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federal register

Tuesday
September 23, 1980

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62971 **Government Employees** OPM issues regulations clarifying when an employee receiving military retired pay is considered a preference eligible employee for reduction in force purposes; effective 10-23-80

62987 **Flood Insurance** FEMA lists communities where sale of flood insurance will be suspended because of noncompliance with flood plain management requirements of the program; various effective dates

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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.

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Presidential Documents

Title 3—

The President

Memorandum of September 19, 1980

Memorandum for: Chairman, National Consumer Cooperative Bank, Comptroller General of the United States

In accordance with Section 115 of the National Consumer Cooperative Bank Act (Public Law 95–351), the General Accounting Office, an agency of the Federal Government, is hereby designated to examine the operations of the National Consumer Cooperative Bank.

This memorandum shall be published in the **Federal Register.**

Jimmy Carter

THE WHITE HOUSE,
Washington, September 19, 1980.

[FR Doc. 80–29628
Filed 9–22–80; 10:51 am]
Billing code 3195–01–M

Presidential Documents

Executive Order 12239 of September 21, 1980

Suspension of Certain Armed Forces Promotion and Disability Separation Limitations

By the authority vested in me as President of the United States of America by Section 10 of Public Law 96–343 and having determined that certain promotion limitations applicable to the Navy and Marine Corps should continue to be suspended, and having determined that the new statutory conditions authorizing a continuation of certain existing disability separation practices in the Armed Forces should be effective, it is hereby ordered as follows:

1–101. For the period beginning on October 1, 1979 and ending on September 30, 1982, the application of the following provisions of Title 10 of the United States Code is suspended.

(a) Section 5707(c), restricting the number of Navy and Marine Corps officers who may be recommended for promotion from below the appropriate promotion zone.

(b) Section 5751(a), requiring Marine Corps officers serving in the grade of brigadier general to have completed three years service in grade to be eligible for consideration for promotion to major general.

(c) Section 5751(b), requiring certain officers to have completed specific years of service in grade before being eligible for consideration for promotion to the next higher grade.

(d) Section 5751(e) precluding officers designated for limited duty who are below the appropriate promotion zone from being considered for promotion.

(e) Section 5770, requiring certain officers to have had at least two years sea or foreign service in grade before they may be promoted.

1–102. For the period beginning on September 15, 1978 and ending on September 30, 1982, the conditions provided for by the following provisions of Title 10 of the United States Code are effective:

(a) Section 1201(3)(B)(iv), authorizing the retirement for certain disabilities of at least 30 percent which were incurred in line of duty.

(b) Section 1203(4)(A)(iii), authorizing separation for certain disabilities of less than 30 percent which were incurred in line of duty.

(c) Section 1203(4)(C)(iii), authorizing separation for certain disabilities of at least 30 percent which were not incurred in line of duty.

1–103. Executive Order No. 12082 is hereby revoked.

Jimmy Carter

THE WHITE HOUSE,
September 21, 1980.

[FR Doc. 80–29638
Filed 9–22–80; 11:51 am]
Billing code 3195–01–M

Presidential Documents

Proclamation 4795 of September 22, 1980

National Day of Prayer, 1980

By the President of the United States of America

A Proclamation

Our Nation's current electoral process is both testimony and example of the power of free men and women to govern themselves. Our forebears, drawing from a faith in the people rooted in a firm faith in God, launched this grand experiment in responsible self-government. In the days ahead, no matter what our individual political convictions, we can all be grateful for the honor and integrity of this noble process.

Without trying to impose our will on other nations, let us continue to hold high the torch of liberty and democracy that has illumined our land. Laying aside arrogance and false pride, let us continue to urge self-determination and human rights as the best way for peoples everywhere to realize their own full destiny.

Let us pray that freedom, in all its manifestations, may be the reality of the present and the wave of the future. Let us pray that people everywhere will be free—free even to make their own mistakes as they struggle to build a life of material security and spiritual satisfaction.

As we pray, let us never forget the American citizens in Iran who remain hostages in fundamental violation of the teachings of the world's religions. Let us also pray that harmony and stability will come to the people of Iran, leading both to the safe return of our brothers and sisters and to a better life for all in that troubled land.

Recognizing our need for prayer, the Congress, by Joint Resolution, approved April 17, 1952 (36 U.S.C. 169h; 66 Stat. 64), has called upon the President to set aside a suitable day each year as a National Day of Prayer.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Monday, October 6, 1980, as a National Day of Prayer. I further ask that all who so desire make this a Day of Fast as well. On that day, I ask Americans to join me in thanksgiving to God for His blessings and in earnest prayer to Him for His protection in the year ahead. Finally, may He grant freedom to all unjustly held captive, and may He grant us His vision of a world at peace.

IN WITNESSS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

Jimmy Carter

[FR Doc. 80-29639
Filed 9-22-80; 11:52 am]
Billing code 3195-01-M

Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations clarify when an employee receiving military retired pay is considered a preference eligible employee for reduction in force purposes. In addition, these regulations clarify which periods of active military service are used to determine the retention standing of an employee who is receiving military retired pay.

EFFECTIVE DATE: October 23, 1980.

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

Background

On May 20, 1980, OPM published proposed regulations in the **Federal Register** (45 FR 33640) that would clarify how agencies determine the retention standing of employees receiving military retired pay. The proposed regulations did not represent a change of OPM's present policies, and are based upon Public Law 88–448, the Dual Compensation Act, enacted August 19, 1964, as codified in title 5 U.S.C. For reference, proposed § 351.501(h) is derived from 5 U.S.C. 3501(a), and proposed § 351.503(c) is derived from 5 U.S.C. 3502(a). The 60-day period for interested parties to submit written comments ended on July 21, 1980.

Discussion of Comments

Six written comments were received concerning the proposed regulations: two from agencies, three from labor organizations, and one from an individual.

One agency noted that the term "military service" was used in both the "Summary" and the "Supplementary Information" sections of the proposed regulations published on May 20, 1980. The agency recommended that, as an alternative, the term "uniformed service" be used since this would be more consistent with language used in Title 5 U.S.C. Since the language of the regulations is virtually identical to that codified in 5 U.S.C. 3501(a) and 5 U.S.C. 3502(a), we see no need to revise the final regulations for this reason.

The other agency suggested that OPM consider whether proposed § 351.501(h) (2) and (3) should be modified to reflect certain provisions of Section 307(a) of the Civil Service Reform Act, as codified in 5 U.S.C. 2108(4)(B). After further consideration, we agree that this suggestion is appropriate. To clarify the purpose of 5 U.S.C. 2108(4)(B), we have modified proposed § 351.501(h) (2) and (3) to provide that an employee who retired from one of the uniformed services at or above the rank of major (or its equivalent) is not, effective October 1, 1980, considered a preference eligible for the purposes of Part 351 of this Title.

The second agency, along with several other agencies that made telephone inquires, also noted a typographical error in the proposed § 351.501(h): in the fifth sentence, "* * * (b)(1), (2), or (3) * * *" was erroneously printed instead of "* * *(h)(1), (2), or (3) * * *" This has been corrected in the final regulations.

Two unions had no objection to the proposed regulations. The third union suggested that the proposed regulations be modified so that civilian technicians covered by title 32 U.S.C. are considered preference eligible for purposes of Part 351 of this title.

The individual suggested that the proposed regulations be modified to provide that any employee who is in receipt of military retired pay is considered a preference eligible for purposes of Part 351 of this title if the employee is also receiving service-connected compensation from the Veterans Administration.

Neither the union suggestion nor that from the individual was incorporated in the final regulations since each would have required a change in existing statutes to effect.

Explanation of Final Regulations

The following changes in Part 351 are now made final:

(1) Section 351.501(h) is added. Section 351.501(h) (1), (2), and (3), and (4) provide that an employee who is a retired member of a military service is considered a preference eligible employee for purposes of Part 351 of this title only if he or she meets at least one of the following conditions:

(i) The employee's military retirement pay is based upon an injury or disease received in the line of duty as a direct result of armed conflict; or

(ii) The employee is credited with less than 20 years of full-time active military service; or

(iii) The employee has been continuously employed since December 1, 1964, in a position covered by Part 351, without a break in service of more than 30 days.

However, as provided by 5 U.S.C. 2108(4)(B), an employee who would otherwise be considered a preference eligible under conditions (ii) or (iii) is not, effective October 1, 1980, considered a preference eligible for purposes of Part 351 of this title if the employee retired at or above the rank of major (or its equivalent).

(2) Section 351.503(c) is added. Section 351.503(c) (1) and (2) provide that any employee who is a retired member of a military service is entitled to credit all of his or her military service performed during a period of war toward the service credit used in the determination of the employee's reduction in force retention standing. The same employee is entitled to credit his or her total length of military service toward the determination of his or her reduction in force retention standing only if the employee meets one of the conditions covered in § 351.501(h) (1), (2) or (3).

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, 5 CFR Part 351 is amended as follows:

(1) In § 351.501, paragraph (h) is added, to read as follows:

§ 75.7 Areas quarantined.

* * * * *

§ 351.501 Tenure groups and subgroups—competitive service.

(h) A retired member of a uniformed service is considered a preference eligible under this part only if he or she meets at least one of the conditions in the following paragraphs (h) (1), (2), or (3):

(1) The employee's military retirement is based on disability that either:

(i) Resulted from injury or disease received in the line of duty as a direct result of armed conflict; or

(ii) Was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by sections 101 and 301 of title 38, United States Code.

(2) The employee's military service does not include 20 or more years of full-time active service, regardless of when performed. However, this total does not include periods of active duty for training.

(3) The employee has been employed continuously since November 30, 1964, in a position covered by this Part without a break in service of more than 30 days.

(4) An employee who would otherwise be considered a preference eligible under conditions in § 351.501(h)(2) or (3) is not, effective October 1, 1980, considered a preference eligible for purposes of this part if the employee retired at or above the rank of major or its equivalent.

(2) In § 351.503, paragraph (c) is added, to read as follows:

§ 351.503 Length of service.

* * * * *

(c) An employee who is a retired member of a uniformed service is entitled to credit under this part for:

(1) The length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) The total length of time in active services in the armed forces if the employee meets one of the conditions included under § 351.501(h) of this title.

(5 U.S.C. 1302, 3501, 3502)

[FR Doc. 80-29438 Filed 9-22-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 29

U.S. Type 31—Burley Tobacco; Experimental Sales of Burley Tobacco in Untied Form

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: The Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1979–80 season continue to be in effect during the 1980–81 season. Burley tobacco is grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia, and Missouri. Prior to the 1978–79 season, burley tobacco was eligible for all official grades only when marketed tied in hands. For educational and research purposes, burley tobacco will be eligible for all official grades when marketed untied in bales in limited quantities on all sales days during the 1980–81 season.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT: T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–2567).

SUPPLEMENTARY INFORMATION: Notice was given August 4, 1980 (45 FR 51572), that the Department proposes that the Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1979–80 season (44 FR 57097, October 9, 1979) continue to be in effect, without change, during the 1980–81 marketing season. The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 731; U.S.C. 511 et seq.)

Following the completion of the 1979–80 marketing season, the Department collected pertinent data on relevant aspects of the experiment. As in the 1979–80 evaluation of the experiment, the Universities of Kentucky and Tennessee supplied much data. A study was compiled by the Economics, Statistics, and Cooperatives Service which analyzed, interpreted, and summarized all available data. Copies of the report may be obtained from Information Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Briefly, the report concludes:

- Sales of baled tobacco increased from 10.6 million pounds, or 1.6 percent of the crop, in 1978–79 to 25.2 million pounds, or 5.1 percent of the crop, in 1979–80.
- Baled tobacco prices averaged 1.7 cents per pound lower than tied prices in 1979–80, compared to one cent lower per pound in 1978–79.
- Grade distributions of tied and baled tobacco varied only slightly.
- Although some growers achieved savings of seven cents or more per pound (as in 1978–79), the average cost savings in the 1979–80 experiment amounted to five cents per pound by baling tobacco.
- The relatively small volume of baled tobacco handled had little effect on warehouse operations; larger volumes might offer some efficiencies in warehouse operations.

The report was reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service, and Economics, Statistics, and Cooperatives Service. While the results of the past year's experiment do not show a substantial increase in actual participation in the "baled" method of marketing, producer attitudes appear to be generally positive and acceptance of this marketing concept is increasing. Further, the results of the 1979–80 experiment were affected by adverse weather and disease conditions which considerably reduced production for that crop year.

Eighty-eight comments were received on the proposal. The majority of these comments favored the amendment as proposed. The major points made by the commentors were that: (1) untied sales cold result in substantial savings in farmers' labor requirements compared to the traditional tied-in-hands method; and (2) the economics of the situation and the limited profit margin involved in producing, harvesting, housing, stripping, and marketing of burley tobacco dictate changes in the age-old method of tying tobacco in hands.

The major objection to the amendment as voiced by two commentors was that quality of untied baled tobacco would deteriorate in comparison to the traditional tied-in-hands method of marketing and the quality deterioration could adversely affect domestic and export trade. The possibility of quality deterioration is something the Department has been aware of since "untied" burley sales were first requested in 1974. To counter the possibility, the Department has suggested that producers be provided an advance educational program given prior to the opening of the season, by the land-grant colleges, stressing quality maintenance. While exerimental sales are extended for one full marketing season, 1980–81, the Department will observe, particularly, the quality of the product. The data so gathered will be considered in determining whether permanent changes in the burley standards should be made in the future.

One commentor objected to the baled packaging concept. However, neither the Council for Burley Tobacco nor the in-depth report by ESCS recommends inclusion of this recommendation. Accordingly, the Department, in its determination to cooperate with the Council, and after a thorough evaluation of the ESCS report, cannot recommend alternate packaging methods for 1980–81. After due consideration of all aspects and in the interest of the burley tobacco industry, the Department hereby extends the experiment, unchanged from the 1979–80, into the 1980–81 marketing season.

Prior to the 1978–79 season, the definition of "rework", Section 29.3050, of the regulations provided that tobacco not tied in hands be graded NOG (no grade), a non-price-supported designation applied to tobacco classified as nested, off-type, rework, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter, and/or having an odor foreign to this type.

Based on the Department's evaluation of the 1978–79 and 1979–80 experiments, the definition of "rework" in § 29.3050, is amended for the 1980–81 marketing season only, to allow burley tobacco, untied in bales, to qualify for any of the official standard grades for which it meets the specifications, providing that the leaves in said bales are not tied in hands, are packed straight and that the bales are approximately 1 x 2 x 3 feet in size. Further, such baled burley tobacco will be officially graded at any warehouse on all sales days during the 1980–81 season.

Responsibilities imposed upon warehousemen and producers, respectively, by the adoption of the proposal include:

1. That it is the responsibility of the operator of a warehouse to open the particular bale in a lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and

2. That the producer is responsible for certifying that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material and that the bales are not nested.

The Department's instructions to graders would be amended to conform to these understandings. Accordingly, § 29.3050 of these regulations is revised as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) tobacco which is so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That during the burley marketing season which will begin in November or December 1980 and end by April 1981, burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bales is not tied in hands, is packed straight, and the size of the bale is approximately 1 x 2 x 3 feet. *Provided* further that: (1) tobacco marketed untied in bales will be officially graded on all sales days at any warehouse during the 1980–81 marketing season; (2) the operator of any warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (3) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material and are not nested.

Dated: September 17, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-29443 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 47

Rules of Practice; Under the Perishable Agricultural Commodities Act, 1930

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This corrects citations in FR Doc. 80–27718 on page 59298 of the **Federal Register** of September 9, 1980 relating to rules of practice under the Perishable Agricultural Commodities Act, 1930.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Docket 80–27718, which deleted the provisions contained in 7 CFR Part 47, specifically 47.26 through 47.45 under the Perishable Agricultural Commodities Act, of 1930, was published in the **Federal Register** of September 9, 1980, at page 59298. Inadvertently, the citations of 47.26 through 47.45 were in error; they are all hereby changed to 47.26 through 47.43.

Dated: September 18, 1980, to become effective September 23, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-29475 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 906

Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Container, Pack, and Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment relaxes the container, pack, and container marking requirements for Texas orange and grapefruit shipments by authorizing the use of existing inventories of 1⅘ bushel wirebound boxes prior to December 31, 1980, and by permitting 8-pound bags to be marked with letters and numbers at least ¼ inch in height rather than ¾ inch in height. Such action is necessary to allow handlers who have inventories of 1⅘ bushel wirebound boxes to use them, and to permit handlers to mark 8-pound bags with numbers and letters of a size appropriate to the package.

EFFECTIVE DATE: September 19, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Statement relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: *Findings.* This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This amendment is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio

Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon information submitted by the Texas Valley Citrus Committee, which recommended this amendment following discussion at a public meeting on September 9, 1980, and upon other information. This action is in accordance with this marketing agreement and order and will tend to effectuate the declared policy of the act.

This action reflects the Department's appraisal of the container, pack, and container marking regulations for Texas orange and grapefruit shipments. The amendment allows handlers having 1⅘ bushel wirebound containers remaining in inventory to ship fruit in them prior to December 31, 1980. Containers of this type were no longer authorized for use after December 4, 1978, except to exhaust handler's inventories prior to July 31, 1980. The committee reports that some handlers still have containers of this type in inventory, and they should have an opportunity to use them. The amendment also provides that 8-pound bags of U.S. No. 2 grade fruit be marked with letters and numbers at least ¼ inch in height rather than ¾ inch in height. The committee reports such provisions would permit handlers to use letters and numbers of a more appropriate size to mark bags of this capacity. This amendment also makes minor revisions to correct references to section numbers applicable to U.S. grade standards referred to in these regulations.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action 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). It is necessary to effectuate the declared purpose of the act to make these regulatory provisions effective as specified, and these provisions relieve restrictions on the handling of oranges and grapefruit grown in Texas.

Accordingly, it is found that the provisions of paragraphs (a)(1)(ix), (a)(2)(i)(*a*), (a)(2)(ii), (a)(3), and (c) in § 906.340 of Subpart—Containers and Pack Requirements, should be and are amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) On and after September 19, 1980, no handler shall handle any variety of oranges or grapefruit grown in the production area unless such fruit is in one of the following containers, and the fruit is packed and the containers are marked as specified in this section.

(1) *Containers.* * * *

(ix) Closed wirebound wooden box with inside dimensions of 24⅝ x 11⅜ x 11⅜ inches, described in Freight Container Tariff 2G as container No. 3680: *Provided,* Such containers are from inventories on hand, and used prior to December 31, 1980.

(2) *Pack regulation*—(i) *Oranges.* (*a*) Oranges, except Navel oranges and Valencia and similar late-type oranges, when packed in any box, bag, or carton shall, except as otherwise provided by regulations issued pursuant to this part, be within the diameter limits specified for the various pack sizes in § 2851.691(c) of the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona);

(*b*) * * *

(*c*) * * *

(ii) *Grapefruit.* Grapefruit, when packed in any box, bag, or carton shall be within the diameter limits specified for the various pack sizes in § 2851.630(c) of the U.S. Standards for Grades of Grapefruit (Texas and States other than Florida, California, and Arizona): *Provided,* That the minimum diameter limit for pack size 96 grapefruit shall be 3⅝ inches and for pack size 112 grapefruit shall be 3⅝ inches, and *Provided further,* That any grapefruit in boxes or cartons shall be packed in accordance with the requirements of standard pack.

(3) *Container grade markings.* Any container of U.S. No. 2 grade fruit shall be marked to indicate the grade of the fruit in letters and numbers at least three-fourths inch in height: *Provided,* That bags of capacity of 5 or 8 pounds of fruit shall be so marked with letters and numbers at least one-fourth inch in height prominently displayed on the front panel of the bag.

(b) * * *

(c) *Meaning of terms.* Terms used in this section shall mean the same as in the marketing order; terms relating to grade, pack, standard pack, and diameter shall mean the same as in the U.S. Standards for Grades of Oranges (Texas and States other than Florida, California, and Arizona), (7 CFR 2851.680–2851.714), or in the U.S. Standards for Grades of Grapefruit , (Texas and States other than Florida, California, and Arizona), (7 CFR 2851.620–2851.653); and "closed" means closed in accordance with good commercial practices.

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

Dated: September 18, 1980, to become effective September 19, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-29298 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 926

[Tokay Grape Reg. 16, Amdt. 1]

Tokay Grapes Grown in San Joaquin County, Calif.; Grade and Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through November 30, 1980, the current requirements that fresh shipments of Tokay grapes grown in San Joaquin County, California, meet the specifications of the U.S. No. 1 Table Grape grade, and that the containers be marked with the Federal-State Inspection Service lot stamp number. These requirements are necessary to assure shipments of satisfactory quality Tokay grapes in the interest of producers and consumers.

EFFECTIVE DATES: October 1, 1980, through November 30, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, AMS, F&V, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Statement relative to this final rule is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This regulation is issued under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes in San Joaquin County, California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Industry Committee, established under the order, and upon other available information.

Tokay Grape Regulation 16 (§ 926.317; 45 FR 52772), during the period August

14, 1980, through September 30, 1980, sets minimum grade and container marking requirements on the handling of Tokay grapes grown in San Joaquin County, California. This amendment continues these requirements through November 30, 1980. The requirements are that such grapes meet the grade and size specifications of U.S. No. 1 Table Grapes and that at least 30 percent, by count, of the berries in the lower 25 percent, by count, of each bunch shall show characteristic color. In addition, each container of such grapes must bear a Federal-State Inspection Service lot stamp number in plain letters and figures on one outside end. The grade and container marking requirements are necessary to prevent the shipment of fresh Tokay grapes of a lesser quality than specified and to provide ample supplies of good quality fruit in the interest of producers and consumers. Compliance with the container marking requirement will verify inspection, thus assuring compliance with the quality requirements specified herein.

Notice of the proposed amendment was published in the August 22, 1980, issue of the **Federal Register** (45 FR 56069). No comments were received during the period provided in the notice for interested persons to submit written comments. It is found that the regulation of shipments of Tokay grapes, as hereafter provided, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice of rulemaking concerning the regulation, with an effective date of October 1, 1980, was published in the **Federal Register**, and no objection to the regulation or effective date was received; (2) the recommendation for regulation was made at an open meeting at which interested persons could submit their views; (3) to maintain orderly marketing conditions, the regulation should be continued without interruption; and (4) the regulation will not require any special preparation by persons subject thereto which cannot be completed by the effective date.

Therefore, § 926.317 Tokay Grape Regulation 16 (45 FR 52772) is amended to read as follows (§ 926.317 expires November 30, 1980, and will not be published in the annual Code of Federal Regulations):

§ 926.317 Tokay Grape Regulation 16.

(a) During the period October 1, 1980, through November 30, 1980, no handler shall ship:

(1) Any Tokay grapes grown in the production area which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; and

(2) Any container of Tokay grapes grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 2851.880–912)

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

Dated: September 18, 1980, to become effective October 1, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-29297 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 932 and 944

Modified Grade Requirements for Green Ripe Olives

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action eliminates marketing order grade requirements for color and blemishes for California and imported canned green ripe olives for a one year period. It affords handlers opportunity to market larger quantities of this type of olive and to test acceptance of olives of such modified grade.

EFFECTIVE DATE: September 1, 1980 through August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Analysis relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This final rule with respect to California olives is issued under § 932.55(b) of marketing Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". This action is based upon recommendations and information submitted by the Olive Administrative Committee, and other information.

Olive handlers have experienced difficulty in packing canned green ripe olives which meet marketing order requirements with respect to color and blemishes. This may have limited the market for such olives. The Olive Administrative Committee, therefore, has unanimously recommended that such requirements be modified with respect to olives of the 1980–81 crop year to afford handlers opportunity to market increased quantities of green ripe olives and to test market acceptance of a modified grade of such olives. Based upon this year's test experience, the Committee will determine if this modification should be continued beyond August 31, 1981. Imported olives are subject to comparable requirements under Olive Regulation 1, § 944.401. This regulation was issued under § 8e (7 U.S.C. 601e–1) of the act, which requires that when specified commodities, including olives, are regulated under a federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality, or maturity requirements as those for the domestically produced commodity. This action modifies Olive Regulation 1 by making a comparable change in grade requirements for color and blemishes for imported canned green ripe olives. In addition, several minor editorial changes are included to update the import regulation.

This action with respect to California olives was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this final rule is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044. 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) in that: (1) the handling of the 1980 crop of domestic olives is expected to begin soon and it is intended that this action be applicable to all olives of such crop; (2) handlers are aware of this action as proposed by the Olive Administrative Committee; (3) compliance with this regulation will require no special preparation by handlers which cannot be completed by the effective time hereof; (4) this action relaxes restriction on the handling of green ripe olives; and (5) with respect to imported olives, this amendment is mandatory under Section 8e of the act.

Therefore, the modification of grade requirements for canned green ripe olives as hereinafter set forth is approved and a new § 932.150 is added to Subpart—Rules and Regulations (7 CFR 932.108–932.161) which reads as follows (this section is effective through August 31, 1981, and will not be published in the annual Code of Federal Regulations); and § 944.401, Olive Regulation 1 is amended to read as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

§ 932.150 Modified grade requirements for canned green ripe olives.

The grade requirements prescribed in § 932.52(a)(1) of this part are hereby modified with respect to canned green ripe olives of the 1980–81 crop year which are processed during the period September 1, 1980, through August 31, 1981. During such period, no requirements shall be applicable with respect to color and blemishes of such olives.

PART 944—FRUITS, IMPORT REGULATIONS

§ 944.401 Olive Regulation 1.

(a) * * *

(5) "USDA inspector" means an inspector of the Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, or any other duly authorized employee of the Department.

* * * * *

(b) * * *

(1) Canned ripe olives shall grade at least U.S. Grade C; *Provided,* that, during the period of September 1, 1980, through August 31, 1981, no requirements shall be applicable with respect to color and blemishes for canned green ripe olives imported during such period.

* * * * *

§ 944.401 [Amended]

1. In the first sentence of § 944.401(c), "Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service" is changed to read "Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service."

2. In the third sentence of § 944.401(c), "(Part 52 of this title)" is changed to read, "(Part 2852 of this title)."

3. The office addresses listed in § 944.401(c) are changed to read as follows:

Office and Telephone

Southeastern Regional Office, P.O. Box 860, Third Street & Avenue A, S.W., Winter Haven, Florida 33880—(813) 294–7416.

Central Regional Office, U.S. Custom House—Room 1014, 610 South Canal Street, Chicago, Illinois 60607—(312) 353–6217 or 6218.

Western Regional Office, 111 West St. John Street, Suite 416, San Jose, California 95113—(408) 275–7253.

4. In the first sentence of § 944.401(e), "(Part 52 of this title)" is changed to read, "(Part 2852 of this title)."

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

Dated: September 17, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-29278 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC-0172]

Truth in Lending; Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

SUMMARY: In accordance with 12 CFR 226.1(d)(2)(ii), the Board staff is publishing in final form official staff interpretation FC–0172 of Regulation Z, Truth in Lending, regarding disclosures for renegotiable rate mortgages (RRMs). Because of the unique features of renegotiable rate mortgages, the interpretation permits disclosure either: (1) As a variable rate obligation under § 226.8(b)(8); or (2) as a balloon payment obligation under § 226.8(b)(3), which, if renewed, constitutes a refinancing under § 226.8(j). The agency is taking this action after reviewing the comments received upon publication of the interpretation.

DATE: Effective September 23, 1980.

FOR FURTHER INFORMATION CONTACT: Susan M. Werthan, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3867).

SUPPLEMENTARY INFORMATION: (1) The text of official staff interpretation FC–0172 is published with identifying details deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public, subject to certain limitations stated in 12 CFR 261.6.

(2) The June 19, 1980, version of FC–0172 provided that for Truth in Lending purposes, renegotiable rate mortgages could be disclosed either as variable rate obligations or as balloon payment obligations that are refinanced.

(3) Comment was solicited about the type of disclosure that should be required as an interim measure until the revised Regulation Z is adopted. Comment was also solicited about the type of disclosure that should be required in the revised regulation which must be adopted by April 1, 1981, under the Truth in Lending Simplification and Reform Act of 1980. The comments addressing the issue of which approach to take in the revised regulation will be fully considered in revising Regulation Z.

Twenty-four comments were received. The majority of the commenters that addressed the interim disclosure issue favored permitting the two options described in the proposed interpretation. Three of the commenters preferred allowing only one type of disclosure, instead of allowing two options until adopting the revised regulation. They asserted that the shopping function of Regulation Z would be thwarted by permitting two options. Many commenters, however, agreed with the proposal's description of the unique features of RRMs and the resulting difficulties in deciding what Truth in Lending disclosures to make.

(4) In light of the comments received and upon further consideration, permitting two options appears to be the best interim position. The following revisions have been made to the text of the interpretation:

(a) The scope of the interpretation has been expanded to include not only mortgages covered by the Federal Home Loan Bank Board regulations of April 3, 1980, but also all mortgages containing

two essential features. These features are: (1) A short-term loan secured by a long-term mortgage; and (2) a lender's obligation to renew the short-term loan on the same credit terms, except for a change in rate. Some of the commenters urged that the applicability of the interpretation be broadened, and upon reconsideration it was decided to do so.

(b) The paragraph discussing rescission has been revised in light of the revision described in paragraph (a) above. It explains that the applicability of the right of rescission depends upon both the type of instrument and the type of disclosure made. In particular, since fees may be charged at renewal in certain RRMs, rescission may be applicable.

(c) Paragraph nine clarifies that creditors may refer to the contract interest rate, rather than the annual percentage rate, in making variable rate disclosures. As the staff has stated in earlier letters, creditors are permitted to refer to interest rates when disclosing the limits on rate change and when stating the required hypotheticals (if simple interest rate tables are used in the calculations).

(d) Minor editorial changes were made, as well as changes to reflect the status of the revised Regulation Z. Also, changes have been made to reflect the interpretation's new date and to indicate that it is in final form.

(5) Although not reflected in the text of the letter, it appears necessary to clarify a point raised by several of the commenters about the annual percentage rate calculations in the examples. A calculator, rather than the Board's annual percentage rate tables, was used to determine the APRs. If Volume I of the tables is used, a different result may be reached, especially for the balloon payment loan example; if Volume I is used correctly, creditors are protected from civil liability with regard to the accuracy of the annual percentage rate.

(6) Official staff interpretation FC–0172, as revised, is effective September 23, 1980.

(7) Authority: 15 U.S.C. 1640(f).

§§ 226.8(b)(3) and 226.8(b)(8)—Renegotiable rate mortgages may be disclosed either as balloon payment mortgages with all disclosures based on the term of the initial loan, or as variable rate mortgages with all disclosures based on the term of the underlying mortgage.

§ 226.8(j)—If renegotiable rate mortgages are disclosed as balloon payment mortgages, refinancing disclosures must be given at each renewal of the loan.

§ 226.9(g)—The right of rescission does not apply to a renegotiable rate mortgage if disclosure is made as a variable rate mortgage, but may apply if disclosure is made as a balloon payment mortgage.

§ 226.903—The right of rescission does not apply to the renewal of a renegotiable rate mortgage that was disclosed as a balloon payment mortgage if no fees are charged and no new credit is extended.

This is in response to your letter regarding proper disclosures under Regulation Z for renegotiable rate mortgage instruments (RRMs). This letter addresses only mortgage instruments containing two essential characteristics: (1) A short-term loan secured by a long-term mortgage; and (2) a lender's obligation to renew the short-term loan on the same credit terms, except for a change in rate. One example of this type of mortgage is the RRM described in the Federal Home Loan Bank Board (Bank Board) regulations that became effective on April 3, 1980.

The type of transaction described in the Bank Board's regulations is a loan issued for a term of three to five years, secured by a long-term mortgage of up to 30 years. The lender must grant the borrower an option to renew the loan at equal intervals. Unless the borrower pays off the loan at that time, the lender is obligated to renew the loan. At the time of renewal, the lender may adjust the interest rate of the loan, with the change in rate being tied to the monthly national average mortgage rate index, as computed by the Bank Board. However, the interest rate may not increase or decrease by more than one-half of one percentage point (0.5%) per year, with a maximum five percentage point (5%) change over the life of the mortgage. Although the lender must implement interest rate decreases, it need not pass along increases to the borrower.

Your letter raises the issue of whether RRMs should be treated as variable rate mortgages under § 226.8(b)(8) or as mortgages with balloon payments under § 226.8(b)(3).

In the staff's view, RRMs contain features of both long-term variable rate transactions and short-term balloon payment loans. Like variable rate mortgages, RRMs are subject to changes in the annual percentage rate over the long term of the mortgage. In the RRM, the lender must renew each short-term loan if the customer fails to pay off the balance. Therefore, the term could be considered to be that of a long-term variable rate mortgage, rather than the short term of a balloon payment loan.

On the other hand, RRMs could be viewed as balloon payment mortgages since each loan has a term of three to five years, with a balloon payment at the end of that term. At the end of each loan term, the customer has the option to refinance the loan with another lender or to accept a renewal of the loan at a different interest rate. When viewed this way, a renewal constitutes a refinancing requiring an entire set of new disclosures for another short-term balloon payment loan.

Since RRMs contain features of both variable rate and balloon payment mortgages, it is the staff's view that at this time disclosure is permissible either: (1) As a variable rate obligation under § 226.8(b)(8); or (2) as a balloon payment obligation under § 226.8(b)(3), which, if renewed, constitutes a refinancing under § 226.8(j).

To illustrate the disclosure of RRMs as variable rate mortgages and as balloon payment mortgages, assume the following example. The loan amount is $100,000 for a three-year initial term with a 30-year mortgage. The interest rate is 15% and the prepaid finance charge equals 2 percent of the loan amount ($2,000). Monthly payments for the initial term are calculated on an assumed amortization period of 30 years.

If this type of mortgage is treated as a variable rate mortgage, the customer receives disclosures only at consummation of the initial loan. Calculation of the annual percentage rate, total finance charge, and payment schedule are based on a 30-year term, at the rate then in effect. Therefore, in this example, the payment schedule would be shown as 360 monthly payments of $1,264, with an annual percentage rate of 15.32%.

Section 226.8(b)(8) requires that additional disclosures be made regarding the variable rate feature. The fact that the annual percentage rate is subject to increase and the conditions under which the rate will increase must be disclosed. As an example, for RRMs under the Bank Board regulations, this includes identification of the Bank Board's monthly national average mortgage rate index as the index to which rate increases are tied, and disclosure of the limitation on interest rate increases of one-half of one percentage point (0.5%) per year, with a maximum of five percentage points (5%) over the life of the mortgage. Section 226.8(b)(8) also requires the lender to state that rate increases would be implemented by increasing the amount of the monthly payment. In addition, the estimated effect on the payment amount of a hypothetical immediate increase in the annual percentage rate of one quarter of one percentage point (0.25%) would have to be disclosed. Note that official staff interpretation FC–0152 permits creditors that calculate the estimated effect on payments by using tables based on simple interest rates, rather than annual percentage rate tables, to state the example in terms of a change in the interest rate, rather than a change in the annual percentage rate.

If variable rate disclosures are given for RRMs, § 226.8(b)(8) provides that increases in the annual percentage rate are not treated as refinancings, and the customer need not be given new Truth in Lending disclosures at renewal.

If an RRM is treated as a balloon payment mortgage under § 226.8(b)(3), both the timing and the content of the disclosures would differ from that for variable rate mortgages. In the example given above, the term of the transaction would be three years, rather than 30 years, and each renewal of the loan would be considered a refinancing requiring a new set of disclosures under § 226.8(j). The final payment would be labeled as a "balloon payment" under § 226.8(b)(3), with a disclosure that the balloon payment may be refinanced if not paid when due. As Public Information Letter 1200 states, § 226.8(b)(3) does not require disclosure of the *terms* of the refinancing, although this could be given as additional information under § 226.6(c).

In the example above, all of the disclosures would be based on the three-year loan term. Therefore, disclosures for the initial loan would state that there are 36 monthly payments, 35 of $1,264 and one "balloon

payment" of $100.613. The annual percentage rate would be 15.84%. At the time of each renewal, an entire set of new refinancing disclosures would be given based on the new term and the new interest rate.

In the staff's view, there are certain advantages in disclosing RRMs as long-term variable rate mortgages, and other advantages in treating them as short-term balloon payment mortgages. Under the § 226.8(b)(8) variable rate provision, a customer would be informed at consummation of the initial loan about the variable rate feature, and the hypothetical example would give the customer some idea of the possible effect of a rate increase before the customer becomes obligated. Another reason for making variable rate disclosures is that a person undertaking an RRM may in fact view it as a 30-year obligation with periodic adjustments of the rate, particularly in light of the lender's obligation to renew each loan.

On the other hand, balloon payment disclosures would also provide useful information to customers. Although the customer would not receive detailed Truth in Lending information about the rate increases at the time of the initial loan's consummation, the lender would be required to state that there would be a balloon payment and that it could be refinanced at the end of the initial term. Moreover, at the time of each renewal, the customer would be given complete disclosures reflecting the actual changes in rate, payment amount, and so forth. The furnishing of new disclosures at renewal, a time when they may serve a useful shopping function, would also emphasize the fact that the customer can pay off the RRM and refinance with another lender.

The staff wishes to point out that this letter gives lenders two *separate* options. Lenders may not mix these two types of permitted disclosure. For example, lenders may not disclose a payment schedule based on the short term of the loan (as in balloon payment disclosures), but calculate an annual percentage rate based on the long term of the mortgage (as in variable rate disclosures).

The application of the right of rescission will depend upon what type of RRM is involved and which disclosure approach is followed. Under either approach, § 226.9(g)(1) exempts the initial transaction from the rescission requirements since a first lien to finance the acquisition of a dwelling is involved. If the variable rate approach is followed, adjustments of the rate do not constitute refinancings, and the right of rescission does not arise. If balloon payment disclosures are used, renewals constitute refinancings, and Board Interpretation § 226.903 determines whether the right of rescission applies. Section 226.903 provides that, where an obligation is refinanced with the original lender, only new credit extended in excess of the unpaid balance plus the accrued and unpaid finance charge is subject to rescission. If a lender charges fees upon renewal, additional credit may be extended, and that portion of the refinancing would be rescindable. If no fees are charged, it appears that rescission would not apply.

In order not to impede the development of RRM programs, disclosure under either § 226.8(b)(8) or §§ 226.8(b)(3) and 226.8(j) is considered acceptable at this time. In addition, it is recognized that RRMs contain features of both variable rate and balloon payment mortgages and that each disclosure scheme has certain advantages.

This letter, however, represents an interim position that will be effective only until the issues can be finally resolved in the revised Regulation Z that will be adopted by April 1, 1981, under the Truth in Lending Simplification and Reform Act. That act was signed into law on March 31, 1980, as Title VI of Pub. L. 96–221, the Depository Institutions Deregulation and Monetary Control Act. A proposed revision of Regulation Z that implements the act was published for comment on May 5, 1980 (45 FR 29702). The comment period closed on July 31, and the staff is now reviewing the comments.

This is an official staff interpretation of Regulation Z, issued after publication for comment in accordance with § 226.1(d)(2). It is limited to the facts and issues discussed above and will become effective on September 23, 1980.

Sincerely,

Janet Hart,

Director.

Board of Governors of the Federal Reserve System, September 17, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80–29444 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 79C–0450]

D&C Violet No. 2; Listing of Color Additives Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The color additive regulations are amended to provide for the safe use of D&C Violet No. 2 for coloring in or on polydioxanone synthetic absorbable surgical sutures. Ethicon, Inc., petitioned for this use.

DATES: Effective October 24, 1980; objections by October 23, 1980.

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

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

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of December 28, 1979 (44 FR 76863) announced that a color additive petition (CAP 9CO142) had been filed by Ethicon, Inc., Somerville, NJ 08876, proposing that the color additive regulations be amended to provide for the safe use of D&C Violet No. 2 in or on polydioxanone synthetic absorbable surgical sutures.

Having evaluated data in the petition and other relevant material, the Food and Drug Administration concludes that Part 74 (21 CFR Part 74), Subpart B, of the color additive regulations should be amended to include the petitioned color additive use under the conditions as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 74 is amended in § 74.1602 by revising paragraph (c)(2) to read as follows:

§ 74.1602 D&C Violet No. 2.

* * * * *

(c) * * *

(2) D&C Violet No. 2 may be safely used for coloring sutures for use in surgery subject to the following conditions:

(i) At a level not to exceed 0.2 percent by weight of the suture material for coloring polygalactin 910 (glycolic-lactic acid polyester) synthetic absorbable sutures for use in general and ophthalmic surgery;

(ii) At a level not to exceed 0.3 percent by weight of the suture material for coloring polydioxanone synthetic absorbable sutures for use in general and ophthalmic surgery; and

(iii) If the suture is a class III device, a premarket approval application under section 515 of the act is in effect for it.

* * * * *

Effective date. This regulation becomes effective October 24, 1980.

(Sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)))

Dated: September 16, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–29166 Filed 9–22–80; 8:45 am]

BILLING CODE 4110–03–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5214/R55; FRL 1613-4]

Tolerances for Pesticides in Animal Feeds; Hexakis (2-Methyl-2-Phenylpropyl) Distannoxane

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane in raisin waste at 20 parts per million (ppm) and dried grape pomace at 100 ppm. The amendment to the regulation was requested by Shell Chemical Co. The rule establishes maximum permissible levels or residues of the subject insecticide in raisin waste and dried grape pomace.

EFFECTIVE DATE: Effective on September 23, 1980.

ADDRESS: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (202-426-2635).

SUPPLEMENTARY INFORMATION: On May 9, 1979, the EPA published in the **Federal Register** (44 FR 27262) a notice of proposed rulemaking to amend 21 CFR 561.255 by establishing a regulation permitting combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites calculated as hexakis (2-methyl-2-phenylpropyl) distannoxane in the processed animal feeds raisin waste at 20 ppm and dried pomace at 100 ppm. This notice was published in connection with a petition (FAP 9H5214) submitted by Shell Chemical Co., 1025 Connecticut Ave., N.W., Washington, D.C. 20036. (A related document establishing tolerances for residues of the subject insecticide on a variety of raw agricultural commodities appears elsewhere in today's **Federal Register**.) No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. Toxicology data considered in support of the proposed tolerances included a two-year dog feeding study with a no-observed-effect level (NOEL) of 1,200 ppm; a two-year rat feeding/oncogenicity study which was negative for oncogenic effects at 600 ppm (highest dose tested); and a multi-generation reproduction study with an NOEL of 100 ppm. Based on the two-year rat feeding/oncogenicity study with an NOEL of 100 ppm (5 milligrams (mg)/kilogram (kg) of body weight (bw)/day) and using a safety factor of 100, the acceptable daily intake (ADI) for man is 0.05 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from the proposed tolerances and tolerances which have previously been established for the chemical on a variety of raw agricultural commodities does not exceed the ADI.

Desirable data that are lacking from the petition are teratology studies in two species. In a letter of December 4, 1979, the petitioner indicated that the teratology studies would be initiated in the middle of 1980 and completed by the end of 1980. The petitioner also agreed to voluntarily delete the use on almonds and grapes from the label should the results of the teratology studies exceed the risk criteria for unreasonable adverse effects as delineated in 40 CFR 162.11.

The metabolism of the subject insecticide and its organotin metabolites calculated as the parent compound is adequately understood, and an analytical method (thin layer chromatography) is available for enforcement purposes. No actions are currently pending against continued registration of the subject insecticide nor are there any other relevant considerations involved in establishing the proposed tolerances. Thus, it is concluded that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The pesticide is considered useful for the purpose for which tolerances are sought. Therefore the regulation establishing tolerances of 20 ppm in raisin waste and 100 ppm in dried grape pomace by amending 21 CFR 561.255 is being promulgated as proposed. Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before October 23, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on September 23, 1980.

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

Dated: September 12, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 561 is revised by reformatting the section into an alphabetized columnar listing and by alphabetically inserting raisin waste at 20 ppm and dried grape pomace at 100 ppm, as follows:

§ 561.255 Hexakis (2-methyl-2-phenylpropyl) distannoxane.

Tolerances are established for combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites calculated as hexakis (2-methyl-2-phenylpropyl) distannoxane in the following processed feeds when present therein as a result of application of the insecticide to growing crops:

Feed	Part per million
Apple pomace, dried	20
Citrus pulp, dried	7
Grape pomace, dried	100
Raisin waste	20

[FR Doc. 80-29435 Filed 9-22-80; 8:45 am]

BILLING CODE 6560-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 218

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: On May 14, 1980, the Department of State, United States International Communications Agency, and Agency for International Development issued in the Federal Register at 45 FR 31713 uniform regulations entitled "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," which were codified in 22 CFR Part 143. That issuance provided that AID would codify the regulations in 22 CFR Chapter II in a separate document. Accordingly, this rule adds a Part 218 to Chapter II of 22 CFR.

DATE: Effective April 22, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Miller (202) 632–8277.

Dated: September 8, 1980.

Norman L. Holmes,

General Counsel.

Part 218 is added to 22 CFR Chapter II to read as follows:

PART 218—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Sec.

218.01 What is the purpose of age discrimination regulations?
218.02 To what programs do these regulations apply?
218.03 Definitions.

Subpart B—Standards for Determining Age Discrimination

218.11 Standards.

Subpart C—Duties of Agency Recipients

218.21 General responsibilities.
218.22 Notice to subrecipients.
218.23 Self evaluation.
218.24 Information requirements.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

218.31 Compliance reviews.
218.32 Complaints.
218.33 Mediation.
218.34 Investigation.
218.35 Prohibition against intimidation or retaliation.
218.36 Compliance procedure.
218.37 Hearings, decisions, post-termination proceedings.
218.38 Remedial action by recipients.
218.39 Alternate funds disbursal procedure.

Appendices A-C—List of Affected Programs

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 5101 *et seq.*; 45 CFR 90; 22 U.S.C. 2658.

Subpart A—General

§ 218.01 What is the purpose of the age discrimination regulations?

The purpose of these regulations is to set out the policies and procedures for the three foreign affairs agencies (State, USICA and AII) under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR Part 90 (published at 44 FR 33768, June 12, 1979). The Act and the government-wide regulations prohibit discrimination on the basis of age in programs or activities in the United States receiving federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and recipients of federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 218.02 To what programs do these regulations apply?

These regulations apply to each foreign affairs agency recipient and to each program or activity in the United States operated by the recipient which receives or benefits from Federal financial assistance provided by any of these agencies.

§ 218.03 Definitions.

(a) The following terms used in this part are defined in the government-wide regulations (45 CFR 90.4, 44 FR 33768):

Act
Action
Age
Age distinction
Age-related term
Federal financial assistance
Recipient (including subrecipients)
United States

(b) As used in this part,

(1) "Agency" means the Department of State, the U.S. International Communication Agency, and the Agency for International Development.

(2) "Secretary" means the Secretary of State, the Director of the U.S. International Communication Agency, and the Administrator of the Agency for International Development, or the designee of such officer.

(3) "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on federal financial assistance. A subrecipient is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 218.11 Standards.

The standards each agency uses to determine whether an age distinction or age-related term is prohibited are set out in Part 90 (primarily Subpart B) of 45 CFR.

Subpart C—Duties of Agency Recipients

§ 218.21 General responsibilities

Each agency recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act, the government-wide regulations, and these regulations.

§ 218.22 Notice to subrecipients.

Where a recipient passes on federal financial assistance from an agency to subrecipients, the recipient shall provide the subrecipients written notice to their obligations under these regulations.

§ 218.23 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete a one-time written self-evaluation of its compliance under the act within 18 months of the effective date of these regulations.

(b) In its self-evaluation each recipient shall identify each age distinction it uses and justify each age distinction it imposes on the program or activity receiving federal financial assistance from an agency.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient shall make the self-evaluation available on request to the agency and to the public for a period of three years following its completion.

§ 218.24 Information requirements.

Each recipient shall:

(a) Make available upon request to the agency information necessary to determine whether the recipient is complying with the regulations.

(b) Permit reasonable access by the agency to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether a recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 218.31 Compliance reviews.

(a) The agency may conduct compliance reviews and pre-award reviews of recipients that will permit it to investigate and correct violations of these regulations. The agency may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or preaward review indicates a violation of

this part, the agency will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, the agency will arrange for enforcement as described in § 143.36

§ 218.32 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with an agency, alleging discrimination prohibited by these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, the agency may extend this time limit.

(b) The agency will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint process.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact the agency for information and assistance regarding the complaint resolution process.

(c) The agency will return to the complainant any complaint outside the jurisdiction of these regulations and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 218.33 Mediation.

(a) *Referral of complaints for mediation.* The agency will refer to the Federal Mediation and Conciliation Service all complaints that:

(1) fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extend necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator, before the agency will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the agency. The agency shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The agency will use the mediation process for a maximum of 60 days after receiving a compliant. Mediation ends if:

(1) Sixty days elapse from the time the agency receives the complaints; *or*

(2) Prior to the end of that 60-day period, an agreement is reached; *or*

(3) Prior to the end of that 60-day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to the agency.

§ 218.34 Investigation.

(a) *Informal investigation.* (1) The agency will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, the agency will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable. The agency may seek the assistance of any involved State program agency.

(3) The agency will put any agreement in writing and have it signed by the parties and an authorized official of the agency.

(4) The settlement shall not affect the operation of any other enforcement efforts of the agency, including compliance reviews and other individual complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If the agency cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the agency will attempt to obtain voluntary compliance. If the agency cannot obtain voluntary compliance, it will begin enforcement as described in § 218.36.

§ 218.35 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the agency's investigation, conciliation, and enforcement process.

§ 218.36 Compliance procedure.

(a) An agency may enforce the Act and these regulations through:

(1) Termination of a recipient's federal financial assistance from the agency under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation or prior to a hearing, will not involve termination of a recipient's federal financial assistance from the agency.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations by the Act and these regulations.

(ii) Use of any requirement of or referral to any federal, state, or local government agency which will have the effect of correcting a violation of the Act or these regulations.

(b) The agency will limit any termination under § 218.36(a)(1) to the particular recipient and particular program or activity the agency finds in violation of these regulations. The agency will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive federal financial assistance from the agency.

(c) The agency will take no action under paragraph (a) of this section until:

(1) The agency head has advised the recipient of its failure to comply with these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have lapsed after the agency head has sent a written report of the circumstances and grounds of the action to the committees of the Congress

having legislative jurisdiction over the federal program or activity involved. The agency head shall file a report whenever any action is taken under paragraph (a) of this section.

(d) The agency head also may defer granting new federal financial assistance from the agency to a recipient when a hearing under § 218.36(a)(1) is initiated.

(1) New federal financial assistance from the agency includes all assistance for which the agency requires an application or approval, including renewal of continuation of existing activities, or authorization of the new activities, during the deferral period. New federal financial assistance from the agency does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 218.36(a)(1).

(2) The agency will not begin a deferral until the recipient has received a notice of opportunity for a hearing under § 218.36(a)(1). The agency will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the agency head. The agency will not continue a deferral for more than 30 days after the close of a hearing unless the hearing results in a finding against the recipient.

§ 218.37 Hearings, decisions, post-formination proceedings.

Certain procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to enforcement of this part. They are 22 CFR Part 209.

§ 218.38 Remedial action by recipient.

Where the agency head finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the agency head may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the agency head may require both recipients to take remedial action.

§ 218.39 Alternate funds disbursal procedure.

(a) When an agency withholds funds from a recipient under these regulations, the agency head may disburse the withheld funds directly to an alternate recipient, any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The agency head will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

Appendix A—List of Affected Programs

Programs of Financial Assistance

Administered by the Department of State

Subject to Age Discrimination Regulations

Resettlement of Refugees in the United States Under the Migration and Refugee Assistant Act of 1962, as amended (22 U.S.C. 2601 et seq.).

Diplomat in Residence Program of the Foreign Service Institute Under Title VII of the Foreign Service Act of 1946, as amended (22 U.S.C. 1041 et seq.).

Assignments under section 576 of the Foreign Service Act of 1946, as amended (22 U.S.C. 966).

Appendix B—List of Affected Programs

Programs of Financial Assistance

Administered by the United States

International Communication Agency Subject to Age Discrimination Regulations

Educational and Cultural Exchanges under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 1431–1479).

Appendix C—List of Affected Programs

Program of Financial Assistance Administered by AID Subject to Age Discrimination Regulations

1. Grants to research and educational institutions in the United States to strengthen their capacity to develop and carry out programs concerned with the economic and social development of developing countries (Section 122(d), Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151(d)).

2. Grants to land grant and other qualified agricultural universities and colleges in the United States to develop their capabilities to assist developing countries in agricultural teaching, research and extension services (Section 297, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2220(b)).

3. Grants to private and voluntary agencies, non-profit organization, educational institutions, and other qualified organizations for programs in the United States to promote the economic and social development of developing countries (Sections 103–106, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151a–2151d).

[FR Doc. 80-29301 Filed 9-22-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Correction of final rule.

SUMMARY: This document corrects the effective date of, and a typographical error in, the Commission's final rule containing parole rescission guidelines for Federal prisoners.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, Phone: (202) 724-7567.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-27966 appearing at page 59870 in the Federal Register on Thursday, September 11, 1980 the effective date was incorrectly listed as October 5, 1980. The correct effective date is October 11, 1980.

Additionally, in the table at the top of the second column of page 59871 (28 CFR 2.36(a)(2)(ii)) equal signs were omitted below the less-than signs for the low and low moderate offense severity categories. The corrected table is as follows:

[In months]

Severity rating of the new criminal behavior (from § 2.20)	Adult cases	Youth/ NARA cases
Low	≦6	≦6
Low moderate	≦8	≦8
Moderate	10–14	8–12
High	14–20	12–16
Very high	24–36	20–26
Greatest I	40–52	30–40
Greatest II	52+	40+

Dated: September 17, 1980.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

[FR Doc. 80-29287 Filed 9-22-80; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[FRL 1612-5]

Air Programs, Approval and Promulgation of State Implementation Plans; Final Rulemaking on Approval of Montana State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On March 4, 1980, EPA published a final rule conditionally approving portions of the Montana State Implementation Plan (SIP) (45 FR 14035). On the same day, EPA proposed deadlines for remedying deficiencies in those portions of the SIP which has been conditionally approved and also proposed action on the state's new source review program and the request for redesignation of Yellowstone County from "nonattainment" to "unclassified" for ozone (45 FR 14072). One comment was received on the proposed action. The purpose of this final rulemaking is to approve those portions of the SIP described below.

EFFECTIVE DATE: September 23, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Alkema, Air, Pesticides, and Solid Waste Coordinator, Environmental Protection Agency, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59601. Telephone: (406) 449–5414.

SUPPLEMENTARY INFORMATION:

Introduction

On April 24, 1979, the State of Montana submitted a SIP revision to meet the requirements of the Clean Air Act (the Act), as amended in 1977. On August 2, 1979 (44 FR 45420), EPA published a notice of proposed rulemaking which described the nature of the SIP revision, discussed that revision in terms of the requirements in the Act, and requested public comment.

At the request of the Governor of Montana and several other persons, the time period for accepting comments on the SIP was extended until October 4, 1979 (44 FR 44502, September 27, 1979). Supplemental materials were submitted by the state on October 4, 1979, and a number of other comments were received. On January 8, 1980, the Governor submitted additional materials regarding the state's new source review program (i.e., an Attorney General's opinion and commitment to offset approach).

Based on those comments and an evaluation of the SIP submission by its own personnel, EPA published a final rule conditionally approving portions of the SIP on March 4, 1980 (45 FR 14036). EPA also published a notice of proposed rulemaking (45 FR 14072) and solicited comments on proposed deadlines for correcting deficiencies in the conditionally approved portions of the SIP. EPA also proposed action on the state's new source review program, and the state's request for redesignation of Yellowstone County to "unclassified" for ozone, and solicited comments on the acceptability of the TSP control measures for Colstrip.

EPA has reviewed the public comments received on the March 4, 1980 proposal and is approving the deadlines for complying with conditions of approval for the following SIP elements:

(a) Missoula total suspended particulate (TSP) schedule.

(b) Billings carbon monoxide (CO) schedule.

(c) Colstrip TSP schedule.

(d) Butte TSP schedule.

(e) Source test methods schedule.

EPA is also approving the redesignation of Yellowstone County from "nonattainment" to "unclassified" for ozone. Finally, EPA is approving the state's new source review program. Approval of the latter element removes the moratorium on construction of major new or modified stationary sources which has been in effect, pursuant to Section 110(a)(2)(I) of the Act, in nonattainment areas in Montana since July 1, 1979.

Detailed Discussion

This discussion relates to the proposed deadlines and adequacy of certain plan elements set forth in the Environmental Protection Agency's March 4, 1980 notice of proposed rulemaking, and provides EPA's response to the State of Montana's comments on that proposal.

I. New Source Review Program

In EPA's August 2,1979, proposed rulemaking (44 FR 45420) several deficiencies were identified in the state's new source review program. First, the regulations did not meet the notice requirements of 40 CFR 51.18(h)(4) which require that a copy of the public notice be sent to EPA and other appropriate state and local air pollution control agencies. In the proposed rulemaking, EPA stated that this defect could be corrected by a commitment to provide such notice. In the state's October 4, 1979 supplemental SIP submittal, the state committed to provide such notice.

Second, EPA questioned the state's legal authority under their existing regulations, to comply with Sections 173 (1), (3) and (4) of the Clean Air Act. EPA also noted that the state regulations authorized the issuance of permits with future compliance dates, as well as authorizing transfers of permits from one location to another and one person to another.

The state's October 4, 1979, SIP submittal indicated that conditions needed to comply with the permitting requirements in Section 173 would be added to each permit under the general authority granted to the permitting agency under the existing regulations. On January 8, 1980, the Governor submitted an opinion from the State Attorney General affirming the state's legal authority to require and enforce the requirements of Sections 173 (1), (3) and (4) of the Clean Air Act as conditions for receipt of a permit to construct and operate a new or modified source in a nonattainment area. The transmittal letter from the Governor stated that Montana would comply with Section 173(1) through implementation of an emission offset program and incorporate by reference EPA's emission offset interpretive ruling (44 FR 3274, January 16, 1979). The Governor also indicated that the state would make the necessary revisions to its permitting regulations.

Based on these supplemental SIP submittals, the March 4, 1980, proposed rule (45 FR 14072) solicited comments on the acceptability of the state's new source review program. One option discussed in the proposed action was conditionally approving the program and requiring revision of the state regulations. The Governor of Montana submitted comments on April 4, 1980. He reaffirmed the state's commitment to implement and enforce a new source review program consistent with Section 173 of the Act and emphasized the fact that the State Attorney General's January 7, 1980, opinion concluded that the state had the necessary legal authority to implement and enforce the Section 173 requirements under existing state law and regulations. He also indicated that the state intended to revise is permitting rules, but that, given the state's existing authority and commitment, approval of the program should not be conditioned on such revisions. In light of the state's comments, EPA is approving the state's new source review program. However, it must be noted that EPA interprets the Montana SIP to preclude the issuance of a permit which provides for transfer of permits or future effective dates, and EPA will take appropriate action when necessary to enforce the SIP in this regard.

II. Redesignation of Yellowstone County

In its comments of October 4, 1979, the state requested redesignation of Yellowstone County from "nonattainment" to "unclassified" and submitted supporting documentation. In its March 4, 1980, proposal EPA proposed such redesignation. No comments were received, therefore, based on the rationale explained in the proposed rule, EPA is redesignating Yellowstone County as "unclassified."

III. Missoula Total Suspended Particulate (TSP)

The March 4, 1980, proposal contained a deadline of April 1, 1980, for the execution of an agreement between the State Highway Department, the county and the city concerning the respective responsibilities of these three entities for the street sweeping and flushing program in the Missoula area. An agreement to this effect was executed by all three parties on April 11, 1980, and submitted to the state. A copy of the agreement has been received by EPA. Since the schedule was essentially met, it is approved by EPA.

IV. Billings Carbon Monoxide (CO)

The March 4 notice proposed a schedule for the submission of a revised CO plan for the Billings nonattainment area. In its April 4 submission, the state indicated its agreement with the proposed schedule. EPA is therefore approving the revised schedule.

V. Colstrip Total Suspended Particulate (TSP)

EPA's March 4 proposal contained an August 1, 1980, deadline for the issuance of a state permit to Western Energy Company, incorporating all of the completed and proposed control measures specified in the state's October 4 submittal. The state's April 4, 1980, submittal indicates that this effort is proceeding on schedule. EPA also solicited comments on the acceptability of the control measures identified in the state's December 4, 1979, supplemental submittal, but no comments were received. Accordingly, EPA is approving the control measures and the deadline of August 1, 1980, for permit issuance.

VI. Butte Total Suspended Particulate (TSP)

In its April 4, 1980, submission, the state indicated that the total suspended particulate effort for Butte was on schedule. The state also correctly pointed out that the date for the submission of a revised particulate rule should be February 15, 1981, rather than February 15, 1980, as stated in EPA's March 4 proposal. The 1980 date was a typographical error. The correct date did appear in the March 4, 1980, notice of final rulemaking (44 FR 14036). No other comments were received on this matter except those submitted by the state. Therefore, EPA is approving the schedule calling for the adoption and submission of an airborne particulate rule by February 15, 1981.

VII. Source Test Methods

The Environmental Protection Agency's proposal of March 4, stipulated that by August 1, 1980, the state would modify its existing source testing regulation to specify test procedures for each emission limitation. In its comments, the state indicated that it had committed to submitting a list of test procedures by August 1, and not to modifying its regulation. Since the state's existing source testing rule (16–2.14(1)–S14050) specifies that persons "shall conduct tests using methods approved by the director," EPA considers the state's commitment to compile and submit a list of approved test procedures to be a satisfactory resolution of the problem and is approving the schedule on that basis. However, the state's August 1, 1980, submittal must also include an explanation of how these testing requirements will be enforced.

Final Action

Based on the rationale explained above, EPA is approving the deadlines and other SIP elements described above.

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

(1) Plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

(2) EPA has a responsibility under the Act to take final action on Part D plan revisions by July 1, 1979, or as soon thereafter as possible.

(3) This final action removes the stationary source construction restrictions currently in effect under Section 110(a)(2)(I) of the Act.

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

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (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 the civil or criminal proceedings brought by EPA to enforce these requirements.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: September 16, 1980.

Douglas M. Costle,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart BB—Montana

1. In § 52.1370, paragraph (c)(8) is a revised to read as follows:

§ 52.320 Indentification of plan.

* * * * *

(c) * * *

(8) On April 24, October 4, 1979, and January 7, 1980, the Governor submitted revisions to meet Part D and other sections of the Clean Air Act, as amended in 1977. No action is taken with regard to the revised stack height regulation.

2. Section 52.1380 is revised to read as follows:

§ 52.1380 Control strategy: Total suspended particulates.

Part D—Conditional Approval—The Butte, Colstrip and Missoula plans are approved provided that the following conditions are met:

(a) For Butte, by February 15, 1981, the State will submit a revised airborne particulate regulation as specified in their October 4, 1979, submittal to EPA.

(b) For Colstrip, by August 1, 1980, the State will include all completed and planned emission reductions as specified in their October 4, 1979, submittal in an enforceable permit to Western Energy.

3. Section 52.1375 is revised to read as follows:

§ 52.1375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Montana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Billings Intrastate:							
a. Yellowstone County	c	c	a	c	b	b	b
b. Billings	e	e	a	c	b	b	b
c. Laurel	c	c	e	e	b	b	b
d. Remainder of AQCR	c	c	a	c	b	b	b
Great Falls Intrastate:							
a. Great Falls	e	e	c	c	b	b	b
b. Remainder of AQCR	b	b	c	c	b	b	b
Helena Intrastate:							
a. Anaconda	b	b	e	e	b	b	b
b. East Helena	e	e	e	e	b	b	b
c. Butte	e	f	b	b	b	b	b
d. Remainder of AQCR	b	b	b	b	b	b	b
Miles City Intrastate:							
a. Colstrip	e	f	b	b	b	b	b
b. Remainder of AQCR	b	b	b	b	b	b	b
Missoula Intrastate:							
a. Missoula	e	e	b	b	b	e	b
b. Columbia Falls	e	e	b	b	b	b	b
c. Remainder of AQCR	c	c	b	b	b	b	b

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. July 1975.
d. May 31, 1977.
e. December 31, 1982.
F. Eighteen-month extension granted.

NOTE.—Footnotes which are italic are prescribed by the Administrator because the plans do not provide a specific date, or the date provided is not acceptable.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.325 (1978).

4. Section 52.1384 is revised to read as follows:

§ 52.1384 Control strategy: Carbon monoxide.

(a) Part D—Disapproval—The Missoula carbon monoxide plan is disapproved since the plan failed to evaluate the problem, analyze or develop attainment strategies and demonstrate attainment by December 31, 1982.

(b) Part D—Conditional Approval—The Billings plan is approved provided that the following conditions are met by August 15, 1980:

(1) The carbon monoxide problem will be reanalyzed using more accurate data.

(2) The results of the analysis will be evaluated and the plan revised if necessary to attain the national standards by December 31, 1982.

5. Section 52.1385 is revised to read as follows:

§ 52.1385 Source surveillance.

(a) Part D—Conditional Approval—The requirements of Section 110 of the Clean Air Act are not met since the State does not specify source testing procedures in many of its emission limitations. However, this section is approved provided the State submits a list of acceptable source test methods for each emission limitation by August 1, 1980.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40, Part 81, of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.327 [Amended]

1. In § 81.327, the designation of Yellowstone County for ozone is revised to be "cannot be classified or better than national standards."

[FR Doc. 80-29429 Filed 9-22-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9F2191/R240; FRL 1613-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Hexakis (2-Methyl-2-Phenylpropyl) Distannoxane

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane on almonds at 0.5 part per million ppm; almond hulls at 80 ppm; grapes at 5 ppm; 0.1 ppm in milk fat, and the meat, fat, and meat byproducts of poultry; and 0.5 ppm in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep. The regulation was requested by Shell Chemical Co. This rule establishes maximum permissible levels for residues of the subject insecticide in or on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on September 23, 1980.

ADDRESS: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 410 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger (202-426-2635).

SUPPLEMENTARY INFORMATION: On May 9, 1979, notice was given (44 FR 27262) that Shell Chemical Co., 1025 Connecticut Ave., NW, Suite 200 Washington, DC 20036, had filed a pesticide petition (PP 9F2191) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed that 40 CFR 180.362 be amended to establish tolerances for combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites calculated as hexakis (2-methyl-2-phenylpropyl) distannoxane in or on the raw agricultural commodities almond hulls at 80 ppm; grapes at 5 ppm; almonds and the meat, fat, and meat byproducts (excluding liver and kidney) of cattle at 0.5 ppm; and milk; eggs; and the meat, liver, and kidney of poultry at 0.1 ppm.

Subsequently, the petitioner amended the petition by changing the proposed tolerances in the meat, fat, and meat byproducts (excluding liver and kidney) of cattle at 0.5 ppm to read the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.5 ppm and by changing the proposed tolerances in the meat, liver, and kidney of poultry at 0.1 ppm to read the meat, fat, and meat byproducts of poultry at 0.1 ppm. The revised tolerances will not result in a potential increase in exposure of humans to residues of the subject insecticide; thus, the tolerances are not being reproposed for public comment. No comments were received in response to the notice of filing. (A related document establishing a feed additive regulation for residues of the subject insecticide in raisin waste and dried grape pomace appears elsewhere in today's **Federal Register**.)

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a two-year dog feeding study with a no-observed-effect level (NOEL) of 1,200 ppm; a two-year rat feeding/oncogenicity study which was negative for oncogenic effects at 600 ppm (highest dose tested); and a multi-generation reproduction study with an NOEL of 100 ppm. Based on the

two-year rat feeding/oncogenicity study with an NOEL of 100 ppm (5 milligrams (mg)/kilogram (kg) of body weight (bw)/day and using a safety factor of 100, the acceptable daily intake (ADI) for man is 0.05 mg/kg bw/day. The theoretical maximum residue contribution (TMRC) in the human diet from the proposed tolerances and tolerances which have previously been established for the chemical on a variety of raw agricultural commodities does not exceed the ADI.

Desirable data that are lacking from the petition are teratology studies in two species. In a letter of December 4, 1979, the petitioner indicated that the teratology studies would be initiated in the middle of 1980 and completed by the end of 1980. The petitioner also agreed to voluntarily delete the use on almonds and grapes from the label should the results of the teratology studies exceed the risk criteria for unreasonable adverse effects as delineated in 40 CFR 162.11.

The metabolism of hexakis (2-methyl-2-phenylpropyl) distannoxane is adequately understood, and an analytical method (gas liquid chromatography) is available for enforcement purposes. No actions are currently pending against continued registration of the subject insecticide, nor are there any other relevant considerations involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.5 ppm in or on almonds; 80 ppm in or on almond hulls; 5 ppm in or on grapes; 0.1 ppm in milk fat; eggs; and the meat, fat, and meat byproducts of poultry; and 0.5 ppm in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep established by amending 40 CFR 180.362 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before October 23, 1980, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on: September 23, 1980.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: August 19, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.362 is revised by reformatting the section into an alphabetized columnar listing and alphabetically inserting almonds at 0.5 ppm; almond hulls at 80 ppm, grapes at 5 ppm; milk fat, eggs, and the meat, fat, and meat byproducts of poultry at 0.1; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.5 ppm, as follows:

§ 180.362 Hexakis (2-methyl-2-phenylpropyl) distannoxane; tolerances for residues.

Tolerances are established for residues of hexakis (2-methyl-2-phenylpropyl) distannoxane and its organotin metabolites calculated as hexakis (methyl-2-phenylpropyl) distannoxane in or on the following raw agricultural commodities:

Commodity	Parts per million
Almonds	0.5
Almonds, hulls	80
Apples	4
Cattle, fat	0.5
Cattle, mbyp	0.5
Cattle, meat	0.5
Citrus fruits	4
Eggs	0.1
Goats, fat	0.5
Goats, mbyp	0.5
Goats, meat	0.5
Grapes	5
Hogs, fat	0.5
Hogs, mbyp	0.5
Hogs, meat	0.5
Horses, fat	0.5
Horses, mbyp	0.5
Horses, meat	0.5
Milk fat	0.1
Pears	4
Poultry, fat	0.1
Poultry, mbyp	0.1
Poultry, meat	0.1
Sheep, fat	0.5
Sheep, mbyp	0.5
Sheep, meat	0.5

[FR Doc. 80–29436 Filed 9–22–80; 8:45 am]

BILLING CODE 6560–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 46, Supp. 3]

Use of Small Purchase Procedures and Schedule Contracts for Automated Data Processing (ADP) Requirements

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement to FPR Temporary Regulation 46 and Supplement 2 extends the expiration dates of the regulations. The extension will allow adequate time for the incorporation of the material in the regulation into a proposed revision of Subpart 1–4.11 concerning ADP procurement. The intended effect is to lower procurement costs and decrease the action time for the procurement of ADP items.

DATES: Effective date: October 1, 1980. Expiration date: September 30, 1981, unless earlier revised or superseded.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703–557–8947).

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

In 41 CFR Chapter 1, this Supplement 3 to FPR Temporary Regulation 46 is added to the appendix at the end of the chapter to read as follows:

[Federal Procurement Regs.; Temporary Reg. 46 Supplement 3]

Use of Small Purchase Procedures and Schedule Contracts for Automated Data Processing (ADP) Requirements

September 15, 1980.

1. *Purpose.* This supplement extends the expiration dates of FPR Temporary Regulation 46 and Supplement 2.

2. *Effective date.* This regulation is effective October 1, 1980.

3. *Expiration date.* This regulation expires on September 30, 1981, unless revised or superseded prior to that time.

4. *Explanation of change.* The expiration dates for FPR Temporary Regulation 46 and Supplement 2 are extended to September 30, 1981.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–29283 Filed 9–22–80; 8:45 am]

BILLING CODE 6820–61–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5904]

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 identfication 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. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

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 [1]
Connecticut	Middlesex	Clinton, town of	090061B	Mar. 2, 1973, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Feb. 1, 1974 Mar. 4, 1977	Sept. 30, 1980.
Idaho	Canyon	Parma, city of	160039C	July 27, 1976, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 17, 1974 June 4, 1976	Do.
Indiana	Clark	Unincorporated areas	180426A	Sept. 15, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Feb. 24, 1978	Do.
Louisiana	Lafayette	Lafayette, city of	220105C	Aug. 7, 1973, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Mar. 1, 1974 July 17, 1979	Do.
Maine	Kennebec	Farmingdale, town of	230164B	Apr. 17, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Aug. 2, 1974 Sept. 3, 1976	Do.
Massachusetts	Middlesex	Holliston, town of	250195B	Dec. 5, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Aug. 2, 1974 Nov. 5, 1976	Do.
Do	Franklin	Northfield, town of	250060B	Aug. 15, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Aug. 9, 1974 June 19, 1979	Do.
Michigan	Eaton	Dimondale, village of	260333A	Sept. 21, 1976, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Oct. 17, 1975	Do.
Minnesota	Anoka	Andover, city of	270689A	June 23, 1976, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Dec. 17, 1976	Do.
Mississippi	Simpson	Mendenhall, city of	280159B	Oct. 19, 1973, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	June 14, 1974 Oct. 17, 1975 Sept. 1, 1978	Do.
Nebraska	Seward	Seward, city of	310210B	Sept. 20, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	June 14, 1974 Jan. 2, 1976	Do.
Nevada	Clark	Las Vegas, city of	325276B	Aug. 16, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Dec. 3, 1976	Do.
New Jersey	Bergen	Emerson, borough of	340030B	Feb. 25, 1972, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	June 15, 1973 Oct. 21, 1977	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
North Dakota	Cass	Harwood, city of	380338A	Apr. 11, 1978, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.		Do.
Ohio	Hamilton	Amberley, village of	390206A	Nov. 16, 1973, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.		Do.
Do	Summit	Hudson, village of	390660B	May 19, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Mar. 29, 1974 June 25, 1976	Do.
Oklahoma	Grady	Chickasha, city of	400234B	Jan. 15, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 24, 1974 May 21, 1976	Do.
Do	Bryan	Durant, city of	400460B	May 20, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 10, 1974 Feb. 13, 1976	Do.
Oregon	Jackson	Central Point, city of	410092B	Sept. 18, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	June 21, 1974 Jan 2, 1976	Do.
Do	Union	La Grande, city of	410260B	Feb. 6, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Nov. 30, 1973 Oct. 15, 1976	Do.
Pennsylvania	Westmoreland	Arnold, city of	420870B	May 31, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	June 14, 1974 June 18, 1976	Do.
Do	Luzerne	Ashley, borough of	420596B	Dec. 13, 1980, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Apr. 5, 1974 June 11, 1976	Do.
Do	Chester	East Caln, township of	421477B	Oct. 10, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Oct. 18, 1974 May 28, 1976	Do.
Do	Allegheny	Emsworth, borough of	420034B	June 20, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Dec. 3, 1976	Do.
Do	Bucks	Falls, township of	420188A	July 21, 1972, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 18, 1973	Do.
Do	Lycoming	Gamble, township of	420974B	Aug. 1, 1973, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Feb. 22, 1974 July 8, 1977	Do.
Do	Susquehanna	Great Bend, borough of	422068A	Jan. 21, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Sept. 20, 1974	Do.
Do	do	Hallstead, borough of	422069A	July 2, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Nov. 22, 1974	Do.
Do	Blair	Huston, township of	422332A	Feb. 6, 1976, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Jan. 10, 1975	Do.
Do	Lycoming	Muncy Creek, township of	420650B	Aug. 23, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Aug. 23, 1974 Feb. 27, 1976	Do.
Do	Lancaster	Pequea, township of	421779A	Jan. 24, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Oct. 22, 1976	Do.
Do	Blair	Taylor, township of	421394A	July 25, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Jan. 17, 1975	Do.
Do	Luzerne	Union, township of	421836A	Feb. 18, 1976, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Jan. 17, 1975	Do.
Tennessee	Smith	Carthage, city of	470176B	May 2, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Aug. 2, 1974 July 30, 1976	Do.
Do	Roane	Unincorporated areas	470267D	Oct. 21, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Dec. 23, 1977	Do.
Texas	Houston	Crockett, city of	480359C	June 24, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 10, 1974 Jan. 16, 1976 Feb. 18, 1977	Do.
Do	Dallas	Farmers Branch, city of	480174B	Feb. 25, 1972, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Apr. 12, 1974 Feb. 15, 1978	Do.
Vermont	Essex	Canaan, town of	500046B	July 21, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 31, 1974 Mar. 4, 1977	Do.
Wisconsin	Dane	Madison, city of	550083B	July 17, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	Mar. 8, 1974 Sept. 5, 1975	Do.
Do	do	Oregon, village of	550089B	May 28, 1974, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	May 24, 1974 Aug. 6, 1976	Do.
Do	Racine	Wind Point, village of	550355B	Mar. 18, 1975, emergency, Sept. 30, 1980, regular, Sept. 30, 1980, suspended.	June 28, 1974 Sept. 24, 1976	Do.
Massachusetts	Essex	Groveland, town of	250083C	June 19, 1975, emergency, Oct. 1, 1980, regular, Oct. 1, 1980, suspended.	June 28, 1974 Nov. 1, 1977	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(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: September 10, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-29196 Filed 9-22-80; 8:45 am]

BILLING CODE 6718-03-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program; Appendix A: Alabama

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This notice identifies the location of a new office for filing of applications or complaints under the Voting Rights Act of 1965, as amended.

EFFECTIVE DATE: August 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Clogston, Coordinator Voting Rights Program, Office of Personnel Management, Washington, D.C. 20415, 202–632–4540.

SUPPLEMENTARY INFORMATION: The Attorney General has certified that in his judgment the appointment of an examiner to serve in the county of Conecuh, in the State of Alabama, is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, the U.S. Office of Personnel Management has appointed an examiner to serve in this county. OPM has determined that this is a non-significant regulation for the purpose of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Appendix A to 45 CFR Part 801 is amended as set out below to show under the heading "Dates, Times and Places for Filing," an additional place for filing in Alabama.

Alabama

County; Place for Filing; Beginning Date
* * * * *
Conecuh, Evergreen—Holiday Inn, Room 108, Interstate 68 and Highway 83; September 2, 1980.

(5 U.S.C. 1103; Sec. 7, 9, 79 Stat. 440, 441, (42 U.S.C. 1973e, 1973g))

[FR Doc. 80-29439 Filed 9-22-80; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 530

Factors To Be Applied to the Criteria for Obtaining an Exemption Under General Order 7, Revised

AGENCY: Federal Maritime Commission.

ACTION: Policy statement.

SUMMARY: The Commission announces the factors it applies in examining requests for officers or employees of conferences or rate-fixing bodies to perform the self-policing functions in lieu of an independent policing authority.

EFFECTIVE DATE: September 23, 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:

In order that conferences and rate-fixing bodies who petition for an exemption from the independent policing authority requirement of General Order 7 (46 CFR 528) may be aware of the factors the Commission applies to the exemption criteria set forth therein and, in particular, the requirement that petitions must make a convincing showing as to (1) the qualifications of the in-house policing official; (2) an unrealistic financial burden; and (3) a relatively clean trade, the Commission is issuing a policy statement explaining how it applies these factors to the exemption criteria listed above.

Therefore, pursuant to sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a) and section 553 of the Administrative Procedure Act (5 U.S.C. 553), Part 530 of the Code of Federal Regulations is amended by the addition of a new § 530.13 as follows:

§ 530.13 Factors to be applied to the criteria for obtaining an exemption from self policing requirements.

The following discussion explains how the Commission applies the factors in 46 CFR 528.3(b)(3) regarding exemption of conferences and rate-fixing bodies from the independent policing authority requirement of 46 CFR 528 (General Order 7).

(a) *Qualifications of conference personnel.* (1) In evaluating the qualifications of a conference employee to perform the requisite self-policing activities, the Commission considers: (i) knowledge of, and experience in, the commercial and administrative aspects of the ocean liner industry; (ii) investigative/auditing experience and expertise; and (iii) current duties, if any, under the conference and elsewhere and whether those duties significantly interfere with the policing function.

(2) The following factors will be considered in determining whether an individual's self-policing activities, including annual audits of each member line, would be substantially affected by other duties and responsibilities:

(i) Number of agreement members;

(ii) Number of sailings, by member, in the trade;

(iii) Scope of agreement;

(iv) Location of carrier members' books and records;

(v) Extent of official duties, including regular attendance at membership meetings;

(vi) Whether the official serves in a similar role as Chairman or Secretary for other agreements;

(vii) The description of the intended self-policing program, including budget authorized;

(viii) Whether cargo inspection duties will be performed;

(ix) Assistance from other staff member(s).

(b) *Unrealistic financial burden.* In evaluating assertions of an unrealistic financial burden, the Commission considers:

(1) Prospective cost/fee for neutral body self-policing;

(2) How the cost was determined;

(3) Whether the cost represents the lowest bid of a qualified neutral body;

(4) Revenues earned in the trade; and

(5) Any other relevant data which petitioner submits.

(c) *Trade relatively free of malpractices.* The Commission will consider assertions that a given trade has been relatively free of malpractices. The Commission recognizes, however, that prior self-policing systems, which only responded to complaints and did not initiate investigations, may not reflect the full extent of malpractices in a trade.

By the Commission, September 9, 1980.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-29286 Filed 9-22-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

Jurisdictional Separations; Editorial Amendment to Part 67 of the Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is making editorial amendments to its rule incorporating the National Association of Regulatory Utility Commissioners Separations Manual (47 CFR § 67.1) to achieve conformity with the incorporation by reference requirements set forth by the Office of the Federal Register in 1 CFR Part 51.

EFFECTIVE DATE: August 29, 1980.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Renee Licht, Room 657, Office of the General Counsel, Washington, D.C. 20554. (202) 632-6990.

SUPPLEMENTARY INFORMATION:

Adopted: August 29, 1980.

Released: September 12, 1980.

In the matter of editorial amendments to Part 67 of the Commission rules.

1. Pursuant to 47 CFR § 0.231(d),* the Executive Director hereby approves the following amendments to Part 67, § 67.1 of the Commission's rules. These amendments are being made so that section 67.1 conforms to the requirements governing incorporation by reference of materials into agency rules, as set forth in 1 CFR Part 51.

*Rule 0.231(d) delegates to the Executive Director or his designee the authority to make nonsubstantive, editorial revisions of the Commission's rules and regulations upon approval of the bureau or staff office primarily responsible for the particular section involved.

2. Authority for the adoption of these amendments is contained in section 4(i) of the Communications Act of 1934, as amended. Because they are purely editorial and nonsubstantive in nature, compliance with the prior notice and effective date provisions of 5 U.S.C. § 553 is not required.

3. Accordingly, it is ordered, effective August 29, 1980, that Part 67 of Title 47 of the Code of Federal Regulations is amended as set out in Appendix A hereto.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Richard D. Lichtwardt,

Executive Director.

Appendix A

Section 67.1 of the Commission's rules is amended to read as follows:

§ 67.1 Separations manual; incorporation by reference.

(a) Jurisdictional separations of telephone companies' property costs, revenues, expenses, taxes, and reserves are determined under principles and procedures set forth in the February 1971 edition of the Separations Manual ("Standard Procedures for Separating Telephone Property Costs, Revenues, Expenses, Taxes, and Reserves"), which is hereby incorporated by reference into this Part 67, pursuant to 5 U.S.C. 552(a)(1) and 1 CFR Part 51. This incorporation has been approved by the Director of the Federal Register. The contents of the Manual, as incorporated by reference, include the April 1963 edition of the Manual and 1964, 1965, 1969 and 1971 Addenda. The principles and procedures set forth in the Manual are designed primarily for use in the allocation of property costs, revenues, expenses, taxes, and reserves between intrastate and interstate jurisdictions.

(b) The Separations Manual is published by the National Association of Regulatory Utility Commissioners (formerly the National Association of Railroad and Utilities Commissioners). Copies of the current edition of the Manual may be obtained at a cost of two dollars and fifty cents ($2.50) per copy by writing to the Association, Post Office Box 684, Washington, D.C. 20044.

(c) Copies of the current edition of the Separations Manual are available for inspection at the following locations:

Office of the Common Carrier Bureau, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

Field Office of the Common Carrier Bureau, Federal Communications Commission, Room 1309X, 90 Church Street, New York, N.Y.

Offices of the National Association of Regulatory Utility Commissioners, I.C.C. Building, 12th Street and Constitution Avenue, N.W., Washington, D.C.

Office of the Federal Register, General Services Administration, National Archives and Records Service, 1100 L Street, N.W., Washington, D.C.

(d) An official historic file, containing a record of all changes in the Separations Manual from 1963 forward, is maintained in the offices of the Common Carrier Bureau, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C., and is available for inspection at that location.

(e) These Separations Procedures apply to Puerto Rico and the United States Virgin Islands.

[FR Doc. 80-29364 Filed 9-22-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. 5 to Service Order No. 1269]

Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of the Atchison, Topeka & Santa Fe Railway Co.

Decided: September 17, 1980.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 5 to Service Order No. 1269.

SUMMARY: Service Order No. 1269 authorizes the Missouri Pacific Railroad Company to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company between Winfield and Arkansas City, Kansas. This order amends Service Order No. 1269 by reestablishing its expiration date in order to effect greater control of utilization.

EFFECTIVE: 11:59 p.m., September 19, 1980, and continuing in effect until 11:59 p.m., October 31, 1980, unless otherwise modified, amended or vacated by order of this Commission.

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

SUPPLEMENTARY INFORMATION:

Upon further consideration of Service Order No. 1269 (42 FR 34883, 54294; 43 FR 14476, 44586; 44 FR 19202), and good cause appearing therefor:

§ *1033.1269 Missouri Pacific Railroad Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company.*

It is ordered that Service Order No. 1269 is amended by substituting the following paragraph (c) for paragraph (c) thereof:

* * * * *

(c) *Expiration date.* The provisions of this order are extended until 11:59 p.m., October 31, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 19, 1980.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29281 Filed 9-22-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1111

[Ex Parte No. 282 (Sub-3)]

Railroad Consolidation Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Adoption of final procedural rules and exemptions contained in the appendix.

SUMMARY: The Commission has revised the procedural requirements for applications which seek authority to enter a transaction under the provisions of 49 U.S.C. 11343–11346. A class of persons (railroads involved in enumerated transactions) have been exempted from regulation. This will result in better use of Commission and carrier resources by avoiding lengthy and costly proceedings where not warranted by their impact. Further modifications of these rules are being proposed in this issue.

DATE: Effective October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Kelly (202) 275–7245

SUPPLEMENTARY INFORMATION:

Introduction

We instituted a general rulemaking proceeding on our own motion by notice published in the **Federal Register** on November 20, 1979 (44 FR 66626–66644) (Proposed Consolidation Procedures). The purpose of this rulemaking is to reduce informational requirements for different types of applications, to clarify the information required in all applications, and to expand the procedures for handling, prosecuting and opposing a transaction from those contained in the ICC *Railroad Acquisition, Control, Merger, Coordination Project, Trackage Rights and Lease Procedures,* 49 CFR Part 1111 (1979) (Old Consolidation Procedures).

Adopted Procedures

This revision partially changes the format in the Proposed Consolidation Procedures to a more logical sequence for the purpose of planning, preparing, and considering an application. It also makes the Procedures easier to follow, and spells out specific information that must be included in each type of application.

The 10 parties filing comments in this proceeding are: the New York State Department of Transportation (NYDOT); The Association of American Railroads (AAR); The Atchison, Topeka and Santa Fe Railway Company (Santa Fe); The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Richard B. Ogilvie, Trustee (Milwaukee Road); The Consolidated Rail Corporation (ConRail); the Southern Pacific Transportation Company (SP); The Soo Line Railroad Company (Soo Line); The Railway Employees Department, AFL–CIO (RED); The Railway Labor Executives' Association (RLEA); and Patrick W. Simmons, Illinois Legislative Director for the United Transportation Union (UTU). These comments generally favored our proposal.

In discussing the Adopted Consolidation Procedures, we will utilize the adopted section number and refer to the section number from the Proposed Consolidation Procedures in parentheses when they are different.

1. Preamble

We added a preamble to the Proposed Consolidation Procedures in order to provide a brief overview. Because we are concurrently proposing further revisions the adoption of the preamble and reformatting of the regulation would not serve a useful purpose.

2. Types of Transactions

Definition of major transactions. We will accept Santa Fe's recommendation that section 5(a)(1) (1(a)(1)) should refer only to controls and mergers, not consolidations, in order to exclude transactions between carriers which are not major but could be considered consolidations. We shall also adopt the change proposed by AAR to the definition of major transactions involving major market extensions by including new section 5(a)(2)(vi) (1(a)(2)(vi)) which refers to any other agreement or coordination project.

Santa Fe's argument to eliminate partial purchase and purchase from the definition of a major transaction because they are included in the term acquisition is not valid. The detail is to clarify the different types of possible transactions which the term "acquisition" may not include. However, we will adopt Santa Fe's proposal limiting major transactions to Class I carriers acting with another Class I carrier or a Class II carrier. A major transaction will not include transactions involving only Class II carriers.

Exemptions. NYDOT and RLEA argue that we cannot exempt a class of transactions consistent with the statute. This argument is not consistent with the Congressional policy underlying 49 U.S.C. 10505, or the statute as originally enacted.

Section 207 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94–210 (February 5, 1976) (4R Act), amended section 12 of the Interstate Commerce Act (49 U.S.C. 12(1)) by adding new subdivision (b) which stated:

> Whenever the Commission determines, upon petition by the Secretary or an interested party or upon its own initiative, in matters relating to a common carrier by railroad subject to this part, after notice and reasonable opportunity for a hearing, that the application of the provisions of this part (i) to any person or class of persons, or (ii) to any services or *transactions* by reason of the limited scope of such services or *transactions* is not necessary to effectuate the national transportation policy declared in this Act, would be an undue burden on such person or class of persons or on interstate and foreign commerce, and would serve little or no useful public purpose, it shall, by order, exempt such persons, class of persons, services or *transactions* from such provisions to the extent and for such period of time as may be specified in such order. The Commission may, by order, revoke any such exemption whenever it finds, after notice and reasonable opportunity for a hearing, that the application of the provisions of this part to the exempted person, class of persons, services, or *transactions,* to the extent specified in such order, is necessary to effectuate the national transportation policy declared in this Act and to achieve effective regulation by the Commission, and would serve a useful public purpose. (emphasis added.)

This section, along with the entire Interstate Commerce Act, was recodified by the Revised Interstate Commerce Act, Pub. L. No. 95–473 (October 13, 1978), 49 U.S.C. Subtitle IV. It became 49 U.S.C. 10505, and the term "transactions" was changed to "a transaction." However, the clear intent of the revision was to recodify the Interstate Commerce Act without substantive change. See H.R. Rep. No. 95–1395, pp.1, 4, 8, 9, and 10 (July 26, 1978).

Based on the pre-revision language and the legislative history, we can exempt transactions, not only a transaction. The Senate enunciated this stating:

> The requirement of full proceedings before exemption can be granted * * * as well as the findings which must be made, assure that the Commission will not act in such a manner as to contravene its Congressional mandate to regulate interstate commerce. At the same time, the power to exempt from regulation in whole or in part will enable the Commission to commit its limited resources in areas where they are most needed, by enabling it to deregulate those areas which have no significant bearing on the overall regulatory scheme. S. Rep. 94–499, p.53 (November 26, 1975).

During discussion of the 4R Act, this policy was reiterated in H.R. Rep. No. 94–725 p. 75 (December 12, 1975) which stated:

> The Committee has given the Commission the (exemption) power to study and review the areas where regulation is not required to effectuate the national transportation policy or where the removal of the regulation would be no undue burden on persons or class of persons in interstate or foreign commerce, or where such regulation would serve little or no useful public purpose.

Additional legislative history reveals that the exemption power was to be used where regulation was not necessary to carry out the statutory criteria. See H.R. Rep. No. 94–768, p. 125 (December 10, 1975) and H.R. Rep. No. 94–781, p. 153 (January 23, 1976).

Based on the clear legislative history of our exemption power, its precise wording as enacted in the 4R Act, and the lack of substantive change in the revision of the Act, we can clearly exempt a class of transactions. Further, instead of exempting a class of transactions, we may exempt a class of persons as specifically permitted by the existing statute. The class of persons is defined as railroads participating in transactions specified in the Adopted New Consolidation Procedures, section 5(c) (1(c)).

