label must contain a statement indicating that, as of the date of production or importation of this automobile, no range of fuel economy of comparable automobiles was available.

(2) Automobiles manufactured more than fifteen calendar days after the initial or updated label range is made available under § 600.314(d) (1) or (2) will be labeled with the current range of fuel economy of comparable automobiles as approved for that general or specific label.

(c) The fuel economy label must be readily visible from the exterior of the automobile and remain affixed until the time the automobile is delivered to the actual custody and possession of the ultimate consumer.

(1) The fuel economy label must be located on the windshield, or on a side window. If the window is not large enough to contain both the Automobile Information Disclosure Act label and the fuel economy label, the manufacturer shall have the fuel economy label affixed on another window and as close as possible to the Automobile Information Disclosure Act label.

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section of the label and may not be intermixed with the Automobile Information Disclosure Act label information.

(3) The manufacturer shall have the fuel economy label affixed in a manner so that appearance and legibility are maintained until after the vehicle is delivered to the ultimate consumer.

2. 40 CFR Part 600 is amended by adding the new § 600.307–81 which reads as follows:

§ 600.307–81 Format and contents of labels.

(a) Fuel economy labels must be rectangular in shape, contain the EPA and DOE logos and the title "Fuel Economy Rating," be printed in a color which contrasts with the paper color and in a type size that is easily readable and be large enough to allow inclusion of all required information.

(b) Fuel economy labels must contain the following information in the applicable format illustrated in Appendix VI or such other format as may be approved by the Administrator:

(1) The word "Model" or "Vehicle," as appropriate, for general and specific fuel economy labels, respectively, followed by the description of the labeled vehicle as described in the manner and degree of detail specified in § 600.308(a) or § 600.309(a), as applicable.

(2) The phrase "ESTIMATED MPG: For Comparisons" followed by the fuel economy estimate specified in § 600.308(b) for general labels or § 600.309(b) for specific labels, as applicable, and a paragraph, circumscribed by a rectangular box, reading as follows: "THE ESTIMATED mileage for this model ('design' for specific labels), , is to be used to COMPARE cars (trucks or vehicles) of this model (design) with other cars (trucks or vehicles). Your own mileage may be poorer depending upon options, driving conditions, your driving habits and your car's (truck's or vehicle's) operating condition."

(3) The phrase "OTHER" (vehicle class as determined by the Administrator pursuant to § 600.315) MODELS ('SPECIAL VEHICLES' for special purpose vehicles):" followed by a paragraph circumscribed by a rectangular box reading as follows: "The ESTIMATED MPG numbers for other similar sized cars (trucks or vehicles) range from to mpg (as of (date)). By comparison, the ESTIMATED MPG of this model (design) is . Use these numbers to compare different models. Consult the *Gas Mileage Guide* for further information."

(i) The fuel economy range required by this paragraph is calculated and supplied to the manufactured by the Administrator in accordance with § 600.311.

(ii) If no fuel economy range for other models has been supplied by the manufacturer by the Administrator at the time a vehicle is to be labeled or within the time constraints permitted by § 600.306(b), the statement required by paragraph (b)(3) of this section shall be replaced by the statement: "A range of MPG numbers for other car (truck or vehicle) models of similar size was not available when this car (truck or vehicle) was labeled."

(4) The phrase "annual fuel cost:" followed by the annual fuel cost and the phrase "based on mpg, miles per year, cents (dollars)/ gallon."

(i) The annual fuel cost, average miles driven per year, and cost of fuel will be calculated and supplied by the Administrator in accordance with § 600.308(c) for general labels or § 600.309(c), for specific labels, as applicable.

(ii) The mpg used in determining annual fuel cost is that given in paragraph (b)(2) of this section.

(5) The paragraph "Ask the dealer for the FREE 1981 GAS MILEAGE GUIDE to compare the Estimated MPG of other cars (trucks or vehicles). It will tell you how to use these numbers."

(6) For general labels for passenger automobile model types requiring a tax statement under § 600.513, the phrase "A Gas Guzzler Tax: of $ has been imposed on this vehicle. The tax is administered by the Internal Revenue Service. See the *Gas Mileage Guide* for details."