We believe these exemptions can also be approved on the basis of a general finding, which we now make, that when a specific transaction falls within the scope of the transactions we have delineated it too is exempt. Further, because of the narrow scope of the delineated transactions an equivalent individual transaction is exempt, regardless of the parties.

RLEA, RED and UTU do not believe that we should exempt any transactions because of the possible impact on employees. They argue that since employees may be affected, the transactions must be considered in light of the National Transportation Policy (49 U.S.C. 10101). The mere fact that some employees may be affected does not prevent the use of our exemption power considering that we can approve transactions under 49 U.S.C. 11344 that affect employees. First of all, the class of persons we are exempting necessarily are involved in transactions of minor impact. Furthermore, the likelihood of harm to employees is speculative. While we could consider each case separately, the burden of doing so is unwarranted where potential harm is so speculative. In any event, adverse impacts on employees, if any, will be limited because of the geographic limit of the exemption. Finally, the National Transportation Policy requires that we encourage fair wages and working conditions in the transportation industry. The exemptions have no adverse effect on fair wages and working conditions. Our review of these exemptions is not required in order to comply with the National Transportation Policy.

We are nonetheless sensitive to the concerns of employees. Although labor protection is not mandated by 49 U.S.C. 10505, the rule governing labor protection prior to the Transportation Act of 1940 is controlling. Under that rule we can determine reasonable conditions for the compensation of railway employees who would be seriously affected by a consolidation. *United States* v. *Lowden,* 308 U.S. 225 (1939). We do not wish to foreclose consideration of employee protection when it can be persuasively demonstrated that such protection is essential. We will consider petitions, therefore, where it can be shown that an exemption will seriously affect employees.

RLEA argues that our notice gave no reason for the exemptions. In proposing these regulations we stated that "because of *de minimis* competitive and operational impact we propose to exempt seven classes of transactions from our jurisdiction." 44 FR 66627. Our reason was clearly stated. RLEA also states that we did not provide an opportunity for "a proceeding." The notice which we published in the **Federal Register** and request for comments on the proposed notice is the type of proceeding we have used in numerous exemptions.

RED argues that the exemptions are extremely vague. We disagree. The exemptions are as specific as possible with out limiting railroad management's ability to use them to the public's advantage.

The published notice described specific exemptions. We can narrow the scope of proposed exemptions without another proceeding because we considered comments on and objections to the broader proposed exemptions in reducing the reach of the exemption. We have not expanded any exemptions because parties were not given appropriate notice, and a proceeding was not conducted. Bearing this in mind we will discuss specific exemptions.

Santa Fe urges us to eliminate the exemption for a line of railroad where we have found that public convenience and necessity permit abandonment in section 5(2)(c)(1) ((1)(c)(1)). AAR on the other hand suggested that we restrict this to lines which would not result in a major market extension. We have adopted AAR's suggestion because major operational and anticompetitive results are not likely to arise from this type of transaction.

Santa Fe made two suggestions for altering the exemption in section 5(c)(2) ((1)(c)(2)). The first would permit the acquisition of not only a non-connecting carrier, but acquisition of that carrier's lines. We will adopt Santa Fe's recommendation since the acquisition of the line of a non-connecting carrier will not result in operational or competitive changes. Santa Fe also recommends that we eliminate the requirement that a Class I carrier not be involved. This would broaden the exemption. Additionally, a public interest analysis of the acquisition of a non-connecting carrier or its lines by a Class I carrier should be conducted to assure that competition is not decreased and that undue economic influence is not exercised over the non-connecting carrier to the detriment of the transportation system.

AAR and SP recommend that we be more specific in section 5(c)(3) (1(c)(3)). We adopt these changes so that transactions within a corporate family do not result in adverse changes in the competitive balance with carriers outside the corporate family. NYDOT has indicated that it does not believe this exemption should be approved. It argues that a corporate family can be reorganized on paper so that one or

more members are stripped of valuable assets and doomed to bankruptcy. By narrowing the scope of exemption to require no adverse change in service levels, the weight of NYDOT's argument is considerably diminished because a bankrupt railroad, drained of assets, could not continue to provide the same service. If no adverse change in operations, service, and competition occurs, railroad management should be allowed to adapt and simplify corporate structures. We have long followed the policy of the Transportation Act of 1940 favoring corporate simplification as a goal of this agency.

Both Milwaukee Road and AAR believe that we should broaden the exemption in 5(c)(4) (1(c)(4)). As we have stated, we do not believe we can broaden an exemption proposed in this proceeding. The appropriate avenue to follow in order to expand this exemption is to request that we institute a proceeding soliciting comments on expanding the exemption.

AAR and Milwaukee Road both believe that the exemption in section 1(c)(7) is procedural and should be included in the procedural section of these procedures in section 4(d)(1)(iii)(H)(3). We have made this change.

We have not added a general category of exemptions to the exemption section as ConRail requested because of the limited scope requirement of the statute and because it would broaden the proposed exemptions without a proceeding. This does not mean that we will not consider requests for individual exemptions, as we have in the past, even though they fall outside those that we have enumerated.

The Adopted Consolidation Procedures do not contain ConRail's proposed language that although the exemptions are new, they do not alter prior Commission or Court decisions limiting the scope of Commission jurisdiction. Even though not included in the procedures, we recognize that ConRail's statement is correct since the exemptions we are adopting do not alter past limits on our jurisdiction.

The exemptions we proposed are of limited scope both operationally and competitively. Since the exempt areas we proposed have little or no impact on transportation services, our regulation is not necessary to carry out the National Transportation Policy contained in 49 U.S.C. 10101. Our regulation of these exemptions would be an undue burden on the class of persons we are exempting, as well as interstate or foreign commerce because of the material which must be prepared for our review, and the time required for our review. Regulation is unnecessary when minor refinements in corporate structure must be made. We have found this to be true in numerous cases.[1] Finally, our regulation of these transactions or class of persons, where no operational, competitive, or service functions will change, serves little or no useful public purpose. This conclusion is based on our experience with those cases cited in the footnote and their progeny, as well as the comments we have received in this proceeding.

The class of persons identified in section 5(c)(1–6) meets the requirements of 49 U.S.C. 10505 for exemption from 49 U.S.C. Subtitle IV.

The Commission intends to study suggestions for further exemptions and to explore initiating additional proposed exemptions on our own motion. We will, of course, properly notice and seek comments on exemption proposals considered in the future.

3. Definitions

In section 3(a) (7(a)) we have expanded the definition of applicant so that a carrier over which trackage rights is sought need not provide the information required of an applicant.

In section 3(b) (7(b)) we have modified the definition of applicant carrier at the request of AAR and Milwaukee Road. This makes clear that a carrier which is involved in a trackage rights agreement with an applicant is not an applicant carrier.

We have revised the definition of major market extensions in section 3(c) (7(c)). The new definition is more concrete and should provide carriers with a solid foundation for determining whether a transaction involves a major market extension.

4. Procedures

General. Milwaukee Road and AAR are concerned with the requirement in 4(a)(4) (7(a)(4)) that an acronym be chosen and that each document filed by a party be sequentially numbered. AAR believes that it is cumbersome to number sequentially each document filed in a proceeding, and that only the exhibits entered into evidence should be numbered. This is a quality control step. Sequentially numbering filed documents should not burden parties, but will assure that all parties, as well as the Commission, receive copies of all documents. Referring to numbered documents is also easier. Milwaukee Road believes we should require use of the acronym published by AAR. The selection of an acronym is up to the parties. They may use the AAR symbol, but we will not require it because AAR's acronyms may not include all possible parties to a proceeding.

Prefiling notification. Santa Fe and Soo Line both support our proposed prefiling notification requirements. But ConRail believes that it extends the time period we have to consider an application. This is not the case. In fact, prefiling notification is for the benefit of other railroads and persons who may oppose or support the proposed transaction. Its purpose is to provide sufficient time to evaluate the proposal, take a position, prepare evidence, and inconsistent or responsive applications. ConRail also argues that reasonable people may differ on the definition of a major transaction. When a prefiling notice is filed, we determine if a major transaction is proposed, and this is indicated in our **Federal Register** notice. This is not a problem.

We realize that a notice of a proposed application may not be exact to the day. For that reason we have included a range from 3 to 6 months. If a notice estimates that the application will be filed within 3 months we will also consider an application filed within 6 months in compliance. Conversely if a notice indicates that the application will be filed in 6 months, and the application is actually filed in 3 months this will also comply. However, a notice indicating that the application should be filed within 3 months, and then the application is actually filed in less than 3 months does not comply. Nor will an application filed after 6 months comply when the notice indicated that the application would be filed within 6 months. However, an amended notice can be filed.

Application. Santa Fe requests that no filing fee be required with an application since this is not current practice. Santa Fe is advised that currently there is a $700 filing fee for filing applications under 49 U.S.C. 11343–11346 in 49 CFR 1002.2(d).

ConRail has asked that we permit incorporation by reference. This is a good idea which will reduce the burden on applicants. Therefore, in section

[1] See, for example Finance Docket No. 28972F, *Burlington Northern, Inc.-Merger-Spokane, Portland and Seattle Railway Company, Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347* (not printed), decided August 8, 1978; Finance Docket No. 29022, *Southwest Forest Industries, Inc., and SWF Gulf Coast, Inc.-Control-The Atlanta & St. Andrews Bay Railway Company* (not printed), decided August 21, 1979; Finance Docket No. 29082, *Green Bay and Western Railroad Company-Control-Ahnapee and Western Railway Company-Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347* (not printed), decided January 17, 1980; and Finance Docket No. 29085, *Consolidated Rail Corporation-Merger-Raritan River Railroad Company, Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343–11347* (not printed), decided January 11, 1980.

4(c)(2)(4) (6(c)(2)(d)) we have added the statement that "Information may be incorporated by reference in the application. However, this information must be up to date." ConRail believes it is burdensome to file all directly related applications with a consolidation application. We cannot agree with this. In order to evaluate a consolidation transaction, we must have before us all proposals which are part of the basic structure of the transaction. Without these related applications a decision considering all service and competitive aspects cannot be made.

Section 4(c)(2)(vii) (7(c)(2)(vii)) contains exceptions to the filing requirements. A typographical error in the Notice indicated exhibit 18 instead of 19 was subject to special service requirements (Exhibit A–14 Tables A and B, respectively). We will correct that error here. Exhibit 18(A–14, Table A) is subject to the usual service and filing requirements. As requested by AAR and originally intended by us, we will only require the original and one copy of exhibit 19 (A–14, Table B) to be served on the Commission. A copy of this exhibit need not be served on interested parties as part of the application. This exhibit should be provided if requested from applicant. A machine readable tape with the data from exhibit 19 (A–14, Table B) should also be submitted. This tape provides the ability to manipulate and analyze easily data presented in exhibit 19 (A–14, Table B). We shall continue to require the tape.

Santa Fe and ConRail do not believe that we should require all direct testimony to be filed with an application in major transactions. They contend that this requirement does not permit them to respond to protestant's arguments. Requiring all direct testimony with the application speeds the proceeding, improves the quality of the cross-examination and the evidence adduced, reduces regulatory lag, and requires the applicant to present its case with the initial filing of its application. Additionally, replies to protestants' arguments can be presented in rebuttal and on brief.

Milwaukee Road requests that we require shipper statements to include what is essentially a "traffic profile". Although this may be valuable, and we encourage shippers to provide specific information, we do not believe we should limit or constrict public input in consolidation proceedings. If a party does not believe that sufficient information has been presented in shipper testimony, our discovery procedures and cross-examination are available to obtain additional information.

Service. We have changed our requirements concerning the service of applications in major transactions. Instead of requiring an application to be served on all carriers listed in a traffic study, we are requiring the application to be served on any person requesting a copy of the application after the prefiling notice has been published in the **Federal Register.** Under this procedure employee representatives will be served with a copy of the application upon request.

Requests for assistance from the Commission should be made to the Section of Finance of the Office of Proceedings. However, as section 4(c)(6)(iii) (7(c)(6)(iii)) indicates, the opinion of the Section of Finance should be considered informal and not binding on the Commission.

Written comments. RLEA has requested that section 4(d)(1)(iii)(G) (7(d)(1)(iii)(G)) be modified because of the short time available to prepare discovery requests. We do not consider this necessary. First, a party will have at least 165 days in which to formulate discovery requests. This time period is based upon a minimum of 90 days from the filing of the prefiling notice, 30 days from the filing of the application until its acceptance, and 45 days from acceptance until the time written comments are due. Further, this request for discovery will not be considered a bar to any future discovery.

Santa Fe has requested that commenting railroads not be required to file preferential solicitation agreements or a list of run-through train operations. However, this information is necessary in order to weigh the competitive impact of a proposed consolidation, and a protesting carrier's service and retaliatory abilities.

We have amended the regulation so that a notice of the filing of a responsive application must be given in order for us to consider that application. This notice must be given in the written comment. See section 4(d)(1)(iii)(H)(3).

RLEA has requested that it not be required to file a list of final conditions for railway labor under section 4(d)(1)(iii)(I) (7(d)(1)(iii)(I)). We believe that labor should indicate the maximum conditions that it is seeking in the event a consolidation is approved. This will aid in focusing the issues in the proceeding. Naturally, railway employees will be able to reduce or increase the requested protection through negotiations with railroads. This requirement is not intended to chill negotiations between private parties, but to focus the issues addressed in the proceeding.

We have added section 4(d)(1)(iii)(I), which requires parties to indicate the issues they believe underlie the statutory criteria, policy statement, and antitrust policy. This section will provide focus to the proceeding by indicating the issues parties believe are important and directing evidence along these lines. This will also permit us to identify important issues which the parties have not included.

In section 4(d)(4) (7(d)(4)) Soo Line requests that we eliminate the presumption that a request for affirmative relief in a consolidation proceeding is considered a major market extension. We have provided an avenue for filing petitions to rebut this presumption. All a party need do is to submit facts that indicate the proposal is not a major market extension. Soo Line believes the requirement that a petition for waiver, clarification, or major market extension determination be filed 45 days before an application is filed at the latest is inadequate. However, there is nothing to prevent Soo Line or any other party from filing that petition any time after the publication of a prefiling notice.

Soo Line also requests that we extend the requirement that responsive applications, traffic studies, and opposition testimony be filed in 90 days to 150 days. It indicates that an additional 2 months will not make a great deal of difference in a major proceeding. We cannot agree that this delay is warranted. Although we may have an outside statutory deadline, there is no reason why we should not use our best efforts while providing due process to complete cases as expeditiously as possible. Railroads will have to determine priorities for their participation in this type of proceeding with their other activities in order to maximize use of their financial and personnel resources. Delaying the presentation of a protestant's case will only encourage further delay during the proceeding. We will not permit this.

Waiver or clarification. We have amended section 4(f)(3) (7(f)(3)) to permit replies to petitions for clarification within 10 days of their filing. However, it is the responsibility of the respondent to obtain a copy of the petition.

We will expedite the handling of petitions for waiver, clarification, or extensions. This should speed decisions on these petitions, as requested by Santa Fe, without imposing a time limit. ConRail's request that we require a draft application to be attached to petitions for waiver will not be adopted. This is a

practice which several carriers have followed in filing petitions for waiver. It is not necessary to require an application to accompany a petition. We will leave it to the party's discretion to file draft applications with waiver petitions.

Notice of exemption. We have changed the requirement for filing the notice of the exemption to encompass a period of 1 to 3 weeks before the transaction is consummated, instead of the day the transaction is consummated. See section (4)(g) and (7(g)). However, we will not permit comments on an exemption found to meet the statutory criteria, as requested by RLEA; nor will we require the filing of an application along with the exemption notice, as proposed by NYDOT. Both of these proposals would defeat the purpose of the exemption. Our requirement that notice be filed 1 to 3 weeks before consumption of the transaction provides prior notice; Santa Fe's proposal of filing the notice a week after the exemption does not. Furthermore, we will not shift the burden of proving that false or misleading information has been used to obtain an exemption, since we are requiring the notice to be a sworn statement.

Because we are proposing further changes in the substantive requirements of the application, we are not adopting any further changes to sections 1111.1 and 1111.2 at this time.

Although the Adopted Consolidation Procedures will not become effective for 30 days from the date of **Federal Register** publication, parties may, at their option, begin using these procedures (except for exemptions) immediately.

Matters not specifically discussed here have been considered in reaching our ultimate decision in this proceeding.

The regulations in the Appendix are adopted pursuant to 49 U.S.C. 10505 and 11343–11347 and 5 U.S.C. 552 and 553.

We find:

1. The transactions and class of persons defined in § 1111.5(c) of the Appendix are of a limited scope and our regulation of them: (a) Is not necessary to carry out the transportation policy of 49 U.S.C. 10101; (b) would be an unreasonable burden on the class of persons and interstate or foreign commerce; and (c) would serve little or no useful purpose.

2. This is not a major action significantly affecting either the quality of the human environment or energy conservation.

It is ordered:

1. Part 1111 of Title 49 of the Code of Federal Regulations is amended as set forth in the regulations contained in the Appendix of this decision.

2. The transaction and class of persons defined in section 1111.5(c) of the Appendix are exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343–11347.

3. This decision shall become effective October 23, 1980.

4. Notice of this decision shall be given to the general policy by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

Decided: August 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Stafford concurring in part.

Commissioner Stafford, Concurring In Part

The final rules adopted herein propose to prospectively exempt six categories of transactions by a general finding under a format analogous to the now repudiated master certificate concept used in motor carrier licensing. I believe due process of law and adherence to statutory directives require more than the formalities provided in these regulations. Although the decision intimates that a proceeding under 49 U.S.C. 10505 was afforded all interested parties, such a conclusion is without substantive support. Cf., the definition of a proceeding in the Commissions's Rules of Practice, 49 CFR 1100.5. I believe that a full opportunity to challenge a specific transaction before it is effective is essential. Moreover, the adopted regulations appear to be an unlawful delegation of authority by the Commission to applicants which will *make the decision.* See, *Buckley* v. *Valeo,* 424 U.S. 1 (1976).

Agatha L. Mergenovich,

Secretary.

Appendix—Adopted Procedural Regulations

§ 1111.1 [Amended]

(1) Section 1111.1, Introductory text is revised to read as follows:

All *major* and *minor* applications under 49 U.S.C. 11344 and 11346 involving more than one common carrier by railroad shall show in the title thereof the nature of the proposed transaction and shall set forth, in the sequence indicated, the following information:

* * * * *

(2) In § 1111.1(a)(1), footnote 1 is deleted.

(3) In § 1111.1(c)(1)(i), renumber footnote 2 as footnote 1.

§ 1111.2 [Amended]

(4) In § 1111.2(a), renumber footnote 3 as footnote 2.

(5) In § 1111.2(a), delete paragraph (11), and change paragraph (12) to (11) and (13) to (12).

(6) In § 1111.2(b), delete introductory paragraph and replace with: "The following information is required only for *major* transactions:".

(7) In § 1111.2(b)(2), change the reference to A–14 to A–15.

(8) In § 1111.2(b)(3), renumber footnote 4 as footnote 3.

(9) In § 1111.2(b)(5), delete footnotes 5 and 6,

(9A) In § 1111.2 (c) is deleted.

(10) In § 1111.2, change paragraph (d) to (c) and revise the introductory text to read as follows: "The following information is required for *minor* applications:"

(11) in § 1111.2 (d), delete the last sentence (the last 7 lines) and footnote 7.

(12) Section 1111.3 has been revised to read as follows:

§ 1111.3 Definitions.

(a) *Applicant.* The parties initiating a transaction (except the Secretary of Transportation is not an applicant when he proposes a transaction under 11346). In minor trackage rights applications, the carrier that owns the trackage over which another carrier seeks the right to operate is an applicant but is not required to provide the *information* required of an applicant.

(b) *Applicant carriers.* Applicant, all carriers related to the applicant, and all other carriers involved in the transaction. This does not include carriers who are involved in an existing trackage rights agreement with applicants.

(c) *Major market extension.* A major market extension includes and end-to-end or other extension of or change in applicant carriers' routes and services and any change in applicant carriers' participation in additional through routes or joint rates. A major market extension may also significantly increase competition by (1) extending service into a new market, (2) expanding service in a currently served market when another carrier concurrently contracts its service to that market as part of the same transaction, or (3) providing significantly more efficient and effective competitive service to a market presently being served. Criteria which can be used to determine if a railroad is proposing to provide a more competitive service to a currently served

area include: (i) Creating a shorter route; (ii) providing enhanced service capabilities (speed is not the only factor); (iii) entering an interchange or market generating more than 5,000 cars per year or 5% of applicant's traffic; (iv) filing the application as a condition of relief to a pending proceeding; and (v) permitting a carrier to become more competitive (extending its length of haul). See, *Burlington Northern, Inc.—Control & Merger—St. L.*, 354 I.C.C. 616, 617 (1978).

(d) *Railroad.* Any common carrier by railroad as defined in 49 U.S.C. 10102 (17)–(18).

(e) *Transferee.* The transferee is:

(1) The acquiring corporation in a control proceeding,

(2) The surviving corporation in a merger,

(3) The resulting corporation in a consolidation,

(4) The lessee in a lease, and

(5) The purchaser in an acquisition.

(f) *Transferor.* The transferor is:

(1) The corporation acquired in a control proceeding,

(2) The merging corporation in a merger,

(3) All corporations to be consolidated in a consolidation,

(4) The lessor in a lease, and

(5) The seller in an acquisition.

(13) Section 1111.4 has been revised to read as follows:

§ 1111.4 Procedures.

(a) *General.* (1) Any document filed with the Commission, including applications, pleadings, etc., shall be promptly furnished to interested persons on request, unless subject to a protective order. At any time, the Commission may require the submission of additional copies of any document previously filed by any party to the proceeding.

(2) The Commission shall prepare and serve a service list on all persons who have indicated an interest in the proceeding 55 days after the application has been accepted. From time to time, this service list will be revised.

(3) The original and 20 copies of all documents shall be filed in *major* proceedings. The original and 10 copies shall be filed in *minor* proceedings.

(4) Each party to a proceeding shall choose a unique acronym of four letters or less for itself. It shall number each document filed in the proceeding consecutively, prefixed by its acronym.

(b) *Pre-filing notification.* (1) Between 3 to 6 months prior to the proposed filing of an application in a *major* proceeding, applicant shall file a notice with the Commission. The notice shall:

(i) Briefly describe the transaction,

(ii) Indicate the year to be used for the Traffic study,

(iii) Indicate the 3 month period during which the application will be filed and the approximate filing date of the application, and

(iv) Indicate why the transaction is *major.*

(2) The Commission will publish a notice in the **Federal Register** within 30 days of the filing of the applicant's notice. The notice to be published shall contain:

(i) A brief description of the transaction,

(ii) The year to be used for the Traffic study,

(iii) The approximate filing date, and

(iv) A determination if the transaction is *major.*

(3) A pre-filing notice may be amended to indicate a change in the anticipated filing date.

(c) *Application.* (1) There is a $700 filing fee to file an application with the Commission under these procedures (this may be referred to as the primary application to distinguish it from inconsistent, inclusion, or other directly related applications). There is no filing fee for a directly related application, or for a responsive application (*e.g.*, a petition for inclusion, an inconsistent application, or any other application seeking affirmative relief).

(2) Filing. (i) The original of all applications shall be signed in ink by the applicant, if an individual; by all partners, if a partnership; and if a corporation, association, or other similar form of organization, by its president, or such other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant. Applications shall be made under oath and shall contain an appropriate certification (if a corporation, by its secretary) showing that the affiant is duly authorized to verify and file the application. Any person controlling an applicant shall also sign the application.

(ii) The application shall be filed with Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(iii) Each copy of the application shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and the notarial seal may be omitted. In like manner where certified copies of documents are filed with the original application, conformed copies thereof, showing certification in stamped or typewritten form, will be sufficient to accompany the additional copies of the application.

(iv) All applications required to be filed with the Commission or served on designated persons shall include all exhibits, except as otherwise specifically noted. Information may be incorporated by reference in the application. However, this information must be up to date.

(v) The applicant shall submit such additional information to support its application as the Commission may require.

(vi) Applicant shall file concurrently with applications under sections 11344 and 11346 all directly related applications, e.g., those seeking authority to construct or abandon rail lines, to issue securities, control motor carriers, obtain terminal operations, acquire trackage rights, etc.

(vii) Exceptions to required exhibits;

(A) The original and one copy of Exhibit A–14, Table B shall be filed with the Commission. It need not be served on interested persons unless requested. Copies shall be maintained at applicants' headquarters for inspection by interested parties. Applicants must also file with the Commission one copy of a machine readable tape containing only the data shown in Exhibit A–14, Table B. This tape will be returned to applicants when the Commission issues its decision, and no use of the tape will be made by the Commission other than for the purpose of adjudicating the application.

(B) The original and one copy of the SMS used in Exhibit A–16 shall be filed with the Commission. Copies of the SMS need not be included as part of the exhibits to the copies of the application furnished to the Commission or served upon designated persons. A conformed copy of the SMS shall be maintained at the principal place of business of the carrier performing the study and shall be made available upon request to parties in the proceeding.

(viii) The application shall contain a certificate of service indicating that all persons designated in 1111.4(c)(5) have been served with a copy of the application.

(3) In a *major* transaction, and in all responsive applications, all of the direct testimony of applicants, in the form of verified statements, shall be filed and served with each application.

(4) The application and all exhibits shall be considered part of the evidentiary record upon acceptance. Any portion of an application and exhibits will remain subject to motions to strike. However, no motion need be made to have the application and exhibits admitted to the evidentiary record. If a *major* transaction is designated for oral hearing the presiding Administrative Law Judge shall have discretion in extraordinary

circumstances to allow for the presentation of oral or written direct testimony not previously submitted with the application.

(5) Service. (i) The applicant shall serve a conformed copy of an application filed under these procedure by first class mail upon:

(A) The Governor (or Executive Officer), Public Service Commission, and the Department of Transportation of each State in which any part of the properties of the applicant carriers involved in the proposed transaction is situated;

(B) The Secretary of the United States Department of Transportation (Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW, Washington, D.C. 10590), except where the Secretary is the proposing party;

(C) The Attorney General of the United States;

(D) The Federal Trade Commission; and

(E) In *major* transactions all persons requesting a copy after the prefiling notice is published in **Federal Register.**

(ii) The applicant shall serve a conformed copy of an application filed under 49 U.S.C. 11346 by first class mail on the Secretary of Labor in addition to the parties in paragraph (c)(5)(i)(A) of this section.

(6) Application format. (i) The application shall be in the same sequence as the information is requested in these procedures, and shall be numbered to correspond to the numbering in the procedures.

(ii) If any material required in the application would lend itself to being placed in an appendix, this should be done. The appendix and application shall be tabulated and cross-referenced in an index for ease in locating and referring to the information. The appendices shall be in the same sequence as the information required by these procedures. If certain information required in the application is not applicable, provide an explanation. The application should be bound, and it may be bound in more than one volume. If an application is more than one volume, the cover of each volume should be in a different color. The pages in each volume should begin with 1, and shall be sequentially numbered.

(iii) If a question arises regarding an interpretation of the information or format to be included in the application, the party may contact the Commission's Section of Finance for assistance. It will provide informal opinions and interpretations which are not binding on the Commission.

(iv) All filing, service, or other requirements of these procedures must be complied with when filing the application. Copies of the application filed with the Commission shall be marked in red "Railroad Consolidation Application" on the transmittal envelope or package.

(v) The application shall conform to the requirements of 49 CFR 1100.13.

(7) Acceptance or rejection of an application

(i) The Commission shall accept a complete application no later than 30 days after the application is filed with the Commission by publishing a notice in the **Federal Register.** A complete application contains all information for all applicant carriers required by these procedures, except as modified by advance waiver.

(ii) The Commission shall reject an incomplete application by serving a decision no later than 30 days after the application is filed with the Commission. The decision shall give specific reasons why the application was rejected, and specify where the application was incomplete. A revised application may be submitted, incorporating portions of the prior application by reference, and the Commission will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a *de novo* filing for the purpose of computation of the time periods, provided that the resubmitted application is accepted.

(d) *Response to application.* (1) Written comments

(i) Written comments must be filed no later than 45 days after an application is accepted.

(ii) Written comments shall be concurrently served by first class mail on:

(A) The applicants (at each address given in the application),

(B) The United States Secretary of Transportation,

(C) The Attorney General of the United States, and

(D) All parties of record within 10 days of service of the service list by the Commission.

(iii) Written comments must contain:

(A) The docket number and title of the proceeding.

(B) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made.

(C) The commenting party's position (in support, opposition, or undetermined).

(D) If the commenting party intends to participate formally in a proceeding or merely comment upon the proposal.

(E) If desired, a request for an oral hearing with reasons supporting this request.

(F) A list of all information sought to be discovered from applicant carriers.

(G) Railroads filing written comments in *major* transactions must submit:

(*1*) Any existing preferential solicitation agreements.

(*2*) A list of all run through train operations.

(*3*) An initial list of specific protective conditions sought and whether the commenting railroad intends to file inconsistent applications, petitions for inclusion, trackage rights, or any other affirmative relief requiring an application to be filed with the Commission, along with a description of the proposed transactions. This will be considered a pre-filing notice without which the Commission will not entertain applications for this type of relief.

(H) An initial list of specific protective conditions sought by non-railroads in *major* transactions.

(I) A detailed statement of the issues in *major* transactions underlying the statutory criteria, policy statement, and antitrust policy which the Commission must consider in the proceeding.

(iv) All persons who file timely written comments shall be a party of record if they so indicate in their comments. In this event, no petition for leave to intervene need be filed.

(2) The Secretary of Transportation and Attorney General of the United States shall file written comments with the Commission within 60 days of the date of acceptance of the application. These comments shall contain the information in paragraph (d)(1)(iii) of this section. Copies of these comments shall be concurrently served by first class mail on:

(i) The applicants,

(ii) The parties to the proceeding who have filed written comments, and

(iii) The Attorney General of the United States or Secretary of Transportation (whichever applies).

(3) A second list of protective conditions shall be filed with the Commission within 75 days of acceptance of the application. It shall be concurrently served by first class mail on all parties of record. The second list of protective conditions shall modify the first list based upon changing conditions, such as protective conditions sought by other parties to the proceeding. Parties to the proceeding shall not be permitted to seek any protective conditions not contained in the second list of protective conditions.

This does not preclude refinements in conditions sought, particularly when stipulations to conditions are reached.

(4) All responsive applications shall be filed within 90 days after the primary application has been accepted. This includes inconsistent applications, petitions for inclusion, and any other affirmative relief that requires an application to be filed with the Commission (such as trackage rights, purchase, purchase of a portion, acquisition, extension, construction, operation, pooling, terminal operations, abandonment, etc.). These applications shall comply as fully as possible with any appropriate Commission regulations, and are presumed to be major market extensions. Any petition for waiver, clarification, or extension of time (of up to 90 days to complete the application) shall be filed no later than 45 days before the application is due to be filed. A petition seeking to rebut the presumption of a major market extension must also be filed at least 45 days in advance of the filing of the application. It will be considered in the same manner as petitions for clarification under §1111.4(f). Each responsive application filed and accepted (if required) is considered consolidated with the primary application.

(5) In order for a protestant to question the accuracy of diversion estimates, other than through negotiation or cross examination, it must prepare and file with the requirements of § 1111.2(b)(3). This traffic study and all testimony in opposition to the consolidation must be filed within 90 days after the primary application is accepted.

(e)The Commission may order an oral public hearing or a hearing by written submissions. The determination may be made on the basis of written comments. Generally, designation will be made on the basis of indications of a need for hearing.

The Commission will conclude the oral hearing, hearing by written submission, or other evidentiary proceeding within 240 days following the date the application is accepted, except where the transaction involves the merger or control of more than one Class I railroad, in which case the evidentiary hearing shall be concluded not more than 24 months following the date the application is accepted. The Commission will issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Secretary of Transportation may propose modifications to any transaction and shall have standing to appear before the Commission in support of any such proposed modification. These time limits begin to run when the primary application is accepted. They apply to all consolidated cases.

(f) *Waiver or clarification.* (1) Upon petition of a prospective applicant, the Commission may waive or clarify a portion of these procedures. A petition to waive all of the procedures will not be entertained.

(2) Petitions for waiver or clarification must be filed at least 45 days before the application is filed.

(3) No replies to a petition for waiver will be permitted. An exception to this will be made where a proceeding involving the same parties and a related transaction is pending before us.[4] In that case, the petition shall be served by first class mail on all parties to the pending proceedings, with a reply due within 10 days of service. Replies to a petition for clarification shall be permitted. They must be filed 10 days after the petition.

(4) A waiver or clarification granted to any applicant in a proceeding shall apply to any other applicants filing directly related applications or responsive applications.

(5) All petitions for waiver or clarification must specify the sections for which waiver or clarification is sought and give the specific reasons why each waiver or clarification is necessary.

(g) *Notice of exemption.* (1) In order to qualify for an exemption under §1111.5(c), a railroad must file a verified notice of the transaction with the Commission 1 to 3 weeks before the transaction is consumated indicating the proposed consummation date.

(2) The notice shall contain the information required in §§1111.1(a)(1–3) and (b)(1 and 4), and 1111.2(a)(8 and 9).

(3) The commission shall publish a notice in the **Federal Register** within 30 days of the filing of the notice of exemption. If the notice of exemption contains false or misleading information which is brought to the commission's attention, the Commission shall summarily revoke the exemption for that carrier and require divestiture.

(h) *Special procedures for applications filed under 49 U.S.C. 11346.* (1) An applicant which has filed, or prepared for filing, a merger or consolidation proposal with the U.S. Department of Transportation pursuant to section 11346 may submit a copy of that proposal in partial satisfaction of the information requirements of the application. An application following this course of action shall provide cross-references to the accompanying proposal indicating specifically those portions which contain the information required under each applicable section of the procedures.

(2) In initiating a transaction under 49 U.S.C. 11346, any railroad or the Secretary of Transportation may use the procedures, provided:

(i) The transaction involves a merger, consolidation, unification, or coordination project (as described in section 5(c) of the Department of Transportation Act), joint use of tracks or other facilities, or acquisition or sale of assets;

(ii) The transaction has been proposed (A) by the Secretary of Transportation, with the consent of the railroads which are parties to the transaction, or (B) by any railroad which, not less than 6 months prior to such submission to the Commission, submitted the proposed transaction to the Secretary of Transportation for evaluation pursuant to 49 U.S.C. 11346(3)(f); and

(iii) The application is filed on or before December 31, 1981. At the time an application is filed with the Commission pursuant to 49 U.S.C. 11346, notice of the filing of the application shall be furnished to the Secretary of Transportation by the proposing party, except where the Secretary is the proposing party.

(3) Report of the Secretary of Transportation. The Secretary of Transportation shall submit a written report on the proposed transaction to the Commission, in accordance with 49 U.S.C. 11346(f)(v), within 10 days from the date of submission of an application to the Commission.

(4) Written comments shall comply with § 1111.4(d)(1), but must be filed within 30 days of the application's acceptance and must be served on the Secretary of Labor.

(5) Public hearings. The Commission shall commence a public hearing on each application filed under this section within 90 days after the date of receipt of the complete application. The hearing shall be held before a panel of the Commission duly designated by the Commission. The panel shall request the views of (i) the Secretary of Transportation, regarding the effect of the proposed transaction upon the national transportation policy as stated by the Secretary, (ii) the Attorney General, regarding the competitive or anticompetitive effects of the proposed transaction, and (iii) the Secretary of Labor, regarding the effects on the proposed transaction on railroad employees and whether the employee protective provisions contained in the

[4] *See Itel Corp.–Control–Green Bay and W.R. Co.*, 354 ICC 232, 233 (1978).

proposal are adequate. Within 35 days after receipt of the request or within such other reasonable time as the panel may prescribe, the views of the three above-designated persons shall be submitted to the Commission in a written report. At the same time that each such report of the Secretary of Transportation, the Attorney General, and the Secretary of Labor is submitted to the Commission, the persons submitting such report shall serve, by first-class mail, a copy of the report upon all parties of record to the proceeding, and shall so certify to the Commission. The designated panel shall complete the public hearing within 180 days after the date of referral of an application to the panel, and the panel may, in order to meet the requirements of the statute, prescribe rules and make such ruling as may tend to avoid unnecessary cost or delay. The panel shall recommend a decision and certify the record to the full Commission for final decision within 120 days after receipt of the certified record and recommended decision of such panel. The Commission may, in its discretion, extend any time period set forth in this paragraph, except that the final decision of the Commission shall be rendered not later than the second anniversary of the date of receipt of such an application by the Commission.

(14) Section 1111.5 is added to read as follows:

§ 1111.5 Types of transactions.

Transactions proposed under 49 U.S.C. 11344 and 11346 involving more than one common carrier by railroad are of three types: *Major, minor,* and *exempt.*

(a) A *major* transaction includes:

(1) A control or merger, or

(2) A major market extension resulting from

(i) Acquisition.

(ii) Lease.

(iii) Partial purchase.

(iv) Purchase.

(v) Trackage rights, or

(vi) Any other agreement or coordination project.

A major transaction must involve one or more Class I railroads, acting together with one or more other Class I or Class II railroads.

(b) A *minor* transaction is one which involves more than one railroad and which is not a *major* or *exempt* transaction.

(c) A transaction is *exempt* when railroads participate in one of the transactions involved below. The Commission has found that its prior review and approval of this class of persons and these transactions (1) is not necessary to carry out the transportation policy of 49 U.S.C. 10101; (2) would be an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and (3) would serve little or no useful public purpose. See 49 U.S.C. 10505.

(1) Acquisition of a line of railroad which would not constitute a major market extension where the Commission has found that the public convenience and necessity permit abandonment.

(2) Acquisition of a non-connecting carrier or one of its lines where (i) the railroads would not connect with each other or any railroads in their corporate family, (ii) the acquisition is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family, and (iii) the transaction does not involve a Class I carrier.

(3) Transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

(4) Renewal of leases or trackage rights contracts and any other matters where the Commission has previously authorized the transaction, and only an extension in time is involved.

(5) Joint projects involving the relocation of a line of railroad which does not disrupt service to shippers.

(6) Reincorporation in a different State.

[FR Doc. 80-29287 Filed 9-22-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking and Importing of Marine Mammals; Removal of Final Rule

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Removal of final rule.

SUMMARY: The National Marine Fisheries Service waived the moratorium of the Marine Mammal Protection Act of 1972 (Pub. L. 92–522) to permit the importation in 1976 of Cape fur seals (*Arctocephalus pusillus pusillus*) harvested in South Africa. However, this waiver was rendered invalid by decision of the D.C. Court of Appeals in *Animal Welfare Institute et al.* v. *Kreps,* 561 F.2d 1002 (D.C. Cir. 1977) and no further importation permits were issued after this decision. We therefore amend 50 CFR Part 216 by deletion of the regulation that sanctioned the waiver (50 CFR 216.32).

EFFECTIVE DATE: September 23, 1980.

ADDRESS: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634–7461.

§ 216.32 [Removed]

Accordingly, the National Marine Fisheries Service amends 50 CFR by removing § 216.32.

(Marine Mammal Protection Act of 1972, 86 Stat. 1027 (16 U.S.C. 1361 et seq.) Pub. L. 92–522)

Dated: September 16, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-29300 Filed 9-22-80; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 186
Tuesday, September 23, 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.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3127]

Mobil Oil Corp.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require a New York City manufacturer of chemical, fuel and lubrication products to cease representing in the advertising, labeling and sale of "Mobil 1" that its use in automobiles will reduce the consumption of engine lubricating oil, unless, in connection with such representation, the firm sets forth a prescribed statement advising new users of the product to check the oil level of their cars frequently because some cars will experience higher oil consumption with low viscosity oils like Mobil 1.

DATE: Comments must be received on or before Nov. 21, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, 2001 Bryan St., Suite 2665, Dallas, Texas 75201. (214) 767–0032.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

File No. 792 3127.

In the Matter of Mobil Oil Corporation, a corporation; agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Mobil Oil Corporation, a corporation, and it now appearing that said corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Mobil Oil Corporation, a corporation, by its duly authorized officers, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Mobil Oil Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the state of New York, with its executive office and principal place of business located at 150 East 42nd Street, New York, New York, 10017.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Mobil Oil Corporation, a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labeling, offering for sale, sale or distribution of Mobil 1 in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or indirectly, that use of such product results in reduced consumption of engine lubricating oil unless there is set forth, and in immediate conjunction with such representation, the following disclosure:

"New Users of [Name of Product] Should Check Oil Levels More Frequently. Some Cars Will Experience Higher Oil Consumption With Low Viscosity Oils Like [Name of Product]."

Provided however, such disclosure shall not be required if (1) the representation

concerns only vehicles which are not general purpose passenger automobiles and (2) the representations do not appear in media primarily directed to individual consumers.

II

It is further ordered that the disclosures covered by paragraph I above:

1. If in print media, it shall be set forth clearly and conspicuously and shall be separated from the principal portion of the text of the advertisement so it can be readily noticed.

2. If on labels or packaging materials, shall be parallel to the base of the label or package and the letters must be easily readable.

III

It is further ordered that if the disclosure required by paragraph I above is made:

1. Radio advertising, the duration of the disclosure will be at least eight (8) seconds.

2. Television advertising, the disclosure may be in either audio or visual form; the duration of the disclosure will be at least eight (8) seconds.

3. Visual form in television advertising, each word shall be in letters of color or shade which constrasts with the principal background against which it is displayed with letters that are easily readable and without distracting noise or action in the background.

IV

It is further ordered that the provisions of this Order shall apply only to representatives disseminated within the United States, any of its territories or the District of Columbia.

V

For purposes of this Order,

"Mobil 1" shall mean any SAE 5W–20 synthetic motor oil manufactured or distributed by Mobil for use in the engines of general purpose passenger automobiles.

"General purpose passenger automobile" shall mean any automobile or light truck owned by individual consumers and principally used for personal transportation. It does not include commercial or rental fleets of automobiles or trucks, heavy or medium weight trucks, or trucks or automobiles primarily used for commercial purposes.

VI

It is further ordered that respondent shall notify the Commission at least 30 days prior to the effective date of any change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary, or any other change in the corporation which would affect compliance obligations arising out of this Order.

VII

It is further ordered that the respondent shall forthwith distribute a copy of this Order to each of its operating divisions involved with the sale, distribution or advertising of Mobil 1 and to each of its officers, representatives and employees who are engaged in the preparation and placement of advertisements and creation of product labels for such product.

VIII

It is further ordered that any change required in the labels, containers or packing material used with Mobil 1 will be deemed to be in compliance with this Order if such changes are made and used with all Mobil 1 which is packaged after six (6) months from the effective date of this Order.

IX

It is further ordered that the respondent shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Mobil Oil Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that Mobil Oil Corporation ("Mobil") violated Section 5 of the Federal Trade Commission Act by representing in its advertising and on product labels that by switching from a conventional mineral oil to Mobil 1 purchasers will achieve, in cars with engines in good mechanical condition, a substantial reduction in the amount of engine lubricating oil used.

The proposed complaint further alleges that many purchasers of Mobil 1 will not achieve a reduction in oil consumption by switching to Mobil 1 and that the use of Mobil 1, because of its lower viscosity, may result in an increase in oil consumption in various types and categories of cars, such as old or high mileage cars, high performance cars, and cars with rebuilt or rebored engines with large internal clearances.

The proposed order addresses these allegations by requiring Mobil to disclose in advertising and on product labels, when representations of oil savings claims are made, that new users of Mobil 1 should check oil levels more frequently because some cars will experience high oil consumption with a low viscosity oil like Mobil 1. (Viscosity is a measure of how easily the lubricant flows. The less viscous of "thinner" the lubricant, the easier it flows.) The purpose of the order is to alert consumers to check their oil levels carefully when first using Mobil 1 to determine if Mobil 1 is appropriate for their vehicles and to make sure there is sufficient oil in the crankcase.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80–29284 Filed 9–22–80; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 260

[Docket No. RM80–56]

Revision of Form No. 2, Annual Report for Natural Gas Companies (Classes A and B); Extension of Time for Comments

September 12, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Proposed rule; notice of extension of time for comments.

SUMMARY: On July 1, 1980, the Commission issued a Notice of Proposed Rulemaking involving the Revision of Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B). (45 FR 46075, July 9, 1980). The Commission's notice prescribed a comment period ending August 29, 1980. This comment period is hereby extended to October 14, 1980.

DATE: Comments are now due on or before October 14, 1980.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202)356–8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29481 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 320

[Docket No. 80N-0191]

Phenothiazine Products; Bioequivalence Requirements

Correction

In FR Doc. 80-25941 appearing at page 56832 in the issue for Tuesday, August 26, 1980, make the following correction:

On page 56836, in the first column, in the fifteenth line, "±5°" should have read "±0.5°".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 886

State Reclamation Grants; Filing of Financial and Performance Reports, and Identification of Specific Forms

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement proposes amending rules to require the filing of financial and performance reports under State Reclamation Grants on a quarterly basis, and to identify specific forms for grant application and reporting. Existing regulations require annual reports under the Grant. Amended regulations are proposed and OSM seeks public comment on the proposed amendment.

DATES: A public hearing on the proposed amendment will be held at the Department of the Interior Auditorium on November 24, 1980, at 9:00 a.m. The hearing may be cancelled as discussed under Supplementary Information below. Written comments on the proposed amendments must be received by November 24, 1980, by no later than 5:00 p.m. Written comments on whether OSM should hold a public hearing on the proposed amendment must be received by October 13, 1980.

ADDRESSES: Written comments may be mailed to: Office of Surface Mining, U.S. Department of the Interior, P.O. Box 7267, Benjamin Franklin Station, Attn: Jim Fulton, Washington, D.C. 20004, or be hand delivered to: Office of Surface Mining, U.S. Department of the Interior, South Building, Attn: Jim Fulton, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. The public hearing will be held at the Department of the Interior Auditorium, 18th and C. Streets, N.W., Washington, D.C. 20240.

Availability of Proposed Forms

Copies of the forms for grant application and reporting proposed to be incorporated in 30 CFR 886.15 are available for inspection and may be obtained at the following offices:

OSM Headquarters, Department of the Interior, South Building, Attn: Jim Fulton, Auditorium, 1951 Constitution Avenue, N.W., Washington, D.C. 20245 (202) 343-4728;

OSM Regional I, First Floor, Thomas Hill Building, 950 Kanawha Boulevard, East Charleston, West Virginia 25301 (304) 342-8125;

OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902 (615) 637-8060;

OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204 (317) 269-2609;

OSM Region IV, 818 Grand Avenue, Scarritt Building, 5th Floor, Kansas City, Missouri 64106 (913) 758-2193;

OSM Region V, Post Office Building, 1823 Stout Street, Denver, Colorado 80202 (303) 837-5511.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Abandoned Mine Lands, State and Indian Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20245, (202) 343-4511.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Public Law 95-87, 30 U.S.C. 1201 et seq., establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program. The Act also provides, however, that the Secretary may withdraw this approval and authorization, if it is determined, upon the basis of information provided under Section 405 of SMCRA, that the State program is not in compliance with the procedures, guidelines and requirements established by Title IV.

Section 405 of SMCRA (30 U.S.C. 1235) provides the requirements for State reclamation plans and grants and for program monitoring by the Secretary. Specifically, Section 405(h) if the Act provides that upon approval of a State reclamation plan, the Secretary shall grant, on an annual basis, funds to be expended in the State pursuant to Section 402(g) and which are deemed necessary to implement the State reclamation program as approved. Additionally, oversight responsibility for the program is found in Sections 405(i) and 405(j) of SMCRA. Subsection 405(i) requires the Secretary to monitor the progress and quality of the programs and subsection 405(j) provides authority of the Secretary to require annual and other reports as may be necessary to carry out his responsibilities.

Final regulations implementing the provisions of Title IV for the Abandoned Mine Lands Program were published in the **Federal Register** on October 25, 1978. 30 CFR 872 *et seq.*, 43 *Fed. Reg.* 49932, October 25, 1978. Under Section 886.23 (a) and (b) of these regulations, the regulatory authority is required to submit annually to the Regional Director, OSM, a Financial Status Report for each grant made in accordance with Office of Management and Budget Circular No. A-102, Attachment H.

During the first months of 1980, OSM drafted internal procedures required to properly manage the activities under approved State reclamation plans and grants awarded to States under 30 CFR Part 886. The procedures identified the need for requiring quarterly financial and performance reports rather than the annual reports as set forth in § 886.23 of the AML regulations. Such increased reporting is believed necessary due to the size of anticipated grants and the number and types of individual projects. Included in State Reclamation Programs will be small projects that could be completed before an annual report would be required. Other projects will be multimillion dollar efforts covering large areas and any project may be the center of considerable public interest. In addition, because of unexpected contingencies, many plans will necessarily need modification affecting both the financial and performance

aspects of approved projects about which OSM must be made aware. Increased reporting requirements will therefore greatly assist OSM in carrying out oversight responsibilities, and are specifically authorized under Section 405(i) and 405(j) of SMCRA. In addition, OSM has developed specific forms for grant application and reporting and proposes to identify them by regulation.

OSM has sent to each affected State a copy of the proposed grant reporting format including forms for quarterly reporting. In addition meetings were held during January and February 1980, in the OSM Regions to present the proposed reporting arrangement. A comment period of 30 days was provided to State agencies before OSM's reporting instructions were redrafted.

OSM is presently in the process of forwarding to the General Accounting Office the proposed reporting system for form clearance. This reporting system includes the forms that were introduced to and commented on by State agencies.

Proposed Change

The rule being proposed today changes the period for required performance and financial reports under State Reclamation Grants from annually to quarterly, and identifies grant application and reporting forms in the regulations. OSM believes that quarterly reports and the use of standard grant application and reporting forms will provide a basis for proper management of each grant. In drafting the proposed regulation OSM has attempted to require only that information which is essential to proper grants management.

Additional Information Requested

OSM seeks public comment on the proposed rule. Interested persons may submit written comments on the proposed rulemaking on or before November 24, 1980, at the address listed under "Addresses" not later than 5:00 p.m. A public hearing will be held on November 12, 1980, in the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. The hearing will begin at 9:00 a.m. The hearing may be cancelled unless there are significant number of requests during the 20-day period to comment on the need for a hearing. If the hearing is cancelled, notice will be published in the **Federal Register.**

Determination of Significance

The proposed rule does not fall within any of the categories listed in 43 CFR 14.3(c). Consequently, 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.

Furthermore, the Department has determined that a notice of intent to propose rules will not be beneficial to the drafting process. OSM previously sent the proposed rule change and overall reporting plan to each affected State and held meetings with the States in each OSM Region. All States had opportunity to comment at that time. Therefore, OSM has received sufficient input from the States to prepare a draft rule and proceed directly to proposed rulemaking. A notice of intent to propose rules would only duplicate OSM's efforts in obtaining earlier State input.

Statement of Environmental Impact

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Statement of Authorship

The primary author of this document is James Fulton, State and Indian Reclamation Programs Division, Office of Surface Mining.

Dated: September 15, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

A new 30 CFR 886.15(b)(2) is added and the original 30 CFR 886.15(b)(2) is redesignated as 886.15(b)(3) and revised to read as below.

§ 886.15 Grant application procedures.

* * * * *

(b)(2) When submitting an application for non-construction costs (State agency's administrative costs), Parts II, IV and V of the application are to follow the reporting requirements of Attachment M of OMB Circular No. A–102 for non-construction programs. In submitting Part III of the application for non-construction cost the State agency will use the OSM Budget Information Report Form OSM–47. The Performance Narrative Statement Report, Form AM–45, is to be submitted with each application.

(3) When submitting an application for construction costs, Part II, III and IV of the application shall be submitted for each individual project and follow the reporting requirements of Attachment M of OMB Circular No. A–102 for construction programs. Part V of the application shall have a single assurance covering all projects including the grant application. The Performance Narrative Statement Report, Form AM–45, is to be submitted for each project.

(i) Complete copies of plans and specifications for projects shall not be required before the grant is approved. The Regional Director may review such plans and specifications in the agency office or on the project site.

(ii) A description of the actual or planned public involvement in the decision to undertake the work, in the planning of the reclamation activities, and in the decision on how the land will be used after reclamation shall be included in part IV of the application.

* * * * *

30 CFR 886.23 (a) and (b)(1) are proposed to be revised as follows:

§ 886.23 Reports.

(a) The agency shall, for each grant made under this part, submit quarterly to the Regional Director a Financial Status Report, Form SG 269, for the agency's administrative costs. The agency shall submit quarterly to the Regional Director for each project the Outlay Report and Request for Reimbursement for Construction Programs, Form SF 271. These forms will be submitted in accordance with Office of Management and Budget Circular No. A–102, Attachment H.

(b) The agency shall, in each quarter after the first grant, submit to the Regional Director a Program Narrative Statement, Form AM–45. This Program Narrative Statement will be prepared in accordance with the Office of Management and Budget Circular No. A–102, Attachment H. This statement shall include:

(1) For each activity or project previously funded or completed during the quarter, a brief description of the project or activity.

(i) For State's agency's administrative costs, submit a comparison of actual accomplishments to the goals established for the period, reasons why established goals were not met, and any other pertinent information.

(ii) For each reclamation project describe the type of reclamation performed, the project and status of the

reclamation work, the project location, landowner's name and a summary of expected benefits.

* * * * *

[FR Doc. 80-29428 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 291a

Privacy Act of 1974

AGENCY: Defense Nuclear Agency.

ACTION: Proposed rule.

SUMMARY: The Defense Nuclear Agency is proposing to amend its rule pertaining to the Privacy Act to indicate the current designated agency official responsible for Privacy Act matters and to change the file identification of a system of records subject to specific exemptions which is being combined into another system of records.

DATES: Comments are due on or before October 23, 1980.

ADDRESS: Comments should be addressed to Director, Defense Nuclear Agency, ATTN: General Counsel, Washington, D.C. 20305.

FOR FURTHER INFORMATION CONTACT: Robert L. Brittigan. Telephone: 202-325-7681.

SUPPLEMENTARY INFORMATION: This action proposes to amend existing Defense Nuclear Agency exemption rules which were published in the Federal Register of November 28, 1975, at 40 FR 55543.

M. S. Healy,

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

September 17, 1980.

Accordingly, it is proposed to amend 32 CFR Part 291a as follows:

§ 291a.4 Responsibilities. [Amended]

Change "Chief, Civilian Personnel Division, Personnel/Administration Director" to "General Counsel."

§ 291a.5 Reports. [Amended]

Change "PACV" to "GC".

§ 291a.6 Specific exemptions. [Amended]

Change (a) from "501.01 Personnel Security Files" to "HDNA 007 Security Operations System."

[FR Doc. 80-29430 Filed 9-22-80; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1613-1]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) proposes to approve the Michigan Air Pollution Control Commission's (MAPCC) request for a revision to the Michigan State Implementation Plan (SIP). The proposed revision is in the form of a Stipulation for Entry of Consent Order and Final Order between the S.D. Warren Company and the MAPCC. The Order extends the date by which the S.D. Warren Company is required to bring sulfur dioxide emissions from the three power boilers at its Kraft pulp and paper mill located in Muskegon County, Michigan into compliance with certain regulations contained in the federally approved Michigan State Implementation Plan. The Order extends the date for compliance from November 1, 1979 to November 1, 1984. Any Order which has been issued to a major source and extends the SIP compliance date for meeting the sulfur dioxide emission limitations must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act, 42 U.S.C. Section 7410. If approved by USEPA, the extension will constitute a revision to the SIP. The purpose of this Notice is to invite public comment on USEPA's proposed approval of the MAPCC Order dated October 31, 1979.

DATE: Written comments must be submitted on or before October 23, 1980.

ADDRESS COMMENTS TO: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Environmental Protection Specialist, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois, 312-886-6053.

ADDRESSES: The Order of the Board, supporting material and public comments received in response to this Notice may be inspected and copied (for appropriate charges) during normal business hours at the above address or at:

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;

Michigan Department of Natural Resources, Air Quality Division, State Secondary Complex, General Office Building, 7150 Harris Drive, P.O. Box 30028, Lansing, Michigan 48909.

SUPPLEMENTARY INFORMATION: The S.D. Warren Kraft pulp and paper mill is located in Muskegon County, a sulfur dioxide (SO_2) attainment area, so designated by USEPA on October 5, 1978 (43 FR 45993, 46010). The only other major source of SO_2 emissions in the area is the B.C. Cobb Plant of the Consumers Power Company located approximately 6.5 km northeast of the S.D. Warren Plant. The Kraft pulp and paper mill contains three power boilers vented to a 276 foot stack and one recovery boiler vented to a 275 foot stack.

The Michigan Air Pollution Control Commission's (MAPCC) rule, R 336.49, (revised Rule 401(c), effective January 18, 1980) sets forth sulfur dioxide limitations for power plants in the State of Michigan. R 336.49(1) allows for deferred compliance if the power plant emissions do not create or contribute to an ambient level of sulfur dioxide in excess of the applicable air quality standards. S.D. Warren Company entered into a Consent Order, No. 10-1978, with the MAPCC to provide for compliance with the emission limitation specified in Table 4 of Rule 336.49 [revised Rule 401(c)] by July, 1979.

Procedures to be followed in authorizing specific extension of the final compliance date for sulfur dioxide emissions beyond January 1, 1980, were adopted by the MAPCC in January, 1978. In accordance with these procedures, the S.D. Warren Company in May 1979 requested a five year extension of their sulfur dioxide compliance date.

On October 31, 1979, the MAPCC and the S.D. Warren Company entered into a Stipulation for Entry of Consent Order and Final Order. On November 13, 1979, the State of Michigan formally submitted this Order to the USEPA as a revision of the State Implementation Plan for sulfur dioxide.

The proposed SIP revision, Order APC No. 09-1979, issued to the S.D. Warren Company in Muskegon County, extends the compliance date for their Kraft pulp and paper mill from November 1, 1979 to November 1, 1984 for meeting the sulfur dioxide emission limitations in Tables 3 and 4 of MAPCC Rule 336.49 [revised Rule 401(c)].

The schedule for compliance is contained in the following paragraphs of the Order:

A. Sulfur Dioxide Emission Limitations

(1) Beginning on November 1, 1979, an continuing to December 31, 1981, emissions of sulfur dioxide from the Power Boilers shall not exceed levels equivalent to:

(a) On an annual average 1.8 percent sulfur content by weight at 12,000 Btu/pound of coal.

(b) On a daily average 2.8 percent sulfur content by weight at 12,000 Btu/pounds of coal.

(2) Beginning December 31, 1981, and continuing to November 1, 1984, emissions of sulfur dioxide from the Power Boilers shall not exceed levels equivalent to:

(a) On an annual average 1.7 percent sulfur content by weight at 12,000 Btu/pound of coal.

(b) On a daily average 2.6 percent sulfur content by weight at 12,000 Btu/pound of coal.

(3) After November 1, 1984, emissions of sulfur dioxide from the Power Boilers shall not exceed the levels prescribed in Tables 3 and 4 of Rule 336.49, [Tables 41 and 42 of revised Rule 401(c)], unless an alternate date for compliance with the levels is established by the Commission and approved as a revision to the State Implementation Plan.

B. Sulfur Dioxide Control Program

(1) By January 1, 1980, the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with Section A(2) of this Order.

(2) If the Company elects to burn low sulfur coal as the method of control, the Company shall by July 1, 1981, and by each July 1 for the following two (2) years:

(a) Notify the Commission that it has under contract or contract option the low sulfur coal necessary to meet the requirements of Section A(2) of this Order; or

(b) Notify the Commission, with acceptable explanation, that adequate quantities of low sulfur coal are available for acquisition for use in the Power Boilers by November 1, 1984.

(3) If low sulfur coal is chosen as the method of control, the Company shall notify the Commission of the signing of any contracts for such coal within thirty (30) days of their signing.

(4) If the Company elects a control strategy other than low sulfur coal burning, a report on the method of control (including increments of progress), shall be provided to the Commission by January 1, 1980. If a control strategy other than low sulfur coal burning is submitted, it is the intent of the Company and the Commission to incorporate the elements of the control strategy into either a new or amended order.

(5) By January 1, 1981, and by each January 1 for the following three (3) years, the Company shall submit to the Commission a report of the Company's progress toward complying with the order. Any developments which would preclude compliance with any provisions of this Order shall be immediately reported in writing to the Commission.

C. Monitoring and Data Reporting

(1) The Company shall operate two (2) ambient sulfur dioxide monitors around the Power Boilers in such manner and at such locations as reasonable specified by the Chief of the Air Quality Division of the Department of Natural Resources (hereinafter "Staff").

(2) The Company shall perform a sulfur analysis of fuel burned in the Power Boilers in accordance with the procedures specified in Appendix A.

(3) The Company shall by June 1, 1980, install and place in operation stack gas emission monitor(s) for measuring sulfur dioxide that meets the performance specifications of Appendix B of 40 CFR Part 60 (1977).

(4) The Company shall demonstrate the adequacy of the stack gas sulfur dioxide monitor(s) in accordance with the procedures specified in 40 CFR Part 60 (1977).

(5) The Company shall report to the Staff sulfur dioxide emissions in terms of pounds of sulfur dioxide per million Btu heat input in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(6) The Company shall submit to the Staff data from the aforementioned ambient air quality monitors, stack gas monitor(s) and fuel sulfur analysis in such format and at such intervals as reasonably specified.

(7) During 1980 and at approximately 18-month intervals thereafter, the Company shall conduct periodic particulate emission tests for each of the Power Boilers. The tests shall be conducted in accordance with Commission approved procedures.

(8) The monitoring and reporting requirements specified in or pursuant to subsections C (1) through (8) shall be, upon request of the Company, reviewed by the Commission and modified if the Commission finds such modifications are justified.

USEPA has reviewed the Order as a proposed SIP revision. It has concluded that the operation of the S.D. Warren's Kraft paper and pulp mill under the interim emission limitations (1.8 to 1.7 percent sulfur fuel content by weight on an annual average and 2.8 to 2.6 percent sulfur fuel content by weight on a daily average) or the final emission limitations (1.5 percent by weight maximum sulfur content in fuel burned at any one time in the power boilers) will not threaten or prevent the attainment and maintenance of the sulfur dioxide NAAQS or applicable Prevention of Significant Deterioration increments in the plant vicinity, nor contribute significantly to existing violations at nearby primary and secondary sulfur dioxide nonattainment areas. Additionally, under Section B(4) of the Order, if a subsequent modification is agreed upon between the S.D. Warren Company and the MAPCC, resulting in an amended order, it must be submitted to the USEPA as a SIP revision. USEPA proposes to approve this revision to the Michigan SO2 SIP.

This proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

All interested persons are invited to submit written comments on the proposed SIP revision. Written comments received by the date specified above will be considered in determining whether USEPA will approve the revision. After the public comment period, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action on the proposed SIP revision.

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. I have reviewed these proposed regulations 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 they are specialized regulations not subject to the procedure requirements of Executive Order 12044.

Dated: August 26, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-29433 Filed 9-22-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 720

[OPTS-50011; FRL 1612-7]

Premanufacture Notification Requirements and Review Procedures; Clarification of Importer Reporting Responsibilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Clarification of proposed rule, notice of public meetings, submission of comments.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires that persons submit notices to the EPA before importing any new chemical substance in bulk or as part of a mixture for a commercial purpose. The Agency wishes to clarify which of the persons involved in the import of new chemical substances would submit the section 5 notice. The clarification would be promulgated with the premanufacture rules in early 1981, although importers may follow the clarification at this time. This notice describes the clarification, invites public comment, and announces public meetings.

DATES: Interested persons should comment on the issues raised in this notice on or before November 24, 1980. EPA officials responsible for developing this notice will be available to meet upon request with persons interested in discussing specific issues on December 10, and December 12, 1980.

ADDRESSES: All comments should bear the identifying notations OPTS—50011 and be addressed to: Document Control Officer, Office of Toxic Substances (PTS–793), Room 447E, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

The public meetings-by-request will be held at the Following locations:

1. December 10, EPA Regional Office, 26 Federal Plaza, Room 305–A, New York, New York
   and
2. December 12, EPA, 401 M Street, S.W., Washington, D.C. 20460, Room 3906–08; 2:00–5:00 p.m.

FOR FURTHER INFORMATION CONTACT: John Ritch, Director, Industry Assistance Office (PTS–799), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Toll free (800) 424–9065, In Washington, D.C. 554–1404.

Persons interested in participating should call the Industry Assistance Office at the numbers listed above.

SUPPLEMENTARY INFORMATION: This clarification is part of the section 5 rulemaking under TSCA that was previously proposed and published in the Federal Register of January 10, 1979 (44 FR 2242) and reproposed in part and published in the Federal Register of October 16, 1979 (44 FR 59764), and August 15, 1980 (45 FR 54642).

The January 10, 1979 section 5 proposal includes a definition of "importer" and this definition would be retained in the final rule. The clarification outlined here specifies which person involved in the import of the new chemical substance must submit the section 5 notice. The additional provision published here for comment would supplement and not replace the definition of "importer." The provision would be included in the final section 5 rules which are expected to be promulgated in early 1981.

Because the clarification published here is based in large part on public comments received on the January 1979 proposal and would be a very minor addition to the rules, the Agency is not required to propose the clarification as a Notice of Proposed Rulemaking. Therefore, this notice is not a Notice of Proposed Rulemaking. Although the clarification is a logical outgrowth of the preceeding notice and comment, EPA is interested in obtaining further specific comment on the provisions and policies outlined in this notice. The Agency does not expect significantly new and different comments, but given the complexity and variety of importing practices, it is important to ensure that the clarification will serve the needs of importers of new chemical substances. The Agency is therefore inviting comments and will hold a public meeting on this clarification.

Persons are presently required to submit a section 5 notification at least 90 days before they import new chemical substances in bulk or as part of a mixture for commercial purposes as defined in TSCA (44 FR 28564, 45 FR 50544). Notices are to be submitted in accordance with the statutory provisions of section 5 of TSCA and EPA's "Interim Policy" published in the Federal Register on May 15, 1979 (44 FR 28564). This notice does not change these reporting policies. Until the section 5 rules are final, importers may follow the clarification published here, but are not required to do so.

I. Background

A. Importer Definition Proposed on January 10, 1979. Under its proposed section 5 rules published in January 1979, EPA included the following definition of importer:

"Importer" means any person who imports a chemical substance, including a chemical substance as part of a mixture or article, into the Customs Territory of the United States, and includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his behalf. Importer also includes as appropriate:

(1) The consignee;

(2) The importer of record;

(3) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20; or,

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the Customs Territory of the U.S. consists of the 50 States, Puerto Rico, and the District of Columbia. (Proposed 40 CFR 720.2 (44 FR 2264).)

The importer identified by this definition would be required to notify EPA prior to importing a new chemical substance using an "Importer Notice Form" under proposed 40 CFR 720.10 (44 FR 2266).

This definition is very similar to the definition of importer used by the U.S. Customs Service of the Treasury Department. The Customs Service defines "importer" as "the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his behalf" (19 CFR 101.1(k)). The Customs definition lists the persons who could be required to pay duties and was revised by EPA to include "any person who imports." EPA altered the definition by adding that each of the persons listed would be responsible for ensuring that a section 5 notice is submitted to EPA (44 FR 2246).

The support document that accompanied the January proposal noted that the section 5 definition of "importer" should achieve two goals. First, the rules should indicate which person, among those associated with the import of a new substance, is primarily responsible for submission of the section 5 notice. Second, the rules should ensure that the person designated as having primary responsibility for submission of the notice has the most knowledge of the nature and use of the substance. The support document also pointed out that the rules should provide a mechanism for the submitter or EPA to obtain information about the substance that is known to or reasonably ascertainable by others associated with its import. EPA requested comments on the extent that the proposed definition of importer met EPA's goals, and how the definition might be improved in the *Support Document: Premanufacture Notification Requirements and Review Procedures* 14–15 (January 1979).

EPA also proposed that importers request certain information from their foreign suppliers and foreign manufacturers, if known. Importers would be required to send these persons a "Foreign Manufacturer's or Supplier's Form" that requests information in the foreign manufacturer's or supplier's possession or control pertaining to the new chemical substance under proposed 40 CFR 720.21 (44 FR 2241, 2269). To protect confidential business information, EPA would permit foreign manufacturers and suppliers to submit information to the submitter of the Importer Notice Form or directly to the Agency. The foreign manufacturers and suppliers would not be legally obligated to provide the information requested.

EPA proposed to protect confidentiality by allowing foreign manufacturers or suppliers to report to EPA the chemical identity of the chemical to be imported under proposed 40 CFR 720.20(f)(2) (44 FR 2269). Under the proposal, the 90-day section 5 notice review period would not begin until the Agency received the chemical identity, either from the importer or the foreign manufacturer or supplier.

B. Comments on Proposed Definition. Several chemical importers and trade associations commented that the proposed definition did not fulfill EPA's or industry's goals. First, the definition did not identify one person who would be responsible for submitting the notice. Rather, EPA stated that each of the persons listed would be responsible for ensuring notice submission. The implication was that each of the persons listed would be jointly and severally liable for the submission of a notice and for ensuring the information is accurate and complete. Commenters feared that many individuals and firms unwittingly would be exposed to liability under the proposed definition.

Other commenters argued that the definition left to the various parties the decision as to who should file the section 5 notice. In this situation, it would be possible for the parties to disagree as to who should submit the notice, with the result that no section 5 notice would filed. It also would be possible that the parties would identify the person with the least knowledge concerning the chemical so that EPA would receive little information.

Finally, commenters argued that the definition of importer did not necessarily reach the person most knowledgeable about the new chemical substance. For example, the person primarily liable for the payment of duties might well be a "middleman" or "broker." In many cases, a middleman or broker would know little about the chemical substance he imported, particularly with regard to toxicity and exposure information.

Comments strongly endorsed the idea that the rules should identify the one person responsible for submission of the section 5 notice. They also supported EPA's goal of requiring the submitter to be the most knowledgeable person. One commenter offered an alternative which closely resembles the clarification in this notice. EPA was urged to define importer as "any person who imports or knowingly causes to be imported a chemical substance." A person who "placed an order" in a "domestic transaction" for an imported substance would not "knowingly cause" a substance to be imported unless he controlled "the terms and conditions of the importation." The commenter stated that this alternative definition fulfilled EPA's and industry's goals. Although specific aspects of this alternative were rejected, EPA intends to adopt a clarification that incorporates the two central features of this suggested alternative: the requirement that a person knowingly import the chemical substance, and that the person control terms essential to importing the substance.

C. EPA's Analysis of Proposed Definition. After considering comments on## The definition is very broad, including not only "the person primarily liable for payment of duties" but "*any* person who imports," thereby extending the definition to include anyone involved in bringing the substance into the customs territory of the United States. The proposed definition did not specify one person whom EPA expected would be knowledgeable concerning the imported chemical substance. EPA wishes to identify one importer who in most situations will be the most knowledgeable.

The Agency will retain the definition of importer as it was proposed in January 1979 to remain consistent with other TSCA regulations governing importers. To propose a new definition would confuse potential submitters under this and other rules. Rather, EPA will clarify which of the importers covered by the January definition should submit notices in an additional subsection.

During the drafting of the clarification, the Agency studied common chemical importing practices. EPA identified several methods of chemical importing through information gathered from comments on the proposed section 5 rule, meetings held with officials of the U.S. Customs Service, and meetings with importers. Most large chemical companies clear imported chemicals through Customs and process, use, or distribute the chemical substances themselves. Other firms use agents to clear their chemicals through Customs and to contract with foreign suppliers or manufacturers to obtain the chemicals. Multinational firms often import new chemicals through their U.S. subsidiaries. It should be emphasized that while these practices cover most chemical imports, EPA has not identified with certainty the usual importing procedures of medium-sized and small firms. It is assumed that these medium- and small-sized firms do not have importing experience and rely to a greater extent on agents and import companies or order their imported chemicals from larger chemical companies. The Agency requests comment on the accuracy of this assumption and on the importing practices of medium- and small-sized firms.

Some persons involved in importing chemical substances will know more about the substances than others. Agents who merely facilitate the import of chemicals usually know little about the chemical substances, except what they are told by their principals. On the other hand, persons who have a chemical imported and who first process, use, or distribute the imported chemical usually have more knowledge concerning the chemical. The clarification does not specifically designate these persons as responsible for submitting importer notices. However, in practice they should be the submitters under the clarification. Obviously, the person who is designated to submit the section 5 notice must know that the chemical will be imported, and this requirement is part of the provision. Although it may be possible to offer scenarios in which a person other than the first person to process, use, or distribute the chemical will know more about the substance, these persons are likely to be the most knowledgeable in the majority of cases. The Agency requests comment on the extent to which the clarification requires the most knowledgeable persons to submit notices.

The Agency's proposal imposed broad liability by stating that each of the parties was responsible for submitting a section 5 notice. EPA now believes that it is not desirable to impose liability in this manner. Instand, the Agency proposes to identify one person who is responsible for submitting the notice. The Agency also believe that when a notice is submitted by the proper party, only the submitter should be liable for withholding material information

required by TSCA. If the importer is required to submit a notice and fails to do so, EPA intends to seek appropriate penalties under TSCA. See section III. B. "Enforcement Policy."

II. Proposed Clarification

EPA would specify in the rule which importer must report and would further clarify reporting responsibilities in the Preamble to the final rule, the support documents, and in the intruction manual accompanying the section 5 notice forms.

The following provision would be included in the rule:

(1) A notice of import of a new chemical substance must be submitted by the principal importer. The principal importer is the first person who, knowing the new chemical will be imported, selects the chemical substance and the total amount to be imported.

(2) A notice of import of a new chemical substance may only be submitted by a person incorporated, licensed, or doing business in the United States.

The following examples identify who would submit section 5 importer notices in certian scenarios. These examples would be printed in the Preamble, support documents, and instruction manual, to provide guidance for notice submitters.

(1) Company A, a domestic firm, intends to bring a new chemical substance into the U.S. for its own use and for sale to its customers. Company A will clear its own goods through Customs. Company A not its customers, must submit a section 5 notice. Company A knows the chemical will be imported selects the substance and the total amount to be imported. It is incorporated, licensed or doing business in the U.S. since it is a domestic firm.

(2) Company B, a U.S. corporation, intends to bring a new chemical substance into the U.S. for distribution to its customers and employs Company C to bring the chemical into the U.S. Company C intends to pay the duties, clear the goods through Customs, and will be named as importer of record. Company B must submit the section 5 notices as the principal importer. Although several parties might know that the substance will be imported, Company B is the first to know the substance will be imported *and* to control which chemical will be imported, and how much will be imported. Company B meets the domestic business requirement.

(3) Company D, a U.S. firm, orders a new imported chemical substance from Company E, another U.S. firm. Company E will import the substance using a customhouse broker to pay the duties and enter the goods. The customhouse broker is an agent and cannot submit the notice on his own behalf. Though both companies are U.S. firms, Company D or Company E is the principal importer is determined by who first selects the chemical substance *and* determines the total amount to be imported. If Company E solicited the order and will aggregate orders from others, Company E would specify the total amount to be imported and must submit the notice. If Company D selected the chemical and determined the total amount of the chemical to be imported, Company E is merely facilitating the chemical's import and Company D would submit the notice.

(4) Company F is a foreign multinational corporation with its headquarters outside the U.S. Through its U.S. subsidiary, Company F will import a new chemical substance into the U.S. for use by Company F and for sale to U.S. firms. The U.S. subsidiary of Company F would submit the section 5 notice. If the foreign parent company is not incorporated, licensed, or doing business in the U.S. itself, the foreign company is not the principal importer and may not submit the notice, even though the foreign company may more directly select the chemical and the amount to be imported.

Although the Agency expects the above clarification to be sufficient, importers would be able to contact EPA with specific questions through its prenotice communication prodcedures.

The principal importer must contact the foreign supplier and manufacturer, if known, and request in writing that they complete the Foreign Manufacturer or Supplier Form. EPA will permit others, including foreign manufacturers and suppliers, to submit information required by the Importer Notice Form (including chemical identity), as long as all parties submitting information sign the certification statement supplied on the form. Information from others may be submitted to the principal importer or to EPA. Only persons who are required to submit notices will be held liable for withholding information required by law. Other persons who submit information would only be responsible for the inclusion of false or misleading information in their submissions.

III. Analysis of the Clarification

A. Applicability

The clarification should be flexible enough to cover a variety of importing scenarios. Although the definition of importer remains broad, principal importers, a defined subset of importers, are responsible for submitting the section 5 importer notice. As noted above, the person submitting the section 5 notice must be the person who (1) selects the chemical substance and (2) the total amount to be imported (3) knowing that it will be imported. The person must also be (4) incorporated, licensed, or doing business in the United States. For a person to be a principal importer, he should fulfill all four requirements.

1. *Selecting the chemical substance to be imported.* A principal importer must select which chemical substance will be imported. If a person involved in importing a new chemical substance has no power to control or select the substance to be imported, he is not the principal importer.

Controlling or selecting the chemical substance to be imported includes selecting the new chemical substance in the import transaction by its trade name, generic name, or its specific chemical identity. Therefore, the principal importer need not know the precise chemical identity to select which chemical substance will be imported. However, as part of the section 5 notice, the principal importer must ensure that the specific chemical identity is reported to EPA. EPA expects that in most cases the principal importer will know the chemical identity of the chemical substance imported. If the chemical identity is only known to the foreign manufacturer, and the manufacturer does not wish to reveal the chemical identity to the U.S. importer, the manufacturer could report the chemical identity to EPA directly. The Agency intends to retain provisions to allow direct foreign manufacturer assistance in completing the Importer Notice Form so that the principal importer need not know the exact chemical identity and so that foreign manufacturers may protect confidential business information.

It should be noted that Importer Notices are only required for new chemical substances, that is, chemical substances not on the TSCA Inventory. To ascertain whether a chemical is on the Inventory, the principal importer must know the chemical identity so that he may check the Inventory or he must learn from some other source (perhaps the foreign manufacturer or supplier) whether the substance is on the Inventory. If the principal importer does not know the identity of the chemical substance he intends to import, he may have the foreign manufacturer or supplier or some other person report the chemical identity to EPA so that the Agency may search the Inventory for the

principal importer. In this way, the Agency may protect confidential chemical identities in appropriate cases and avoid the filing of unnecessary notices.

It may be difficult to ascertain which party in the import transaction is selecting the chemical substance to be imported, if one person specifies the properties the imported chemical is to have, such as efficacy characteristics or physical/chemical properties, and another person selects the specific chemical subtance to be imported. Although such a scenario would be unusual, the Agency expects the person selecting the specific chemical substance to submit the section 5 notice. The submitter may find it useful in this case to obtain from the person specifying the chemnical's properties any information required by the notice form that the submitter does not possess. However, if the person who selects the imported chemical substance is a foreign company, the notice would be submitted by the domestic company specifying the the properties of the imported chemical. It should be recognized that the notice review period will not start until EPA receives the specific chemical identity of the substance to be imported.

The principal importer must ensure that the chemical he is importing complies with section 5. Any shipment of an imported chemical that does not comply with section 5 will be refused entry into the U.S.

2. Specifying the Total Amount to be Imported. To be the principal importer, an importer must be the person to control or specify the total amount of the chemical substance to be imported. If a person collects orders from several customers for amounts to be imported, the person who adds the orders would be the person to specify the *total* amount to be imported and would be subject to notification under this proposal. No customer would specify the total amount in this case, even though one might have a disproportionally large order. Persons who merely transmit the total order to another and who do not alter the total amount would not be the persons to specify or control the total amount to be imported.

If the agreement between the importer and the foreign manufacturer contains terms for quantity to be imported such as "all the quantity that the importer may require" or for "all the quantity that the manufacturer may produce," there terms suffice as specifying the total amount to be imported. A domestic company may select the chemical to be imported but not specify the total amount to be imported, leaving the foreign manufacturer or supplier to supply whatever quantity is available. In such a case, the domestic company who selected the chemical substance should submit the notice.

3. Knowing that the substance will be imported. A principal importer must be aware that he is involved in importing chemicals into the United States. If a person directly orders a new chemical substance from a foreign firm, EPA will consider that person to be aware that he is importing a chemical substance. If a person orders a chemical from a U.S. firm, and does not know or has no reason to know that the U.S. firm will fill his order by importing a new chemical, he would not be subject to notification requirements or liable under section 15 for failure to submit a notice.

4. Incorporated, Licensed, or Doing Business in the United States. A principal importer must be a person incorporated, licensed, or doing business under the laws of the United States. Foreign corporations that are not incorporated, licensed, or doing business in the U.S. may not submit a section 5 notice for the import of a new chemical substance. As stated in the definition of importer, the "United States" includes the 50 States, Puerto Rico, and the District of Columbia (proposed 40 CFR 720.2 (44 FR 2264)).

United States affiliates of foreign corporations are usually incorporated, licensed, or doing business in the United States on behalf of their foreign corporations. Because only persons incorporated, licensed, or doing business in the U.S. may submit notices, most foreign corporations would be unable to submit notices. Of course, foreign corporations would be allowed and encouraged to submit supporting information for the section 5 notice to the U.S. affiliate who submits the notice or to EPA directly. EPA cannot require and will not allow foreign corporations to submit notices because they are not within the criminal or civil jurisdiction of the United States.

EPA believes that the clarification identifies the person who in many cases will have the most data on the chemical. In the event that the person identified as the principal importer has little information on the substance, EPA encourages joint reporting with others to fill any data gaps. As noted, EPA also intends to retain the provisions of the section 5 rule that permit foreign manufacturers or suppliers to provide data required by the section 5 form to submitters of the notice form or to EPA directly. The Agency wishes to make clear that notices with little information increase the likelihood of followup action under other TSCA authorities such as section 5(a)(2), 5(e), 8(a), or 8(d) either during the notice review period or by separate regulation after the review period expires.

The protection of confidential business information does not appear to be affected by this clarification of the importer responsibilities. However, EPA requests comments on any impacts on confidentiality.

B. Enforcement Policy

The Agency proposes to adopt the following enforcement policy regarding principal importers if it adopts this clarification. A notice must be submitted by the principal importer. If a person other than the principal importer attempts to submit a notice, EPA will not accept the submitted information as a section 5 notice. When a notice is required, but the principal importer fails to submit a notice, EPA intends to impose appropriate penalties on the principal importer under sections 15, 16, and 17 of TSCA. In the unlikely event that no person fits the definition of "principal importer," EPA expects the notice to be submitted by the person who most closely fits the definition. The Agency expects that prenotice consultation would resolve any potential problems of this type.

After a notice is received by EPA and the 90-day review period begins, only the submitter(s) of information would be liable for false or misleading statements or for failure to submit all the information required by TSCA and the Agency's section 5 rules.

EPA will also seek penalties against any person who uses an imported substance knowing or having reason to know that no section 5 notice was filed as required by TSCA. Under section 15(2) of TSCA it is unlawful for any person to use for commercial purposes a chemical substance that the person knew or had reason to know was manufactured (imported), processed, or distributed in commerce in violation of section 5. The Agency intends to use this authority in appropriate cases to ensure compliance with TSCA. Domestic companies using imported substances may find it valuable to secure a statement from importers that the substances they are using have been imported in compliance with TSCA.

EPA requests comments on this enforcement policy.

C. Alternatives to the Proposal

EPA examined several alternative approaches to importer reporting. The Agency reexamined the definition originally proposed for the section 5 rules and, for the reasons stated above,

decided that the proposed importer definition required clarification.

One alternative EPA considered was defining importer as the consignee. Although appealing in its simplicity, this option does not satisfy EPA's desire to identify the importer as the person who will have the most knowledge of the chemical. A consignee may be any person involved in the import of a chemical, including a retailer or middleman, and may not know or be able reasonably to ascertain the knowledge necessary to file a section 5 notice.

As a second option, EPA considered the alternative offered by a commenter: deleting the present definition and substituting a new definition to require submission by "any person who imports or knowingly causes to be imported" a new chemical substance. Persons who "placed an order" for a chemical substance in a "domestic transaction" would not "knowingly cause" the import of a substance unless they controled the "terms and conditions of import." Although the definition has several desirable features which have been incorporated in the clarification, it was deemed unworkable as formulated, and was rejected. First, it may be confusing to change the definition of importer. Second, for persons who do not "order" the substance, it would be difficult to define with specificity which party knowingly causes import of a new substance in many cases, because it is probable that several persons would "knowingly cause" the import of a substance and because "any person who imports" could submit the notice. These persons would often include brokers or agents. Finally, this definition would include persons (brokers or agents) who have no knowledge of the chemical or its effects or uses.

A third alternative EPA considered would identify one person (probably the consignee) as the submitter but would impose on him the duty of attempting to obtain from other persons the information required by the rules and forms. This is different from alternative one because under this third alternative, the definition of importer would not be changed and the consignee would be required to collect all the information requested in the form from others. These other persons would include eventual users and processors to the extent they could be identified, and any agents, customhouse brokers, consignee, or importers of record. These persons would provide the information to the submitter or EPA, to the extent it is known or reasonably ascertainable. EPA rejected this alternative, because requiring several persons to submit information may cost more than notice submission by one person, and may cause duplicate data submissions. It also requires the consignee to contact other persons, which may force the disclosure of confidential business information.

Comments are invited on these alternatives.

IV. Economic Impact Analysis

As part of its analysis of the section 5 Premanufacture Notification program, EPA has employed ICF, Inc. (contract No. 68-01-5878) to estimate the economic impacts of its proposed and final rules. ICF, Inc. will evaluate the economic impacts of this clarification and its alternatives for defining "importer". ICF will analyze the clarification for its impacts on the various parties involved. The economic impact analysis of the clarification and its alternatives will be separately proposed this fall, 1980, together with the economic impact analysis of the section 5 rulemaking.

V. Comments and Public Meeting

The Agency requests comments on all issues raised by this notice. EPA particularly requests commenters to identify any scenarios for which the clarification does not identify a principal importer.

EPA is allowing 60 days for comment on this notice. Do not resubmit comments on the January 1979, October 1979, and August 1980 proposed rules and forms. When EPA promulgates the final rules, the comments on this notice will be evaluated with the comments on the January, October, and August proposals.

The comment period on this notice will close November 24, 1980. After the close of the comment period, EPA officials responsible for developing this notice will analyze the comments submitted and will reopen the comment period for oral commenters. Two public meetings-by-requests will be held. Commentors should use these opportunities to discuss with EPA officials those subjects best addressed orally. Please note that issues that can be covered by written comment should be handled during the initial comment period. The oral comment period may also be utilized to give commenters an opportunity to expand on their written comments and to obtain clarification from EPA officials.

Meetings-by-request are public meetings. Those interested in discussing their views with EPA officials should call the Industry Assistance Office at 800-425-9065 or, in Washington, 554-1404. Time will be allocated as available to those making such requests. The public is invited. Call the Industry Assistance Office to obtain the schedule of the public meetings. The meeting will be held on December 10, 1980 at EPA's Regional Office, 26 Federal Plaza, Room 305-A in New York City, N.Y. and on December 12, 1980, Room 3906-08, 2:00-5:00 p.m. at EPA, 401 M Street, S.W., Washington, D.C. The Agency will prepare transcripts of the meeting for inclusion in the official public record.

VI. Public Record

EPA has established a public record for this rulemaking (docket number OTS 050002) that is available for inspection in the OTS Reading Room from 9:00 a.m. to 5:00 p.m., on working days (Room 447E, 401 M Street, S.W., Washington, D.C. 20460). This record includes all of the information considered by the Agency in developing this notice. The Agency will supplement the record with additional information as it is received. The record includes all of the cateogires of information listed in the January 10, 1979, Notice of Proposed Rulemaking (44 FR 2263), October 16, 1979, Notice of Proposed Rulemaking (44 FR 59764), and August 15, 1980, Notice of Proposed Rulemaking (45 FR 54642). In addition, the record has been supplemented for the purposes of this proposal with the following document:

USEPA—OTS. "Clarification of Proposed Rule, Notice of Public Meeting, Submission of Comments."

The docket of the record that details its specific contents to date is available in the OTS Reading Room. EPA welcomes comments on any additional material that should be part of the record to date. EPA will identify the complete rulemaking record on or before the date of promulgation of these requirements as prescribed by TSCA section 19(a)(3). (Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604.))

Dated: September 10, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-29442 Filed 9-22-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 770 and 773

[OPTS 47001A; FRL 1615-4]

Proposed Test Rules and Exemption Policy Under the Toxic Substances Control Act; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: The general public meeting scheduled to be held in Washington, D.C. on September 24, 1980, regarding the July 18, 1980, proposals under Section 4 of the Toxic Substances Control Act has been cancelled. Instead, members of the public are encouraged to request specific meetings with EPA.

DATE: Requests for meeting must be made by October 3, 1980.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–792), Office of Pesticides and Toxic Substance Substances, U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, Toll Free—800–424–9065, or 554–1404 in Washington, D.C.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 18, 1980 (45 FR 48524), EPA published proposed test rules for chloromethane and the chlorinated benezenes under Section 4 of the Toxic Substances Control Act (TSCA). A proposed notice that the Agency will not require testing on acrylamide and a proposed rule on exemption policy and procedures also were published on July 18, 1980. At that time EPA announced that it would hold a general public meeting on September 24, 1980. In addition, EPA stated that at the Agency's discretion, EPA staff would be available to hold special meetings with persons who requested them.

EPA has since decided to cancel the September 24th public meeting. In order to fulfill its legal obligation under Section 4(b)(5) of TSCA (15 U.S.C. 2603) to give interested persons "an opportunity for the oral presentation of data, reviews, or arguments," EPA will hold meetings at the request of any party. Members of the public are invited to attend and participate in any such meeting. A transcript of each one will be made and placed in the public record. EPA may decide to schedule several requestors for presentation at one time.

Several meetings already have been scheduled; the time, place, and person requesting the meeting are indicated below. Other persons desiring a meeting must contact EPA by October 3, 1980.

To arrange a meeting, persons should contact EPA by calling or writing to Industry Assistance Office at the address or telephone number given above.

Preferred times for setting up meetings are indicated below by the available slots in the schedule for October, but EPA will consider meeting at other times if necessary. Participants are encouraged to submit a general agenda to EPA one week in advance of the meeting, so that EPA can assure that the appropriate staff members are there.

The following schedule is subject to change due to cancellation or rescheduling. Members of the public planning on attending a meeting should call the Industry Assistance Office to confirm the time and place of the meeting.

Date and place: Friday, October 24, Skyline Inn, Hall of States, Rm B, Half and I Streets, S.W., Washington, D.C.
Time and Organization:
1–3 p.m.: Chlorobenzene Producers Association.
3–4 p.m.: Dow Chemical—U.S.A.
4–5 p.m.: [Available.]

Date and Place: Thursday, October 30, Skyline Inn, Room B.
Time and Organization:
1–2 p.m.: CIIT—Chemical Industry Institute for Toxicology.
2–3 p.m.: Chloromethane Producers Association.
3–5 p.m.: [Available.]

Date and Place: Friday, October 31, Skyline Inn, Room B.
Time and Organization:
1–2 p.m.: CMSA—Chemical Specialities Manufacturers Association.
2–3:30 p.m.: CMA—Chemical Manufacturers Association.
3:30–4 p.m.: [Available.]
4–5 p.m.: Natural Resources Defense Council.

(Sec. 4, Pub. L. 94–469, 90 Stat. 2006 (15 U.S.C. 2603))

Dated: September 19, 1980.

Joseph J. Merenda,

Director, Assessment Division, Office of Pesticides and Toxic Substances.

[FR Doc. 80–29547 Filed 9–22–80; 8:45 am]

BILLING CODE 6560–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations (Improving Government Regulations).

SUMMARY: The President's Executive Order on improving Government Regulations Executive Order 12044, requires each Federal agency to publish at least twice a year a list of a significant regulations under development. The Foundation plans to publish its semiannual agenda by the first Monday in October and the first Monday in April.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Wade, General Counsel, National Endowment for the Arts, 2401 E Street, NW., Washington, D.C. 20506, 202–634–6588, or Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. 20506 202–724–0367.

SEMIANNUAL AGENDA OF REGULATIONS: At the Present time there are no significant regulations under development or review in the Foundation itself or in its components, the Federal Council on the Arts and the Humanities, the National Endowment for the Arts, or the National Endowment for the Humanities.

Joseph D. Duffey,

Chairman, National Endowment for the Humanities and Chairman, Federal Council on the Arts and the Humanities.

Livingston L. Biddle,

Chairman, National Endowment for the Arts.

[FR Doc. 80–29299 Filed 9–22–80; 8:45 am]

BILLING CODE 7537–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[Docket No. 20423]

Amending Rules Relative to Cable Television Systems and Postponement of Divestiture Requirement of § 76.501 Relative to Prohibited Cross Ownership in Existence on or Before July 1, 1970; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: At the request of four cross owners, the FCC extends the time for filing comments and reply comments in its proceeding relating to cross ownership between cable television systems and broadcast television stations.

DATES: Comments must be filed on or before December 8, 1980 and Reply Comments must be filed on or before January 7, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah L. Stuehrmann or William H. Johnson, Cable Television Bureau, (202) 632–6468.

SUPPLEMENTARY INFORMATION:

[Docket No. 20423]

Adopted: September 10, 1980.
Released: September 12, 1980.

By the Chief, Cable Television Bureau.

In the matter of amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to cable television systems; and postponement of divestiture requirement of § 76.501 relative to prohibited cross ownership in existence on or before July 1, 1970 (45 FR 47445).

1. Comments in this proceeding are now due on or before October 6, 1980 and reply comments on or before November 5, 1980. Chronicle Broadcasting Co., Fetzer Broadcasting Company, Midcontinent Broadcasting Co., and Rock Island Broadcasting Co., have requested an extension of these filing dates to December 8, 1980, for comments, and to January 7, 1981, for reply comments.

2. They state that the additional time is needed to complete a study, commissioned by them, to be conducted by Frazier, Gross, & Clay, a television and radio management consulting firm, of the relationship between cross-owned cable systems and television stations. An affidavit has been filed by Horace W. Gross, President of Frazier, Gross, & Clay, stating that the study will not be completed until the middle of November 1980.

3. Good cause therefore having been shown, the requested extension will be granted.

Accordingly, it is ordered, that the dates for filing comments and reply comments in this proceeding are extended to December 8, 1980 and January 7, 1981, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by Section 0.288(a) of the Commission's rules.

Federal Communications Commission.

Willard R. Nichols,

Chief, Cable Television Bureau.

[FR Doc. 80-29365 Filed 9-22-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1111

[Ex Parte No. 282 (Sub-3)]

Railroad Consolidation Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: We are proposing a revision of the information requirements to the *Railroad Acquisition, Control, Merger, Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part 1111 (1979) (Old Consolidation Procedures). These new Proposed Consolidation Procedures are intended to reduce the preparatory burden on applicants, speed processing of applications, and provide highly relevant data. A rulemaking adopting regulations in 49 CFR Part 1111 is published in this issue.

DATE: Comments shall be filed on or before October 23, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Kelly (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Introduction

We instituted a general rulemaking proceeding on our own motion by notice published in the **Federal Register** on November 20, 1979 (44 FR 66626-66644) (Proposed Consolidation Procedures). The purpose of this rulemaking is to reduce informational requirements for different types of applications and to clarify the information required in all applications, in the Old Consolidation Procedures.

Proposed Regulations

We are proposing to drastically alter the information required in an application. Comments upon the new type of information required and the type of information previously required which has been deleted are solicited. Additionally, comments on the usefulness and validity of certain information requested, as well as comments on information which has not been included but which will be relevant to reaching a public interest determination, is requested.

1. Scope and Purpose

We intend to add a preamble to give a brief overview of the New Proposed Consolidation Procedures. It is generally the same as proposed at 44 FR 66626-66644.

2. General Policy Statement

In rearranging the format of the regulations, we are moving the procedural material into the first portion. In order to be consistent with this we intend to move the general policy statement from § 1111.10 to § 1111.1. We do not believe that this change is at all controversial, but comments are again solicited.

3. Types of Transactions

Again we are just moving the information contained in § 1111.5 to § 1111.2 in order to more logically format these regulations. Again, we do not believe that this is controversial.

4. Definitions

We are not proposing any change to the definitions contained in § 1111.3.

5. Procedures

We are eliminating all references to traffic studies. We intend to eliminate traffic studies as a requirement of filing an application in a major transaction. In two places, § 1111.4(b)(1)(ii) and (2)(ii), we would change "traffic study" to "market analysis" to reflect changes in § 1111.7.

In our publication of the prefiling notice, we intend to indicate whether information and issues additional to those required by the procedures must be filed to be a complete application. A decision indicating the extent of this information and issues would then be entered. In this way, § 1111.4(b)(2)(v) will permit us to indicate additional information and issues we are concerned about to the parties.

We also propose to add § 1111.4(c)(8), which will require a complete application to present a *prima facie* case. Failure to present a *prima facie* case might result in summary denial.

We have redesignated the procedures for filing under 49 U.S.C. 11346 as subparagraph i and inserted a new subparagraph h. Subparagraph h takes official notice of certain regularly filed reports. We intend to take official notice of this material in order to reduce the preparatory burden on applicants filing such materials. However, before we take this step we request comments not only on the value of the material contained in these reports, but also on the accessibility of the information, the reliability of the information, its materiality, competency, and relevancy to a transaction.

One report which we intend to take official notice of is the Annual Report Form R-1. Requirements for this can be found in 49 CFR 1241.11. It is submitted annually and is due on March 31 of each year. It contains comprehensive financial, operating, and statistical data, such as revenues, expenses, income sheets, balance statements, dividends, interest, equipment costs, and capitalization.

The Quarterly Report of Freight Commodity Statistics (Form QCS) is filed quarterly and for the calendar year pursuant to 49 CFR 1243.5. It is due 60 days after the end of the period. It contains carload and tons of revenue freight originated, terminated, and received from connecting carriers, and gross freight revenue. The data is provided by commodity codes.

There are two reports dealing with railway employees. The Preliminary

Report of Number of Employees of Class I Railroads is filed monthly pursuant to 49 CFR 1246.1, and is due to be mailed before the last day of the report month. It indicates the number of employees at the middle of the month by group totals. The other report is the Monthly Report of Employees, Service and Compensation (Forms A and B) and is filed on a monthly and calendar year basis pursuant to 49 CFR 1245.2. It is due 30 days after the monthly period ends and 45 days after the end of the calendar year. It contains the number of employees, service hours, and compensation by occupation (which includes executives, officials, staff assistants, professionals, clerical and general, maintenance of equipment and stores, transportation (other train, engine and yard), transportation (yard masters, switch tenders, and hostlers), and transportation (trains and engines) employees.

We would also take notice of quarterly financial statements filed by rail carriers, which include the Quarterly Reports of Revenue, Expenses, and Income (Form RE&I) and the Quarterly Condensed Balance Sheet (Form CBS). RE&I is filed quarterly pursuant to 49 CFR 1243.1, 30 days after the end of the quarter. It contains operating revenues, expenses, income account items, dividends, and net income. The CBS is filed quarterly, 30 days after the quarter ends, pursuant to 49 CFR 1243.2 and contains current assets and liabilities, and expenditures for additions and betterments.

The One Percent Waybill Sample filed annually would also be noticed. It contains traffic data showing origins, destinations, routing, and volume by carloads, tonnage and revenues. It also contains a commodity data breakdown.

Additional reports which are filed with the Commission include the Quarterly Report of Train and Yard Service (Form OS–A) filed quarterly pursuant to 49 CFR 1243.3, 50 days after the end of the quarter. It contains statistics on freight and passenger service, miles of road operated, train and locomotive unit miles, car-miles, gross ton-miles, net ton-miles, train, train switching, and yard switching hours. Another report is a Quarterly Report of Operating Statistics, Revenue Traffic (Form OS–B), which is filed quarterly 50 days after the quarter ends pursuant to 49 CFR 1243.3. This contains revenue tons carried, freight revenue and passenger revenue, passengers carried including commuters and others, revenue ton miles, and passenger miles.

Another report to the Commission is the Quarterly Report of Operating Statistics, Motive Power and Car Equipment (Form OS–C), which is filed quarterly 30 days after the quarter ends under 49 CFR 1243.3. This report contains data on locomotive units assigned yard switching, road freight and road passenger service, motor cars owned, freight cars on line (home and foreign), and freight and passenger cars owned. The Quarterly Report of Freight Loss and Damage Claims, Railroads (Form QL&D–R) is filed 40 days after the quarter ends on a quarterly basis pursuant to 49 CFR 1243.4. This report contains data on theft related claims (the number paid, etc). The report on Piggyback Traffic Terminated by Class-Railroad and Piggyback Car Movements (Form PTR–R) is filed semi-annually 60 days after the end of the period under 49 CFR 1252.1. This report contains the number of loaded trailers or containers terminated, unit miles by rail, net tons of lading, and gross revenue of railroad segregated according to piggyback service plans, the number of cars on the respondent's line and car miles for loaded cars.

We would like comments on the reliability of these data, the availability of them, the accessibility to people other than the Commission, as well as comments on their relevance to rail consolidation proceedings. Further, we would like to know who should or would stand cross-examination on this data, if necessary.

6. Supporting Information

We propose to change the identifying information required in the proposed regulations to supporting information. The supporting information we would require contains much less detail as to the composition of the applicant company, as well as its relation to other carriers and non-carriers. Additionally, a great deal of historical data (including such things as articles of incorporation and by-laws) would be omitted. Additionally, the exhibit requiring specific information as to the impacts on labor would be eliminated and replaced with § 1111.6(a)(2)(iii). This new material regarding labor would be in a more narrative form. However, it is expected to enumerate the areas and number of employees affected.

A new data requirement is contained in § 1111.6(b)(1). Here we would require Form 10–K. This form is annually filed with the Securities and Exchange Commission (SEC) under 17 CFR 249.310. It contains comprehensive financial, operating, and statistical data on the corporation. It also includes information concerning intra-corporate dealings between subsidiaries, capital expenditures, information regarding relations of the members of the board of directors with other companies, and additional data. We would also require, again only for major transactions, Form S–14 (filed with the SEC under 17 CFR 239.23), a registration statement containing significant information as to the impact of the transaction on securities and security holders.

We would still require the applicant to file copies of their annual stockholder reports. However, we would also require them to be updated by quarterly stockholder reports. These contain a review of the operation for the past year or quarters along with financial data and plans for the future.

We would also require applicants to list and discuss any other issues which they believe are relevant to the transaction.

Comments on all of these points will be useful in developing regulations which can be less burdensome on applicants preparing an application and more relevant to our decision process.

7. Market Analyses

We would eliminate all of our traffic data including traffic studies. This would be replaced by an impact analysis which has a two-fold purpose: (1) To indicate the potential diversion of traffic from other carriers for the purpose of assessing the possibility that such carriers will become unable to provide essential services; and (2) to judge the competitive impact of the merger.

We would leave the type of analyses to be conducted to the discretion of the party preparing the study. We have enumerated a few types of studies, but they clearly are not exclusive. Nor should they be considered inclusive. Parties should prepare their analyses in whatever form they think most relevant and persuasive.

We have also indicated types of markets and impacts which can be studied. Comments are solicited on the concept of impact analyses, the need for specific regulations, the value of our enumerated as well as other types of studies, the different types of markets identified (or others that should be identified), and the value of the definition and concept of markets.

The procedures indicate that both data and analysis would be required. Issues raised by the parties, or Commission should be addressed in the manner the parties believe most persuasive. Comments on this approach are solicited.

8. Operational Data

We would reduce the details required in an operating plan. We believe that existing density charts, as well as

density charts indicating expected changes in traffic, will be valuable. The information required in § 1111.8(a)(1) would be changed and would be pointed toward operating changes over the entire system which will result from the consolidation.

9. Financial Information

We propose to eliminate the requirements of providing historical data because we will take official notice of the annual reports filed with the Commission. However, for major transactions we would still require *pro forma* balance sheets and income statements. We would also require a sources and application of funds statement. In addition, we would continue to require information on property encumbrance.

Conclusion

We would like comments on all of the proposed changes in these regulations and a comparison of them to the recently Adopted Consolidation Procedures and the Old Consolidation Procedures.

We invite all interested persons to participate in this proceeding. The original and 20 copies of written facts, views, and arguments concerning the proposal detailed in this notice shall be submitted. The New Proposed Consolidation Procedures may be modified by the comments we receive

This proceeding does not appear to be a major action significantly affecting either the quality of the human environment or energy conservation.

Decided: August 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Vice-Chairman Gresham concurring in part and dissenting in part with a separate expression. Commissioner Stafford concurring in part with a separate expression. Commissioner Clapp dissenting in part with a separate expression. Commissioner Gilliam dissenting in part with a separate expression.

Vice Chairman Gresham, concurring in part and dissenting in part:

Rather than adopting regulations which we also are proposing to change, I believe we should have re-noticed this proceeding and sought public comments on the revised proposals before adopting any new regulations. In the interim parties should have been encouraged to seek waivers of those filing requirements which are wasteful, duplicative, or otherwise cumbersome or unnecessary.

While both the adopted and proposed regulations should reduce somewhat the heavy paperwork and other burdens entailed in railroad consolidations and mergers, I strongly encourage those who file comments to suggest any additional changes in these regulations which they believe will further reduce these burdens.

Commissioner Stafford concurring in part:

With regard to the new proposal, I believe that reliance on official notice and allowing applicants to file whatever they choose will deprive interested parties, i.e., shippers, cities, and other public persons, of the opportunity to fully participate in the proceeding in order to protect their interests. The present regulations, adopted today, with appropriate requests for waivers, are adequate for all persons.

Commissioner Clapp, dissenting in part:

In my view, the new proposals do not serve the public interest. While I am in favor of continued examination and improvement of the consolidation regulations, I see this as a step toward chaos. In the past few years we have handled massive proceedings under the 4 R Act and the existing regulations in a rather expeditious and orderly manner. The proposals are little more than invitations for "free form" applications which I fear will result in varying evidentiary submissions and chaotic processing conditions. What is seen as an attempt to simplify the application and hearing process may indeed cause more delay and added confusion because of helter-skelter development of issues.

I believe that the public interest and the Congressional intent would be better served by more specific and more standardized filing requirements. If a particular filing requirement is unnecessary to a proposed transaction, the waiver procedures are available to provide appropriate relief.

If we are going to solicit comments, however, there are a number of points I would like to see addressed. While my concerns are not limited to the following, I am listing several areas in which I would be interested in comments. First, I am concerned about smaller parties' access to materials incorporated by reference into an application. Would incorporation be reference create a hardship for shippers, small carriers, or individuals? Second, proposed § 1111.4(c)(8), "The application must present a *prima facie* case," is a truism. Should this be deleted or should it be expanded to provide some guidance as to what failures in an application might justify summary denial or dismissal? Third, if traffic studies are not to be required, what sort of evidence could be used as a meaningful substitute? Should a specific study or analysis be required or should submission of evidence be left up to the parties as proposed in this notice?

Commissioner Gilliam, dissenting in part:

I have great problems with the idea of eliminating all traffic data including traffic studies. While we may desire to refine the type of traffic data that we require, I do not think that this requirement should be eliminated. This information is critical not only to us but also to the parties that will be affected by possible substantial merger proposals. The "impact analysis" that would be left to the discretion of the party preparing the study could very likely leave us with vague and unuseful information to use in making a very critical decision of the real impact on opposing parties.

Agatha L. Mergenovich,
Secretary.

Appendix.—Proposed Regulations

(1) The Table of Contents is proposed to be revised as follows:

PART 1111—PROCEDURES FOR RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION, COORDINATION PROJECT, TRACKAGE RIGHTS, LEASE, ETC., PROCEEDINGS

Subpart A—General Acquisition Procedures

Sec.
1111.0 Scope and purpose.
1111.1 General policy statement.
1111.2 Types of transactions.
1111.3 Definitions.
1111.4 Procedures.
1111.5 [Reserved]
1111.6 Supporting information.
1111.7 Market analyses.
1111.8 Operational data.
1111.9 Financial information.
1111.10–19 [Reserved]

Subpart B—Acquisition Procedures for Lines of Railroads in Reorganization

1111.20 Types of transactions.
1111.21 Identifying information.
1111.22 Traffic data.
1111.23 Operational data.
1111.24 Financial information.
1111.25 Procedures.
1111.26 Definitions.

Authority: 49 U.S.C. Subtitle IV, Chapter 113, Subchapter III.

(2) Section 1111.0 is proposed to be added as follows:

§ 1111.0 Scope and purpose.

(a) These regulations set out the information to be filed, and the procedures to be followed in control,

merger, acquisition, lease, trackage rights, coordination projects, and any other consolidation transaction involving more than one railroad initiated under 49 U.S.C. 11344 or 11346. There are three types of transactions: *Major, minor,* and *exempt,* which are identified in § 1111.2. There are different informational requirements for each type of transaction. Before an application is filed, the designation or type of transaction may be clarified or certain of the information required may be waived upon petition to the Commission. This is detailed in § 1111.4. The required contents of the application are set out in §§ 1111.6 through 1111.9. Information supporting the transaction is in § 1111.6, competitive and market information is in § 1111.7, operational information is in § 1111.8, and financial data is in § 1111.9.

(b) Procedures, including time limits, filing requirements, participation requirements, and other matters are contained in § 1111.4.

(c) Index number 1 lists all exhibits by number, name, and section, and references the type of application for which the exhibit is required. Index 2 is a table of contents.

(d) All applicants must comply with the Commission's general procedural rules, unless otherwise specified. These rules are found in the ICC *General Rules of Practice,* 49 CFR Part 1100.

(e) The information required for a *major* application is contained in §§ 1111.6, 1111.7, 1111.8, and 1111.9. The information required for a *minor* application is contained in §§ 1111.6 and 1111.8.

(f) These regulations may be cited as the ICC Consolidation Procedures.

§ 1111.1 [Redesignated from § 1111.10]

(3) Section 1111.10 is redesignated § 1111.1.

§ 1111.2 [Redesignated from § 1111.5]

(4) Section 1111.5 is redesignated § 1111.2.

§ 1111.4 [Amended]

(5) Section 1111.4(b)(1)(ii) proposes to change the term "Traffic Study" to "Impact analysis". This would change the regulations adopted in a document published elsewhere in this issue.

(6) Section 1111.4(b)(2)(ii) proposes to change the term "Traffic Study" to "Impact analysis". This would change the regulations adopted in a document published elsewhere in this issue.

(7) Section 1111.4(b)(2)(v) is proposed to read as follows: "Whether any additional information must be filed with the application in order for the application to be considered complete." This would change the regulations adopted in a document published elsewhere in this issue.

(7A) Section 1111.4(c)(2)(vii) is proposed to be deleted.

(8) Section 1111.4(c)(2)(viii) is proposed to be redesignated § 1111:4(c)(2)(vii). This would change the regulations adopted in a document elsewhere in this issue.

(9) Section 1111.4(c)(8) is proposed to read as follows: "The application must present a *prima facie* case." This would change the regulations adopted in a document elsewhere in this issue.

(10) Section 1111.4(d)(5) is proposed to be deleted. This would change the regulations adopted in a document elsewhere in this issue.

(11) Section 1111.4(f)(3) is proposed to redesignate footnote 4 to footnote 1. This would change the regulations adopted in a document elsewhere in this issue.

(12) Section 1111.4(h) is proposed to be changed to (i) and new (h) is proposed to read as follows:

* * * * *

(h) In connection with any application filed under these procedures, the Commission may take official notice of any or all of the following information.

(1) Annual ICC Form R–1 Reports submitted by rail carriers.

(2) Quarterly Commodity Statistics submitted by rail carriers.

(3) ICC Monthly Labor Statistics.

(4) Quarterly Financial Statements of Rail Carriers.

(5) All other reports submitted to the ICC under oath.

(6) Annual 1 percent Waybill Sample.

(7) Federal Reserve Board Production Statistics.

(8) AAR compilations of bad order ratios, equipment ownership and repair statistics, and freight car order figures.

These data will be presumed valid unless discredited by any party. Any party is free to challenge the relevance or application of any such data, or the weight that should be accorded it.

This would change the regulations adopted in a document published elsewhere in this issue.

§ 1111.5 [Reserved]

(13) Section 1111.5 is proposed to be reserved.

(14) Section 1111.6 is proposed to be added to read as follows:

§ 1111.6 Supporting information

(a) All applications filed under 49 U.S.C. 11344 or 11346 shall show in the title the names of the applicants and the nature of the proposed transaction. Beneath the title indicate the name, title, business address, and telephone number of the person(s) to whom correspondence with respect to the application should be addressed. The following information shall be included in all applications:

(1) A description of the proposed transaction, including appropriate references to any supporting exhibits and statements contained in the application and discussing the following—

(i) A brief summary of the proposed transaction, the name of the applicant's business address, telephone number, and the name of the counsel and operating officer to whom questions regarding the transaction may be addressed.

(ii) The proposed time schedule for consummation of the proposed transaction.

(iii) The purpose sought to be accomplished by the proposed transaction, *e.g.,* operating economies, eliminating excess facilities, improving service, or improving the financial viability of the applicants.

(iv) The nature and amount of any new securities or other financial arrangements.

(2) A detailed discussion of the public interest justifications in support of the application, indicating how the proposed transaction is consistent with the public interest, with particular regard to—

(i) The financial consideration involved in the proposed transaction.

(ii) The effect of the proposed transaction upon adequate transportation service to the public, including a discussion of whether the transaction would impair the adequacy of transportation to the public as measured by the impact of the transaction on the continuation of essential transportation services by applicants and other carriers.

(iii) The effect of the proposed transaction upon applicant carriers' employees (by classor craft), the geographic points where the impact will occur, the time frame of the impact (for at least 3 years after consolidation), and whether any employee protection agreements have been reached.

(iv) The effect of the transaction on interand intramodal competition, including a description of the relevant markets (see § 1111.7).

(v) The effect of the increase, if any, of total fixed charges resulting from the proposed transaction.

(vi) The effect of inclusion or lack of inclusion under 49 U.S.C. 11344, of other railroads in the territory involved in the proposed transaction.

(3) Any other supporting or descriptive statements applicants deem material.

(4) An opinion of applicants' counsel that the transaction meets the requirements of the law and will be legally authorized and valid, if approved by the Commission. This should include specific references to any pertinent provisions of applicants' by-laws or charter or articles of incorporation.[2]

(5) A list of the State of States in which any part of the property of each applicant carrier is situated.

(6) Map (Exhibit 1). Submit a general or key map indicating clearly, in separate colors, or otherwise, the line or lines of applicant carriers in their true relation to each other, short line connections, other rail lines in the territory, and the principal geographic points in the region traversed. If a geographically limited transaction is proposed, a map detailing the transaction should also be included. In addition to the map accompanying each application, 20 unbound copies of the map shall be filed with the Commission.

(7) Explanation of the transaction.

(i) Describe the nature of the transaction (e.g., merger, control, purchase, trackage rights), the significant terms and conditions, and the consideration to be paid (monetary or otherwise).

(ii) Agreement (Exhibit 2). Submit a copy of any contract or other written instrument entered into, or proposed to be entered into, pertaining to the transaction covered by the application.[3]

(iii) If a consolidation or merger is proposed, indicate: (A) The name of the company resulting from the consolidation or merger; (B) the State or territory under the laws of which the consolidated company is to be formed or the merged company is to file its certificate of amendment; (C) the capatalization proposed for the company resulting from the consolidation or merger; and (D) the amount and character of capital stock and other securities to be issued.

(iv) Court order (Exhibit 3). If a trustee, receiver, assignee, or personal representative of the real party in interest is an applicant, submit a certified copy of the order, if any, of the court having jurisdiction, authorizing the contemplated action.

(v) State whether the property involved in the proposed transaction includes all the property of the applicant carriers and, if not, describe what property is included in the proposed transaction.

(vi) Briefly describe the principal routes and terminals of the lines involved, the principal points of interchange on the routes, and the amount of main line mileage and branch line mileage involved.

(vii) State whether any governmental financial assistance is involved in the proposed transaction and, if so, the form, amount, source, and application of such financial assistance.

(8) Environmental data (Exhibit 4). Submit information and data with respect to environmental matters prepared in accordance with the ICC *Revised Guidelines for Implementation of the National Environmental Policy Act of 1969*, 49 CFR Part 1108.

(9) Energy data (Exhibit 5). Submit information and data with respect to energy consumption prepared in accordance with the ICC *Implementation of the Energy Policy and Conservation Act of 1975*, 49 CFR Part 1106.

(b) Submit the following information in *major* transactions—

(1) Form 10–K (Exhibit 6). Submit applicant carrier's most recent filing with the Securities and Exchange Commission under 17 CFR 249.310. This shall be updated with any Form 10–K subsequently filed with the SEC over the duration of the proceeding.

(2) Form S–14 (Exhibit 7). Submit applicant carriers' most recent filing with the SEC under 17 CFR 239.23. This shall be updated with any Form S–14 subsequently filed with the SEC over the duration of the proceeding.

(3) Change in control (Exhibit 8). Indicate any change in ownership, control, or officers not indicated in the most recent annual report Form R–1.

(4) Annual reports (Exhibit 9). Submit applicant carriers' two most recent annual reports to stockholders. This shall be updated with any annual or quarterly report to stockholders issued over the duration of the proceeding.

(5) Issues (Exhibit 10). Submit a list and discussion of any other issues relevant to the transaction.

(15) Section 1111.7 is proposed to be added to read as follows:

§ 1111.7 Market analyses.

Impact analyses (Exhibit 11). In major transactions applicants shall submit analyses of the impacts of the proposed transaction—both adverse and beneficial. An impact analysis should include underlying data, a study of the implications of that data, and a description of the resulting likely effects of the transaction on transportation alternatives available to the shipping public. Each aspect of the analysis should specifically address significant impacts on essential services and competition. The Commission may identify particular *markets* and issues that it believes warrant further study. If appropriate, the Commission will *also* indicate the format of such analyses. Applicants must address *markets* and issues identified by the Commission, but also any others they *consider* relevant. Specific regulations on impact analyses are not provided so that parties will have the greatest leeway to develop the best evidence on the impacts of each individual transaction. General guidelines follow.

(a) Applicant shall prepare analyses of the anticipated effects of the transaction on traffic patterns, market concentrations, or transportation alternatives available to the shipping public.

(b) Applicants (and any other party submitting such analyses) must demonstrate both the relevancy of the markets and issues analyzed and the validity of the methodology. All underlying assumptions must be clearly stated.

(c) Supporting data may (but need not) include: Current and projected traffic flows; data underlying sales forecasts or marketing goals; interchange data; market share analysis; diversion studies; and/or shipper surveys. *It is important to note that these types of studies are neither limiting nor all inclusive.* The parties must provide supporting data, but are free to choose the type(s) and format.

(d) Analyses should reflect the consolidated company's marketing plan and existing and potential competitive alternatives (inter as well as intramodal). They can address—

(1) City pairs, interregional movements, movements through a point, or other factors;

(2) A particular commodity, group of commodities, or other commodity factor that will be significantly affected by the transaction; or

(3) Other effects of the transaction (such as on a particular type of service offered).

(16) Section 1111.8 is proposed to be added to read as follows:

§ 1111.8 Operational data.

(a) For *major* transactions: Operating plan (Exhibit 12). Submit a summary of the proposed operating plan changes, based on the impact analyses, that will result from the transaction, and their

[2] In a control transaction, or in the case of an inconsistent application, petition for inclusion, or other relief requiring that an application be filed with the Commission, an opinion of counsel is not required for the party sought to be controlled, or for the party against whom relief is sought.

[3] Where an inconsistent application, petition for inclusion, or any other type of application is filed seeking affirmative relief, a final signed contract or agreement need not be filed. However, a draft contract or agreement spelling out its significant terms should be submitted.

anticipated timing, allowing for any time required to complete rehabilitation, upgrading, yard construction, or other major operational changes following consummation of the proposed transaction. The plan should make clear the gains in service, operating efficiencies, and other benefits anticipated from the merger. The plan should include—

(1) The patterns of service on the properties, including the proposed principal routes, proposed consolidations of main-line operations, and the anticipated traffic density and general categories of traffic on all main and secondary lines in the system. Changes in operations may be summarized in a pro forma density chart.

(2) If commuter or other passenger services are operated over the lines of applicant carriers, detail any impacts anticipated on such services, including delays which may be occasioned because a line is scheduled to handle increased traffic due to route consolidations.

(3) The anticipated equipment requirements of the proposed system, including locomotives, rolling stock by type, and maintenance-of-way equipment; plans for acquisition and retirement of equipment; projected improvements in equipment utilization and their relation to operating changes; and how these will lead to the financial and service benefits described in the summary.

(4) A description of the affect of any deferred maintenance or delayed capital improvements on any road or equipment properties involved, the schedule for eliminating such deferrals, details of general system rehabilitation including rehabilitation relating to the transaction (including proposed yard and terminal modifications), and how these activities will lead to the service improvements or operating economies anticipated from the transaction.

(5) Density charts (Exhibit 13). Gross ton-mile traffic density charts shall be filed for applicant carriers containing a map graphically showing those lines handling 1 million gross ton-miles per mile road or more per year and respective densities, expressed in gross ton-miles per year, in each direction, in segments of such lines between major freight yards and terminals, including major intramodal and intermodal interchange points, using the corporate or political subdivision name of the points shown as well as the railroad station name. The mileage of each segment of line shall be provided, and should be shown on the chart. Data shown in the density chart shall be for the latest available full calendar year preceding the filing of the application. At applicants' option data may be shown on the density chart on an explanatory list.

(b) For minor transactions: Operating plan-minor (Exhibit 14). Discuss any significant changes in patterns or types of service as reflected by the operating plan expected to be used after consummation of the transaction. If such information is relevant, submit information related to the following—

(1) Traffic level and density on lines proposed for joint operations.

(2) Impacts on commuter or other passenger service operated over a line which is to be downgraded, eliminated, or operated on a consolidated basis.

(3) Operating economies, which include, but are not limited to, estimated savings.

(4) Any anticipated discontinuances or abandonments.

(17) Section 1111.9 is proposed to be added to read as follows:

§ 1111.9 Financial information.

(a) The following information shall be provided for major transactions:

(1) Pro forma balance sheets (Exhibit 15). Where the transaction involves a proceeding other than a control,[4] a *pro forma* balance sheet statement giving effect to the proposed transaction commencing for the year as of the date of the First Impact Analysis in Exhibit 11. The *pro forma* data shall be presented in columnar form showing (i) in the *first* column, the balance sheet of transferee on a corporate entity basis, (ii) in the *second* column, a balance sheet of transferor, on a corporate entity basis, (iii) in the *third* column, *pro forma* adjustments and eliminations; and (iv) in the *fourth* column, transferee's balance sheet giving effect to consummation of the proposed transaction. Each adjustment and elimination shall be properly footnoted and fully explained. A *pro forma* balance sheet shall be submitted for the number of years following consummation necessary to effect the operating plan.

(2) *Pro forma* income statements (Exhibit 16). Where the transaction involves a proceeding other than a control,[5] submit a *pro forma* income statement showing transferee's estimate or revenues, expenses, and net income for at least each of the 3 years following consummation[6] of the transaction. The *pro forma* data shall be presented in columnar form, showing (i) in the *first* column, transferee's actual income statement on a corporate entity basis for the year as of the date of the market study in Exhibit 11; (ii) in the *second* column, a similar income statement for the transferor; (iii) in the *third* column, forecasted adjustments to the combined revenues, expenses, and net income to reflect increases or decreases anticipated under the unified operations, and (iv) in the *fourth* column, a compilation of the first three columns into a *pro forma* income statement. The adjustments are to be supported by a statement explaining the basis used in determining the estimated changes in revenues, expenses, and net income appearing in the *third* column. Additionally, if the major financial advantages to be derived from the proposed transaction will not occur within 3 years after consummation, then applicant shall furnish additional information to reflect the number of years within which the financial advantages will be realized. The basis for all such data furnished shall be fully explained and supported.

(3) Sources and application of funds (Exhibit 17). Transferor's and transferee's statement of sources and application of funds for the current year, and a forecast[7] of sources and

[4] Where the purchase of a line or line segment is involved, a procedure utilizing three columns should be followed. The *first* column should show transferee's actual balance sheet on a corporate entity basis for the latest available 12 month period, the *second* column should show the adjustments necessitated by the purchase, and the *third* column is a compilation of the first two columns into a *pro forma* balance sheet.

The transferor shall file a balance sheet similar to the one filed by the transferee, with the *second* column reflecting the adjustments resulting from the sale.

If the parent company (if any) of the transferee or transferor is affected, a similar balance sheet shall be filed for each.

All adjustments to these balance sheets shall be supported in footnotes to the appropriate balance sheet.

[5] Where the purhcase of a line or line segment is involved, a procedure utilizing three columns should be followed. The *first* column should show transferee's actual income statement on a corporate entity basis for the latest available 12-month period, the *second* column should show the adjustments necessitated by the purchase, and the *third* column is a compilation of the first two columns into a *pro forma* income statement.

The transferor shall file an income statement similar to the one filed by the transferee, with the *second* column reflecting the adjustments resulting from the sale.

If the parent company (if any) of the transferor or transferee is affected, a similar statement shall be filed for each.

All adjustements to these income statements shall be supported in footnotes to the appropriate income statements.

[6] If the operating plan requires more than three years to be put into effect, the *pro forma* income statement shall be prepared for as many years as necessary to implement fully the operating plan.

[7] The forecast should reflect only changes anticipated to result from the proposed transaction. Forecasts are not required to reflect general

Footnotes continued on next page

application of funds for each carrier (if a merger or consolidation, the surviving or resulting corporation) for the year following consummation of the proposed transaction, and years necessary to effectuate the operating plan.[8] The form and content of these statements should be constructed in accordance with schedule 240, "Statement of Changes in Financial Position" required in the most recently filed Annual Report R–1 for Class I Railroad.

(4) Property encumbrance (Exhibit 18). If any of the property covered by the application is encumbered an applicant has agreed to assume obligation or liability in respect thereof—

(i) A description of the property encumbered.

(ii) Amount of encumbrance and full description thereof, including maturity, interest rate, and other terms and conditions.

(iii) Amount of encumbrance assumed or to be assumed by applicant.

Footnotes continued from last page

economic conditions unrelated to the proposed transaction.

[8] The *pro forma* balance sheets (Exhibit 15), *pro forma* income statements (Exhibit 16), and sources and application of funds (Exhibit 17) shall cover the same years.

Index I for Subpart A—Exhibits

Number	Name	Section	Type of application
1	Map	1111.6(a)(6)	All.
2	Agreement	1111.6(a)(7)(ii)	All.
3	Court Order	1111.6(a)(7)(iv)	All.
4	Environmental data	1111.6(a)(8)	All.
5	Energy data	1111.6(a)(9)	All.
6	Form 10–K	1111.6(b)(1)	Major.
7	Form S–14	1111.6(b)(2)	Major.
8	Change in control	1111.6(b)(3)	Major.
9	Annual reports	1111.6(b)(4)	Major.
10	Issues	1111.6(b)(5)	Major.
11	Market analyses	1111.7	Major.
12	Operating plan-major	1111.8(a)	Major.
13	Density Charts	1111.8(a)(5)	Major.
14	Operating Plan-minor	1111.8(b)	Minor.
15	Pro forma balance sheets	1111.9(a)	Major.
16	Pro forma income statements	1111.9(b)	Major.
17	Sources and application of funds	1111.9(c)	Major.
18	Property encumbrance	1111.9(d)	Major.

Index II—Table of Contents for Subpart A

Section No.	Name	Exhibit Number	Exhibit Name	Application Type*
1111.0	Preamble			All.
1111.1	General Policy Statement			All.
(a)	General			All.
(b)	Consolidation criteria			All.
(c)	Public interest considerations			All.
(d)	Public participation			All.
(e)	Inclusion			All.
(f)	Labor protection			All.
(g)	Procedures			All.
1111.2	Types of transactions			
(a)	Major			Major.
(b)	Minor			Minor.
(c)	Exempt			Exempt.
(c)(1)	Acquisition-carrier			Exempt.
(c)(2)	Acquisition-line			Exempt.
(c)(3)	Within corporate family			Exempt.
(c)(4)	Renewals			Exempt.
(c)(5)	Relocations			Exempt.
(c)(6)	Reincorporation			Exempt.
1111.3	Definitions			All.
(a)	Applicant			All.
(b)	Applicant carriers			All.
(c)	Major market extension			All.
(d)	Railroad			All.
(e)	Transferee			All.
(f)	Transferor			All.
1111.4	Procedures			All.
(a)	General			All.
(a)(1)	Furnishing documents			All.
(a)(2)	Service list			All.
(a)(3)	Copies filed			All.
(a)(4)	Acronym			All.
(b)	Pre-filing notification			Major.
(b)(1)	Carrier action			Major.
(b)(1)(i)	Description			Major.
(b)(1)(ii)	Market study year			Major.
(b)(1)(iii)	Filing date			Major.

Index II—Table of Contents for Subpart A—Continued

Section No.	Name	Exhibit Number	Exhibit Name	Application Type*
(b)(2)	Commission action			Major.
(b)(2)(i)	Description			Major.
(b)(2)(ii)	Market study year			Major.
(b)(2)(iii)	Filing date			Major.
(b)(2)(iv)	If major			Major.
(c)	Application			All.
(c)(1)	Filing fee			All.
(c)(2)	Filing			All.
(c)(2)(i)	Signed under oath			All.
(c)(2)(ii)	Filed with Secretary			All.
(c)(2)(iii)	Copies conform to original			All.
(c)(2)(iv)	Include exhibits			All.
(c)(2)(v)	Additional information			All.
(c)(2)(vi)	Directly retailed applications			All.
(c)(2)(vii)	Certificate of service			All.
(c)(3)	Direct testimony			Major.
(c)(4)	Evidentiary record			All.
(c)(5)	Service			All.
(c)(5)(i)	Application			All.
(c)(5)(i)(A)	States			All.
(c)(5)(i)(B)	U.S. Department of Transportation			All.
(c)(5)(i)(C)	U.S. Attorney General			All.
(c)(5)(i)(D)	Federal Trade Commission			All.
(c)(5)(i)(E)	Others			Major.
(c)(5)(ii)	Secretary of Labor			All.
(c)(6)	Application format			All.
(c)(6)(i)	Sequence			All.
(c)(6)(ii)	Appendix, volumes, and numbering			All.
(c)(6)(iii)	Interpretation			All.
(c)(6)(iv)	Compliance			All.
(c)(7)	Acceptance or rejection			All.
(c)(7)(i)	Acceptance			All.
(c)(7)(ii)	Rejection			All.
(d)	Response to application			All.
(d)(1)	Written comments			All.
(d)(1)(i)	When filed			All.
(d)(1)(ii)	Service			All.
(d)(10(ii)(A)	Applicants			All.
(d)(1)(ii)(B)	U.S. DOT			All.
(d)(1)(ii)(C)	U.S. Attorney General			All.
(d)(1)(ii)(D)	Parties on service list			All.
(d)(1)(iii)	Contents			All.
(d)(1)(iii)(A)	Docket number and title			All.
(d)(1)(iii)(B)	Representative			All.
(d)(1)(iii)(C)	Position			All.
(d)(1)(iii)(D)	Participation			All.
(d)(1)(iii)(E)	Oral hearing request			All.
(d)(1)(iii)(F)	Discovery			All.
(d)(1)(iii)(G)	Railroad information			Major.
(d)(1)(iii)(G)(1)	Preferential solicitation agreements			Major.
(d)(1)(iii)(G)(2)	Run through train operations			Major.
(d)(1)(iii)(G)(3)	Protective conditions—initial			Major.
(d)(1)(iii)(H)	Protective conditions—initial—non-rail			Major.
(d)(1)(iii)(I)	Issues			Major.
(d)(1)(iv)	Party of record			Major.
(d)(2)	Comments of DOT and Justice			All.
(d)(2)(i)				All.
(d)(2)(ii)				All.
(d)(2)(iii)				All.
(d)(3)	Protective conditions—final			Major.
(d)(4)	Responsive applications			All.
(e)	Oral hearing basis			All.
(f)	Waiver or clarification			All.
(f)(1)	Petition required			All.
(f)(2)	When filed			All.
(f)(3)	No replies to petition			All.
(f)(4)	Application of waiver to other parties			All.
(f)(5)	Decision by Director			All.
(f)(6)	Specificity of waiver			All.
(g)	Notice of exemption			Exemption.
(g)(1)	When filed			Exemption.
(g)(2)	Contents			Exemption.
(g)(3)	Commission action			Exemption.
(h)	Official notice			All.
(h)(1)	R-1 Report			All.
(h)(2)	Quarterly Commodity Statistics			All.
(h)(3)	Labor Statistics			All.
(h)(4)	Quarterly Finanical Reports			All.
(h)(5)	Other reports			All.
(h)(6)	Waybill Sample			All.
(h)(7)	Production statistics			All.
(h)(8)	AAR compilations			All.
(i)	Procedures under 49 U.S.C. 11346			All.
(i)(1)	Use of DOT application			All.
(i)(2)	Use of 49 U.S.C. 11346 procedures			All.
(i)(2)(i)	Type of transaction			All.
(i)(2)(ii)	Proposing party			All.
(i)(2)(ii)(A)	DOT			All.
(i)(2)(ii)(B)	Railroad			All.

Index II—Table of Contents for Subpart A—Continued

Section No.	Name	Exhibit Number	Exhibit Name	Application Type*
(i)(2)(iii)	Notice of filing			All.
(i)(3)	Report of DOT			All.
(i)(4)	Written comments			All.
(i)(5)	Public hearings			All.
1111.5 Reserved				All.
1111.6	Supporting information			All.
(a)	All applications			All.
(a)(1)	Descriptions			All.
(a)(1)(i)	Summary			All.
(a)(1)(ii)	Time schedule			All.
(a)(1)(iii)	Purposes			All.
(a)(1)(iv)	Financial arrangements			All.
(a)(2)	Public interest			All.
(a)(2)(i)	Financial consideration			All.
(a)(2)(ii)	Adequate service			All.
(a)(2)(iii)	Employees			All.
(a)(2)(iv)	Competition			All.
(a)(2)(v)	Fixed Charges			All.
(a)(2)(vi)	Inclusion			All.
(a)(3)	Other support			All.
(a)(4)	Opinion of Counsel			All.
(a)(5)	States			All.
(a)(6)	Map	1	Map	All.
(a)(7)	Explanation of transaction			All.
(a)(7)(i)	Nature of transaction			All.
(a)(7)(ii)	Agreement	2	Agreement	All.
(a)(7)(iii)	Resulting merged company			All.
(a)(7)(iv)	Court order	3	Court order	All.
(a)(7)(v)	Property involved			All.
(a)(7)(vi)	Routes			All.
(a)(7)(vii)	Governmental financial assistance			All.
(a)(8)	Environmental data	4	Environmental data	All.
(a)(9)	Energy data	5	Energy data	All.
(b)	Major transaction			Major.
(b)(1)	Form 10-K	6	Form 10-KI18Major.	
(b)(2)	Form S-14	7	Form S-14	Major.
(b)(3)	Change in control	8	Change in Control	Major.
(b)(4)	Annual reports	9	Annual reports	Major.
(b)(5)	Issues	10	Issues	Major.
1111.7	Market analyses			Major.
	Impact analysis	11	Impact analysis	Major.
1111.8	Operational			
	Major transactions—Operating plan	12	Operating plan	Major.
(a)(1)	Patterns of service			Major.
(a)(2)	Passenger service			Major.
(a)(3)	Equipment requirements			Major.
(a)(4)	Conditions of properties			Major.
(a)(5)	Density charts	13	Density charts	Major.
(b)	Minor transaction—Operating plan	14	Operating plan—minor.	Minor.
(b)(1)	Traffic level			Minor.
(b)(2)	Passenger service			Minor.
(b)(3)	Operating economies			Minor.
(b)(4)	Abandonments			Minor.
1111.9	Financial information			
(a)	Pro forma balance sheets	15	Pro forma balance sheets.	Major.
(b)	Pro ferma income of funds	16	Pro forma income statements.	Major.
(c)	Sources and applications of funds	17	Sources and application of funds.	Major.
(d)	Property encumbrance	18	Property encumbrance.	Major
(d)(1)	Description			Major.
(d)(2)	Amount			Major.
(d)(3)	Assumption			Major.
1111.10-.19	Reserved			

Index I—
Exhibits.
Index II—
Table of contents.

Major is defined in 1111.2(a), *Minor* is defined in 1111.2(b), *Exemption* is defined in 1111.2(c), All includes only *major* and *minor*.

[FR Doc. 80-29266 Filed 9-22-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 45, No. 186
Tuesday, September 23, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Apache-Sitgreaves National Forest Catron, Apache, Greenlee, Coconino and Navajo Counties, Arizona; National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental statement for the development of the proposed Land and Resource Management Plan for the Apache-Sitgreaves National Forest.

The land and resource planning process will develop a range of alternatives for consideration. One alternative to be considered will be a continuation of current management direction and policy. Other alternatives will consider a range of Forest outputs and management directions.

Early in the process, Federal, State, and local agencies; Indian tribes; Forest permittees; Forest users; adjacent landowners; and other individuals and organizations who may be interested in or affected by the decision will be invited to participate by: (a) recommending issues to be addressed in the planning process, (b) recommending evaluation criteria to be applied.

Public workshops will also be held to identify issues, concerns and opportunities to be addressed in the plan and to discuss criteria which will be used to select a final plan. The scope of the plan will also be discussed during the workshops. Public workshops will be held as follows:

Date:	*Place*
Nov. 5, 1980	Winslow, Ariz.
Nov. 6, 1980	Flagstaff, Ariz.
Nov. 12, 1980	Tucson, Ariz.
Nov. 13, 1980	Phoenix, Ariz.
Nov. 17, 1980	Clifton, Ariz.
Nov. 19, 1980	Springerville, Ariz.
Nov. 20, 1980	Show Low, Ariz.

The planning process is expected to require about 27 months. The draft environmental statement is scheduled to be available for public review in December 1982. The final environmental impact statement is scheduled for completion in June 1983.

Questions regarding the planning process and environmental impact statement should be directed to Vearl L. Haynes, Team Leader Apache-Sitgreaves National Forest, P.O. Box 640, Springerville, Arizona, 85938, (602) 333–4301.

Written comments concerning this planning process should be sent to Nick W. McDonough, Forest Supervisor, Apache-Sitgreaves National Forest, P.O. Box 640, Springerville, Arizona, 85938, by December 8, 1980.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official.

September 12, 1980.

M. J. Hassell,

Regional Forester.

[FR Doc. 80-29313 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-11-M

Coconino National Forest Coconino and Yavapai Counties, Arizona; National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental statement for the development of the proposed Land and Resource Management Plan for the Coconino National Forest.

The land and resource planning process will develop a range of alternatives for consideration. One alternative to be considered will be a continuation of current management direction and policy. Other alternatives will consider a range of Forest outputs and management directions.

Early in the process, Federal, State, and local agencies; Indian tribes; Forest permittees; Forest users; adjacent landowners; and other individuals and organizations who may be interested in or affected by the decision will be invited to participate by: (a) recommending issues to be addressed in the planning process, (b) recommending evaluation criteria to be applied.

Public workshops will also be held to identify issues, concerns and opportunites to be addressed in the plan and to discuss criteria which will be used to select a final plan. The scope of the plan will also be discussed during the workshops. Public workshops will be held as follows:

Date and Place

October 29, 1980; Williams, Arizona.
November 5, 1980; Winslow, Arizona.
November 10, 1980; Payson, Arizona.
November 20, 1980; Camp Verde, Arizona.
To be set; Sedona, Arizona.
To be set; Blue Ridge, Arizona.

The planning process is expected to require about 21 months. The draft environmental statement is scheduled to be available for public review in July 1982. The final environmental impact statement is scheduled for completion in March 1983.

Questions regarding the planning process and environmental impact statement should be directed to Marlin Johnson, Land and Resouce Management Planning Staff Officer, Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Arizona, 86001, (602) 261–1489.

Written comments concerning this planning process should be sent to Michael A. Kerrick, Forest Supervisor, Coconino National Forest, 2323 Greenlaw Lane, Flagstaff, Arizona, 86001, by December 8, 1980.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official.

M. J. Hassell,

Regional Forester.

September 12, 1980.

[FR Doc. 80-29315 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-11-M

Kaibab National Forest, Coconino, Yavapai, and Mohave Counties, Ariz.; National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental statement for the development of the proposed Land and

Resource Management Plan for the Kaibab National Forest.

The land and resource planning process will develop a range of alternatives for consideration. One alternative to be considered will be a continuation of current management direction and policy. Other alternatives will consider a range of Forest outputs and management directions.

Early in the process, Federal, State, and local agencies; Indian tribes; Forest permittees; Forest users; adjacent landowners; and other individuals and organizations who may be interested in or affected by the decision will be invited to participate by: (a) recommending issues to be addressed in the planning process, (b) recommending evaluation cirteria to be applied.

Public workshops will also he held to identify issues, concerns and opportunities to be addressed in the plan and to discuss criteria which will be used to select a final plan. The scope of the plan will also be discussed during the workshops. Public workshops will be held as follows:

Date, Place, and Time

October 27, 1980; Tusayan, Arizona; 7 p.m.
October 28, 1980; Fredonia, Arizona; 7 p.m.
October 29, 1980; Williams, Arizona; 7 p.m.
November 6, 1980; Flagstaff, Arizona; 7 p.m.
November 12, 1980; Tucson, Arizona; 7 p.m.
November 13, 1980; Phoenix, Arizona; 7 p.m.

The planning process is expected to require about 19 months. The draft environmental statement is scheduled to be available for public review in April 1982. The final environmental impact statement is scheduled for competition in December 1982.

Questions regarding the planning process and environmental impact statement should be directed to Philip K. Hunkins, Land and Resource Management Planning Staff Officer, 800 South 6th Street, Williams, Arizona, 86046, (602) 635–2681.

Written comments concerning this planning process should be sent to Leonard A. Lindquist, Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona, 86046, by December 8, 1980.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official.

M. J. Hassell,

Regional Forester.

September 12, 1980.

[FR Doc. 80-29316 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-11-M

Prescott National Forest, Coconino and Yavapai Counties, Ariz.; National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental statement for the development of the proposed Land and Resource Management Plan for the Prescott National Forest.

The land and resource planning process will develop a range of alternatives for consideration. One alternative to be considered will be a continuation of current management direction and policy. Other alternatives will consider a range of Forest outputs and management directions.

Early in the process, Federal, State, and local agencies; Indian tribes; Forest permittees; Forest users; adjacent landowners; and other individuals and organizations who may be interested in or affected by the decision will be invited to participate by: (a) recommending issues to be addressed in the planning process, (b) recommending evaluation criteria to be applied.

Public workshops will also be held to identify issues, concerns and opportunities to be addressed in the plan and to discuss criteria which will be used to select a final plan. The scope of the plan will also be discussed during the workshops. Public workshops will be held as follows:

Date and Place

November 6, 1980; Flagstaff, Arizona.
November 12, 1980; Tucson, Arizona.
November 13, 1980; Phoenix, Arizona.
November 18, 1980; Prescott, Arizona.
November 20, 1980; Camp Verde, Arizona.

The planning process is expected to require about 24 months. The draft environmental statement is scheduled to be available for public review in the fall of 1982. The final environmental impact statement is scheduled for completion in July 1983.

Questions regarding the planning process and environmental impact statement should be directed to Horace D. Morgan, Team Leader, Prescott National Forest, P.O. Box 2549, Prescott, Arizona, 86302, (602) 445–1762.

Written comments concerning this planning process should be sent to Donald H. Bolander, Forest Supervisor, Prescott National Forest, P.O. Box 2549, Prescott, Arizona, 86302, by December 8, 1980.

M. J. Hassell, Regional Forester, Southwestern Region, is the responsible official.

M. J. Hassell,

Regional Forester.

September 12, 1980

[FR Doc. 80-29314 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-11-M

Hoosier National Forest Land and Resource Management Plan, State of Indiana, Intent To Prepare An Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Hoosier National Forest in Indiana.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will proposed management direction for the natural and human resources within the proclamation boundaries of the Hoosier National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed, and data will be collected and analyzed to determine how the identified issues and concerns can be best resolved. An assessment of the capability of the land to produce resource outputs, and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information, and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to maintain or enhance renewable resources, and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for a continuous monitoring and evaluation process.

A draft environmental impact statement will be released around July

1981. The final land and resource management plan and environmental impact statement will be released approximately 6 months later.

Public participation will be an integral part of the planning process. Response forms, meetings, and other public involvement tools will be used to identify issues early in the planning process. Each public involvement activity will be announced through the news media and mailings to interested agencies, organizations, and individuals.

Steve Yurich, Regional Forester of the Eastern Region, is responsible for approval of the Forest Plan, and Harold L. Godlevske, Forest Supervisor of the Hoosier National Forest is the responsible official in charge of preparation and implementation of the plan.

Further information about the planning process can be obtained by calling Rober K. Ballantyne, Forest Planner on the Hoosier National Forest at 812–275–5987. Written comments on this Notice of Intent should be directed to: Forest Supervisor, Wayne-Hoosier National Forests, 1615 J Street, Bedford, IN 47421.

James H. Freeman,

Director, Planning, Programing and Budgeting.

September 12, 1980.

[FR Doc. 80-29338 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

South Mississippi Electric Power Association; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an Environmental Impact Statement in connection with a proposed loan guarantee commitment to South Mississippi Electric Power Association (SMEPA), headquartered in Hattiesburg, Mississippi. The proposed loan guarantee would be used by SMEPA to obtain a 10 percent undivided ownership interest in the Grand Gulf Nuclear Plant (Plant) of Middle South Energy, Inc. (MSE).

Grand Gulf is presently under construction in Claiborne County, Mississippi, and as of July 11, 1980, was approximately 66.7 percent completed (Unit 1—84.9 percent and Unit 2—22.7 percent completed). The Plant is owned by MSE, with Mississippi Power and Light Company (MP&L) contractually responsible for construction, operation and maintenance.

A Final Environmental Statement concerning the issuance of a construction permit for the Plant was issued by the Atomic Energy Commission (now the Nuclear Regulatory Commission) in August 1973. The Nuclear Regulatory Commission will issue a second Environmental Statement as part of its operating license review.

REA has prepared an Environmental Assessment concerning a possible loan guarantee commitment to SMEPA which would allow SMEPA to purchase a 10 percent undivided ownership interest in the Plant.

The effect of the Plant on threatened and endangered species, important farmlands, wetlands, floodplains, and historic and archeological sites was considered.

The Plant consists of two nuclear powered electrical generating units near the Mississippi River in Claiborne County, Mississippi, approximately 5 miles northwest of Port Gibson. Each unit is rated at 1,250,000 kW electrical utilizing a boiling water reactor.

Other alternatives considered by SMEPA included the following:

a. No additional generation ownership, but additional power purchases;

b. Construct separate generation resources (coal, nuclear, oil);

c. Participation in units other than the project;

d. Solar, hydro, wind; and

e. Energy conservation and load management.

REA's evaluation of the environmental effects of the proposed participation by SMEPA, which is the preferred alternative, leads it to conclude that the proposed financial assistance to SMEPA would not represent a major federal action significant affecting the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with Sections IV–B and D of REA Bulletin 20–21.

REA's Finding of No Significant Impact, REA's Environmental Assessment, AEC's Final Environmental Statement and MP&L's Final Environmental Report may be reviewed in the Office of the Director, Power Supply Division, Room 5829, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, or at the Office of SMEPA, Highway 49 North, Hattiesburg, Mississippi, phone (601) 544–7131. A copy of REA's Finding of No Significant Impact and the Environmental Assessment is available upon request to the Director, Power Supply Division, at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of September, 1980.

Susan T. Shepherd,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 80-29306 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Animal Health Science Research Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92–463, the Science and Education Administration announces the following meeting:

Name: Animal Health Science Research Advisory Board.

Date: October 28–29, 1980.

Time: 8:30 a.m.

Place: Room 4306, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will consult with and advise the Secretary of Agriculture on implementing animal health and disease research programs. Recommendations will be made also on priorities of research in these programs.

Board Names and Agenda: Available from contact person below.

Contact Person: Dr. Anson R. Bertrand, Director of Science and Education, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–5923.

Done at Washington, D.C., this 17th day of September 1980.

Anson R. Bertrand,

Director, Science and Education.

[FR Doc. 80-29449 Filed 9-22-80; 8:45 am]

BILLING CODE 3410-22-M

CIVIL AERONAUTICS BOARD

Trans Island Express, Ltd. Application

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 80–9–68.

SUMMARY: The Board proposed to approve the following application:

Applicant: Trans Island Express, Ltd., Docket 36519.

Application Date: September 4, 1979 as amended February 12 and 24, and August 11, 1980.

Authority Sought: Foreign air carrier permit authorizing (1) nonscheduled foreign air transportation of property and mail between the British Virgin Islands and Miami via intermediate points in the Caribbean; (2) charter flights in foreign air transportation.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall file a statement of such objections NO LATER THAN October 10, 1980, with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, the Government of the British Virgin Islands, and the Ambassador of Great Britain and Northern Ireland in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTION:

Docket 36519, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

APPLICANT:

Trans Island Express, Ltd., c/o Harry A. Bowen Esq., 234 Georgetown Building, 2233 Wisconsin Ave., NW, and Washington D.C. 20007.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Regis Milan, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5880.

By the Civil Aeronautics Board: September 12, 1980

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–29457 Filed 9–22–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) The Trebco Corporation, 155 Great Arrow Avenue, Buffalo, New York 14207, producer of candles (accepted August 15, 1980); (2) Setting Sun Seat Company, Red Bluff, California 96080, producer of motorcycle seats (accepted August 15, 1980); (3) Certron Corporation, 1701 South State College Boulevard, Anaheim, California 92806, producer of recording tape (accepted August 15, 1980); (4) Panama Glove Company, Inc., 1911 4th Avenue, Los Angeles, California 90018, producer of work gloves (accepted August 18, 1980); (5) George Wollman, Inc., Walnut Street & Harvard Avenue, Westville, New Jersey 08093, processor of meat (accepted August 18, 1980); (6) Andrew Bruce Fashions, Ltd., 16–20 West 19th Street, New York, New York 10011, producer of men's suits and jackets (accepted August 18, 1980); (7) J. O. Wos Knitting Mills, 237 Main Street, Cliffside Park, New Jersey 07010, producer of women's knit dresses, sweaters and tops (accepted August 18, 1980); (8) Royal Tube Corporation, P.O. Box 726, Seymour, Indiana 47274, producer of mechanical steel tubing (accepted August 20, 1980); (9) Ripco, Inc., 251 S. Third Street, Oxford, Pennsylvania 19363, producer of truck bodies (accepted August 21, 1980); (10) Vermont Wood Industries, Inc., Box 645, A Street, Wilder, Vermont 05088, producer of shoe soles and heels (accepted August 21, 1980); (11) Belann Manufacturing Company, Inc., 843 North 9th Street, Reading, Pennsylvania 19604, producer of women's blouses, skirts and culottes (accepted August 21, 1980); (12) Gus V. Leo, Toughkenamon, Pennsylvania 19374, producer of mushrooms (accepted August 21, 1980); (13) Irwill Knitwear Corporation, 1407 Broadway, New York, New York 10018, producer of women's sweaters, skirts, hats, gloves and scarves (accepted August 25, 1980); (14) The Berlyn Corporation, Bowditch Drive, Worcester, Massachusetts 01605, producer of thermoplastic machinery (accepted August 27, 1980); (15) Van Wey Die Casting, Inc., 2366 Bay Road, Redwood City, California 94063, producer of die cast electronic components (accepted August 27, 1980); (16) The VCM Group, Inc., 14 Whipple Street, Prescott, Arizona 86301, producer aquarium air pumps and other equipment (accepted August 28, 1980); (17) American Lignite Products Company, P.O. Box 1066, Ione, California 95640, producer of montan (lignite) wax (accepted August 28, 1980); (18) Springs Valley Mushrooms, Box 532, Avondale, Pennsylania 19311, producer of mushrooms (accepted August 29, 1980); (19) Knapp King-Size Corporation, 1 Knapp Center, Brockton, Massachusetts 02401, producer of men's & women's footwear (accepted September 2, 1980); (20) Energy Convertors, Inc., Box 10A, Lower Demunds Road, Dallas, Pennsylvania 18612, producer of heating elements for appliances and heaters (accepted September 2, 1980); (21) American Brush Company, Inc., 300 Manley Street, Brockton, Massachusetts 02401, producer of paint brushes and rollers (accepted September 2, 1980); (22) Rubin Brothers Footwear, Inc., 375 Fifth Avenue, New York, New York 10016, producer of men's and children's shoes (accepted September 2, 1980); (23) Elanjay Corporation, 610 Blanchard Street, Shelbyville, Indiana 46176, producer of women's dresses, pantsuits, slacks & blazers (accepted September 4, 1980); (24) A & B Sportswear Company, Inc., 564 Broadway, New York, New York 10012, producer of children's pants and shorts (accepted September 5, 1980); (25) R.P.I., Inc., 1600 Center Avenue, Bay City, Michigan 48706, producer of automotive stampings (accepted September 8, 1980); (26) Graf–Comm, Inc., Route 4, Box 133, Easton, Maryland 21601, producer of lithographic plates and chemicals (accepted September 8, 1980); (27) Wawasee Electronics Company, Inc., P.O. Box 36, Syracuse, Indiana 46567, producer of radio testing and monitoring equipment, (accepted September 9, 1980); (28) Farnam Manufacturing Company, Inc., P.O. Box 5415, Asheville, North Carolina 28813, producer of heating elements for appliances (accepted September 9, 1980); (29) Mayfair Industries, Inc., 37 South 7th Street, Allentown, Pennsylvania 18101, producer of women's blouses, skirts and pants; and children's dresses (accepted September 9, 1980); (30) Peden's Wood Products Company, P.O. Box 308, South Pittsburg, Tennessee 37380, producer of wood furniture legs and spindles (accepted September 9, 1980); and (31) Gary's Leather Creations, Inc., 2430 South Hill Street, Los Angeles, California 90007, producer of personal leather goods (accepted September 10, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance

Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm comtributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business October 3, 1980.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requiements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80–29421 Filed 9–22–80; 8:45 am]

BILLING CODE 3510–24–M

National Oceanic and Atmospheric Administration

Sea World; Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research and Public Display Permit to take ten false killer whales (*Pseudorca crassidens*) issued to Sea World on September 16, 1977, (42 FR 48364), is modified in the following manner:

"The period of validity of the Permit is extended from December 31, 1980, to December 31, 1983."

This modification is effective on the date of publication of this notice in the **Federal Register.**

The Permit, as modified, and documentation pertaining to the modification is available in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: September 15, 1980.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 80–29446 Filed 9–22–80; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.59 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture, Program Agreement and Pat. Branch, Admin. Ser. Div. Federal Building, Science and Education Admin., Hyattsville, MD 20782

Patent application 6,085,180: An Electronic Sensor for Vapor-Pressure Deficit of the Air, filed October 15, 1979.

Patent application 6,132,584: Partial Argentation Resin Chromatography for Separation of Polyunsaturated Fatty Esters, filed March 21, 1980.

Patent application 6,132,596: Tool for Welding Plastics. Filed March 21, 1980.

Patent application 6,134,008: Control of Parasitic Ticks, filed March 26, 1980.

Patent application 6,139,385: Preferential Epoxidation of Allyl Fatty Esters, filed April 11, 1980.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, DC 20545

Patent application 6,014,179: Process for Preparation of Potassium-38, filed February 22, 1979.

Patent application 6,026,505: Metal-Doped Organic Foam and Method of Making Same, filed April 3, 1979.

Patent application 6,026,509: Instantaneous Radioiodination of Rose Bengal at Room Temperature and a Cold-Kit Therefor, filed April 3, 1979.

Patent 4,164,146: Apparatus and Method for Monitoring the Presence of a Conductive Media, Filed November 2, 1976, patented August 14, 1979, not available NTIS.

Patent 4,176,285: Electrical Pulse Generator, Filed January 11, 1978, patented November 27, 1979, not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 4,206,160: Mechanical Device to Produce a Finely Dispersed Aerosol, filed September 25, 1978, patented June 3, 1980, not available NTIS.

Patent 4,202,890: 4-Carboxy-Phthalato(1,2-Diaminocyclohexane)-Platinum(II) and Alkali Metal Salts Thereof with Cyclophosphamide and Hydroxyurea in Alleviating L1210 Murine Leukemia, filed December 22, 1978, patented May 13, 1980, not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,134,833: Portable Personnel Platform and Ladder, filed March 8, 1980.

Patent application 6,137,037: A Linearized Multiplier Device for Triple Product Convolvers, filed March 4, 1980.

Patent application 6,142,281: Personnel Chain Climber, filed April 21, 1980.

Nat. Aeronautics and Space Admin., Assist. Gen. Couns. for Pat. Matters, NASA Code GP–2, Washington, DC 20546

Patent application 6,145,282: Constant Manification Optical Tracking System, filed April 30, 1980.

Patent application 6,147,700: Adjustable High Emittance Gap Filler, filed May 7, 1980.

Patent 4,195,512: Coal-Shale Interface Detector, filed November 3, 1977, patented April 1, 1980, not available NTIS.

Patent 4,196,840: Method and Apparatus for Holding Two Separate Metal Pieces Together for Welding, filed April 6, 1978, patented April 8, 1980, not available NTIS.

Patent 4,197,530: Passive Intrusion Detection System, filed February 9, 1977, patented April 8, 1980, not available NTIS.

Patent 4,198,209: Process for the Leaching of AP from Propellant, filed September 29, 1978, patented April 15, 1980, not available NTIS.

Patent 4,198,232: Preparation of Monotectic Alloys Having a Controlled Microstructure by Directional Solidification under Dopant-Induced Interface Breakdown, filed December 29, 1978, patented April 15, 1980, not available NTIS.

Patent 4,198,788: Method of Forming a Sharp Edge on an Optical Device, filed July 28, 1978, patented April 22, 1980, not available NTIS.

Patent 4,198,988: Pulse Transducer with Artifact Signal Attenuator, filed July 26, 1978, patented April 22, 1980, not available NTIS.

[FR Doc. 80-29344 Filed 9-22-80; 8:45 am]

BILLING CODE 3510-04-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 79-1]

1978 Cable Royalty Distribution Determination

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of final determination.

SUMMARY: The Copyright Royalty Tribunal (Tribunal) announces the adoption of its final determination in the proceeding concerning the distribution to certain copyright owners of royalty fees paid by cable systems for secondary transmissions during 1978.

FOR FURTHER INFORMATION CONTACT: Mary Lou Burg, Chairman, Copyright Royalty Tribunal, (202) 653-5175.

(17 U.S.C. 111(d) and 803(b))

Introduction

17 U.S.C. 111(d)(5)(B) requires the Tribunal after the first day of August to determine whether a controversy exists concerning the distribution of cable royalty fees deposited by cable systems with the Copyright Office. Upon determination that a controversy exists, 17 U.S.C. 804(d) requires the Chairman of the Tribunal to publish in the **Federal Register** a notice announcing the commencement of distribution proceedings.

In a public meeting on September 6, 1979, after giving claimants the opportunity to appear and present arguments, the Tribunal determined that a controversy did exist concerning the distribution of cable royalty fees. A distribution proceeding was instituted by a public notice issued September 12, 1979 (44 FR 53099).

Therefore as of September 12, 1979 the Tribunal announced that a controversy concerning the distribution of cable royalty fees did exist for the period January 1 through June 30, 1978 and for the period July 1 through December 31, 1978, and that distribution proceedings had commenced.

Background and Chronology

Filing of Claims

The Tribunal in an advance Notice of Proposed Rulemaking, published February 14, 1978 (43 FR 6263), invited comments concerning the filing of claims to royalty fees for secondary transmissions by cable systems, pursuant to 17 U.S.C. 111(d)(5)(A).

In the **Federal Register** of May 5, 1978 (43 FR 19423) the Tribunal announced that consideration was being given to a proposed rule which would prescribe requirements whereby persons claiming to be entitled to compulsory license copyright fees for secondary transmissions by cable systems shall file claims with the Tribunal. The proposed rule prescribed the content and time of filing such claims.

The comments and reply comments filed with the Tribunal reflected a difference of opinion among representatives of copyright owners who were likely to be major claimants as to whether the copyright statute requires filings in July 1978 for claims to royalty fees for secondary transmissions during the period January 1 through June 30, 1978. Certain comments filed maintained that the copyright statute requires filings every July, including July 1978. Other comments suggested the claims be filed in July of 1979 in view of the regulations adopted by the Copyright Office as to the filing of statements of account by cable operators.

The proposed rule required all copyright owners who wished to share in the distribution of royalty fees for secondary transmissions by cable systems during the first six months of 1978 to file claims with the Tribunal during the month of July 1978. The proposed rule required only a minimum filing of a claim in July 1978 with a requirement that the filing be supplemented in July 1979, after copyright owners had an opportunity to examine the statements of account filed by cable operators in the Copyright Office. The final rule was published in the **Federal Register** June 6, 1978 (43 FR 24528).

Fixation of Copyrighted Works

The Tribunal in an initial advisory letter of January 31, 1978 stated that participation in the royalty distribution proceedings did not require copyright owners to preserve and submit simultaneous fixations of live transmissions. In a subsequent advisory letter of November 27, 1978 the Tribunal responded to an inquiry on behalf of a television station questioning whether the use of an audio-video logger for recording a work simultaneously with its transmission complied with the requirements of the Copyright Act and the regulations of the Tribunal. The television station was informed that the use of such a device did meet the requirements of the Copyright Act and the regulations of the Tribunal.

In the **Federal Register** of July 28, 1978 (43 FR 32825) the Tribunal issued a proposed rule with respect to Proof of Fixation of Copyrighted Works. The proposed rule established the policy and procedures of the Tribunal concerning the submission to the Tribunal during proceedings for the distribution of cable royalty fees of evidence of the fixation of works in a tangible medium as required by Section 102(a) of the Copyright Act. Under this proposed rule, the filing of tangible fixations would not be required, and controversies concerning the fixation of works would be resolved on the basis of other appropriate evidence.

In the **Federal Register** of September 11, 1978 (43 FR 40225) the final rule with respect to proof of fixation of copyright works was published.

Amendment of Claim Rules

A notice of proposed rulemaking appeared in the **Federal Register** of April 4, 1979 (44 FR 20220). This notice was to inform the public that the Tribunal was proposing to supplement the rule issued June 6, 1978 (43 FR 24528) pursuant to 17 U.S.C. 111(d)(5)(A) which stated the filing requirements for those claiming to be entitled to compulsory license copyright fees for secondary transmissions by cable systems. In that rule for a claim to be valid it was required to contain the name of the claimant, the address, a general description of the copyrighted works transmitted, and an identification of at least one transmission. The proposed rule, in addition, would require the percentage or dollar figure of the license

fees the claimant feels entitled to, and a justification for that amount. This rule would apply to both the 1979 filing and, as a supplement, to the July 1978 filing. The proposed rule also provided that the Tribunal prior to the distribution of royalty fees, shall deduct all costs which would not have been incurred by the Tribunal but for the distribution proceeding.

An amended version of the proposed rule was adopted and published in the Federal Register of May 23, 1979 (44 FR 29892).

Structure of Proceeding

The Tribunal in its order of September 12, 1979 (44 FR 53099) also directed claimants or their duly authorized representatives to submit proposals on the structure and procedures of the distribution proceedings to the Tribunal no later than October 1, 1979. A pre-hearing conference of claimants was held on October 11, 1979 to dicuss the structure and procedures of the proceeding.

After receipt of the proposals and consideration of the claimants' statements during the pre-hearing conference, the Tribunal requested further memoranda or briefs on the following issues:

(a) concerning the issue of the broadcast day as a copyright compilation;

(b) concerning the issue of programming of which a broadcast station is an exclusive license;

(c) concerning the objections raised as to the standing of certain or all sports claimants;

(d) concerning any other question of copyright ownership as it affects a claim or right to any of the cable television royalties Federal Register of October 17, 1979 (44 FR 59930). The Tribunal deemed these to be "threshold issues" which necessarily had to be resolved before the hearings commenced. These submissions were to be received by the tribunal no later than November 15, 1979; reply comments no later than November 28, 1979. Oral arguments on the above issues commenced on December 5, 1979 and continued on December 6.

Scope of Claims

In the Federal Register of October 22, 1979 (44 FR 60726) the Tribunal published a final rule with respect to filing of claims to cable royalty fees. This rule amended 37 CFR, Chapter III, Part 302, § 302.2 and 302.6 by providing that the Tribunal shall accept as a valid claim all claims filed prior to July 31, 1979 and further that said claims will cover the full calendar year of 1978.

Prehearing Memoranda

In the Federal Register of December 19, 1979 (44 FR 75201) the Tribunal issued an order calling for pre-hearing memoranda on the submission of evidence and other hearing procedures regarding the conduct of this proceeding. The Tribunal indicated that these memoranda should be filed in accordance with the following:

(a) The Copyright Act does not provide for the payment of cable royalty fees to broadcaster claimants for the secondary transmission of the broadcast day as a compilation.

(b) The Copyright Act does not provide for the payment of cable royalty fees to broadcaster claimants who have acquired rights to syndicated programming in a market, which rights are exclusive against other broadcasters in that market, when the syndicated programming is included in distant broadcasts which are retransmitted into the broadcaster's market.

(c) The Copyright Act provides for the distribution of cable royalty fees to performing rights organizations.

(d) The Copyright Act provides that cable royalty fees awarded for secondary transmission of certain sporting events shall be distributed to the sports claminats except when contractural arrangements specifically provide that such royalty shall be distributed to broadcaster claimants.

This order was the subject of a Petition for Review, No. 80–1076, filed by the National Association of Broadcasters (NAB) on January 17, 1980 in the United States Court of Appeals for the District of Columbia Circuit. The Petition for Review was challenged by motions to dismiss, filed on behalf of the Tribunal, Program Syndicators, Joint Sports Claimants, and ASCAP. The Court by *per curiam* order dated April 21, 1980 dismissed the petition on the basis that the "matter is not ripe for judical review."

This order was the subject also of an "Application for Stay and Continuance" filed by NAB with the Tribunal on January 18, 1980.

The Tribunal issued an order on January 29, 1980 in which it denied NAB's application for a stay and a continuance.

Evidentiary Proceeding

The Tribunal's December 19, 1979 order (44 FR 75201) requesting memoranda on presentation of evidence and conduct of the hearing brought responses from all categories of claimants. These matters were considered at a pre-hearing conference held on February 14, 1980.

On February 14, 1980 after hearing the views of claimants, the Tribunal ruled that the current cable distribution proceeding would be conducted in two phases. Phase I would determine the allocation of cable royalties to specific groups of claimants. Phase II would allocate royalties to individual claimants within each group.

Phase I of the evidentiary hearing began on March 31, 1980 and continued over a period of 13 days, concluding May 6, 1980.

On May 7, 1980 the Tribunal issued an order governing the schedule for further proceedings which provided that:

(a) Claimants who were precluded from submitting evidence on claims excluded by the Tribunal's order of December 19, 1979 were required to submit a written direct case on such matters by May 19, 1980 and hearing on such claims were scheduled for May 22 and 23, 1980.

(b) On May 23 interested parties were to submit briefs on legal issues arising from the situation of those categories of claimants not fully represented by its total number of eligible claimants ("unclaimed funds").

(c) Rebuttal testimony consisting of a list of witnesses and a concise statement of their testimony were to be filed on May 23, 1980 and hearings on rebuttal testimony were to commence on May 27, 1980.

(d) All joint claimants were required to file on June 6, 1980 information concerning the allocation of total shares to individual claimants and/or the matters that will require consideration by the Tribunal in Phase II of the proceeding.

Pursuant to the Tribunal's order, NAB presented its direct case with respect to its claims based on compliation, exclusivity and sports programs. Hearings on these claims were held on May 22 and 23, 1980 at which time the record was close with respect to such claims.

Briefs were filed on May 23, 1980 by several parties setting forth their respective positions concerning unclaimed funds.

On May 23, 1980 Program Syndicators, Joint Sports Claimants and NAB filed their rebuttal cases. Hearings were held on these presentations on May 27, 28 and 29, 1980 after which the record in Phase I of these proceedings was closed. The Tribunal directed the parties to file proposed findings of fact and conclusions of law on July 7, 1980.

In order to permit the Tribunal to proceed to Phase II of this proceeding, the Tribunal published a summary statement of its Phase I determinations

in the Federal Register of July 30, 1980 (45 FR 50621).

The Tribunal also announced in this statement that Phase II of the proceeding would commence on August 18, 1980 and would continue on such subsequent days as were necessary. This date was subsequently delayed to August 19, 1980.

In preparation for Phase II the Tribunal in its order of May 7, 1980 directed joint claimants to advise the Tribunal of the status of arrangements for voluntary agreements for distribution of royalty fees among the members of a joint claim. On the basis of the replies of this order, it was the understanding of the Tribunal that there were no Phase II issues involving the distribution of royalty fees among the Joint Sports Claimants, the National Collegiate Athletic Association, the Public Broadcasting Service, National Public Radio and among the commercial television stations represented by the National Association of Broadcasters.

There were pending before the Tribunal a number of claims filed by copyright owners who were not associated with a joint claim or joint representation before the Tribunal. These claimants were ordered to submit not later than August 15, 1980 any entitlement justification which they wished to have considered by the Tribunal in the determination of their share of the royalty fees. Phase II hearings concluded on August 21, 1980.

Summary of Evidentiary Positions of Major Claimants

Motion Picture Association of America (MPAA)

MPAA considered that it was the objective of Congress in the Copyright Act to compensate copyright owners both for the harm they suffer from cable retransmission of their works and for the benefit derived by cable systems from that retransmission.[1] The size of the MPAA claim is due to the preponderance of movies and syndicated programming retransmitted by cable and to the royalties MPAA believes is attributable to that programming.

MPAA did not measure harm suffered by program producers specifically, but presented testimony to show that the lack of exclusive franchise and of spectrum use, because of cable retransmission, adversely affects their ability to syndicate.[2] Program production requires substantial initial investment, and in syndication there is a high rate of cancellation.[3] As a result, the number of programs entering syndication has fallen.[4] For a cable system to bring in a program causes the value of a license to show the same program in that market to drop,[5] and lower earings decrease the incentive for producers. In terms of popularity, MPAA did not analyze its programming, but believed that if it had, it would have found its ratings very high.[6]

To measure the benefit to cable systems and place a value on the royalty share due program producers, MPAA proposed the "time plus fee generated" method. This measured the amount of time programs were carried and placed a value on the worth of such programs to cable systems.[7]

In order to give a value to the various signals carried by cable systems, MPAA gave them the same values assigned by Congress to distant signals for the payment of royalties, 1.0 for an independent, and 0.25 for a network affiliate or educational station.[8] MPAA argued that this was a factor established by Congress,[9] and would base the "pay out" of royalties on the "pay in".[10] To the extent that viewing determines advertising rates, it reflects the amount that stations would be willing to pay for programs.[11] MPAA argued also that viewing on independents overall is relatively larger than the viewing of qualifying, non-network programming on network affiliates. Viewing on network affiliates during non-network periods is relatively lower than it is at other times, while viewing on independents is more stable.[12]

To determine the proportion of programming devoted to movies and syndication on different signals, MPAA conducted two studies. One was based upon a sample of 29 stations and determined the relative proportions of programming according to "TV Guide" for the 1978 FCC composite week.[13] The second was based upon the 1978 FCC Report Forms 303–A for 502 commercial stations and contained adjustments for network affiliates of 33.5%.[14] and for commercials of 20%.[15]

Cable systems are classified according to their semi-annual gross receipts from secondary transmissions. Systems with gross receipts over $160,000 submit their royalty fee on the Copright Office's statement of accounts Form CS/SA–3. Therefore in its examination of royalties paid by cable systems, MPAA considered only these Form 3 systems, on the assumption that this was representative and adequate, because these systems accounted for 87% of all royalites paid.[16] In its calculation of the royalty share due program producers, MPAA weighted the royalites paid by each Form 3 cable system according to the distant signal equivalent values of the signals that system carried. MPAA then applied the percentages of the categories of programming carried on those signals to the weighted royalties, and the royalties attributed to all signals were aggregated. According to this "time plus fee generated" method, the MPAA royalty share under the first study was 83.4%[17] and under the second study 79.94%.[18]

Christian Broadcasting Network, Inc. (CBN)

CBN did not present witnesses, but did present written submissions and cross-examined the witnesses of others. CBN considers itself a program syndicator[19] and, similar to MPAA, based its claim on the percentage of hours its progamming occupied. For a typical week in 1978 CBN compared the hours of its programming carried on 137 stations with the hours of independent and network affiliate programming.[20] To determine the hours of network affiliate programming, CBN used the FCC composite week[21] and then like MPAA discounted this programming by the distant signal equivalent values assigned for the payment of royalties in the Copyright Act.[22] To take into account the fact that FCC policy since 1972 has discouraged new cable systems from carrying network affiliated programming, CBN further discounted network affiliate hours by 50%.[23] The royalty share CBN claimed was 4.69%[24]

The Joint Sports Claimants

The Joint Sports Claimants comprised of Major League Baseball, National

[1] "Proposed Findings and Conclusions of the Motion Picture Association of America, Inc., Its Member Companies, and Other Program Producers and Distributors" July 7, 1980, p. 2.
[2] Ibid, p. 23.
[3] Ibid, p. 24.
[4] Ibid, p. 25.
[5] Ibid, p. 25.
[6] Ibid, p. 22.
[7] Ibid, p. 2–3.
[8] Ibid, p. 27.
[9] Ibid, p. 38.
[10] Ibid, p. 3.
[11] Ibid, p. 38.
[12] Ibid, p. 39.
[13] Ibid, p. 30–31.
[14] Ibid, p. 33.
[15] Ibid, p. 34.
[16] Ibid, p. 26.
[17] Ibid, p. 32.
[18]
[19] "Findings of Fact and Conclusions of Law", Christian Broadcasting Network, Inc., July 7, 1980, p. 13.
[20] Ibid, p. 4.
[21] Ibid, p. 10.
[22] Ibid, p. 10.
[23] Ibid, p. 11.
[24] Ibid, p. 12.

Basketball Association, National Hockey League and North American Soccer League, argued that cable royalties should be distributed in a manner which approximates the marketplace.[25] This would represent how the cable industry would have allocated its royalty dollars if it had been required to bargain about compulsory licensing.[26] This would recognize the harm to the copyright owners and benefit to cable systems. Joint Sports, therefore, focused upon the comparative value of the different types of distant signal programming from the standpoint of the "buyer" and of the "seller." [27]

The "buyers" standpoint represented the benefit sports programming provided the cable system, and Joint Sports presented a study of 16 cable operators representing over 40% of cable subscribers. According to this study cable operators would pay 27% of their programming dollars for live professional sports.[28] A separate study demonstrated that distant signal sports programming has a value that is greater than either its share of total hours broadcast or its share of audience.[29] Joint Sports cited evidence to show that cable systems import stations with professional sports to a disproportionate extent.[30] Sports flagship stations constitute fewer than one-tenth of all stations, but they account for 52% of the royalty pool.[31] Joint Sports presented evidence to show that households subscribe to cable to a large degree because of sports [32] and that during an average quarter hour twice as many cable households view distant signal sports as view movies and syndicated programming.[33] Examples were given of cable systems promoting their signals because of sports [34] and of how cable sports packages have grown.[35]

The "sellers" viewpoint represented the harm caused by retransmission to the copyright owner, and Joint Sports presented testimony to show that cable retransmission into a sports club's home territory hurts its gate and the value of its broadcast rights.[36] Sports telecasts are ephemeral and revenues cannot be received repeatedly in different types of markets.[37] Joint Sports presented the example of a contract for satellite carriage to show that in free bargaining sports has a high value.[38]

Joint Sports claimed a royalty share of between 25% and 30% on the basis of evidence concerning marketplace consideration. Joint Sports felt that no scientific formula could take all factors into account.[39]

National Collegiate Athletic Association (NCAA)

NCAA did not present its own witnesses, but did present its own documents and affidavits and cross examined the witnesses of others.[40] NCAA made the same argument that Joint Sports did that that Tribunal must act as a surrogate for the markeplace [41] and that the allocation of royalties on the basis of time alone would not take into consideration all relevant factors.[42] NCAA claimed that the same arguments made by Joint Sports for live professional sports apply to intercollegiate sports as well; [43] sports programming is ephemeral,[44] retransmission hurts gate receipts and the value of broadcast rights,[45] households subscribe for sports,[46] and cable operators promote sports.[47] NCAA also argued that intercollegiate sports are affected by the finanical crisis of educational institutions generally.[48]

NCAA did not agree with Joint Sports as to the 27% value assigned by cable system operators to sports programming. Instead, NCAA started with the 11% audience share attributed to sports and added a 5% premium for a total sports share of 16%. On the basis that one-quarter of live sports during 1978 were telecast on a non-network basis NCAA assigned intercollegiate sports one-quarter of the sports allocation.[49] After taking off the top for such claimants as music, NCAA claimed a royalty share of 3.83%.[50]

Public Broadcasting Service (PBS)

PBS argued that as far as detriment to the copyright owner and benefit to cable systems are concerned PBS should be considered as having the same economic interest and legal rights as commercial television.[51]

PBS argued that the distribution of its programs and their selection by individual public television stations most nearly places PBS in the category of a program syndicator.[52] There is no profit motive behind PBS programming, but there is the motivation to recover its costs.[53] Most programs are priced so that the same amount of money is recovered regardless of the number of stations participating in the programs.[54] And a large amount of programming is produced by individual stations.[55] The support for this programming is hurt when stations decline to purchase it because it has been carried by other stations in the station's local communities, a situation PBS used testimony to illustrate.[56] Since the majority of financial support for public broadcasting comes from the local community, PBS argued that the importation of distant signals has an adverse direct financial impact.[57] PBS also considered that it was less able to absorb such impact than the major commerical claimants.[58]

PBS considered that its programming is of benefit to cable systems. Nationwide viewing of public television ranges from one to five percent.[59] and 50% of television homes watch PBS at least three times a week as compared with 98% for commerical television.[60] Approximately one-eighth of all distant hours in 1978 was public television.[61]

PBS denied that its programming was network programming.[62] PBS does not own or operate public television stations [63] and has no affiliates.[64] In commercial television clearances of network programs by network affiliates run on the order of 90% to 95%, whereas with PBS clearances by its members are 66%.[65] The three commercial networks reach virtually 100% of the United States, while PBS reaches 85%.[66] Congress has consistently sought to insure that public television remain

[25] "Proposed Findings of Fact and Conclusions of Law of the Joint Sports Claimants", July 7, 1980, pp. 2 and 61.
[26] Ibid, pp. 2 and 9.
[27] Ibid, p. 11.
[28] Ibid, p. 12.
[29] Ibid, p. 14.
[30] Ibid, p. 14.
[31] Ibid, p. 16.
[32] Ibid, p. 16.
[33] Ibid, p. 19.
[34] Ibid, p. 16.
[35] Ibid, p. 16
[36] Ibid, p. 22.
[37] Ibid, p. 23.
[38] Ibid, p. 24.
[39] Ibid, p. 3.
[40] "Phase I Post-Hearing Brief of the National Collegiate Athletic Association," July 7, 1980, p. 6.
[41] Ibid, p. 14.
[42] Ibid, pp. 8 and 25.
[43] and [44] Ibid, p. 45.
[45] Ibid, p. 46.
[46] Ibid, p. 46.
[47] Ibid, pp. 50–53.
[48] Ibid, p. 5.
[49] Ibid, p. 71.
[50] Ibid, p. 75.
[51] "Proposed Findings of Fact and Conclusions of Law of Public Broadcasting Service," July 7, 1980, p. 82.
[52] Ibid, p. 9.
[53] Ibid, pp. 10–11.
[54] Ibid, p. 11.
[55] Ibid, p. 12.
[56] Ibid, p. 13.
[57] Ibid, p. 16.
[58] Ibid, pp. 18–19.
[59] Ibid, p. 21.
[60] Ibid, p. 21.
[61] Ibid, p. 35.
[62] Ibid, p. 84.
[63] Ibid, p. 37.
[64] Ibid, p. 38.
[65] Ibid, pp. 41–42.
[66] Ibid, p. 45.

local and that PBS not become a fourth network.[67]

PBS also argued that its programming carried by cable cannot be considered instructional and therefore ineligible for royalties, because there is no evidence that it is carried by cable for instructional purposes solely.[68] PBS considered that all evidence showed a minimum cable carriage of public broadcasting of 5%.[69] During 1978 on the basis of time, public broadcasting's proportion of distant cable carriage was 11% to 12%.[70] PBS considered that subjective factors of special quality and appeal should be taken into account,[71] and argued that its final royalty share be 9%.[72]

American Society of Composers, Authors and Publishers (ASCAP)/ SESAC and Broadcast Music, Inc. (BMI)

ASCAP and SESAC presented a joint case. ASCAP, like Joint Sports, argued that the distribution of royalties should be made on the basis of the marketplace,[73] what cable operators would pay if there were no compulsory license.[74] To arrive at a marketplace comparison they chose the amount television broadcasters pay for music performing rights and compared this with the amounts they pay performing rights in other copyrighted material.[75] ASCAP considered this comparison appropriate because the broadcast industry is mature, while the cable industry is still in its infancy.[76] On the basis of this comparison, ASCAP claimed that music's share of the television portion of cable royalties is 7.4%.[77]

ASCAP also claimed a music share for the radio portion of cable royalties. ASCAP could find no hard data on radio cable retransmission, but estimated that it is 5% of all retransmission.[78] ASCAP based the amount music occupies of radio retransmission on the amounts radio broadcasters pay for music's performing rights as compared with other performing rights, or 79%. ASCAP therefore calculated music's radio share of cable as 3.8%.[79] ASCAP felt that no other claimant group was as fully represented as music and that in consequence music's royalty share should be increased by 2.7%.[80] This produced a total royalty share for all music of 13.8%.[81]

BMI, unlike ACAP, considered that the division of royalties should be based upon the amount of time various categories of copyrighted works were retransmitted.[82] BMI based music's share on an analysis of 40 stations in the FCC's composite week for 1975–76 and found that music was contained in programing 21.7% of total time.[83] In an analysis of 144 cable systems from "Television Factbook" BMI found that 69% of signals carried are distant signals.[84] On the basis of this BMI gave music a share of the television portion of cable royalties of 15%.[85]

To determine music's share of the royalties for radio, BMI like ASCAP, estimated that radio comprises 5% of cable retransmission. BMI's estimate of music's portion of that was 90% to 95%.[86] BMI conservatively gave music a radio share of 2%.[87] And music's total royalty share was 17%.[88] To accomodate competing claims, BMI reduced this to 15%.[89] In support BMI cited early drafts of the Copyright Act which until 1974 included a mention of music's share of the cable royalties as 15%.[90]

National Association of Broadcasters (NAB)

NAB argued that royalties should be paid equally for equal time on a given cable system, because the benefit to the cable system is equal.[91]

NAB argued that the locally originated programing of broadcast stations is interesting to cable systems because the local programing carried most widely is that of larger stations with a greater pool of talent and expertise. These stations can provide public affairs programs or newscasts to smaller markets which could not produce them locally.[92] NAB argued that, although they are not obliged to, these stations often focus on national issues rather than local concerns.[93]

In establishing its time-based formula NAB used the 1978 Statements of Account filed with the Copyright Office for both Form 2 and Form 3 cable systems, representing 99.6% of the royalty fund,[94] and the 1978 FCC Annual Programing Reports (303–A).[95] NAB used a 1977 study by the Cable Television Bureau to determine that the amount of non-network programing on network affiliates was 37.3%,[96] and from the 1978 Broadcast Year Book established a station as either independent, network affiliate or non-commercial.[97] A 20% adjustment was made for commercial matter,[98] and "local entertainment" was deleted from the local programing of 61 sports flagship stations to eliminate sports programing.[99] Canadian commercial programing was not included.[100] For each cable system NAB divided the total time of local programing by the total time of all qualifying programing. This percentage was multiplied by the royalties paid by the cable system, and the sums for all systems were aggregated to produce the total NAB royalty share.[101] Total local programing weighted by royalties produced a total NAB television share of 21%.[102]

To determine the NAB royalty share for radio, NAB compared the non-network expenses of radio stations with the non-network expenses of television stations from FCC financial data for 1979. The percentage of radio to television was 7.9% [103] from which NAB computed an approximate radio royalty share of 1.6%.[104]

In addition to its time-royalty based formula, NAB claimed broadcasters are due royalties for the broadcast day as a copyrighted compilation, for syndicated exclusivity, and for the copyright ownership of sports broadcasts.