(i) The tax value required by this paragraph shall be that indicated in § 600.513 and shall be based on the combined fuel economy value for the model type calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg.

(c) The fuel economy estimate required by paragraph (b)(2) of this section shall be highlighted by being in type no less than four times the size of the next largest print on the label (excluding the title and logos) or by such other means as may be approved by the Administrator.

3. 40 CFR Part 600 is amended by adding a new § 600.513–81 which reads as follows:

§ 600.513–81 Gas guzzler tax.

(a)(1) The provisions of this section do not apply to passenger automobiles exempted from Gas Guzzler Tax assessments by the Energy Tax Act of 1978 and regulations promulgated thereunder by the Internal Revenue Service. *However,* the manufacturer of an exempted passenger automobile may, in his discretion, label such vehicles in accordance with the provisions of this section.

(2) Vehicles produced by a manufacturer that has been granted an alternate tax rate schedule by the Secretary of the Treasury shall be labeled with the applicable tax determined under any such alternate tax schedule.

(b) *This paragraph applies to 1981 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 17.0 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

(i) At least 17.0 mpg, no Gas Guzzler Tax statement is required.

(ii) At least 16.0 mpg, but less than 17.0 mpg, the Gas Guzzler Tax statement shall show a tax of $200.

(iii) At least 15.0 mpg, but less than 16.0 mpg, the Gas Guzzler Tax statement shall show a tax of $350.

(iv) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax statement shall show a tax of $450.

(v) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax statement shall show a tax of $550.

(vi) Less than 13.0 mpg, the Gas Guzzler Tax statement shall show a tax of $650.

This paragraph applies to 1982 model year vehicles. (1) Passenger automobiles with a combined general label model type fuel economy value of less than 18.5 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

(i) At least 18.5 mpg, no Gas Guzzler Tax statement is required.

(ii) At least 17.5 mpg, but less than 18.5 mpg, the Gas Guzzler Tax statement shall show a tax of $200.

(iii) At least 16.5 mpg, but less than 17.5 mpg, the Gas Guzzler Tax statement shall show a tax of $350.

(iv) At least 15.5 mpg, but less than 16.5 mpg, the Gas Guzzler Tax statement shall show a tax of $450.

(v) At least 14.5 mpg, but less than 15.5 mpg, the Gas Guzzler Tax statement shall show a tax of $600.

(vi) At least 13.5 mpg, but less than 14.5 mpg, the Gas Guzzler Tax statement shall show a tax of $750.

(vii) At least 12.5 mpg, but less than 13.5 mpg, the Gas Guzzler Tax statement shall show a tax of $950.

(viii) Less than 12.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,200.

(c) *This paragraph applies to 1983 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 19.0 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

(i) At least 19.0 mpg, no Gas Guzzler Tax statement is required.

(ii) At least 18.0 mpg, but less than 19.0 mpg, the Gas Guzzler Tax statement shall show a tax of $350.

(iii) At least 17.0 mpg, but less than 18.0 mpg, the Gas Guzzler Tax statement shall show a tax of $500.

(iv) At least 16.0 mpg, but less than 17.0 mpg, the Gas Guzzler Tax statement shall show a tax of $650.

(v) At least 15.0 mpg, but less than 16.0 mpg, the Gas Guzzler Tax statement shall show a tax of $800.

(vi) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,000.

(vii) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,250.

(viii) Less than 13.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,550.

(d) *This paragraph applies to 1984 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 19.5 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

(i) At least 19.5 mpg, no Gas Guzzler Tax statement is required.

(ii) At least 18.5 mpg, but less than 19.5 mpg, the Gas Guzzler Tax statement shall show a tax of $450.

(iii) At least 17.5 mpg, but less than 18.5 mpg, the Gas Guzzler Tax statement shall show a tax of $600.

(iv) At least 16.5 mpg, but less than 17.5 mpg, the Gas Guzzler Tax statement shall show a tax of $750.

(v) At least 15.5 mpg, but less than 16.5 mpg, the Gas Guzzler Tax statement shall show a tax of $950.

(vi) At least 14.5 mpg, but less than 15.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,150.

(vii) At least 13.5 mpg, but less than 14.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,450.

(viii) At least 12.5 mpg, but less than 13.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,750.

(ix) Less than 12.5 mpg, the Gas Guzzler Tax statement shall show a tax of $2,150.

(e) *This paragraph applies to 1985 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 21.0 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, shall carry a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

(i) At least 21.0 mpg, no Gas Guzzler Tax statement is required.

(ii) At least 20.0 mpg, but less than 21.0 mpg, the Gas Guzzler Tax statement shall show a tax of $500..

(iii) At least 19.0 mpg, but less than 20.0 mpg, the Gas Guzzler Tax statement shall show a tax of $600.

(iv) At least 18.0 mpg, but less than 19.0 mpg, the Gas Guzzler Tax statement shall show a tax of $800.

(v) At least 17.0 mpg, but less than 18.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,000.

(vi) At least 16.0 mpg, but less than 17.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,200.

(vii) At least 15.0 mpg, but less than 16.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,500.

(viii) At least 14.0 mpg, but less than 15.0 mpg, the Gas Guzzler Tax statement shall show a tax of $1,800.

(ix) At least 13.0 mpg, but less than 14.0 mpg, the Gas Guzzler Tax statement shall show a tax of $2,200.

(x) Less than 13.0 mpg, the Gas Guzzler Tax statement shall show a tax of $2,650.

(f) *This paragraph applies to 1986 model year vehicles.* (1) Passenger automobiles with a combined general label model type fuel economy value of less than 22.5 mpg, calculated in accordance with § 600.207 and rounded to the nearest 0.1 mpg, are subject to a Gas Guzzler Tax statement pursuant to Section 403 of the National Energy Conservation Policy Act.

(2) For passenger automobiles with a combined general label model type fuel economy value of:

(i) At least 22.5 mpg, no Gas Guzzler Tax statement is required.

(ii) At least 21.5 mpg, but less than 22.5 mpg, the Gas Guzzler Tax statement shall show a tax of $500.

(iii) At least 20.5 mpg, but less than 21.5 mpg, the Gas Guzzler Tax statement shall show a tax of $650.

(iv) At least 19.5 mpg, but less than 20.5 mpg, the Gas Guzzler Tax statement shall show a tax of $850.

(v) At least 18.5 mpg, but less than 19.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,050.

(vi) At least 17.5 mpg, but less than 18.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,300.

(vii) At least 16.5 mpg, but less than 17.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,500.

(viii) At least 15.5 mpg, but less than 16.5 mpg, the Gas Guzzler Tax statement shall show a tax of $1,850.

(ix) At least 14.5 mpg, but less than 15.5 mpg, the Gas Guzzler Tax statement shall show a tax of $2,250.

(x) At least 13.5 mpg, but less than 14.5 mpg, the Gas Guzzler Tax statement shall show a tax of $2,700.

(xi) At least 12.5 mpg, but less than 13.5 mpg, the Gas Guzzler Tax statement shall show a tax of $3,200.

(xii) Less than 12.5 mpg, the Gas Guzzler Tax statement shall show a tax of $3,850.

(Title V of the Motor Vehicle information and Cost Savings Act, 15 U.S.C. 2001 et. seq., as amended by Section 403 of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3256)

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HHS/FDA		DOT/SLSDC	HHS/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENERGY DEPARTMENT

44558 7-1-80 / Guidelines for energy management in general operations of the Federal Government

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

41936 6-23-80 / PHA-owned projects; project management; modernization of oil-fired heating plants

[Corrected at 45 FR 46380, 7-10-80]

INTERIOR DEPARTMENT

Land Management Bureau—

44518 7-1-80 / Procedures for management of all rights-of-way on public lands, except pipelines for oil, natural gas and petroleum products, etc.

LABOR DEPARTMENT

Mine Safety and Health Administration—

44494 7-1-80 / Procedures and requirements for identification of independent contractors performing services or construction at mines

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing July 25, 1980