Aside from the legal issues of copyright ownership, NAB claimed that the broadcast day as a compilation benefits cable systems.[105] A program's success depends upon how it is arranged and selected in relation to other programs [106] and this is the result of the skill and ingenuity of the broadcaster, and demands no cost or

[67] Ibid, p. 50.
[68] Ibid, pgs. 54–55.
[69] Ibid, p. 83.
[70] Ibid, p. 3.
[71] Ibid, p. 84.
[72] Ibid, p. 85.
[73] "Joint Memorandum and Proposed Findings of Fact and Conclusions of Law of the American Society of Composers, Authors and Publishers and SESAC, Inc.", July 7, 1980, p. 2.
[74] Ibid, p. 3.
[75] Ibid, p. 18.
[76] Ibid, p. 5.
[77] Ibid, p. 19.
[78] Ibid, p. 18.
[79] Ibid, p. 27.
[80] Ibid, p. 29.
[81] Ibid, p. 32.
[82] "Broadcast Music, Inc., Proposed Findings of Fact and Conclusions of Law", July 7, 1980, p. 6.
[83] Ibid, p. 9.
[84] Ibid, p. 8.
[85] Ibid, p. 9.
[86] Ibid, p. 9.
[87] Ibid, p. 9.
[88] Ibid, p. 8.
[89] Ibid, p. 2.
[90] Ibid, p. 10.
[91] "Findings of Fact", National Association of Broadcasters, July 7, 1980, p. 6.
[92] Ibid, p. 8.
[93] Ibid, p. 8.
[94] Ibid, p. 1.
[95] Ibid, pp. 2–3.
[96] Ibid, p. 4.
[97] Ibid, p. 5.
[98] Ibid, p. 5.
[99] Ibid, p. 5.
[100] Ibid, p. 7.
[101] Ibid, p. 6.
[102] Ibid, pp. 6 and 19.
[103] Ibid, p. 7.
[104] Ibid, p. 7.
[105] Ibid, p. 8.
[106] Ibid, p. 8.

risk on the part of the cable operator [107] although it assists the cable operator in reaching an audience.[108]

Concerning syndicated exclusivity, NAB argued that broadcasters are harmed when programs they have paid substantial licensing fees for are retransmitted into their markets.[109] NAB argued that the FCC rules intended to protect syndicated exclusivity are cumbersome and fail to do so and that much syndicated programing cannot be protected because it is currently grandfathered.[110]

Concerning sports broadcasting, NAB argued that the contractual agreements between sports clubs and broadcasters entitle the broadcaster to be the proper claimant for at least some portion of sports retransmission.[111] Contracts were presented as evidence in support.

NAB claimed a broadcaster's royalty share for local programming of 21% and a share for radio of 1.5%. NAB did not include estimates of the shares it felt broadcasters are entitled to for compilation, syndicated exclusivity, or sports.

Canadian Broadcasting Corp. (CBC)

CBC presented written submission to support, like NAB, the distribution of cable royalties on the basis of time.[112] CBC however did not weight the percentage of time of its programming by the amount of royalties paid by individual cable systems.[113] CBC claimed all its programming qualifies as either local or non-network and stressed its role as a major broadcaster.[114]

Like NAB, CBC supported the rights of broadcaster under syndicated exclusivity.[115] CBC claimed a royalty share of 6.5%.[116]

T. V. Ontario

T. V. Ontario presented written submission to support the same arguments as submitted by CBC, and claimed a royalty share for itself and Canadian claimants other than CBC of 1.5%.[117]

National Public Radio (NPR)

NPR argued that the compulsory license is for the privilege of retransmission, regardless of whether or not a cable system elects to carry all works that are accessible;[118] also that under compulsory licensing there is no distinction in value made between aural and television programming.

NPR considered that the value of radio to cable systems is supported by the frequency of its carriage.[119] Data on cable radio carriage is limited, but from a 1976 study by the NAB Cable Radio Committee and a 1977 FCC proceeding on cable radio carriage, NPR cited that approximately 70% of stations surveyed in the past have reported distant cable importation and that in 1977, 55% of all cable systems carried all band FM and among the larger systems this was 56%, while only 10% carried no radio.[120] In all cases where distant radio was imported FM was included.[121]

NPR argued that with respect to audio, cable systems are less likely to originate their own programming than they are with respect to video.[122] In 1977 audio origination was 18%, while programming origination for video was 54%.[123] NPR argued that as far as providing alternative programming is concerned NPR is more beneficial to cable systems than commercial radio. According to the 1979 Carnegie Commission Study, commercial radio fell into the same programming categories as television in 85% of the cases, whereas NPR in 98% of the cases was different.[124] NPR considered that its status is chiefly that of a program syndicator,[125] and that its programming is mandated to be costly and economically non-viable by Congress.[126] In 1978, of the hours broadcast by public radio, locally originated programming represented 59.4% of which NPR represented approximately one-quarter[127] and NPR originated programming represented 21.7%.[128]

NPR analyzed frequency values by megahertz in order to provide a value common to both radio and television[129] and using the 1978 FCC composite week for programming, converted categories of stations into program-megahertz values.[130] NPR's claim for a royalty share was 4%.[131]

Cartoon Characters

The Cartoon Characters ("Characters") claimants argued that like music, while Characters are not themselves programs, they are copyrighted components of programs and are therefore entitled to cable royalties.[132] There was no quantitative measure of the popularity of Characters,[133] but the Characters claimants argued that the popularity of certain works can be appraised without the need for hard data.[134] Approximately 6.56% of syndicated programming in 1978 consisted of animated or cartoon characters.[135] It is the single most effective childrens' television programming,[136] and it is the character and not the plot which is the primary attraction.[137] Experience shows that other programming does not succeed in competition with cartoons.[138] The Character claimants considered that as far as damage was concerned, it is presumed in secondary transmission and is not necessary to prove.[139]

In calculating their share, the Charcters claimants applied the similarity they claimed with music and multiplied the share claimed by music, 15%, by the amount of syndicated programming time occupied by cartoon characters in 1978, approximately 7%. To take into account the fact that, unlike music, Characters represent entirely feature use and not background, this result was multiplied by a factor of 3 for a total royalty share of 3%.[140]

Legal Considerations

The Issue of the Broadcast Day as a Compilation

17 USC 103(a) states that the subject matter of copyright includes "compilations". 17 USC 101 defines compilation as "a work formed by the

[107] Ibid, p. 9.
[108] Ibid, p. 9.
[109] Ibid, p. 12.
[110] Ibid, p. 13.
[111] Transcript, May 22, 1980, pp. 140–171.
[112] Canadian Broadcasting Corp. letter to Chairman, CRT, of July 2, 1980, p. 3.
[113] CBC letter to Chairman, CRT, March 14, 1980, p. 14.
[114] CBC letter to Chairman, CRT, July 2, 1980, p. 6.
[115] Ibid, p. 4.
[116] Ibid, p. 7.
[117] T. V. Ontario letter to Chairman, CRT, July 4, 1980, p. 3.
[118] "NPR's Phase I Findings of Fact", July 7, 1980, pp. 1–2.
[119] "NPR" Phase I Findings of Fact", July 7, 1980, pp. 2–3.
[120] NPR letter to Chairman, CRT, of March 14, 1980, enclosing "Statement and Testimony of NPR", p. 3.
[121] Ibid, p. 3.
[122] Ibid, p. 2.
[123] Ibid, p. 3.
[124] "NPR's Phase I Findings of Fact", July 7, 1980, p. 9.
[125] NPR letter to Chairman, CRT, of March 14, 1980, enclosing "Statement and Testimony of NPR", p. 3.
[126] NPR letter to Chairman, CRT, of March 14, 1980, enclosing "Statement and Testimony of NPR", pp. 4 and 6.
[127] Transcript, May 6, 1980, p. 65.
[128] NPR letter to Chairman, CRT, of March 14, 1980, enclosing "Statement and Testimony of NPR", p. 6.
[129] "NPR's Phase I Findings of Fact", July 7, 1980, p. 5.
[130] Ibid, p. 10.
[131] Ibid, p. 10.
[132] "Proposed Findings of Fact and Conclusions of Law of the Character Claimants", July 7, 1980, p. 27.
[133] Ibid, p. 11.
[134] Ibid, p. 14.
[135] Ibid, p. 12.
[136] Ibid, p. 8.
[137] Ibid, p. 9.
[138] Ibid, p. 9.
[139] Ibid, p. 26.
[140] Ibid, pp. 29–30.

collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship."

The NAB and individual broadcaster claimants asserted that the work done by broadcasters in assembling their "broadcast day" constitute a "compilation". [141] It was stated that "to assemble its 'broadcast day', a television broadcaster takes programs, commercial announcements and other broadcast materials, either live or pre-recorded on film or videotape, and coordinates them into a fluid and harmonious arrangement transmitted over the station's facilities to its viewers." They assert that if the "broadcast day" compilations meet the essential elements of copyright, that is originality of authorship and fixation in some tangible form, [142] the stations have a copyright separate and apart from the individual material used, and a distinct claim to cable royalties.

Program syndicators, sports claimants, and performing rights societies disputed these assertions in pleadings and oral argument. The Tribunal has not allocated royalties to broadcaster claimants on the basis of the compilation theory for several reasons, both legal and evidentiary.

17 USC 111(d)(4) states in part:

(4) The royalty fees thus deposited shall, in accordance with the procedures provided by clause (5), be distributed to those among the following copyright owners who claim that their works were the subject of secondary transmission by cable systems during the relevant semiannual period:

(A) any such owner whose work was included in a secondary transmission made by a cable system of a nonnetwork television program in whole or in part beyond the local service area of the primary transmitter; and

* * *

Program syndicators and certain other claimants argue that the above-quoted language clearly limits the distribution of cable royalties to the copyright owners "of a *program* only, that is, a particular show". [143] They argue that royalties are to be paid for a work "included in a secondary transmission made by a cable system of a nonnetwork television program" and that a "broadcast day" made up of a daily combination of programs and other matter cannot be considered a "work" included in such secondary transmissions.

It was also argued by program syndicators and other claimants that a television station's simultaneous recording of its entire broadcast day is an unlawful use of programs licensed to the station for broadcast purposes only. It is thus maintained that since Section 103(a) of the Copyright Act provides that protection "does not extend to any part of [a compilation] in which [copyrighted] material has been used unlawfully, no valid claim for a compilation can be made for any part of the compilation where material is used unlawfully. Finally, the record of this proceeding raises questions concerning whether the "broadcast day" can be regarded as a "work" within the meaning of the relevant language of the Copyright Act.

The legislation for the general revision of the coypright law was pending before the Congress for many years. The language of the new Act relating to compilations and other subject matter of copyright, as well as definitions and other technical provisions, was drafted long before the Congress considered what is now section 111. These provisions are of general application and do not reflect the specific attention which the Congress gave to cable television issues. The lengthy legislative history of section 111 reflects a clear understanding by the Congress of the copyright owners and the nature of the "works" which are to be compensated by this Tribunal for cable transmissions of their materials. This history so decisively excludes the "broadcast day" theory of compensation that it is unnecessary for the Tribunal to interpret general technical language of the new Copyright Act.

The record of this proceeding contains detailed analysis of the legislative history of section 111. Our review of this history persuades us that Congress did not intend compensation to broadcaster claimants on the basis of the "broadcast day" nor was any such compensation contemplated by those who participated in the resolution of the complex cable television issue.

The Issue of the Broadcast Station as Licensee

The NAB and broadcaster claimants generally assert that cable royalty fees must be awarded to certain broadcaster claimants to compensate them for the situation in which a distant cable signal transmitting syndicated programming is brought into the market of a broadcaster who has acquired rights to that programming, which are exclusive against other broadcasters in that market. For example, if a District of Columbia station has acquired the rights to exhibit the "Mary Tyler Moore Show" in the Washington market to the exclusion of all other broadcasters in that market, and an Arlington, Virginia cable system shows the "Mary Tyler Moore Show" in the Washington area as part of its carriage of a New York station, the Washington broadcaster would be entitled to royalties for the distant retransmission.

The broadcasters argue that section 201(d)(2) of the Copyright Act gives explicit statutory recognition to the principle of divisibility of copyright, and that the owner of any particular exclusive right is entitled to all the remedies accorded a copyright owner. They assert that "local stations holding exclusive exhibition licenses are copyright owners of the exclusive rights licensed to them, entitled to all of the rights, remedies and protection provided by the new Act, including the right to receive compulsory fees". [144]

The Tribunal, for reasons similar to those set forth in our discussion of the "broadcast day" issue, has concluded that the compensation sought by the broadcaster claimants is not in accordance with the intent of Congress concerning the distribution of cable royalties. The Tribunal rejects the efforts of the broadcaster claimants to increase their share of the royalty fees by strained application of general language of the Copyright Act which distorts the Congressional intent.

We find adequate guidance in Section 111, and therefore, it is unnecessary for the Tribunal to analyze the ownership and remedies provisions of the Copyright Act. We find that Section 111 and its legislative history reflects the Congressional intent, and the understanding of interested parties, that television stations are to be compensated only for eligible locally produced programs. We find, with regard to syndicated programming, that Congress intended for royalties to be distributed to program syndicators and not to local stations.

The legislative history speaks decisively as to the understanding of the drafters and interested parties as to scope of compensation to broadcaster claimants. This understanding was shared by the leading spokesmen for the broadcasting industry during the legislative proceedings on the copyright revision legislation. Mr. Vincent

[141] "Memorandum Submitted In Support of the National Association of Broadcasters' Position", p. 19.

[142] 17 USC 102(a).

[143] "Brief of Motion Picture Association of America, November 15, 1979, p. 14.

[144] "Memorandum Submitted In Support of the National Association of Broadcasters' Position," p. 5.

Wasilewski, President of the National Association of Broadcasters testified: [145]

"* * * the broadcasters are not per se in that proposed legislation, asking for payments to them for the use of their signal per se. They are asking for payment to the copyright proprietor for the use of that programming material by the CATV, by the copyright proprietor, a motion picture producer, special sports interest, or what have you."

The final text of section 111 was constructed by the House of Representative Subcommittee as a substitute for the version passed by the Senate. In recommending this language to the House, Congressman Tom Railsback, the ranking minority member of the Subcommittee, stated: [146]

"All parties are now satisfied with section 111, except the National Association of Broadcasters. They were not a party to the compromise because they are not a major party of interest." In view of our reading of the legislative history, it again is not necessary to interpret other sections of the Copyright Act or consider the syndicated exclusivity rules of the Federal Communication Commission.

The Public Broadcasting Service "Network" Issue

17 USC 111(d)(4)(A) authorizes distribution of royalty fees to copyright owners whose works are included in a "nonnetwork television program." The Act does not define "network program."

17 USC 111(f) defines a "network station" as "a broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the programming supplied by such networks for a substantial part of that station's typical broadcast day." The House report on the copyright bill states that "To qualify as a network station, all the conditions of the definition must be met." [147]

PBS does not own or operate any public television stations and is prohibited from doing so under its Articles of Incorporation. PBS has no affiliates. It is a membership corporation, whose members are the licensees of public television stations.

Certain claimants have challenged or raised questions concerning the eligibility for compensation of PBS distributed programs on the grounds that such programs are exempt from compensation as network programs. It is argued that although PBS does not have affiliates, the term "affiliated with" in the definition of "network station" includes the "arrangements between PBS and its stations."

The Congression in section 111(f) of the copyright law undertook to define a "network station", and "independent station" and a "noncommercial educational station". An "independent station" is defined as a "commercial television broadcast station other than a network station". This definition immediately follows the definition of a "network station" and the use of phraseology referring to a "commercial television broadcast station other than a network station" persuades us that the prior reference to a "network station" is intended to refer to a commercial network station. We conclude that public television stations do not come within the scope of the statutory definition of a "network station" and that public television programs distributed by PBS are not network programs within the meaning of section 111 of the Copyright Act.

It has been argued that the Congress in 17 USC 111(f) in establishing the method for computing "distant signal equivalents", whereby a value of one-quarter was assigned to both network and noncommercial educational stations, manifested its determination that, like network affiliates, nonnetwork programming on educational stations approximates 25%. We find that this language is inconclusive and does not instruct us as to the congressional intent concerning PBS-distributed programming. We have looked to the record of this proceeding, which in our view establishes significant distinctions between the functioning of PBS and that of the commercial networks. We find that the operation of PBS in distributing programs is more akin to that of a program syndicator.

Claim of Copyright Owners of Characters

The copyright owners of certain pictorial, graphic or sculptural works ("Characters"), whose "works" were included in secondary transmissions, filed a claim for cable royalties. The claimants are the copyright owners of such Characters as Bugs Bunny, Miss Piggy, Kermit the Frog, Big Bird, Superman, and Bozo the Clown. A number of other claimants asserted that this claim is barred by 17 USC 111.

The copyright owners of the Characters assert that these works are unique and significantly different from other material which is incorporated in television programming. They maintain that unlike such copyrighted works as novels and plays from which television programs are derived, and "which are *incorporated* in the program, these Characters are not merged or worked indistinguishably into the television program but are *'included'* therein and continue to retain their independent identities remaining visible and separately recognizable throughout." [148]

It is maintained that Congress did not restrict the distribution of cable royalties to the "owners of programs", but provided for payments to the owner of a "work" included in a secondary transmission. Congress, it is argued, did not intend to grant royalties to the owners of all copyrighted works incorporated in television programs, but created a relationship "which is peculiarly applicable to pictorial, graphic and sculptural characters."

The issue presented by the claim of the copyright owners of Characters was not directly explored during the Congressional proceedings. However, we have concluded that our awarding cable royalties to the Character claimants would not be consistent with the general scheme adopted by the Congress in section 111. We conclude that the Congress did not contemplate this Tribunal awarding royalty fees to the copyright owners of individual components of programs. As was noted during the oral argument of this issue, approval of this claim might well require the Tribunal to award fees to authors of screen plays and novels that were adapted into programs. We are satisfied that Congress did not intend such a result.

We believe that the denial of the Character claim is also required by our understanding of customary contractual arrangements, whereby the copyright owners of Characters license the program producer to use the Characters for all uses of the program.

It has been argued that our denial of the Character claim would necessarily compel our denial of the claims of the performing rights societies. We find this argument to be without merit. Our record reflects that music licensing arrangements are unique and are clearly distinguishable from the licensing of Characters. Moreover, the legislative history reveals numerous examples of the Congressional intent that the

[145] Hearing on H.R. 2223 before the House of Representatives Subcommittee on Courts, Civil Liberties, and the Administration of Justice of Committee on the Judiciary, 94th Congress, 1st Session, p. 1377 (1975).

[146] 122 Congressional Record H10879, September 22, 1976.

[147] H.R. No. 94-1476, 94th Congress, 2nd Session, p. 101 (1976).

[148] "Brief on behalf of Character Claimants", November 14, 1979, pp. 2-3.

performing rights societies should share in the distribution of cable royalties.[149]

The First Amendment and Royalty Distribution Criteria

The NAB and certain broadcaster claimants asserted during this proceeding that constitutional problems necessarily result if the Tribunal adopts distribution criteria "favoring certain types of programming over others, according to an assessment of program popularity or quality based largely on guess work."[150]

The NAB asserts that "the U.S. Supreme Court has ruled that the broadcast industry is protected by the First Amendment", that "the First Amendment requires that the public receive broad access to diversified information and an uninhibited marketplace of ideas," that "cable television resembles the print medium more than it does that of commercial broadcasting" and that the First and Fifth Amendments require the government to remain neutral in the marketplace of ideas.

We have no difficulty in accepting these statements. We have major difficulty in finding that they have any relevance to the statutory functions of the Tribunal in this proceeding. We are not engaged in the regulation of cable television systems. We are engaged, subject to the limitations of our jurisdiction, in providing fair compensation to certain copyright owners. It is our view that the Constitution and the copyright law not only permit our consideration of popularity and quality in awarding cable royalties, but that the Congress directly intended that the benefit of certain types of programs to cable systems be considered in the structuring of the distribution criteria.

We have reviewed the cases cited by the NAB and find that none of them have application to the issues presented in a cable royalty distribution proceeding. Indeed, the case of Home Box Office v. FCC,[151] cited by the NAB, provides authority for the view that government regulations unrelated to the suppression of free speech are valid if the regulations further "an important or substantial governmental interest" or if "the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." Both the Congress and this Tribunal have found that the government interest in compensating copyright owners for the benefit their programs confer on a cable system is "important or substantial." Furthermore, this record provides no foundation for a conclusion that our cable distribution will impact on First Amendment program determinations by broadcasters, or their allocation of resources.

Claims to Royalties for Sports Programing

Subsequent to the filing of claims to cable royalties for 1978, the NAB and individual broadcaster claimants contested the scope of the claim of the Joint Sports Claimants and asserted that certain broadcaster claimants "Are The Copyright Owners With Respect To The Vast Majority Of the Sports Programming At Issue Here."[152] They stated that since the station's produce and record most sports programming, copyright ownership initially rests in the stations, and not the teams or leagues. They asserted that copyright ownership resides in the station, except where the team produces and records its own broadcast coverage, or obtains copyright in the broadcast by way of contract with the station producing and recording the broadcast.

The broadcasters stress the language of the Copyright Act that copyright rests in the author of any copyrightable work from the moment the work is created and fixed in some tangible form. They maintain that the work done by the stations in producing and recording broadcast coverage of sports events meets the test of "original work of authorship", and that fixation of the work usually is entirely through the efforts of the broadcasters.

The sports claimants assert that the legislative history of the Copyright Act establishes that the sports clubs are the copyright owners of sports telecasts, that common law principles support Congress' recognition of the sports clubs as the copyright owners of sports telecasts, and that patterns of commercial dealings between the clubs and broadcasters confirm that the clubs are the sole copyright owners within the meaning of the works made for hire and transfer of ownership provisions of the Copyright Act.

During the oral argument on December 6, 1979, considerable attention was devoted to the role of contracts in determining who is the proper claimant. Counsel for NAB asserted:

I think it's very clear from reading all of the briefs submitted by these sports interests, that they are, in fact, relying upon contracts. If there is a contract between a given station and a ball club, that contract will control. And that is the position the sports people are taking. And quite frankly, that is the position that the broadcasters are taking . . .

We disagree entirely as to the legal import of the contracts. But, we recognize that the contracts are dispositive. We think, therefore that each contract between each of the ball clubs and each of the stations will have to be analyzed.[153]

Counsel for the Joint Sports Claimants responded:

The broadcasters have stated in their pleadings, in their opening brief, it says that they are the owners of the sports copyright and should be entitled to compensation. Here today, after all of the briefing, we find that the issue is supposedly revolving back to the question of contract.

I am somewhat sorrowful that Mr. King apparently didn't read our briefs, because our briefs, I thought, set forth, in some great detail, our view that the legislative intention of the Congress was to respond to our pleas, our concern for the protection of our property rights . . .[154]

If, however, at the hearing, the broadcasters could come forward with a contract that says that they are the copyright, that we have given to them some of our property rights to come here, then I think one has to have that form available to you.

But, we are not saying that everything is up for grabs. What we are saying is that this consistent course of dealing between them and us and the congressional recognition of it and the congressional concern for our problems with cable, presumptively establishes our rights to be here . . .

Now I must say, that there are in some instances as a matter of contract, given all of this protection and the limited right that some of the money that comes to us might be shared with the broadcasters. That is not a question of who is the claimant here. That is a question of contract; that is a question that I presume will be fully accommodated in the courts, if anybody welshes on that. But, that is clearly an arrangement that does not control who is the copyright owner. The monies come to us. And in some instances, there have been bargains with broadcasters that they get a share of that money. But that does not interfere with the basic proposition, that in the first instance, as a matter of

[149] See S. 543 (Committee Print) 91st Congress, 1st sess. (1969); S. 644 92nd Congress, 1st sess. (1971); S. 1361 93rd Congress, 1st sess. (1973).

[150] Rebuttal statement of the National Association of Broadcaster, p. 2.

[151] 185 U.S. App. D.C. 142, 567 F2nd 9, *cert.* denied, 434 US 829 (1977).

[152] "Memorandum Submitted In Support of The National Association of Broadcasters' Position", p. 11.

[153] Transcript, December 6, 1979, pp. 12–13.

[154] Ibid., p. 24.

Copyright Law, we are the copyright owners.[155]

We again find the legislative history to be dispositive of this issue. This history has been extensively set forth in this record. From the first proceedings in the Congress in 1965 on the copyright revision legislation through the final enactment in 1976, there is a clear course of action by the Congress, and indeed by the broadcasting representatives, which compels the award of cable royalties for sports programming to the sports leagues, in the absence of contractual arrangements specifically providing that such royalties shall be distributed to broadcaster claimants.

This history commenced with the successful efforts of the sports leagues to obtain copyright protection for telecasts of live sports programming. Both representatives of sports and broadcasters over the years in their congressional testimony understood who should be regarded as copyright owners.

Pete Roselle, the Commissioner of the National Football League testified:

> We must have copyright protection if we are to reestablish our right to sell and to broadcast our programs in accordance with our proper ownership rights.[156]

At the 1975 House hearings[157] during the testimony of John Summers, the General Counsel of the NAB, the following colloquy ensued:

> Mr. Kastenmeier: One of my questions in who, in fact, is the copyright holder? who is the creator, author, of this work? In the case of a professional baseball game, transmitted over, let us say, a network instantaneously, whether it is ephermerally recorded or not?
>
> Mr. Summers: Well, I guess the club, or the league, is the copyright holder, but the station has purchased the right to broadcast that game, usually at a very large sum of money.

The President of the National Association of Broadcasters, Mr. Vincent Wasilewski, also testified:[158]

> the broadcasters are not per se in that proposed legislation, asking for payments to them for the use of their signals per se. They are asking for payment to the copyright proprietor for the use of that programming material by the CATV, by the copyright proprietor, a motion picture producer, special sports interest, or what have you.

We have reviewed common law principles and customary business relationships between sports teams and broadcasters. These principles and relations confirm our understanding of the congressional intention concerning the distribution of cable royalties for sports programming.

Criteria and Relative Weight of Factors

The Copyright Act does not provide detailed criteria to guide the Tribunal in allocating royalties among the various claimants. The omission by the Congress of specific criteria was intentional.[159]

The legislative history of the Act reflects that Congress determined that it would not be appropriate "to specify particular, limiting standards for distribution." Congress intended that the Tribunal should consider all pertinent data and considerations presented by the claimants.[160]

Thus, it is clear that Congress did not consider that a paticular, limiting standard for distribution was appropriate and that it had no intention of establishing one. The legislative history of the Act also makes clear that the Tribunal in determining the allocation of the royalty pool should not confine itself to a single consideration, but must instead take into account all pertinent data, facts and considerations.

A great deal of evidence and a wide variety of considerations have been advanced by the parties in this proceeding. What is clear to us from this turmoil is that no single formula advocated by any party succeeds in taking account of all pertinent data and consideration.

We found that the approach of each claimant was designed to magnify and advance the particular interest of the claimant. In our opinion, none provided a basis for universal allocation.

The Tribunal has made an allocation on the basis of the entire record of this proceeding. Our allocation has been fashioned by taking account of a variety of considerations and factors, as well as the use of combined results of a number of the approaches urged by the parties, adjusted as appropriate.

Within the specific intent of Congress, the Tribunal has determined its allocations to the various categories of claimants on a combination of factors based on the record of the proceeding.

The Tribunal determined the primary factors to be:

(a) the harm caused to copyright owners by secondary transmissions of copyrighted works by cable systems,

(b) the benefit derived by cable systems from the secondary transmission of certain copyrighted works, and

(c) the marketplace value of the works transmitted.

The Tribunal determined the secondary factors to be:

(a) quality of copyrighted program material, and

(b) time-related considerations.

Harm Caused to Copyright Owners

We find that Section 111 of the Copyright Act reflects several conclusions reached by the Congress. One conclusion is that there is detriment to the copyright owner arising from the distant carriage of television programs by cable systems.[161] This record establishes that this conclusion has validity.

The legislative history of the Act clearly indicates that a factor to be considered by the Tribunal is the damage to copyright owners resulting from secondary transmissions by cable systems of different kinds of programming.

It is therefore our conclusion that the harm caused to copyright owners by secondary transmissions of copyrighted works by cable systems is of material importance in the distribution of royalty fees. The record reflects that retransmission causes damage to the copyright owner by distribution of works in an area beyond which they have been licensed. This retransmission adversely affects the ability of the copyright owner to exploit the work in the distant market.[162]

The harm thus is economic. From the evidence it is our conclusion that a copyright owner has been harmed when he is deprived of the opportunity to receive an adequate economic benefit from the exploitation of his works by a local television station in the distant area in which a cable system has imported his works. It is also our opinion, as reflected in the record, that there is a further adverse economic impact on a copyright owner from the importation of competing distant works into the aggrieved party's local community.[163]

Although some claimants offered no specific financial evidence but only generalized statements in support of their claim of harm from the importation of distant programs, we conclude that most claimants in varying degrees have sustained harm.[164]

The evidence indicates that the difficulties and risks of copyright

[155] Ibid., pp. 49–50.

[156] Hearing on H.R. 4347 before the House of Representatives Subcommittee No. 3 of the Committee on the Judiciary, 89th Congress, 1st Session, pp. 1825–26 (1965).

[157] House supra note 145 at 785.

[158] Ibid., p. 1377.

[159] H.R. No. 94–1476, 94th Congress, p. 97.

[160] Ibid., p. 97.

[161] Ibid, p. 90.

[162] Written statements of Commissioner of Baseball Bowie Kuhn, March 24, 1980, pp. 7–11; and David J. Stern, General Counsel of the National Basketball Association, March 24, 1980, pp. 8–12.

[163] Transcript, May 5, 1980, pp. 103–106.

[164] Ibid, pp. 107–109, 134–137 and 182–183.

owners are substantially increased by distant signal carriage. In our judgment, this effectively reduces the value to a broadcast station of copyright owners' works in an area receiving the same program by distant signal.

Copyrighted works are licensed for broadcasting in particular areas. A work's value to a station depends upon the ability of the work to attract audiences, which in turn, determines the revenues which the station will receive from the sales of commercial time. We therefore found that when that work is the subject of a retransmission by a cable system without adequate market compensation harm could result.

Benefit Derived by Cable Systems

The benefit derived by cable systems from secondary transmissions of copyrighted works was a major factor considered by the Tribunal in arriving at the ultimate allocation for each category of claimant.

The Tribunal concluded that there is no readily available measure or gauge in quantitative terms of the benefit derived by cable systems from the carriage of particular programs. A great deal of probative evidence and relevant factors have been presented.

We have recognized that a cable system is a commercial enterprise. Cable systems are operated to make money for their investors.

From the evidence, we concluded that cable systems generally will elect to retransmit those stations which offer a programming mix that has maximum popularity and/or appeal to their subscribers who pay money for this service. In our opinion, economic prudence would dictate that programming which has no appeal would not be carried because it would not be attractive to current subscribers, nor would it have the potential to attract new subscribers. The necessity for a cable system operator to always have popular programming for his subscribers is without question a benefit. The ability to retransmit the most popular programming directly affects its appeal to subscribers, which in turn affects revenue.

Marketplace Value

The marketplace value of the works transmitted, based on the record, was one of the most significant factors considered by the Tribunal in making the allocation to the various categories of claimants.

Sufficient evidence was introduced in this proceeding to clearly establish that the marketplace value of any work sold is the price which would exist in the market in the absence of a compulsory license system. Thus in the judgment of the Tribunal marketplace value is that value determined by barter and sale in the marketplace; values that are well documented in the record.[165]

Evidence was offered in this proceeding which indicates that the copyright owners sell their works to various television station users. These users select the best possible mix of works. The cable system operators under compulsory licensing have the right to retransmit these works. Thus we conclude that the marketplace value of the original work is reflected in many ways. We further find that the cable system operators obtain the benefits of programming at a rate which does not reflect the true market value of the original copyright owners product to the cable system operators.

Because we find that the rate the cable systems pay under compulsory license is not a clear or true reflection of the direct marketplace value of the work, additional considerations, adjusted as appropriate, were used by the Tribunal to determine the marketplace value of the copyright owner's work. The additional considerations used to determine the marketplace value are reflected in (a) the FCC's composite week as a basis for estimating the relative amount of particular kinds of non-network programming on broadcast stations carried on a distant signal basis; [166] (2) the A. C. Nielsen Company report as reported by Kalba Bowen; [167] and (3) by comparing amounts paid for the various copyrighted works by stations responsible for the primary transmission of the copyright owner's original work.[168] Despite the faults found in these surveys, studies and documents individually, the Tribunal determined they were all of sufficient probative value. Thus the Tribunal from the evidence, has identified the value the market would place on various programming carried by cable systems.

The Tribunal concluded that the allocation must take primary account of market factors in an effort to simulate market valuation. It is our opinion that the compulsory license was established by Congress to compensate for a perceived deficiency in the unregulated market. Congress imposed copyright liability on cable systems and determined that they should pay royalties to the creators of the programs they retransmit.[169]

The evidence in this proceeding indicates that the usefulness and application of the compulsory license is limited to the market inadequacy which justifies its existence. Congress and the courts have recognized that, in our economic system, resources are most fairly and efficiently allocated by a market system.

The Tribunal decided that it was not the legislative intent of the Act to alter market valuation and return. Under our economic system of supply and demand, Congress regulated only the latter by providing a compulsory license for cable systems use of copyright programming. The record clearly reflects that this programming has a value. Thus by assigning the relative weight we have to marketplace value, we determined not to impair the free play of market forces, subject to the limitation necessarily imposed by Section 111.

Quality of Copyrighted Program Material

The Tribunal determined that the quality of program material should be regarded as a secondary factor to be considered in our allocation of royalty fees to claimants.

Our record reflects different perspectives on this subject.[170] The record also includes testimony discussing the problems inherent in judging or measuring quality. Most claimants did not consider this factor in the presentation of their direct cases. Because of the state of the record in this proceeding, the Tribunal was not able in this distribution to accord any significant weight to this factor in assessing most claims.

Time-Related Considerations

The time-related consideration factor, in comparison to all other factors used in arriving at the final allocation for each category of claimants, was given very limited weight by the Tribunal.

We find that despite the clear deficiencies and questionable data in all the time-related methods, each did offer some probative value to which we were able to accord some limited weight.

The number of hours of cable carriage of particular kinds of qualifying programming was of some value to us. We found however that there were serious problems inherent in the use of

[165] Transcript, April 8, 1980, pp. 60–61 and Transcript, April 9, 1980, p. 142.

[166] Transcript, April 8, 1980, pp. 105–107 and 111–126.

[167] KBA Report, p. 33; Transcript, April 29, 1980, pp. 9 and 19–21, KBA Report, pp. 4–7.

[168] Transcript, March 31, 1980, pp. 68–71 and 84.

[169] House supra note 159 at 89.

[170] Transcript, April 8, 1980, Jack Valenti testimony pp. 18–19; Transcript, May 1, 1980, Lawrence K. Grossman testimony pp. 30–36; "Proposed Findings of Fact and Conclusions of Law of the Joint Sports Claimants", July 7, 1980, p. 46 and NAB Rebuttal Statement, p. 2.

any formulation which would allocate the royalty fees exclusively on the basis of hours of carriage in that such formualtion fails to compensate copyright owners adequately for the use of their programming.

We conclude that an allocation of royalties mainly based on the amount of time occupied by particular categories of programming would ignore market considerations and produce a distorted value of programming.

Application of Criteria to Categories of Claimants

Program Syndicators

Applying the criteria listed above, the Tribunal has allocated 75% of the cable royalties funds available for distribution to Motion Picture Association of America (MPAA), Christian Broadcasting Network (CBN) and other program syndicators.

All claimants in this proceeding agreed that the largest share of the royalty fees should be awarded to the program syndicator claimants. The direct case of the program syndicators consisted of the testimony of Jack Valenti, President of MPAA, who testified on the rationale which justified the program syndicators' claim to a share of the royalty fund; Robert D. Hadl, Vice President of MCA Television, Inc., who testified on the fee structure contained in the Act; Allen R. Cooper, Vice President of MPAA, who testified on the methodology used by the syndicators; and Alexander Korn, an independent consultant, who testified on the validity and accuracy of program syndiciators' approach.

Program syndicators attempted to provide an objective means of dividing the cable royalty fund through a time plus fee generated methodology. This methodology determines fees generated by distant television stations by attributing the royalty fee paid by each cable system for each distant station retransmitted according to the statutory formula. Although program syndicators did not analyze the popularity of their programs specifically as a means for distributing the fund, studies by other parties clearly indicated that program syndicators would be entitled to a higher share of the fund than would a time basis only showing.

Our conclusion is that by any measure syndicated movies and programs comprise the largest segment of programming retransmitted by cable systems. As Jack Valenti testified, this results from the appeal of these programs to national audiences.[171] The widespread use, in our opinion, indicated the benefits which these movies and programs bring to the cable systems as well as the harm which program syndicators suffer from distant signal carriage.

Mr. Valenti described the unique position of program syndicators in this proceeding. He testified that, "Unlike sports teams, we do not have exclusive franchises; and unlike broadcast stations, we don't have exclusive use to the spectrum of the air."[172] The evidence showed, and we find, that the lack of exclusive franchise and spectrum use requires producers to operate in a highly competitive market where the risks are great. There is also evidence that the high costs of production and the low returns from network licensing make program producers dependent upon syndication to recoup their costs.[173]

The importance of program syndicators' position is reflected in The Rand Report (MPAA Exhibit D1) which states in part:

> The objective of compulsory licensing is to limit negotiation costs, but unless rates are set correctly and adjusted frequently they will create the wrong incentives to program suppliers. If, as we conjecture, the rates contained in the Revision will generate too little revenue, then as cable penetration and distant signal importation increase, the ability of program suppliers to capture the incremental value of their programs will decline. Some suppliers may be forced out of business and others may never enter the industry at all. Moreover, since the distribution of royalty fees need bear little relation to a particular program's value, the composition of programming will also be adversely affected.[174]

In our opinion, the economics of program production and distribution are adversely affected by distant signal carriage. Program production requires a substantial front-end investment which can be recovered only by licensing the program.[175] Evidence was offered to show the difficulties and risks of program production that were substantially increased by distant signal carriage, and which effectively undermine the value to a broadcast station of a syndicated program in an area receiving the same program by distant signal carriage.

MPAA originally sought to recover at least 75% of the pool for program syndicators. During the hearing they presented two studies in support of an adjusted claim for between 79% and 83%. We find serious weakness in the MPAA formulation. Both studies used factors for estimating the amount of non-network programming carried by network affiliate stations. The validity of these estimates was not sufficiently established in the opinion of the Tribunal. We thus rejected the MPAA formulation as a complete solution to the allocation problem.

The MPAA, the cartoon character claimants, ASCAP and the Joint Sports claimants all took the position, in varying degree, that the allocation of cable royalty fees must take account of the relative popularity of programming with the cable system subscribers. The Tribunal has judged this to be the relative cable market value. As shown above, this position accords both with the evidence presented and with such guidance as Congress has provided.

MPAA's witnesses agreed that the value of a copyrighted work is measured by the marketplace bargaining between licenser and licensee.[176] We have examined the comparative costs to broadcasters of various kinds of copyrighted works.

Congress granted cable systems a compulsory license to retransmit broadcast programming. We find that this was done solely on the theory that it would be impractical and unduly burdensome to require every cable system to negotiate with every copyright owner whose work was retransmitted by a cable system.[177]

Our review of the Act and legislative history indicates nothing that remotely suggests the purpose or effect of compulsory licensing should be to deprive affected copyright owners of the relative copyright payment which they would have received in a free marketplace. From our evaluation of all the evidence submitted by the claimants, we determined that the marketplace realities result in an allocation to the MPAA, CBN and other program syndicators of 75% of the total funds paid by cable system operators. This is the exact allocation originally sought by program syndicators and close to what was proposed by some other claimants.

Joint Sports Claimants and National Collegiate Athletic Association (NCAA)

We have allocated 12% of the cable royalties to the Joint Sports claimants and NCAA. The division of the 12% among these claimants has been resolved by voluntary agreement.

The direct case of the sports claimants was presented in a manner that most

[171] Transcript, April 8, 1980, pp. 9–10.

[172] Ibid, pp. 8–9.

[173] Ibid, pp. 8–9.

[174] "Copyright Liability for Cable Television: Is Compulsory Licensing the Solution?", Rand Report, February 1977, p. 41.

[175] Transcript, April 8, p. 64.

[176] Transcript, April 8, 1980, pp. 60–61 and Transcript, April 9, 1980, p. 142.

[177] H.R. No. 94–1476, 94th Congress, p. 89.

closely conformed to what the Tribunal has now determined to be appropriate for cable distribution proceedings. The sports claimants rejected artificial formulas and stressed the marketplace criteria of "benefit" and "harm" not directly related to share of time or total audience. The record, however, presents some questions concerning certain of the evidence presented by the sports claimants.

We find deficiencies in the evidence introduced to establish cable system operators' attitutes toward distant signal programming and the relative interest of such operators in "live professional sports," movies, syndicated series programs, and local news and public affairs programs. Likewise, the record raises valid questions concerning the methodology employed and the data submitted measuring cable audience viewing of distant signals in 1978. Also, valid questions were raised as to the probative value of evidentiary material presented relating to a survey of cable subscribers designed to establish the reasons why persons subscribe to cable television.

Because of these evidentiary limitations in the case of the Joint Sports claimants, we have reduced their recommended award for all sports programming from 25% to 30% of the royalty pool to 12%.

Despite the limitations of the direct case of the Joint Sports claimants, the thrust of their evidence establishes the marketplace value of sports programming and the benefit of such programming to cable systems. Our record shows that sports programming can be distinguished from other categories of programming in that distant signal sports programming attracts a share of total audience "viewing" which is significantly higher than its share of broadcast time.

In making this allocation for sports programming, we note the ephemeral quality of sports telecasts. In contrast to owners of movies and syndicated programs which can produce revenues repeatedly in different market situations, once a sports event has been telecast, it is thereafter usually of no further monetary value to the copyright owner.

We also note the legislative history of the Copyright Act, which as we view it, manifests a special concern by the Congress for the harm which may be caused to professional sporting leagues by secondary transmissions of cable systems.

Allocation of Cable Royalties to Television Broadcasters

Television broadcasters have sought cable royalties on several theories. We discuss here, separately, evidentiary conclusions for each of these theories. We have discussed elsewhere in this document our legal conclusions.

The Broadcast Day as a Compilation

The NAB presented two witnesses, a vice president of a major independent television station and the program director of a radio station, during its direct case in support of a share of cable royalties for the entire broadcast day as a compilation. This testimony failed to establish that the "broadcast day" has any independent compensable value. We find that this testimony and the record as a whole provides no basis for establishing the value of the broadcast day nor does it provide any basis for a distribution of royalties to broadcaster claimants on this theory.

Broadcaster Claimants Who Have Acquired Certain Rights to Syndicated Programming

The NAB presented a single witness, an attorney with Metromedia, Inc., during its direct case in support of those broadcaster claimants who have acquired certain rights to syndicated programming. This witness testified generally as to how negotiations regarding exclusivity in particular markets are conducted. We find that this testimony and the record as a whole provide no basis for the distribution of royalties to broadcaster claimants on the basis of this theory.

Local Programing of Television Broadcasters

NAB asserted that television broadcasters are entitled to 21% of the royalty fees for distant cable carriage of local programming of television stations. NAB's direct case was presented entirely by two consultants who testified concerning the NAB formula. No NAB executives or other national broadcasting spokesmen were presented to testify concerning the value of local programming to cable operators, the harm to copyright owners of cable carriage, the appropriate criteria to be applied to distribution proceedings, or the testimony in this record as to the congressional intent as to compensation of particular copyright owners.

We have stated above that we have not found mechanistic formulas to be useful in determining out final allocation of royalties. Because of this determination it is unnecessary for us to consider whether we should deny any award to broadcaster claimants for local programming because of the pervasive errors established in this record concerning the NAB formula.

The program syndicators stated that "the direct case of NAB consisted of a bewildering procession of inconsistent and contradictory exhibits which were formally proffered as the definitive basis and justification for NAB's claim, only to be renounced and disavowed, followed by other exhibits which suffered the same fate. As a result, NAB's direct case was littered with the debris of replaced and substituted exhibits, and at the conclusion of its presentation, it left the record in such a state of utter confusions and disarry so as to preclude any reliance by the Tribunal on that presentation." [178] The Joint Sports claimants stated that NAB case was "rife with error." [179] We concur in these assessments of the testimony.

The record is void of any useful evidence that local broadcasters are harmed by cable carriage in distant markets of their locally produced programs, or that distant cable systems benefit from their carriage of locally produced news and public affairs program. We are unable on the basis of this record to find any significant marketplace value for such programs. Finally, we have accorded only secondary value to time related considerations.

Taking the entire record of this proceeding into consideration, including some evidence on this subject by other claimants, we have allocated American and Canadian broadcaster claimants 3.25% of the royalty pool for local programming.

Claim of Certain Broadcaster Claimants to Sports Programing Royalties

No single subject in this proceeding has more occupied the Tribunal, or received such repeated consideration, as the determination of the proper claimants to royalties for distant cable carriage of sports programing. We have addressed elsewhere in this document our conclusions on matters of law.

At the request of the sports claimants and the broadcasters, we heard oral argument on the legal issues. We rendered our preliminary determination that as a matter of law the sports teams were the proper claimants to the royalties to be allocated for sports programing "except when contractual

[178] "Proposed Findings and Conclusions of the Motion Picture Association of America, Inc., Its Member Companies, and Other Program Producers and Distributors" July 7, 1980, pp. 71–72.

[179] "Proposed Findings of Fact and Conclusions of Law of the Joint Sports Claimants" July 7, 1980, p. 40.

arrangements specifically provide that such royalties shall be distributed to broadcaster claimants." We ordered that the direct cases of the claimants be presented in accordance with this determination. The NAB and broadcaster claimants presented no evidence on this issue during their Phase I direct case.

At the conclusion of the direct cases in Phase I, the Tribunal issued an order on May 7, 1980 specifically intented to permit broadcaster claimants to present any relevant sports evidence, including contracts, that was precluded during the principal part of Phase I by our preliminary legal determination.

Immediately at the opening of this second round of Phase I the Tribunal, in responce to the pleadings and oral arguments of NAB, considered and resolved the question of whether the determination of the eligible claimants to sports programing was to be resolved in Phase I or Phase II.

The record reflects the following:

> Commissioner Brennan: My understanding of phase one and phase two is that the allocation of rights, as between commercial broadcasters and sports, is a phase one question. [180]
>
> Commissioner Coulter: My understanding of the distinction between phase one and phase two is entirely in accord with Commissioner Brennan's [181]
>
> Chairman Burg: We have decided that we regard this issue as part of phase one, and therefore, any evidence or any witnesses that you want concordant with your case should be presented during this phase. [182]

Subject to the Rules of Procedure of the Tribunal, the resolution of disputes among the parties concerning the appropriate time to present evidence rests exclusively within the discretion of the Tribunal. The Tribunal, not any one claimant, must regulate its process. Once the Tribunal has reached such a determination in an adjudication proceeding, it may not be subsequently reversed if the reversal would prejudice the rights of claimants.

At the direction of the Tribunal, NAB proceeded with its direct case which consisted of the testimony of one witness and the introduction of two contracts between a broadcaster and a savings and loan association, which contracts were silent on the issued of copyright ownership. The broadcaster claimants did not present any additional evidence prior to the closing of Phase I record. On July 30, 1980 in publishing its summary of Phase I findings, the Tribunal, on the basis both of law and the record of this proceeding, determined that the royalty fees for sports programing should be awarded to the sports claimants "except when contractual arrangements specifically provide that such royalties shall be distributed to broadcaster claimants."

The Tribunal stated in its July 30 notice that "The evidentiary consideration of this issue has not been concluded and the Tribunal in its final determination will make such adjustments as may be warranted on the basis of the Phase II proceedings." The NAB subsequently filed on August 1, 1980 a motion for a declatory ruling "specifying the types of proof which will be permitted during the Tribunal's evidentiary consideration of the sports issue in Phase II of the 1978 cable royalty distribution proceedings." In denying this motion on August 6, 1980 the Tribunal stated in part that broadcaster claimants were previously "granted the opportunity to present all relevant evidence pertaining to the sports question in the May 7, 1980 Order."

Another motion of the NAB for declaratory ruling was filed on August 8, 1980 requesting that "NAB be afforded the opportunity to present various proofs (fully described infra) during Phase II establishing the broadcasters copyright ownership of certain sports programming and entitlement to cable royalties allocated thereto." This motion was deined without comment by the Tribunal on August 15, 1980.

The efforts of NAB and certain American and Canadian broadcaster claimants to reopen Phase I issues to the prejudice of other claimants presisted during the Phase II sessions of the Tribunal. The Tribunal rejected the presentation during Phase II in any form of material which concerned the Phase I issue of determining the proper claimants to sports royalties. Broadcaster claimants had full opportunity to present relevent evidence on this subject at the proper time in this proceeding.

The NAB during Phase II sought the introduction into evidence of certain sports contracts. The description of these documents made clear that none of them were proper Phase II evidence, and we therefore excluded them.

The presentation of these contracts during Phase II was not only not timely, but their introduction into evidence on the final scheduled session of this proceeding would have been prejudicial to the rights of other claimants. The only relevant Phase II issue on this subject was the presentation of contractual arrangements "specifically" providing that cable royalties shall be distributed to broadcasters. It is useful to recall the description of the sports contracts provided by NAB counsel:

> Each contract, in and of itself, could be a fair subject of litigation. By that, I mean, you could litigate a case in a Federal court over any one of these contracts. [183]

It is thus clear that these contracts did not "specifically" determine the distribution of cable royalties, and could only have been considered when the Tribunal was receiving evidence to determine the proper claimant to sports royalties—that is, during Phase I.

It has been represented to the Tribunal that certain contracts may provide for the sharing of royalties between sports clubs and broadcasters, or even for the waiver of certain royalties by sports clubs. It is sufficient to note that any such clauses would not be dispostive of the issue of who is the proper claimant under Section 111. These contracts may grant broadcasters certain rights to a share of the royalties as against the sports teams. Nothing that this Tribunal determines can alter any such rights.

NAB also sought the introduction during Phase II of several contracts in support of a broadcaster claim to a share of the sports royalties in a situation where no claim had been filed with the Tribunal by the appropriate sports team. The absence of a claim by the sports team does not serve to establish the broadcaster as a proper claimant. Any such issue had to be timely presented during Phase I.

Although the sports issue involving Canadina broadcasters was separately presented to the Tribunal during Phase II, we find it unnecessary in view of our above stated conclusions to give separate consideration to that subject.

Public Broadcasting Service (PBS)

We have determined to make a single allocation of cable royalties to PBS for the distant signal retransmission of (a) programing owned and distributed by PSB; (b) local programing of noncommercial educational stations; and (c) programing owned by various other entities, such as noncommercial program syndicators.

After adjustments to reflect our conclusion on the "network" issue, this award of 5.25% to PBS is close to that recommended in the proposed findings and allocations by several categories of claimants. The claim of PBS ranged to a high of 12%. We gave reduced the claim by the application to this record of the criteria.

The direct case of PBS rested heavily on time-related factors. It was

[180] Transcript, May 22, 1980, p.4.
[181] Ibid, p. 10.
[182] Ibid, p. 11.
[183] Ibid, p. 4.

represented that during 1978 approximately 11 to 12% of all hours of distant television signal carriage by cable systems constituted programs of public television. The record also indicates a degree of duplication in this programming. As with other claims, we have given limited weight in our allocation to total numbers of program hours.

While PBS did not base its case on the size of its audience, the record reflects general agreement that the ratings for public television in the absence of special circumstances are not high. We are unable on the basis of the record to favorably evaluate the claim on the basis of marketplace factors.

We concur in the argument of PBS that the harm-benefit tests may be applied to public television programs as well as commercial syndicated programming.

The direct case of PBS gave limited attention to the subject of quality of programming. However, unlike most other claimants, it did provide a listing of representative programs included in cable retransmissions during 1978. These programs included such generally acknowledged distinguished series as Masterpiece Theatre, Live From Lincoln Center, Nova, and The Electric Company. As stated previously the state of this record as a whole precluded any significant use of quality as a basis for this distribution. Therefore, our award in this proceeding of 5.25% to public broadcasting does not include a quality factor, a subject which may be reflected in subsequent distribution proceedings.

Music

Applying the criteria listed above, the Tribunal has allocated 4.5% of the royalty funds available for distribution to the music performing rights societies.

BMI proposed that music as a group be allocated 17% of the cable royalty fees. We have rejected the allocation proposed by BMI on the grounds that the data and methodology employed are erroneous and lacking in probative value.

ASCAP and SESAC presented a joint case and stated that music claimants as a group were entitled to receive 13.5% of cable royalty fees. They proposed that the Tribunal adopt a marketplace method of allocation and determine the economic value of the programming for which claims have been submitted. They pointed to the different amounts of money that network affiliate and independent television stations pay for music as evidence of the economic value of music.

Based on Federal Communications Commission (FCC) data for 1978 concerning the amount that television stations pay for music and weighting the amount paid by the extent of distant signal carriage of independent, network affiliate and educational stations, they conclude that 7.4% of the stations' total expenditures for copyrighted material is for music. Using the same FCC data, ASCAP and SESAC conclude that radio stations pay 76.7% of their total expenditures for copyrighted materials on music. Weighting these expenditures by the percentage of royalty fees attributable to television and radio, ASCAP and SESAC conclude that all music claimants are entitled to 10.8% of the cable royalty pool. ASCAP and SESAC then raise by 25% the amount which they are claiming to 13.5% because they believe that potential copyright owner claimants have not filed claims with respect to at least one-fifth of the 1978 pool of cable royalty fees.[184]

We find that the evidence advanced by ASCAP and SESAC may be regarded as a basis for an inference as to the value that the market would place on the rights held by the music societies. However, this record provides no basis for the assumptions underlying their radio claim. In addition, they distorted their formula by comparing music royalty expenses of broadcast stations with total expenditures for copyrighted program materials alone and excluding six of the FCC's nine categories of programming expense categories.[185] It is our conclusion that both of those distortions inflate the proposed allocation to music. We therefore adjusted their proposal and when the other factors described above are considered we arrive at an allocation of 4.5%.

Cartoon Characters

We have previously discussed our views concerning the legal issues relating to the claim of the copyright owners of Characters. Even if this claim were not rejected as a matter of law, the evidentiary record of this proceeding does not justify the distribution of any royalties to such copyright owners.

We reject the argument of these claimants that the popularity of the Characters can be isolated from the plot and other elements of the programs in which they appear. We find that the evidence concerning character licensing in the merchandising of good and services is not useful in the distribution of cable royalties.

Radio

The Tribunal finds that the record of this proceeding provides no basis for any award of cable royalty fees for the distant carriage of radio signals. The record is inadequate to establish the extent of cable carriage of radio programming. Moreover, the record fails to show the value of such programming as would justify the award of royalties to commercial radio claimants, or support a finding that the carriage of commerical radio signals is harmful to radio stations.

Our Phase I preliminary allocation on the basis of perceived distinctions between commerical radio and National Public Radio (NPR), as reflected in this record, awarded .25% of the royalty fees to NPR. The record contains testimony that "in almost every community in which a public radio station exists, it provided a service that is not otherwise available" [186] and that the value to a cable system of carrying a public radio station may be greater than "transmitting most commerical radio stations from one market to another because they are almost identical." [187] Our Phase I determination also took into account testimony concerning the role of NPR as a syndicator.[188]

Prior to the adoption of our final decision in this proceeding, a motion was made and adopted for reconsideration of our award to NPR. Upon reconsideration, a majority of the Tribunal determined that the record in this proceeding is inadequate to support any award to NPR and therefore we have set aside our preliminary determination. Upon review of the other Phase I allocations, we determined to increase the PBS award from 5% to 5.25%.

Division of Royalty Fees Among Music Claimants

No voluntary agreement was reached by the performing rights societies concerning the distribution among music claimants of our Phase I award of 4.5% of the cable royalty fees to music claimants. Therefore the Tribunal on August 19, 1980 conducted a hearing on this subject at which time ASCAP, BMI and SESAC presented testimony.

The Tribunal has concluded that our award to the music claimants should be determined on the basis of all evidence in this record and all previous actions of the Tribunal which are relevant to the allocation of copyright fees among the performing rights societies. We believe

[184] March 24, 1980 ASCAP/SESAC Joint Statement.

[185] Transcript, March 31, 1980, pp. 64–90.

[186] Transcript, May 6, 1980, p. 60.

[187] Ibid, p. 72.

[188] Ibid, p. 57 and "Statement and Testimony of MPR," March 14, 1980, p. 4.

that equity is best reached by consideration of a broad range of relevant factors. We have rejected proposed "single" allocation formulas which arbitrarily exclude relevant considerations.

We find that our distribution of the music claimant share among the performing rights societies should be determined by such factors as the following:

(a) Total license fee revenues of the performing rights societies.

(b) Performing rights societies share of 1978 local television license rates.

(c) Performing rights societies share of 1978 television and radio performance credits.

(d) Performing rights societies share of 1978 jukebox royalty fees.

(e) Performing rights societies shares in 1978 public broadcasting proceeding of the Tribunal and voluntary licenses with educational institutions.

Total License Revenues

The record reflects that during the 12 month period closest to the period of this distribution proceeding, the total license revenues of ASCAP were $114,107,000 and of BMI approximately $70,548,000.[189] Comparable information is not available for other music claimants, although there are estimates of SESAC's revenues.

We conclude that this significant difference in total license income is justification for awarding ASCAP a larger share of cable royalties than are awarded to BMI.

1978 Local Television Revenues

The record reflects that BMI's local television contract provides for payment based on 58% of the fees paid to ASCAP and that expressed as a percentage of the payment to BMI, ASCAP's share of local television license rates is 63.3%.[190] BMI argues that it would be unfair to distribute the cable royalties on the basis of its share of the local television revenues since they are based on a 1972 agreement that does not reflect what they regard as significant subsequent changes in the role of BMI.[191] SESAC maintains that it would be unfair to distribute cable royalties on the basis of local television revenues because there is no uniformity of licensing practices among the performing societies.[192]

We cannot speculate as to the terms of the next local television contracts with the performing rights societies, nor on the basis of the case presented in this proceeding by BMI can we make any definitive judgment as to recent trends concerning the respective television market share of ASCAP and BMI.

We believe that it is valid to utilize the local television contracts, taking into account all the circumstances relating to them, as one factor in our music allocation.

Television and Radio Performance Credits

ASCAP introduced a survey seeking to show during 1978 that approximately two-thirds of the total local television performances of musical works were works in the ASCAP repertoire.[193] BMI introduced a survey seeking to show that BMI licenses "approximately 46 percent of the music used on local television."[194] BMI claims that if "dominates the contemporary music scene" as reflected in the hit charts of trade publications and that "far in excess of fifty percent" of the performances on AM radio and "almost fifty percent" of the performances on FM radio are licensed by BMI.[195]

We find that the surveys introduced are not free of limitations, but taken together with other evidence are of probative value. Although we have not made any award to radio claimants we find that evidence concerning radio music performances is of some value in assessing the total contemporary role of the respective performing rights societies.

Jukebox Royalty Fees Distribution

The Tribunal has distributed the 1978 jukebox royalty fees among the performing rights societies according to the terms of voluntary agreements. This distribution awarded (other than for an award to the Italian Book Company) 47.5% of the royalties to ASCAP, 47.5% to BMI and 5% to SESAC.[196] This record does not contain any adequate basis for comparing music performed on jukeboxes with that performed on local television or radio. However we believe that the jukebox voluntary agreement among the performing rights societies is a relevant factor which should receive appropriate consideration in this proceeding.

Public Broadcasting and Educational Institutions' Shares

The Tribunal in our 1978 public broadcasting proceeding adopted a fee schedule providing for payment of royalty fees for the performance of certain musical works by certain public broadcasting entities.[197] These payments are in the range of 45% of the total to ASCAP, 45% to BMI and 10% to SESAC. Because of the limitations of the public broadcasting record concerning usage of the music of specific performing rights societies by public broadcasters only limited weight can be accorded to that determination. We note, however, the testimony in this proceeding concerning the terms of voluntary agreements between educational institutions and performing rights societies for the licensing of music.[198] The testimony reflected that ASCAP receives a slightly higher payment per student than BMI.

Conclusions and Allocation

ASCAP has urged the Tribunal to determine the share of the music claimants according to the market value of the respective repertoires which value is determined by the amount paid for the repertoires. For this distribution they regard local television revenues as the appropriate benchmark.

BMI and SESAC have urged us to consider a number of factors reflecting the total music scene. They both advocate parity between ASCAP and BMI.

On the basis of the record made in this proceeding we cannot agree that there is parity between ASCAP and BMI. Even taking into account the broad range of factors recommended by BMI we conclude that ASCAP should receive a larger share of the cable royalties than BMI. We find major deficiencies in the case presented by SESAC. No evidence or entitlement justification was presented by the Italian Book Company or America Musical, S.A., and we therefore have no basis for making an award to these claimants.

On the basis of the above we conclude that 54% of the music claimants' share should be awarded to ASCAP, 43% to BMI and 3% to SESAC.

Claim of Grinell Communications Corp. (Grinell)

The only program syndicator claim that was the subject of a hearing during Phase II was that of Grinell Communications Corp. The Tribunal heard testimony on this claim on August 21, 1980.

At the commencement of the hearing counsel for MPAA asserted that the claim was barred because it covered "elements" contained in local programs.[199] We have not found it

[189] Transcript, August 19, 1980, p. 6.
[190] Ibid, p. 14.
[191] Ibid, pp. 44–45.
[192] Ibid, p. 74.
[193] Ibid, pp. 21–22.
[194] Ibid, p. 40.
[195] Ibid, pp. 40–41.
[196] SESAC letter to Chairman, CRT, November 20, 1980 and BMI and ASCAP letters to Chairman, CRT, November 21, 1980.
[197] 37 CFR § 304.5 and 304.6.
[198] Transcript, August 19, 1980, p. 75.
[199] Transcript, August 21, 1980, p. 82.

necessary in acting on this claim to reach the legal issue or consider whether the legal issue was not timely raised.[200] We find that the evidentiary justification presented in support of this claim is subject to such a range of possible errors that it is lacking in probative value. We make no award to Grinell.

Unclaimed Funds

As stated above, the Tribunal has divided this proceeding into two phases. Phase I was to determine the percentage of royalty fees to be allocated to specific categories of claimants. Phase II was to provide for the allocation of royalty fees to individual claimants within each group.

During Phase I there was some random testimony to the effect that not all eligible claimants had submitted claims. The Tribunal determined that this subject was not appropriate to Phase I, but that it would be considered subsequently in the proceeding. The Tribunal therefore determined that the Phase I allocations to categories of claimants should be made as if all eligible claimants in each category had filed.

On May 7, 1980 the Tribunal requested claimants to brief "the legal issues applying to the situation of those categories of claimants not fully represented by its total number of eligibile claimants." During Phase II the Tribunal accorded each claimant the opportunity to present any relevant evidence on this subject. No claimant presented any such evidence.

The briefs presented to the Tribunal on the subject of any "unclaimed fund" generally recommended either that (a) the "unclaimed fund" in a particular category of claimants be distributed among the eligible claimants within the same category or (b) that the total "unclaimed fund" in all categories be distributed among all eligible claimants on the basis of their individual entitlements to the entire claimed portion of the royalty fund.

The Tribunal determined that it was neither necessary nor feasible to establish an "unclaimed fund" for the 1978 cable distribution. Rather, royalty fees will be allocated to categories of claimants as if all eligible claimants in each category had filed valid claims. The share of each individual claimant in a category will be determined by voluntary agreement or our Phase II decision.

We find that the record provides no objective basis for redistribution of royalty fees among categories of claimants tod reflect unclaimed royalties in particular categories. We conclude that our disposition of the unclaimed royalties issue provides an equitable allocation of the fees available for distribution.

Finally, we observe that our disposition of the unclaimed royalty issue in this proceeding may not necessarily control any subsequent distribution proceeding.

Distribution of Cable Royalty Fees

[Financial statement of royalty fees for compulsory licenses for transmissions for cable systems for 1978]

Royalty fees deposited	$12,776,959.07
Interest income	553,335.69
Gain on matured securities	1,810,847.21
Total	15,141,141.97
Less:	
Copyright Office operating costs	215,403.72
Approximate CRT administrative costs	35,000.00
Refunds issued	136,659.95
Pending refund requests	20,000.00
Total	407,063.67
Approximate amount available for distribution on 10/3/80	14,734,078.30

The Copyright Office has retained $20,000 of the 1978 cable royalty fees for unresolved refund requests from cable operators. The Tribunal has not approved the retention of such sums by the Office beyond the expiration of the statutory period for the adoption of the Tribunal's final decision in the distribution of the 1978 cable royalty fees. the retention of certain royalty fees by the Copyright Office beyond the statutory period provided in 17 U.S.C. 804(e) is pursuant to regulations promulgated by the Librarian of Congress establishing a final date for 1978 refund requests of cable operators. Our listing of the $20,000 item in the financial statement shall not be interpreted as Tribunal approval of the retention of such sums, or Tribunal approval of the validity of any refunds subsequent to September 11, 1980.

Allocations

The Tribunal has adopted the following aldlocation to categories of claimants of the specified percentage of the royalty fees available for distribution:

1. Motion Picture Association of America, Christian Broadcasting Network, and other program syndicators—75.00%

2. Joint Sports Claimants and NCAA—12.00%

3. Public Broadcasting Service (for all purposes)—5.25%

4. Music Performing Rights Societies—4.50%

5. U.S. and Canadian Television Broadcasters—3.25%

The Tribunal will distribute the royalty fees allocated to program syndicators, sports claimants, PBS and television broadcasters represented by NAB to designated common agents according to the terms of voluntary agreements. The royalty fees allocated to music performing rights societies will be distributed to ASCAP, BMI and SESAC as provided in this determination.

Some 68 television broadcaster claimants have not authorized the NAB to represent them in the allocation of their portion of the broadcasters' share of the cable royalties. The Tribunal has determined that in our Phase II allocation all broadcasters should be treated equally. Therefore, we have adopted the NAB formula in the computation of the share of all commercial television claimants.

The Tribunal for lack of any justification has not awarded cable fees to claimants who:

1. Were not associated with a Phase II voluntary agreement, or

2. Could not reasonably on the basis of this record be treated according to the terms of voluntary agreements, or

3. Which did not submit adequate entitlement justification.

Adopted: September 11, 1980.

Mary Lou Burg,

Chairman.

Separate Findings of Facts, Conclusions and Specific Reasons of Commissioners Garcia and James on the Distribution Among the Music Claimants

The performing rights societies were the only category of claimants that could not reach a voluntary agreement as to how the allocation awarded would be distributed. ASCAP, SESAC, and BMI, all presented evidence in the Phase II proceeding to support their particular positions as to how the allocation should be distributed among them. The Italian Book Company and American Musical, S.A., presented no evidence and consequently, we find based on the record, that they are not entitled to any allocation.

We disagree with the findings of facts, the conclusion reached from those facts, and the specific reasoning of the majority of the members of the Tribunal in arriving at the final distribution of the royalty fees among ASCAP, BMI and SESAC. The basic issue before the Tribunal in this aspect of the proceedings, is the value of music that played on local television which is simultaneously retransmitted by a cable system.

There is one basic fact from the evidence received at the Phase II hearing on August 19, 1980, which is indisputed. In 1978, each performing right society that presented testimony had a negotiated contract with local television stations. We find that each

[200] Federal Register October 17, 1980 (44 FR 59930).

performing rights society negotiated to sell its repertory on the best terms and conditions possible at the time. The terms and conditions of each individual contract was the specific concern of that particular performing rights society. It must be assumed that each society knew the value of its repertory and that they conducted negotiations for terms and conditions in the contract based on that value.

The various terms and conditions in each contract regarding payment, duration of contract, audit adjustments, etc., were totally under the control and discretion of the parties to the contract. They were not forced to agree to any unacceptable terms. From the evidence, we find that these contracts were in full force and effect during the year 1978.

In our opinion, based on the Act and the legislative history, the Tribunal is without any authority to interpret an existing written contract as to value, equity or fairness. It is our opinion that the majority of the Tribunal, by considering, in its determination, other factors which do not evolve directly from said contracts is thereby attempting to interpret the contract. By considering these outside factors, they are giving more value to the contract than the parties did when they were executed.

One of the factors the majority of the Tribunal has taken into consideration is the relationship between the performing rights societies in the distribution of the royalties under 17 U.S.C. 116(c). Under this proceeding, the three major performing rights societies entered into a voluntary agreement to share the royalties received from jukebox licenses. The division agreed upon was 47½% each of ASCAP and BMI and 5% to SESAC. No evidence was taken by the Tribunal in the jukebox distribution proceeding. The only thing that can be considered evidence is a statement signed by BMI and ASCAP, and subsequently agreed to by SESAC, upon which the final distribution was made. However, the agreement specifically states:

"This agreement for 1978 royalty distribution is without prejudice to any claim which may of the parties may assert for any subsequent year".[1]

In our opinion, by giving the voluntary agreement any consideration, the majority assume that the music which is played on local television is the same or similar to music that is played on jukeboxes. We find there is no evidence in the record to support that assumption. We find no evidence in the record as to what the music usage is in jukeboxes. Consequently, in our opinion, any analogy or reference between the distribution proceeding under 116(c) and this proceeding it totally irrelevant.

The majority of the Tribunal also took into consideration as a factor the rate established by the Tribunal under 17 U.S.C. 118(b). This proceeding established the rate that Public Broadcasting and National Public Radio would pay for the use of ASCAP's repertory. In addition, the Tribunal was required to establish rates and terms for several hundred noncommercial radio stations. In the latter, rates were set that resulted in a ratio of 45% each to ASCAP and BMI and 10% to SESAC.

[1] BMI Exhibit 1, Appendix G; Tr. August 19, pp. 53–54.

The Tribunal, in determining the reasonable royalty payments for the performance of ASCAP musical compositions, in that proceeding stated:

"The CRT has adopted this schedule on the basis of the record made in this proceeding. When this matter again comes before the CRT, the CRT will have the benefit of several years experience with this schedule. The CRT does not intend that the adoption of this schedule should preclude active consideration of alternative approaches in a future proceeding." [2]

In adopting separate schedules of rates for the stations licensed to colleges or other educational institutions, and for those not affiliated either with National Public Radio or colleges, the Tribunal in that proceeding stated:

"In establishing the schedule of rates for the performance of copyrighted musical compositions by college and the unaffiliated stations, the CRT in effect was required to establish a relationship among the several performing rights societies as to the value of their repertory and the use of their music. The public broadcasting proceeding was not as appropriate occasion for making such judgments. Accordingly, the ratio resulting from this schedule of rates is not intended in any respect to establish a precedent for any other rate proceeding, including any future proceeding pursuant to 17 U.S.C. 118." [3]

BMI attempted to show the role it plays in the total music field. Their position and supporting evidence stated that all marketplace considerations of value constituted a more appropriate basis for comparison among the various performing rights societies.[4] They proposed that such a distribution would result in a division of 47½% each to ASCAP and BMI, and 5% to SESAC.

To support this position, a BMI witness testified regarding a special BMI survey which attempted to show the actual music usage.[5] It was alleged that the survey showed, after weighting the results, that approximately 46% of music used on local television was BMI's.[6] BMI's witness admitted that no distinction was made between the kinds or time of performances, i.e., feature, theme, background music, etc. Evidence also was introduced that this was contrary to BMI's traditional practice of weighting performances according to the various types of performances.[7] We found it interesting that BMI chose to include their share of radio market survey (Appendix D in their Exhibit 1), but did not give us comparable data for their share of local television. From Exhibit 7 we have to infer BMI has their own performance credit survey they use for paying local television fees collected to their members. Yet, this survey was not introduced into evidence. We find ourselves confronted by the question; why did BMI commission a special survey when they already had a survey? The inference drawn by us as a result of their failure to introduce their performance credit survey into evidence is that it may be similar to the evidence introduced by ASCAP, which shows a 68% ASCAP/32% BMI relationship (Exhibit 5).

We were unable to determine BMI's share of music usage from Appendices C, E and F, included in Exhibit 1. We, therefore, find that said Appendices lack probative value.[8]

BMI's local television contract calls for payment based on 58% of the fees paid to ASCAP. This amounts to approximately 37% of the total fees paid ASCAP and BMI for music.[9] BMI is opposed to making the cable royalty fees distribution based on fee generation. They argue that an allocation based upon fee distribution is unfair and is presently not an accurate measure. This argument is based upon market condition changes purported to have occurred since the contracts with local television stations were negotiated. They further argued, that the difference between them and ASCAP has narrowed.[10]

We find no evidence in the record to indicate that ASCAP and BMI are at parity in the use of their repertories on local television. Further, there is no evidence in the record that if local television stations' contracts were renegotiated, BMI would receive a higher share than 37%, let alone parity with ASCAP. We find further from the evidence (ASCAP's Exhibit 6), that the difference between ASCAP and BMI has in fact widened in favor of ASCAP.

BMI specifically cites the relative shares of the radio market.[11] In light of the fact that the Tribunal has determined in this proceeding that no probative evidence was present in the record that shows any significant radio programming, either commerial or public, which would entitle any radio claimant to cable royalties, we failed to find any relevancy in this comparison. The majority considered it as a factor in reaching its allocation. We conclude that the allocation to the music claimants in this proceeding of 4.5% of the royalty fees, is based entirely on the use of music in local television. Radio claimants received no allocation. There is no evidence that radio music usage is similar to local television music usage. Consequently, music usage on radio is irrelevant and immaterial.

We further find as stated above, that the testimony regarding PBS negotiations and the jukebox distribution settlement, was void of probative value in assisting us in this matter. We, therefore, reject BMI's proposal for distribution as the record is totally lacking in any probative evidence to support its position.

SESAC testified that we should consider only areas where the factors among the performing rights societies have been the same. SESAC's witness referred to the payments received pursuant to the Act, by the societies, from negotiations with colleges and universities. He further suggested that we look to the allocation in the area of

[2] Fed. Reg., Vol. 43, No. 111 June 8, 1978, p. 25069.
[3] Ibid.
[4] Tr. Aug., 19, p. 39.
[5] Ibid., Tr. p. 61–63.
[6] Ibid., Tr. p. 63.
[7] Ibid., Tr. pp. 67–71.
[8] Ibid., pp. 48–49; 52–53; 85–95.
[9] Ibid., p. 43.
[10] Ibid., pp. 43–45.
[11] Ibid., pp. 40–41; 49–51.

noncommercial broadcasting and like BMI, the jukebox distribution voluntary settlement. It is SESAC's recommendation that the distribution should be 45% each to ASCAP and BMI, and 10% to SESAC.[12] We reject SESAC's proposal as it is not supported by any probative evidence in the record as has been noted above.

ASCAP presented evidence which showed the marketplace concept based on fees generated from local television stations. Their position is that the distribution should be in the same ratio as the various societies are paid by local television for their repertories. ASCAP submitted evidence (Exhibit 4), which indicated that they receive approximately 63% of fees paid to them and BMI from local television licenses. (This schedule omits a smaller share which would be attributed to SESAC). This data was not disputed by SESAC or BMI. In addition, the evidence submitted by ASCAP as their share of performance credits by quarter indicates that 68.3% of all local television performances of musical works were in the ASCAP repertoire.[13] This fact was not challenged by either BMI or SESAC.

We conclude, it is appropriate for us to look at how the market values the respective repertories of each performing rights society. We find that these values are determined by the amount paid for the repertories by local television stations. We further find, that the rates which are charged by ASCAP, BMI, and SESAC, in 1978, to the television stations, whose signals were carried by cable system, are the best criterion. The rates for each were charged under a valid and existing contract, freely negotiated by each society.

We further find, based on the record in this proceeding, that income from total license fees in 1978 was $114,107,000 for ASCAP and $70,548,000 for BMI (Exhibit 1). In the public broadcasting hearings, it was determined that SESAC's annual royalty collections were estimated to be between $3 million and $4 million in 1976. Since current data is not available, and for purposes of comparision and our allocation, in this proceeding only, we have determined SESAC's 1978 royalty collections to be $5 million. this was determined by providing a growth factor for SESAC comparable to ASCAP and BMI growth for the same period.

We thus conclude, based on the record, that the distribution of the music performing right societies allocation of 4.5% of the funds available for distribution should have been:

1. ASCAP—60%
2. BMI—37%
3. SESAC—3%
4. Italian Book Co.—0%
5. American Musical, S.A.—0%

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BILLING CODE 1410-01-M

[12] Ibid., pp. 74–75.
[13] Ibid. pp. 16–23.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Draft Supplemental Revised Environmental Impact Statement for a Proposed Construction of a Reservoir and Water Supply Facility by the Spring Valley Water Co., Inc., in Ambrey Ponds/Timp Mountain Brook, Lake Tiorati/Cedar Pond Brook and Minisceongo Creek, at Cedar Flats and Stony Point, Rockland County, N.Y.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplemental revised environmental impact statement.

SUMMARY: 1. Description of Proposed Action.

The Spring Valley Water Company, Inc. has requested a permit from the New York District Corps of Engineers under Section 404 of the Clean Water Act of 1977 to construct facilities needed to develop a potable water supply, including a reservoir diversion structure, and a water treatment plant. The proposed work is to take place in three stages in the Stony Point-Haverstraw area.

Stage I, for which the permit application has been made, includes the construction of the filtration plant, a 200 acre reservoir, and a diversion from Lake Tiorati Brook. The reservoir is to be created by the placement of two impoundment structures, a concrete main dam and an earth fill auxiliary dam, on the watershed of Timp Mountain Brook. Approximately 25,000 cubic yards of concrete and 3,576 cubic yards of portland cement will be used in the construction of the 72 foot high by 480 foot long main concrete dam. An additional 121,000 cubic yards of stone riprap will be placed to construct the 53 foot high by 900 foot long auxiliary earthfill dam. All of the earth fill utilized will come from borrow areas within the reservoir site. Due to the construction of the proposed impoundments and subsequent inundation, approximately 40 acres of wetland habitat will be submerged. To divert water to the new reservoir a concrete diversion structure, an intake structure, and a diversion pipeline will be placed on Lake Tiorati/Cedar Pond Brook. This aspect of the project is covered by a nationwide permit. The habitat of Lake Tiorati/Cedar Pond Brook from the point of diversion and downstream thereof will be modified due to the reduction of normal streamflow. The new water treatment plant will be built to replace the existing Stony Point filtration plant just southeast of Reservoir Road.

Stage II of the project entails the capture of additional waters downstream of the Lake Tiorati/Cedar Pond Brook diversion for pumpback to the new Ambrey Reservoir. The completion of Stage III would allow for the diversion of water to the reservoir from an existing impoundment on Minisceongo Creek.

2. Reasonable Alternatives:

a. No action.

b. Alternative project site(s).

c. Alternative methods to increase peaking capacity.

d. Combination of alternative methods to increase peaking capacity.

3. Scoping Process:

a. Public Involvement:

(1) Comments from public on preliminary EIS scope of work contained in public notice issued on project.

(2) Comments at scoping meeting.

b. Significant Issues Requiring In-depth Analysis:

(1) Seismology.
(2) Water Quality.
(3) Wetlands.
(4) Groundwater.
(5) Hydrology.
(6) Air Quality.
(7) Noise.
(8) Terrestrial Habitat.
(9) Fish and Wildlife.
(10) Historical and Archeological Resources.
(11) Socio-Economics.
(12) Transportation.
(13) Recreation.
(14) Cumulative Impacts.
(15) Alternatives.
(16) Mitigating Measures.
(17) Land-Use Planning.

c. Assignments—None proposed.

d. Environmental review and consultation—Meetings with concerned Federal, State, and local governmental agencies as well as interested environmental groups.

4. Scoping Meeting will* be held.

5. Estimate date of statement availability: November 1981.

Address: Project Manager Dimitrius Yackanich, Attn.: NANOP-E, Tel. No. (212) 264-0185.

EIS Coordinator, Candy Bartoldus, Attn.: NANEN-E, Tel. No. (212) 264-4662.

US Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007.

*Date: Oct. 9, 1980. Time: 10 a.m. Location: Federal Building, 26 Federal Plaza, Room 2038, New York, N.Y. 10278.

Dated: September 8, 1980.

S. M. Hook,

Chief, Environmental Analysis Branch.

[FR Doc. 80-29466 Filed 9-22-80; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Indian Education National Advisory Council

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of the meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council Meeting: October 17, 1980, 9:00 a.m. to 5:00 p.m. and, October 18, 1980, 9:00 a.m. to 5:00 p.m. and, October 19, 1980, 9:00 a.m. to 5:00 p.m.

ADDRESS: Dallas Hilton, 1914 Commerce Street, Dallas, Texas 75201.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

(2) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian Children or adults participate from which they can benefit including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), section 810 of Title VIII of the Elementary and Secondary Education act of 1965 as amended and section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(6) Assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) Submit to the Congress not later than June 30 of each year a report of its activites, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs; and

(8) Be consulted by the Commissioner of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting will be open to the public. This meeting will be held at the Dallas Hilton, 1914 Commerce Street, Dallas, Texas 75201, (214) 747-2011.

The proposed agenda includes:

(1) Executive Director's Report.
(2) Action on previous meeting minutes.
(3) Committee discussions and reports.
(4) Review of NACIE FY 1980 Budget.
(5) Plans for future NACIE activities.
(6) Regular Council Business.
(7) Public Testimony.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Copuncil on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: September 17, 1980. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 80-29423 Filed 9-22-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources; Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in September 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Tight Gas Reservoirs Task Group. The time, location and agenda of the meeting follows:

The twentieth meeting of the Tight Gas Reservoirs Task Group will be held on Monday, September 29, 1980, and Tuesday, September 30, 1980, starting at 9:00 a.m. on both days, in Conference Room 1119, Mobil Oil Corporation, Prudential Plaza Building, 1645 Curtis Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Review draft work of the Tight Gas Reservoirs Task Group.
3. Discuss the completion of the Tight Gas Reservoirs Task Group's assignment.
4. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who

wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 5B–180, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 10, 1980.

R. Dobie Langenkamp,

Deputy Assistant Secretary, Resource Development and Operations Resource Applications.

September 10, 1980.

[FR Doc. 80–29292 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Church and Sun Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of settlement.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of August 1980. The Consent Order represents resolution of an outstanding compliance investigation by the DOE and the firm and concerns overcharges in sales of gasoline during the period covered by the audit. This Consent Order is concerned exclusively with the firms agreement to refund overcharges through price reduction on all customer purchases.

For further information regarding this Consent Order please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street NE., Atlanta, Georgia 30367, telephone number (404) 881–2396.

Firm name and address: Church and Sun Oil Co.

Settlement terms: Refund $8,875 through price reduction on customer purchases.

Period covered: March 1 through July 31, 1979.

Issued in Atlanta, Georgia, on the 2nd day of September 1980.

William R. Gibson,

Acting District Manager of Enforcement.

Concurrence:

Leonard F. Bittner,

Chief, Enforcement Counsel.

[FR Doc. 80–29293 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–01–M

Crude Oil Buy/Sell Program; Allocation Period of October 1, 1980, through March 31, 1981

The notice specified in 10 CFR 211.65(g)(1) of the crude oil allocation (buy/sell) program is hereby issued for the allocation period of October 1, 1980, through March 31, 1981. The buy/sell list for the allocation period October 1, 1980, through March 31, 1981 is set forth as an appendix to this notice. The list includes the names of the small refiners granted allocations and their eligible refineries, the quantity of crude oil each refiner is eligible to purchase, the fixed percentage share for each refiner-seller, and the sales obligation of each refiner-seller for the allocations listed herein.

The ERA also hereby publishes a list of allocations issued at the direction of the Office of Hearings and Appeals.

The allocations for the small refiners on the buy/sell list were determined in accordance with 10 CFR 211.65(b). Sales obligations for refiner-sellers were determined in accordance with 10 CFR 211.65 (e) and (f). With respect to allocations under 10 CFR 211.65(b), for the allocation period of October 1, 1980, through March 31, 1981, each refiner-buyer shall be entitled to purchase, for each of its refineries that is determined by ERA not to have access to imported crude oil, an amount of crude oil equal to the difference between (1) the volume of crude oil runs to stills (not including crude oil processed for other refiners) at the eligible refinery in the period October 1, 1979, through March 31, 1980, and (2) the volume of crude oil runs to stills (not including crude oil runs attributable to purchases under 10 CFR 211.65 or crude oil processed for other refiners) at the eligible refinery in the period April 1, 1980, through September 30, 1980 (calculated by using the level of the crude oil runs to stills at that refinery in the period April 1, 1980, through July 31, 1980 for the entire six-month period).

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to 10 CFR 211.65(f), each refiner-seller shall offer for sale during an allocation period, directly or through exchanges to refiner-buyers, a quantity of crude oil equal to that refiner-seller's sales obligation plus any volume that the ERA directs the refiner-seller to sell pursuant to 10 CFR 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telegram the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request that the ERA direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA on or before October 14, 1980. Upon such request, the ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

Refiner-buyers making requests for directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations, or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as ERA may request.

Please note change of address. All reports and applications made under this notice should be addressed to:

Robert G. Bidwell, Jr.
Chief
Crude Oil Allocation and Production Branch
2000 M Street NW., Room 6318
Washington, D.C. 20461

TWX's may be sent to 710–822–9454 (answer back EVFTJ WSH).

Also note that, effective August 15, 1980, the telephone number for the Crude Oil Allocation Branch is changed to 202–653–3420.

Copies of the decisions and orders assigning the emergency allocations listed herein may be obtained from:

Ecomonic Regulatory Administration
Public Information Office
2000 M Street, NW.
Rm. B110
Washington, D.C. 20461
(202) 653–4055

This notice is issued pursuant to Subpart G of DOE's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 23, 1980.

Issued in Washington, D.C., on September 17, 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Appendix

The buy/sell list for the period October 1, 1980, through March 31, 1981 sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil that each refiner-buyer is eligible to purchase for each eligible refinery, including an allocation for expanded refining capacity and an emergency allocation.

All refiner-sellers' percentage shares have been changed to reflect the Continental Oil Company and Exxon Company, U.S.A. Decision and Order issued by DOE's Office of Hearings and Appeals on March 20, 1979 (3 DOE Para. 82,551). While the refiner-sellers' percentage shares displayed are rounded to three decimal places, six decimal places have been utilized to establish actual sales obligations.

Also included in the appendix is a list of the names and addresses of the persons designated by refiner-sellers to receive service of copies of applications for emergency crude oil allocations.

Office of Hearings and Appeals Decisions

On June 20, 1980, the Office of Hearings and Appeals (OHA) issued a Proposed Decision and Order that reached the preliminary conclusion that Dow Chemical U.S.A. (Dow) should be granted exception relief for its newly constructed refinery in Freeport, Texas (Oyster Creek) (Case Number BEE–0285). On the same day, OHA also issued an Interim Decision and Order granting immediate exception relief to Dow by directing the ERA to grant Dow's Oyster Creek refinery an emergency buy/sell allocation of crude oil of 33,979 barrels/day for the period June 1—November 30, 1980 (Case Number BEN–0285). This allocation notice assigns Dow's allocation for the period October 1—November 30, 1980. Refiner-sellers are advised that OHA's Interim Decision and Order specifically restricts Dow from purchasing more than 8,495 barrels/day of crude oil from any single refiner-seller.

On August 15, 1980, OHA issued a Decision and Order to Giant Industries (Case Number BEA—0182) concerning Giant's expanded refining capacity. Pursuant to that Order, this allocation notice assigns a revised allocation to Giant based upon the expanded capacity as determined by OHA, less the amount allocated previously by ERA in its Order to Giant of January 11, 1980.

Refiner-Sellers' Obligations Oct. 1, 1980 Mar. 31, 1981, Allocation Period

Refiner-sellers	Share	Sales obligation * (bls)
Amoco Oil Co.	.105	1,023,226
Atlantic Richfield Co.	.077	2,489,229
Chevron U.S.A., Inc.	.102	811,826
Cities Service Co.	.025	1,460,754
Continental Oil Co.	.004	30,454
Exxon Co., U.S.A.	.089	855,392
Getty Ref. & Marketing Co.	.021	269,843
Gulf Ref. & Marketing Co.	.091	1,548,814
Marathon Oil Co.	.023	479,713
Mobile Oil Corp.	.094	1,024,952
Phillips Petroleum Co.	.041	912,101
Shell Oil Co.	.114	2,831,749
Sun Co.	.055	611,986
Texaco, Inc.	.114	1,332,090
Union Oil Co. of Calif.	.046	2,866,411m,s
Total sales obligation		18,548,540

* As is ERA's normal practice, this buy/sell list reflects differences between actual sales volumes in the October 1979-March 1980 allocation period, and the estimated sales volumes which were originally used to calculate the April-September 1980 allocation list (45 FR 21010, March 31, 1980). There were significant differences between the actual sales volumes and the original estimates of some refiner-sellers, and these unsold carryover amounts may have affected some refiner-sellers' sales obligations for the October 1980-March 1981 allocation period. Refiner-sellers who have questions concerning their October 1980-March 1981 sales obligations should contact the Crude Oil Allocation and Production Branch staff at their earliest convenience.

Eligible Refineries Oct. 1, 1980–Mar. 31, 1981

Refiner	Refinery location	Allocation (bbls.)
Asamera Oil, Inc.	Denver, CO	
Carbonit Ref. Inc.	Hearne TX	652,987
Caribou Four Corners	Woods Cross, UT	
Caribou Four Corners	Kirtland, NM	34,988
CRA-Farmland Ind., Inc.	Scottsbluff, NE	74,527
CRA-Farmland Ind., Inc.	Phillipsburg, KS	
Dow/Refinery	Bay City, MI	
Evangeline Refining	Jennings, LA	
Farmers Union Central Exchange.	Laurel, MT	3,508,384
Giant Industries	Bloomfield, NM	113,489
Hunt Oil Company	Tuscaloosa, AL	1,837,828
Kenco Ref. Co., Inc.	Wolf Point, MT	
Kentucky Oil & Ref. Co.	Betsy Layne, KY	5,661
Little America Ref.	Sinclair, WY	925,629
Little America Ref.	Casper, WY	
MacMillan RF Oil Co.	Norphlet, AR	
Marion Corporation	Theodore, AL	
Mount Airy Refining	Mount Airy, LA	640,347
Murphy Oil Corp.	Superior, WI	1,863,400
Newhall Ref. Co.	Newhall, CA	
OKC Corp.	Okmulgee, OK	485,539
Pennzoil Co. (Atlas)	Shreveport, LA	751,904
Pioneer Ref. Co.	Nixon, TX	30,940
Plateua, Inc.	Bloomfield, NM	544,110
Plateau, Inc.	Roosevelt, UT	140,138
Pride Ref., Inc.	Abilene, TX	560,710
Rancho Ref. Co. of TX.	Donna, TX	162,264
Shepherd Oil Inc.	Jennings, LA	671,411
Somerset Ref. Inc.	Somerset, KY	
Southern Union	Lovington, NM	1,955,498
Southern Union	Mounment, NM	(1)
Southwestern Ref. Co.	La Barge, WY	25,232
Texas American Petrochemicals, Inc.	West Branch, MI	166,638
Thunderbird Resources (Westco).	Cut Bank, MT	
Thunderbird Resources (Westland).	Williston, ND	121,201
Western Ref. Co.	Woods Cross, UT	685,300
Wyoming Ref.	Newcastle, WY	87,246
Total		16,045,371

[1] The Dow refinery at Bay City and the Southern Union refinery at Monument have been shut down. Accordingly, each is presently ineligible for an allocation under the buy/sell program.

Summary of Allocations for the Oct. 1, 1980–Mar. 31, 1981, Allocation

	Period
Total October 1980–March 1981 Regular Allocations (10 CFR 211.65(b))	16,045,371
Dow OHA Allocation	2,072,7191
Giant OHA Allocation	430,450
Total Allocations	18,548,540

Contact List for Refiner-Sellers

Matthew J. Gallo, Amoco Oil Company, 200 E. Randolph Drive, P.O. Box 5910–A, Chicago, IL 60601.

J. J. Hur, Atlantic Richfield Company, 515 South Flower Street, P.O. Box 2679, Los Angeles, CA 90071.

Frank W. Bradley, Chevron U.S.A., Inc., 1700 K. Street, NW., Suite 1204, Washington, DC 20006.

C. D. Head, Cities Service Company, P.O. Box 300, Tulsa, OK 74102.

Mike McNeese, Conoco, Inc., P.O. Box 2197, Houston, TX 77001.

Barbara Finney, Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001.

Eugene F. Gervino, Getty Refining & Marketing Company, P.O. Box 1650, Tulsa, OK 74102.
L. G. Armel, Gulf Oil Corporation, Gulf Building, P.O. Box 2001, Houston, TX 77001.
Victor Beghini, Vice President, Marathon Oil Company, 539 South Main Street, Findlay, OH 45840.
W. L. Fanning, Jr., Mobil Oil Corporation, 3225 Gallows Road, Fairfax, VA 22037.
A. L. Hobbs, Phillips Petroleum Company, Phillips Building, Bartlesville, OK 74004.
G. E. Carnahan, Shell Oil Company, P.O. Box 2463, Houston, TX 77001.
C. Steven LeBaron, Sun Petroleum Products Company, 9th Floor, Law Department, 1608 Walnut Street, Philadelphia, PA 19103.
Paul D. McNaughton, Texaco, Inc., P.O. Box 52332, Houston, TX 77052.
Howard Johnson, Texaco, Inc., c/o Legal Department, 2000 Westchester Avenue, White Plains, NY 10650.
Gus Williams, Union Oil Company of California, 1650 East Golf Road, Schaumburg, IL 60196.

[FR Doc. 80-29294 Filed 9-22-80; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket Nos. 80-CERT-025; 80-CERT-027; 80-CERT-028]

Gulf States Utilities Co., et al.; Certification and Recertification of Eligible Uses of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) has issued two certifications and one recertification pursuant to 10 CFR Part 595 for eligible uses of natural gas to displace fuel oil.

On July 2, 1980, Gulf States Utilities Company (Gulf States), 285 Liberty Street, P.O. Box 2951, Beaumont, Texas 77704, filed an application for certification of an eligible use of up to 100,000 Mcf of natural gas per day to displace 16,129 barrels of No. 6 residual oil (0.7 percent maximum sulfur) at its Roy S. Nelson Generating Station located in Westlake, Louisiana. The eligible seller of the natural gas is the Koch Hydrocarbon Company and the gas will be transported by the Tennessee Gas Pipeline Company.

On August 1, 1980, as amended August 18, 1980, Atlas Powder Company (Atlas Powder), Park Central 111, 12700 Park Central Place, Dallas, Texas 75251, filed an application for recertification of an eligible use of up to 292,600 Mcf natural gas per year to displace up to 2,400,000 gallons (57,143 barrels) of No. 2 diesel fuel oil (0.34 to 1.0 percent sulfur) per year at its plant located in Joplin, Missouri. The eligible seller and transporter of the gas is Cities Service Gas Company. On October 3, 1979, Atlas Powder received its original one-year certification (ERA Docket No. 79-CERT-083) of an eligible use of natural gas purchased from Cities Service Gas Company for use at its Joplin Plant. The recertification will be effective October 3, 1980.

On August 8, 1980, Public Service Electric and Gas Company (Public Service) filed an application for certification of an eligible use of approximately one billion cubic feet of natural gas per year to displace approximately 151,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 4,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year at eight of its electric generating stations in New Jersey. The eligible seller of the natural gas is the Delhi Gas Pipeline Corporation and the gas will be transported by the Transcontinental Gas Pipeline Corporation.

Notice of these applications was published in the Federal Register on September 5, 1980 (Gulf States, 45 FR 58954), (Atlas Powder, 45 FR 58945), and (Public Service, 45 FR 58953), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Gulf States', Atlas Powder's and Public Service's applications in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for certification and Recertification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and recertification, and transmitted them to the Federal Energy Regulatory Commission.

More detailed information, including copies of the applications, transmittal letter, and the actual certifications and recertification are available for public inspection at the ERA Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on September 17, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80-29464 Filed 9-22-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-519]

Arkansas Louisiana Gas Co.; Application

September 17, 1980.

Take notice that on August 27, 1980, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71163, filed in Docket No. CP80-519 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two town border stations and the modification of two existing town border stations, and for permission and approval to abandon by conversion from transmission to distribution classification certain existing facilities in the vicinity of Little Rock, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate two new town border stations on its existing Lines A and LM-4 which enter the Little Rock area from the southwest. In addition, Applicant proposes to modify and revamp two existing town border stations situated on Applicant's Lines B and JM-30 which enter the Little Rock area from the northwest and north, respectively. Applicant also would convert the jurisdictional facilities that are located downstream from the proposed and existing town border stations from interstate transmission classification to distribution service classification.

Applicant states that the Little Rock area has experienced significant growth in the last decade and believes the relocation of the stations to the perimeter of the city along with the conversion of the transmission line to a distribution line would better serve the expanded market.

Applicant states that it would not attach any new markets. Applicant estimates the cost of constructing the two new border stations and modifying the two existing stations would be $538,100. Such cost, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the

Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necesssity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be reprsented at the hearing.

Kennth F. Plumb,

Secretary.

[FR Doc. 80-29405 Filed 9-22-80; 8:45 am]

FILLING CODE 6450-85-M

[Docket No. ER80-734]

Boston Edison Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that on August 29, 1979, Boston Edison Company submitted an informational filing relating to a unit contract for the sale of 33 MW of capacity from its Medway generating station to the Reading Municipal Light Department. Edison's filing contained the estimated capacity costs for the period November 1, 1980 to October 31, 1981.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before October 3, 1980, file with the Federal Energy Regulatory Commission petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All protests filed with the Commission will not serve to make protestants parties to any proceeding. Persons wishing to become a party 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 documents referred to herein are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29406 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-735]

Boston Edison Co.; Filing

September 16, 1980.

The filing Company submits the following:

Take notice that on August 29, 1979, Boston Edison Company submitted an information filing relating to a unit contract for the sale of 23 MW of capacity from its New Boston generating station to the Reading Municipal Light Department. The effective period of the contract is November 1, 1980 to October 31, 1981. Edison's filing contained the estimated capacity costs for that period.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before October 3, 1980, file with the Federal Energy Regulatory Commission petitions to intevene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All protests filed with the Commission will not serve to make protestants parties to any proceeding. Persons wishing to become a party 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 documents referred to herein are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29407 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3287]

Burnshire Dam Hydroelectric Project; Application for Preliminary Permit

September 17, 1980

Take notice that Britt R. Gilbert, Thomas G. Scully, and John S. Scully IV, (Applicant) filed on August 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3287 to be known as Burnshire Dam Hydroelectric Project located on the North Fork of the Shenandoah River, near the Town of Woodstock in Shenandoah County, Virginia. Correspondence with the Applicant should be directed to: Mr. Thomas F. Nolan IV, Attorney at Law, 401 'C' Street, N.W., Washington, D.C. 20002.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) A concrete gravity dam, 280 feet long and 14 feet high; (2) a reservoir with a surface area of 20.7 acres and a storage capacity of 200 acre-feet at surface elevation 670 feet m.s.l.; (3) a forebay, intake structure, and three penstocks; (4) a powerhouse containing three inoperative turbines with a total installed capacity of approximately 330 HP; (5) a discharge channel; and new project works to include (6) three generators with a total installed capacity of about 250 kW; (7) penstock gates; (8) switchgear and a 150-foot long transmission line; and (9) other appurtenances. Applicant estimates annual generation would average 876,000 kWh.

Purpose of Project—Applicant proposes to sell project energy to the Virginia Electric Power Company (VEPCO).

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 3 years. During the term of the permit Applicant would perform technical, economic, and environmental feasibility studies, and if feasible, prepare an application for FERC license. Applicant estimates cost of studies under a preliminary permit would not exceed $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necesary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file coments 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 November 17, 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 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amend*, 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 § 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 November 17, 1980. the Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29408 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-740]

Central Illinois Public Service Co.; Filing

September 16, 1980.

The filing Company submits the following:

Take notice that on September 2, 1980, Central Illinois Public Service Company (CIPS) tendered for filing proposed Fourth Revisions to Service Schedules B & C to the Interconnection Agreement dated May 2, 1972, with Southern Illinois Power Cooperative (SIPC). The effective date of the proposed revisions is August 1, 1980.

CIPS indicates that said revised agreement revises the reservation charges for Short-Term Non-Firm and Firm Power transactions.

Fourth Revised Service Schedules B & C are being filed with the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before October 3, 1980. Protests will be considered by 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. 80-29409 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85

[Docket No. ER80-747]

Central Illinois Public Service Co.; Filing

September 16, 1980.

The filing Company submits the following:

Take notice that on September 2, 1980, Central Illinois Public Service Company tendered for filing a supplement to Rate Schedule FERC No. 74, dated August 11, 1980, and entitled Revision No. 5 to the Interconnection Agreement dated May 2, 1972, between Central Illinois Public Service Company and Southern Illinois Power Cooperative. This supplement provides for compliance with Section 35.23 of the Commission's regulations, as promulgated by Order No. 84 issued May 7, 1980.

Copies of this filing have been sent to Southern Illinois Power Cooperative and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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. 80-29410 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-748]

Central Illinois Public Service Co.; Filing

September 16, 1980.

Take notice that on September 2, 1980, Central Illinois Public Service Company tendered for filing a supplement to Rate Schedule FERC No. 45 dated August 27, 1980, and entitled CIPS Modification No. 1 to the Interconnection Agreement dated May 1, 1966, between Central Illinois Public Service Company and Public Service Company of Indiana, Inc. This supplement provides for compliance with Section 35.23 of the Commission's regulations as promulgated by Order No. 84 issued May 7, 1980.

Copies of this filing have been sent to the Public Service Company of Indiana, Inc., the Illinois Commerce Commission and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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. 80-29411 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-749]

Central Illinois Public Service Co.; Filing

September 16, 1980

The filing Company submits the following:

Take notice that on September 2, 1980, Central Illinois Public Service Company tendered for filing a supplement to Rate Schedule FERC No. 66, dated August 26, 1980, and entitled CIPS Amendment No. 1 to the Interconnection Agreement dated November 1, 1969, among Central Illinois Public Service Company, Illinois Power Company, Union Electric Company and the Tennessee Valley Authority. This supplement provides for compliance with Section 35.23 of the Commission's regulations, as promulgated by Order No. 84 issued May 7, 1980.

Copies of this filing have been sent to Illinois Power Company, Union Electric Company, Tennessee Valley Authority, Illinois Commerce Commission and Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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. 80-29412 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-754]

Central Illinois Public Service; Filing

September 16, 1980.

The filing Company submits the following:

Take notice that on September 4, 1980, Central Illinois Public Service Company tendered for filing a supplement to Rate Schedule FERC No. 59 dated September 1, 1980, and entitled Sixth Supplemental Agreement to the Interconnection Agreement dated January 31, 1967, between Central Illinois Public Service Company and Kentucky Utilities Company. This supplement provides for compliance with Section 35.23 of the Commission's regulations as promulgated by Order No. 84 issued May 7, 1980.

Copies of this filing have been sent to Kentucky Utilities Company, the Kentucky Energy Regulatory Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *October 3, 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. 80-29413 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-753]

Central Telephone & Utilities Corp.; Filing September 17, 1980

The filing Company submits the following:

Take notice that Central Telephone & Utilities Corporation (CTU) on September 5, 1980, entered for filing a proposed rate schedule 80-PPS (Peaking Power Service) covering conditions and charges for Peaking Power Service supplied to the Kansas Electric Power Cooperative, Inc., by Central Telephone & Utilities Corporation.

CTU proposes an effective date of July 1, 1980, for the proposed rate schedule 80-PPS (Peaking Power Service) in order to comply with an interim order issued by the Kansas Corporation Commission in Docket No. 120,793-U, which mandated the movement of SPA Power through several utility systems for use by the Sunflower Electric Cooperative and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application shouild 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. All such petitions or protests should be filed on or before October 3, 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. 80-29414 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-106]

Charles Fenley Enterprises; Extension of Time

September 16, 1980.

On September 12, 1980, the Secretary of Energy filed a request for an extension of time to file a reply to the petition for review and the administrative record in the above-docketed proceeding. The motion states that additional time is required because of a delay in the Secretary's receipt of the petition for review and because of anticipated delays in the compilation of the administrative record in this case.

Upon consideration, notice is hereby given that an extension of time for the filing of a reply to the petition for review and the administrative record is granted to and including October 8, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29389 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-757]

Cleveland Electric Illuminating Co.; Filing

September 17, 1980.

The filing company submits the following:

Take notice that on September 8, 1980, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 30 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on September 1, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 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. 80-29415 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3305]

Continental Hydro Corp.; Application for Preliminary Permit

September 17, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 11, 1980, an application for preliminary permit [pursuant] to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3305 to be known as the James Thompson Dam Project located on the Hoosic River in the Town of Valley Falls, Rensselaer County, New York. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing James Thompson Company Dam and would consist of: (1) A concrete overflow dam about 300 feet long and 14 feet high having a spillway crest elevation of 305 feet U.S.G.S. datum; (2) a reservoir having a surface area of 20 acres and a storage capacity of 185 acre-feet; (3) a gated canal on the left (south) bank; (4) a new powerhouse containing two new generating units having a total rated capacity of 1,200 kW operated at a 15-foot head; and (5) appurtenant facilities. Applicant estimates the annual generation would average about 6,000,000 kWh.

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 17, 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 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amended* 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 17, 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. 80-29416 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3325]

Continental Hydro Corp.; Application for Preliminary Permit

September 17, 1980

Take notice that Continental Hydro Corporation (Applicant) filed on August 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3325 to be known as the John Martin Project, located on the Arkansas River near the Town of Hasty, Bent County, Colorado. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, Suite 1143, 141 Milk Street, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers John Martin Dam and Reservoir and would consist of a powerhouse with one or more generating units having a total rated capacity of 1.38 MW and a transmission line. The project is estimated to be capable of producing 5,550,000 kWh annually saving the equivalent of 9,000 barrels of oil or 2,500 tons of coal.

Purpose of Project—Energy produced at the project would be sold to the Town Of Lamor, Colorado for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $48,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 17, 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 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amended*, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 17, 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. 80-29417 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3331]

Continental Hydro Corp.; Application for Preliminary Permit

September 16, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3331 to be known as Cherry Creek Dam located on Cherry Creek in Arapahoe County, Colorado. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cherry Creek Dam and would consist of: (1) a new penstock about 600 feet long located on the left (west) bank; (2) a new powerhouse containing generating unit(s) having a total rated capacity of 1.55 MW; and (3) appurtenant facilities. Project energy would be transmitted to existing power lines serving the dam or to Public Service Company of Colorado's 230-kV transmission lines about 5 miles from the project.

Purpose of Project—Project energy would be sold to the Public Service Company of Colorado. Applicant estimates the annual generation would average about 6.2 GWh.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates that cost of the studies under the permit would be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 17, 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 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amended* 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 17, 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. 80-29388 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-222]

Georgia Power Co., Order Denying Motion To Terminate and Consolidating Proceedings

September 3, 1980.

On February 1, 1980, Georgia Power Company filed a revised interchange agreement with Savannah Electric and Power Company (Savannah) which provides for the exchange of emergency assistance, short-term firm capacity and economy energy services. Savannah filed a certificate of concurrence on February 20, 1980.[1] The Commission accepted the proposed rates, suspended them for one day, and ordered a hearing to determine their justness and reasonableness. On June 27, 1980, the staff filed a joint motion to terminate the docket on behalf of itself and both parties.

The Commission does not find that good cause has been shown to terminate this docket. Pursuant to the suspension order issued in this docket April 16, 1980, the Commission ordered an investigation of the formula which determines the short-term firm power capacity charge during 1980. Several potential issues remain in the docket, including the propriety of the companies' proposed formula demand rate for short-term service and appropriate cost allocations to the short-term service.

Because of the similarity of the formula rates in this docket and those contained in other Southern Company filings, the Commission further finds that the instant docket should be consolidated with Docket No. ER80-58, *et al.*, wherein we are investigating capacity charges of the Southern Companies (including Georgia Power Company) calculated in accordance with cost of service formulas similar to those in ER80-222.

The Commission orders:

(A) The motion to terminate Docket No. ER80-222 is denied.

(B) This proceeding is hereby consolidated with Docket No. ER80-58, *et al.*

[1] Savannah is the only affected customer in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29390 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3292]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

September 17, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)-825(r)] for proposed Project No. 3292 to be known as the East Branch Dam Project located on the East Branch of the Clarion River in Elk County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Fred Fiechter, President and Treasurer, Hydro Corporation of Pennsylvania, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' existing East Branch Dam and Reservoir. The project would consist of the following proposed works: (1) a penstock extending from a stilling basin at the outlet works to (2) a powerhouse located on the west bank of the river; and (3) appurtenant works. The installed capacity would be about 1600 kW, with an average annual energy production of about 6,590,000 kWh.

Purpose of Project—Project energy would be sold to the local public utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would study the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for a FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 17, 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 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 17, 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. 80-29391 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-731]

Illinois Power Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that on September 2, 1980, Illinois Power Company ("Illinois Power") tendered for filing proposed Amendment No. 1, dated August 28, 1980, to the Interconnection Agreement, dated November 1, 1969, between Central Illinois Public Service Company, Tennessee Valley Authority, Union Electric Company, and Illinois Power Company.

Illinois Power indicates that this filing is made in compliance with Federal Energy Regulatory Commission Order No. 84 in Docket No. RM79-29, "which requires that revenue limits be placed on the operation of percentage adders in rate schedules used for the transmission or third party resale of electric power."

Illinois Power states that a copy of the filing was served upon Central Illinois Public Service Company, Tennessee Valley Authority, Union Electric Company and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before October 3, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29392 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RI74-188 and RI75-21]

Independent Oil & Gas Association of West Virginia; Order Approving Settlement Agreement

September 3, 1980.

The Settlement Agreement certified to the Federal Energy Regulatory Commission (Commission) by the Presiding Administrative Law Judge on July 1, 1980, is the result of negotiations between Independent Oil & Gas Association of West Virginia ("IOGA") and Equitable Gas Company ("Equitable") to resolve issues raised by IOGA in its Emergency Petition for Declaratory Order ("the Petition") filed July 6, 1979. Findings the terms of this Settlement Agreement to be consistent with the public interest, we shall accept it and make it effective in accordance with its terms.

I. History

By letter dated June 15, 1979, Equitable informed West Virginia small producers selling gas go Equitable (the "Affected Producers") that it would exercise its contractual right to refuse to purchase gas for the period of July 9 to November 1, 1979, unless the producers agreed to shut in their wells during that period or agreed to waive their rights to collect higher applicable prices under the Natural Gas Policy Act of 1978 ("NGPA") during that period.

Equitable's action was based on the provision in its standard gas purchase contract requiring it to take gas only during the period from May 1 to November 1, 1979, "if and as needed." In the June letter, Equitable advised that any producer who failed to shut-in its wells would be deemed to have waived the additional incremental revenues to which it might be entitled under the NGPA for the period from July 9 to November 1, 1979, and to have accepted instead the pre-NGPA prices then prevailing for gas sold to Equitable between those dates.

As justification for its actions, Equitable stated that it had an oversupply of gas which required it to reduce its purchases; that "such action must be based on cutting back our most expensive gas first"; and that payment of the higher NGPA ceiling prices claimed by West Virginia producers makes this the highest priced gas purchased by Equitable.

In its Petition, IOGA stated that Equitable's actions were improper for the following reasons: (1) That the waiver sought by Equitable is contrary to the Settlement Proposals approved by the Commission in Docket Nos. RI74-188 and RI75-21 and that Equitable and West Virginia small producers selling gas to it in jurisdictional transactions are bound by these Settlements; (2) that Equitable's implementation of the summer gas take provisions of its standard gas purchase contracts is unjust, unreasonable, unduly discriminatory, and preferential under Section 5(a) of the NGA; (3) that Equitable lacks the right to compel producers to waive any entitlement they might have to higher applicable NGPA prices; and (4) that Equitable's proposed summer shut-in constitutes an abandonment of service in contravention of Section 7(b) of the NGA.

At a March 26, 1980, prehearing conference, the parties agreed to a timetable for discovery on the issues raised by the Petition. Following service of data and document requests by IOGA and the Commission Staff, IOGA and Equitable commenced settlement discussions.

This Settlement Agreement addresses issues affecting only Equitable and the Affected Producers which would otherwise have been part of the proceeding set by Opinion No. 77, issued March 4, 1980, wherein the Commission reversed and remanded the Administrative Law Judge's initial decision.

II. The Settlement Agreement

Under the Settlement Agreement, Equitable withdraws its June 15, 1979, letter demanding the Producers waive all rights to NGPA prices during the period of July 9 through November 1, 1979. Nor will Equitable seek such a waiver in the future. Equitable agrees to pay the Producers who, during the period from July 9 to November 1, 1979 (the "1979 Summer period"), delivered gas subject to the Docket No. RI75-21 settlement an amount equal to the difference between the price actually paid and the applicable NGPA ceiling price, but not to exceed $2.08 per Mcf plus adjustments, and ten percent interest for the disputed period. Equitable agrees to pay the Producers who, during the 1979 Summer Period, delivered gas subject to the Docket No. RI74-188 settlement an amount equal to the difference between the price actually paid for the gas and the section 104 price plus ten percent interest; however, if the Commission determines that the Docket No. RI74-188 settlement provides contractual authorization to charge the NGPA prices, Equitable will pay such higher prices up to the $2.08 limit. Equitable will pay those Producers who complied with its demand to shut in wells an amount equal to the difference between what each such Producer would have received if it had continued to sell gas during the 1979 Summer Period at the rate then prevailing and the higher prices provided for under the Settlement Agreement plus ten percent interest. The amount so paid, exclusive of interest, will then be credited against future deliveries.

For future sales under Docket No. RI74-188, Equitable agrees to pay section 104 prices; for future sales under Docket No. RI75-21, Equitable agrees to pay section 102, 103, 107 or 108 prices, if applicable. Each of these agreed upon prices is subject to the Commission

determination as to whether the Docket No. RI74–188 and Docket No. RI75–21 settlements provide contractual authorization for payment of the NGPA maximum lawful prices. Any appropriate refunds would be made when the Commission decides the issue of contractual authority.

For the next five years, Equitable agrees to take and pay for all the gas provided by the Producers during the winter period. Each of the Producers agrees not to increase, without Equitable's prior approval, its combined deliveries of gas to Equitable resulting from additional well-drilling activity for the months of January and February, 1981, by an amount more than ten percent of that producer's deliveries for the same months in 1980. In each succeeding year through 1985, the amount of the increase in the combined January and February deliveries resulting from additional well-drilling activity shall be limited to five percent over the amount of deliveries for January and February in the immediately preceding year, unless Equitable authorizes additional deliveries. These limitations do not apply to any Producer selling less than 100,000 Mcf of gas to Equitable in a 12-month period.

For the summer period, Equitable agrees to take or pay for a minimum volume of gas not less than the combined volumes of gas delivered during January and February of the immediately preceding winter period plus any volumes paid for and not taken during the preceding summer period, less any volume delivered during the immediately preceding summer period in excess of the minimum volume.

If gas is paid for and not taken during the summer period, the Producer shall tender Equitable a like volume of makeup gas during the ensuing summer period. Equitable will pay the dirrerence between the price paid for the gas during the previous summer period and the effective price for the gas on the date of makeup.

If a Producer delivers gas to Equitable in excess of the minimum volume for the summer period without Equitable's agreement, Equitable shall pay for such excess up to ten percent of the minimum volume. Such excess shall be deducted from the minimum volume in the ensuing Summer Period. Any volumes in excess of 110 percent of the minimum volume will be taken by Equitable without cost. However, Equitable must give each Producer notice in writing of its intent to invoke the "without cost" provision not less than 15 days before accepting the tender of any such gas.

In the event that any of the Affected Producers shall exceed without Equitable's consent the permissible level of winter period deliveries, the minimum volume of gas Equitable will be required to take and pay for during the ensuing Summer Period will be determined without reference to the volume delivered during January and February of that year and shall be based instead only on the permissible deliverable amount.

III. Positions of the Parties

IOGA and Equitable support the Settlement Agreement in its entirety as a reasonable settlement of the dispute. The Commission Staff does not object to the Settlement Agreement and believes that its provisions are fair, reasonable and in the public interest. No other party has objected to the Settlement Agreement as it relates to the Affected Producers and Equitable.

However, the other interstate pipelines [1] purchasing gas in West Virginia raised a question as to whether the provisions of the Settlement Agreement are binding on them. In reply to those comments, both Equitable and IOGA state that it was not their intention to bind other parties to the terms of the Settlement. The Commission Staff stated that the settlement agreement binds only the parties IOGA and Equitable.

IV. Conclusion

The Settlement Agreement is the product of extensive negotiations between IOGA and Equitable who previously have asserted adversarial positions before this Commission. The Settlement Agreement balances the requirements of the Affected Producers that their deliveries of gas to Equitable be maintained at a predictable minimum level during the Summer Period in each year, thereby avoiding termination of gas deliveries and consequent disruption of their operations, as well as the necessity for Equitable to control its supply of gas consistent with both current demands and the projected future growth.

The Commission finds:

Settlement of these proceedings on the basis of the Settlement Agreement certified by the Presiding Administrative Law Judge to the Commission on July 1, 1980, is in the public interest under the provisions of the Natural Gas Act and the Natural Gas Policy Act of 1978. It should, therefore, be made effective in accordance with its terms; provided, however, that the Commission's approval of this Settlement Agreement shall not constitute approval of or precedent regarding any principle or issue in this proceeding.

The Commission orders:

(A) The Settlement Agreement certified to the Commission by the Presiding Administrative Law Judge on July 1, 1980, is approved in accordance with this order.

(B) The provisions of this Settlement Agreement are binding only on the parties, IOGA and Equitable; and not on any other interstate pipeline.

(C) The proceedings regarding the Petition in Docket Nos. RI74–188 and RI75–21 are hereby terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29393 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[1] Carnegie Natural Gas Company, Consolidated Gas Supply Corporation, and Columbia Gas Transmission Corporation.

[Docket No. ER78–380]

Indiana & Michigan Electric Co.; Filing

September 17, 1980.

The filing company submitted the following:

Take notice that on September 3, 1980, Indiana and Michigan Electric Company submitted for filing revised schedules and appropriate rate adjustments pursuant to the Commission's order, issued August 13, 1980, in the above-referenced proceeding.

A copy of this filing has been sent to Northern Indiana Public Service Company.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procuedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 6, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29394 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80-737]

Indianapolis Power & Light Co.; Filing of Supplemental Agreement

September 16, 1980.

The filing Company submits the following:

Take notice that on September 4, 1980, Indianapolis Power & Light Company (Indianapolis) tendered for filing the First Supplemental Agreement to the Agreement for Supply of Electric Energy to Boone County Rural Electric Membership Corporation for Retail Sale pertaining to wholesale electric service to Boone County Rural Electric Membership Corporation (REMC), which is one of the two REMCs Indianapolis serves. The First Supplemental Agreement extends the term of the existing agreement to October 24, 1982.

The REMC has executed the First Supplemental Agreement and has filed a concurrence to Indianapolis' filing and to its request for an effective date of October 24, 1980.

Indianapolis states that copies of this filing, together with exhibits, were sent to the REMC and to the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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. 80-29395 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-75]

Iowa Electric Light & Power Co.; Application

September 17, 1980.

Take notice that on September 8, 1980, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authorization to engage in negotiations for the sale by negotiated public offering or by private placement of $30,000,000 principal amount of its First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 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). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29396 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-74]

Iowa Electric Light & Power Co.; Application

September 17, 1980.

Take notice that on September 8, 1980, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authorization to engage in negotiations for the issuance and sale through a negotiated offering of 1,000,000 shares of Common Stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 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). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29397 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-76]

Iowa Electric Light & Power Co.; Application

September 17, 1980.

Take notice that on September 5, 1980, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Energy Regulatory Commission seeking authority to issue and sell 150,000 shares of Common Stock, pursuant to the Company's Employee Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 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). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29398 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-759]

Kansas Power & Light Co.; Proposed Changes on Rates and Charges

September 17, 1980.

The filing Company submits the following:

Take notice that on September 10, 1980, The Kansas Power & Light Company tendered for filing a newly executed Electric Interconnection and Interchange Agreement between KPL and Sunflower Electric Cooperative. This Agreement provides for the long term contractual interconnection relationship between the parties. The Agreement establishes the framework for planning and evaluation of future high voltage interconnection. It also provides for the sale of participation power from KPL's ownership share of Jeffrey Energy Center Units No. 1 and 2 to Sunflower. The proposed effective date is June 1, 1980, and KPL requests that the Commission waive the notice requirements as allowed in Section 35.11 of its regulations. In addition, KPL states copies of the Agreement have been mailed to the Sunflower Electric Cooperative Inc. and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 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. 80-29399 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3258]

Joseph M. Keating; Application for Preliminary Permit

September 17, 1980.

Take notice that Joseph M. Keating (Applicant) filed on July 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3258 to be known as the Pine Creek Project located on Pine Creek in Inyo County, California. The proposed project would affect U.S. lands under the administration of the Inyo National Forest and the Bureau of Land Management. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667.

Project Description—The proposed project would consist of: (1) an 8-foot high concrete gravity diversion dam; (2) an intake structure; (3) a 15-acre-foot, off-stream reservoir formed by a combination of excavation and a compacted embankment; (4) a 31,000-foot long buried steel pipeline; (5) a powerhouse containing a generating unit rated at 2,000 kW; (6) a 1,000-foot long transmission line; and appurtenant facilities. The project would be operated on a run-of-the-river basis. The average annual energy generation is estimated to be 12,000 MWh.

Purpose of Project—The power output of the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 15 months, during which time it would conduct engineering studies, review permit and construction requirements, conduct environmental studies, negotiate leases, do preliminary designs, make a feasibility analysis, make an historical review, and prepare an FERC license application. No new roads or other land disturbing activities would be required to conduct the studies. Applicant has filed a work plan for the studies for the new dam construction. The field studies to be conducted are line surveys, cross sections, profiles, and visual surveys.

The estimated cost of the work to be performed under the preliminary permit is $54,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 1, 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 18 C.F.R. 4.33(b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission, Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 1, 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. 80-29400 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-752]

Middle South Service, Inc.; Filing

September 17, 1980.

The filing company submits the following:

Take notice that on August 11, 1980 Middle South Services, Inc. (MSS) filed, on behalf of the operating company of Middle South Utilities, Inc., a Statement of Principle by which billing procedures will be adjusted to conform with the requirements of FERC Order No. 84 with respect to the use of percentage adders in applicable rate schedules. Subsequently, by letter dated September 2, 1980 MSS stated that its billing changes would become effective on September 1, 1980 in conformance with FERC Orders 84A and 84B.

Copies of MSS's filings were mailed to appropriate officials of systems which may receive interchange services from the operating companies of Middle South Utilities, Inc. under the applicable 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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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 persons 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. 80-29401 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER 80-741]

Mississippi Power Co.; Filing

September 16, 1980.

The filing Company submits the following:

The notice that Mississippi Power Company (MPC) on September 3, 1980, tendered for filing Supplement Agreement with Singing River Electric Power Association (SREPA) under its Ferc Electric Tariff Original Volume No. 1. This agreement provides for the establishment of a new delivery point at Wade. To effect this change, MPC and SREPA have entered into a supplemental agreement under the Company's FERC Electric Tariff Original Volume No. 1 (Second Revised Sheet No. 14).

MPC agrees to deliver up to a maximum of 4,000 kilowatts at 155,000 volts at the connections to the customer's 115 KV switch structure in customer's substation located in Section 2, Township 5 South, Range 6 West, Jackson County, Mississippi.

MPC states that this supplement will become effective on or about February 1, 1981, when the required additional facilities will be energized.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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. 80-29402 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-756]

Mississippi Power & Light Co.; Filing

September 17, 1980.

The filing Company Submits the following:

Take notice that on September 8, 1980 Mississippi Power & Light Company (MP&L) filed an executed amendment, designated Amendment No. 1, to the Interconnection Agreement between MP&L and South Mississippi Electric Power Association (MP&L Rate Schedule FERC No. 251, effective July 23, 1979.). Amendment No. 1 modifies Section 5.01 of the Interconnection Agreement to state that if South Mississippi Electric Power Association (SMEPA) discontinues the use of any Off-System Delivery Point facilities which it paid for, MP&L may, at its option, purchase such facilities "at the then fair market value thereof." As originally filed, the purchases price was to be "at the owner's depreciated cost thereof."

No purchases by MP&L of SMEPA's facilities are anticipated in the near furture, However, in view of the noncontroversial nature of this filing and the lack of need for the running of a notice period prior to acceptance, MP&L requests waiver of the Commission's notice requirements to permit an effective date as of the date of filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission. 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before *October 3, 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. 80-29373 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-719]

New York State Electric & Gas Corp.; Proposed Changes in Rate Schedules

September 5, 1980.

The filing Company submits the following:

Take notice that New York State Electric & Gas Corporation (NYSEG), on September 2, 1980, tendered for filing proposed changes in its FERC Rate Schedules Nos. 26, 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by about $13,000 based on the 12 month period ending June 30, 1980.

After extensive hearings in Case No. 27609, "New York State Electric & Gas Corporation Electric Rates", and pursuant to Opinion 80-29 issued by the Public Service Commission of the State of New York on July 22, 1980, NYSEG filed revised leaves to Schedule PSC No. 115—Electricity, which were allowed to become effective August 1, 1980. Rate Schedule PSC No. 115 is incorporated in the previously noted FERC schedules.

NYSEG has filed with its jurisdictional customers, copies of this proposed notice, the filing letter, the pertinent revenue effect schedules and applicable tariff leaves.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before September 26, 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. 80-29374 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-279]

Niagara Mohawk Power Corp.; Filing

September 16, 1980.

The filing company submits the following:

Take notice that on March 12, 1980, Niagara Mohawk Power Corporation submitted for filing a compliance report pursuant to the Commission's order, dated July 3, 1979, in the above referenced proceeding.

A copy of this filing has been sent to the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before September 24, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29375 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-730]

Niagara Mohawk Power Corp.; Proposed Tariff Change

September 17, 1980.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), On September 2, 1980, tendered for filing as a rate schedule, an agreement between Niagara and Jersey Central Power and Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively called GPU) dated May 8, 1980.

Niagara presently has on file an agreement with GPU dated July 1, 1979. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 107. The new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for wheeling Ontario Hydro power to GPU as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of May 11, 1980.

Copies of the following were served upon the following: General Public Utilities Corporation, 100 Interpace Parkway, Parsippany, NJ 07054; and Public Service Commission, State of New York, Rockefeller Plaza, Albany, NY 12223.

Any person desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 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 *October 3, 1980.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29376 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-742]

Northern Indiana Public Service Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that Northern Indiana Public Service Company tendered for filing on or before September 2, 1980 a Supplement A to the Federal Energy Regulatory Commission Northern Indiana Public Service Company's Rate Schedule No. 11 which represents an Interconnection Agreement with Consumers Power Company and Detroit Edison Company. This Supplement is stated to be an interim filing in compliance with the Federal Energy Regulatory Commission's Order No. 84B, issued August 11, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before October 3, 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. 80-29377 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-743]

Northern Indiana Public Service Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that Northern Indiana Public Service Company tendered for filing on or before September 2, 1980 a Supplement A to the Federal Energy Regulatory Commission Northern Indiana Public Service Company's Rate Schedule No. 12 which represents an Interconnection Agreement with Commonwealth Edison Company. This proposed Supplement is stated to be an interim filing in compliance with the Federal Energy Regulatory Commission's Order No. 84B, issued August 11, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before October 3, 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. 80-29378 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-744]

Northern Indiana Public Service Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that Northern Indiana Public Service Company tendered for filing on or before September 2, 1980 a Supplement A to the Federal Energy Regulatory Commission Northern Indiana Public Service Company's Rate Schedule No. VA-6 which represents an agreement with the Town of Rensselaer. This proposed Supplement is stated to be an interim filing in compliance with the Federal Energy Regulatory Commission's Order No. 84B, issued August 11, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before October 3, 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. 80-29379 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-745]

Northern Indiana Public Service Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that Northern Indiana Public Service Company tendered for filing on or before September 2, 1980 a Supplement A to the Federal Energy Regulatory Commission Northern Indiana Public Service Company's Rate Schedule No. 7 which represents an Interconnection Agreement with Indiana & Michigan Electric Company. This proposed Supplement is stated to be an interim filing in compliance with the Federal Energy Regulatory Commission's Order No. 84B, issued Agust 11, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before October 3, 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. 80-29380 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-746]

Northern Indiana Public Service Co.; Filing

September 16, 1980.

The filing Company submits the following:

Take notice that Northern Indiana Public Service Company tendered for filing on or before September 2, 1980 a Supplement A to the Federal Energy Regulatory Commission Northern Indiana Public Service Company's Rate Schedule No. 10 which represents an Interconnection Agreement with Public Service Company of Indiana, Inc. This proposed Supplement is stated to be an interim filing in compliance with the Federal Energy Regulatory Commission's Order No. 84B, issued August 11, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before October 3, 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. 80-29381 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-62]

Panhandle Eastern Pipe Line Co.; Extension of Time

September 16, 1980.

On September 11, 1980, Commission Staff Counsel filed a request for an extension of time to file Briefs on Exceptions and Briefs Opposing Exceptions to the Initial Decision issued August 18, 1980, in the above-docketed proceeding. The motion states that additional time is required as a result of Staff Counsel's recent involvement in another Commission matter which was being handled on an expedited basis and required Staff's full attention.

Upon consideration, notice is hereby given that an extension of time for the filing of Briefs on Exceptions is granted to and including September 24, 1980. Briefs Opposing Exceptions shall be filed on or before October 14, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29382 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-379]

Pennsylvania Power & Light Co.; Cancellation

September 17, 1980.

The filing company submits the following:

Take notice that on September 4, 1980, Pennsylvania Power & Light Company (PP&L) filed a Notice of Cancellation of Rate Schedule FERC No. 72 (effective date June 8, 1979) which provides for the sale of energy and operating capacity by PP&L to General Public Utilities Corporation (GPU). This Notice of Cancellation is tendered for filing in accordance with Paragraph 8 of the "Agreement of Settlement and Compromise" executed by PP&L, GPU and the other private parties in FERC Docket No. EL80-22 and certified to the Commission on August 21, 1980 by the Presiding Administrative Law Judge.

Accordingly, GPU concurs in the filing of this Notice of Cancellation. It is requested that this Notice of Cancellation be made effective, without suspension, on the same date that the Appended Interim Schedules annexed to the Agreement of Settlement and Compromise in FERC Docket No. EL80-22 are made effective under Paragraph 2 of the Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 6, 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. 80-29383 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-733]

Southern Indiana Gas & Electric Co.; Filing

September 17, 1980.

The filing Company submits the following:

Take notice that Southern Indiana Gas and Electric Company tendered for filing on or before September 2, 1980, a Supplement A to the Federal Energy Regulatory Commission Rate Schedule No. 33, 21, 24, 25 and 29, which represent, respectively, Interconnection Agreements with Big Rivers Electric Corporation, Public Service Company of Indiana, Louisville Gas and Electric Company, Indianapolis Power and Light Company and Alcoa Generating

Corporation. This proposed Supplement is stated to be an interim filing in compliance with the Federal Energy Regulatory Commission's Order No. 84, issued May 7, 1980, as modified by Order No. 84–B issued August 11, 1980. Copies of this filing were sent to all parties involved.

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 N. Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure on or before October 3, 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. 80–29384 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–509]

Southern Natural Gas Co.; Application

September 17, 1980.

Take notice that on August 19, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80–509 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport up to 4.5 billion Btu of natural gas per day which United has arranged to purchase from Cotton Petroleum Company, American Natural Gas Production Company, and the State of Louisiana from the Fort Pike Field, Orleans Parish, Louisiana.

Applicant states that United would deliver the gas to Applicant at a point on Applicant's Fort Pike Lateral, Orleans Parish, Louisiana. From this point, Applicant asserts that it would transport United's gas to the interconnection of the Fort Pike Lateral with Applicant's existing Toca-Lacombe Pipeline at or near Mile Post 77 in Lake Pontchartrain, Louisiana. Applicant states it would redeliver the gas to United by exchanging an equivalent quantity of gas with United at existing points of interconnection of Applicant's and United's facilities in the Carthage Field, Panola County, Texas, and/or existing points at which United's facilities connect to the producer's facilities at or near the Marion Corporation Buckly No. 1 Well and Marion Corporation Nesbit No. 1 Well located in Jefferson Davis County, Mississippi.

Applicant states that it would perform the transportation service for United for a monthly demand charge of $11,340. It is asserted that United has agreed to pay Applicant a commodity charge of 8.3 cents each million Btu received by Applicant from United which is in excess of 4.5 billion Btu.

Applicant states it would perform the subject transportation service pursuant to a transportation service agreement between the parties dated April 15, 1980, as amended July 9, 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any perons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29385 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP74–41 (Remand)]

Texas Eastern Transmission Corp.; Determination by the Designated Commissioner

September 3, 1980.

Take notice that Chairman Curtis, the designated Commissioner pursuant to § 1.28 of the Commission's rules of practice and procedure, determined that no extraordinary circumstances had been demonstrated by the Municipal Defense Group (MDG) warranting referral to the full Commission of MDG's August 28, 1980, appeal from a ruling of the presiding officer in the above-captioned proceeding. The matter was, therefore, not referred to the Commission and the contested ruling of the presiding officer shall not be reviewable by the Commission prior to the time the Commission considers the proceeding with respect to which the ruling was rendered.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29386 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–513]

Texas Gas Transmission Corp.; Application

September 17, 1980.

Take notice that on August 21, 1980, Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP80–513 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of transportation of natural gas for the account of Owens-Corning Fiberglas Corporation (Owens-Corning), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport and simultaneously redeliver natural gas on an interruptible basis for the account of Owens-Corning, up to 1,000 Mcf per day, at its existing point or points of delivery with Jackson Utility Division (Jackson), or divert all or a portion of the volumes, up to 1,000 Mcf per day, to be transported and delivered to Jackson and deliver such volumes to Transcontinental Gas Pipe Line

Corporation (Transco) for ultimate delivery to Owens-Corning's Anderson, South Carolina, plant.

Applicant states it had previously received authorization for the transportation service for Owens-Corning in Docket No. CP76-403 and seeks to continue service for another year.

Applicant states that it is not obligated to deliver on any day an aggregate volume of more than 34, 370 Mcf of gas through all of its points of delivery to Jackson. It is further stated that Jackson has agreed to accept up to 1,000 Mcf of gas per day on an interruptible basis for the account of Owens-Corning.

Applicant asserts that it would not retain any volumes of natural gas for its own system supply but would retain as makeup for compressor fuel and line loss 2.83 percent of these volumes delivered to Jackson and 0.32 percent of these volumes delivered to Transco.

Applicant states it would collect 19.15 cents per Mcf for the volumes delivered to Jackson and 6.00 cents per Mcf for the volumes delivered to Transco. Moreover, it is stated that no new facilities are necessary to effectuate the extension of the transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29387 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-17]

Trans-Anadarko Pipeline System; Informal Conference

September 16, 1980.

Take notice that at 9:00 a.m. Thursday, September 25, 1980, the staff will meet with representatives of Trans-Anadarko Pipeline System to discuss the technical aspect of the environmental and engineering issues in this docket.

The conference will be held at the Commission's offices at 825 North Capitol Street, N.E., and all interested parties may attend. Please contact Alan Barnett, (202) 357-9041 for details or available space.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29367 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI77-828]

Union Oil Co. of California; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

September 17, 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 file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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 Mcf	Pressure base
CI77-828 [1] Aug. 8, 1980	Union Oil Company of California Union Oil Center, Box 7600, Los Angeles, Ca. 90051.	Texas Gas Transmission Corporation, High Island Area, Offshore Texas.	[2]	14.65

[1] Corrects acreage description on Exhibit "A" to the original contract.
[2] Applicant is filing under Gas Purchase Contract dated 9-2-77, amended by Amendment dated 6-23-90.

[FR Doc. 80-29368 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-2557, et al.]

Val Gas Co.; Petition To Amend Certificates of Public Convenience and Necessity and To Amend the Related Rate Schedules

September 5, 1980.

On May 22, 1980, a petition was filed by Val Gas Company (Val Gas), as successor to various properties and assets owned by Coastal States Gas Producing Company (Coastal States), requesting the Commission to amend certain Certificates of Public Convenience and Necessity currently held by Coastal States to reflect Val Gas as the certificate holder thereof, and to redesignate the related rate schedules in the name of Val Gas.

On November 9, 1979, the name of Coastal States Gas Producing Company was changed to Valero Energy Corporation, and by Assignment and Conveyance dated May 16, 1980, and effective as of January 1, 1980, Valero Energy Corporation assigned to Val Gas Company properties as described in the application.

The various dockets, related rate schedules and purchasers are listed on the Appendix hereto.

Any person desiring to be heard or to make any protest with reference to said application, on or before September 23, 1980, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

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 this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix

Certificate Docket No.	Formerly: Coastal States Gas Producing Company FERC Gas Rate Schedule No.	Buyer
G-10012	1	Trunkline Gas Company.
G-16094	1	Trunkline Gas Company.
G-16938	1	Trunkline Gas Company.
G-18746	1	Trunkline Gas Company.
G-7115	26	Tennessee Gas Pipeline Company.
G-17478	23	Natural Gas Pipeline Company of America.
G-2557	93	Natural Gas Pipeline Company of America.
G-9870	93	Natural Gas Pipeline Company of America.
G-17477	93	Natural Gas Pipeline Company of America.

[FR Doc. 80-29369 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-732]

Wisconsin Electric Power Co.; Filing

September 16, 1980.

The filing Company submits the following:

Take Notice that Wisconsin Electric Power Company (Wisconsin Electric) on September 4, 1980, tendered for filing an Amendment, effective September 1, 1980, to the Interconnection Agreement between Wisconsin Electric and Commonwealth Edison Company (Edison).

This amendment, modifies Service Schedules A—Limited Term Power, B—Emergency Energy, D—Short Term Power, E—Maintenance Energy, and F—General Purpose Energy of the Interconnection Agreement, dated April 1, 1973, to provide for an energy transmission rate between Wisconsin Electric and Edison pursuant to the requirements of Order No. 84 of the Federal Energy Regulatory Commission in Docket RM 79-29. Said Interconnection Agreement is on file with the Commission and designated as Wisconsin Electric Rate Schedule FERC No. 33 and Edison Rate Schedule FERC No. 14. Wisconsin Electric and Edison maintain that it is not practical to estimate with any degree of accuracy the quantities of energy which will be exchanged under the applicable energy transmission rate.

Wisconsin Electric states that a duplicate original of the amendment had been provided to Edison and also that a copy of the herein filing has been mailed to both the Public Service Commission of Wisconsin and the Illinois 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 Paragraph 1.8 and Paragraph 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 October 3, 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 pulbic inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29370 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-667]

Wisconsin Power and Light Co.; Filing

September 17, 1980.

The filing company submits the following.

Take notice that Wisconsin Power and Light Company (WPL) tendered for filing on August 8, 1980, Supplement #1 to the Interconnection Agreement between WPL and Northern States

Power Company (Minnesota) and Northern States Power Company (Wisconsin).

Supplement #1 consisting of revised service schedules A—Emergency Energy, C—Maintenance Energy, D—General Purpose Energy, E—Short Term Power and F—Limited Term Power, applicable to the existing WPL-NSP (MN) /NSP (WI) Interconnection Agreement provide for an energy transmission rate between WPL and NSP (MN) /NSP (WI) in accordance with the requirements of Order No. 84 of the Federal Energy Regulatory Commission in Docket No. 79–29. WPL and NSP (MN) /NSP (WI) maintain that it is not practical to estimate with any degree of accuracy the quantities of energy which will be exchanged under the applicable energy transmission rate.

WPL states that signed duplicate originals of Supplement #1 have been provided to NSP (MN) /NSP (WI) and that a copy of this filing has been provided to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Paragraph 1.8 and Paragraph 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 October 6, 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. 80–29371 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–729]

Wisconsin Public Service Corp.; Filing of New Primary Resale Service Agreement

September 17, 1980.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (Company) on Sept. 2, 1980 tendered for filing a new Primary Resale Service Agreement, dated June 30, 1980, with the Village of Stratford, Marathon County, Wisconsin (Village), which is proposed to be effective November 15, 1980.

The new Agreement will replace in its entirety the present Agreement between the Company and the Village, dated May 2, 1949, which is presently on file as the Company's FERC Electric Tariff No. 7.

The Agreement provides for continuance of wholesale electric service to be supplied by the Company to the Village under the Company's standard W–1 form of tariff for Primary Resale Service, which rate was most recently revised pursuant to the Commission's Order of October 15, 1979, in Docket No. ER78–506.

The Company states that there are no customers receiving service under a similar schedule except those now being served under the present W–1 form of tariff.

Any persons desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 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. 80–29372 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–1–31 (PGA81–1, IPR81–1 and LFUTA81–1)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

September 5, 1980.

Take notice that on August 28, 1980 Arkansas Louisiana Gas Company (Arkla) tendered for filing 21st Revised Sheet No. 185 and 2nd Revised Sheet No 185A to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X–26, to become effective October 1, 1980.

Arkla states that the purpose of 21st Revised Sheet No. 185 is to (1) reflect the cost of purchased gas for the six months period commencing October 1, 1980, (2) recover the accumulated deferred gas costs as of July 31, 1980, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 2nd Revised Sheet No. 185A and (4) to reflect a revision in the Lousiana First Use Tax Adjustments effective October 1, 1980.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29349 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA81–1–31 (PGA81–1, IPR81–1 and LFUT81–1)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

September 5, 1980.

Take notice that on August 28, 1980 Arkansas Louisiana Gas Company (Arkla) tendered for filing 23rd Revised Sheet No. 4 and 2nd Revised Sheet No. 4A to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G–2, to become effective October 1, 1980.

Arkla states that the purpose of 23rd Revised Sheet No. 4 is to (1) reflect the cost of purchased gas for the six months period commencing October 1, 1980, (2) recover the accumulated deferred gas costs as of July 31, 1980, (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contined on 2nd Revised Sheet No. 4A and (4) to reflect a revision in the Lousiana First Use Tax Adjustments, effective October, 1, 1980.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other

interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29350 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-98]

Armour Pharmaceutical Co.; Application for Adjustment

September 5, 1980.

Take notice that on April 1, 1980, Armour Pharmaceutical Company, 6091 East Camelback Road, Scottsdale, Arizona 85251 (Armour) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Armour seeks relief from § 282.202(a) of the Commission's regulations which defines an "agricultural use" of natural gas for purposes of qualifying for an agricultural user exemption from the incremental pricing program of Title II of the NGPA.

Armour states that it uses natural gas as boiler fuel in the processing of animal materials used in the manufacture of human pharmaceutical and other nutritional products. Armour asserts that because it is engaged in the processing of agricultural by-products, its use of natural gas should be classified as an "agricultural use" under § 282.202(a) and should therefore be exempt from incremental pricing. Armour seeks an adjustment to § 282.202(a) in order to bring about this result.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 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 October 8, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29358 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3323]

Bangor Hydro-Electric Co.; Application for Preliminary Permit

September 5, 1980.

Take notice that Bangor Hydro-Electric Company (Applicant) filed on August 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3323 to be known as the Basin Mills Project located on the Penobscot River in the Towns of Orono and Webster, Penobscot County, Maine. Correspondence with the Applicant should be directed to: Mr. Robert S. Briggs, Vice-President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401.

Project Description—The proposed project would consist of: (1) a new dam comprising (a) a 35-foot high, 420-foot long uncontrolled concrete spillway; (b) a 50-foot high, 490-foot long gated spillway with 14 Taintor or crest gates; and (c) a fishway; (2) a 460-acre reservoir with negligible storage capacity at a normal water surface elevation of 65 feet (U.S.G.S. Datum); (3) a powerhouse containing nine turbine-generator units with a total rated capacity of 30 MW; (6) a 2-mile long 115 kV transmission line; and (7) appurtenant facilities. The proposed run-of-the-river project would generate up to 174,300,000 kWh annually, saving the equivalent of 286,200 barrels of oil or 80,700 tons of coal.

Purpose of Project—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include geotechnical investigations at the site of the proposed dam, engineering plans, and an environmental assessment. Geotechnical investigations would include a boring program in the vicinity of the axis of the proposed dam. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $330,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the application for preliminary permit for the Marsh Island Project No. 3238 filed by Marsh Island Hydro Associates on July 3, 1980. No further competing applications or notices of intent to file a competing application will be accepted after September 26, 1980, the date set forth in the notice for Project No. 3238. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 25, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d) (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any 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 October 15, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29362 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3255]

Burrows Paper Corp.; Application for Preliminary Permit

September 5, 1980.

Take notice that Burrows Paper Corporation (Applicant) filed on July 16, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3255 to be known as the Lyonsdale Hydroelectric Project located on the Moose River in Lyonsdale Township, Lewis County, New York. Correspondence with the Applicant should be directed to: Mr. John L. Sterzinar, Corporate Engineer, Burrows Paper Corporation, Little Falls, New York 13365.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing concrete dam, 15 feet high and 182 feet long, consisting of three sections separated by natural bedrock and located at the head of a 35-foot high natural falls; (2) a reservoir having negligible storage and a surface area of 8 acres at spillway crest elevation 1,062.9 feet m.s.l.; (3) an existing 100-foot long gated power canal located on the left bank; (4) a new intake structure and penstock; (5) a new powerhouse containing two generating units having a total rated capacity of 2,100 kW; and (6) appurtenant facilities.

Purpose of Project—Project energy would be used by Applicant in its adjacent mill operations. Applicant estimates that the project would generate aproximately 12,500,000 kWh per year.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and investigations, determine the technical and economic feasibility of the project, consult and coordinate with private groups and governmental agencies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 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 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this appication 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 November 7, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29359 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3251]

Cornell University; Application for Short-Form License (minor)

September 5, 1980.

Take notice that Cornell University (Applicant) filed on July 14, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791 (a) – 825(r)] for reconstruction and operation of a water power project to be known as the Cornell University Hydroelectric Project No. 3251. The project would be located on Fall Creek, a tributary to Lake Cayuga, in the City of Ithaca, Tompkins County, New York. Correspondence with the Applicant should be directed to: Mr. Robert M. Matyas, Vice President, Cornell University, Ithaca, New York 14853.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing reinforced concrete gravity overflow-type dam, known as Triphammer Dam, about 260 feet long, having a maximum height of 28 feet and a crest elevation of 780.7 MSL; (2) Beebe Lake, having a surface area of about 20 acres and negligible storage; (3) a gated and screened forebay control structure along the right (north) bank; (4) a 5-foot diameter, 1,507-foot long reinforced concrete underground pipeline and a 5-foot diameter, 200-foot long riveted steel underground penstock; (5) a powerhouse containing two new generating units having a combined rated capacity of 1500 kW; (6) a 360-foot long transmission line connecting to Applicant's distribution system, and (7) appurtenant facilities.

Purpose of Project—Project energy would be incorporated directly into the Cornell University distribution system. Applicant estimates the annual generation would average about 7,000,000 kWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. 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 Novemer 7, 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 March 9, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), *as amended,* 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), *as amended,* 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (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 November 7, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–29360 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP79–12 (Extension)]

El Paso Natural Gas Co.; Tariff Filing

September 5, 1980.

Take notice that on August 27, 1980, El Paso Natural Gas Company ("El Paso") tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Third Revised No. 2 and Original Volume No. 2A, in accordance with Article IV of El Paso's Stipulation and Agreement dated January 16, 1980. By order issued May 30, 1980, at Docket No. RP79–12 (Extension), the Commission accepted and approved said Stipulation and Agreement. Pursuant to Paragraph 22.2 of Article XXII of the Stipulation and Agreement and ordering paragraph (B) of the May 30, 1980, order of the Commission, El Paso filed its Notice of Effectuation of Stipulation and Agreement as Restated and Amended which gives notice that said Stipulation and Agreement is effective as of August 20, 1980. Such tariff sheets and the proposed effective dates thereof, are identified in the attached Appendix.

El Paso states that pursuant to Paragraph 4.2 of Article IV of the Stipulation and Agreement, it agreed to file within ten (10) days after the date upon which the Stipulation and Agreement becomes effective substitute revised tariff sheets reflecting the settlement rates contained in said Stipulation and Agreement.

El Paso states that said Article IV provides that El Paso shall file substitute revised tariff sheets to be effective June 1, 1979, and January 1, 1980.

El Paso requested that the Commission grant waiver of its Rules and Regulations, as may be deemed necessary, in order that the tariff sheets tendered herewith be permitted to become effective on the date specified on each sheet.

El Paso states that copies of the filing were served upon all parties to the proceedings at Docket No. RP79–12 (Extension) and, otherwise, upon all interstate transmission system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Sept. 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix—El Paso Natural Gas Co.

Original Volume No. 1 and Effective Dates

Substitute Twenty-fifth Revised Sheet No. 3–B—June 1, 1979
Substitute Twenty-sixth Revised Sheet No. 3–B—October 1, 1979
Substitute Twenty-seventh Revised Sheet No. 3–B—January 1, 1980
First Substitute Twenty-seventh Revised Sheet No. 3–B—April 1, 1980

Third Revised Volume No. 2

Substitute Fifteenth Revised Sheet No. 1–D—June 1, 1979
Substitute Sixteenth Revised Sheet No. 1–D—August 1, 1979[1]
Substitute Seventeenth Revised Sheet No. 1–D—October 1, 1979
Substitute Eighteenth Revised Sheet No. 1–D—January 1, 1980
First Substitute Eighteenth Revised Sheet No. 1–D—April 1, 1980
Substitute Eighth Revised Sheet No. 1–D.2—June 1, 1979
Substitute Ninth Revised Sheet No. 1–D.2—January 1, 1980

Original Volume No. 2A

Substitute Seventeenth Revised Sheet No. 1–C—June 1, 1979
Substitute Eighteenth Revised Sheet No. 1–C—October 1, 1979
Substitute Nineteenth Revised Sheet No. 1–C—January 1, 1980
First Substitute Nineteenth Revised Sheet No. 1–C—April 1, 1980

[FR Doc. 80–29355 Filed 9–22–80; 8:45 am]

BILLING CODE 6450–85–M

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[1] Such sheet was tendered to the Commission for acceptance to reflect a narrative change in footnote three.

[Docket No. TA81-1-33]

El Paso Natural Gas Co.; Proposed Change in Rate Pursuant To Purchased Gas Cost Adjustments

September 5, 1980.

Take notice that on August 29, 1980, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of change in rates for jurisdictional gas service rendered to customers served by its interstate gas transmission system. Such service is rendered under rate schedules affected by and subject to (i) Section 19, Purchased Gas Cost Adjustment Provision ("PGAC") and Section 22, Louisiana First-Use Tax Tracking Provision ("LFUT"), each contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1, and (ii) the PGAC—Clean High Pressure Gas Provision ("PGAC-CHPG") contained in El Paso's FERC Gas Tariff, Original Volume No.2A.

El Paso states that the instant notice of change in rate occasioned by the PGAC and PGAC-CHPG provisions will compensate El Paso for changes in the cost of purchased gas to be in effect on or before October 1, 1980, and the estimated purchased gas cost to be incurred during the period October 1, 1980, through March 31, 1981, based upon contractual rate changes permitted under the Natural Gas Policy Act of 1978 ("NGPA"), including certain gas produced by El Paso which is priced for rate purposes on an area rate basis, as reduced by those estimated gas purchase costs determined herein to be subject to incremental pricing which El Paso expects to recover by means of incremental pricing surcharges. El Paso further states that the instant notice of change in rates includes adjustments in El Paso's rates attributable to (i) advance payments, (ii) transportation costs and (iii) gas well royalty and production tax costs, pursuant to the adjustment mechanisms designed to track such costs provided for in El Paso's Stipulation and Agreement as Restated and Amended ("Extension Agreement") dated and filed January 16, 1980, at Docket No. RP79-12 (Extension).[1]

El Paso states that the current net PGAC adjustments, exclusive of the net LFUT adjustment, proposed herein for El Paso's east-of-California ("EOC") customers and California customers is a reduction of (1.19¢) per Mcf and (7.39¢) per Mcf respectively. Such net PGAC adjustments are comprised of (i) a purchased gas annualized cost adjustment [2] reduced as described below, and (ii) elimination of the PGAC surcharge adjustment included in El Paso's currently effective rates. No PGAC surcharge adjustment has been included in the subject notice of rate change inasmuch as the balance in El Paso's Account 191, Unrecovered Purchased Gas Cost, was zero as of June 30, 1980.[3] El Paso further states that included in the determination of the net PGAC adjustment is the reduction of 0.54¢ per Mcf resulting from the application of the Maximum Surcharge Absorption Capability ("MSAC") applicable to "non-exempt" direct sale customers served by El Paso's interstate pipeline system. Additionally, the adjustment mechanisms designed to track variations in El Paso's costs attributable to advance payments, transportation costs and gas well royalty and production tax costs, as approved at Docket No. RP79-12 ("Extension"), result in the further net rate per Mcf adjustments summarized below:

Adjustment	Amount included in EOC and California rates
Advance payment	0.02
Transportation	0.89
Gas well royalty and production tax annualized	2.56
Surcharge	0.12

The above current net adjustments proposed herein reflect the elimination of the appropriate surcharges related to said adjustment mechanisms reflected in El Paso's PGAC filing effective April 1, 1980, and now included in El Paso's currently effective rates.

El Paso states that the current net PGAC-CHPG admustment aggregates an incrase of 35.2211¢ per Mcf. Such current net adjustment is comprised of (i) an increase in the weighted average purchased cost of clean, high-pressure gas and a surcharge adjustment representing the unrecovered purchased gas cost balance in Account 191 as of June 30, 1980, and (ii) elimination of the PGAC-CHPG surcharge adjustment presently included in El Paso's currently effective rates. El Paso further states that, at this time, there are no MSAC's applicable to El Paso's PGAC-CHPG Service, and therefore no reduction in the purchased gas costs is appropriate.

El Paso states that the proposed LFUT adjustment is comprised of an LFUT Surcharge Adjustment of 0.01¢ per Mcf based upon the unrecovered balance in the LFUT Deferred Cost Account, as of June 30, 1980. No increase in the LFUT Annualized Adjustment now included in El Paso's currently effective rates is proposed in the notice of rate change. El Paso further states that, after elimination of the LFUT surcharge Adjustment included in El Paso's currently effective rates, the net decrease in rate attributable to the LFUT adjustment is 0.02¢ per Mcf, which will be applied as an adjustment to the jurisdictional rates applicable to said LFUT tracking provision.

El Paso states that the total net change in its currently effective rates attributable to the PGAC, LFUT and Docket No. RP79-12 (Extension) tracking mechanism adjustments for El Paso's EOC and California customers is 0.32¢ per Mcf and a decrease of 5.88¢ per Mcf, respectively. The total net change in El Paso's currently effective rates subject to the PGAC-CHPG provision is a net increase of 35.2211¢.

Further, El Paso states it is tendering certain revised tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2A,[4] in order to modify the tariff language of its PGAC and PGAC-CHPG provisions in accordance with ordering paragraph (C) of the Commission's order issued June 19, 1980, at Docket No. TA80-2-33 (PGA80-2a). Such modifications are designed to limit rate projections which are included in El Paso's PGAC notice of rate changes to NGPA categories of gas, consistent with Section 154.38(d)(4)(iv)(a) of the Commission's regulations.

El Paso has requested that waiver be granted of all applicable rules, orders and regulations of the Commission, as

[1] The Extension Agreement's principal purpose is to extend the provisions of El Paso's Stipulation and Agreement approved at Docket No. RP79-12 on July 20, 1979. The Extension Agreement was approved by the Commission's letter order dated May 30, 1980, and was effectuated by El Paso on August 20, 1980, pursuant to Paragraph 22.2 of the Extension Agreement, by notice filed and served on that date.

[2] Such purchased gas cost adjustment is attributable primarily to certain contractual rate escalations permitted in supplier agreements, forecasted NGPA rates at applicable NGPA categories, supplier and area rate production price increases attributable to certain purchases from intrastate pipelines under Section 311(b) of the NGPA used in El Paso's interstate system operations, purchases of deregulated high-cost natural gas, purchases from Border Gas, Inc. attributable to volumes of natural gas imported from Mexico and the net of exchange transactions.

[3] The zero balance was accomplished under the provisions of the Docket No. RP79-12 (Extension) Settlement Agreement wherein it was provided El Paso would credit certain amounts to Account 191 generated primarily from excess natural gas liquid revenues realized due to price decontrol of butane and natural gasoline.

[4] Substitute Fifth Revised Sheet No. 67-B and Substitute Fourth Revised Sheet No. 67-C to El Paso's Original Volume No. 1 Tariff and Third Revised Sheet No. 1-G to El Paso's Original Volume No. 2A Tariff.

may be deemed necessary, to permit the effectiveness on October 1, 1980, of the tariff sheets tendered as a part of the instant notice of change in rates.[5]

El Paso states that copies of the filing and enclosures thereto have been served upon all interstate pipeline system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Sept. 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29356 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-34 (PGA) (IP) (LFUT)]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Pricing Provisions and the Louisiana First Use Tax Provision

September 5, 1980.

Take notice that on Augut 28, 1980, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff:

Original Vol. No. 1

25th Revised Sheet No. 3–A
Second Revised Sheet No. 3–B

Original Vol. No. 3

15th Revised Sheet No. 128

The aforementioned tariff sheets contain changes in its resale rates in Rate Schedules G and I and in Rate Schedule T–3 resulting from adjustment provisions in the Company's tariff for (i) cost of purchased gas, (ii) Incremental Pricing Provision, and (iii) Louisiana First Use Tax. FGT proposes to make the rate changes effective October 1, 1980.

According to FGT, the changes contained on 25th Revised Sheet No. 3–A and 15th Revised Sheet No. 128 are made in accordance with the purchased gas cost adjustment and incremental pricing provision in its tariff (Section 15, General Terms and Conditions) and adjust the currently effective rates for Rate Schedules G and I to reduce the Louisiana First Use Tax provision in accordance with Section 20 of the General Terms and Conditions of FGT's Gas Tariff, Original Volume No. 1. FGT also states that Second Revised Sheet No. 3–B contains the estimated incremental pricing surcharges by customer by month for the adjustment period.

The net effect of the above-mentioned adjustments for Rate Schedule G and I is to decrease the currently effective rate by .384¢/Therm. Based on estimated G and I sales for the next 12 months this results in an annual revenue decrease of approximately $3,314,000. Below is a table comparing the G and I rates before and after the October 1, 1980 change.

	Effective prior to Oct. 1, 1980 (cents)	To be effective Oct. 1, 1980 (cents)
Rate Schedule G	24.232	23.848
Rate Schedule I	23.432	23.048

The net effect of the above-mentioned adjustments for Rate Schedule T–3 is an increase of .54¢/Mcf. The rate for Rate Schedule T–3 in effect immediately prior to April 1, 1980 is 38.92¢/Mcf. The rate to be effective on October 1, 1980 is 39.46¢. The annual effect on revenues from the Rate Schedule T–3 is an increase of $394,200.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and the Florida Public Service Commission and is being posted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 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 Sept. 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29357 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-134]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 5, 1980.

Take notice that on August 29, 1980, Great Lakes Gas Transmission Company ("Great Lakes") tendered for filing proposed changes to the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

First Revised Vol. No. 1

Tenth Revised Sheet No. 4
Second Revised Sheet No. 7
First Revised Sheet No. 10
Second Revised Sheet No. 12
First Revised Sheet No. 48
First Revised Sheet No. 49
First Revised Sheet No. 50
Thirty-Seventh Revised Sheet No. 57

Original Vol. No. 2

Sixteenth Revised Sheet No. 53
Third Revised Sheet No. 55
Seventh Revised Sheet No. 77
First Revised Sheet No. 78
First Revised Sheet No. 81
First Revised Sheet No. 96
First Revised Sheet No. 97
Second Revised Sheet No. 126
Second Revised Sheet No. 127
Third Revised Sheet No. 152
First Revised Sheet No. 183
First Revised Sheet No. 206
First Revised Sheet No. 223
First Revised Sheet No. 245
First Revised Sheet No. 246

The proposed tariff changes would produce increased revenues of $24,141,431 based on sales and transportation volumes for the base period (twelve months ended April 30, 1980) as adjusted. The changes would also establish new Base Tariff Rates for future purchased gas cost adjustments. In addition certain of the tariff sheets

[5] The tariff sheets tendered by El Paso in order to implement the subject notice of rate change are Second Substitute Twenty-seventh Revised Sheet No. 3–B and Second Revised Sheet No. 159 to its Original Volume No. 1 Tariff, Second Substitute Eighteenth Revised Sheet No. 1–D to its Third Revised Volume No. 2 Tariff and Second Substitute Nineteenth Revised Sheet No. 1–C and First Substitute Fourteenth Revised Sheet No. 1–D to its Original Volume No. 2A Tariff.

incorporate modifications in the determination of deliveries, the billing and payment provisions and elimination of reference to volumes not certificated.

Great Lakes' states that the proposed rates are necessary because of increased operating expenses, increased depreciation expense resulting from increased plant in service, increased *ad valorem* and other taxes and increased return and income tax requirements. Great Lakes' proposed rates include an overall return of 11.77 percent reflecting its increased imbedded debt cost of 8.75 percent and a return on equity of 15.75 percent.

Great Lakes further states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

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 September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29354 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2835]

New York State Electric & Gas Corp.; Application for Major License

September 5, 1980.

Take notice that New York State Electric and Gas Company (NYSEG) filed on June 3, 1978, an application for major license for the constructed Rainbow Falls Project No. 2835. The project is located on the Ausable River and Black Brook in Clinton and Essex Counties, New York. Correspondence regarding the application should be sent to: Mr. L. Theodore Everett, Senior Vice President, New York State Electric and Gas Corporation, P.O. Box 287, Ithaca, New York, 14850, and Huber, Magill, Lawrence & Farell, Attorneys, 99 Park Avenue, New York, New York, 10016.

According to the application, the project consists of the Rainbow Falls development located approximately 5 miles from the mouth of the Ausable River and a storage reservoir, known as Taylor Pond, located approximately 25 miles upstream on Black Brook, a tributary of the Ausable River.

The Rainbow Falls development comprises: (1) a concrete gravity dam approximately 345 feet long and 15.5 feet high, with 3-foot flashboards; (2) a 17-acre reservoir with a gross storage capacity of 180 acre-feet and having a maximum water surface elevation of 311 feet m.s.l. with flashboards in place; (3) an indoor powerhouse containing two turbine-generator units having a total installed capacity of 2,112 kW; and (4) all other facilities and interests appurtenant to operation of the project.

The Taylor Pond development comprises: (1) an earth-filled dam approximately 391 feet long and 21.5 feet high; and (2) a reservoir with a total volume of approximately 7,400 acre-feet and a maximum elevation of 1,389.77 feet m.s.l. The Taylor Pond reservoir is a water supply facility.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 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 March 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), *as amended* 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), *as amended,* 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 7, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29361 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-39 (PGA 81-1 and IPR 81-1)]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision and Incremental Pricing Provision

September 5, 1980.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on August 29, 1980 tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Sixteenth Revised Sheet No.4
First Revised Sheet No. 4–A
Thirteenth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. the proposed effective date of these tendered tariff sheets and the rates reflected thereon is October 1, 1980.

Pacific Interstate further states that the tendered tariff sheets reflect a proposed S–G–1 commodity rate of 169.88¢ per decatherm, a decrease of 49.86¢ from the 219.74¢ per decatherm rate effective April 1, 1980, the date of the last S–G–1 commodity rate change and that such decrease reflects a Current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $91,557 and that the Surcharge Adjustment is designed to amortize, over a six-month period beginning October 1, 1980, an amount of ($175,679), which is the amount in Pacific Interstate's Unrecovered Purchased Gas Cost account at June 30, 1980. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since their only customer has no surcharge absorption capability.

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,

Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29353 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-35 (PGA80-1)]

Peoples Natural Gas Co., Division of InterNorth, Inc.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

September 5, 1980.

Take notice that on August 22, 1980, Peoples Natural Gas Company, Division of InterNorth, Inc., (Peoples) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 4, the following tariff sheet:

Twenty-fifth Revised Sheet No. 3a

Twenty-fifth Revised Sheet No. 3a is filed pursuant to Peoples' Purchased Gas Adjustment provisions of its FERC Gas Tariff, Original Volume No. 4. This change in rates reflects the increase in Peoples' average estimated cost of purchased gas, pursuant to Paragraph 19.2 of its FERC Gas Tariff, Original Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State 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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29347 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-41(PGA80-1)]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

September 5, 1980.

Take notice that Southwest Gas Corporation ("Southwest") on August 28, 1980 tendered for filing Ninth Revised Sheet No. 10 pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a reduction in rates occasioned by a decrease in rates from Southwest's Northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective October 1, 1980. The proposed effective date for Southwest's proposed reduction in rates is October 1, 1980.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Power 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 September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29348 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-29 (AP81-1)]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

September 5, 1980.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 15, 1980 tendered for filing certain revised tariff sheets to be effective October 1, 1980.

Transco states that the purpose of this filing is to reflect an advance payment "tracking" rate reduction of 0.3¢ per dt in the commodity rate or delivery charge of Transco's sales and firm transportation rate schedules.

Transco also states that the rate reduction is being filed in accordance with Article VII of Transco's "Agreement as to Rates" in Docket No. RP77-108 and approved, along with Transco's "Supplemental Agreement as to Rates", by Commission letter order dated October 11, 1979. Article VII provides for adjustments to Transco's jurisdictional rates to give effect to inclusion in rate base of net increases or decreases in the amount of outstanding advance payments made by Transco provided such net increases or decreases result in an adjustment of 0.3¢ per dt when computed to the nearest one-tenth of one cent. The rate reduction proposed herein is occasioned by a decrease of $12,265,410 in the advance payment balance from the amount included in Transco's rates as of its most recent advance payment tracking reduction effective July 1, 1980.

The Company states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions and other parties in Docket No. RP77-108.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29351 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-42]

Transwestern Pipeline Co; Proposed Changes in FERC Gas Tariff

September 5, 1980.

Take notice that Transwestern Pipeline Company (Transwestern) on August 29, 1980, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Sixteenth Revised Sheet No. 5
Sixteenth Revised Sheet No. 6
Second Revised Sheet No. 6A

These sheets are issued pursuant to (1) Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1 and (2) Article V, Transportation Cost and Revenue tracking, of Transwestern's Stipulation and Agreement in Docket No. RP77-19 approved by Commission Order issued July 9, 1979. The Purchased Gas Cost Adjustment reflected herein consists of a PGA increase of 45.65¢/dth based upon increased purchased gas costs, adjusted for Projected Incremental Pricing Surcharges for the months of October, 1980 through March, 1981. The Trasportation Adjustment included in the rates filed herein is a reduction of 1.24¢/dth from the previous adjustment.

The proposed effective date of the above tariff sheets is October 1, 1980.

Copies of the filing were served upon the company's jurisdictional customers and interested state 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, N.E., 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 September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29352 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 279]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 15, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
*ADOBE OIL & GAS CORPORATION				RECEIVED: 08/29/80 JA: TX			
8054788	18477	4210532519	103	STATE IU NO 4	FARMER (SAN ANDRES)	35,0	BIG LAKE GAS CORP
8054798	18586	4217331010	103	WEYMAN M NO 1	SPRABERRY (TREND AREA)	23,0	EL PASO NATURAL GAS
*ALPAR RESOURCES INC				RECEIVED: 08/29/80 JA: TX			
8054790	18514	4221131148	103	FRENCH ARRINGTON #4-54	HEMPHILL (GRANITE WASH)	640,0	NORTHERN NATURAL GAS
*AMOCO PRODUCTION CO				RECEIVED: 08/29/80 JA: TX			
8054726	14381	4223300000	108	G C PITCHER A #16	PANHANDLE	12,0	SKELLY OIL CO
8054725	14036	4223300000	108	G C PITCHER B #1	PANHANDLE	7,3	SKELLY OIL CO
8054815	16833	4243531367	103	MORRISS BROS E #3	WHITEHEAD (STRAWN)	25,6	LONE STAR GAS CO
*8054893	18035	4250131728	103	WASSON ODC UNIT #523	WASSON	31,9	SHELL OIL CO
*ARCO OIL AND GAS COMPANY				RECEIVED: 08/29/80 JA: TX			
8054692	06316	4221530814	103	BUCHANAN GAS UNIT #2	DONNA	72,0	TENNESSEE GAS PIPELI
*ARKLA EXPLORATION COMPANY				RECEIVED: 08/29/80 JA: TX			
8054951	19009	4236530884	103	JOHN NEAL #1	CARTHAGE (COTTON VALLEY)	365,0	ARKANSAS LOUISIANA G
*B D CLICK CO INC				RECEIVED: 08/29/80 JA: TX			
8054734	18268	4225331103	103	SIMPSON #1 ID #14998	NOODLE NW (CANYON SAND 4	50,0	SID RICHARDSON CARBO
*BARON COMPANY INC				RECEIVED: 08/29/80 JA: TX			
8054850	15833	4236731198	103	CHIARELLO	TOTO BEND CONGLOMERATE	105,0	LONE STAR GAS CO
*BARUCH-FOSTER CORP				RECEIVED: 08/29/80 JA: TX			
8054795	18533	4213533212	103	TXL #6	COWDEN NORTH	100,0	AMOCO PRODUCTION CO
8054794	18532	4213533211	103	TXL #7	COWDEN NORTH	100,0	AMOCO PRODUCTION CO
*BETTIS BOYLE & STOVALL				RECEIVED: 08/29/80 JA: TX			
8055005	19312	4248300000	108	CUDDEBACK ET AL	PANHANDLE EAST	21,5	WARREN PETROLEUM
*CABOT CORPORATION				RECEIVED: 08/29/80 JA: TX			
8054854	15330	4241330785	103	WHITTEN 1-D (83359)	ELDORADO (6000)	96,0	NORTHERN NATURAL GAS
*CADDO OIL CO				RECEIVED: 08/29/80 JA: TX			
8054933	19102	4205100000	103	COFFIELD B-3 NO 1	NOACK COMMEND (SEG B)	0,0	FERGUSON CROSSING PI
*CENTRAL PRODUCERS INC				RECEIVED: 08/29/80 JA: TX			
8054999	19171	4204730719	103	C M DE PENA NO 1	ALTA MESA (1100)	45,0	VALLEY GAS TRANSMISS
*CHALMERS OPERATING CO INC				RECEIVED: 08/29/80 JA: TX			
8054857	17366	4205931887	103	JOHN A HUTCHISON JR #14122	HUTCHISON (CONGL)	20,0	DELHI GAS PIPELINE C
8054856	17365	4205931886	103	JOHN A HUTCHISON JR A #79196	HUTCHISON NE (KING)	50,0	DELHI GAS PIPELINE C
8054860	17363	4205931933	103	SNYDER MINERAL TRUST #1	BAIRD NE (CONGL)	120,0	DELHI GAS PIPELINE C
*CHAMPLIN PETROLEUM COMPANY				RECEIVED: 08/29/80 JA: TX			
8054881	17669	4245130535	103	A H DUFF ESTATE NO 3	DOVE CREEK (CANYON D)	91,0	NORTHERN NATURAL GAS
8054870	17513	4236500000	103	CARTHAGE GAS UNIT 18-3	CARTHAGE (COTTON VALLEY)	360,0	TENNESSEE GAS PIPELI
8054869	17511	4236500000	103	CARTHAGE GAS UNIT 5-2	CARTHAGE (COTTON VALLEY)	400,0	TENNESSEE GAS PIPELI
*CHAPARRAL MINERALS INC				RECEIVED: 08/29/80 JA: TX			
8054799	18700	4205130450	103	W H GIESENSCHLAG #1-ID 12530	CALDWELL (AUSTIN CHALK)	62,0	MAYNARD/CPC PIPELINE
*CHAS F DOMINY				RECEIVED: 08/29/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054750	18290	4208300000	108		ALBERT W ADKISSON #1	SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
8054762	18305	4208300000	108		BLANTON #1 RRC	SANTA ANNA (MARBLE FALLS	15.0	LONE STAR GAS CO
8054777	18336	4208300000	108		BUD WHEELER #1 RRC #18201	SANTA ANNA (MARBLE FALLS	19.0	LONE STAR GAS CO
8054765	18308	4208300000	108		C J & LUCY R DAVIS	SANTA ANNA (MARBLE FALLS	7.0	LONE STAR GAS CO
8054753	18293	4208300000	108		COUNTY OF COLEMAN #1	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054764	18307	4208300000	108		CURTIS COLLINS #1	SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
8054746	18286	4204900000	108		D STRANGE #1 RRC #18246	SANTA ANNA (MARBLE FALLS	3.0	LONE STAR GAS CO
8054754	18294	4208300000	108		DAY-NORRIS #1	SANTA ANNA (MARBLE FALLS	7.0	LONE STAR GAS CO
8054755	18295	4208300000	108		DUGGINS-FRENCH #1	SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
8054740	18277	4208300000	108		ELLA G MUERY #1 RRC #18233	SANTA ANNA (MARBLE FALLS	6.0	LONE STAR GAS CO
8054767	18310	4208300000	108		ERWIN #1 RRC #18165	SANTA ANNA (MARBLE FALLS	19.0	LONE STAR GAS CO
8054747	18287	4208300000	108		F E STRANGE #1 RRC #18247	SANTA ANNA (MARBLE FALLS	11.0	LONE STAR GAS CO
8054738	18275	4208300000	108		F L LUCAS #1 RRC #18231	SANTA ANNA (MARBLE FALLS	19.0	LONE STAR GAS CO
8054739	18276	4208300000	108		F L LUCAS #2 RRC #18232	SANTA ANNA (MARBLE FALLS	6.0	LONE STAR GAS CO
8054761	18303	4208300000	108		G W GARRETT #10	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054769	18312	4208300000	108		G W GARRETT #9	SANTA ANNA (MARBLE FALLS	16.0	LONE STAR GAS CO
8054768	18311	4208300000	108		H C FERGUSON #1	SANTA ANNA (MARBLE FALLS	12.0	LONE STAR GAS CO
8054763	18306	4208300000	108		H CAMPBELL #4	SANTA ANNA (MARBLE FALLS	2.0	LONE STAR GAS CO
8054741	18278	4208300000	108		H O NORRIS #3 RRC #18236	SANTA ANNA (MARBLE FALLS	12.0	LONE STAR GAS CO
8054736	18273	4208300000	108		J D HOLT #1 RRC #18229	SANTA ANNA (MARBLE FALLS	10.0	LONE STAR GAS CO
8054744	18282	4204900000	108		J L RIORDAN #1 RRC #18241	SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
8054733	18267	4208300000	108		J M TAYLOR #1 RRC #18248	SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
8054776	18335	4208300000	108		J WELLS #1 RRC #18200	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054737	18274	4208300000	108		JONES-HUGHES #1 RRC #18230	SANTA ANNA (MARBLE FALLS	9.0	LONE STAR GAS CO
8054751	18291	4208300000	108		L L BAKER B #1	SANTA ANNA (MARBLE FALLS	12.0	LONE STAR GAS CO
8054752	18292	4208300000	108		L L BAKER B #2	SANTA ANNA (MARBLE FALLS	12.0	LONE STAR GAS CO
8054766	18309	4208300000	108		LUCY DAVIS ESTATE #2	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054759	18300	4208300000	108		M A WALLACE #1	SANTA ANNA (MARBLE FALLS	10.0	LONE STAR GAS CO
8054760	18301	4208300000	108		M A WALLACE #2	SANTA ANNA (MARBLE FALLS	4.0	LONE STAR GAS CO
8054774	18333	4208300000	108		MRS R C STUART #1	SANTA ANNA (MARBLE FALLS	10.0	LONE STAR GAS CO
8054742	18279	4208300000	108		PENNY-DUGGINS #1 RRC #18237	SANTA ANNA (MARBLE FALLS	12.0	LONE STAR GAS CO
8054758	18299	4208300000	108		R C GAY #1	SANTA ANNA (MARBLE FALLS	6.0	LONE STAR GAS CO
8055022	18329	4208300000	108		RENDLEMAN #3 RRC #18190	SANTA ANNA (MARBLE FALLS	4.0	LONE STAR GAS CO
8054770	18313	4208300000	108		ROY D GOLSTON #2	SANTA ANNA (MARBLE FALLS	2.0	LONE STAR GAS CO
8054771	18330	4208300000	108		RUSSELL /CPC/ #3	SANTA ANNA (MARBLE FALLS	5.0	LONE STAR GAS CO
8054772	18331	4208300000	108		RUSSELL /CPC/ #4	SANTA ANNA (MARBLE FALLS	2.0	LONE STAR GAS CO
8054756	18296	4208300000	108		S H DUGGINS #1	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054757	18297	4208300000	108		S H DUGGINS #2	SANTA ANNA (MARBLE FALLS	10.0	LONE STAR GAS CO
8054745	18284	4208300000	108		S M RUSSELL #2 RRC #18243	SANTA ANNA (MARBLE FALLS	19.0	LONE STAR GAS CO
8054773	18332	4208300000	108		SCHIRMACHER #1	SANTA ANNA (MARBLE FALLS	2.0	LONE STAR GAS CO
8054775	18334	4208300000	108		T C WATSON #4 RRC #18199	SANTA ANNA (MARBLE FALLS	3.0	LONE STAR GAS CO
8054743	18280	4208300000	108		W J RICHMOND #1 RRC #18239	SANTA ANNA (MARBLE FALLS	14.0	LONE STAR GAS CO
-CHEVRON U S A INC					RECEIVED: 08/29/80 JA: TX			
8054844	16073	4248330608	103		C D KILLINGSWORTH NO 1	MILLS RANCH	0.1	MISSISSIPPI RIVER TR
8054841	16076	4200331750	103		COLUMBUS GRAY ET AL 19 #17G	FUHRMAN	0.8	PHILLIPS PETROLEUM C
8054840	16077	4200331750	103		COLUMBUS GRAY ET AL 19 #17S	FUHRMAN - MASCHO	0.8	PHILLIPS PETROLEUM C
8054847	16045	4200331752	103		COLUMBUS GRAY ET AL 19 #18G	FUHRMAN	11.0	PHILLIPS PETROLEUM C
8054846	16046	4200331752	103		COLUMBUS GRAY ET AL 19 #18S	FUHRMAN - MASCHO	29.2	PHILLIPS PETROLEUM C
8054843	16074	4200331751	103		COLUMBUS GRAY 19 #16G	FUHRMAN	1.1	PHILLIPS PETROLEUM C
8054842	16075	4200331751	103		COLUMBUS GRAY 19 #16S	FUHRMAN - MASCHO	7.6	PHILLIPS PETROLEUM C
8054838	16079	4222731894	103		G M DODGE 46	IATAN - EAST HOWARD	0.5	GETTY OIL CO
8054839	16078	4222731893	103		G M DODGE 47	IATAN - EAST HOWARD	1.3	GETTY OIL COMPANY

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8054837	16080	4222731892	103		G M DODGE 48	IATAN - EAST HOWARD	1.3	GETTY OIL CO
8054836	16081	4222731891	103		G M DODGE 49	IATAN - EAST HOWARD	1.6	GETTY OIL CO
8054835	16082	4248330604	103		J F DABERRY NO 2	MILLS RANCH	135.0	MISSISSIPPI RIVER TR
8054845	16047	4249530992	103		SUN WALTON #12	KEYSTONE	0.2	TRANSWESTERN PIPELIN
8054817	16757	4249531066	103		W E BAIRD 13-68C	KEYSTONE	0.7	TRANSWESTERN PIPELIN
8054834	16083	4249530998	103		W E BAIRD 18-64	KEYSTONE	9.0	TRANSWESTERN PIPELIN
8054833	16085	4233531389	103		W L FOSTER 1 #55	IATAN - EAST HOWARD	15.0	GETTY OIL CO
8054828	16139	4233531495	103		W L FOSTER 1 #57	IATAN EAST HOWARD	13.0	GETTY OIL CO
8054829	16136	4233531496	103		W L FOSTER 5 #7R	IATAN EAST HOWARD	7.0	GETTY OIL CO
-COLA PETROLEUM INC					RECEIVED: 08/29/80 JA: TX			
8054950	19011	4200331722	103		BOURG #1	UNION	6.0	PHILLIPS PETROLEUM C
8054949	19012	4200331761	103		BOURG #2	UNION	8.3	PHILLIPS PETROLEUM C
8054948	19013	4200331760	103		BOURG #3	UNION	3.6	PHILLIPS PETROLEUM C
8054947	19014	4213533028	103		TXL #1	COWDEN NORTH	9.0	PHILLIPS PETROLEUM C
8054946	19015	4213533072	103		TXL #2	COWDEN NORTH	9.0	PHILLIPS PETROLEUM C
*8054945	19016	4213533099	103		TXL #3	COWDEN NORTH	36.0	PHILLIPS PETROLEUM C
-COLORADO INTERSTATE GAS CO					RECEIVED: 08/29/80 JA: TX			
8054953	18996	4237530244	108		BIVINS 76 R	WEST PANHANDLE (RED CAVE	20.0	COLORADO INTERSTATE
8054954	18995	4237530140	108		MASTERSON B100R	WEST PANHANDLE (RED CAVE	11.0	COLORADO INTERSTATE
-CONOCO INC					RECEIVED: 08/29/80 JA: TX			
8054883	17681	4207900000	108		CONOCO DEAN UNIT #13 ID #60106	SLAUGHTER	1.3	AMOCO PROD CO
8054882	17680	4207900000	108		CONOCO DEAN UNIT #2 ID #60106	SLAUGHTER	0.6	AMOCO PROD CO
8054884	17682	4207900000	108		CONOCO DEAN UNIT #25 ID #60106	SLAUGHTER	0.4	AMOCO PROD CO
8054811	17021	4210532115	103		TODD CRINOIDAL UNIT #37	TODD DEEP (CRINOIDAL)	103.3	THE PERMIAN CORP
-CRYSTAL OIL COMPANY					RECEIVED: 08/29/80 JA: TX			
8054810	17023	4236530778	103		LIZZIE GRIFFIN ET AL #1	PANOLA	4.3	UNITED GAS PIPELINE
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054894	18047	4235730937	103		CARL ELLIS C NO 3	ELLIS RANCH (CLEVELAND)	90.0	NATURAL GAS PIPELINE
8055006	19314	4223300000	108		CROSBY-HATCHER NO 2-5	WEST PANHANDLE	6.0	NORTHERN NATURAL GAS
8055012	019438	4221100000	108		D Q ISAACS SR NO 1	CANADIAN	5.0	NORTHERN NATURAL GAS
8054858	17371	4235730921	103		DREW ELLIS A #4	ELLIS RANCH (CLEVELAND)	35.0	NATURAL GAS PIPELINE
8055010	019435	4229500000	108		HOLLENE PEERY A NO 1-374	LIPSCOMB SW	14.0	SOUTHWESTERN PUBLIC
8055011	019436	4217900000	108		LINCOLN-SAUNDERS NO 4	PANHANDLE EAST	6.0	COLTEXO CORP
8054940	19021	4223300000	108		MCNUTT C NO 10	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054939	19022	4223300000	108		MCNUTT C NO 11	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054938	19023	4223300000	108		MCNUTT C NO 12	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054937	19024	4223300000	108		MCNUTT C NO 13	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054936	19025	4223300000	108		MCNUTT C NO 15	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054944	19017	4223300000	108		MCNUTT C NO 2	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054943	19018	4223300000	108		MCNUTT C NO 3	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054942	19019	4223300000	108		MCNUTT C NO 6	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054941	19020	4223300000	108		MCNUTT C NO 9	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054932	19116	4223300000	108		MCNUTT NO 1	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054926	19122	4223300000	108		MCNUTT NO 10	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054925	19123	4223300000	108		MCNUTT NO 12	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054924	19124	4223300000	108		MCNUTT NO 13	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054923	19125	4223300000	108		MCNUTT NO 15	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054922	19126	4223300000	108		MCNUTT NO 16	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054921	19127	4223300000	108		MCNUTT NO 17	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054920	19128	4223300000	108		MCNUTT NO 18	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054919	19129	4223300000	108		MCNUTT NO 19	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS
8054931	19117	4223300000	108		MCNUTT NO 2	WEST PANHANDLE	10.0	NORTHERN NATURAL GAS

JP NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054918	19130	4223300000	108		MCNUTT NO 20	WEST PANHANDLE	10,0	NORTHERN NATURAL GAS
8054930	19118	4223300000	108		MCNUTT NO 3	WEST PANHANDLE	10,0	NORTHERN NATURAL GAS
8054929	19119	4223300000	108		MCNUTT NO 6	WEST PANHANDLE	10,0	NORTHERN NATURAL GAS
8054928	19120	4223300000	108		MCNUTT NO 8	WEST PANHANDLE	10,0	NORTHERN NATURAL GAS
8054927	19121	4223300000	108		MCNUTT NO 9	WEST PANHANDLE	10,0	NORTHERN NATURAL GAS
8055007	19316	4217900000	108		PLAINS-SAUNDERS NO 4	PANHANDLE EAST	15,0	COLTEXO CORP
8055008	19317	4221100000	108		VASHTI HOOVER GARVER NO 1	CANADIAN SE	12,0	
*DILLEY PRODUCTION CO					RECEIVED: 08/29/80 JA: TX			
8054863	17406	4248330633	103		RICE NO 5	PANHANDLE (OSBORNE AREA)	5,0	ASHLAND OIL INC
*DONALD C SLAWSON					RECEIVED: 08/29/80 JA: TX			
*8054872	17556	4248330625	103		HUDSON #1-3	BRISCOE (MORROW)	600,0	NORTHERN NATURAL GAS
*EAST MILLSAP VENTURES LTD					RECEIVED: 08/29/80 JA: TX			
*8054859	17374	4236731609	103		H P NORMAN #1	MOBY DICK (CONGL)	150,0	NATURAL GAS PIPELINE
*8054861	17375	4236731608	103		JAMES L NORMAN #1	MOBY DICK (CONGL)	300,0	NATURAL GAS PIPELINE
*EL PASO NATURAL GAS COMPANY					RECEIVED: 08/29/80 JA: TX			
8054824	16497	4221131105	102		CAMPBELL #6	MENDOTA EAST MORROW UPPE	1095,0	EL PASO NATURAL GAS
*ENERGY RESERVES GROUP INC					RECEIVED: 08/29/80 JA: TX			
8054786	18469	4249731649	103		HARRIS-FERGUSON UNIT #2	BOONSVILLE/BEND CONGLOME	252,0	NATURAL GAS PIPELINE
*ENERGY RESOURCES OIL & GAS CORP					RECEIVED: 08/29/80 JA: TX			
8054865	17480	4211531257	103		BROWN 62487	ACKERLY (DEAN SAND)	2,9	TEXACO INC
*ENSERCH EXPLORATION INC					RECEIVED: 08/29/80 JA: TX			
8054695	07430	4249730963	103		MYRTLE ARMINE NO 1	BOONSVILLE (BCG)	15,0	LONE STAR GAS CO
*ERBO INC					RECEIVED: 08/29/80 JA: TX			
8054906	18175	4236500000	103		CARTHAGE UNIT WELL #38	CARTHAGE	365,0	TENNESSEE GAS PIPELI
*ESTATE OF GEORGE H COATES					RECEIVED: 08/29/80 JA: TX			
8054796	18534	4250731216	103		MRS S D S CASSIN ET AL NO 2	BATESVILLE	70,0	
*EXXON CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054730	15053	4213132084	103		D C R C ST V-5 #72725	LUNDELL (COLE)	336,0	TENNESSE GAS PIPELIN
8054960	18958	4216531657	103		EXXON FEE EUBANKS D #9	ROBERTSON N (CLFK 7100)	2,0	PHILLIPS PETROLEUM C
8054885	17927	4200331864	103		FULLERTON (CLFK) UNIT #2135	FULLERTON	53,7	PHILLIPS PETROLEUM
8054886	17942	4210332101	103		J B TUBB A/C 1 #195L	SAND HILLS (TUBB)	115,4	EL PASO NATURAL GAS
8054887	17943	4210332100	103		J B TUBB A/C 1 #196L	SAND HILLS (TUBB)	3,1	EL PASO NATURAL GAS
8054888	17944	4210332105	103		J B TUBB A/C 1 #198L	SAND HILLS (TUBB)	5,0	EL PASO NATURAL GAS
8054889	17945	4210332114	103		J B TUBB A/C 1 #199L	SAND HILLS (TUBB)	29,8	EL PASO NATURAL GAS
8054890	17946	4210332114	103		J B TUBB A/C 1 #199U	SAND HILLS (JUDKINS)	7,9	EL PASO NATURAL GAS
8054891	17947	4210332112	103		J B TUBB A/C 1 #201L	SAND HILLS (TUBB)	7,9	EL PASO NATURAL GAS
8054963	18810	4210332112	103		J B TUBB A/C 1 #201U	SAND HILLS (JUDKINS)	79,3	EL PASO NATURAL GAS
8054797	18542	4210332125	103		J B TUBB A/C 1 #204L	SAND HILLS (TUBB)	34,0	EL PASO NATURAL GAS
*8054802	18725	4247330307	103		KATY GAS FLD CONSOL UNIT 4207 F	KATY (III A)	900,0	UNITED TEXAS TRANSMI
8054822	16675	4236530796	103		L H PINKLE NO 3	CARTHAGE (COTTON VALLEY)	730,0	TEXAS GAS TRANSMISSI
8055021	19726	4224700000	108		MCGILL BROS #17 42984	KELSEY K-1	12,7	TRUNKLINE GAS CO
8054962	18856	4200332104	103		MEANS SAN ANDRES UNIT #1920	MEANS	5,5	PHILLIPS PETROLEUM C
8054808	17249	4226130477	102		MRS S K EAST 105-D (84228)	RITA (5-R II)	300,0	NATL GAS PIPELINE CO
8054808	17249	4226130477	103		MRS S K EAST 105-D (84228)	RITA (5-R II)	300,0	NATL GAS PIPELINE CO
*FISHER-WEBB INC					RECEIVED: 08/29/80 JA: TX			
8054778	18337	4208130587	103		CARGILE NO 1	ARLEDGE (PENN SAND)	150,0	SUN GAS CO
8054779	18340	4208130684	103		CARGILE NO 4	ARLEDGE (PENN SAND)	150,0	SUN GAS CO
8054783	18346	4208130734	103		GARTMAN C NO 1	ARLEDGE (PENN SAND)	150,0	SUN GAS CO
8054780	18341	4208130631	103		GARTMAN NO 1	ARLEDGE (PENN SAND)	150,0	SUN GAS CO
8054781	18342	4208130685	103		GARTMAN NO 2	ARLEDGE (PENN SAND)	150,0	SUN GAS CO
8054782	18344	4208130698	103		GARTMAN NO 4	ARLEDGE (PENN SAND)	150,0	SUN GAS CO
*FOY BOYD MANAGEMENT CORP					RECEIVED: 08/29/80 JA: TX			
8054873	17583	4247531913	103		PITZER #1	PITZER NORTH	54,0	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*FRANK J KING					RECEIVED: 08/29/80 JA: TX			
*8054803	17307	4239931411	103		LYNN BILLUPS #2 84472	SYKES WEST (GARDNER)	250.0	UNION TEXAS PETROLEU
*GENERAL AMERICAN OIL COMPANY OF TEX					RECEIVED: 08/29/80 JA: TX			
8054874	17584	4210331997	103		CENTRAL DUNE UNIT NO 1024	DUNE	10.0	WARREN PETROLEUM CO
8054875	17585	4210331998	103		CENTRAL DUNE UNIT NO 1026	DUNE	10.0	WARREN PETROLEUM CO
*GETTY OIL COMPANY					RECEIVED: 08/29/80 JA: TX			
*8054813	16882	4236500000	103		BBA UNIT NO 1	CARTHAGE COTTON VALLEY	0.0	DELHI GAS PIPELINE C
8054898	18096	4223330741	103		CROSBY G HATCHER NO 10	PANHANDLE HUTCHINSON	3.0	J M HUBER CORP
8054899	18097	4223330716	103		M B ARMSTRONG NO 21	PANHANDLE HUTCHINSON	12.0	PANHANDLE EASTERN PI
8054900	18098	4223330717	103		M B ARMSTRONG NO 22	PANHANDLE HUTCHINSON	9.0	PANHANDLE EASTERN PI
8054784	18347	4229300000	103		M MUSE NO 1	N PERSONVILLE (COTTON VA	0.0	SOUTHWESTERN GAS PIP
8054807	17251	4202500000	108		MURPHY BRADFORD GU #1	NORMANNA (FIRST MASSIVE	15.0	HOUSTON PIPELINE CO
8054907	18225	4210300000	103		NORTH MCELROY UNIT NO 2751	MCELROY	3.0	PHILLIPS PETROLEUM C
8054908	18226	4210300000	103		NORTH MCELROY UNIT NO 2759	MCELROY	2.6	PHILLIPS PETROLEUM C
8054909	18227	4210300000	103		NORTH MCELROY UNIT NO 3316	MCELROY	11.0	PHILLIPS PETROLEUM C
8054910	18228	4210300000	103		NORTH MCELROY UNIT NO 3403	MCELROY	4.0	PHILLIPS PETROLEUM C
8054911	18229	4210300000	103		NORTH MCELROY UNIT NO 3404	MCELROY	6.0	PHILLIPS PETROLEUM C
8054912	18230	4210300000	103		NORTH MCELROY UNIT NO 3409	MCELROY	5.0	PHILLIPS PETROLEUM C
8054731	18231	4210300000	103		NORTH MCELROY UNIT NO 3418	MCELROY	3.0	PHILLIPS PETROLEUM C
8054848	15934	4223330681	103		YAKE B NO 2	PANHANDLE HUTCHINSON	1.8	PANHANDLE EASTERN PI
8054896	18094	4223303067	103		YAKE B NO 3	PANHANDLE HUTCHINSON	3.0	PANHANDLE EASTERN PI
8054897	18095	4223330715	103		YAKE D NO 2	PANHANDLE HUTCHINSON	7.5	PANHANDLE EASTERN PI
*GUERNSEY PETROLEUM CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054821	16676	4224930881	103		LACEY #3	ALFRED (4850)	56.0	
8054826	16469	4224930965	103		LACEY #6	ALFRED WEST (3170)	0.0	
8054825	16473	4224931081	103		MUMME #1	ALFRED (4000)	0.0	UNITED GAS PIPELINE
*GULF OIL CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054785	18386	4247531859	103		C W EDWARDS ET AL TR D NO 12	JANELLE SE (TUBB)	41.0	M & T GATHERING
8054715	09339	4239300000	108		FANNY SCOTT #1	KILLEBREW	16.0	NORTHERN NATURAL GAS
8054974	18752	4223300000	108		HAILE #11	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054973	18753	4223300000	108		HAILE #13	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054972	18754	4223300000	108		HAILE #14	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054971	18755	4223300000	108		HAILE #15	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054979	18747	4223300000	108		HAILE #2	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054978	18748	4223300000	108		HAILE #3	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054977	18749	4223300000	108		HAILE #6	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054976	18750	4223300000	108		HAILE #7	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054975	18751	4223300000	108		HAILE #8	PANHANDLE HUTCHINSON	3.0	GETTY OIL CORP
8054903	18120	4204130459	103		HALL UNIT I NO 1	KURTEN (WOODBINE)	10.0	PRODUCERS GAS CO
8055003	19211	4250531093	103		J C MARTIN ET AL NO 9 #84453	J C MARTIN (LOBO)	900.0	TENNESSEE GAS PIPELI
8054809	17190	4250530564	108		J R BENAVIDES NO 1 #71813	RAMIRENO (WILCOX)	9.0	TENNESSEE GAS PIPELI
8054722	12124	4204130313	103		JONES UNIT II NO 1	KURTEN (WOODBINE)	20.0	PRODUCERS GAS CO
8055001	19209	4250530585	108		M M ALEXANDER B NO 2	URBENO (LOBO)	20.0	TENNESSEE GAS PIPELI
8054696	07529	4235700000	108		R M HOLLAND A #1	FRANTZ	14.0	PANHANDLE EASTERN PL
8055002	19210	4250531110	103		S URIBE NO 5 #84898	J C MARTIN (LOBO)	0.0	TENNESSEE GAS PIPELI
8054969	18757	4241330373	108		STATE TB NO 1	UNIVERSITY 34 (ELLENBURG	9.0	C R A INC
8054721	12096	4204130333	103		WICKSON UNIT I NO 1	KURTEN (WOODBINE)	12.0	PRODUCERS GAS CO
*M V RIBIEN					RECEIVED: 08/29/80 JA: TX			
8054787	18473	4220131013	103		BENFER #1	HOOKS (SMALLOW)	20.0	TRUNKLINE GAS CO
*HANLEY COMPANY					RECEIVED: 08/29/80 JA: TX			
8054820	16677	4217330975	103		SMROCK A NO 5 (06398)	SPRABERRY (TREND AREA)	18.0	EL PASO NATURAL GAS
8054819	16678	4217330978	103		WRAGE-HENDRICKSON #5 (06404)	SPRABERRY (TREND AREA)	18.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*HAYNES PRODUCTION CO INC					RECEIVED: 08/29/80 JA: TX			
8055014	019469	4208300000	108		ELMER S HAYNES A #1 ID-18169	SANTA ANNA/MARBLE FALLS	20.0	LONE STAR GAS CO
8055013	019468	4208300000	108		ELMER S HAYNES B #1 ID-18170	SANTA ANNA/MARBLE FALLS	20.0	LONE STAR GAS CO
*HNG OIL COMPANY					RECEIVED: 08/29/80 JA: TX			
8054876	17596	4243530091	108		FIELDS 14 #1 52954	SAWYER (CANYON)	21.0	INTRATEX GAS CO
8054959	18966	4247531865	103		MONROE 148 #1 25531	RHODA WALKER (CANYON 590	120.0	CLAJON GAS CO
*HOLLY ENERGY INC					RECEIVED: 08/29/80 JA: TX			
8054789	18488	4217500000	102		ADA GANTT NO 1-U	DALLAS HUSKY NE (SLICK)	91.3	TRANSCONTINENTAL GAS
8054789	18488	4217500000	103		ADA GANTT NO 1-U	DALLAS HUSKY NE (SLICK)	91.3	TRANSCONTINENTAL GAS
*J & J GAS PROPERTIES					RECEIVED: 08/29/80 JA: TX			
8054710	08377	4223300000	108		SALLIE PRITCHARD #3	PANHANDLE	11.0	PHILLIPS PET CO
8054711	08378	4223300000	108		SALLIE PRITCHARD #4	PANHANDLE	9.0	PHILLIPS PET CO
8054712	08379	4223300000	108		SALLIE PRITCHARD #5	PANHANDLE	7.0	PHILLIPS PET CO
8054714	08381	4223300000	108		SALLIE PRITCHARD #6	PANHANDLE	7.0	PHILLIPS PET CO
8054713	08380	4223300000	108		SALLIE PRITCHARD #7	PANHANDLE	14.0	PHILLIPS PET CO
*J B WATKINS					RECEIVED: 08/29/80 JA: TX			
8054718	10936	4206500000	108		DOUGLAS #3	PANHANDLE	21.7	PHILLIPS PETROLEUM C
8054719	10939	4206500000	108		DOUGLAS #6	PANHANDLE	21.7	PHILLIPS PETROLEUM C
*J CLEO THOMPSON					RECEIVED: 08/29/80 JA: TX			
8054879	17656	4200300000	103		WEST MEANS UNIT TRACT 5 #4	MEANS	0.0	PHILLIPS PETROLEUM C
8054877	17616	4200300000	103		WEST MEANS UNIT TRACT 6 #2	MEANS	42.0	PHILLIPS PETROLEUM C
8054878	17617	4200300000	103		WEST MEANS UNIT TRACT 6 #4	MEANS	11.0	PHILLIPS PETROLEUM C
*JERRY E WYLIE OIL DRILLING COMPANY					RECEIVED: 08/29/80 JA: TX			
8054955	18993	4209330651	103		J C BEATY #1 ID 85179	DUSTER NE (MARBLE FALLS	246.0	LONE STAR GAS CO
*JOHN L COX					RECEIVED: 08/29/80 JA: TX			
8054735	18269	4246131430	103		CRAVENS 54-B NO 1	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEUM C
8054749	18289	4246131417	103		M F NEAL ESTATE B #1	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEUM C
8054748	18288	4236131430	103		M F NEAL NO 1 RRC #07949	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEUM C
8054801	18712	4217330986	103		IRMA WRAGE B NO 3 RRC #25571	SPRABERRY (TREND AREA)	20.0	EL PASO NATURAL GAS
8054800	18711	4217330989	103		IRMA WRAGE B NO 4 RRC #25571	SPRABERRY (TREND AREA)	20.0	EL PASO NATURAL GAS
*JOHN M CLARK					RECEIVED: 08/29/80 JA: TX			
8055020	19579	4232300000	108		MANGUM 2	M F JAKE LAWLESS	1.7	VALERO TRANSMISSION
*KERR-MCGEE CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054970	18763	4229530709	103		SPARMAN NO 2	S W LIPSCOMB (CLEVELAND)	0.0	PHILLIPS PETROLEUM C
*KOMANCHE OIL & GAS					RECEIVED: 08/29/80 JA: TX			
8054901	18100	4206530657	103		COBB NO 4 03291	WEST PANHANDLE	100.0	NORTHERN NATURAL GAS
*LAGUNA PETROLEUM CO					RECEIVED: 08/29/80 JA: TX			
8054864	17436	4238931037	103		GILLESPIE #1	WILDCAT	144.0	NORTHERN NATURAL GAS
*LEEDE OIL & GAS INC					RECEIVED: 08/29/80 JA: TX			
8054958	18970	4210532533	103		UNIVERSITY 50A #3	FARMER (SAN ANDRES)	10.0	J L DAVIS
*M M MILLER & SONS					RECEIVED: 08/29/80 JA: TX			
8055000	19173	4213152960	103		MILLER FEE NO 25	LONGHORN (HIAWATHA) SAND	70.0	TRANSCONTINENTAL GAS
*MITCHELL ENERGY CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054827	16230	4249731503	103		BEAVER (CADDO CONGL) UNIT #5-4	ALVORD (CADDO CONGL)	70.0	NATURAL GAS PIPELINE
8054690	04046	4249700000	108		R T MIZE #1 28743	BOONSVILLE BEND CONG	20.1	NATURAL GAS PIPELINE
8054689	040462	4249700000	108		W H PORTWOOD #2 35785	BOONSVILLE BEND CONG	20.4	NATURAL GAS PIPELINE
*MITCHELL ENERGY OFFSHORE CORP					RECEIVED: 08/29/80 JA: TX			
8054812	16972	4260530052	103		STATE TRACT 179-S #2-U	BLOCK 176-S (MIOCENE S-2	16.0	NATURAL GAS PIPELINE
*MOBIL OIL CORP					RECEIVED: 08/29/80 JA: TX			
8054853	15392	4234300000	108		C R JONES NO 5	PANHANDLE WEST	0.6	PANHANDLE EASTERN P/
8054866	17489	4250131744	103		H D MAHONEY NO 55	WASSON	102.0	SHELL OIL CO
8054961	18911	4232930824	103		JOHN SNOWDEN NO 6	SPRADBERRY (TREND AREA)	11.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054818	16705	4213133899	103		MAG-DUVAL RANCH SEC 208-209 NO 63	GOVT WELLS N (800 SAND)	365.0	TENNESSEE GAS PIPELI
8054867	17494	4221932701	103		MAPLE WILSON NO 76	SLAUGHTER	13.0	AMOCO PRODUCTION CO
8054852	15408	4206500000	108		MCCONNELL NO 1	PANHANDLE WEST	10.8	NORTHERN NATURAL GAS
8054723	12314	4246130286	108		MCELROY RANCH #1-U	MELUMA (PENN)	0.5	PHILLIPS PETROLEUM C
8054892	17989	4240900000	108		RACHAL #60-U (1) OVER	WHITE POINT E (MEEP)	10.7	UNITED GAS PIPE LINE
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 08/29/80 JA: TX			
8054698	07607	4215100000	103		A G GONZALES #8	ROUND TOP (CANYON)	48.0	TEXAS UTILITIES FUEL
8054697	07606	4215100000	103		G A POE NO 1	ROUND TOP (CANYON)	22.0	TEXAS UTILITIES FUEL
8054700	7609	4215100000	103		LOPEZ-FLORES UNIT NO 4	ROUND TOP / CANYON	28.0	TEXAS UTILITIES FUEL
8054699	07608	4215100000	103		T S FERGUSON NO 8	ROUND TOP / CANYON	22.0	TEXAS UTILITIES FUEL
-MOODY ENERGY CO					RECEIVED: 08/29/80 JA: TX			
8054814	16855	4221100000	103		WRIGHT #2	MUMPHREYS (DOUGLAS)	0.0	NORTHERN NATURAL GAS
-MORAN CORP					RECEIVED: 08/29/80 JA: TX			
8054902	18104	4218500000	103		UPCHURCH-MCDOUGAL UNIT NO 1 ID #79*	IOLA (GLEN ROSE) (8)	85.0	MORGAS CO
-MORAN EXPLORATION INC					RECEIVED: 08/29/80 JA: TX			
8054855	17206	4237131640	108		J L NUTT ESTATE NO 2	BARBASAL (QUEEN)	16.8	PRODUCERS GAS CO
-NATURAL GAS ANADARKO INC					RECEIVED: 08/29/80 JA: TX			
8054957	18971	4235730909	103		J D #1-50	PERRYTON (UPPER MORROW)	90.0	NORTHERN NATURAL GAS
-PENNZOIL PRODUCING COMPANY					RECEIVED: 08/29/80 JA: TX			
8054823	16633	4239131335	103		M F LAMBERT NO 8 1	REFUGIO-FOX	110.0	UNITED GAS PIPE LINE
-PETROLEUM INC					RECEIVED: 08/29/80 JA: TX			
8054952	19004	4221100000	103		JARVIS UNIT B #1	CANADIAN (MURROW UPPER)	900.0	PIONEER NATURAL GAS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 08/29/80 JA: TX			
8054728	14939	4213520164	108		(21556) NORTH PENWELL NO 61	PENWELL	4.7	EL PASO NATURAL GAS
8055019	19521	4234100000	108		MUNGATE #1	TEXAS MUGOTUN	21.0	MICHIGAN WISCONSIN P
8054729	14972	4221131104	103		MCQUIDDY A #5	FELDMAN DOUGLAS	300.0	PANHANDLE EASTERN PI
8054968	18779	4217900000	108		PHIL-PAMPA UNIT #8-16	PANHANDLE GRAY	1.5	GETTY OIL CO
8054967	18783	4223300000	108		RUBIN - MCDONELL NO 1	PANHANDLE	16.0	EL PASO NATURAL GAS
8054917	19133	4249700000	108		WILEY-B #1	BOONSVILLE (BEND CONGL)	23.2	LONE STAR GAS CO
-PIONEER PRODUCTION CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054956	18974	4229500000	108		L M DRAPER #1 RRC ID #22398	NORTH MAMMOTH CREEK	1.7	NORTHERN NATURAL GAS
-RAYBURN CHOKAS					RECEIVED: 08/29/80 JA: TX			
8054849	15890	4233700000	103		DONALD B MONTAGUE CATTLE CO #4	CHOKAS/CADDO	5.8	J L DAVIS-BOWIE GASD
-RESOURCES INVESTMENT CORPORATION					RECEIVED: 08/29/80 JA: TX			
8054862	17401	4217500000	103		DIEBEL #1	BRANDT LOWER REKLAW	0.0	UNITED GAS PIPELINE
-ROCKWOOD RESOURCES INC					RECEIVED: 08/29/80 JA: TX			
8054732	18262	4223931414	102		RATLIFF NO 1	MAYO (6600 PRIO)	75.0	DELHI GAS PIPELINE C
-SAXON OIL COMPANY					RECEIVED: 08/29/80 JA: TX			
8054916	19138	4238331446	103		BROWN NO 1	SPRABERRY (TREND AREA)	15.0	NORTHERN NATURAL GAS
8054915	19139	4238331450	103		HARTGROVE B NO 1	SPRABERRY (TREND AREA)	17.2	PHILLIPS PETROLEUM C
-SOUTHLAND ROYALTY CO					RECEIVED: 08/29/80 JA: TX			
8054914	19144	4210500000	108		CLEGG A #1-53	OZONA	0.9	NORTHERN NATURAL GAS
8054913	19145	4213500000	108		EDWARDS GRAYBURG UNIT #4-1	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054980	19146	4213500000	108		EDWARDS GRAYBURG UNIT #4-3	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054981	19147	4213500000	108		EDWARDS GRAYBURG UNIT #4-4	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054982	19148	4213500000	108		EDWARDS GRAYBURG UNIT #4-5	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054983	19149	4210300000	108		EDWARDS GRAYBURG UNIT #4-6	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054984	19150	4210300000	108		EDWARDS GRAYBURG UNIT #4-7	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054985	19151	4210300000	108		EDWARDS GRAYBURG UNIT #5-1	EDWARDS	0.9	PHILLIPS PETROLEUM C
8054986	19152	4210300000	108		EDWARDS GRAYBURG UNIT #5-3	EDWARDS	0.9	PHILLIPS PETROLEUM C
8055015	19485	4213500000	108		EDWARDS GRAYBURG UNIT #8-2	EDWARDS	0.9	PHILLIPS PETROLEUM C
8055016	19486	4210300000	108		EDWARDS GRAYBURG UNIT #8-5	EDWARDS	0.9	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8055017	19487	4210300000	108		EDWARDS GRAYBURG UNIT #8-6
8055018	19488	4210300000	108		EDWARDS GRAYBURG UNIT #8-7
8054987	19153	4238300000	108		HALFMANN #1
8054988	19154	4210500000	108		J S TODD #3
8054993	19159	4238300000	108		O F BOYD A #1-43
8054994	19160	4238300000	108		O F BOYD A #2-43
8054997	19165	4238300000	108		O F BOYD A #3-44
8054989	19155	4238300000	108		O F BOYD 1-32
8054990	19156	4238300000	108		O F BOYD 1-41
8054991	19157	4238300000	108		O F BOYD 2-32
8054992	19158	4238300000	108		O F BOYD 2-41
8054995	19161	4238300000	108		ONA WELLS A #1
8054996	19162	4238300000	108		ONA WELLS A #2
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 08/29/80 JA: TX
8054935	19064	4221131124	103		L P HUMPHREYS NO 4
*TAYLOR BROTHERS OIL CO					RECEIVED: 08/29/80 JA: TX
8054806	17293	4234130545	103		MITCH & MITZIE A #7
*TENNECO OIL COMPANY					RECEIVED: 08/29/80 JA: TX
8054998	19168	4217930706	103		COMBS 172
*TEXACO INC					RECEIVED: 08/29/80 JA: TX
8054724	13874	4235531159	103		C R RICHARDSON #11
*TEXAS INTERNATIONAL PET CORP					RECEIVED: 08/29/80 JA: TX
8054880	17663	4217531216	103		MERLE RAMSEY #1
*TEXAS OIL & GAS CORP					RECEIVED: 08/29/80 JA: TX
8055009	19430	4205730932	102		CLARK I #1
8054832	16105	4223500000	103		JONES K #2
8054831	16106	4223500000	103		JONES K #3
8054904	18148	4224931054	102		RUPP #1
*TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 08/29/80 JA: TX
8054792	18530	4221932736	103		CENTRAL LEVELLAND UNIT #245
8054791	18523	4217331013	103		FRANK SCHWERTNER #7
*TEXAS WEST OIL & GAS CORPORATION					RECEIVED: 08/29/80 JA: TX
8054905	18152	4219530697	103		LOGSDON #1
*TEXCAN RESOURCES CORP					RECEIVED: 08/29/80 JA: TX
*8054720	11180	4232331230	103		BENAVIDES AND CERNA NO 1
*THE SUPERIOR OIL COMPANY					RECEIVED: 08/29/80 JA: TX
8055004	19301	4238930036	108		SCHWALBE UNIT NO 1
*TOM BROWN INC					RECEIVED: 08/29/80 JA: TX
8054895	18074	4246130156	102		NEAL-FLUOR NO 1
*TRAVELERS OIL CO					RECEIVED: 08/29/80 JA: TX
8054707	08108	4217900000	108		BACK #2 04159
8054708	08109	4217900000	108		BACK #3 04159
8054709	08144	4217900000	108		CARPENTER C-1
8054706	08107	4217900000	108		CREEK #6 03516
8054705	08106	4217900000	108		CULLUM #5 03978
8054704	08105	4217900000	108		CULLUM #6 03978
8054703	08100	4217900000	108		HAYNES #14 03776
8054702	08098	4217900000	108		HAYNES #15 03776
8054701	08097	4217900000	108		HAYNES #16 03776
8054694	06610	4206500000	108		HELMS #3 RRC #02001
8054693	06566	4223300000	108		HERRING #12 RRC #01688
*TRENCO INC					RECEIVED: 08/29/80 JA: TX

FIELD NAME	PROD	PURCHASER
EDWARDS	0.9	PHILLIPS PETROLEUM C
EDWARDS	0.9	PHILLIPS PETROLEUM C
CALVIN	15.6	UNION TEXAS PETROLEU
TODD DEEP	6.0	PERMIAN CORP
CALVIN	7.8	UNION TEXAS PETROLEU
CALVIN	8.0	UNION TEXAS PETROLEU
CALVIN	9.2	UNION TEXAS PETROLEU
CALVIN	7.5	UNION TEXAS PETROLEU
CALVIN	7.5	UNION TEXAS PETROLEU
CALVIN	7.8	UNION TEXAS PETROLEU
CALVIN	6.9	UNION TEXAS PETROLEU
CALVIN	13.9	UNION TEXAS PETROLEU
CALVIN	13.9	UNION TEXAS PETROLEU
HUMPHREYS (DOUGLAS)	64.0	PANHANDLE EASTERN PI
PANHANDLE MOORE COUNTY	5.0	PHILLIPS PETROLEUM C
PANHANDLE GRAY	5.4	PHILLIPS PETROLEUM C
CLARA DRISCOLL S (6500)	8.0	FLORIDA GAS PIPELINE
WILDCAT	912.5	UNITED GAS PIPE LINE
LONG MUTT (8600)	260.0	UNITED GAS PIPELINE
DOVE CREEK (CANYON D)	265.0	COLUMBIA GAS TRANSMI
DOVE CREEK (CANYON D)	100.0	COLUMBIA GAS TRANSMI
FALFURRIAS (8700) 30090	400.0	UNITED GAS PIPELINE
LEVELLAND	1.8	AMOCO PRODUCTION CO
CALVIN (DEAN)	16.6	
HANSFORD (MORROW UPPER)	674.8	PANHANDLE EASTERN PI
BARBARAS PATCH (GLENROSE	80.0	VALERO TRANSMISSION
MI VIDA (MISSISSIPPIAN)	8.0	INTRATEX GAS CO
BENEDUM (WOLFCAMP)	9.2	EL PASO NATURAL GAS
PANHANDLE-GRAY COUNTY	10.1	PHILLIPS PETROLEUM C
PANHANDLE-GRAY COUNTY	10.1	PHILLIPS PETROLEUM C
EAST PANHANDLE	3.3	COLTEXO CORP
PANHANDLE-GRAY COUNTY	0.8	PHILLIPS PETROLEUM C
PANHANDLE-GRAY COUNTY	5.4	PHILLIPS PETROLEUM C
PANHANDLE-GRAY COUNTY	5.4	PHILLIPS PETROLEUM C
PANHANDLE-GRAY COUNTY	3.5	PHILLIPS PETROLEUM C
PANHANDLE-GRAY COUNTY	3.5	PHILLIPS PETROLEUM C
PANHANDLE - GRAY COUNTY	3.5	PHILLIPS PETROLEUM C
PANHANDLE-CARSON COUNTY	12.5	PHILLIPS PETROLEUM C
PANHANDLE-HUTCHINSON COU	0.9	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054816	16783	42429321920	103		O R COOPER B #2	WALKER-DAVIS (CONGL 3960	32.4	LONE STAR GAS CO
*TRINITY OIL & GAS CORP					RECEIVED: 08/29/80 JA: TX			
8054716	10690	4213300000	108		GRIST #1 RRC 13246	FOSTER (MARBLE FALLS)	18.0	ODESSA NATURAL CORP
8054717	10691	4213300000	108		GRIST #2 RRC 13246	FOSTER (MARBLE FALLS)	18.0	ODESSA NATURAL CORP
*TUCKER DRILLING COMPANY INC					RECEIVED: 08/29/80 JA: TX			
8054964	18801	4243530396	108		DUNBAR #6	SAWYER (CANYON)	5.6	EL PASO NATURAL GAS
*8054934	19066	4223530097	108		FRANK LINDLEY B #1	CHRISTI (CANYON 6800)	2.0	CRA INC
8054966	18795	4241330839	103		GLASS A #1	N E G (LIME 5900)	49.0	NORTHERN NATURAL GAS
*8054965	18796	4223531441	103		MEZZIE CARSON TRUSTEE #4	CHRISTI (CANYON 6800)	72.0	CRA INC
*VAQUERO PETROLEUM CO					RECEIVED: 08/29/80 JA: TX			
8054688	01378	4217530529	102		T A BUCKERT #1 74843	A B R NE (WILCOX 2ND MAS	47.0	CORONADO TRANSMISSIO
*VENUS OIL COMPANY					RECEIVED: 08/29/80 JA: TX			
8054727	14835	4235531336	102		GALLAGHER B - #1	BALDWIN (2500)	0.0	DELHI PIPELINE CO
*WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 08/29/80 JA: TX			
8054691	04766	4210331932	103		P J LEA ET AL #81	LEA (SAN ANDRES)	31.0	EL PASO NATURAL GAS
*WAYMAN M BUCHANAN					RECEIVED: 08/29/80 JA: TX			
8054830	16128	4236731541	103		GREENMAN A #2	PEARTEN (BIG BALINE)	178.9	LONE STAR GAS CO
8054871	17507	4236731482	103		JOHNSTON UNIT NO 1-C	LBC (CONGL 8550)	401.5	LONE STAR GAS CO
8054868	17508	4236731643	103		LEATHERWOOD-ROSS UNIT NO 1	TOTO (CADDO CONGL)	200.8	LONE STAR GAS CO
8054851	15686	4236731236	103		SMITH UNIT #1	WEATHERFORD (ATOKA UPPER	36.5	ALEDO GAS CO LTD
*WILLIAM E MENDON JR					RECEIVED: 08/29/80 JA: TX			
8054805	17295	4200300000	103		GULF 35 #1	EMMA N (YATES)	153.0	NORTHERN NATURAL GAS
8054804	17296	4200300000	103		SIMMONS TRUST #1	EMMA N (YATES)	140.4	NORTHERN NATURAL GAS
*WOOD MCMANE & THAMS					RECEIVED: 08/29/80 JA: TX			
8054793	18531	4238931063	103		STATE 23 - #1	CASEY DRAW (DELAWARE)	0.1	

OTHER PURCHASERS

8054726 LOVACA GATHERING CO
8054802 LONE STAR GAS CO
8054803 EL PASO NATURAL GAS CO
8054815 UNITED GAS PIPELINE CO
8054859 MITCHELL ENERGY CORP
8054861 MITCHELL ENERGY CORP
8054872 PIONEER TRANSMISSION CORP
8054945 EL PASO NATURAL GAS CO
8054934 NORTHERN NATURAL GAS CO
8054945 EL PASO NATURAL GAS CO
8054965 NORTHERN NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

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 October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29159 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 278]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 15, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION								
*A L BAUDER JR					RECEIVED: 08/26/80 JA: TX			
8054462	16866	4249731395	103		PERKINS-MITCHELL UNIT 1	BOONSVILLE (BEND CONGLOM	109.0	LONE STAR GAS CO
*ADOBE OIL & GAS CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054612	18478	4210532521	103		STATE IU NO 5	FARMER (SAN ANDRES)	20.0	BIG LAKE GAS CORP
8054678	19008	4217331011	103		WEYMAN I NO 1	SPRABERRY (TREND AREA)	17.0	EL PASO NATURAL GAS
*ALAND PETROLEUM COMPANY					RECEIVED: 08/26/80 JA: TX			
8054317	09375	4246931267	103		M E COOLEY NO 1	MISSION VALLEY WEST (MAS	219.0	TRANSCONTINENTAL GAS
*ALEXANDER G KASPAR					RECEIVED: 08/26/80 JA: TX			
8054380	15316	4210300000	108		T C BARNSLEY B NO 1	SAND HILLS (CLEARFORK)	15.7	WARREN PETROLEUM CO
*AMERADA HESS CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054307	07030	4216530608	103		ADAIR SAN ANDRES UNIT #2503R	ADAIR	1.0	PIONEER NATURAL GAS
*AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 08/26/80 JA: TX			
8054412	15793	4217531242	103		JABLONSKI UNIT NO 2	WILDCAT	88.0	TEXAS EASTERN TRANSM
*AMOCO PRODUCTION CO					RECEIVED: 08/26/80 JA: TX			
8054296	004469	4207130792	103		A D MIDDLETON NO 9	TURTLE BAY	5.0	TEXAS EASTERN TRANS
8054557	18263	4218930319	103		ANTON IRISH CLEARFORK UNIT #429	ANTON IRISH	1.0	PIONEER NATURAL GAS
8054509	17447	4229500000	108		BORTH GAS UNIT #1-U	MAMMOTH CREEK	21.0	NORTHERN NATURAL GAS
*8054558	18264	4207931085	103		C S DEAN C #23	SLAUGHTER	1.8	AMOCO PRODUCTION CO
8054313	08027	4222530296	103		CUTSHAW GAS UNIT WELL NO 2	RUNNING DUKE	772.0	AMOCO GAS CO
8054631	18583	4242100000	108		E F HUDSON #1	HUGOTON	13.0	PHILLIPS PETROLEUM C
8054411	15768	4220330627	103		FINDLEY GU B NO 2	WOODLAWN (COTTON VALLEY)	375.0	EAST TEXAS INDUSTRIA
8054488	17181	4221932686	103		LEVELLAND UNIT #751	LEVELLAND	1.0	EL PASO NATURAL GAS
8054551	18242	4221932694	103		LEVELLAND UNIT #752	LEVELLAND	1.0	EL PASO NATURAL GAS
8054312	07965	4222530298	103		PETERS GAS UNIT NO 2	RUNNING DUKE	39.0	AMOCO GAS CO
*8054338	13600	4203931176	103		W R CURKEET B NO 42	HASTINGS WEST	37.0	TEXAS EASTERN TRANSM
*8054528	18039	4250131720	103		WASSON ODC UNIT #527	WASSON	31.9	SHELL OIL CO
*ARCO OIL AND GAS COMPANY					RECEIVED: 08/26/80 JA: TX			
8054424	15949	4207900818	108		BUCKSHOT UNIT #106	BUCKSHOT 4950 SAND	0.8	WARREN PETROLEUM CO
8054425	15950	4207901883	108		BUCKSHOT UNIT #107	BUCKSHOT 4950 SAND	0.8	WARREN PETROLEUM CO
8054426	15951	4207901736	108		BUCKSHOT UNIT #108	BUCKSHOT 4950 SAND	1.2	WARREN PETROLEUM CO
8054427	15964	4207901712	108		BUCKSHOT UNIT #266	BUCKSHOT 4950 SAND	0.8	WARREN PETROLEUM CO
8054421	15946	4207901281	108		BUCKSHOT UNIT #82	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM CO
8054422	15947	4207901751	108		BUCKSHOT UNIT #85	BUCKSHOT 4950 SAND	0.7	WARREN PETROLEUM CO
8054423	15948	4207901752	108		BUCKSHOT UNIT #86	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM CO
8054301	06312	4231130877	103		D W RHODE 9 #3	RHODES RANCH EAST (WILCO	710.0	TEXAS EASTERN TRANSM
8054431	16023	4207930920	108		F O MASTEN 11 WELL #2	LEVELLAND	7.2	CITIES SERVICE OIL C
8054454	16662	4200310843	108		GOLDSMITH N SA CONSOL UNIT #16	NORTH GOLDSMITH CONSOLID	0.9	PHILLIPS PETROLEUM C
8054538	18088	4213500042	108		H E CUMMINS J #1	GOLDSMITH NORTH (SAN AND	9.6	PHILLIPS PETROLEUM C
8054539	18089	4213500043	108		H E CUMMINS J #2	GOLDSMITH NORTH (SAN AND	9.6	PHILLIPS PETROLEUM C
8054535	18091	4213500043	108		H E CUMMINS K #2	GOLDSMITH NORTH (SAN AND	9.6	PHILLIPS PETROLEUM C
8054613	18480	4213133908	103		MAGIST RANCH 268 NO 1	MAGIST RANCH (750 SAND)	109.5	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054514	17641	4232901611	108		JUNE SANDERS TRACT A #12	SWEETIE PECK (WOLFCAMP L	11.6	EL PASO NATURAL GAS
8054407	15607	4217900000	108		M B LEOPOLD #8	PANHANDLE	7.0	GETTY OIL CO
8054382	15320	4206500000	108		R C WARE #6	PANHANDLE CARSON	0.6	GETTY OIL CO
8054385	15323	4206500000	108		R C WARE DE #10	PANHANDLE CARSON	0.6	GETTY OIL CO
8054386	15324	4206500000	108		R C WARE DE #11	PANHANDLE CARSON	0.6	GETTY OIL CO
8054387	15325	4206500000	108		R C WARE DE #12	PANHANDLE CARSON	0.6	GETTY OIL CO
8054388	15326	4206500000	108		R C WARE DE #13	PANHANDLE CARSON	0.6	GETTY OIL CO
8054389	15327	4206500000	108		R C WARE DE #14	PANHANDLE CARSON	0.6	GETTY OIL CO
8054390	15328	4206500000	108		R C WARE DE #15	PANHANDLE CARSON	0.6	GETTY OIL CO
8054381	15319	4206500000	108		R C WARE DE #5	PANHANDLE CARSON	0.6	GETTY OIL CO
8054383	15321	4206500000	108		R C WARE DE #7	PANHANDLE CARSON	0.6	GETTY OIL CO
8054384	15322	4206500000	108		R C WARE DE #8	PANHANDLE CARSON	0.6	GETTY OIL CO
8054432	16034	4223510264	108		W M NOELKE ESTATE #40	SIXTY-SEVEN (CANYON)	8.0	NORTHERN NATURAL GAS
8054433	16036	4223510309	108		W M NOELKE ESTATE #42	SIXTY-SEVEN (CANYON)	5.0	NORTHERN NATURAL GAS
8054434	16041	4223531158	108		W M NOELKE ESTATE #54	SIXTY-SEVEN (CANYON)	5.0	NORTHERN NATURAL GAS
8054300	06273	4206530640	103		WARE A #23	PANHANDLE CARSON	8.3	GETTY OIL CO
8054515	17642	4250131042	108		WILLARD UNIT #206-A	WASSON	0.0	SHELL OIL CO
8054408	15608	4213501248	108		WILLIAMSON (SA) UNIT #D-2	GOLDSMITH WEST	1.1	SHELL OIL CO
-ARKLA EXPLORATION COMPANY					RECEIVED: 08/26/80 JA: TX			
8054440	16454	4236530861	102		A HAVARD #1	CARTHAGE (COTTON VALLEY)	236.0	ARKANSAS LOUISIANA G
-ATAPCO					RECEIVED: 08/26/80 JA: TX			
8054477	17018	4239931385	103		C L JAMES A #1 07955	LINDEMANN (GARDNER SD)	36.0	LONE STAR GAS CO
8054507	17299	4247531821	103		F H SCOTT #1 25366	SCOTT (DELAWARE)	62.0	TRANSWESTERN PIPELIN
-BEN J TAYLOR					RECEIVED: 08/26/80 JA: TX			
8054583	18371	4236731749	103		SAVAGE UNIT #1	BARON LIME (1200)	60.0	BUCKNER GAS CO
-BETTIS BOYLE & STOVALL					RECEIVED: 08/26/80 JA: TX			
8054632	18617	4248300000	108		GOOCH NO 6	PANHANDLE EAST	17.9	WARREN PETROLEUM CO
8054634	18637	4248300000	108		KRIZAN NO 1	PANHANDLE EAST	16.4	WARREN PETROLEUM CO
8054633	18621	4248300000	108		O T GORDON NO 1	PANHANDLE EAST	16.5	WARREN PETROLEUM CO
-C L GAGE JR					RECEIVED: 08/26/80 JA: TX			
8054543	18123	4249731321	103		WILLIAMS BROS #1	BOONSVILLE (BEND CONGL)	39.8	LONE STAR GAS CO
-CABANA OIL CORP					RECEIVED: 08/26/80 JA: TX			
8054437	16437	4241300000	103		BAUGH-SPENCE NO 10-1	JAN JERRYE SE	500.0	PRODUCERS GAS CO
8054458	16846	4241330825	103		BAUGH-SPENCE NO 15-1	JAN-JERRYE SE	0.0	
8054438	16438	4241300000	103		SPENCE ESTATE NO 4	JAN JERRYE SE	500.0	PRODUCERS GAS CO
-CABOT CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054466	16951	4223330587	103		MERCHANT IRA C #6	PANHANDLE HUTCHINSON COU	31.0	PANHANDLE EASTERN PI
8054478	17019	4223330699	103		MERCHANT IRA C #9	PANHANDLE HUTCHINSON COU	10.0	PANHANDLE EASTERN PI
8054479	17020	4223330205	103		YAKE CABOT-FAULCONER #1-4	PANHANDLE HUTCHINSON COU	16.0	PANHANDLE EASTERN PI
8054467	16952	4223330721	103		YAKE WILLIAM C #6	PANHANDLE HUTCHINSON COU	22.0	PANHANDLE EASTERN PI
-CAL-TEX OIL CO					RECEIVED: 08/26/80 JA: TX			
8054311	07402	4223300000	108		CARVER AREA WTRFLD #2 (00729) NO 6	PANHANDLE HUTCHINSON COU	3.6	DIAMOND SHAMROCK COR
-CAVALLA ENERGY EXPLORATION CO					RECEIVED: 08/26/80 JA: TX			
8054309	07119	4239131225	102		V TATTON NO 2-ID #76382	TWIN CREEK (MARG UPPER)	136.8	TEXAS EASTERN TRANSM
8054309	07119	4239131225	103		V TATTON NO 2-ID #76382	TWIN CREEK (MARG UPPER)	136.8	TEXAS EASTERN TRANSM
-CENTEX OIL & GAS INC					RECEIVED: 08/26/80 JA: TX			
8054511	17475	4270800000	103		HIGH ISLAND BLOCK 10-L NO 5	HIGH ISLAND BLOCK 10-L G	0.0	TRANSCONTINENTAL GAS
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 08/26/80 JA: TX			
8054308	07050	4200331168	103		UNIVERSITY 11-5 NO 1	THREE BAR (YATES)	9.3	NORTHERN NATURAL GAS
8054308	07050	4200331168	108		UNIVERSITY 11-5 NO 1	THREE BAR (YATES)	9.3	NORTHERN NATURAL GAS
-CHAPARROSA OIL CO					RECEIVED: 08/26/80 JA: TX			
8054326	11048	4250730899	102		B K JOHNSON #2 ID# 77721	EL BANO (OLMOS) FIELD	176.3	LOVACA GATHERING CO
8054326	11048	4250730899	103		B K JOHNSON #2 ID# 77721	EL BANO (OLMOS) FIELD	176.3	LOVACA GATHERING CO

JD NO	JA DKT.	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*CHAPMAN OIL CO					RECEIVED: 08/26/80 JA: TX			
8054481	17113	4215730999	102		BLAZEK UNIT #1	TAVENER (4300 FRIO)	149.0	LONE STAR GAS CO
8054428	15972	4215730989	102		DRACHENBERG GAS UNIT #1	TAVENER (COOK MOUNTAIN 7	1375.0	LONE STAR GAS CO
8054398	18409	4215730941	102		ENGEL GAS UNIT #1	KODYTEK (VICKSBURG 6034)	183.0	LONE STAR GAS CO
8054371	15040	4215730954	102		GERKE NO 1-L	TRAVENER (7950 COOK MOUN	100.0	LONE STAR GAS CO
8054372	15041	4215730954	102		GERKE NO 1-U	KODYTEK (YEGUA)	365.0	LONE STAR GAS CO
8054370	15039	4215730891	102		KODYTEK NO 1	KODYTEK (VICKSBURG)	0.0	LONE STAR GAS CO
8054373	15042	4215730914	102		WEGNER NO 1	KODYTEK (YEGUA)	0.0	LONE STAR GAS CO
*CHAS F DOMINY					RECEIVED: 08/26/80 JA: TX			
8054572	18327	4208300000	108		CARRIE REEVES #1 RRC #18188	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054568	18323	4208300000	108		E MELTON #1 RRC #18181	SANTA ANNA (MARBLE FALLS	3.0	LONE STAR GAS CO
8054569	18324	4208300000	108		E W MOORE #3 RRC #18182	SANTA ANNA (MARBLE FALLS	8.0	LONE STAR GAS CO
8054566	18321	4208300000	108		H J LLOYD #2 RRC #18179	SANTA ANNA (MARBLE FALLS	12.0	LONE STAR GAS CO
8054571	18326	4208300000	108		J C NABOURS #1 RRC#18184	SANTA ANNA (MARBLE FALLS	6.0	LONE STAR GAS CO
8054567	18322	4208300000	108		J E MCCLURE #2 RRC #18180	SANTA ANNA (MARBLE FALLS	13.0	LONE STAR GAS CO
8054561	18316	4208300000	108		JENNINGS #1 RRC #18174	SANTA ANNA (MARBLE FALLS	10.0	LONE STAR GAS CO
8054562	18317	4208300000	108		KINGSBERY B #1 RRC#18175	SANTA ANNA (MARBLE FALLS	10.0	LONE STAR GAS CO
8054563	18318	4208300000	108		KINGSBERY C #1 RRC#18176	SANTA ANNA (MARBLE FALLS	6.0	LONE STAR GAS CO
8054564	18319	4208300000	108		KINGSBERY E #1 RRC# 18177	SANTA ANNA (MARBLE FALLS	7.0	LONE STAR GAS CO
8054570	18325	4208300000	108		LEILA J MOORE #1 RRC# 18183	SANTA ANNA (MARBLE FALLS	4.0	LONE STAR GAS CO
8054565	18320	4208300000	108		LLOYD #1 RRC #18178	SANTA ANNA (MARBLE FALLS	11.0	LONE STAR GAS CO
8054573	18328	4208300000	108		RENDLEMAN ESTATE #2 RRC #18189	SANTA ANNA (MARBLE FALLS	4.0	LONE STAR GAS CO
8054559	18314	4208300000	108		W F HOLT #1 RRC #18171	SANTA ANNA (MARBLE FALLS	1.5	LONE STAR GAS CO
8054560	18315	4208300000	108		W F HOLT #2 RRC #18172	SANTA ANNA (MARBLE FALLS	1.5	LONE STAR GAS CO
*CHEVRON U S A INC					RECEIVED: 08/26/80 JA: TX			
8054302	06413	4248330532	103		W W WHEELER #1	MILLS RANCH	0.1	MISSISSIPPI RIVER TR
8054447	16615	4218102110	102		YATES HEIRS #1	NEW MAG	55.0	LONE STAR GAS CO
*COLOGNE PRODUCTION CO					RECEIVED: 08/26/80 JA: TX			
8054435	16087	4246931480	103		L A SCHMIDT A #4	BATTLE (VICKSBURG)	120.0	HOUSTON PIPELINE CO
*CONOCO INC					RECEIVED: 08/26/80 JA: TX			
8054518	17685	4207900000	108		CONOCO DEAN UNIT #102	SLAUGHTER	0.8	AMOCO PROD CO
8054519	17686	4207900000	108		CONOCO DEAN UNIT #118	SLAUGHTER	2.7	AMOCO PROD CO
8054516	17683	4207900000	108		CONOCO DEAN UNIT #73	SLAUGHTER	0.1	AMOCO PROD CO
8054517	17684	4207900000	108		CONOCO DEAN UNIT #79 ID #60106	SLAUGHTER	0.1	AMOCO PROD CO
8054520	17688	4213300000	108		E CONDEN GRAYBURG UNIT #54	NORTH CONDEN	0.7	AMOCO PROD CO
8054321	10072	4222700000	108		G O CHALK B NO 4	HOWARD - GLASSCOCK	0.4	PHILLIPS PET CO
8054455	16758	4213533061	103		GIST UNIT #92 ID #19373	FOSTER	0.7	ODESSA NATURAL GASOL
8054521	17732	4222700000	108		H R CLAY G #1	HOWARD GLASSCOCK	0.1	PHILLIPS PET CO
8054522	17733	4213300000	108		H S FOSTER C #8	SOUTH CONDEN	0.1	PHILLIPS PET CO
8054523	17741	4213300000	108		J L JOHNSON #14	FOSTER	0.6	ODESSA NATURAL GAS C
8054524	17742	4200300000	108		J W BONER B #12	FUHRMAN-NIX	0.2	PHILLIPS PET CO
8054525	17749	4238300000	108		MERCHANT ESTATE #4	CALVIN	5.9	EL PASO NATURAL GAS
8054526	17750	4238300000	108		MERCHANT ESTATE #6	CALVIN	6.4	EL PASO NATURAL GAS
8054320	10047	4215100000	108		ROUND TOP UNIT NO 42 11416	PALO PINTO REEF	1.6	LONE STAR GAS CO
*COTTON PETROLEUM CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054627	18523	4235730017	108		BAUMANN #1	S TURNER	20.4	TRANSWESTERN PIPELIN
8054628	18524	4229500000	108		HANKER #2	BRADFORD SE/CLEVELAND	17.0	DIAMOND SHAMROCK COR
8054626	18522	4229530212	108		JERGENSON #1	BRADFORD/CLEVELAND	14.0	DIAMOND SHAMROCK COR
8054625	18521	4229530091	108		KOCH-LITTLE #1	BRADFORD (CLEVELAND)	16.0	NORTHERN NATURAL GAS
8054624	18520	4219530010	108		MILLER ESTATE GAS UNIT #1	S BERNSTEIN	11.0	TRANSWESTERN PIPE LI
8054623	18519	4219530215	108		VANDENBURG #1	HANSFORD/L MISSOURI	16.0	NORTHERN NATURAL GAS
8054622	18518	4229530192	108		WILEY #1	BRADFORD (CLEVELAND)	18.0	DIAMOND SHAMROCK COR

JD NO	JA DKT	API NO	SEC	D	WELL NAME			FIELD NAME	PROD	PURCHASER
*COURSON OIL & GAS INC					RECEIVED:	08/26/80	JA: TX			
8054529	18046	4217900000	108		FURNEAUX #1			PANHANDLE/WEST	3.2	PHILLIPS PETROLEUM C
*CROWN CENTRAL PETROLEUM CORP					RECEIVED:	08/26/80	JA: TX			
8054463	16873	4241330817	103		R L HENDERSON NO 4			VELREX (HENDERSON)	69.0	CRA INC
*CRYSTAL OIL COMPANY					RECEIVED:	08/26/80	JA: TX			
8054436	16359	4236530978	103		A JERNIGAN B 3			PANOLA	7.0	UNITED GAS PIPELINE
*CURTIS HANKAMER					RECEIVED:	08/26/80	JA: TX			
*8054442	16545	4223500000	108		VERDA SHAW #1			SIXTY-SEVEN (CANYON)	5.0	CRA INC
*8054443	16546	4223500000	108		VERDA SHAW #2			SIXTY-SEVEN (CANYON)	5.0	CRA INC
*8054444	16547	4223500000	108		VERDA SHAW #3			SIXTY-SEVEN (CANYON)	5.0	CRA INC
*D D HOUTCHENS					RECEIVED:	08/26/80	JA: TX			
8054483	17130	4208700000	103		WISCHKAEMPER D #1			PANHANDLE EAST	0.0	EL PASO NATURAL GAS
*DAL PETRO INC					RECEIVED:	08/26/80	JA: TX			
8054605	18432	4239900000	108		JACK B HERRING 2-D			MOTLEY NORTH (ODOM LIME)	15.0	EL PASO NATURAL GAS
*DALLAS PRODUCTION INC					RECEIVED:	08/26/80	JA: TX			
8054464	16874	4236731616	103		BROWDER NO 1			MUIR (STRAWN 4400)	202.0	SOUTHWESTERN GAS PIP
8054484	17131	4236731691	103		WALLIS NO 1			MUIR (STRAWN 4400)	154.0	SOUTHWESTERN GAS PIP
*DELTA DRILLING CO					RECEIVED:	08/26/80	JA: TX			
8054635	18715	4210500000	108		COUCH B #2			OZONA SW (CANYON)	20.4	NORTHERN NATURAL GAS
8054636	18717	4210500000	108		COUCH 10 #3			OZONA (CANYON SAND)	17.4	NORTHERN NATURAL GAS
8054637	18718	4210500000	108		COUCH 10 #4			OZONA (CANYON SAND)	20.7	NORTHERN NATURAL GAS
*DELTA-GULF INC					RECEIVED:	08/26/80	JA: TX			
8054429	15973	4209530437	103		MORRIS MILLER NO 1			J-D (GOEN LIME)	30.0	SUN GAS CO
*DETRA PRODUCING CO					RECEIVED:	08/26/80	JA: TX			
8054314	08680	4242100000	108		ARCHER A #1			TEXAS HUGOTON	0.5	PHILLIPS PETROLEUM C
*DEXTER HAMB					RECEIVED:	08/26/80	JA: TX			
8054322	10584	4248300000	108		CURRY 27047			EAST PANHANDLE	6.6	WARREN PETROLEUM
*DIAMOND SHAMROCK CORPORATION					RECEIVED:	08/26/80	JA: TX			
8054530	18049	4236731513	103		W M SMITH NO 1				160.0	
*DILLEY PRODUCTION CO					RECEIVED:	08/26/80	JA: TX			
8054542	18112	4248330635	103		RICE NO 6			PANHANDLE (OSBORNE AREA)	3.0	ASHLAND OIL INC
*DYNE OIL & GAS INC					RECEIVED:	08/26/80	JA: TX			
8054441	16468	4206530700	103		BURNETTE #1			PANHANDLE CARSON COUNTY	0.0	PHILLIPS PETROLEUM C
*EL PASO NATURAL GAS COMPANY					RECEIVED:	08/26/80	JA: TX			
8054662	18949	4208726041	108		BRYAN #2 .			PANHANDLE EAST-BROWN	20.3	EL PASO NATURAL GAS
8054335	13290	4221131061	103		CAMPBELL #3			MENDOTA NW GRANITE WASH	1370.0	EL PASO NATURAL GAS
8054531	18051	4243519207	108		DEBERRY A #2			SONORA (CANYON UPPER)	23.0	EL PASO NATURAL GAS
8054532	18052	4243531003	108		HALBERT #3			SONORA (CANYON UPPER)	24.0	EL PASO NATURAL GAS
8054533	18053	4208731686	108		HENDERSON #2			PANHANDLE EAST-BROWN DOL	26.7	EL PASO NATURAL GAS
8054663	18952	4248326160	108		MAGNOLIA A #2			PANHANDLE EAST-BROWN	34.3	EL PASO NATURAL GAS
8054664	18953	4208726187	108		MCMURTRY A #1			PANHANDLE EAST-BROWN	19.0	EL PASO NATURAL GAS
8054544	18126	4243532181	103		SHURLEY #11			SAWYER CANYON	119.0	EL PASO NATURAL GAS
8054534	18055	4208726320	108		WISCHKAEMPER F #1			PANHANDLE	18.4	EL PASO NATURAL GAS
*ENERGY RESERVES GROUP INC					RECEIVED:	08/26/80	JA: TX			
8054615	18483	4238331370	103		O L GREER #8			CALVIN (DEAN)	75.6	UNION TEXAS PETROLEU
8054614	18482	4238331369	103		VERNA M SUNDAY #3			CALVIN (DEAN)	79.2	UNION TEXAS PETROLEU
*EXXON CORPORATION					RECEIVED:	08/26/80	JA: TX			
8054584	18372	4235720901	103		C R GARRETT #2			PERRYTON WEST (MARMATON)	11.0	TRANSWESTERN PIPELIN
8054586	18374	4235730919	103		DUDE WILSON GAS UNIT NO 7 #2			ELLIS RANCH (CLEVELAND)	378.0	TRANSWESTERN PIPELIN
8054585	18373	4235730918	103		DUDE WILSON GAS UNIT 6 #2			ELLIS RANCH (CLEVELAND)	186.0	TRANSWESTERN PIPELIN
8054587	18376	4216531585	103		EXXON FEE EUBANKS D #6			ROBERTSON N (CLFK 7100)	7.2	PHILLIPS PETROLEUM C
8054588	18378	4239330671	103		FLOWERS TRUST A #20			MENDOTA NW (DOUGLAS LO)	0.0	TRANSWESTERN PIPELIN

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
*8054667	18961	4200331929	103		FULLERTON CLFK UNIT #1225	FULLERTON	13.0	PHILLIPS PETROLEUM C
*8054665	18956	4200331918	103		FULLERTON CLFK UNIT #323	FULLERTON	0.0	PHILLIPS PETROLEUM C
8054589	18379	4210332101	103		J B TUBB A/C 1 #195U	SAND HILLS (MCKNIGHT)	60.0	EL PASO NATURAL GAS
8054590	18381	4210332105	103		J B TUBB A/C 1 #198U	SAND HILLS (JUDKINS)	11.0	EL PASO NATURAL GAS
8054546	18142	4210332126	103		J B TUBB A/C 2 #202L	SAND HILLS (TUBB)	0.0	EL PASO NATURAL GAS
8054668	18963	4221131129	103		J C CAMPBELL #2L	MENDOTA NW (GRANITE WASH	118.0	TRANSWESTERN PIPELIN
8054406	15506	4242700000	108		KELSEY 19-B S UNIT #303	KELSEY SOUTH (19-B S)	4.0	TRUNKLINE GAS CO
8054498	17245	4242731279	103		MIGUEL JUAREZ 7-F (09378)	KELSEY SOUTH (ZONE 19-K	25.0	TRUNKLINE GAS CO
8054445	16581	4226130481	102		MRS S K EAST ESTATE 2 (84018)	SOUTH MAY (2-A)	200.0	ESPERANZA TRANSMISSI
8054445	16581	4226130481	103		MRS S K EAST ESTATE 2 (84018)	SOUTH MAY (2-A)	200.0	ESPERANZA TRANSMISSI
8054666	18957	4216531559	103		ROBERTSON CLFK UNIT #1132	ROBERTSON N (CLFK 7100)	57.0	PHILLIPS PETROLEUM C
8054591	18383	4221131079	103		W R CAMPBELL UNIT #2	MENDOTA NW (GRANITE WASH	267.0	TRANSWESTERN PIPELIN
8054592	18384	4229530676	103		WILLIS D PRICE #5	LIPSCOMB (ATOKA)	88.0	TRANSWESTERN PIPELIN
8054593	18385	4229530651	103		WILLIS D PRICE B #4	LIPSCOMB (ATOKA)	53.0	TRANSWESTERN PIPELIN
*FISHER-WEBB INC					RECEIVED: 08/26/80 JA: TX			
8054468	16959	4235330772	103		MCLAUGHLIN NO 3	JMM (CANYON)	150.0	SUN OIL CO
8054469	16964	4235330781	103		MCLAUGHLIN NO 4	JMM (CANYON)	150.0	SUN OIL CO
*FOREST OIL CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054684	20043	4211531297	102		GRISSOM NO 1	CLINE FARMS (PENN)	25.5	TEXACO INC
8054685	20042	4211531282	102		LLOYD CLINE FARMS NO 1	CLINE FARMS (PENN)	36.5	TEXACO INC
*FOY BOYD MANAGEMENT CORP					RECEIVED: 08/26/80 JA: TX			
8054459	16849	4213700000	103		MRS GRADY HILL #1	FRANCES HILL (PENN)	36.0	INTRATEX GAS CO
*GENERAL PRODUCTION CORP					RECEIVED: 08/26/80 JA: TX			
8054629	18549	4205130476	103		F C ANDERSON ET AL NO 1	WILLARD (NAVARRO 3623)	59.0	FERGUSON CROSSING PI
*GETTY OIL COMPANY					RECEIVED: 08/26/80 JA: TX			
8054310	07329	4215900000	103		NEW HOPE DEEP UNIT NO 4-4-D #76023	NEW HOPE (SHACKOVER)	550.0	TEXAS UTILITIES CO
*GIFFORD MITCHELL & WIBENBAKER					RECEIVED: 08/26/80 JA: TX			
8054485	17163	4249530914	103		A G HILL NO 1U	CHEYENNE (ATOKA)	30.0	EL PASO NATURAL GAS
8054486	17164	4249530537	103		ROMAN NOSE NO 1U	CHEYENNE (ATOKA)	45.0	EL PASO NATURAL GAS
*GILLRING OIL CO					RECEIVED: 08/26/80 JA: TX			
8054297	04671	4235530860	103		C P TALBERT 11-C (71586)	AGUA DULCE /8400/	565.0	TENNESSEE GAS PIPELI
*GRAND BANKS ENERGY CO					RECEIVED: 08/26/80 JA: TX			
8054541	18099	4237132690	102		E B CHALKLEY #1	S E G (WICHITA-ALBANY)	180.0	EL PASO NATURAL GAS
8054541	18099	4237132690	103		E B CHALKLEY #1	S E G (WICHITA-ALBANY)	180.0	EL PASO NATURAL GAS
*GULF OIL CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054639	18731	4236900000	108		A A CAMERON ET AL #1	WENTZ (WICHITA ALBANY)	7.0	DELHI GAS PIPELINE C
8054446	16584	4200331863	103		BLOCK 9 UNIT NO 405	COWDEN NORTH	7.3	PHILLIPS PETROLEUM C
8054496	017236	4204130462	103		BRITTEN-BURLEY UNIT I NO 1	KURTEN (WOODBINE)	25.0	PRODUCERS GAS CO
8054332	12668	4247931941	102		BRUNI MINERAL TRUST A #3	JUANITA	730.0	TENNESSEE GAS PIPELI
8054333	12669	4247932195	102		BRUNI MINERAL TRUST A #5	JUANITA	730.0	TENNESSEE GAS PIPELI
8054368	14905	4247932293	102		BRUNI MINERAL TRUST A #7	JUANITA (LOBO)	730.0	TENNESSEE GAS PIPELI
8054460	16851	4247932347	102		BRUNI MINERAL TRUST A NO 11	JUANITA (LOBO) FIELD	1000.0	TENNESSEE GAS PIPELI
8054475	17007	4247932371	102		BRUNI MINERAL TRUST A NO 9	JUANITA (LOBO) FIELD	170.0	TENNESSEE GAS PIPELI
8054640	18732	4203330104	108		CANON RANCH UNIT NO 1004	JO-MILL (SPRABERRY)	1.0	GETTY OIL CO
8054403	15470	4213500000	108		GOLDSMITH SAN ANDRES UNIT NO 32	GOLDSMITH	6.5	PHILLIPS PETROLEUM C
8054404	15472	4213500000	108		GOLDSMITH SAN ANDRES UNIT NO 377	GOLDSMITH	2.6	PHILLIPS PETROLEUM C
8054405	15473	4213500000	108		GOLDSMITH SAN ANDRES UNIT NO 434	GOLDSMITH	7.2	PHILLIPS PETROLEUM C
8054641	18738	4223300000	108		HAILE A #1	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8054648	18745	4223300000	108		HAILE A #11	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8054649	18746	4223300000	108		HAILE A #12	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8054642	18739	4223300000	108		HAILE A #2	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8054643	18740	4223300000	108		HAILE A #4	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8054644	18741	4223300000	108		HAILE A #6	PANHANDLE HUTCHINSON	3,5	GETTY OIL CO
8054645	18742	4223300000	108		HAILE A #7	PANHANDLE HUTCHINSON	3,5	GETTY OIL CO
8054646	18743	4223300000	108		HAILE A #8	PANHANDLE HUTCHINSON	3,5	GETTY OIL CO
8054647	18744	4223300000	108		HAILE A #9	PANHANDLE HUTCHINSON	3,5	GETTY OIL CO
8054527	18017	4223700000	108		J C RIGGS NO 2	RIGGS (CONGLOMERATE)	15,8	SOUTHWESTERN GAS PIP
8054638	18730	4210530954	108		J R BAILEY NO 3	OZONA NE (STRAWN)	4,0	PHILLIPS PETROLEUM C
8054449	16618	4238931026	103		LIGON S E - STATE NO 4	NORSHAM EAST (CHERRY CAN	2963,0	TRANSWESTERN PIPELIN
8054453	16622	4238931056	103		S E LIGON - STATE NO 9	NORSHAM EAST (CHERRY CAN	5197,0	TRANSWESTERN PIPELIN
8054450	16619	4238931032	103		S E LIGON STATE NO 5	NORSHAM EAST (CHERRY CAN	3155,0	TRANSWESTERN PIPELIN
8054451	16620	4238931039	103		S E LIGON STATE NO 6	NORSHAM EAST (CHERRY CAN	4033,0	TRANSWESTERN PIPELIN
8054448	16617	4238931002	103		S E LIGON-STATE NO 3	NORSHAM-BAYER (DEVONIAN)	1427,0	TRANSWESTERN PIPELIN
8054452	16621	4238931046	103		S E LIGON-STATE NO 8	NORSHAM EAST (CHERRY CAN	7601,0	TRANSWESTERN PIPELIN
8054497	17237	4204130453	103		SCHRAM UNIT II NO 1	KURTEN (WOODBINE)	15,0	PRODUCERS GAS CO
8054319	09686	4221130627	108		WEBB #1-187	PARSELL S	5,0	EL PASO NATURAL GAS
-GUPTON GAS CO					RECEIVED: 08/26/80 JA: TX			
*8054418	15911	4207700000	103		SCALING #1-5	CASS (CADDO)	6,0	SANFORD P FAGADAU
*8054419	15931	4207700000	103		SCALING #2-10	CASS (CADDO)	6,0	SANFORD P FAGADAU
-H - H OIL CO					RECEIVED: 08/26/80 JA: TX			
8054575	18349	4217531231	103		MARY ELIZABETH MARTIN #1	GOLIAD N (2850)	100,0	DELHI GAS PIPELINE C
-HNG OIL COMPANY					RECEIVED: 08/26/80 JA: TX			
8054537	18081	4250530607	103		CATALINA L MCCANN #2 72440	LA PERLA (WILCOX FIFTH)	21,0	HOUSTON PIPE LINE CO
8054537	18081	4250530607	108		CATALINA L MCCANN #2 72440	LA PERLA (WILCOX FIFTH)	21,0	HOUSTON PIPE LINE CO
8054686	19922	4245530317	102		TEMPLE #4-L 84841	APPLE SPRINGS (PETTIT)	452,0	COLUMBIA GAS TRANSMI
8054686	19922	4245530317	103		TEMPLE #4-L 84841	APPLE SPRINGS (PETTIT)	452,0	COLUMBIA GAS TRANSMI
8054687	19921	4245530317	102		TEMPLE #4-U 85004	APPLE SPRINGS (JAMES)	1594,0	COLUMBIA GAS TRANSMI
8054687	19921	4245530317	103		TEMPLE #4-U 85004	APPLE SPRINGS (JAMES)	1594,0	COLUMBIA GAS TRANSMI
-HOLLY ENERGY INC					RECEIVED: 08/26/80 JA: TX			
8054616	18487	4248300000	102		ADA GANTT NO 1-L	DALLAS HUSKY NE (MACMANK	550,0	TRANSCONTINENTAL GAS
8054616	18487	4248300000	103		ADA GANTT NO 1-L	DALLAS HUSKY NE (MACMANK	550,0	TRANSCONTINENTAL GAS
-HOOVER & BRACKEN ENERGIES					RECEIVED: 08/26/80 JA: TX			
*8054470	16967	4221130963	103		STEELE 1-2	WASHITA CREEK WEST (MORR	365,0	KANSAS NEBRASKA NATU
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054680	20158	4207130945	102		STATE TRACT 305 NO 1	SHIPCHANNEL S (12800)	4562,5	UNITED TEXAS TRANSMI
-INDEPENDENT EXPLORATION CO					RECEIVED: 08/26/80 JA: TX			
8054327	11222	4236731135	102		HARE #1 79618	BUCKNER (STRAWN)	50,5	JAMES P DUNIGAN INC
-INTEGRAL ENERGY CORP					RECEIVED: 08/26/80 JA: TX			
8054617	18490	4200730627	103		STATE TRACT 84 #2-L ID #09247	GOOSE ISLAND (C SD LO)	71,0	VALLEY PIPE LINE INC
-J A D OIL & GAS					RECEIVED: 08/26/80 JA: TX			
8054290	01064	4206500000	108		MCCONNELL #3 RRC#02982	PANHANDLE	16,0	GETTY OIL CO
-J M HUBER CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054545	18131	4223330708	103		MAGNOLIA HERRING NU 19	PANHANDLE	70,0	COLORADO INTERSTATE
8054293	02405	4206530620	103		MOORE #1A	PANHANDLE WEST	40,0	COLORADO INTERSTATE
8054292	02402	4219530639	103		STEELE-COLLARD F #2	HANSFORD (MORROW LOWER)	285,0	NORTHERN NATURAL GAS
-JET OIL COMPANY					RECEIVED: 08/26/80 JA: TX			
8054630	18550	4224900000	103		BURKETT-BOERNER UNIT NO 1 85279	HENSHAW (5800)	0,0	NUE WELLS PIPE LINE
-JOHN L COX					RECEIVED: 08/26/80 JA: TX			
8054600	18411	4243930837	103		CURTIS ERWIN B WELL NO 1 RRC #25562	SPRABERRY (TREND AREA)	15,0	EL PASO NATURAL GAS
8054601	18412	4232930840	103		CURTIS ERWIN C NO 1	SPRABERRY (TREND AREA)	20,0	EL PASO NATURAL GAS
8054599	18410	4243930836	103		CURTIS ERWIN NO 1 RRC #25554	SPRABERRY (TREND AREA)	20,0	EL PASO NATURAL GAS
8054603	18414	4246131453	103		JUNE LYNCH NO 1	SPRABERRY (TREND AREA)	20,0	PHILLIPS PETROLEUM C
8054602	18413	4217330998	103		KAY GUNN NO 1	SPRABERRY (TREND AREA)	20,0	EL PASO NATURAL GAS
8054604	18415	4246131437	103		MCKEE NO 1 RRC #07977	SPRABERRY (TREND AREA)	20,0	PHILLIPS PETROLEUM C
-JOHN R THOMPSON OPERATING INC					RECEIVED: 08/26/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054413	15826	4217500000	103		KOHLER UNIT NO 1	KOHLER	100.0	DELHI GAS PIPELINE C
*KERR-MCGEE CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054651	18764	4229530708	103		C E MARTIN NO 2	S W LIPSCOMB (CLEVELAND)	190.0	PHILLIPS PETROLEUM C
*KOKOMO OIL CO					RECEIVED: 08/26/80 JA: TX			
8054487	17171	4237100000	108		HAFNER #1 77475	ABELL/CLEARFORK 3200	14.4	PGP GAS PRODUCTS INC
*L & L PETROLEUM CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054576	18355	4223931351	103		J B LITTLETON #2 83152	EL TORO SW	0.0	NATURAL GAS PIPELINE
*LEEDE OIL & GAS INC					RECEIVED: 08/26/80 JA: TX			
8054299	06209	4210531734	103		UNIVERSITY #47-6	FARMER (SAN ANDRES)	5.8	BIG LAKE GAS CORP
8054652	18767	4210532522	103		UNIVERSITY 50A #2	FARMER (SAN ANDRES)	70.0	J C DAVIS
*LIVELY ENERGY CO					RECEIVED: 08/26/80 JA: TX			
8054374	15231	4243531936	103		ALDWELL #17-1 74482	WHITEHEAD (STRAWN)	190.0	NORTHERN NATURAL GAS
*LONGHORN GAS CO INC					RECEIVED: 08/26/80 JA: TX			
8054480	17102	4240100000	103		MARY ROGERS #1	POD (COTTON VALLEY)	144.0	DELHI GAS PIPELINE C
*M & R PROPERTIES					RECEIVED: 08/26/80 JA: TX			
8054328	11933	4217900000	108		GODFREY NO 1	PANHANDLE EAST	1.5	PHILLIPS PETROLEUM C
8054329	11934	4217900000	108		LUCILE KINCADE #1 40140	PANHANDLE EAST	4.2	COLTEXO CORP
8054330	11935	4217900000	108		LUCILE KINCADE #2 40141	PANHANDLE EAST	5.2	COLTEXO CORP
8054331	11936	4249700000	108		LUCILE SPAIN 40142	PANHANDLE EAST	16.6	COLTEXO CORP
*MEADCO PROPERTIES					RECEIVED: 08/26/80 JA: TX			
8054337	13467	4223531335	102		#1 - 19 SUGG	ELA SUGG (WOLFCAMP)	100.0	
8054336	13465	4223531348	102		#1 SHEEN 3084	ELA SUGG (WOLFCAMP)	100.0	
8054500	17274	4223531371	103		#1 SHELTON 3076-RMC #84064	ELA SUGG (WOLFCAMP)	35.0	NORTHERN NATURAL GAS
8054502	17277	4223531409	102		#1 SUGG 1904 - #84065	ELA SUGG (WOLFCAMP)	19.0	NORTHERN NATURAL GAS
8054501	17276	4223531357	103		#2 SUGG 13 - #07763	TAOS (CANYON)	56.0	NORTHERN NATURAL GAS
*MESA PETROLEUM					RECEIVED: 08/26/80 JA: TX			
8054553	18245	4243130784	103		COLE 1-5	W A M (FUSSELMAN)	73.0	ESPERANZA PIPELINE C
*MGF OIL CORP					RECEIVED: 08/26/80 JA: TX			
8054548	18203	4275319180	102		UNIVERSITY 31 W NO 1	WAR-WINK (DELAWARE)	1048.1	LONE STAR GAS CO
8054548	18203	4275319180	103		UNIVERSITY 31 W NO 1	WAR-WINK (DELAWARE)	1048.1	LONE STAR GAS CO
*MICHEL T HALBOUTY					RECEIVED: 08/26/80 JA: TX			
8054650	18759	4228531404	103		VIVIAN BORCHERS ET AL GAS UNIT #1	BENBOW (WILCOX 10000)	250.0	TEXAS EASTERN TRANSM
*MID-AMERICAN OIL & GAS INC					RECEIVED: 08/26/80 JA: TX			
8054471	16971	4221583254	102		LONGORIA NO 1	SAN RAMON	219.0	SOUTH TEXAS NATURAL
*MITCHELL ENERGY CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054414	15851	4249730495	108		ANNA RENSHAW #1 70920	BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPELINE
8054415	15853	4249700000	108		BAITS-RHONE #1 28559	BOONSVILLE (BEND CONG GA	9.0	NATURAL GAS PIPELINE
*8054420	15936	4237330395	103		C L BRENT #1 77325	MORTENSE (WOODBINE)	90.0	HOUSTON PIPELINE CO
8054476	17010	4249731507	103		DEAVER CADDO CONGL UNIT #6-4	ALVORD (CADDO CONGL)	17.0	NATURAL GAS PIPELINE
8054295	04077	4249700000	108		PAUL R DAY #1 28620	BOONSVILLE BEND CONG	9.7	NATURAL GAS PIPELINE
8054416	15855	4249700000	108		T P BROWN #1 28577	BOONSVILLE (BEND CONG GA	8.0	NATURAL GAS PIPELINE
*MOBIL OIL CORP					RECEIVED: 08/26/80 JA: TX			
8054303	06678	4210300000	108		A R EPPENAUER B #1	BAYVIEW (GLORIETA)	4.0	PHILLIPS PETROLEUM C
8054392	15391	4234100000	108		C R JONES NO 4	PANHANDLE WEST	0.3	PANHANDLE EASTERN PI
8054304	06692	4210300000	108		E S BIRDSONG NO 1	BAYVIEW (GLORIETA)	9.7	PHILLIPS PETROLEUM C
8054306	06925	4200300000	108		FASKEN BLK EA A/C 3 #4 (ID 12261)	ANDREWS SOUTH (DEVONIAN)	13.4	PHILLIPS PETROLEUM C
8054606	18440	4244330222	103		GOODE ESTATE C UNIT #1	BROWN-BASSETT (ELLEN)	2372.5	EL PASO NATURAL GAS
8054393	15396	4217900000	108		J M SHAW NO 2	PANHANDLE EAST	18.4	COLTEXO CORP
8054394	15406	4232930248	108		LOUISE SHACKELFORD NO 27	AZALEA (DEV)	0.0	LONE STAR GAS CO
8054395	15407	4221100000	108		MARGARET HODGSON "C" NO 1	FELDMAN DOUGLAS	15.8	TRANSWESTERN PIPELIN
8054396	15421	4237131678	108		ST HOUSTON CNTY TIMBER CO #13	SUN VALLEY (TUBB LOWER)	8.8	LONE STAR GAS CO
8054397	15423	4229500000	108		W B PHILLIPS NO 1	KELLN (TONKAWA OIL)	3.5	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054398	15425	4232930198	108		WM SHACKELFORD #7	AZALEA (DEVONIAN)	6.0	LONE STAR GAS CO
*MONSANTO COMPANY					RECEIVED: 08/26/80 JA: TX			
8054461	16854	4207930966	103		CALVIN #40-4	LEVELLAND	9.3	CITIES SERVICE CO
*MORAN EXPLORATION INC					RECEIVED: 08/26/80 JA: TX			
8054512	17535	4222730271	108		NUTTO B #1	NUTTO SOUTH (WOLFCAMP)	12.8	PHILLIPS PETROLEUM C
8054489	17207	4237131619	108		J L NUTT ESTATE B #3	BARBASAL (QUEEN)	10.2	PRODUCERS GAS CO
8054490	17208	4237131531	108		J L NUTT ESTATE C #2	BARBASAL (QUEEN)	13.5	PRODUCERS GAS CO
8054472	16973	4223530288	108		J R SCOTT #4	SPRABERRY (TREND AREA)	1.8	NORTHERN NATURAL GAS
8054499	17272	4223500000	108		PEARL WILLIAMS #3	DOVE SPRING W (CANYON B)	3.7	CRA INC
8054491	17223	4223530197	108		ROCKER B E #4	SPRABERRY (TREND AREA)	12.2	NORTHERN NATURAL GAS
8054492	17224	4223530196	108		ROCKER B E #5	SPRABERRY (TREND AREA)	12.2	NORTHERN NATURAL GAS
8054494	17230	4223530259	108		ROCKER B G #3	SPRABERRY (TREND AREA)	10.2	NORTHERN NATURAL GAS
8054493	17229	4223530247	108		ROCKER B G WELL #2	SPRABERRY (TREND AREA)	10.2	NORTHERN NATURAL GAS
8054473	16982	4210500000	108		TIPPETT 37 #3	TIPPETT WEST (HUECO)	5.8	SHELL OIL CO
8054474	16984	4210500000	108		TIPPETT 37 #4	TIPPETT	5.5	SHELL OIL CO
8054495	17232	4210500000	108		WILSON #1	TIPPETT	6.2	NELEN GAS & OIL CORP
*MUSTANG EXPLORATION CO INC					RECEIVED: 08/26/80 JA: TX			
8054430	16006	4212330989	102		CARR #1	MYERSVILLE E (3186)	140.0	SUNBURST ENERGIES IN
*NICHOLAS PETROLEUM					RECEIVED: 08/26/80 JA: TX			
8054510	17459	4205932231	103		BRASHEAR #1-ID82676	NICHOLAS (DUFFER)	75.2	ODESSA NATURAL CORP
*NORTH STAR PETROLEUM CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054354	14110	4223300000	108		W A CARVER A - 32 (00985)	PANHANDLE HUTCHINSON COU	4.9	PANHANDLE PRODUCING
8054355	14111	4223300000	108		W A CARVER A - 33 (00985)	PANHANDLE HUTCHINSON COU	4.9	PANHANDLE PRODUCING
*NUCORP ENERGY INC					RECEIVED: 08/26/80 JA: TX			
8054465	16929	4235500000	103		MILLER UNIT NO 1	BISHOP	255.0	SEAGULL PIPELINE COR
*PARAFFINE OIL CORP					RECEIVED: 08/26/80 JA: TX			
8054291	01581	4205730846	102		PARAFFINE P M WELDER B NO 1-T	MEYSER SE (7600-K)	274.0	
8054291	01581	4205730846	103		PARAFFINE P M WELDER B NO 1-T	MEYSER SE (7600-K)	274.0	
8054316	09172	4205730890	102		PARAFFINE P M WELDER B NO 3-C	MEYSER SE (6980)	274.0	FLORIDA GAS TRANSMIS
8054316	09172	4205730890	103		PARAFFINE P M WELDER B NO 3-C	MEYSER SE (6980)	274.0	FLORIDA GAS TRANSMIS
*PARKER & PARSLEY INC					RECEIVED: 08/26/80 JA: TX			
8054556	18261	4246131490	103		FIRST NATL BANK OF DALLAS A NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8054554	18259	4246131478	103		MORGAN C NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8054555	18260	4246131497	103		MORGAN D NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
*PENNZOIL PRODUCING COMPANY					RECEIVED: 08/26/80 JA: TX			
8054681	20139	4250531149	102		JENNINGS NO 39-F	JENNINGS W	548.0	NATURAL GAS PIPELINE
*PETRO-SEARCH INC					RECEIVED: 08/26/80 JA: TX			
8054344	13884	4206500000	108		LEWIS 1-117-00039-12	PANHANDLE	2.6	L JACK GROSS PRODUCT
8054345	13885	4206500000	108		LEWIS 1-117-00039-13	PANHANDLE	2.6	L JACK GROSS PRODUCT
8054346	13886	4206500000	108		LEWIS 1-117-00039-16	PANHANDLE	2.6	L JACK GROSS PRODUCT
8054341	13879	4206500000	108		LEWIS 1-117-00039-4	PANHANDLE	2.6	L JACK GROSS PRODUCT
8054342	13881	4206500000	108		LEWIS 1-117-00039-8	PANHANDLE	2.6	L JACK GROSS PRODUCT
8054343	13882	4206500000	108		LEWIS 1-117-00039-9	PANHANDLE	2.6	L JACK GROSS PRODUCT
8054347	13897	4206500000	108		TATE 1-117-00034-3	PANHANDLE	4.7	L JACK GROSS PRODUCT
8054348	13905	4223300000	108		HEATH 1-117-01243-1	PANHANDLE	7.3	PHILLIPS PETROLEUM C
8054349	13907	4223300000	108		WHITT A 1-117-01256-1	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8054351	13910	4223300000	108		WHITT A 1-117-01256-11	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8054352	13911	4223300000	108		WHITT A 1-117-01256-12	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8054350	13908	4223300000	108		WHITT A 1-117-01256-2	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8054339	13868	4223300000	108		WHITT F 1-117-02667-13	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8054340	13869	4223300000	108		WHITT F 1-117-02667-14	PANHANDLE	1.1	PHILLIPS PETROLEUM C
*PHILIP B BERRY P/A NO 2					RECEIVED: 08/26/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054315	09043	4242700000	108		DALLAS ISLB A #1 RRC #60632	CAMERON	20.0	TENNESSEE GAS PIPELI
*PHILLIPS PETROLEUM COMPANY					RECEIVED: 08/26/80 JA: TX			
8054675	18982	4200304773	108		(01270) UNIVERSITY ANDREWS NO 56	EMBAR (PERMIAN)	11.0	EL PASO NATURAL GAS
8054672	18979	4213506385	108		(02139) SCHAR - A NO 11	GOLDSMITH (CLEARFORK)	5.0	EL PASO NATURAL GAS
8054671	18978	4213507230	108		(21556) N PENWELL UNIT NO 121	PENWELL	2.0	EL PASO NATURAL GAS
8054670	18977	4213507291	108		(21556) N PENWELL UNIT NO 45	PENWELL	2.0	EL PASO NATURAL GAS
8054669	18976	4213520357	108		(21556) N PENWELL UNIT NO 9	PENWELL	2.0	EL PASO NATURAL GAS
8054673	18980	4200304582	108		(22853) TEXAS UNIV - CC NO 13	MAGUTEX (STRAWN)	6.0	EL PASO NATURAL GAS
8054676	18983	4249530428	108		(23967) VEST-B NO 2	EMPEROR (DEEP)	2.0	EL PASO NATURAL GAS
8054400	15430	4213502438	108		ALMA NO 5 (16869)	TXL NORTH (WADDELL)	3.0	SHELL OIL CO
8054660	18845	4217900000	108		CASTLEBERRY B NO 5	PANHANDLE	13.0	KERR MCGEE CORP
8054294	03145	4220500000	108		CONSTANT #1	WEST PANHANDLE	19.8	EL PASO NATURAL GAS
8054399	15427	4200304514	108		EMBAR B NO 16 (01269)	EMBAR (PERMIAN)	11.3	EL PASO NATURAL GAS
8054369	14932	4213505791	108		GOLDSMITH ADOBE UNIT 42-04	GOLDSMITH (5600)	2.1	SHELL OIL CO
8054334	13070	4223300000	108		HARVEY UNIT 08-40	PANHANDLE HUTCHINSON	0.3	GETTY OIL CO
8054366	14303	4223300000	108		J A WHITTENBURG NO 106	PANHANDLE HUTCHINSON	8.5	GETTY OIL CO
8054508	17417	4213507254	108		MILLARD-C NO 3 (04868)	PENWELL (ELLENBURGER)	1.0	EL PASO NATURAL GAS
8054417	15858	4246100522	108		NORTH PEMBROOK SPRABERRY NO 16-01	SPRABERRY (TREND AREA)	1.7	NORTHERN NATURAL GAS
8054376	15295	4217900000	108		PHIL-PAMPA UNIT NO 03-03	PANHANDLE GRAY	2.0	GETTY OIL CO
8054377	15296	4217900000	108		PHIL-PAMPA UNIT 03-06	PANHANDLE GRAY	1.0	GETTY OIL CO
8054378	15297	4217900000	108		PHIL-PAMPA UNIT 03-11	PANHANDLE GRAY	1.0	GETTY OIL CO
8054379	15298	4217900000	108		PHIL-PAMPA UNIT 03-13	PANHANDLE GRAY	0.3	GETTY OIL CO
8054356	14192	4223300000	108		RANCH E NO 12	PANHANDLE HUTCHINSON	4.0	EL PASO NATURAL GAS
8054364	14229	4223300000	108		RANCH E NO 6	PANHANDLE HUTCHINSON	7.0	EL PASO NATURAL GAS
8054357	14193	4223300000	108		RUBIN GAMMEL NO 5	PANHANDLE HUTCHINSON	0.3	GETTY OIL CO
8054358	14194	4223300000	108		RUBIN GAMMEL NO 8	PANHANDLE HUTCHINSON	0.8	GETTY OIL CO
8054365	14230	4223300000	108		RUBIN-GAMMEL NO 2	PANHANDLE HUTCHINSON	2.0	GETTY OIL CO
8054674	18981	4200304681	108		TEXAS UNIV - M NO 18 (01786)	FULLERTON SOUTH (ELLENBU	3.0	EL PASO NATURAL GAS
*8054359	14197	4223300000	108		THOM A NO 1	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8054360	14198	4223300000	108		THOMPSON E NO 10	PANHANDLE HUTCHINSON	0.2	EL PASO NATURAL GAS
8054361	14200	4223300000	108		TURNER SMITH D NO 2	PANHANDLE HUTCHINSON	0.4	EL PASO NATURAL GAS
8054353	14008	4200304686	108		UNIVERSITY-P NO 1 (21809)	GOLDSMITH N (SAN ANDRES-	1.4	EL PASO NATURAL GAS
*8054362	14206	4223300000	108		WHITTENBURG NO 8	PANHANDLE HUTCHINSON	0.2	EL PASO NATURAL GAS
8054363	14210	4223300000	108		WHITTENBURG NO 86	PANHANDLE HUTCHINSON	2.0	GETTY OIL CO
*PITTS OIL CO AND DALLAS PRODUCTION					RECEIVED: 08/26/80 JA: TX			
8054656	18787	4216130426	102		BONNER NO 1 81164	REED N (COTTON VALLEY LI	241.0	UNITED TEXAS TRANSMI
8054653	18784	4216130435	102		CAPPS NO 1 81163	REED N (COTTON VALLEY LI	164.0	UNITED TEXAS TRANSMI
8054654	18785	4216100000	102		COLEMAN NO 1 81260	REED N (COTTON VALLEY LI	36.3	UNITED TEXAS TRANSMI
8054536	18071	4216130532	102		M C WELLS NO 1	SIMSBORO N (COTTEN VALLE	16.9	UNITED TEXAS TRANSMI
8054655	18786	4216130495	102		MARTIN NO 1 84937	REED N (COTTEN VALLEY LI	1.1	UNITED TEXAS TRANSMI
*POST PETROLEUM COMPANY INC					RECEIVED: 08/26/80 JA: TX			
8054410	15758	4229530646	103		BROWN-SCARTH 950-1	MAY (BASAL MORROW)	365.0	NORTHERN NATURAL GAS
*RAYMOND M HEDGE					RECEIVED: 08/26/80 JA: TX			
8054540	18090	4221300000	108		R M LEE RRC ID#48777	LARUE (TRAVIS PEAK)	7.4	LONE STAR GAS CO
*REALITOS II EXPLORATION PROGRAM					RECEIVED: 08/26/80 JA: TX			
8054367	14690	4246900000	102		J V MCMULLEN NO 1	VICTORIA (4170)	185.0	HOUSTON PIPE LINE CO
8054409	15730	4248131746	102		O R STRUNK ESTATE NO 1	LISSIE SOUTH (WILCOX 980	438.0	TENNESSEE GAS PIPELI
*SANTA FE ENERGY COMPANY					RECEIVED: 08/26/80 JA: TX			
8054318	09412	4235700000	108		ODC FEE 17-1-LT	SHARE S E (MORROW LOWER)	1.0	DIAMOND SHAMROCK CUR
*SAXET OIL CORPORATION					RECEIVED: 08/26/80 JA: TX			
8054482	17119	4249500000	108		HEND A/C 134 NO 9	HENDRICK	0.4	PHILLIPS PETROLEUM C
*SAXON OIL COMPANY					RECEIVED: 08/26/80 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054577	18358	4238331413	103		HUNT ESTATE NO 2	SPRABERRY (TREND AREA)	14,9	NORTHERN NATURAL GAS
8054578	18359	4238331412	103		HUNT ESTATE NO 3	SPRABERRY (TREND AREA)	16,1	NORTHERN NATURAL GAS
8054579	18360	4238331404	103		MCLEAN NO 2	SPRABERRY (TREND AREA)	12,0	NORTHERN NATURAL GAS
8054580	18361	4238331406	103		MCLEAN NO 4	SPRABERRY (TREND AREA)	11,3	NORTHERN NATURAL GAS
8054581	18362	4238331391	103		TURNER B NO 3	SPRABERRY (TREND AREA)	15,0	NORTHERN NATURAL GAS
8054582	18365	4238331417	103		WAYLE TRUST NO 1	SPRABERRY (TREND AREA)	17,2	NORTHERN NATURAL GAS
*SECO PRODUCTION CO					RECEIVED: 08/26/80 JA: TX			
8054305	06887	4238300000	108		JALONICK #1 #05808	CALVIN (DEAN)	9,0	ALLIED CHEMICAL CORP
*SHELL OIL CO					RECEIVED: 08/26/80 JA: TX			
8054618	18498	4221530898	103		A A MCALLEN NO 59	MCALLEN RANCH (VICKSBURG	500,0	SOUTH TEXAS NATURAL
8054619	18499	4221530398	103		A A MCALLEN NO 62	MCALLEN RANCH (VICKSBURG	600,0	SOUTH TEXAS NATURAL
*8054620	18500	4221530878	102		E REITHMEYER ET AL NO 1	MCCOOK E (VICKSBURG 1130	500,0	LONE STAR GAS CO
8054621	18501	4221530937	103		WOODS CHRISTIAN NO 19	MCALLEN RANCH (VICKSBURG	450,0	SOUTH TEXAS NATURAL
*SUBURBAN PROPANE GAS CORP					RECEIVED: 08/26/80 JA: TX			
8054608	18456	4216300000	108		GEORGE M WILLIAMS NO 1	WEST BIG FOUT GAS	20,8	TRANSCONTINENTAL GAS
8054607	18454	4216300000	108		R C WALDEN NO 10	WEST BIG FOUT GAS	21,8	TRANSCONTINENTAL GAS
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 08/26/80 JA: TX			
8054679	20209	4224730896	102		A C JONES NO 72-LT	JONES	54,0	
8054391	15362	4221530869	102		A W BEAURLINE NO 4	BEAURLINE (VICKSBURG L)	274,0	TENNESSEE GAS PIPELI
*TARYAN PRODUCTION CO					RECEIVED: 08/26/80 JA: TX			
8054325	11046	4240931271	102		BERRY B NO 1	BERRY (6100 D)	127,0	TEXAS EASTERN TRANSM
*TAYLOR BROTHERS OIL CO					RECEIVED: 08/26/80 JA: TX			
8054503	17289	4234130535	103		JONES #3 (RRC ID 01990)	PANHANDLE MOORE COUNTY	128,0	PHILLIPS PETROLEUM C
8054505	17291	4234130552	103		MITCH & MITZIE A #5	PANHANDLE MOORE COUNTY	5,0	PHILLIPS PETROLEUM C
8054506	17292	4234130546	103		MITCH & MITZIE A #6 (RRC ID 04442)	PANHANDLE MOORE COUNTY	5,0	PHILLIPS PETROLEUM C
8054504	17290	4234130505	103		MITCH & MITZIE NO 2 (RRC ID 04358)	PANHANDLE MOORE COUNTY	5,0	PHILLIPS PETROLEUM C
*TEXACO INC					RECEIVED: 08/26/80 JA: TX			
8054611	18476	4221500290	108		A GUERRA #4	SANTELLANA B (8000)	14,3	TENNESSEE GAS PIPELI
8054298	06091	4242900000	108		J W PARKS A NO 63	AIKEN	4,6	WARREN PETROLEUM CO
8054661	10936	4204700000	108		MCGILL BROS NCT-1 U/A #2-F & 2-D	ENCINITAS (V-12) & (V-16	18,0	NATURAL GAS PIPELINE
*TEXAS INTERNATIONAL PET CORP					RECEIVED: 08/26/80 JA: TX			
8054456	16779	4235330720	103		BESSIE WALKER #1	N JAMESON (STRAWN)	200,0	SUN OIL CO
8054457	16780	4233531437	103		EDWIN PARKS #15	DIXON	110,0	SUN OIL CO
*TEXAS OIL & GAS CORP					RECEIVED: 08/26/80 JA: TX			
8054375	15237	4210500000	103		BEAN B #1	OZONA (CANYON)	135,0	NORTHERN NATURAL GAS
8054609	18460	4217531227	103		BEHRENS GAS UNIT #1 #3	BRANDT (RECKLAW)	220,0	UNITED GAS PIPELINE
8054677	19007	4216130481	103		HENDERSON D #1	TEAGUE TOWNSITE (COTTON	100,0	LONE STAR GAS CO
8054610	18461	4242130220	103		OWNBEY A #1	CATOR (KATHRYN)	145,0	PHILLIPS PETROLEUM C
8054513	17546	4245930434	102		PARRISH #1	DELROSE (MAYNESVILLE)	730,0	UNITED GAS PIPE LINE
8054439	16451	4227331393	102		SULLIVAN E #1	MCGILL (8370)	300,0	TRANSCONTINENTAL GAS
8054547	18176	4248131835	103		VACEK #1	BERNARD E (YEGUA 7470)	142,0	UNITED GAS PIPELINE
*TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 08/26/80 JA: TX			
8054549	18217	4250131611	103		BENNETT RANCH UNIT #40-A	WASSON	10,5	SHELL OIL CO
8054550	18218	4221932729	103		CENTRAL LEVELLAND UNIT #240	LEVELLAND	10,3	AMOCO PRODUCTION CO
*TRINITY OIL & GAS CORP					RECEIVED: 08/26/80 JA: TX			
8054323	10693	4213300000	108		JOE P WIESE #1 RRC 14340	FOSTER (MARBLE FALLS)	6,0	ODESSA NATURAL CORP
*TUCKER DRILLING COMPANY INC					RECEIVED: 08/26/80 JA: TX			
8054659	18800	4243532045	108		DUNBAR #12	SAWYER (CANYON)	12,7	EL PASO NATURAL GAS
8054658	18799	4243530108	108		DUNBAR #4	SAWYER (CANYON)	3,6	EL PASO NATURAL GAS
8054657	18798	4243531940	108		VANDERSTUCKEN #3	SAWYER (CANYON)	13,9	EL PASO NATURAL GAS
*WAINOCO OIL & GAS COMPANY					RECEIVED: 08/26/80 JA: TX			
8054682	20117	4240931323	102		AMER NATL BANK OF AUSTIN G U NO 1	BRANNON (BREN LO)	350,0	TEXAS EASTERN TRANSM
8054682	20117	4240931323	103		AMER NATL BANK OF AUSTIN G U NO 1	BRANNON (BREN LO)	350,0	TEXAS EASTERN TRANSM

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JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8054683	20116	4218530221	102		OZELLE DAVIS NO 1	IOLA (GLEN ROSE B)	365.0	LONE STAR GAS CO
8054683	20116	4218530221	103		OZELLE DAVIS NO 1	IOLA (GLEN ROSE B)	365.0	LONE STAR GAS CO
*WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 08/26/80 JA: TX			
8054552	18244	4210332079	103		J B TUBB ET AL TR A NO 29(JUDKINS)	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL GAS
8054574	18348	4210332079	103		J B TUBB ET AL TR A NO 29(TUBB)	SAND HILLS (TUBB)	0.0	EL PASO NATURAL GAS
8054324	10902	4210332006	103		W N WADDELL ET AL #1112	SAND HILLS (MCKNIGHT)	41.0	EL PASO NATURAL GAS
*WAY AND MILLS					RECEIVED: 08/26/80 JA: TX			
8054401	15441	4238331378	103		UNIVERSITY "8" #2	FARMER (SAN ANDRES)	18.0	NORTHERN NATURAL GAS
8054402	15443	4238331379	103		UNIVERSITY "98" #1	FARMER (SAN ANDRES)	18.0	NORTHERN NATURAL GAS
*WINDELL A THOMASON INC					RECEIVED: 08/26/80 JA: TX			
8054594	18398	4210532358	103		UNIVERSITY NO 1	FARMER (SAN ANDRES)	20.0	NORTHERN NATURAL GAS
8054595	18399	4210532439	103		UNIVERSITY NO 2	FARMER (SAN ANDRES)	20.0	NORTHERN NATURAL GAS
8054596	18400	4210532435	103		UNIVERSITY NO 3	FARMER (SAN ANDRES)	20.0	NORTHERN NATURAL GAS
8054597	18401	4210532436	103		UNIVERSITY NO 4	FARMER (SAN ANDRES)	20.0	NORTHERN NATURAL GAS

OTHER PURCHASERS

8054338 APCO GAS CO
8054359 PANHANDLE EASTERN PIPELINE CO
8054362 PANHANDLE EASTERN PIPELINE CO
8054418 LONE STAR GAS CO
8054419 LONE STAR GAS CO
8054420 NATURAL GAS PIPELINE CO OF AMERICA
8054442 NORTHERN NATURAL GAS CO
8054443 NORTHERN NATURAL GAS CO
8054444 NORTHERN NATURAL GAS CO
8054470 PANHANDLE EASTERN PIPELINE CO
8054528 EL PASO NATURAL GAS CO
8054558 EL PASO NATURAL GAS CO
8054620 NATURAL GAS PIPELINE CO OF AMERICA
8054665 AMOCO PRODUCTION CO
8054667 AMOCO PRODUCTION CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

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 October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29160 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 280]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 15, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
*ENERGY RESERVES GROUP INC					RECEIVED: 08/20/80 JA: NM			
8055101		3004524248	103		GALLEGOS CANYON UNIT P C #307	KUTZ WEST PICTURED CLIFF	37.0	EL PASO NATURAL GAS
OKLAHOMA CORPORATION COMMISSION								
*AMERADA HESS CORP					RECEIVED: 08/27/80 JA: OK			
8055033	06751	3504300000	102		FLAG UNIT #1	LENORA	438.0	MICHIGAN WISCONSIN P
*ANDOVER OIL COMPANY					RECEIVED: 08/29/80 JA: OK			
8055049	04970	3501720908	102		EVANS #12-I	EL RENO	91.0	DELMI GAS PIPELINE C
*ARCO OIL AND GAS COMPANY					RECEIVED: 08/29/80 JA: OK			
8055063	04922	3500721692	103		H A DUNN #6	WEST CLEAR LAKE	21.9	EL PASO NATURAL GAS
*BRISCOE OIL CO					RECEIVED: 08/29/80 JA: OK			
8055046	02175	3508320971	103		GARNER 2-5	N W ABELL	62.0	EASON OIL CO
*CHAMPLIN PETROLEUM COMPANY					RECEIVED: 08/27/80 JA: OK			
8055037	04960	3504700000	108		B WRIGHT NO 1	ENID	16.0	CHAMPLIN PETROLEUM C
*CHASE EXPLORATION CORP					RECEIVED: 08/27/80 JA: OK			
*8055030	04953	3507121502	103		PEREZ #2-23	WILDCAT	11.6	CITIES SERVICE GAS C
*8055031	04952	3507121025	103		RIGDON #2-21	WILDCAT	6.2	CITIES SERVICE GAS C
*8055029	04954	3507121299	103		SCOTT #1-10	WILDCAT	20.0	CITIES SERVICE GAS C
*8055028	04955	3507121326	103		SHEIK #2-29	WILDCAT	12.4	CITIES SERVICE GAS C
*CHASE EXPLORATION CORP					RECEIVED: 08/29/80 JA: OK			
*8055052	04951	3507121323	103		KUCERA #2-8	NEVA	14.2	CITIES SERVICE GAS C
*COBRA OIL AND GAS CORPORATION					RECEIVED: 08/29/80 JA: OK			
8055047	04979	3505920834	103		SHUPE 5 #1 L	NORTH BUFFALO	250.0	MICHIGAN-WISCONSIN P
*EASON OIL COMPANY					RECEIVED: 08/27/80 JA: OK			
8055036	04946	3509321460	103		DONALD PARKER 1-13	NORTH CEDAR SPRINGS	129.2	PANHANDLE EASTERN PI
*GMC OIL AND GAS CORP					RECEIVED: 08/29/80 JA: OK			
8055048	04975	3510320844	103		GANG NO 1	UNNAMED	36.0	ARCO OIL AND GAS CO
*HAMM PRODUCTION CO					RECEIVED: 08/29/80 JA: OK			
8055042	04795	3508300300	103		ONEILL #1	MARSHALL	365.0	EASON OIL CO
*HOLDEN ENERGY CORP					RECEIVED: 08/29/80 JA: OK			
8055045	03964	3501900000	103		KATHY #1	WILDCAT	75.0	AMINOIL USA INC
*HONEYMON DRILLING CO LTD					RECEIVED: 08/29/80 JA: OK			
8055051	04969	3501721303	103		MACH #1	SOUTHWEST YUKON	200.0	PHILLIPS PETROLEUM
*JAMAR EXPLORATION INC					RECEIVED: 08/29/80 JA: OK			
8055053	04949	3502520393	103		HURST #1	NORTHEAST SAMPSEL	180.0	PANHANDLE EASTERN PI
*JAY PETROLEUM INC					RECEIVED: 08/29/80 JA: OK			
8055050	04971	3510900000	103		SWISHER #1	WEST EDMOND	100.0	PHILLIPS PETROLEUM C
*JOHN C OXLEY					RECEIVED: 08/29/80 JA: OK			
8055062	04924	3512120611	103		SCHILLER NO 1	WILBURTON	75.0	ARKANSAS LOUISIANA G

JD NO	JA DKT	API NO	SEC	D	WELL NAME		FIELD NAME	PROD	PURCHASER
*K P EXPLORATION INC					RECEIVED: 08/27/80 JA: OK				
8055032	00961	3513920991	102		MILL NO 1-2		MISSISSIPPIAN	720,0	NATURAL GAS PIPELINE
8055032	00961	3513920991	103		MILL NO 1-2		MISSISSIPPIAN	720,0	NATURAL GAS PIPELINE
*L G WILLIAMS OIL COMPANY INC					RECEIVED: 08/29/80 JA: OK				
8055064	04920	3501721183	103		SCOTT #23-2		WEST PIEDMONT	187,6	PHILLIPS PETROLEUM C
8055055	04942	3501721214	103		WRIGHT #33-1		YUKON	99,0	PHILLIPS PETROLEUM C
*L R FRENCH JR					RECEIVED: 08/27/80 JA: OK				
8055035	04945	3507322307	103		ELMER #2		NE LACY	27,4	PHILLIPS PETROLEUM C
*LAGUNA PETROLEUM CO					RECEIVED: 08/27/80 JA: OK				
8055026	04958	3501721139	103		KUNNEMAN NO 1		HUNTON	250,0	PHILLIPS PETROLEUM C
*MACKELLAR INC					RECEIVED: 08/29/80 JA: OK				
8055040	04893	3507322283	103		ATHEY #2		SOONER TREND	108,0	PANHANDLE EASTERN PI
*MARLIN OIL CORPORATION					RECEIVED: 08/27/80 JA: OK				
8055023	04964	3502520395	103		MARLIN ET AL NO 1 SMALTS		NORTHEAST GRIGGS	720,0	TRANSWESTERN PIPELIN
*MUSTANG PRODUCTION CO.					RECEIVED: 08/29/80 JA: OK				
8055060	04932	3501120863	103		BRADFORD #1-18		GREENFIELD	250,0	OKLAHOMA GAS & ELECT
8055061	04928	3501520650	102		PEARSON-VOSS #1-17		S E TABLER	180,0	
*NATOMAS NORTH AMERICA INC					RECEIVED: 08/27/80 JA: OK				
8055034	04944	3503920305	103		MOSBURG 1-27		BURGTORF	948,0	PUBLIC SERVICE CO OF
*PERRY OIL CO					RECEIVED: 08/29/80 JA: OK				
8055056	04936	3504721889	103		TOEWS NO 1		N E ENID	174,0	CHAMPLIN PETROLEUM C
*RED EAGLE OIL CO					RECEIVED: 08/29/80 JA: OK				
8055043	04723	3509321677	103		DWAYNE NO 1		WEST FAIRVIEW	183,0	DELMI GAS PIPELINE C
*SOVEREIGN EXPLORATION CO					RECEIVED: 08/29/80 JA: OK				
8055044	04416	3500721623	103		SOVEREIGN #1 BARBY		MOCANE MORROW MOCANE CHE	150,0	PANHANDLE EASTERN P
*STONE RIVER ENERGY CORP					RECEIVED: 08/29/80 JA: OK				
8055057	04934	3504700000	103		FELBER #1		SOONER TREND	160,0	OKLAHOMA GAS AND ELE
*SUNDANCE ENERGY CORP					RECEIVED: 08/27/80 JA: OK				
*8055025	04959	3504700000	103		FELBER #1-16		SOONER TREND	40,0	PANHANDLE EASTERN PI
*TENNECO OIL COMPANY					RECEIVED: 08/29/80 JA: OK				
8055039	04897	3509321560	103		LINK 2-13		SEILING NORTHEAST	80,0	
*TEXACO INC					RECEIVED: 08/29/80 JA: OK				
8055041	04874	3507322233	103		CASSIE WELLS NO 2		SOONER TREND	90,0	CONOCO INC
*TEXAS OIL & GAS CORP					RECEIVED: 08/27/80 JA: OK				
8055024	04962	3509321663	103		FREEMAN A #1		WAYNOKA	100,0	
8055027	04957	3501720952	103		HEINRICH A #1		RICHLAND	102,0	DELMI GAS PIPELINE
*TEXAS OIL & GAS CORP					RECEIVED: 08/29/80 JA: OK				
8055054	04947	3500721686	103		SMYRES #1		E LOKENA	199,0	
*UNIVERSAL RESOURCES CORPORATION					RECEIVED: 08/29/80 JA: OK				
8055059	04930	3501721197	103		COX 1A-31		RICHLAND S E	200,0	PHILLIPS PETROLEUM C
8055058	04931	3501720859	103		PHELPS 3-32		RICHLAND S E	710,0	PHILLIPS PETROLEUM C
*VULCAN ENERGY CORP					RECEIVED: 08/29/80 JA: OK				
8055038	04918	3507322270	103		WATSON #1		SOONER TREND	160,0	PHILLIPS PETROLEUM C

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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*ALCO OIL CO					RECEIVED: 08/29/80 JA: PA				
8055075	5342	3705700000	108		A A MUNDELL #1		NEW FREEPORT	5,0	THE PEOPLES NATURAL
8055097	5436	3705900000	108		DOWNEY KING #1		SPRINGFIELD	1,7	CARNEGIE NATURAL GAS
8055096	5435	3705900000	108		DOWNEY KING #2		SPRINGFIELD	1,7	CARNEGIE NATURAL GAS
8055072	5339	3705700000	108		E RINEHART #1		NEW FREEPORT	3,7	THE PEOPLES NATURAL
8055099	5438	3705900000	108		E D PATTERSON #1		SPRINGFIELD	0,3	CARNEGIE NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055074	5341	3705700000	108		H L SHERIDAN #3	NEW FREEPORT	2,0	THE PEOPLES NATURAL
8055098	5437	3705900000	108		LUCINDA WRIGHT #2	SPRINGFIELD	0,3	CARNEGIE NATURAL GAS
8055073	5340	3705700000	108		S THARP #1	NEW FREEPORT	5,0	PEOPLES NATURAL GAS
8055076	5343	3705700000	108		W A CAMPBELL #1	NEW FREEPORT	5,0	THE PEOPLES NATURAL
*APPALACHIAN ENERGY INC					RECEIVED: 08/29/80 JA: PA			
8055091	5430	3704921004	102		B STODDARD #1 A-E-87	SILURIAN	30,0	COLUMBIA GAS TRANSMI
8055090	5429	3704921000	102		J HOWARD #1 A-E-152	SILURIAN	30,0	COLUMBIA GAS TRANSMI
8055092	5431	3704920982	102		N REDMOND #1 A-E-61	SILURIAN	30,0	COLUMBIA GAS TRANSMI
8055089	5428	3704921003	102		P SUTTON #1 A-E-115	SILURIAN	30,0	COLUMBIA GAS TRANSMI
*BENCHMARK OIL INC					RECEIVED: 08/29/80 JA: PA			
8055080	5286	3712327927	102		K RUSSELL #1	FREEHOLD	247,8	COLUMBIA GAS TRANSMI
8055100	5442	3712327872	102		SAVKO #1	FREEHOLD	60,0	COLUMBIA GAS TRANSMI
*BOYD & SHRIVER					RECEIVED: 08/29/80 JA: PA			
8055066	2112	3706323124	108		431-HIMES	CANOE	17,7	CONSOLIDATED GAS SUP
8055069	5227	3700500000	108	D	197-YARGER	REDBANK	1,1	PEOPLES NATURAL GAS
8055070	5233	3700500000	108	D	214-YARGER	REDBANK	1,5	PEOPLES NATURAL GAS
*CABYLE GAS CO INC					RECEIVED: 08/29/80 JA: PA			
8055065	937	3706322732	108	D	W BRAUDMLER #6 (C-248)	EAST MAHONING TWP	16,0	PEOPLES NATURAL GAS
*DELTA RESOURCES INC					RECEIVED: 08/29/80 JA: PA			
8055093	5432	3705921516	103		JACOB RUMBLE NO 1	MASONTOWN	30,0	INDUSTRIAL ENERGY SE
8055095	5356	3705921505	103		KENDRELLA NO 1	MASONTOWN	30,0	INDUSTRIAL ENERGY SE
8055094	5355	3705921507	103		MILLER NO 1	MASONTOWN	30,0	INDUSTRIAL ENERGY SE
*DOVERSPIKE/PEACOCK JOINT VENTURE					RECEIVED: 08/29/80 JA: PA			
8055077	5346	3706325497	103		OMARRAH #1 IND-25497	W PA UPPER DEVONIAN SAND	75,0	COLUMBIA GAS TRANSMI
*ENVIROGAS INC					RECEIVED: 08/29/80 JA: PA			
8055081	5415	3704920975	103		H ORTON #3	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU
8055082	5416	3704920723	103		WM KLENZ #1	NORTH EAST DEEP	18,0	NATIONAL FUEL GAS SU
*FOX O & G INC					RECEIVED: 08/29/80 JA: PA			
8055079	5375	3712920777	103	D	RONALD TROUT #2	HEMPFIELD	3,6	LOUDEN PROPERTIES CO
*FRED J RUSSELL DBA LOUDEN PROPERTIE					RECEIVED: 08/29/80 JA: PA			
8055078	5354	3712921626	102		D S LOUCKS 851-1	CONNELLSVILLE	0,0	
8055083	5417	3712921642	103		P J MCSHANE 881-1	DAWSON	30,0	
*MID-EAST OIL CO					RECEIVED: 08/29/80 JA: PA			
8055067	2683	3706323593	108		ALLEN O J MILLER ET UX #1	MARION CENTER	1,7	PEOPLES NATURAL GAS
8055068	2688	3706322772	108		JOHN R NASER #2	MCINTYRE	8,0	PEOPLES NATURAL GAS
*UNION DRILLING INC					RECEIVED: 08/29/80 JA: PA			
8055071	5299	3706323892	108		NORA A LAYTON #1 586	WHITE TOWNSHIP	1,0	COLUMBIA GAS TRANS C
*WAINOCO OIL & GAS COMPANY					RECEIVED: 08/29/80 JA: PA			
8055085	5418	3703920668	102		C W HANKINS NO 1 (W-46)	ATHENS	27,0	COLUMBIA GAS TRANSMI
8055087	5421	3703920670	102		J KIMBALL & A EVANS NO 1 (W-48)	ATHENS	27,0	COLUMBIA GAS TRANSMI
8055086	5420	3703920666	102		L & E SKEDEL NO 1 (W-47)	ATHENS	27,0	COLUMBIA GAS TRANSMI
8055084	5419	3703920589	102		M L & C DONOR NO 1 (W-31)	ATHENS	27,0	COLUMBIA GAS TRANSMI
8055088	5422	3703920673	102		R C BEARD NO 1 (W-53)	ATHENS	27,0	COLUMBIA GAS TRANSMI
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
*NORTHWEST EXPLORATION COMPANY					RECEIVED: 08/20/80 JA: CO 5			
8055118	CC1050-9A	0510308059	103		PHILADELPHIA CREEK #11	CATHEDRAL	6,0	NORTHWEST PIPELINE C
8055114	CC 1052-9A	0510308063	103		PHILADELPHIA CREEK #15	CATHEDRAL	5,0	NORTHWEST PIPELINE C
8055115	CC1153 9	0510307824	103		PHILADELPHIA CREEK #9	CATHEDRAL	6,0	NORTHWEST PIPELINE C
*TIPPERARY OIL AND GAS CORP					RECEIVED: 08/20/80 JA: CO 5			
8055117	CC827-9	0504506116	102		USA 2-19-F	BEAR GULCH UNIT	47,0	NORTHWEST PIPELINE C
*MIDLANDS GAS CORPORATION					RECEIVED: 08/20/80 JA: MT 5			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055108	M-1018-9	2507121466	108		1533 FEDERAL	BOWDOIN	18.0	KANSAS-NEBRASKA NATU
8055104	M-1026-9	2507121573	108		2771 1-2771 FEDERAL	BOWDOIN	18.0	KANSAS-NEBRASKA NATU
*DIAMOND SHAMROCK CORPORATION					RECEIVED: 08/20/80 JA: ND 5			
8055113	ND1192-9	3303300056	102		WILLIAMSON FEDERAL 24-25	WILDCAT	18.0	
*SHELL OIL CO					RECEIVED: 08/20/80 JA: ND 5			
8055106	ND 1360-9	3305300733	102		USA 13X-2-5	MONDAK	33.0	MONTANA DAKOTA UTILI
8055105	ND 1361-9	3305300803	102		USA 22X-20-14	MONDAK	22.0	MONTANA DAKOTA UTILI
8055107	ND 1359-9	3305300738	102		USA 33X-30-7	MONDAK	12.8	MONTANA DAKOTA UTILI
*GAS PRODUCING ENTERPRISES INC					RECEIVED: 08/20/80 JA: UT 5			
8055103	MC 835-9	4304730358	102		NATURAL BUTTES 7-8-10-21	BITTER CREEK	108.0	COLORADO INTERSTATE
*AMOCO PRODUCTION CO					RECEIVED: 08/20/80 JA: WY 5			
8055116	W-1353-9	4904120057	102		AMOCO GULF NO 1	YELLOW CREEK	1800.0	MOUNTAIN FUEL SUPPLY
*ANADARKO PRODUCTION COMPANY					RECEIVED: 08/20/80 JA: WY 5			
8055111	W-1281-9	4903721395	102		FIREPLACE ROCK UNIT NO 2	FIREPLACE ROCK	475.0	PANHANDLE EASTERN PI
8055102	W 1285-9	4900921324	103		SPEARHEAD RANCH UNIT NO 9	SPEARHEAD RANCH	26.0	MOUNTAIN FUEL SUPPLY
*DIAMOND SHAMROCK CORPORATION					RECEIVED: 08/20/80 JA: WY 5			
8055109	W-1190-9	4900720452	102		DIAMOND SHAMROCK FEDERAL 14-4	COAL GULCH	600.0	
8055112	W-1191-9	4900720475	102		FALCONE FEDERAL 14-22	COAL GULCH	135.0	
*ENERGETICS INC					RECEIVED: 08/20/80 JA: WY 5			
*8055110	W-1134-9	4903721261	102		FEDERAL 32-15	WILDCAT	40.5	COLORADO INTERSTATE

OTHER PURCHASERS

8055025	WELLHEAD ENTERPRISES INC
8055028	CHASE GATHERING SYSTEM INC
8055029	CHASE GATH SYSTEM INC
8055030	CHASE GATH SYSTEM INC
8055031	CHASE GATH SYSTE INC
8055032	CHASE GATH SYSTEM INC
8055110	NORTHWEST P L CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

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 October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29161 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 277]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OKLAHOMA CORPORATION COMMISSION **********								
*AGGIE OIL CO					RECEIVED: 08/25/80 JA: OK			
8054269	04868	3510522262	103		MCLAIN #1	NOWATA CLAGETT	17,0	A-G SYSTEMS LTD
8054271	04870	3510522263	103		SMITH B WELL #1	NOWATA CLAGETT	18,0	A-G SYSTEMS LTD
8054270	04869	3510522264	103		STIPE #1	NOWATA CLAGETT	16,0	A-G SYSTEMS LTD
*AL MCCORD INC					RECEIVED: 08/25/80 JA: OK			
8054274	04877	3509321637	103		INDIAN WOLF #1-20	MENO-RINGWOOD	48,0	PIONEER GAS PRODUCTS
8054273	04876	3509321625	103		MCCREARY #1-30	MENO-RINGWOOD	90,0	PIONEER GAS PRODUCTS
*AMOCO PRODUCTION CO					RECEIVED: 08/25/80 JA: OK			
8054279	04938	3504520615	108		A W JONES #1	CATESBY NE	16,0	NORTHERN NATURAL GAS
8054288	04937	3504535258	108		PITTMAN UNIT A #1	MOCANE-LAVERNE	11,0	NORTHERN NATURAL GAS
*ANDERSON PETROLEUM					RECEIVED: 08/25/80 JA: OK			
8054277	04939	3510300000	108		L L CURBY WELL NO 1	EAST BILLINGS	6,4	CITIES SERVICE GAS C
*ANDOVER OIL COMPANY					RECEIVED: 08/25/80 JA: OK			
8054248	04794	3501721201	102		VON TONGLEN #6-1	WILDCAT	180,0	DELHI GAS PIPELINE C
*APPLETON OIL CO					RECEIVED: 08/25/80 JA: OK			
8054241	02802	3505320400	103		LICHTI #1	DEER CREEK	75,0	ARKANSAS - LOUISIANA
*BERRY PETROLEUM CORP					RECEIVED: 08/25/80 JA: OK			
8054283	04099	3507322213	103		STATE NO 16-1	SOONER TREND	150,0	PANHANDLE EASTERN PI
*C&A OIL COMPANY					RECEIVED: 08/25/80 JA: OK			
8054268	04867	3510522320	103		SMITH C #1	NOWATA CLAGETT	12,0	A G SYSTEMS LTD
*CENTURY OIL & GAS CORP					RECEIVED: 08/25/80 JA: OK			
8054264	02856	3513700000	103		D COOPER #1 - OTC # 137-52365	NELLIE	2,6	LONE STAR GAS CO
*CHAMPLIN PETROLEUM COMPANY					RECEIVED: 08/25/80 JA: OK			
8054240	04978	3505300000	108		E ELLIOT NO 1	EUREKA	10,0	CITIES SERVICE GAS C
8054239	04977	3504700000	108		J W ESTES NO 1	ENID	13,0	CHAMPLIN PETROLEUM C
8054276	04948	3500700000	108		M J ALBERT NO 1	MOCANE	2,5	COLORADO INTERSTATE
8054238	04976	3504700000	108		S REGIER NO 1	ENID	13,0	CHAMPLIN PETROLEUM C
8054236	04961	3504700000	108		S REMPEL NO 1	ENID	16,0	CHAMPLIN PETROLEUM C
8054237	04963	3515100000	108		STERNBERGER UNIT NO 1	STATE LINE	16,0	PANHANDLE EASTERN PI
*EAGLE PETROLEUM CORP					RECEIVED: 08/25/80 JA: OK			
8054247	04197	3504721647	103		REGIER #1	NORTH ENID	54,8	UNION OF TEXAS
*ENTEX INC					RECEIVED: 08/25/80 JA: OK			
8054284	04864	3509320095	108		JOHNSON NO 1	RINGWOOD	10,0	ONG GATHERING CORP
8054278	04863	3509320200	108		MONGOLD NO 1	RINGWOOD	10,0	ONG GATHERING CORP
8054289	04865	3509321106	108		MONGOLD NO 2	RINGWOOD	10,0	ONG GATHERING CORP
8054285	04862	3509320176	108		SAWYER NO 1	RINGWOOD	7,0	ONG GATHERING CORP
8054286	04865	3509320060	108		WILBUR NO 1	RINGWOOD	12,0	ONG GATHERING CORP
*FERGUSON OIL & GAS COMPANY INC					RECEIVED: 08/25/80 JA: OK			
8054266	04850	3504320852	102		NICHOLAS #1	PUTNAM	730,0	PUBLIC SERVICE CO
8054267	04851	3504320926	102		HYMER #1-28	PUTNAM	730,0	PUBLIC SERVICE CO
*GEORGE P POST DBA POST PETROLEUM CO					RECEIVED: 08/25/80 JA: OK			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME		FIELD NAME	PROD	PURCHASER
8054287	04906	3509321610	103		COTTON #1		AMES (NE)	7,0	
*HADSON PETROLEUM CORP					RECEIVED: 08/25/80 JA: OK				
8054263	04787	3505120786	103		HAYHURST #1-29		CHITWOOD	100,0	MOBIL OIL CO
*JONES & PELLOW OIL CO					RECEIVED: 08/25/80 JA: OK				
8054250	04898	3504700000	103		BALDWIN #34-2			48,0	CHAMPLIN PETROLEUM C
8054251	04899	3504700000	103		BEGGS #27-2		MISSISSIPPI	50,0	CHAMPLIN PETROLEUM C
8054252	04900	3504772178	103		HUMPHREY #34-2			48,0	CHAMPLIN PETROLEUM C
8054253	04901	3501921880	103		MONSON #35-2			50,0	AMINOIL USA INC
8054254	04902	3501921918	103		MONSON #35-3			50,0	AMINOIL USA INC
8054255	04903	3501921963	103		STRINGER 32-2			40,0	AMINOIL USA INC
*KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 08/25/80 JA: OK				
8054262	04921	3513900000	108		ETTER B-1		GUYMON-HUGOTON	20,0	
*KETAL OIL PRODUCING CO					RECEIVED: 08/25/80 JA: OK				
8054249	04845	3504721965	103		PRYOR #1		N E ELKHORN	95,0	AMINOIL USA INC
*LENHART & BENNETT INC					RECEIVED: 08/25/80 JA: OK				
8054265	04348	3507121081	103		EDNA GARTNER NO 1		EAST DILWORTH	25,0	CITIES SERVICE GAS C
*MONTGOMERY EXPLORATION COMPANY					RECEIVED: 08/25/80 JA: OK				
8054281	02631	3500700000	103		MILLER #1			0,0	NORTHERN NATURAL GAS
*P-T III LTD					RECEIVED: 08/25/80 JA: OK				
8054258	04912	3504721929	103		DAVIS #22-1		SOONER TREND	128,0	WELLHEAD ENTERPRISES
8054257	04909	3504721934	103		DAVIS #27-1		SOONER TREND	73,0	WELLHEAD ENTERPRISES
8054260	04914	3504721935	103		DAVIS #27-2		SOONER TREND	73,0	WELLHEAD ENTERPRISES
8054261	04915	3504721950	103		VCULEK #28-1		SOONER TREND	128,0	WELLHEAD ENTERPRISES
8054259	04913	3504721957	103		VCULEK #29-1		SOONER TREND	128,0	WELLHEAD ENTERPRISES
*SEARCH DRILLING CO					RECEIVED: 08/25/80 JA: OK				
8054280	02527	3501721046	103		WELCH #1 017-56565		EAST YUKON	200,0	PHILLIPS PETROLEUM C
*TENNECO OIL COMPANY					RECEIVED: 08/25/80 JA: OK				
8054275	04892	3503920271	102		MAST UNIT 1-16		WEATHERFORD NORTH	11,1	DELMI GAS PIPELINE C
*TEXACO INC					RECEIVED: 08/25/80 JA: OK				
8054245	02819	3513705637	108		A N HARLEY NO 17		SHO-VEL-TUM	0,6	AMINOIL USA
8054246	02821	3513705635	108		A N HARLEY NO 9		SHO-VEL-TUM	0,6	AMINOIL USA
8054242	02813	3501904892	108		G M TOMLINSEN NO 6		SHO-VEL-TUM	0,3	AMINOIL USA
8054243	02814	3501904895	108		G M TOMLINSON NO 1		SHO-VEL-TUM	0,3	AMINOIL USA
8054272	04875	3507322232	103		G M YENZER NO 2		SOONER TREND	91,3	CONOCO INC
8054244	02815	3501905130	108		JULIA A MORRIS C NO 3		SHO-VEL-TUM	0,4	AMINOIL USA
*TEXAS OIL & GAS CORP					RECEIVED: 08/25/80 JA: OK				
8054282	02960	3515120750	103		JULIAN A NO 1		AVARD	411,0	DELMI GAS PIPELINE C
*THETIS ENERGY CORP					RECEIVED: 08/25/80 JA: OK				
8054256	04908	3504721791	103		REISEN #18-2		SOONER TREND	0,0	WELLHEAD ENTERPRISES
**********									
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM									
**********									
*AMOCO PRODUCTION CO					RECEIVED: 08/22/80 JA: NM 4				
8054204	NM-0584-80	3001523015	103		FEDERAL Z COM #1		UND LOGAN DRAW MORROW	517,0	LLANO INC
8054139	NM-4922-79	3004511622	108		GALLEGUS CANYON UNIT #215		BASIN-DAKOTA	21,0	EL PASO NATURAL GAS
8054140	NM-4923-79	3003982337	108		JICARILLA CONTRACT 148 NO 14		OTERO-CHACRA	21,0	EL PASO NATURAL GAS
*ARCO OIL AND GAS COMPANY					RECEIVED: 08/22/80 JA: NM 4				
8054182	NM-0558-80	3003922162	103		JICARILLA #113		N LINDRITH	64,0	EL PASO NATURAL GAS
8054181	NM-0557-80	3003922161	103		JICARILLA #116		N LINDRITH	36,0	EL PASO NATURAL GAS
8054228	NM-0611-80	3004524121	103		KRAUSE NN FEDERAL SE		BASIN DAKOTA	10,0	NORTHWEST PIPELINE C
*CHACE OIL COMPANY INC					RECEIVED: 08/22/80 JA: NM 4				
8054177	NM-0552-80	3004320205	108		RUSTY NAVAJO #1-X		RUSTY CHACRA	18,0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054178	NM-0553-80	3004320203	108		RUSTY NAVAJO #2	RUSTY CHACRA	18,0	EL PASO NATURAL CO
*CHAMA PETROLEUM CO					RECEIVED: 08/22/80 JA: NM 4			
8054144	NM-0220-80	3002526499	102		PENNZOIL FEDERAL WELL NO 2	UNDESIGNATED NORTH QUAIL	700,0	EL PASO NATURAL GAS
*CONSOLIDATED OIL & GAS INC					RECEIVED: 08/22/80 JA: NM 4			
8054175	NM-0551-80-A	3004523648	103		DUKE 1-M(MV)	BLANCO MESAVERDE	0,0	SOUTHERN UNION GATHE
8054176	NM-0551-80-B	3004523648	103		DUKE 1-M(DK)	BASIN-DAKOTA	0,0	SOUTHERN UNION GATHE
8054212	NM-0591-80-B	3004523617	103		LEA #1-M(MV)	BLANCO MESAVERDE	0,0	SOUTHERN UNION GATHE
8054211	NM-0591-80-A	3004523617	103		LEA NO 1-M(MV)	BASIN-DAKOTA	0,0	SOUTHERN UNION GATHE
*DALLAS MCCAALAND					RECEIVED: 08/22/80 JA: NM 4			
8054172	NM-0541-80	3002525077	108		FEDERAL F NO 2	SCARBOROUGH YATES - SEVE	8,4	EL PASO NATURAL GAS
*DUGAN PRODUCTION CORP					RECEIVED: 08/22/80 JA: NM 4			
8054134	NM-4325-79	3004522694	103		KR #4	NAM FRUITLAND PC	5,0	EL PASO NATURAL GAS
8054133	NM-4324-79	3004522693	103		KR #7	NAM-PICTURED CLIFFS	25,0	EL PASO NATURAL GAS
8054135	NM-4327-79	3004522690	103		KR #8	NAM-PICTURED CLIFFS	25,0	EL PASO NATURAL GAS
8054136	NM-4328-79	3004523418	103		PAUL #1	FRUITLAND PC WILDCAT	25,0	EL PASO NATURAL GAS
*EL PASO NATURAL GAS COMPANY					RECEIVED: 08/22/80 JA: NM 4			
8054160	NM-0398-80	3003920639	108		CANYON LARGO UNIT #239	BASIN-DAKOTA GAS	20,0	EL PASO NATURAL GAS
8054191	NM-570-80	3004523698	103		FLORANCE C #2A	BLANCO MESAVERDE	150,0	EL PASO NATURAL GAS
8054218	NM-0601-80	3004523753	103		FLORANCE E #2	BLANCO PICTURED CLIFFS	30,0	EL PASO NATURAL GAS
8054221	NM-0604-80	3004523926	103		HARDIE E #3A	BLANCO MESAVERDE	150,0	EL PASO NATURAL GAS
8054162	NM-0402-80	3004521590	108		HOWELL E #3	BLANCO-PICTURED CLIFFS G	21,0	EL PASO NATURAL GAS
8054145	NM-0266-80	3004505969	108		HUERFANO UNIT #21	WEST KUTZ-PICTURED CLIFF	20,0	EL PASO NATURAL GAS
*8054223	NM-0606-80	3004523846	103		HUERFANO UNIT #275	BASIN DAKOTA	30,0	EL PASO NATURAL GAS
8054187	NM 0565-80	3004523849	103		JONES A #13	SOUTH BLANCO PICTURED CL	110,0	EL PASO NATURAL GAS
8054188	NM 0566-80	3004523768	103		JONES A #14	SOUTH BLANCO PICTURED CL	70,0	EL PASO NATURAL GAS
8054189	NM 0567-80	3004523769	103		JONES A #3A	BLANCO MESAVERDE	220,0	EL PASO NATURAL GAS
8054186	NM 564-80	3004523845	103		LODEWICK #10E	BASIN DAKOTA	70,0	EL PASO NATURAL GAS
8054185	NM-0563-80	3004523878	103		LODEWICK #11E	BASIN DAKOTA	90,0	EL PASO NATURAL GAS
8054184	NM-0562-80	3004523877	103		LODEWICK #8E	BASIN DAKOTA	70,0	EL PASO NATURAL GAS
8054138	NM-4896-79	3004509205	108		LUDWICK #1	AZTEC-PICTURED CLIFFS GA	22,0	EL PASO NATURAL GAS
8054183	NM-0559-80	3002512024	108		MOBERLY C #3E	JALMAT YATES GAS	12,0	EL PASO NATURAL GAS
8054220	NM-0603-80	3004523710	103		MORRIS A #3R	AZTEC PICTURED CLIFFS	20,0	EL PASO NATURAL GAS
8054141	NM-0003-80	3004509054	108		MURPHY E #3	AZTEC-PICTURED CLIFFS GA	21,0	EL PASO NATURAL GAS
8054194	NM 0573-80	3004523180	103		NEIL #20	BLANCO PICTURED CLIFFS	100,0	EL PASO NATURAL GAS
8054161	NM-0401-80	3003921399	108		RINCON UNIT #227	BASIN-DAKOTA GAS	21,0	EL PASO NATURAL GAS
8054159	NM-0390-80	3004507241	108		RUSSELL #1	BLANCO-MESAVERDE GAS	25,0	EL PASO NATURAL GAS
8054193	NM-0571-80	3004523703	103		RUSSELL #1A	BLANCO MESAVERDE	100,0	EL PASO NATURAL GAS
8054195	NM 0572-80	3004523704	103		RUSSELL #2A	BLANCO MESAVERDE	130,0	EL PASO NATURAL GAS
8054219	NM-0602-80	3004523721	103		RUSSELL #5A	BLANCO MESAVERDE	70,0	EL PASO NATURAL GAS
8054143	NM-0113-80	3003920719	108		SAN JUAN 27-4 UNIT #70	BASIN-DAKOTA GAS	21,0	EL PASO NATURAL GAS
*8054171	NM-0540-80	3003906844	108		SAN JUAN 27-5 UNIT #20 PC & MV	TAPACITO-PICTURED CLIFFS	38,0	EL PASO NATURAL GAS
8054170	NM-0535-80	3003920106	108		SAN JUAN 28-5 UNIT #77	BASIN-DAKOTA GAS	18,0	EL PASO NATURAL GAS
*8054167	NM-0494-80	3003921083	108		SAN JUAN 28-7 UNIT #244	BASIN-DAKOTA GAS	20,0	EL PASO NATURAL GAS
8054197	NM-0576-80	3003922033	103		SAN JUAN 29-7 UNIT #116	BASIN DAKOTA	150,0	EL PASO NATURAL GAS
8054168	NM-0497-80	3003907808	108		SAN JUAN 30-4 UNIT #14	EAST BLANCO-PICTURED CLI	27,0	EL PASO NATURAL GAS
8054169	NM-0500-80	3003920777	108		SAN JUAN 30-4 UNIT #34	EAST BLANCO-PICTURED CLI	18,0	EL PASO NATURAL GAS
8054166	NM-490-80	3004509441	108		SCHUMACHER #12	BASIN-DAKOTA GAS	18,0	EL PASO NATURAL GAS
8054222	NM-0605-80	3004524065	103		SUNRAY C #1A	BLANCO MESAVERDE	110,0	EL PASO NATURAL GAS
8054192	NM-0569-80	3004523696	103		TAPP #2A	BLANCO MESAVERDE	110,0	EL PASO NATURAL GAS
8054190	NM 0568-80	3004523853	103		TAPP #4A	BLANCO MESAVERDE	150,0	EL PASO NATURAL GAS
8054173	NM-0549-80	3004507247	108		WARREN #6	AZTEC-PICTURED CLIFFS GA	8,0	EL PASO NATURAL GAS
*EL RAN INC					RECEIVED: 08/22/80 JA: NM 4			

JO NO	JA DAT	API NO	SEC	D WELL NAME
8054164	NM-0464-80	3000520715	103	FEDERAL #5
*ENERGY RESERVES GROUP INC				RECEIVED: 08/22/80 JA: NM 4
8054147	NM-0328-80	3004523819	103	E H PIPKIN #6-E
8054146	NM-0327-80	3004523785	103	E H PIPKIN #7-E
8054205	NM-0585-80	3004523820	103	GALLEGUS CANYON UNIT P C #289
8054206	NM-0586-80	3004523995	103	GALLEGUS CANYON UNIT P C #295
8054207	NM-0587-80	3004523997	103	GALLEGUS CANYON UNIT P C #296
8054208	NM-0588-80	3004523996	103	GALLEGUS CANYON UNIT P C #297
8054209	NM-0589-80	3004523999	103	GALLEGUS CANYON UNIT P C #299
8054210	NM-0590-80	3004524012	103	GALLEGUS CANYON UNIT P C #303
*EXXON CORPORATION				RECEIVED: 08/22/80 JA: NM 4
8054202	NM-0581-80	3002526485	103	BOWERS A FEDERAL #37
*HARVEY E YATES COMPANY				RECEIVED: 08/22/80 JA: NM 4
8054165	NM-0469-80	3001523089	102	EAST TRAVIS #1
8054203	NM-0582-80	3002526640	102	YOUNG DEEP UNIT #1
*J GREGORY MERRION & ROBT L BAYLESS				RECEIVED: 08/22/80 JA: NM 4
8054231	NM-0622-80	3004522309	108	CHACO #1
8054163	NM-0449-80	3003920215	108	FIELDS COM #1
*JEROME P MCHUGH				RECEIVED: 08/22/80 JA: NM 4
8054229	NM-0612-80	3004524182	103	COLKET #1E
*NORTHWEST PIPELINE CORPORATION				RECEIVED: 08/22/80 JA: NM 4
*8054216	NM-0597-80	3003921141	108	SAN JUAN 30-5 #43
*8054217	NM-0599-80	3004511251	108	SAN JUAN 32-7 #14
8054215	NM-0596-80	3004522170	108	SAN JUAN 32-8 #37
8054227	NM-0610-80	3003921790	103	SJ 29-6 #111
*R & G DRILLING CO C/O WALSH ENG				RECEIVED: 08/22/80 JA: NM 4
8054137	NM-4574-79	3004506220	108	HAMMOND NO 40
*SOUTHLAND ROYALTY CO				RECEIVED: 08/22/80 JA: NM 4
8054174	NM-0550-80	3004523751	103	AZTEC #8E
8054201	NM-0580-80	3004523927	103	NEWMAN B #6E
8054196	NM-0575-80	3004523829	103	REID PRI #2
8054230	NM-0618-80	3004524150	103	STATE LINE #2
*SUN OIL COMPANY (DELAWARE)				RECEIVED: 08/22/80 JA: NM 4
8054156	NM-0360-80	3001502943	108	DODD -B- WELL NO 3-12
8054155	NM-0359-80	3001502946	108	DODD -B- WELL NO 3-15
8054154	NM-0358-80	3001520005	108	DODD -B- WELL NO 3-17
8054153	NM-0356-80	3001520027	108	DODD -B- WELL NO 3-19
8054152	NM-0355-80	3001520078	108	DODD -B- WELL NO 3-24
8054151	NM-0354-80	3001520164	108	DODD -B- WELL NO 3-29
8054150	NM-0353-80	3001520483	108	DODD -B- WELL NO 3-34
8054158	NM-362-80	3000520187	108	WOODMAN-FEDERAL WELL NO 4
8054157	NM-0361-80	3000520193	108	WOODMAN-FEDERAL WELL NO 7
*SUPRON ENERGY CORPORATION				RECEIVED: 08/22/80 JA: NM 4
8054232	NM-0626-80	3004523678	103	HELMS FEDERAL 2
8054233	NM-0627-80	3004523828	103	LARGO FEDERAL 3
8054234	NM-0628-80	3004523681	103	SANCHEZ 4
8054235	NM-0629-80	3004523734	103	SUMMIT 8
*TENNECO OIL COMPANY				RECEIVED: 08/22/80 JA: NM 4
8054226	NM-0609-80	3004523458	103	CASE A #1
8054142	NM-0024-80	3004523513	103	DAY #4
8054225	NM-0608-80	3004524032	103	HUGHES #7
8054148	NM-0339-80-A	3004523493	103	JACKSON #1-A(MV)

FIELD NAME	PROD	PURCHASER
CHAVEROO (SAN ANDRES)	120,3	TRANSWESTERN PIPELIN
BASIN DAKOTA	288,0	SOUTHERN UNION GATHE
BASIN DAKOTA	144,0	SOUTHERN UNION GATHE
KUTZ WEST PICTURED CLIFF	63,0	EL PASO NATURAL GAS
KUTZ WEST PICTURED CLIFF	27,0	EL PASO NATURAL GAS
KUTZ WEST PICTURED CLIFF	37,0	EL PASO NATURAL GAS
KUTZ WEST PICTURED CLIFF	25,0	EL PASO NATURAL GAS
KUTZ WEST PICTURED CLIFF	27,0	EL PASO NATURAL GAS
KUTZ WEST PICTURED CLIFF	54,0	EL PASO NATURAL GAS
YATES	81,0	EL PASO NATURAL GAS
WILDCAT MORROW	720,0 3650,0	EL PASO NATURAL GAS
WAW FRUITLAND/PICTURED C	15,0	SOUTHERN UNION EXPLO
OTERO CHACRA	17,0	NORTHWEST PIPELINE C
BASIN DAKOTA	1455,0	EL PASO NATURAL GAS
BLANCO MESAVERDE	0,0	EL PASO NATURAL GAS
BLANCO MESAVERDE	0,0	EL PASO NATURAL GAS
LOS PINOS FRUITLAND	19,0	EL PASO NATURAL GAS
BLANCO PICTURED CLIFFS	21,0	NORTHWEST PIPELINE C
BLANCO PICTURED CLIFFS -	18,6	EL PASO NATURAL GAS
BASIN	75,0	SOUTHERN UNION GATHE
BASIN	80,0	SOUTHERN UNION GATHE
FULCHER KUTZ	75,0	GAS CO OF NEW MEXICO
BASIN	80,0	EL PASO NATURAL GAS
GRAYBURG JACKSON QUEEN G	0,1	PHILLIPS PETROLEUM C
GRAYBURG JACKSON QUEEN G	0,1	PHILLIPS PETROLEUM C
GRAYBURG JACKSON QUEEN G	0,1	PHILLIPS PETROLEUM C
GRAYBURG JACKSON QUEEN G	0,1	PHILLIPS PETROLEUM C
GRAYBURG JACKSON QUEEN G	0,1	PHILLIPS PETROLEUM C
GRAYBURG JACKSON QUEEN G	0,1	PHILLIPS PETROLEUM C
GRAYBURG JACKSON QUEEN G	0,4	PHILLIPS PETROLEUM C
CATO/SAN ANDRES	0,4	CITIES SERVICE CO
CATO/SAN ANDRES	0,1	CITIES SERVICE CO
AZTEC PICTURED CLIFFS	168,0	SOUTHERN UNION GATHE
FARMINGTON SAND	26,0	SOUTHERN UNION GATHE
AZTEC PICTURED CLIFFS	69,0	SOUTHERN UNION GATHE
AZTEC FRUITLAND EXT	72,0	SOUTHERN UNION GATHE
BASIN DAKOTA	500,0	EL PASO NATURAL GAS
BASIN DAKOTA	500,0	EL PASO NATURAL GAS
BASIN DAKOTA	500,0	EL PASO NATURAL GAS
BLANCO MESAVERDE	500,0	SOUTHERN UNION GATHE

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME		PROD	PURCHASER
8054149	NM-0339-80-B	3004523493	103	JACKSON #1-A(DK)	BASIN DAKOTA		500,0	EL PASO NATURAL GAS
8054224	NM-0607-80	3004523425	103	LINDSEY B #1	BASIN DAKOTA		500,0	EL PASO NATURAL GAS
*YATES PETROLEUM CORPORATION				RECEIVED: 08/22/80 JA: NM 4				
8054179	NM-0555-80	3001523218	103	MOBIL CI FEDERAL NO 5	PENASCO DRAW	SA YESO	0,0	TRANSWESTERN PIPELIN
8054180	NM-0556-80	3001523228	103	MOBIL CI FEDERAL NO 6	PENASCO DRAW	SA YESO	0,0	TRANSWESTERN PIPELIN
8054200	NM-0579-80	3001523136	103	NORTH TURKEY TRACK MU FEDERAL NO 1	UNDESIGNATED		0,0	EL PASO NATURAL GAS
8054199	NM-0578-80	3001523079	103	SOUTH AVALON MA FEDERAL COM NO 1	WILDCAT		0,0	TRANSWESTERN PIPELIN
8054198	NM-0577-80	3001522861	103	SPEARMAN KW FEDERAL COM NO 1	UNDESIGNATED		0,0	TRANSWESTERN PIPELIN
*WILLIAM M WHITLEY				RECEIVED: 08/22/80 JA: UT 4				
8054213	NM 592-80	4303730493	103	1-24 FEDERAL	WILDCAT		18,0	EL PASO NATURAL GAS
8054214	VA-0593-80	4303730522	103	1-25 KIRKWOOD-FEDERAL	TURNER BLUFF		54,0	EL PASO NATURAL GAS

OTHER PURCHASERS

8054167	NORTHWEST PIPELINE CORP
8054171	NORTHWEST PIPELINE CORP
8054216	NORTHWEST PIPELINE CORP
8054217	NORTHWEST PIPELINE CORP
8054223	NORTHWEST PIPELINE CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

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 Pubic Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of the 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 October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29162 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 276

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 9, 1980.

BILLING CODE 6450-85-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********								
*A W YENNE					RECEIVED: 08/22/80 JA: OH			
8053855	05635	3416921355	108	D	JOHN LENGACHER #1*C		0,0	
*AMERICAN PETROEL INC					RECEIVED: 08/22/80 JA: OH			
8053854	05126	3416723646	108	D	HOFFMAN #1		10,7	COLUMBIA GAS TRANSMI
8053852	05124	3416723465	108	D	HONESTY #1		2,1	COLUMBIA GAS TRANSMI
8053853	05125	3416723524	108	D	WEBB #1		3,4	RIVER GAS CO
8053851	05122	3416723602	108	D	WETZ #3		8,8	RIVER GAS CO
*APPALACHIAN PETROLEUM CORP					RECEIVED: 08/22/80 JA: OH			
8053931		3416725449	103		H E JARRELL #5	ADAMS	3,5	COLUMBIA GAS TRANSMI
8053928		3416725249	103		RODGERS ET AL #2	ADAMS	3,5	COLUMBIA GAS TRANSMI
8053929		3416725407	103		WILBUR BAKER #4	ADAMS	3,5	COLUMBIA GAS TRANSMI
*BEREA OIL AND GAS CORPORATION					RECEIVED: 08/22/80 JA: OH			
8053920		3415521355	102		MURCKO UNIT #2	MURCKO UNIT	1,0	COLUMBIA GAS TRANSMI
*BRADFORD OIL CO					RECEIVED: 08/22/80 JA: OH			
8053918		3415320049	108		FRANKS #1		12,0	EAST OHIO GAS CO
8053919		3415320181	108		NEWTON #1		10,4	EAST OHIO GAS CO
8053921		3415720075	108		NORTH AMERICAN REFRACTORIES #1		3,4	EAST OHIO GAS CO
8053922		3415720157	108		REICHMAN #1		4,6	EAST OHIO GAS CO
8053924		3415700209	108		SCHAAR #1		4,2	EAST OHIO GAS CO
8053923		3415700200	108		WILLIAMSON #1		5,9	EAST OHIO GAS CO
*BRYCE K SIMMONS					RECEIVED: 08/22/80 JA: OH			
8053869		3405921068	108		B SIMMONS #1		1,0	EAST OHIO GAS CO
*BUCKEYE OIL PRODUCING CO					RECEIVED: 08/22/80 JA: OH			
8053872		3407522508	103		ROY MILLER #3	ROY & LOVINA MILLER	16,0	COLUMBIA GAS TRANSMI
*CHARLES E CHRISTMAN					RECEIVED: 08/22/80 JA: OH			
8053830	02667	3411121789	108	D	BRIGHT #1		0,2	COLUMBIA GAS TRANSMI
8053814	01318	3411121759	108	D	CHRISTMAN #1		0,2	COLUMBIA GAS TRANSMI
8053815	01317	3411121773	108	D	CHRISTMAN #2		0,2	COLUMBIA GAS TRANSMI
8053824	02182	3411121684	108	D	MARK MCGARRY #2		0,2	COLUMBIA GAS TRANSMI
8053812	01315	3411121830	108	D	PIATT #1		0,0	COLUMBIA GAS TRANSMI
8053825	02183	3411121690	108	D	SAM MCGARRY #1	WAYNE	0,2	COLUMBIA GAS TRANSMI
8053813	01316	3411121555	108	D	SMITH #1		0,4	RIVER GAS CO
*CLAY COUNTY PRODUCTION CO INC					RECEIVED: 08/22/80 JA: OH			
8053911		3412724723	103		BENJAMIN LARGE #2	BENJAMIN LARGE	7,3	COLUMBIA GAS TRANSMI
8053908		3412724623	103		MARIE SNYDER #1	MARIE SNYDER	7,0	FORAKER GAS CO
8053907		3412724622	103		MARIE SNYDER #2	MARIE SNYDER	7,0	FORAKER GAS CO
*CONSOLIDATED RESOURCES OF AMERICA					RECEIVED: 08/22/80 JA: OH			
8053897		3412122240	103		CHARLES & MARTHA SMITH #1	CHARLES L & MARTHA L SMI	24,0	
*DAVID A WALDRON & ASSOC INC					RECEIVED: 08/22/80 JA: OH			
8053847	03193	3415121028	108	D	ALVIN HABEN #1	CLINTON	5,8	EAST OHIO GAS CO
8053839	03161	3409900159	108	D	BEDELL COMMUNITY #1	CLINTON	5,7	EAST OHIO GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053843	03189	3415320152	108	D	BIVENS COMMUNITY #1	CLINTON	5,7	EAST OHIO GAS CO
8053848	03194	3415320150	108	D	BOUTELL COMM #1	CLINTON	8,4	EAST OHIO GAS CO
8053846	03192	3415101045	108	D	E OHIO LIMESTONE(KURTZ) #1	CLINTON	7,7	EAST OHIO GAS CO
8053840	03186	3405520079	108	D	HERING #1	CLINTON	4,0	EAST OHIO GAS CO
8053845	03191	3415121947	108	D	J M WELLS #1	CLINTON	14,5	EAST OHIO GAS CO
8053841	03187	3415121036	108	D	JAKE MILLER COMM #1	CLINTON	5,0	EAST OHIO GAS CO
8053842	03188	3415121046	108	D	SPUHLER COMMUNITY #1	CLINTON	3,3	EAST OHIO GAS CO
8053844	03190	3415320205	108	D	T & E GRIFFITH COMMUNITY	CLINTON	1,9	EAST OHIO GAS COMPAN
*DAVID SHAFER OIL PRODUCERS INC					RECEIVED: 08/22/80 JA: OH			
8053821	01451	3410321407	108	D	DIETER-GIBSON #1		0,0	
8053816	01417	3410321310	108	D	DIETER-TRITT #1		0,3	COLUMBIA GAS TRANSMI
8053820	01421	3407500191	108	D	J SMITH #2		0,3	COLUMBIA GAS TRANSMI
8053822	02075	3410320580	108	D	KAMPS #1		4,0	COLUMBIA GAS TRANSMI
8053823	02076	3410320514	108	D	S BROWN #1		4,0	COLUMBIA GAS TRANSMI
8053818	01419	3416921554	108	D	W WILES #1		1,0	COLUMBIA GAS TRANSMI
8053819	01420	3416900070	108	D	W WILES #2		1,0	COLUMBIA GAS TRANSMI
8053817	01418	3416900071	108	D	W WILES #3		1,0	COLUMBIA GAS TRANSMI
*DAVIS FRAC TANKS & SUPPLY					RECEIVED: 08/22/80 JA: OH			
8053860	05742	3405921390	108	D	LEWIS ST CLAIR #1	CLINTON	10,0	COLUMBIA GAS TRANSMI
8053859	05741	3405921445	108	D	M KORNOKOVICH #1	CLINTON	11,0	COLUMBIA GAS TRANSMI
*EL PATRON OIL & GAS CO/WALDRON & AS					RECEIVED: 08/22/80 JA: OH			
8053838	03160	3415721550	108	D	JOHN R WELLING #1	CLINTON	3,2	EAST OHIO GAS CO
*ENERGY DEVELOPMENT CORP					RECEIVED: 08/22/80 JA: OH			
8053866		3400721366	103		PIETRASZ WELL #3	WALTER PIETRASZ	23,0	EAST OHIO GAS CO
8053864		3400721360	103		SAWICKI WELL #1	STANLEY SAWICKI	20,0	EAST OHIO GAS CO
8053865		3400721361	103		SAWICKI WELL #2	STANLEY SAWICKI	25,0	EAST OHIO GAS CO
*EVERFLOW EASTERN INC					RECEIVED: 08/22/80 JA: OH			
8053874		3409920274	108		KISH #1	ELLSWORTH	10,0	AMERICAN ENERGY SERV
8053875		3409920275	108		KISH #2	ELLSWORTH	6,0	AMERICAN ENERGY SERV
8053878		3409920665	108		SEEDS #1	ELLSWORTH	11,0	AMERICAN ENERGY SERV
8053879		3409920679	108		SHEBAN #1	ELLSWORTH	4,0	AMERICAN ENERGY SERV
8053876		3409920631	108		WEHR #2	ELLSWORTH	7,0	AMERICAN ENERGY SERV
8053877		3409920633	108		WEHR #3	ELLSWORTH	7,0	AMERICAN ENERGY SERV
*FLINT OIL & GAS INC					RECEIVED: 08/22/80 JA: OH			
8053828	02245	3415525940	108	D	MCCOLLUM #1		0,0	
8053861	06126	3415520668	108	D	MILES LEE #2 (2038)		5,0	EAST OHIO GAS CO
8053827	02233	3415524820	108	D	MILLER UNIT #2		0,0	
8053826	02229	3415524760	108	D	SWENSEN UNIT #1		0,0	
*FORAKER PRODUCING COMPANY INC					RECEIVED: 08/22/80 JA: OH			
8053904		3412724494	103		COOPERIDER 2	RALPH COOPERRIDER	8,0	
8053909		3412724639	103		HOOVER NO 1	KERMIT & JOANN HOOVER	7,5	
8053867		3400922017	103		POSTON 3	VELMA POSTON ET AL	7,0	
*HELEN & J L COATS					RECEIVED: 08/22/80 JA: OH			
8053850	04639	3405320250	108	D	TEDDY JOE DILLARD #1		8,0	COLUMBIA GAS TRANSMI
*HOPCO RESOURCES INC					RECEIVED: 08/22/80 JA: OH			
8053890		3411925096	103		MARY E DUNFEE #1	MARY E DUNFEE	12,0	COLUMBIA GAS TRANSMI
8053933		3411925134	103		MARY VENSIL #1	MUSKINGUM	12,0	COLUMBIA GAS TRANSMI
8053889		3411924207	103		ROBERT L BELL #1	ROBERT L & ELIZABETH B B	12,0	COLUMBIA GAS TRANSMI
8053892		3411925099	103		THOMAS JOHNSON #1	THOMAS JOHNSON ETAL	12,0	COLUMBIA GAS TRANSMI
8053893		3411925102	103		THOMAS JOHNSON #2	THOMAS JOHNSON ETAL	12,0	COLUMBIA GAS TRANSMI
8053891		3411925097	103		VIOLA MCCANN #2	VIOLA MCCANN	12,0	COLUMBIA GAS TRANSMI
*HORTIN & HUFFMAN					RECEIVED: 08/22/80 JA: OH			

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053811	01313	3400523137	108	D	ROGER & MILDRED GAINES #1		2,0	COLUMBIA GAS TRANSMI
*IRVIN PRODUCING COMPANY					RECEIVED: 08/22/80 JA: OH			
8053906		3412724523	103		CHARLES SHEPPARD #1	CHARLES SHEPPARD & BARBA	12,0	COLUMBIA GAS TRANSMI
8053912		3412724737	103		O F LECKRONE #1	O F LECKRONG	12,0	COLUMBIA GAS TRANSMI
*J & J OIL & GAS CO					RECEIVED: 08/22/80 JA: OH			
8053862	06172	3416722835	108	D	GERALD LYNCH #2		2,0	RIVER GAS CO
*J M M LTD PART #1					RECEIVED: 08/22/80 JA: OH			
8053873		3408520282	107		CAMP ROOSEVELT #2	CAMP ROOSEVELT	7,0	EAST OHIO GAS CO
*JAMES U BIEHL INC					RECEIVED: 08/22/80 JA: OH			
8053926		3416725199	103		BUTTERFIELD NO 4	RENO FIELD	0,5	
8053927		3416725246	103		MILLER UNIT NO 1	RENO FIELD	2,2	
*JOE ESTOK					RECEIVED: 08/22/80 JA: OH			
8053863		3400720100	108		J ESTOK #1		1,0	EAST OHIO GAS CO
*JOE L SCHRIMSHER					RECEIVED: 08/22/80 JA: OH			
8053932		3416922351	103		MEGGYESY #1	PLAIN	20,0	COLUMBIA GAS TRANSMI
*JOHN B LYTLE III					RECEIVED: 08/22/80 JA: OH			
8053849	04616	3416921481	108	D	WEINMAN #1		5,0	COLUMBIA GAS TRANSMI
*L & M PETROLEUM					RECEIVED: 08/22/80 JA: OH			
8053905		3412724507	103		RICHARD EVANS #2	RICHARD EVANS	16,0	COLUMBIA GAS TRANSMI
*L&M EXPLORATION INC					RECEIVED: 08/22/80 JA: OH			
8053836	02740	3416724094	108	D	DAVID ARCHER #1		12,8	GAS TRANSPORT INC
8053831	02711	3416724334	108	D	ELLA RAUCH #2		12,8	GAS TRANSPORT INC
8053835	02739	3416724152	108	D	HERBERT HUCK #1		12,8	GAS TRANSPORT INC
8053829	02710	3416724114	108	D	JAMES BAUERBACK #1		12,8	GAS TRANSPORT INC
8053834	02738	3416724171	108	D	JIM HUCK 1-A		12,8	GAS TRANSPORT INC
8053837	02741	3416723963	108	D	LEO LANG #1		12,8	GAS TRANSPORT INC
8053833	02737	3416724257	108	D	ROBERT WAGNER 1-A		12,8	GAS TRANSPORT INC
8053832	02712	3416724103	108	D	V D AUGENSTEIN #1		12,8	GAS TRANSPORT INC
*M & L DRILLING CO					RECEIVED: 08/22/80 JA: OH			
8053857	05659	3408322133	108	D	HOFT #2	CLINTON	18,0	COLUMBIA GAS TRANSMI
8053856	05658	3408322198	108	D	MOORE #2	CLINTON	9,0	COLUMBIA GAS TRANSMI
*NOBLE ENERGY					RECEIVED: 08/22/80 JA: OH			
8053896		3412122221	103		BESSIE FLEEMAN #1	BESSIE FLEEMAN ETAL	25,0	COLUMBIA GAS TRANSMI
*NOBLE GAS CO					RECEIVED: 08/22/80 JA: OH			
8053858	05740	3411922067	108	D	LESTER PROUTY #1	CLINTON	10,0	COLUMBIA GAS TRANSMI
*PAGE P BLAKEMORE					RECEIVED: 08/22/80 JA: OH			
8053925		3416725096	103		CARL DUNN NO 1	GRANDVIEW	21,5	
*PARTNERS OIL COMPANY					RECEIVED: 08/22/80 JA: OH			
8053895		3411925170	103		MARTIN #1-79C	K MARTIN	20,0	NATIONAL GAS & OIL C
8053894		3411925169	103		MARTIN #2-79C	K MARTIN	20,0	NATIONAL GAS & OIL C
*PETRO FINANCIAL CORP					RECEIVED: 08/22/80 JA: OH			
8053868		3403123623	103		R & V BOWEN (RMINE UNIT #1)	R & V BOWEN	10,0	COLUMBIA GAS TRANSMI
*R D CURRY PRODUCTION COMPANY					RECEIVED: 08/22/80 JA: OH			
8053871		3407522450	103		VIVA TOPA FETTERS #2	VIVA TOPA FETTERS	0,0	COLUMBIA GAS TRANSMI
*RELIANCE MANAGEMENT CO					RECEIVED: 08/22/80 JA: OH			
8053870		3407322304	103		IRMA POWELL #1	IRMA POWELL	8,0	COLUMBIA GAS TRANSMI
*SHELDON L TURRILL					RECEIVED: 08/22/80 JA: OH			
8053910		3412724708	103		#1 ZIEHLKE	J ZIEHLKE	50,0	COLUMBIA GAS TRANSMI
*THE OXFORD OIL CO					RECEIVED: 08/22/80 JA: OH			
8053887		3411923776	108		EDITH SWINGLE #1		9,0	NATIONAL GAS & OIL C
8053882		3411923332	108		JAMES SNIDER #1		13,0	NATIONAL GAS & OIL C
8053881		3411521526	108		LUCY THOMAS #1		1,0	NATIONAL GAS & OIL C

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053901		3412721582	108		MARY WALSER #11		1,0	NATIONAL GAS & OIL C
8053902		3412721588	108		MARY WALSER #12		1,0	NATIONAL GAS & OIL C
8053903		3412721631	108		MARY WALSER #13		1,0	NATIONAL GAS & OIL C
8053899		3412721300	108		MARY WALSER #4		1,0	NATIONAL GAS & OIL C
8053900		3412721539	108		MARY WALSER #7		1,0	NATIONAL GAS & OIL C
8053884		3411923569	108		MELVIN SHINGLE #1		11,0	NATIONAL GAS & OIL C
8053886		3411923696	108		RUTH TYLER #1		12,0	NATIONAL GAS & OIL C
8053885		3411923608	108		TEMPLE-MILLER #1		5,0	NATIONAL GAS & OIL C
8053888		3411923856	108		TEMPLE-RHODES #2		13,0	NATIONAL GAS & OIL C
8053883		3411923464	108		TYSINGER UNIT #1		8,0	NATIONAL GAS & OIL C
*THUNDERBIRD PETROLEUM DEVELOP CO					RECEIVED: 08/22/80 JA: OH			
8053898		3412122276	103		BOGER WELL #1	RALPH BOGER	50,0	
*VIKING RESOURCES CORPORATION					RECEIVED: 08/22/80 JA: OH			
8053915		3415123224	103		FARNSWURTH UNIT #1	FARNSWORTH UNIT	30,0	
8053916		3415123225	103		FARNSWURTH UNIT #2	FARNSWORTH UNIT	0,0	
8053917		3415123226	103		FARNSWURTH UNIT #3	FARNSWORTH UNIT	0,0	
8053913		3415123217	103		PIMPLE #1	PIMPLE	30,0	
8053914		3415123218	103		PIMPLE #2	PIMPLE	30,0	
*WASHINGTON ENERGY LTD					RECEIVED: 08/22/80 JA: OH			
8053930		3416725433	103		LOWELL WALLS #1	LUDLOW	25,0	COLUMBIA GAS TRANSMI
8053880		3411121924	103		USA #1	UNITED STATES OF AMERICA	26,0	COLUMBIA GAS TRANSMI
**********								
OKLAHOMA CURPORATION COMMISSION								
**********								
*AMCOLE DRILLING CO					RECEIVED: 08/18/80 JA: OK			
8053975	04742	3507300000	103		LEO MIZE #1	SOONER TREND	144,0	CONTINENTAL OIL CO
*AMOCO PRODUCTION CO					RECEIVED: 08/18/80 JA: OK			
8053996	04733	3504320808	103		G OAKLEY UNIT #1	PUTNAM	50,0	MOBIL OIL CORP
*ARCO OIL AND GAS COMPANY					RECEIVED: 08/18/80 JA: OK			
8053987	04846	3504721878	103		CURTIS HILL #1	SOONER TREND	36,5	PANHANDLE EASTERN PI
8053942	04812	3504721953	103		ORA MAXEY #1	SOUTH DOUGLAS	36,5	
*ARKLA EXPLORATION COMPANY					RECEIVED: 08/18/80 JA: OK			
8053957	7781	3500920292	102		STATE OF OKLAHOMA #1-31 (VIOLA)	NORTH CARTER	72,0	ARKANSAS LOUISIANA G
*BLAIK OIL COMPANY					RECEIVED: 08/18/80 JA: OK			
8054011	04641	3508321172	103		COTHERN #1	S E ELKHORN	3,0	EASON OIL CO
*CHASE EXPLORATION CORP					RECEIVED: 08/18/80 JA: OK			
8053945	03464	3507100000	103		KAHLE #1 (WILDCAT)		32,0	CITIES SERVICE GAS C
*CLIFFORD RESOURCES INC					RECEIVED: 08/18/80 JA: OK			
8053959	4755	3504721984	103		ARVIN NO 1	NORTHWEST ENID	250,0	PANHANDLE EASTERN PI
8053958	4756	3504721856	103		DOWERS	NORTHWEST ENID	140,0	CONOCO INC
8053973	04767	3507322214	103		MARTIN NO 1-3	WEST CASHION	400,0	CONOCO INC
*CONOCO INC					RECEIVED: 08/18/80 JA: OK			
8053936	04842	3501721108	103		HUFNAGEL A NO 1	CONCHO	7,3	PHILLIPS PETROLEUM
*CULPEPPER OIL CO					RECEIVED: 08/18/80 JA: OK			
8054008	4008	3501721066	103		HURST 1	WEST YUKON	219,0	PHILLIPS PETROLEUM C
8053955	04007	3501721037	103		VASICEK C-1	WEST YUKON	180,0	PHILLIPS PETROLEUM C
*DYCO PETROLEUM CORPORATION					RECEIVED: 08/18/80 JA: OK			
8053976	04721	3504320939	103		BULLARD #1	LEEDY	200,0	COLUMBIA GAS TRANSMI
*FERGUSON OIL & GAS COMPANY INC					RECEIVED: 08/18/80 JA: OK			
8053963	04808	3508321012	103		HEIMAN #1	PRAIRIE BELLE	220,0	PHILLIPS PETROLEUM C
*FLOYD A DOAN					RECEIVED: 08/18/80 JA: OK			
8053993	02519	3507100000	108		DENTON	NW GARRETT	9,0	CITIES SERVICE CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053994	02518	3507100000	108		DENTON #2	NW GARRETT	9,0	CITIES SERVICE CO
*HAMM PRODUCTION CO					RECEIVED: 08/18/80 JA: OK			
8053964	4796	3504721692	103		R BRUNKEN #1	SOUTH GARBER	95,0	ATLANTIC RICHFIELD O
*HARPER OIL COMPANY					RECEIVED: 08/18/80 JA: OK			
8053984	4885	3515120954	102		GOUCHER #1	WILDCAT	182,0	PANHANDLE EASTERN PI
8053967	04696	3501120966	103		H C GROENDYKE #1	N W GEARY	700,0	TRANSOK PIPE LINE CO
8053985	4884	3509321674	102		RANSON #1	N BADD	55,0	PHILLIPS PETROLEUM C
8053990	04105	3504721951	103		VERNA #1	S E DOUGLAS	430,0	ARCO OIL AND GAS CO
*HOOVER & BRACKEN ENERGIES					RECEIVED: 08/18/80 JA: OK			
8054012	04640	3504320795	103		SOUTH #1-B	LEEDEY	365,0	ARKANSAS LOUISIANA G
*HUNGERFORD OIL & GAS INC					RECEIVED: 08/18/80 JA: OK			
8053943	04811	3504722014	103		BAKER NO 1	NORTHWEST ELKHORN	139,7	AMINOIL USA INC
8053988	04725	3504721756	103		HERMANSKI NO 1	WILDCAT	28,1	ARCO OIL & GAS CO
8053962	04809	3508321050	103		HEWHERTER #2	NW ELKHORN	124,1	AMINOIL USA INC
8053992	04726	3500320682	103		SHEPARD NO 1	N RINGWOOD	29,1	AMINOIL USA INC
8053961	04810	3508321131	103		VOREIS-JORDAN NO 1	NW ELKHORN	122,5	AMINOIL USA INC
*KENNEDY & MITCHELL INC					RECEIVED: 08/18/80 JA: OK			
8053951	03383	3515300000	103		ESPY #19-343	(C SE 17-20N-17W)	360,0	NORTHERN NATURAL GAS
8053944	03677	3500500000	103		FRONK #20-314	(C SW 1-1N-22ECM)	730,0	NORTHERN NATURAL GAS
8053950	03386	3515300000	103		GATES #18-184-2	QUINLAN NW CHESTER (C SE	273,0	NORTHERN NATURAL GAS
8053949	03388	3505900000	103		HENDERSON #19-309	N W QUINLAN (C SE 22-25N	80,0	NORTHERN NATURAL GAS
8053947	03396	3505900000	103		LINDSAY #16-98-2	(C NE 36-28N-23W)	270,0	NORTHERN NATURAL GAS
8053948	03390	3505900000	103		MAY #22-95	LAVERNE (SE NE 12-25N-25	400,0	NORTHERN NATURAL GAS
8054005	02173	3505900000	103		MAYBERRY #13-130	(NE NW 19-27N-20W)	400,0	NORTHERN NATURAL GAS
8054004	02195	3515300000	103		RICHMOND #12-136	QUINLAN NW CHESTER	30,0	NORTHERN NATURAL GAS
8053946	03399	3505900000	103		ROGERS #22-326	(NE NE 19-29N-21W)	270,0	NORTHERN NATURAL GAS
8053954	03678	3500700000	103		WELLS #20-316	(C SW 35-2N-22ECM)	500,0	NORTHERN NATURAL GAS
*KERR-MCGEE CORPORATION					RECEIVED: 08/18/80 JA: OK			
8053956	03605	3501700000	103		HALL NO 1	EAST EL RENO FIELD	0,0	DELHI GAS PIPELINE C
*L G WILLIAMS OIL COMPANY INC					RECEIVED: 08/18/80 JA: OK			
8053970	04665	3501721189	103		BOHLMANN 28-3	NORTH CONCHO	166,3	PHILLIPS PETROLEUM C
8053968	04663	3501721234	103		KOUBA 24-2	YUKON	130,0	PHILLIPS PETROLEUM C
8054010	04664	3501721116	103		SCHIEBER 32-1	NORTH CONCHO	54,7	PHILLIPS PETROLEUM C
8053969	04666	3501721147	103		WELCH 23-1	WEST PIEDMONT	77,4	PHILLIPS PETROLEUM C
*LRF CORP					RECEIVED: 08/18/80 JA: OK			
8054006	02167	3512900000	103		ATOR #1	ATOR	365,0	
*MAY PETROLEUM INC					RECEIVED: 08/18/80 JA: OK			
8053995	02357	3505920670	103		BLANCHARD MIZLEY #1	MOCANE-LAVERNE	150,0	NORTHERN NATURAL GAS
*ONEAL DRILLING					RECEIVED: 08/18/80 JA: OK			
8053981	02428	3513700000	108		SLEDGE NO 1A	VELMA FIELD	7,6	GETTY OIL CO
8053980	02426	3501900000	108		SPEARS NO 1	SHOLEM ALECHEM	4,5	AMINOIL OIL
*ONG EXPLORATION INC					RECEIVED: 08/18/80 JA: OK			
8053965	04793	3501721097	103		SCHEIN NO 3	NORTH YUKON	130,0	PHILLIPS PETROLEUM C
*PETROLIA DRILLING CORP					RECEIVED: 08/18/80 JA: OK			
8054009	02773	3507300000	108		ART #1	NONE	13,5	PETRO-LEWIS CORP
8053960	02772	3507300000	108		BRECKENRIDGE		10,8	PETRO-LEWIS CORP
8053972	02786	3504700000	108		MCGEE		8,7	PETRO-LEWIS CORP
*PRIEST EXPLORATIONS INC					RECEIVED: 08/18/80 JA: OK			
8053952	03367	3515330851	103		STUFFLEBEAN #1	SHARON- NW	105,0	PRODUCERS GAS CO
*RALPH E PLOTNER OIL & GAS INVEST IN					RECEIVED: 08/18/80 JA: OK			
8054000	4728	3501721363	103		FERSLEW-MONTGOMERY NO 1-15	YUKON	280,0	
8054003	4731	3501721161	103		HENDERSON NO 1	YUKON	300,0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054002	4730	3501721361	103		VOGT 2-32	YUKON	420.0	PHILLIPS PETROLEUM C
8054001	4729	3501721364	103		WHEATLEY NO 1	YUKON	500.0	
*READING & BATES PETROLEUM CO					RECEIVED: 08/18/80 JA: OK			
8053983	04813	3500700000	108		FISH NO 1	SOUTHWEST ELMWOOD	1.1	PHILLIPS PETROLEUM C
8053982	04814	3500700000	108		FISH B NO 1	SOUTHEAST UNION	11.1	PHILLIPS PETROLEUM C
*RED EAGLE OIL CO					RECEIVED: 08/18/80 JA: OK			
*8053989	04724	3509321692	103		HANNAH NO 1	FAIRVIEW	73.0	PIONEER GAS PRODUCTI
*RICK BUCK					RECEIVED: 08/18/80 JA: OK			
8054013	04549	3501721092	103		VOGT NO 1-32	S YUKON	190.0	PHILLIPS PETROLEUM C
*ROBERT COLE					RECEIVED: 08/18/80 JA: OK			
8053991	4064	3505320545	103		NO 1 WALLACE	MAYFLOWER	250.0	CRA INC KANSAS CTY M
*SABINE CORP					RECEIVED: 08/18/80 JA: OK			
8053953	02895	3512900000	108		WOOLLEY NO 2-13	N W LELDY	1.0	PANHANDLE EASTERN PI
*SOUTHLAND ROYALTY CO					RECEIVED: 08/18/80 JA: OK			
8053986	04856	3509321574	103		ENGLAND #1-17	E RICHMOND	150.0	MICHIGAN WISCONSIN P
*SUNRISE EXPLORATION INC					RECEIVED: 08/18/80 JA: OK			
8053977	04704	3500320641	103		GINDER #1-27	N E JET	73.0	PIONEER GAS PRODUCTS
8053966	04703	3500320671	103		SMITH #1-26	N E JET	65.0	PIONEER GAS PRODUCTS
*TENNECO OIL COMPANY					RECEIVED: 08/18/80 JA: OK			
8053934	02687	3505300000	108		FOREST GORDON #1	WAKITA TREND	7.8	CITIES SERVICE GAS C
*TEXACO INC					RECEIVED: 08/18/80 JA: OK			
8053974	4745	3513921220	103		STEFFEN UNIT NO 2	CAMRICK	90.0	KANSAS-NEBRASKA NAT
*TEXAS OIL & GAS CORP					RECEIVED: 08/18/80 JA: OK			
8054007	04517	3507920326	103		COGGINS A #1		163.0	
8053939	04818	3513500000	103		POWELL C #1	BRENT	342.0	
*THE GHK COMPANY					RECEIVED: 08/18/80 JA: OK			
8053937	04841	3512920391	103		1-17 WILKS	CARPENTER FIELD	300.0	
*TODDCO PETROLEUM INC					RECEIVED: 08/18/80 JA: OK			
8053999	2311	3505500000	103		HOOD NO 1	S BLOOMINGTON	14.6	DAC PIPELINE
8053997	2313	3505520316	103		HADDOX NO 1	S BLOOMINGTON	51.0	DAC PIPELINE CO
*UNION OIL COMPANY OF CALIF					RECEIVED: 08/18/80 JA: OK			
8053971	04791	3500920296	103		MAYFIELD UNIT #1-33	NE MAYFIELD	1200.0	EL PASO NATURAL GAS
*UNIT DRILLING CO					RECEIVED: 08/18/80 JA: OK			
8053940	04817	3507920328	103		ALBERT #1	CAMERON	92.0	ARKANSAS LOUISIANA G
8053938	04819	3505120848	103		DUNN NO 1	CHICKSHA S E	220.0	ARKANSAS LOUISIANA G
8053941	04816	3507920306	103		JESSIE MCBEE NO 1-29	BOKOSHE S	450.0	ARKANSAS LOUISIANA G
*US MINERAL & ROYALTY CORP					RECEIVED: 08/18/80 JA: OK			
8053978	02361	3512720006	102	D	COCHRAN #1-14	SOUTHWEST MOYERS	18.0	U S GAS GATHERING CO
8053979	2363	3512720005	102	D	URFER #1-16	SOUTHWEST MOYERS	18.0	U S GAS GATHERING CO
*WORLDWIDE ENERGY CORPORATION					RECEIVED: 08/18/80 JA: OK			
8053998	02281	3500720535	108		MARY KIGHT #1-26	DOMBEY	8.0	KANSAS-NEBRASKA NATU
8053935	02275	3500700000	108	D	RATZLAFF #1	DOMBEY	15.0	KANSAS-NEBRASKA NATU
**********								
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
**********								
*APPALACHIAN ENERGY INC					RECEIVED: 08/21/80 JA: PA			
8054052	5313	3704922098	102		P MCINTYRE #1 A-E-89	SILURIAN SANDS	30.0	COLUMBIA GAS TRANSMI
*BENCHMARK OIL INC					RECEIVED: 08/21/80 JA: PA			
8054078	5286	3712327926	102		GIORDON #1	FREEHOLD	60.0	COLUMBIA GAS TRANSMI
8054079	5287	3712327837	102		SAVKO #2	FREEHOLD	60.0	COLUMBIA GAS TRANSMI
*BOYD & SHRIVER					RECEIVED: 08/21/80 JA: PA			
8054108	5380	3703100000	108		129-LAUGHLIN	PORTER	1.5	ST CHARLES REFRACTOR
8054109	5381	3703100000	108		171-METRICK	MAHONING	3.2	ST CHARLES REFRACTOR

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054110	5382	3703100000	108		179=METRICK	MAHONING	3,2	ST CHARLES REFRACTOR
8054111	5383	3703100000	108		184=METRICK	MAHONING	3,2	ST CHARLES REFRACTOR
8054112	5384	3700500000	108		185=BISH	MADISON	2,7	ST CHARLES REFRACTOR
8054047	5305	3700500000	108		203=DOVERSPIKE	REDBANK	2,8	PEOPLES NATURAL GAS
8054113	5385	3700520315	108		253=BISH	MADISON	2,9	ST CHARLES REFRACTOR
8054080	5306	3706322457	103	D	426=WULFERT	NORTH MAHONING	13,9	T W PHILLIPS GAS AND
8054081	5307	3706322489	103	D	428=WULFERT	NORTH MAHONING	19,2	T W PHILLIPS GAS AND
8054106	5378	3703100000	108		70=LAUGHLIN	PORTER	0,0	ST CHARLES REFRACTOR
8054107	5379	3703100000	108		76=LAUGHLIN	PORTER	1,7	ST CHARLES REFRACTOR
=CASTLE GAS CO INC					RECEIVED: 08/21/80 JA: PA			
8054075	973	3712920825	108		A E DAVIS #3 (C=324) WE8=20825	DERRY TOWNSHIP	14,0	PEOPLES NATURAL GAS
8054014	1000	3700521537	108	D	EDWARD BORTS #2 (C=54) ARM=21537	KITTANNING TWP	3,0	EQUITABLE GAS CO
8054074	885	3706321919	108		I V CONRAD #1 C=44 IND=21919	ARMSTRONG	11,0	PEOPLES NATURAL GAS
8054073	804	3706322164	108		R & P COAL CO G L STEWART #3	YOUNG TOWNSHIP	6,0	COLUMBIA GAS TRANS C
=CHARLEMAGNE INVESTMENT CORP					RECEIVED: 08/21/80 JA: PA			
8054092	5360	3712921614	102		WELL NO 1 N/F NANCY THRELFALL		30,0	COLUMBIA GAS TRANSMI
=CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 08/21/80 JA: PA			
8054070	5338	3706323591	108		ANDREW POLLOCK HEIRS WN=1583	BIG RUN 63423	11,0	GENERAL SYSTEM PURCH
8054067	5335	3706323581	108		DALE E STARTZELL WN=1579	BIG RUN 63423	11,0	GENERAL SYSTEM PURCH
8054051	5330	3706521554	108		GEORGE G SPRAGUE ET AL WN=1660	SOLDIERS RUN 664915	12,0	GENERAL SYSTEM PURCH
8054066	5334	3706521274	108		JOHN E WHIPPLE WN=1540	SOLDIERS RUN 664915	18,0	GENERAL SYSTEM PURCH
8054077		3706521718	108		JOHN R MASLOWSKI WN=1740	SOLDIER RUN 664915	3,0	GENERAL SYSTEM PURCH
8054060	5328	3703320934	103		JOHN RAFFERTY WN=1757	LUMBER CITY 433968	37,0	GENERAL SYSTEM PURCH
8054068	5336	3706323596	108		JUNE ZEMLIN WN=1581	BIG RUN 63423	12,0	GENERAL SYSTEM PURCH
8054061	5329	3712921291	103		M J EARHART WN=1691	OAKFORD 517448	33,0	GENERAL SYSTEM PURCH
8054062	5330	3706521620	103		MAGDALENE M SENIOR WN=1680	RATHMEL 587163	35,0	GENERAL SYSTEM PURCH
8054076	4563	3706521658	108		R & P COAL CO WN=1564	SOLDIER RUN 664915	3,0	GENERAL SYSTEM PURCH
8054105	5377	3706521900	103		R & P COAL CO WN=1764	ELK RUN 219601	30,0	GENERAL SYSTEM PURCH
8054049	5328	3706324680	108		REUBLA L STEEL WN=1327	BIG RUN 063423	11,0	GENERAL SYSTEM PURCH
8054050	5329	3706521103	108		ROCHESTER PITTSBURGH COAL CO	SOLDIERS RUN 664915	18,0	GENERAL SYSTEM PURCH
8054063	5331	3706521441	103		THOMAS J WAYNE WN=1587	RATHMEL 587163	40,0	GENERAL SYSTEM PURCH
8054069	5337	3706323586	108		WILLIAM T KEMMERER WN=1582	BIG RUN 63423	11,0	GENERAL SYSTEM PURCH
=DELTA RESOURCES INC					RECEIVED: 08/21/80 JA: PA			
8054088	5356	3705921487	103		BRYAN #1		36,0	INDUSTRIAL ENERGY SE
8054087	5355	3705921509	103		VOOHRIS/BRYAN #2		36,0	INDUSTRIAL ENERGY SE
=DORAN & ASSOCIATES INC					RECEIVED: 08/21/80 JA: PA			
8054130	5402	3703320647	108		C REIG #1 KS=1	UPPER DEVONIAN SANDS	20,0	CONSOLIDATED GAS SUP
8054127	5399	3703320637	108		G BARKER #1 K=S 7	UPPER DEVONIAN SANDS	20,0	CONSOLIDATED GAS SUP
8054126	5398	3703320638	108		G WHITMORE #1 K=S 6	UPPER DEVONIAN SANDS	20,0	CONSOLIDATED GAS SUP
8054128	5400	3703320636	108		L SILVIS #1 K=S 8	UPPER DEVONIAN SAND	20,0	CONSOLIDATED GAS SUP
8054132	5404	3703320640	108		M REASINGER #1 KS 3	UPPER DEVONIAN SANDS	20,0	CONSOLIDATED GAS SUP
8054129	5401	3703320639	108		M SPAFFORD #1 KS 2	UPPER DEVONIAN SANDS	20,0	CONSOLIDATED GAS SUP
8054031	5288	3706324805	103		ROBERT MILLAR #1 K=Z=5	UPPER DEVONIAN SAND	30,0	COLUMBIA GAS TRANSMI
8054131	5403	3703320641	108		W BUSH #1 KS 4	UPPER DEVONIAN SANDS	20,0	CONSOLIDATED GAS SUP
=DOVERSPIKE/PEACOCK JOINT VENTURE					RECEIVED: 08/21/80 JA: PA			
8054084	5347	3706325496	103		GOSS #1 IND=25496	W PA UPPER DEVONIAN SAND	75,0	COLUMBIA GAS TRANSMI
=FAIRMAN DRILLING CO					RECEIVED: 08/21/80 JA: PA			
8054091	5359	3706521971	103		HAROLD P RHOADES #1 F=2248	BIG RUN	30,0	CONSOLIDATED GAS SUP
8054090	5358	3706522001	103		HERBERT C PERRIE ET AL #1 F=2656	BIG RUN	40,0	CONSOLIDATED GAS SUP
8054089	5357	3706522040	103		HERBERT C PERRIE ET AL #2 F=2715	BIG RUN	30,0	CONSOLIDATED GAS SUP
8054058	5320	3706522060	103		JOHN L VAN DYKE #5 F=2759	BIG RUN	30,0	CONSOLIDATED GAS SUP
=FOX DRILLING CO INC					RECEIVED: 08/21/80 JA: PA			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8054048	5308	3712521306	103		J L THOME #1	FIELD UNNAMED	15,0	COLUMBIA GAS TRANSMI
*FOX O & G INC					RECEIVED: 08/21/80 JA: PA			
8054094	5363	3712920952	103		ALBERT MCMURRAY #1	HEMPFIELD	4,8	LOUDEN PROPERTIES CO
8054096	5365	3712920953	103		ALBERT MCMURRAY #2	HEMPFIELD	3,5	LOUDEN PROPERTIES CO
8054095	5364	3712920954	103		ALBERT MCMURRAY #3	HEMPFIELD	8,2	LOUDEN PROPERTIES CO
8054103	5373	3712921458	103		CLARENCE RHODES #1	SEWICKLEY	20,0	LOUDEN PROPERTIES CO
8054097	5366	3712920957	103		EDWARD SMARTNICK #1	HEMPFIELD	37,4	LOUDEN PROPERTIES CO
8054028	5137	3712521181	108		HANNAH MARVIN #6	PETERS TOWNSHIP	4,6	LOUDEN PROPERTIES CO
8054104	5374	3712921521	103		LOUIS YEMC #1	HEMPFIELD	16,0	LOUDEN PROPERTIES CO
8054100	5369	3712920951	103		PAUL THOMAS #1	HEMPFIELD	6,1	LOUDEN PROPERTIES CO
8054102	5372	3712921033	103		PENNSYLVANIA VISSAT #1	HEMPFIELD	12,8	LOUDEN PROPERTIES CO
8054101	5371	3712921065	103		PENNSYLVANIA VISSAT #2	HEMPFIELD	9,3	LOUDEN PROPERTIES CO
8054029	5138	3712521195	108		RALPH GRIMBLE #2	PETERS TOWNSHIP	6,0	LOUDEN PROPERTIES CO
8054098	5367	3712920949	103		RONALD OVERLY #1	HEMPFIELD	6,1	LOUDEN PROPERTIES CO
8054099	5368	3712920950	103		RONALD OVERLY #2	HEMPFIELD	17,9	LOUDEN PROPERTIES CO
*FRED J RUSSELL DBA LOUDEN PROPERTIE					RECEIVED: 08/21/80 JA: PA			
8054059	5324	3705120256	103		A F KUZNAR 895=1		4,0	
8054054	5316	3712921561	103		J C MCGILL 802=1		30,0	
8054082	5315	3712921628	103		R E FRETTS 909=1		0,0	
*J & J ENTERPRISES INC					RECEIVED: 08/21/80 JA: PA			
8054125	5397	3703320853	108		M A RORABAUGH #1	BURNSIDE	0,2	CONSOLIDATED GAS SUP
8054120	5392	3706323476	108		J C CLARK #1 (429A)	BANKS	0,3	CONSOLIDATED GAS SUP
8054123	5395	3706323658	108		J O CLARK HEIRS #1 (50A)	BANKS	0,1	CONSOLIDATED GAS SUP
8054122	5394	3706323659	108		J O CLARK HEIRS #2 (50A)	BANKS	0,1	CONSOLIDATED GAS SUP
8054119	5391	3703320697	108		JOHN T WEAVER #2	BURNSIDE	0,6	CONSOLIDATED GAS SUP
8054121	5393	3706323477	108		JOS C CLARK #1 (473A)	BANKS	0,1	CONSOLIDATED GAS SUP
8054124	5396	3706521375	108		R & P COAL CO #10	MCCALMONT	0,2	CONSOLIDATED GAS SUP
8054115	5387	3706323505	108		R D HUFF #1 (164A)	BANKS	1,0	CONSOLIDATED GAS SUP
8054114	5386	3703320765	108		R LOUGHNEY #1	BURNSIDE	0,9	CONSOLIDATED GAS SUP
8054116	5388	3706323506	108		ROBERT HUFF #2	BANKS	1,0	CONSOLIDATED GAS SUP
8054117	5389	3703320758	108		WM RORABAUGH #1 (120A)	BELL	0,7	CONSOLIDATED GAS SUP
8054118	5390	3703320759	108		WM RORABAUGH #2 (120A)	BELL	0,7	CONSOLIDATED GAS SUP
*MCCOY NATURAL GAS CO					RECEIVED: 08/21/80 JA: PA			
8054045	5303	3703100000	108		ALTMAN #2 WELL	BEAVER TOWNSHIP	0,7	NATIONAL FUEL GAS CO
8054046	5304	3703100000	108		HAHN/HANST #1747	BEAVER TOWNSHIP	0,7	NATIONAL FUEL GAS CO
8054044	5302	3703100000	108		OLSON #1 WELL	BEAVER TOWNSHIP	0,7	NATIONAL FUEL GAS CO
*MERIDIAN OIL & GAS ENT INC					RECEIVED: 08/21/80 JA: PA			
8054030	5217	3703920551	108		LESLIE SHEFFIELD WELL #1		3,5	NATL FUEL GAS DISTRI
8054027	3612	3703940498	108		NICK KATSILAS WELL #1		3,6	NATL FUEL GAS DISTRI
8054026	3611	3706343240	108		PETER DEMETRO WELL #1		13,0	PEOPLES NATURAL GAS
*MID-EAST OIL CO					RECEIVED: 08/21/80 JA: PA			
8054025	2726	3706520590	108	D	FRANK M SMEESLEY #9	PUNXSUTAWNEY	11,0	CONSOLIDATED GAS SUP
8054023	2680	3706323600	108	D	JOHN M MCMILLEN ET UX #1	MARION CENTER	7,3	PEOPLES NATURAL GAS
8054015	2640	3706322196	108	D	KENT/CUNNINGHAM HEIRS TRACT #1	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054022	2654	3706322427	108	D	KENT/J MCFARLAND #1	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054016	2641	3706322216	108	D	KENT/R M CUNNINGHAM #1	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054017	2642	3706322267	108	D	KENT/R M CUNNINGHAM #2	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054020	2651	3706322208	108	D	KENT/W MCCURDY #1	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054021	2652	3706322215	108	D	KENT/W MCCURDY #2	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054018	2644	3706322373	108	D	KENT/W R FULMER #1	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054019	2645	3706322436	108	D	KENT/W R FULMER #2	MCINTYRE	15,8	COLUMBIA GAS TRANSMI
8054024	2692	3706323661	108	D	NORTH AMERICAN COAL CORP #1	BRUSH VALLEY	8,5	NATIONAL FUEL GAS SU

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
*PEACOCK DOVERSPIKE GAS VENTURE*1979					RECEIVED: 08/21/80 JA: PA			
8054083	5345	3706325498	103		OHARRAM #2 IND*25498	W PA UPPER DEVONIAN SAND	75,0	COLUMBIA GAS TRANSMI
8054071	5344	3706325499	103		OHARRAM #3 IND*25499	W PA UPPER DEVONIAN SAND	75,0	COLUMBIA GAS TRANSMI
*PERO BROS GAS CO					RECEIVED: 08/21/80 JA: PA			
8054053	5314	3704920997	103		PERO FARMS #1	BEAVER DAM	15,0	NATIONAL FUEL GAS DI
*PHILLIPS PRODUCTION CO					RECEIVED: 08/21/80 JA: PA			
8054065	5319	3706325447	103		ALLEN K MILLER ET UX #1		45,0	
8054055	5317	3706325144	103		CHARLES S BEATTY ET UX #2		35,0	
8054064	5332	3706325488	103		HELEN DAUGHERTY #1		30,0	
8054057	5319	3706325314	103		LEONARD MUMAU #2		25,0	
8054093	5361	3712921650	103		RAYMOND V FLOWERS JR ET UX #1		25,0	
8054056	5318	3706324954	103		W S BLACK ET AL #3		40,0	
*TAURUS OIL CORP					RECEIVED: 08/21/80 JA: PA			
8054072	5353	3704920935	103		E GOLLMER #1 ERI*20935	CONNEAUT	36,5	NATIONAL FUEL GAS SU
8054085	5350	3704920934	103		G NEAL #1 ERI*20934	CONNEAUT	36,5	NATIONAL FUEL GAS SU
8054086	5352	3704920939	103		M TOZER #1 ERI*20939	CONNEAUT	36,5	NATIONAL FUEL GAS SU
*UNION DRILLING INC					RECEIVED: 08/21/80 JA: PA			
8054040	5297	3706323921	108		ANTHONY BORZCIK #1 589	RAYNE TOWNSHIP	9,5	COLUMBIA GAS TRANS C
8054037	5294	3706323891	108		ELDER R LYDIC JR #1 587	RAYNE TOWNSHIP	3,0	COLUMBIA GAS TRANS C
8054043	5301	3706323844	108		FLOYD A ELKIN #1 584	RAYNE TOWNSHIP	7,0	COLUMBIA GAS TRANS C
8054034	5291	3706323842	108		FRED A MUSSER #1 580	RAYNE TOWNSHIP	19,0	PEOPLES NATURAL GAS
8054033	5290	3706323855	108		GRANT WILLIAM LAMMERT #1 583	WHITE TOWNSHIP	2,0	COLUMBIA GAS TRANS C
8054032	5289	3706323850	108		JOHN C CONNOLLY JR #1 582	WHITE TOWNSHIP	2,0	COLUMBIA GAS TRANS C
8054041	5298	3706323876	108		NANCY N HULL #1 588	WHITE TOWNSHIP	7,0	COLUMBIA GAS TRANS C
8054035	5292	3706323816	108		PHILIP R & JUDITH A FORRESTER #1	RAYNE TOWNSHIP	17,0	PEOPLES NATURAL GAS
8054036	5293	3706323849	108		ROBERT G MABON #1 581	WHITE TOWNSHIP	2,0	COLUMBIA GAS TRANS C
8054039	5296	3706323922	108		ROY ZEMNER #1 590	WHITE TOWNSHIP	3,0	COLUMBIA GAS TRANS C
8054038	5295	3706324008	108		RUBY L STEFFY #1 591	RAYNE TOWNSHIP	11,0	COLUMBIA GAS TRANS C
8054042	5300	3706323890	108		SLEEPY HOLLOW CLUB #1 585	RAYNE TOWNSHIP	10,0	COLUMBIA GAS TRANS C
** DEPARTMENT OF ENERGY								
*NAVAL PETROLEUM RESERVE NO 3					RECEIVED: 08/26/80 JA: WY 9			
8052639		4902500000	102		21*AX*33	NAVAL PETROLEUM RESERVE	182,5	
8052640		4902500000	102		38*AX*10	NAVAL PETROLEUM RESERVE	116,9	
8052641		4902500000	102		62*SX*34	NAVAL PETROLEUM RESERVE	0,2	

OTHER PURCHASERS

8053989 OKLAHOMA NATURAL GAS GATHERING

BILLING CODE 6460-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

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 18 CFR 275.204, file a protest with the commission on or before October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29163 Filed 9-22-80; 8:45 am]

BILLING CODE 6460-85-M

[Volume 281]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 17, 1980

BILLING Code 6450-01-M

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
*ARCO OIL AND GAS COMPANY					RECEIVED: 08/20/80 JA: CA			
8055120	80-6-0010	0409520397	103		LUTTGES #1	BUNKER GAS	68.0	SHELL OIL CO
*MCCULLOCH OIL & GAS CORP					RECEIVED: 08/20/80 JA: CA			
8055119	80-6-0009	0409500000	103		MCCULLOCH NO 2-21 HASTINGS RANCH	LINDSEY SLOUGH PROSPECT	219.0	PACIFIC GAS AND ELEC
KANSAS CORPORATION COMMISSION								
*GRAHAM-MICHAELIS CORP					RECEIVED: 08/25/80 JA: KS			
*8055199	K-80-0294	1512900000	108		BOWKER UNIT #2	HUGOTON	19.0	PANHANDLE EASTERN PI
8055198	K-80-0297	1508100000	108		SCHUETTE B #1	HUGOTON	19.0	NORTHERN NATURAL GAS
*NORTHERN PUMP COMPANY					RECEIVED: 08/25/80 JA: KS			
8055203	K-79-0515	1505500000	108		DANNER #A1 23177	HUGOTON	20.0	CITIES SERVICE GAS C
8055200	K-80-0279	1505500000	108		GINGRICH B #1 33211	HUGOTON	16.0	NORTHERN NATURAL GAS
8055201	K-80-0278	1505500000	108		HOFFMAN #1 37091	HUGOTON	16.0	CITIES SERVICE GAS C
8055202	K-79-0512	1505500000	108		KELLER #1 48053	HUGOTON	15.0	CITIES SERVICE GAS C
LOUISIANA OFFICE OF CONSERVATION								
*JOHN O CLAY EXPLORATION INC					RECEIVED: 08/26/80 JA: LA			
8055197	80-421	1702120587	102		L DUNN #1	BANKS SPRINGS	90.0	LOUISIANA INTRASTATE
*KILROY CO OF TEXAS					RECEIVED: 08/27/80 JA: LA			
8055222	80-110	1701722366	102		MOSS RA SUA HUNTER CO NO 1	SHREVEPORT	365.0	ARKANSAS LOUISIANA G
*M M MARR					RECEIVED: 08/26/80 JA: LA			
8055196	80-2390	1702720609	102		J M ENGLISH ESTATE #1	LISBON	364.0	
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
*AMAX PETROLEUM CORPORATION					RECEIVED: 08/25/80 JA: NM			
8055124		3003900000	108		BISHOP NO 2	SOUTH BLANCO	1.9	EL PASO NATURAL GAS
*AMOCO PRODUCTION CO					RECEIVED: 08/27/80 JA: NM			
8055214		3004507822	108		ABRAMS GAS COM D #1	AZTEC-FRUITLAND & PICTUR	14.0	EL PASO NATURAL GAS
8055216		3004509487	108		HANCOCK GAS COM NO 1	BASIN-DAKOTA	20.0	EL PASO NATURAL GAS
8055215		3004507954	108		HANEY GAS COM NO 1	AZTEC-PICTURED CLIFFS	17.0	EL PASO NATURAL GAS
8055204		3004508335	108		MARSHOW GAS COM #1	BASIN-DAKOTA	20.0	EL PASO NATURAL GAS
8055211		3002526340	103		MCQUATTERS #3	HARDY DRINKARD	359.5	NORTHERN NATURAL GAS
8055212		3002526410	103		STATE FU #2	UND AIRSTRIP UPPER BONE	29.1	WARREN PETROLEUM CO
8055205		3004520293	108		STATE GAS COM BN #1	BLANCO - PICTURED CLIFFS	21.0	EL PASO NATURAL GAS
8055213		3002526492	103		STATE ML #1	WILDCAT WOLFCAMP	610.2	LLANO INC
*ARCO OIL AND GAS COMPANY					RECEIVED: 08/25/80 JA: NM			
8055123		3002526738	103		RODMAN JONES #6	JALMAT YATES 7 RIVERS	65.0	EL PASO NATURAL GAS
*CARBON ENERGY INC					RECEIVED: 08/26/80 JA: NM			

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JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8055183		3002500000	103		AZTEC STATE #27-1	EUNICE-MONUMENT	0.0	WARREN PETROLEUM CO
-EL PASO NATURAL GAS COMPANY			RECEIVED: 08/27/80 JA: NM					
8055219		3004506149	108		BURROUGHS COM #1	BLANCO SOUTH-PICTURED CL	0.0	EL PASO NATURAL GAS
8055220		3003906518	108		HAMILTON COM #1	BLANCO SOUTH-PICTURED CL	21.0	EL PASO NATURAL GAS
8055217		3002525773	103		SHELL E STATE COM #2	EUMONT	73.0	EL PASO NATURAL GAS
-FRED POOL DRILLING CO			RECEIVED: 08/27/80 JA: NM					
8055218		3000560686	102		CORN 24 #2	WILDCAT-UND-ABO	150.0	TRANSWESTERN PIPELIN
-GETTY OIL COMPANY			RECEIVED: 08/27/80 JA: NM					
8055207		3004100000	108		HOBBS U NO 1	CHAVEROO SAN ANDRES	2.0	CITIES SERVICE CO
-HOLLY ENERGY INC			RECEIVED: 08/26/80 JA: NM					
8055194		3001500000	103		STATE 30 COMM NO 1	EMPIRE PENN	200.0	
-MARALO INC			RECEIVED: 08/26/80 JA: NM					
8055184		3002500000	103		JALMAT YATES UNIT #19	JALMAT	168.0	EL PASO NATURAL GAS
-MESA PETROLEUM			RECEIVED: 08/25/80 JA: NM					
8055125		3001522990	102		COOK FED COM #1	ATOKA-MORROW	16.0	NORTHERN NATURAL GAS
-MOBIL PRDG TEXAS & NEW MEXICO INC			RECEIVED: 08/26/80 JA: NM					
8055193		3003922316	103		W O HUGHES NO 5	WEST LINDRITH GALLUP	1.8	NORTHWEST PIPELINE C
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 08/26/80 JA: NM					
8055189		3004523537	103		SAN JUAN 32-7 #52	SOUTH LOS PINOS FRUITLAN	180.0	NORTHWEST PIPELINE C
8055188		3004523682	103		SAN JUAN 32-7 #58	BASIN DAKOTA	58.0	EL PASO NATURAL GAS
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 08/27/80 JA: NM					
8055206		3003907566	108		SAN JUAN 29-5 #43	BLANCO MESAVERDE	16.0	EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 08/26/80 JA: NM					
8055190		3002526522	103		E VACUUM GB/SA UNIT TR 3467 #1	VACUUM GB/SA	2.0	EL PASO NATURAL GAS
8055191		3002526576	103		EAST VAC GB/SA UN TR 2864 #2	VACUUM GB/SA	5.0	EL PASO NATURAL GAS
8055192		3002526519	103		EAST VAC GB/SA UN TR 3315 #5	VACUUM GB/SA	10.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO			RECEIVED: 08/25/80 JA: NM					
8055122		3004500000	108		RANDLEMON #2	BLANCO PICTURED CLIFFS	1.8	SOUTHERN UNION GATHE
-SOUTHLAND ROYALTY CO			RECEIVED: 08/26/80 JA: NM					
8055185		3004523672	103		MANGUM #5E	BASIN	85.0	SOUTHERN UNION GATHE
-SOUTHLAND ROYALTY CO			RECEIVED: 08/27/80 JA: NM					
8055221		3004511876	108		ROCK ISLAND #1	BASIN	14.0	NORTHWEST PIPELINE C
-STEVENS OIL COMPANY			RECEIVED: 08/26/80 JA: NM					
8055195		3000560659	103		OBRIEN E NO 3	TWIN LAKES-SAN ANDRES AS	15.0	STEVENS OIL CO
8055187		3000560657	103		OBRIEN I NO 3	TWIN LAKES-SAN ANDRES AS	10.0	STEVENS OIL CO
8055186		3000560658	103		OBRIEN I NO 4	TWIN LAKES-SAN ANDRES AS	7.0	STEVENS OIL CO
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 08/27/80 JA: NM					
8055208		3002500000	108		-B- LEE STATE NO 5	VACUUM (G-SA)	0.4	PHILLIPS PETROLEUM C
8055210		3001500000	108		E MILLMAN UNIT NO 7-4	MILLMAN (Q-G) EAST	5.5	PHILLIPS PETROLEUM C
8055209		3004100000	108		NEW MEXICO -AZ- STATE NO 2	CHAVEROO (SAN ANDRES)	0.4	CITIES SERVICE CO
**********								
WEST VIRGINIA DEPARTMENT OF MINES								
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-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 08/25/80 JA: WV					
8055169		4710900114	108		AGNES N WITTENBERG 9016	PINEVILLE FIELD AREA A-5	1.5	GENERAL SYSTEM PURCH
8055160		4704500720	108		ALTIZER COAL LAND CO 10184	PINEVILLE FIELD AREA A-5	13.0	GENERAL SYSTEM PURCH
8055129		4710900160	108		ALTIZER NEW RIVER POCA 9084	PINEVILLE FIELD AREA A-5	3.0	GENERAL SYSTEM PURCH
8055168		4704500400	108		BRUCE MCDONALD HOLDING CO 9873	PINEVILLE FIELD AREA A-5	16.0	GENERAL SYSTEM PURCH
8055172		4705900808	108		CHAS A HAMILL 11494	PINEVILLE FIELD AREA A-5	3.0	GENERAL SYSTEM PURCH
8055157		4710900409	108		CHAS NATIONAL BANK 9889	PINEVILLE FIELD AREA A-5	15.0	GENERAL SYSTEM PURCH
8055152		4709700699	108		DONALD F LEMONS 10401	WEST VIRGINIA OTHER A-85	2.0	GENERAL SYSTEM PURCH
8055153		4709700628	108		ESTER LOUDIN SMITH 10312	WEST VIRGINIA OTHER A-85	16.0	GENERAL SYSTEM PURCH

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055150		4710900299	108		GUY L CHAMBERS 9310	PINEVILLE FIELD AREA A-5	12,0	GENERAL SYSTEM PURCH
8055159		4704500602	108		H BURGESS HEIRS 10019	PINEVILLE FIELD AREA A-5	15,0	GENERAL SYSTEM PURCH
8055154		4709700824	108		HAZEN PHILLIPS 10537	WEST VIRGINIA OTHER A-85	14,0	GENERAL SYSTEM PURCH
8055155		4709700850	108		HOY R MURPHY 10661	WEST VIRGINIA OTHER A-85	20,0	GENERAL SYSTEM PURCH
8055132		4710900475	108		LEOLA S DAMRON 10007	PINEVILLE FIELD AREA A-5	14,0	GENERAL SYSTEM PURCH
8055151		4710900516	108		LEOLA S DAMRON 10143	PINEVILLE FIELD AREA A-5	20,0	GENERAL SYSTEM PURCH
8055133		4710900199	108		LOOP CK COLLIER CO 9141	PINEVILLE FIELD AREA A-5	12,0	GENERAL SYSTEM PURCH
8055167		4710900046	108		LOOP CREEK COLLIERY CO 8871	PINEVILLE FIELD AREA A-5	15,0	GENERAL SYSTEM PURCH
8055146		4710900134	108		LOOP CREEK COLLIERY CO 9041	PINEVILLE FIELD AREA A-5	2,0	GENERAL SYSTEM PURCH
8055158		4700500777	108		LOOP CREEK COLLIERY CO 9122	PINEVILLE FIELD AREA A-5	17,0	GENERAL SYSTEM PURCH
8055148		4710900258	108		LOOP CRK COLLIERY CO 9191	PINEVILLE FIELD AREA A-5	16,0	GENERAL SYSTEM PURCH
8055149		4710900271	108		LOUP CR COLLIERY CO 9237	PINEVILLE FIELD AREA A-5	17,0	GENERAL SYSTEM PURCH
8055174		4704500321	108		MARY C PORTER 9790	PINEVILLE FIELD AREA A-5	7,0	GENERAL SYSTEM PURCH
8055165		4704700427	108		MCD POCA COAL CO 11183	PINEVILLE FIELD AREA A-5	10,0	GENERAL SYSTEM PURCH
8055163		4704700345	108		MCDOWELL POCAHONTAS COAL CO 10807	PINEVILLE FIELD AREA A-5	14,0	GENERAL SYSTEM PURCH
8055164		4704700424	108		MCDOWELL POCAHONTAS COAL CO 11148	PINEVILLE FIELD AREA A-5	21,0	GENERAL SYSTEM PURCH
8055130		4710900173	108		N R & P C C CO 9094	PINEVILLE FIELD AREA A-5	16,0	GENERAL SYSTEM PURCH
8055170		4710900104	108		N R & POCA COAL CO 8996	PINEVILLE FIELD AREA A-5	2,0	GENERAL SYSTEM PURCH
8055145		4710900068	108		N RIVER & POCA COAL CO 8952	PINEVILLE FIELD AREA	13,0	GENERAL SYSTEM PURCH
8055147		4710900202	108		N RIVER & POCA CON COAL CO 9148	PINEVILLE FIELD AREA A-5	9,0	GENERAL SYSTEM PURCH
8055171		4710900090	108		N RIVER & POCA CONS COAL CO 8984	PINEVILLE FIELD AREA A-5	2,0	GENERAL SYSTEM PURCH
8055173		4704500336	108		NAAMAN JACKSON 9819	PINEVILLE FIELD AREA A-5	1,0	GENERAL SYSTEM PURCH
8055161		4704700185	108		OLGA COAL CO 10175	PINEVILLE FIELD AREA A-5	16,0	GENERAL SYSTEM PURCH
8055156		4704700275	108		PEOPLES FIRST NAT BANK & TR 10632	PINEVILLE FIELD AREA A-5	5,0	GENERAL SYSTEM PURCH
8055162		4704700230	108		PEOPLES FIRST NAT BANK 10369	PINEVILLE FIELD AREA A-5	12,0	GENERAL SYSTEM PURCH
8055131		4710900267	108		PERRY C COUK 9215	PINEVILLE FIELD AREA A-5	1,0	GENERAL SYSTEM PURCH
8055166		4705900507	108		W W MCDONALD LAND CO 9944	PINEVILLE FIELD AREA A-5	19,0	GENERAL SYSTEM PURCH
-G L & R D BEATY					RECEIVED: 08/25/80 JA: WV			
8055179		4704900668	108		S C & J L THORNE	MANNINGTON DISTRICT	0,0	PENNZOIL CO
-INDUSTRIAL GAS CORPORATION					RECEIVED: 08/25/80 JA: WV			
*8055134		4709900266	108		A J GILKERSON 1-633	UNION	19,2	MOUDAILLE INDUSTRIES
*8055143		4709901205	108		G W WONKMAN 7-1013	BUTLER	1,4	MOUDAILLE INDUSTRIES
*8055135		4709900396	108		KOONCE-ZIMMERMAN 4-718	LINCOLN	2,7	MOUDAILLE INDUSTRIES
*8055136		4709900407	108		KOONCE-ZIMMERMAN 5-719	LINCOLN	2,6	MOUDAILLE INDUSTRIES
*8055175		4703901724	108		LEWIS HOLDING CO 2-1119	CABIN	3,0	CABOT CORP
*8055139		4709900679	108		LOUISA COLLINS 4-796	GRANT	18,6	MOUDAILLE INDUSTRIES
*8055140		4709901124	108		MAX LESTER 2-1047	BUTLER	0,3	MOUDAILLE INDUSTRIES
*8055141		4709901140	108		MAX LESTER 3-1052	BUTLER	0,5	MOUDAILLE INDUSTRIES
*8055137		4709900419	108		R AND T P MAYNARD 4-742	GRANT	20,4	MOUDAILLE INDUSTRIES
*8055142		4709901192	108		REBECCA FERGUSON 1-1062	BUTLER	0,7	MOUDAILLE INDUSTRIES
8055178		4709900328	108		WILSON COAL LAND CO 34-682	LINCOLN	10,2	MOUDAILLE INDUSTRIES
*8055138		4709900598	108		WILSON COAL LAND CO 50-782	LINCOLN	21,5	MOUDAILLE INDUSTRIES
*8055144		4709901490	108		WILSON COAL LAND CO 87-1196	LINCOLN	20,3	MOUDAILLE INDUSTRIES
-MILLER OIL & GAS CO					RECEIVED: 08/25/80 JA: WV			
8055180		4708521700	108		MILLER OIL & GAS CO #0599 WELL #3	MURPHY DISTRICT	5,2	HOPE NATURAL GAS CO
8055177		4710801794	108		MILLER OIL & GAS CO #0599 WELL #4	MURPHY DISTRICT	0,5	HOPE NATURAL GAS CO
-PACIFIC STATES GAS & OIL INC					RECEIVED: 08/25/80 JA: WV			
8055182		4702102815	108		G COLLINS #2	GLENVILLE	19,6	EQUITABLE GAS CO
8055181		4702102839	108		G COLLINS #3	GLENVILLE	18,9	EQUITABLE GAS CO
8055176		4702102872	108		J W WOLFE #6	GLENVILLE	15,0	EQUITABLE GAS CO

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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM

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-DOME PETROLEUM CORP RECEIVED: 08/25/80 JA: NM 4

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8055121	NM 5146=79	3004522669	108	D	FREW FEDERAL #7	WAW = NIPP	2,1	EL PASO NATURAL GAS
** U.S. GEOLOGICAL SURVEY = TULSA,OK								
=MORAN EXPLORATION INC			RECEIVED: 08/25/80 JA: AR 6					
8055128	AR=67=0	0304710128	103		FEDERAL 1=32	PARADISE	0,0	
=COTTON PETROLEUM CORPORATION			RECEIVED: 08/25/80 JA: OK 6					
8055127	OK=66=0	3507920333	103		GEREN NO 1	N E PAW PAW	700,0	ARKANSAS LOUISIANA G
=TENNECO OIL COMPANY			RECEIVED: 08/25/80 JA: OK 6					
*8055126	OK=65=0	3501720807	103		KRITTENBRINK CPC #90=1	WATONGA CHICKASHA TREND	0,0	TENNECO OIL CO

OTHER PURCHASERS

8055121 NATURAL GAS PL CO OF AMER
8055126 OKLAHOMA GAS & ELECTRIC
8055130 HUNTINGTON ALLOYS INC
8055135 HUNTINGTON ALLOYS INC
8055136 HUNTINGTON ALLOYS INC
8055137 HUNTINGTON ALLOYS INC
8055138 HUNTINGTON ALLOYS INC
8055139 HUNTINGTON ALLOYS INC
8055140 HUNTINGTON ALLOYS INC
8055141 HUNTINGTON ALLOYS INC
8055142 HUNTINGTON ALLOYS INC
8055143 HUNTINGTON ALLOYS INC
8055144 HUNTINGTON ALLOYS INC
8055175 HUNTINGTON ALLOYS INC
8055199 CITIES SERVICE GAS CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

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 by October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29403 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-01-M

[Volume 282]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 17, 1980

BILLING CODE 6450-01-M

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
					FLORIDA DEPARTMENT OF NATURAL RESOURCES			
*EXXON CORPORATION					RECEIVED: 08/25/80 JA: FL			
8055542		0911320184	107		MCDAVID LANDS #38-2	JAY/LEC	750.0	FLORIDA GAS TRANS CO
					NEW MEXICO DEPARTMENT OF ENERGY & MINERALS			
*CONSOLIDATED OIL & GAS INC					RECEIVED: 08/29/80 JA: NM			
8055348		3004523791	103		LANDAUER 1-M(MV)	BLANCO MESAVERDE	0.0	EL PASO NATURAL GAS
8055349		3004523791	103		LANDAUER 1-M(DK)	BASIN-DAKOTA	0.0	SOUTHERN UNION GATHE
*EL PASO NATURAL GAS COMPANY					RECEIVED: 08/29/80 JA: NM			
8055350		3003922312	103		RINCON UNIT #32A	BLANCO MESAVERDE	70.0	EL PASO NATURAL GAS
*TEXACO INC					RECEIVED: 08/29/80 JA: NM			
8055347		3002526505	103		NEW MEXICO DU STATE #1	GRAMA RIDGE EAST (MORROW	515.0	EL PASO NATURAL GAS
					OHIO DEPARTMENT OF NATURAL RESOURCES			
*ALTHEIRS OIL INC					RECEIVED: 08/27/80 JA: OH			
8055243		3405320466	103		HOBET MINING #3	ADDISON TWP	4.0	COLUMBIA GAS TRANSMI
8055244		3405320467	103		HOBET MINING #4	ADDISON TWP	4.0	COLUMBIA GAS TRANSMI
8055246		3407321574	103		LUTHER BRIMNER #1	WASHINGTON TWP	4.0	COLUMBIA GAS TRANSMI
8055242		3405320451	103		MABEL MAYES #8	ADDISON TWP	4.0	COLUMBIA GAS TRANSMI
8055245		3405320540	103		R & E GORDON #1	CHESHIRE TWP	4.0	COLUMBIA GAS TRANSMI
8055274		3412724626	103		RUSSELL KOCKENSPARGER #2	JACKSON TWP	8.0	COLUMBIA GAS TRANSMI
*AMERICAN PETROEL INC					RECEIVED: 08/27/80 JA: OH			
8055305		3416725372	103		PEARLY L BROWN #1	ADAMS	12.0	
8055306		3416725373	103		PEARLY L BROWN #2	ADAMS	12.0	
8055299		3416723298	103		PEARLY L BROWN #3	ADAMS	12.0	
*APEX NATURAL GAS COMPANY INC					RECEIVED: 08/27/80 JA: OH			
8055253		3408322540	103		KENNETH SWENDAL #10	BROWN	4.0	
8055252		3408322539	103		KENNETH SWENDAL #9	BROWN	4.0	
*APPALACHIAN PETROLEUM CORP					RECEIVED: 08/27/80 JA: OH			
8055307		3416725397	103		BAKER KIGGANS ET AL #1	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055303		3416725348	103		G HUGHES #2	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055311		3416725447	103		H E JARRELL #3	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055302		3416725297	103		H E MANSCH #1	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055310		3416725409	103		J LOAR #2	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055304		3416725351	103		L MORGENSTERN #3	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055301		3416725248	103		RODGERS #4	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055308		3416725405	103		WILBUR BAKER #2	ADAMS	3.5	COLUMBIA GAS TRANSMI
8055309		3416725406	103		WILBUR BAKER #3	ADAMS	3.5	COLUMBIA GAS TRANSMI
*BELDEN & BLAKE & CO 74					RECEIVED: 08/27/80 JA: OH			
8055288		3415123251	103		D & M REAM #1-961	CANTON	36.5	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055287		3415123250	103		E RINGER COMM #2-951	MARLBORO	36,5	
8055286		3415123248	103		J & L MAARSCHALK COMM #1-948	MARLBORO	36,5	
8055289		3415123258	103		R & N MYERS COMM #1-914	TUSCARAWAS	36,5	
*BEREA OIL AND GAS CORPORATION					RECEIVED: 08/27/80 JA: DH			
8055295		3415521359	103		MAJECIC UNIT #1	VIENNA	1,0	EAST OHIO GAS
8055294		3415521335	103		MANENTI UNIT #1	VIENNA	1,0	EAST OHIO GAS
*BILL BLAIR INCORPORATED					RECEIVED: 08/27/80 JA: DH			
8055235		3429200780	103		BENNER UNIT #1	HOMEWORTH	22,0	EAST OHIO GAS CO
8055237		3402900800	103		CHARLES A GOTTARDI #1	HOMEWORTH	20,0	EAST OHIO GAS CO
*BUCKHORN OIL COMPANY INC					RECEIVED: 08/27/80 JA: DH			
8055250		3407522547	103		GERBER #2	KILLBUCK	20,0	COLUMBIA GAS TRANSMI
*CAMERON ASSOCIATES					RECEIVED: 08/27/80 JA: DH			
8055261		3409921210	103		BIRCHER #1	SMITH	28,0	
8055236		3402920794	103		HUMENIUK #1	KNOX	28,0	
8055262		3409921229	103		OYSTER #1	SMITH	28,0	
*CHANSE PETROLEUM CORPORATION					RECEIVED: 08/27/80 JA: DH			
8055227		3400721281	103		STEPHANIE M MAYLISH #4	JEFFERSON	3,0	
*CLARENCE K TUSSEL JR					RECEIVED: 08/27/80 JA: DH			
8055229		3400721336	103		E RZESZUTEK #1	MONROE	30,0	
8055231		3400721358	103		J HOGLE #1	MONROE	30,0	
8055228		3400721329	103		L SWAN #1	MONROE	30,0	
8055230		3400721355	103		M ALKEN #1	MONROE	30,0	
8055233		3400721373	103		R ELDRED #1	MONROE	30,0	
*CLAY COUNTY PRODUCTION CO INC					RECEIVED: 08/27/80 JA: DH			
8055300		3416724976	103		KERMIT LANE #3	NEWPORT	12,8	COLUMBIA GAS TRANSMI
*COLLINS-MCGREGOR OPERATING COMPANY					RECEIVED: 08/27/80 JA: DH			
8055258		3408903730	103		SYLVIA E MOORE #1	HOPEWELL	3,6	NEWZANE GAS CO
*DAVID A WALDRON & ASSOC INC					RECEIVED: 08/27/80 JA: DH			
8055278		3413320141	108		DILLON #1	CLINTON	2,5	EAST OHIO GAS CO
*DUSTY DRILLING COMPANY INC					RECEIVED: 08/27/80 JA: DH			
8055272		3412724586	103		HOWDYSHELL #1	JACKSON	3,2	NATIONAL GAS & OIL C
*EDCO DRILLING & PRODUCING INC					RECEIVED: 08/27/80 JA: DH			
8055239		3403123736	103		SM-#1A BICKLE	JEFFERSON	18,0	
*FORAKER PRODUCING COMPANY INC					RECEIVED: 08/27/80 JA: DH			
8055275		3412724633	103		JAMES 1	HOPEWELL	6,0	
8055257		3408923710	103		VAN BUREN #1	BOWLING GREEN	8,0	
*GASEARCH INC					RECEIVED: 08/27/80 JA: DH			
8055296		3415521488	103		HAGOOD #1	VIENNA	100,0	EAST OHIO GAS CO
8055282		3421332027	103		SPOLARICH #1	NELSON	100,0	EAST OHIO GAS CO
*GIANT PETROLEUM CORPORATION					RECEIVED: 08/27/80 JA: DH			
8055234		3400721399	103		GEORGE ULRICH - UNIT - WELL #1	ORWELL	20,0	EAST OHIO GAS CO
8055232		3400721371	103		WILLIAM & ZELMA HUNN #1	ORWELL	20,0	EAST OHIO GAS CO
*H D COLLINS TRUST					RECEIVED: 08/27/80 JA: DH			
8055290		3415320353	108		CARTER JONES #1		12,0	EAST OHIO GAS CO
8055280		3413320432	108		POLICHENA #2		9,0	EAST OHIO GAS CO
8055279		3413320156	108		TILDEN #1		6,0	EAST OHIO GAS CO
*HOPCO RESOURCES INC					RECEIVED: 08/27/80 JA: DH			
8055269		3411925138	103		ELIZABETH GAUSE #1	LICKING	12,0	COLUMBIA GAS TRANSMI
*INTEGRATED PETROLEUM COMPANY INC					RECEIVED: 08/27/80 JA: DH			
8055281		3413321224	103		HENRY #1	DEERFIELD	30,0	AMERICAN ENERGY SERV
8055292		3415521299	103		MCCAFFERTY #1	SOUTHINGTON	30,0	AMERICAN ENERGY SERV
8055293		3415521300	103		MCCAFFERTY #3	SOUTHINGTON	40,0	AMERICAN ENERGY SERV

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*J-R DEVELOPMENT CO					RECEIVED: 08/27/80 JA: DH			
8055277		3412724751	103		HAMMER #1	CLAYTON POOL NO 612	5.0	COLUMBIA GAS TRANSMI
*JAMES-P NOLL					RECEIVED: 08/27/80 JA: DH			
8055273		3412724611	103		EDWIN WILSON #2	READING	6.9	COLUMBIA GAS TRANS-C
*JOE L SCHRIMSHER					RECEIVED: 08/27/80 JA: DH			
8055312		3416922322	103		HAZEL M STOLL #2	CHIPPEWA	20.0	EAST OHIO GAS CO
*K & T OIL & GAS CO INC					RECEIVED: 08/27/80 JA: DH			
8055283		3413322244	103		CRANO #2	EDINBURGH	45.0	
8055291		3415320812	103		SOMMERS #1	NORTHAMPTON	55.0	
*L & M PETROLEUM					RECEIVED: 08/27/80 JA: DH			
8055276		3412724728	103		CLARENCE NICELY #1	THORN	15.5	NATIONAL GAS & OIL C
*LESLIE OIL & GAS CO INC					RECEIVED: 08/27/80 JA: DH			
8055263		3410322279	103		KUSMIK #2	SPENCER	5.0	COLUMBIA GAS TRANSMI
*LIBERTY OIL&GAS CORP					RECEIVED: 08/27/80 JA: DH			
8055264		3410521845	103		E A RITCHIE & J A RITCHIE #1	OLIVE	19.0	COLUMBIA GAS TRANSMI
8055265		3410521945	103		GARY RIDDLE #1	OLIVE	18.0	COLUMBIA GAS TRANSMI
8055266		3410521948	103		W H CHAPMAN #1	ORANGE	19.0	COLUMBIA GAS TRANSMI
*NEILL C FLEMISTER JR					RECEIVED: 08/27/80 JA: DH			
8055241		3405320354	108		DONALD THOMAS #2		1.7	COLUMBIA GAS TRANS C
*OHIO NATURAL FUEL CO					RECEIVED: 08/27/80 JA: DH			
8055249		3407522539	103		GARBER #1	KNOX	36.0	COLUMBIA GAS TRANSMI
8055251		3407522631	103		WELTER-CREEK #2	KNOX	7.0	COLUMBIA GAS TRANSMI
*ORION ENERGY CORP					RECEIVED: 08/27/80 JA: DH			
8055298		3415723489	103		AUL UNIT #1	FRANKLIN	40.0	
8055314		3416922346	103		BOUGHER #1	CHESTER	15.0	
*PATRICK T DONNELLY DVA	LANDPROVEST				RECEIVED: 08/27/80 JA: DH			
8055271		3411905311	103		E WILSON #2-80	MEIGS TOWNSHIP	40.0	
*RELIANCE ENERGY					RECEIVED: 08/27/80 JA: DH			
8055240		3404520625	103		NEIL BEARD #1	RICHLAND	15.0	COLUMBIA GAS TRANSMI
*RELIANCE MANAGEMENT CO					RECEIVED: 08/27/80 JA: DH			
8055248		3407522528	103		ALLAN GRIFFITHS #1	RICHLAND	6.0	COLUMBIA GAS TRANSMI
*SHELDON L TURRILL					RECEIVED: 08/27/80 JA: DH			
8055247		3407322288	103		MASON #1	STARR	50.0	COLUMBIA GAS TRANSMI
*SMITH SHAFER SMITH (A PARTNERSHIP)					RECEIVED: 08/27/80 JA: DH			
8055313		3416922332	103		DARLE DAVID REED #1	CONGRESS	23.0	COLUMBIA GAS TRANSMI
*STOCKER&SITLER INC					RECEIVED: 08/27/80 JA: DH			
8055256		3408923685	103		NO 2 JURY-DAVIS LEASE	LICKING	28.0	BARBCORP INC
8055255		3408923684	103		NO 3 JURY-DAVIS LEASE	LICKING	30.0	BARBCORP INC
8055254		3408923683	103		NO 4 JURY-DAVIS LEASE	LICKING	25.0	BARBCORP INC
*THE CLINTON OIL CO					RECEIVED: 08/27/80 JA: DH			
8055268		3411924868	103		HUTSON #1	CLAY	210.0	
*THE OXFORD OIL CO					RECEIVED: 08/27/80 JA: DH			
8055267		3411522060	103		LEO SMITH #1	DEERFIELD	10.0	
*TIGER OIL INC					RECEIVED: 08/27/80 JA: DH			
8055270		3411925264	103		GLEN & SHIRLEY WINTERS #4	STARK CREEK	15.0	NATIONAL GAS & OIL
*VIKING RESOURCES CORPORATION					RECEIVED: 08/27/80 JA: DH			
8055284		3413322263	103		LANZA #1	PALMYRA	30.0	
8055285		3413322264	103		LANZA #2	PALMYRA	30.0	
*W E SHRIDER CO					RECEIVED: 08/27/80 JA: DH			
8055260		3408923824	103		GERALD DUNLAP #1	MADISON	3.0	NATIONAL GAS & OIL C
8055238		3403123715	103		RAYMOND RIDENBAUGH #1	MONROE	3.0	COLUMBIA GAS TRANSMI
*WHIRLPOOL CORPORATION					RECEIVED: 08/27/80 JA: DH			

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8055226	05186	3415722564	108		MURSEY #1	CLINTON	20.0	EAST OHIO GAS CO
8055225	05185	3415722786	108		MURSEY #2	CLINTON	20.0	EAST OHIO GAS CO
8055224	05184	3415722787	108		MURSEY #3	CLINTON	20.0	EAST OHIO GAS CO
8055223	05181	3415722789	108		MURSEY-MURPHY UNIT #1	CLINTON	20.0	EAST OHIO GAS CO
*WILLIAM E STOCKER					RECEIVED: 08/27/80 JA: OK			
8055297		3415723455	103		NO 4 STOCKER SAND & GRAVEL CO	PERRY	31.0	REPUBLIC STEEL CORP
*WILLIAM V CANTLIN					RECEIVED: 08/27/80 JA: OK			
8055259		3408923804	103		ODONNELL UNIT #1	HOPEWELL	5.0	

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OKLAHOMA CORPORATION COMMISSION

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*BONRAY ENERGY CORP					RECEIVED: 09/02/80 JA: OK			
8055414	2432	3505320464	103		COULTER NO 2	CHEROKITA	17.5	SUN OIL CO
*CHAMPLIN PETROLEUM COMPANY					RECEIVED: 09/02/80 JA: OK			
8055393	05071	3500300000	108		E G THOMPSON NO 1	E CHANEY DELL	9.0	CHAMPLIN PETROLEUM C
8055391	05069	3504700000	108		FRANK BIRD A NO 1	ENID	16.0	CHAMPLIN PETROLEUM C
8055384	05061	3510900000	108		G LONG NO 4-A	W EDMOND	10.0	CONOCO INC
8055392	05070	3500300000	108		GWINN - SUMMERS NO 1	E CHANEY DELL	9.0	CHAMPLIN PETROLEUM C
8055395	05073	3500300000	108		H J MOSHER NO 1	CHANEY DELL	3.0	UNION TEXAS PETROLEU
8055385	05062	3508300000	108		H V WILLSON NO 1	S E LINCOLN	7.0	CONOCO INC
8055386	05063	3507300000	108		I JONES B NO 1	DOVER - HENNESSEY	7.0	MUSTANG FUEL CORP
8055390	05068	3504700000	108		J F VOTH NO 1	ENID	18.0	CHAMPLIN PETROLEUM C
8055419	05020	3504700000	108		J GREGORY NO 1	S W WAUKOMIS	12.0	EXXON CO USA
8055397	05079	3501900000	108		J H JENNINGS NO 2	FOX-GRAHAM	2.5	AMINOIL USA INC
8055396	05077	3500300000	108		M ANCEL NO 1	EUREKA	4.0	SUN OIL CO
8055388	05065	3507300000	108		O J BUFORD NO 1	SOONER TREND	9.0	PHILLIPS PETROLEUM C
8055398	05080	3513700000	108		R C CANNEDY NO 2	SANTA FE	15.0	GETTY OIL CO
8055389	05066	3507300000	108		SHICK - BUFORD NO 1	SOONER TREND	12.0	PHILLIPS PETROLEUM C
8055387	05064	3507300000	108		W E HICKEY UNIT NO 1	SOONER TREND	0.0	PHILLIPS PETROLEUM C
8055394	05072	3509300000	108		WRIGHT-ROBERTSON UNIT NO 1	E CHANEY DELL	9.0	CHAMPLIN PETROLEUM C
*CHOCTAW GAS CO					RECEIVED: 09/02/80 JA: OK			
8055379	5054	3512100000	108		BROWNE NO 1	FEATHERSTON	13.3	SE TRANSMISSION & CO
8055380	5056	3512100000	108		CARIGNAND NO 1	FEATHERSTON	4.7	SE TRANSMISSION & CO
8055381	5057	3512100000	108		GILSTRAP	FEATHERSTON	16.4	SE TRANSMISSION & CO
8055377	5052	3512100000	108		HARMON-FEATHERSTON NO 2	FEATHERSTON	284.1	SE TRANSMISSION & CO
8055375	5050	3512100000	108		HARMON-FEATHERSTON 1 NO 1	FEATHERSTON	2.8	SE TRANSMISSION & CO
8055376	5051	3512120292	108		HUGHES	FEATHERSTON	12.4	SE TRANSMISSION & CO
8055378	5053	3512120360	108		SANS BOIS 3 NO 3A	FEATHERSTON	3.6	SE TRANSMISSION & CO
*CULPEPPER OIL CO					RECEIVED: 09/02/80 JA: OK			
8055410	04718	3501721225	102		HINTON #28-3	WEST YUKON	0.0	PHILLIPS PETROLEUM C
*CUMMINGS OIL CO					RECEIVED: 09/02/80 JA: OK			
8055408	05021	3507322261	103		MAX #1-14	SOONER TREND	135.0	CITIES SERVICE GAS C
*D & H OIL INC					RECEIVED: 09/02/80 JA: OK			
8055401	5047	3510320939	103		BROWNBACK #4	EAST PULO	56.5	ARCO OIL & GAS CO
8055400	5048	3504722071	103		SIMMERING 1A	GARBER	42.0	ARCO OIL & GAS CO
*DAVIS OIL COMPANY					RECEIVED: 09/02/80 JA: OK			
8055382	05059	3501721132	102		AIRPORT TRUST NO 4	UNNAMED	150.0	PHILLIPS PETROLEUM C
8055383	05060	3501721089	102		YECK #1	YUKON NORTHWEST	170.0	PHILLIPS PETROLEUM C
*GARDNER & ASSOCIATES					RECEIVED: 09/02/80 JA: OK			
8055409	04878	3509300000	103		BLACK #2 API NO 09321651	KINGWOOD	36.0	OKLAHOMA NATURAL GAS
*GETTY OIL COMPANY					RECEIVED: 09/02/80 JA: OK			
8055411	03997	3513700000	108		M J WOODMANSEE #1	SHU-VEL-TUM	7.4	AMINOIL

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055412	03996	3513700000	108		M J WOODMANSEE #2	SHO-VEL-TUM	7,4	AMINOIL
*KENT E PHILLIPS CO					RECEIVED: 09/02/80 JA: OK			
8055406	05041	3503120533	103		JUNG #1	LAWTON	144,0	CITIES SERVICE GAS C
*NATIONAL OIL COMPANY					RECEIVED: 09/02/80 JA: OK			
8055402	05045	3506120263	103		ABBATH #1	N LEQUIRE	365,0	COLUMBIA GAS TRANSMI
*NATURAL GAS COMPRESSION CORP					RECEIVED: 09/02/80 JA: OK			
8055399	05049	3500700000	108		FLANIGAN #1	LIGHT GAS AREA	1,0	PANHANDLE EASTERN PI
*OFT EXPLORATION INC					RECEIVED: 09/02/80 JA: OK			
8055403	05044	3515320837	103		MERTON ROBERTS NO 1-01	NE CEDARDALE	58,0	
*P-T III LTD					RECEIVED: 09/02/80 JA: OK			
8055407	05022	3504700000	103		FELBER 16-3	BOONER TREND	109,5	WELLHEAD ENTERPRISES
*POTTS-STEPHENSON EXPLORATION CO					RECEIVED: 09/02/80 JA: OK			
8055417	5028	3512120474	103		PRICE NO 1-32	FEATHERSTON	60,0	GAS TRANSMISSION CO
8055418	5027	3512120671	103		STANFIELD #1-8	FEATHERSTON	0,0	SOUTHEAST TRANSMISSI
*RED EAGLE OIL CO					RECEIVED: 09/02/80 JA: OK			
8055405	05042	3504722015	103		BARTLETT NO 1	BOONER TREND	70,0	
8055404	05043	3509321664	103		DENNIS NO 1	DANE	70,0	PHILLIPS PETROLEUM C
*SOUTHLAND ROYALTY CO					RECEIVED: 09/02/80 JA: OK			
8055416	5032	3513921240	103		CRAIG #1-6	CAPLE	60,0	NORTHERN NATURAL GAS
8055415	5030	3515120973	102		OREM #1-19	FREEDOM 76	80,0	PANHANDLE EASTERN PI
*SOVEREIGN EXPLORATION CO					RECEIVED: 09/02/80 JA: OK			
8055420	5012	3504520756	103		SOVEREIGN #1 POLIN	UNALLOCATED	200,0	MICHIGAN-WISCONSIN P
*TEXAS OIL & GAS CORP					RECEIVED: 09/02/80 JA: OK			
8055413	03977	3512920060	108		WATSON #1	DURHAM	17,0	DELHI GAS PIPELINE C
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WYOMING OIL & GAS CONSERVATION COMMISSION								
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*AMOCO PRODUCTION CO					RECEIVED: 08/29/80 JA: WY			
8055367	NG 121-80	4904120169	102		RYCKMAN CREEK UNIT #21	RYCKMAN CREEK	250,0	NORTHWEST PIPELINE C
8055368	NG 122-80	4904120234	102		RYCKMAN CREEK UNIT #24	RYCKMAN CREEK	259,0	NORTHWEST PIPELINE C
*CHAMPLIN PETROLEUM COMPANY					RECEIVED: 08/29/80 JA: WY			
8055363	NG 120-80	4900921511	102		#5 STATE 31-16	MANNING	30,0	MCCULLOCH INTERSTATE
*CHEVRON U S A INC					RECEIVED: 08/29/80 JA: WY			
8055370	NG-109-80	4904120224	102		PAINTER RESERVOIR UNIT 11-3B	PAINTER RESERVOIR	400,0	
8055369	NG 108-80	4904120225	102		PAINTER RESERVOIR UNIT 23-9B	PAINTER RESERVOIR	100,0	
8055371	NG 127-80	4904120239	102		PAINTER RESERVOIR UNIT 33-1D	PAINTER RESERVOIR	450,0	INTERNORTH
8055374	NG 130-80	4904120215	102		PAINTER RESERVOIR UNIT 34-31B	PAINTER RESERVOIR	400,0	INTERNORTH
8055373	NG 129-80	4904120211	102		PAINTER RESERVOIR UNIT 44-36C	PAINTER RESERVOIR	140,0	INTERNORTH
8055372	NG 128-80	4904120229	102		PAINTER RESERVOIR UNIT 11-5A	PAINTER RESERVOIR	325,0	
*CHINOOK RESOURCES INC					RECEIVED: 08/29/80 JA: WY			
8055358	NG 115-80	4900921531	102		BUTCH 1-31	SCOTT	30,0	MCCULLOCH GAS PROCES
8055355	NG 111-80	4900921544	102		DONNELL 2-4	SCOTT	26,0	MCCULLOCH GAS PROCES
8055357	NG 114-80	4900921508	102		EARL 1-28	SCOTT	12,0	MCCULLOCH GAS PROCES
8055354	NG 110-80	4900921519	102		HARRIET 3-6	SCOTT	30,0	MCCULLOCH GAS PROCES
8055353	NG 112-80	4900921507	102		LITTLE CAESAR STATE 2-6	SCOTT	24,0	MCCULLOCH GAS PROCES
8055362	NG 119-80	4900921571	102		LITTLE NICK 3-4	SCOTT	26,0	MCCULLOCH GAS PROCES
8055356	NG 113-80	4900921520	102		MARDEL 2-32	SCOTT	30,0	MCCULLOCH GAS PROCES
8055360	NG 117-80	4900921589	102		MORTON 1-30	SCOTT	36,0	MCCULLOCH GAS PROCES
8055359	NG 116-80	4900921591	102		MORTON 23-9	SCOTT	38,0	MCCULLOCH GAS PROCES
8055361	NG 118-80	4900921592	102		MORTONS 43-9	SCOTT	38,0	MCCULLOCH GAS PROCES
*GULF OIL CORPORATION					RECEIVED: 08/29/80 JA: WY			
8055365	NG 124-80	4900921605	102		CORNEY DRAW STATE 1-16-1A	WILDCAT	17,0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055364	NG 123-80	4900921631	102		LEE MOORE FEDERAL 1-17-2A	WILDCAT	17,0	
8055366	NG 125-80	4900921565	102		MOORE #1	CORNEY DRAW	10,0	
-HUSKY OIL COMPANY					RECEIVED: 08/29/80 JA: WY			
8055351	NG 72-80	4903721398	102		#13-23 CHAMPLIN BAXTER	WILDCAT	109,5	PANHANDLE EASTERN PI
8055352	NG 71-80	4903721447	102		#15-15 UPRR BAXTER	WILDCAT	365,0	PANHANDLE EASTERN PI
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
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-TRANSOCEAN OIL INC					RECEIVED: 09/02/80 JA: CO 4			
8055514	COA70480102B	0506706278	102		SOUTHERN UTE #2-12 (DAKOTA)	IGNACIO-BLANCO (DAKOTA)	365,0	NORTHWEST PIPELINE C
8055513	COA-704-80-A	0506706278	102		SOUTHERN UTE #2-12-D (MV)	IGNACIO-BLANCO (MESA VER	325,0	NORTHWEST PIPELINE C
8055516	COA-0704-80B	0506706278	103		SOUTHERN UTE INDIAN #2-12 (DAKOTA)	IGNACIO-BLANCO (DAKOTA)	365,0	NORTHWEST PIPELINE C
8055515	COA-704-80-A	0506706278	103		SOUTHERN UTE INDIAN #2-12-D (MV)	IGNACIO-BLANCO (MESA VER	325,0	NORTHWEST PIPELINE C
8055473	COA-0638-80	0506706306	103		SOUTHERN UTE INDIAN #3-12	IGNACIO-BLANCO (PICTURE	0,0	NORTHWEST PIPELINE C
-ALPHA TWENTY-ONE PRODUCTION CO					RECEIVED: 09/02/80 JA: NM 4			
8055480	NM-0645-80	3002526670	103		EL PASO JUSTIS FED NO 2	LANGLIE-MATTIX	146,0	EL PASO NATURAL GAS
8055441	NM-302-80	3002526667	103		EL PASO RUBY FEDERAL NO 1	JALMAT	128,0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO					RECEIVED: 09/02/80 JA: NM 4			
8055434	NM-4925-79	3004508585	108		A L ELLIOTT A #2	BLANCO-FRUITLAND	21,0	EL PASO NATURAL GAS
8055485	NM0653-80	3003922176	103		JICARILLA CONTRACT 146 #19E	BASIN DAKOTA	82,0	NORTHWEST PIPELINE C
-BELCO PETROLEUM CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055458	NM-0547-80	3002523075	103		JAMES RANCH #10	LOS MEDANOS	1241,0	NATURAL GAS PIPELINE
-BETA DEVELOPMENT CO					RECEIVED: 09/02/80 JA: NM 4			
8055481	NM-0647-80	3004507695	108		HAMNER FEDERAL #1	BASIN DAKOTA	20,0	NORTHWEST PIPELINE C
8055488	NM-660-80	3004511898	108		MARX FEDERAL #1	BASIN DAKOTA	13,0	NORTHWEST PIPELINE C
-BOLIN OIL COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055423	NM 3132-79	3003900000	108		CANDADO #10	SOUTH BLANCO PICTURED CL	8,6	EL PASO NATURAL GAS
8055424	NM-3133-79	3003900000	108		CANDADO #11	SOUTH BLANCO PICTURED CL	11,1	EL PASO NATURAL GAS
8055425	NM-3134-79	3003900000	108		CANDADO #13	SOUTH BLANCO PICTURED CL	16,2	EL PASO NATURAL GAS
8055421	NM 3130-79	3003900000	108		CANDADO #5	SOUTH BLANCO PICTURED CL	20,1	EL PASO NATURAL GAS
8055422	NM 3131-79	3003900000	108		CANDADO #8	SOUTH BLANCO PICTURED CL	14,3	EL PASO NATURAL GAS
8055426	NM 3136-79	3003900000	108		J MILES #1	SOUTH BLANCO PICTURED CL	21,5	EL PASO NATURAL GAS
-CAMPBELL & HEDRICK					RECEIVED: 09/02/80 JA: NM 4			
8055461	NM-0594-80	3002526600	103		CAMPBELL & HEDRICK ELLIOTT #2	DRINKARD	100,0	NORTHERN NATURAL GAS
-CHACE OIL COMPANY INC					RECEIVED: 09/02/80 JA: NM 4			
8055443	NM-315-80	3003921825	103		JICARILLA 70-6	SOUTH LINDRITH GALLUP-DA	36,0	EL PASO NATURAL GAS
8055442	NM-314-80	3003921824	103		JICARILLA 363-2	SOUTH LINDRITH GALLUP-DA	36,0	EL PASO NATURAL GAS
-CHAMA PETROLEUM CO					RECEIVED: 09/02/80 JA: NM 4			
8055487	NM-655-80	3000520164	108		SKINNER FEDERAL #2	CATO SAN ANDRES	9,1	CITIES SERVICE OIL C
8055486	NM-654-80	3000520127	108		SKINNER FEDERAL NO 1	CATO SAN ANDRES	9,1	CITIES SERVICE OIL C
-CONOCO INC					RECEIVED: 09/02/80 JA: NM 4			
8055431	NM-4367-79	3002526265	103		HAWK A #7	NMFU	18,0	GETTY OIL CO
8055436	NM-003-80ER	3002524789	108		JACK A-20 NO 10	NMFU	69,0	EL PASO NATURAL GAS
8055482	NM-0648-80	3002526298	103		JACK B-17 NO 5	NMFU - LANGLIE MATTIX	152,0	EL PASO NATURAL GAS
8055427	NM 3704-79	3002500000	108		LOCKHART B-14 A NO 2	TUBB (PRORATED GAS)	13,0	EL PASO NATURAL GAS
8055484	NM-0649-80B	3002526210	103		WARREN UNIT NO 68 (BLINEBRY)	NMFU - BLINEBRY OIL & GA	14,0	WARREN PETROLEUM CO
8055483	NM-0649-80-A	3002526210	103		WARREN UNIT NO 68 (WARREN TUBB)	NMFU WARREN TUBB	4,0	WARREN PETROLEUM CO
-COTTON PETROLEUM CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055526	NM-713-80	3003922214	103		APACHE #30	SOUTH BLANCO - PICTURED	35,0	NORTHWEST PIPELINE C
8055528	NM-0715-80	3003921888	103		APACHE NO 125	LINDRITH GALLOP/ DAKOTA	55,0	NORTHWEST PIPELINE C
8055527	NM-0714-80	3003922218	103		APACHE NO 29	SOUTH BLANCO - PICTURED	30,0	NORTHWEST PIPELINE C
-DOME PETROLEUM CORP					RECEIVED: 09/02/80 JA: NM 4			

JD NO	JA DKT	API NO	SEC	U	WELL NAME	FIELD NAME	PROD	PURCHASER
8055530	NM-0730-80	3004523401	103		DOME FEDERAL 17-27-13 #1	WAW	409,5	EL PASO NATURAL GAS
8055531	NM-0729-80	3004523402	103		DOME FEDERAL 17-27-13 #2	WAW	329,6	EL PASO NATURAL GAS
8055534	NM-0733-80	3004523403	103		DOME FEDERAL 17-27-13 #3	WAW	823,8	NATURAL GAS PIPELINE
8055536	NM-0735-80	3004523404	103		DOME FEDERAL 18-27-13 #2	WAW	596,0	EL PASO NATURAL GAS
8055537	NM-0736-80	3004523405	103		DOME FEDERAL 21-27-13 #1	WAW	411,7	EL PASO NATURAL GAS
8055533	NM-0732-80	3004523397	103		DOME FEDERAL 7-27-13 #1	WAW	655,5	EL PASO NATURAL GAS
8055532	NM-0731-80	3004523581	103		DOME FEDERAL 7-27-13 #2	WAW - PICTURED CLIFF	334,7	NATURAL GAS PIPELINE
8055539	NM-0738-80	3004523804	103		DOME NAVAJO 12-26-13 #1	WAW	233,6	EL PASO NATURAL GAS
8055540	NM-0739-80	3004523807	103		DOME NAVAJO 13-26-13 #1	WAW	354,8	EL PASO NATURAL GAS
8055541	NM-0740-80	3004523806	103		DOME NAVAJO 13-26-13 #2	WAW	449,7	EL PASO NATURAL GAS
8055538	NM-0737-80	3004523847	103		DOME NAVAJO 21-27-13 #3	WAW	438,4	NATURAL GAS PIPELINE
8055535	NM-0734-80	3004523188	103		FEDERAL 18-27-13 #1	WAW	286,2	EL PASO NATURAL GAS
-DUGAN PRODUCTION CORP					RECEIVED: 09/02/80 JA: NM 4			
8055429	NM-4329-79	3004522957	103		HARD DEAL #2R	WAW FRUITLAND PC	5,0	EL PASO NATURAL GAS
8055430	NM-4761-79	3004500000	108		SOUTH HUERFANO #1	BISTI	12,5	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055479	NM-0644-80	3004523934	103		BLOOMFIELD #1E	BASIN DAKOTA	70,0	EL PASO NATURAL GAS
8055498	NM-0680-80	3003920543	108		CANYON LARGO UNIT #180	BALLARD-PICTURED CLIFFS	18,0	EL PASO NATURAL GAS
8055456	NM-0522-80	3003920706	108		CANYON LARGO UNIT #193	BALLARD-PICTURED CLIFFS	22,0	EL PASO NATURAL GAS
8055455	NM-0521-80	3003920952	108		CANYON LARGO UNIT #268	BALLARD-PICTURED CLIFFS	22,0	EL PASO NATURAL GAS
8055520	NM-0706-80	3004523563	103		FEUILLE A #1R	AZTEC PICTURED CLIFFS	50,0	EL PASO NATURAL GAS
8055493	NM-0674-80	3004507163	108		FLORANCE C #10	BASIN-DAKOTA GAS	18,0	EL PASO NATURAL GAS
8055437	NM0004-80-ER	3004500000	108		FLORENCE C #2	BLANCO MESAVERDE	0,0	EL PASO NAT GAS CO
8055489	NM-663-80	3004507758	108		GRAMBLING #5	BLANCO-PICTURED CLIFFS G	25,0	EL PASO NATURAL GAS
8055454	NM-0520-80	3004511785	108		HEATON #20	AZTEC-PICTURED CLIFFS GA	21,0	EL PASO NATURAL GAS
8055491	NM-0672-80	3004520588	108		HUBBELL #1 R	AZTEC PICTURED CLIFFS	20,0	EL PASO NATURAL GAS
8055509	NM-0695-80	3004520467	108		HUERFANO UNIT #198	BASIN-DAKOTA	13,0	EL PASO NATURAL GAS
8055439	NM-0022-80	3004520632	108		HUERFANO UNIT #204	BASIN-DAKOTA GAS	19,3	EL PASO NATURAL GAS
8055494	NM-0676-80	3003906282	108		HUGHES #9	BALLARD-PICTURED CLIFFS	16,0	EL PASO NATURAL GAS
8055519	NM-0707-80-A	3004523812	103		JONES A #5A (MV)	BLANCO MESAVERDE	180,0	EL PASO NATURAL GAS
8055521	NM-707-80 B	3004523812	103		JONES A #5A (PC)	BLANCO PICTURED CLIFFS	70,0	EL PASO NATURAL GAS
8055522	NM-0708-80	3004523852	103		JONES A #6A	BLANCO MESAVERDE	180,0	EL PASO NATURAL GAS
8055511	NM-0702-80	3004522422	108		KERNAGHAN #4A	BLANCO-MESAVERDE GAS	22,0	EL PASO NATURAL GAS
8055440	NM-118-80	3003921265	108		LINDRITH UNIT #89	BLANCO SOUTH-PICTURED CL	21,0	EL PASO NATURAL GAS
8055492	NM-0673-80	3003905405	108		LINDRITH UNIT X #17	SOUTH BLANCO-PICTURED CL	22,0	EL PASO NATURAL GAS
8055497	NM-0679-80	3004508985	108		LUDWICK #7 MV & PC	BLANCO-MESAVERED AND AZT	15,0	EL PASO NATURAL GAS
8055496	NM-0678-80	3004509228	108		MANSFIELD #6	BLANCO-PICTURED CLIFFS	19,0	EL PASO NATURAL GAS
8055495	NM-0677-80	3004507064	108		MARTIN #5	FULCHER KUTZ - PICTURED	21,0	EL PASO NATURAL GAS
8055490	NM-0668-80	3004511021	108		NEWBERRY #9	BLANCO-MESAVERDE GAS	20,0	EL PASO NATURAL GAS
8055452	NM-0506-80	3003921716	108		RINCON UNIT #212	UTERO-CHACRA GAS	21,0	EL PASO NATURAL GAS
8055451	NM-0496-80	3003900000	108		SAN JUAN 27-4 UNIT #5	BASIN-DAKOTA GAS	25,0	EL PASO NATURAL GAS
8055499	NM-682-80	3003920877	108		SAN JUAN 27-4 UNIT #76	TAPACITO-PICTURED CLIFFS	12,0	EL PASO NATURAL GAS
8055507	NM-0693-80	3003920954	108		SAN JUAN 27-4 UNIT #78	TAPACITO-PICTURED CLIFFS	21,0	EL PASO NATURAL GAS
8055508	NM-0694-80	3003920672	108		SAN JUAN 27-5 UNIT #158	TAPACITO-PICTURED CLIFFS	19,0	EL PASO NATURAL GAS
8055517	NM-0705-80-A	3003921859	103		SAN JUAN 27-5 UNIT #61A (MV)	BLANCO MESAVERDE	220,0	EL PASO NATURAL GAS
8055518	NM 705-80-B	3003921859	103		SAN JUAN 27-5 UNIT #61A (PC)	TAPACITO PICTURED CLIFFS	30,0	EL PASO NATURAL GAS
8055510	NM-0698-80	3003907416	108		SAN JUAN 28-5 UNIT #6	BLANCO-MESAVERDE GAS	20,0	EL PASO NATURAL GAS
8055500	NM-0683-80	3003920878	108		SAN JUAN 28-5 UNIT #95	TAPACITO-PICTURED CLIFFS	19,0	EL PASO NATURAL GAS
8055501	NM-684-80	3003920872	108		SAN JUAN 28-6 UNIT #192	BLANCO SOUTH-PICTURED CL	23,0	EL PASO NATURAL GAS
8055453	NM-0508-80	3003907073	108		SAN JUAN 28-6 UNIT #82 PC & MV	SOUTH BLANCO-PICTURED CL	20,0	EL PASO NATURAL GAS
-EL RAN INC					RECEIVED: 09/02/80 JA: NM 4			
8055459	NM-0554-80	3000520716	103		DACHNER FEDERAL #4	CHAVEROO	36,0	TRANSWESTERN PIPELIN

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*FLORIDA GAS EXPLORATION COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055449	NM-423-80	3001500000	103		ROSS DRAW NO 8	ROSS DRAW (WOLFCAMP)	936.0	EL PASO NATURAL GAS
*GULF OIL CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055512	NM-0703-80	3001523060	103		CALLAWAY FEDERAL NO 1	UNDESIGNATED DIAMOND MOU	0.0	EL PASO NATURAL GAS
*HARVEY E YATES COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055462	NM-0614-80	3001500000	102		EAST TRAVIS 17 #1		400.0	EL PASO NATURAL GAS
*J GREGORY MERRION&ROBERT L BAYLESS					RECEIVED: 09/02/80 JA: NM 4			
8055463	NM-0619-80	3004500000	108		BIMSON FEDERAL #1	FULCHER-KUTZ PC	15.0	SOUTHERN UNION GATHE
8055464	NM-0620-80	3003905541	108		CANYON LARGO UNIT #118	DEVILS FORK GALLUP	3.0	EL PASO NATURAL GAS
8055465	NM-0621-80	3003905508	108		CANYON LARGO UNIT #123	DEVILS FORK GALLUP	9.0	EL PASO NATURAL GAS
*KERSEY & COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055470	NM-635-80	3001501337	108		A S U #1	VANDAGRIFF KEYES	1.5	PHILLIPS PETROLEUM C
8055471	NM-0636-80	3001510277	108		A S U #2	VANDAGRIFF KEYES	1.5	PHILLIPS PETROLEUM C
8055469	NM-634-80	3001501309	108		DONOHUE FEDERAL #2	VANDERGRIFF-KEYES	0.0	PHILLIPS PETROLEUM C
*LATCH OPERATIONS					RECEIVED: 09/02/80 JA: NM 4			
8055478	NM-0642-80	3001522725	103		SAUNDERS B #3	RED LAKE QUEEN GAS	108.2	PHILLIPS PETROLEUM C
*LYNCO OIL CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055438	NM0006-80-SA	3004500000	108		DICK HUNT #1	BASIN DAKOTA	0.0	NORTHWEST P L CORP
*MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 09/02/80 JA: NM 4			
8055450	NM 473-80	3003900000	108		JICARILLA D NO 10	GAVILAN-PICTURED CLIFFS	18.4	NORTHWEST PIPE LINE
8055446	NM-368-80	3003922137	103		LINDRITH B UNIT NO 1	CHACON-DAKOTA ASSOCIATED	109.5	EL PASO NATURAL GAS
8055447	NM-369-80	3003922138	103		LINDRITH B UNIT NO 2	CHACON-DAKOTA ASSOCIATED	237.0	EL PASO NATURAL GAS
8055448	NM-373-80	3004509323	108		STEPHENS GAS UNIT #1	BASIN DAKOTA & FLORA VIS	14.3	EL PASO NATURAL GAS
*MORANCO					RECEIVED: 09/02/80 JA: NM 4			
8055460	NM-0583-80	3000520721	103		WESTERN RESERVES FED 34 #2	TOM-TOM (SAN ANDRES)	15.0	TRANSWESTERN PIPE LI
8055435	NM-5064-79-2	3000520708	103		WESTERN RESERVES FEDERAL 34 NO 1	TOM-TOM (SAN ANDRES)	10.0	CITIES SERVICE OIL C
*NORTHWEST PIPELINE CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055523	NM-0710-80	3003907964	108		ROSA UNIT #10	BLANCO MESAVERDE	18.3	EL PASO NATURAL GAS
8055472	NM-0637-80	3003921790	103		SAN JUAN 29-6 #111	BLANCO PICTURED CLIFFS	21.0	NORTHWEST PIPELINE C
*PETRO-LEWIS CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055428	NM-4309-79	3003900000	103		FLORANCE #7	TAPACITO	72.0	EL PASO NATURAL GAS
*SOUTHERN UNION EXPLORATION COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055476	NM-0640-80	3004522787	103		LANSDALE FEDERAL #1	WAW	7.0	WESTERN GAS INTERSTA
8055477	NM-0641-80	3004523780	103		SUSCO FEDERAL #1	WAW	7.0	EL PASO NATURAL GAS
*SOUTHLAND ROYALTY CO					RECEIVED: 09/02/80 JA: NM 4			
8055524	NM-0711-80	3004524109	103		CAIN #10E	BASIN	80.0	SOUTHERN UNION GATHE
8055457	NM-0545-80	3001523102	103		EMPIRE FEDERAL COMM #1	UNDESIGNATED	50.0	NORTHERN NATURAL GAS
8055506	NM 688-80-B	3004523913	103		MCCLANAHAN #14E (DAKOTA)	BASIN	75.0	SOUTHERN UNION GATHE
8055504	NM-688-80-A	3004523913	103		MCCLANAHAN #14E (MV)	BLANCO	100.0	SOUTHERN UNION GATHE
8055503	NM-687-80-A	3004524108	103		MCCLANAHAN #15E (DAKOTA)	BASIN	75.0	SOUTHERN UNION GATHE
8055505	NM-0687-80-B	3004524108	103		MCCLANAHAN #15E (MV)	BLANCO	100.0	SOUTHERN UNION GATHE
8055525	NM-0712-80	3004523896	103		NEWMAN A #8E	BASIN	85.0	SOUTHERN UNION GATHE
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 09/02/80 JA: NM 4			
8055445	NM-364-80	3000520172	108		WOODMAN-FEDERAL NO 2	CATO/SAN ANDRES	0.4	CITIES SERVICE CO
8055444	NM-363-80	3000520182	108		WOODMAN-FEDERAL NO 3	CATO/SAN ANDRES	0.4	CITIES SERVICE CO
*SUPRON ENERGY CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055466	NM-0630-80	3004523733	103		SUMMIT VILES 5	AZTEC FRUITLAND EXT	55.0	SOUTHERN UNION GATHE
8055467	NM-0632-NM	3004523708	103		ZACHRY 20	CHACRA FRUITLAND	115.0	SOUTHERN UNION GATHE
8055468	NM-0633-80	3004523731	103		ZACHRY 21	UNDESIGNATED CHACRA	129.0	SOUTHERN UNION GATHE
*TENNECO OIL COMPANY					RECEIVED: 09/02/80 JA: NM 4			
8055474	NM-0639-80-A	3004524154	103		FLORANCE #122 (DAKOTA)	BASIN DAKOTA	500.0	NORTHWEST PIPELINE C
8055475	NM-0639-80-B	3004524154	103		FLORANCE #122 (PC)	BLANCO PICTURED CLIFFS	250.0	EL PASO NATURAL GAS
*UNION TEXAS PETROLEUM					RECEIVED: 09/02/80 JA: NM 4			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8055432	NM-4762-79	3004523519	103		JOHNSTON FEDERAL #11-Y	BLANCO - AREA 5	548,0	EL PASO NATURAL GAS
8055433	NM-4763-79	3004523520	103		JOHNSTON FEDERAL #14	BLANCO - AREA 5	548,0	EL PASO NATURAL GAS
*YATES PETROLEUM CORPORATION					RECEIVED: 09/02/80 JA: NM 4			
8055529	NM-0719-80	3001523180	103		ANTONGIOVANNI MJ FED NO 1	UNDESIGNATED MORROW	0,0	TRANSWESTERN PIPELIN
8055502	NM-0686-80	3001523273	103		MOBIL CI FEDERAL NO 7	PENASCO DRAW SA YESO	0,0	TRANSWESTERN PIPELIN
*COSEKA RESOURCES (USA) LIMITED					RECEIVED: 08/27/80 JA: CO 5			
8055333	CC 13-0	0510308409	102		FEDERAL 9-22-4-103	BAXTER PASS	254,0	NORTHWEST PIPELINE C
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** U.S. GEOLOGICAL SURVEY - CASPER,WY								
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*MONTANA-DAKOTA UTILITIES CO					RECEIVED: 08/27/80 JA: MT 5			
8055325	MB-0	2507121687	103		MDU 971 STAPP-FEDERAL	ASHFIELD	50,0	MONTANA-DAKOTA UTILI
*PENNZOIL COMPANY					RECEIVED: 08/27/80 JA: ND 5			
8055316	ND 43-0	3305300896	102		PENNZOIL-DEPCO FEDERAL #33-22	MONDAK	0,0	MONTANA DAKOTA UTILI
*SHELL OIL CO					RECEIVED: 08/27/80 JA: ND 5			
8055320	ND-1375-9	3305300817	102		USA 13-29-16	MONDAK	17,0	MONTANA DAKOTA UTILI
8055330	ND 1373-9	3305300793	102		USA 14-1-8	MONDAK	12,0	MONTANA DAKOTA UTILI
8055331	ND 1372-9	3305300794	102		USA 14-12-11	MONDAK	31,0	MONTANA DAKOTA UTILI
8055319	ND 1374-9	3305300820	102		USA 14-35-18	MONDAK	68,0	MONTANA DAKOTA UTILI
*GAS PRODUCING ENTERPRISES INC					RECEIVED: 08/27/80 JA: UT 5			
8055322	UC-2-01	4304730400	103		NBU 37-13B 30400	NATURAL BUTTES UNIT	529,0	COLORADO INTERSTATE
8055341	UC29-0	4304730470	103		NBU 49-12B 30470	NATURAL BUTTES UNIT	372,0	COLORADO INTERSTATE
8055321	UC1-0	4304730576	103		NBU 69-26B 30576	NATURAL BUTTES UNIT	39,0	COLORADO INTERSTATE
8055323	UC 3-0	4304730577	102		NBU 70-34B 30577	NATURAL BUTTES UNIT	140,0	COLORADO INTERSTATE
*AMOCO PRODUCTION CO					RECEIVED: 08/27/80 JA: WY 5			
8055317	W 1368-9	4902320264	102		WHISKEY BUTTES UNIT #14	WHISKEY BUTTES UNIT	200,0	CITIES SERVICE GAS C
8055318	W 1369-9	4902320287	102		WHISKEY BUTTES UNIT #23	WHISKEY BUTTES UNIT	200,0	CITIES SERVICE GAS C
*COTTON PETROLEUM CORPORATION					RECEIVED: 08/27/80 JA: WY 5			
8055324	W 6-0	4900720524	102		TRIGG-FEDERAL #28-1	STANDARD DRAW	0,0	CITIES SERVICE GAS C
*HUSKY OIL COMPANY					RECEIVED: 08/27/80 JA: WY 5			
*8055329	W-1286-9	4901320913	102		1-24 FULLER FEDERAL	FULLER RESERVOIR II UNIT	250,0	PANHANDLE EASTERN PI
*MONSANTO COMPANY					RECEIVED: 08/27/80 JA: WY 5			
8055344	W37-0	4901320897	107		QUINCY #1-34	MADDEN	1095,0	COLORADO INTERSTATE
*MOUNTAIN FUEL SUPPLY COMPANY					RECEIVED: 08/27/80 JA: WY 5			
8055326	W 17-0	4904120019	102		BUTCHER KNIFE SPRING UNIT NO 1	BUTCHER KNIFE SPRING UNI	1040,0	MOUNTAIN FUEL SUPPLY
8055328	W 18-0	4904120031	102		BUTCHER KNIFE SPRING UNIT NO 2	BUTCHER KNIFE SPRING UNI	821,0	MOUNTAIN FUEL SUPPLY
8055327	W 19-0	4904120097	102		BUTCHER KNIFE SPRING UNIT NO 4	BUTCHER KNIFE SPRING UNI	987,0	MOUNTAIN FUEL SUPPLY
*PACIFIC TRANSMISSION SUPPLY COMPANY					RECEIVED: 08/27/80 JA: WY 5			
8055335	W41-0	4902320338	103		PTS 23-33 FEDERAL	FONTENELLE	235,0	PACIFIC GAS TRANSMIS
8055345	W38-0	4902320126	108		PTS 23-7 FEDERAL	FONTENELLE	5,0	PACIFIC GAS TRANSMIS
8055346	W40-0	4923203040	103		PTS 32-19 FEDERAL	FONTENELLE	0,2	PACIFIC GAS TRANSMIS
8055336	W42-0	4902320331	103		PTS 34-3 FEDERAL	FONTENELLE	130,0	PACIFIC GAS TRANSMIS
8055342	W39-0	4902320276	103		PTS 43-11 FEDERAL	FONTENELLE	13,0	PACIFIC GAS TRANSMIS
*ROBERT KLABZUBA					RECEIVED: 08/27/80 JA: WY 5			
8055315	W-47-0	4900525299	103		FEDERAL 1-14	PORCUPINE	120,0	MCCULLOCH GAS PROCES
*SHELL OIL CO					RECEIVED: 08/27/80 JA: WY 5			
8055343	W34-0	4901320875	103		UNIT 41-9	PAVILLION	900,0	MONTANA DAKOTA UTILI
*SUN OIL COMPANY (DELAWARE)					RECEIVED: 08/27/80 JA: WY 5			
8055340	W27-0	4903721312	102		AMOCO FEDERAL NO 1-26	ECHO SPRINGS	300,0	COLORADO INTERSTATE
8055339	W26-0	4900720441	102		AMOCO FEDERAL NO 1-28	ECHO SPRINGS	1679,0	COLORADO INTERSTATE
8055337	W23-0	4903721317	102		ECHO SPRINGS FEDERAL NO 1-32	ECHO SPRINGS	395,0	COLORADO INTERSTATE
8055338	W25-0	4900720442	102		ECHO SPRINGS FEDERAL NO 1-34	ECHO SPRINGS	365,0	COLORADO INTERSTATE

JD NO	JA DKT	API NO	SEC	T	R	WELL NAME	FIELD NAME	PROD	PURCHASER
8055334	W24-0	4900720440	102			FAIR FEDERAL NO 1-6	ECHO SPRINGS	151.0	COLORADO INTERSTATE
*UNIVERSAL RESOURCES CORPORATION			RECEIVED: 08/27/80 JA: WY 5						
8055332	W 9-0	4902320336	103			LAWLER FEDERAL 1-30	BRUFF	200.0	NORTHWEST PIPELINE C

OTHER PURCHASERS

8055329 COLORADO INTERSTATE GAS CO.

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determinations 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 by October 8, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-29404 Filed 9-22-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1613-8]

Class Deviation From 40 CFR 35.910-2(c), Reallotment of Recoveries

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction.

SUMMARY: In FR Doc. 80-26674 (45 FR 58202) the document "Class Deviation from 40 CFR 35.910-2(c), Reallotment of Recoveries," was inadvertently omitted. For the readers convenience, we are republishing both the Notice and the class deviation.

C. William Carter

Dated: September 17, 1980.

Acting Assistant Administrator for Planning and Management (PM-208).

SUPPLEMENTARY INFORMATION:

[FRL 1593-8]

Grants for Construction of Treatment Works; Class Deviation

Under the authority of 40 CFR 30.1000, the Environmental Protection Agency (EPA) has issued a class deviation from 40 CFR 35.910-2(c) of EPA's construction grant regulations.

Section 35.910-2(c) requires that recoveries be treated, for reallotment purposes, like the most recent appropriation. (Recoveries are funds deobligated after the initial period of availability of those funds.) Under this regulation, any funds recovered during FY 79 and prior years which are not obligated by September 30, 1980, would be subject to reallotment. We have determined it would be inappropriate to reallot recoveries from FY 79 and prior fiscal years this year. We will, instead, reallot FY 79 and prior year recoveries with FY 80 recoveries if they remain unobligated after September 30, 1981. Recoveries after enactment of EPA's FY 81 appropriation will be treated like FY 81 funds subject to reallotment after September 30, 1982.

We are printing the deviation with this Notice.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director, Grants Administration Division (PM-216), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202)755-0850.

Dated: August 22, 1980.

Conrad Carter,

Acting Assistant Administrator for Planning and Management (PM-208).

Dated: August 26, 1980.

Eckardt C Beck,

Assistant Administrator for Water and Waste Management (WH-556).

NOTE.—This document when originally published was assigned FR Doc. No. 80-26674, and was filed on August 29, 1980 at 8:45 am.

U.S. Environmental Protection Agency

Date: August 26,1980.

Subject: Class Deviation from 40 CFR 35.910-2(c).Reallotment of Recoveries.

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM-216).

To: Regional Administrators.

Recently one Regional Administrator asked me to approve a deviation from 40CFR 35.910-2(c) of EPA's construction grant regulations. Section 35.910-2(c) requires that construction grant recoveries be treated like the most recent appropriation for the purpose of reallotment. (Recoveries are funds which EPA deobligates after the initial period of availability of those funds.) For example, this means that funds which EPA deobligated after their initial period of availability (recoveries) and during the time when the FY 79 appropriation was the most recent—from October 1, 1978 to September 30, 1979—would be subject to reallotment, if not reobligated, after September 30, 1980.

Without the deviation some States would have substantial amounts of FY 77 and FY 79 recoveries subject to reallotment this year. By approving a class deviation on May 1, 1980, I extended the reallotment date for FY 77 recoveries to September 30, 1980. I approved that deviation as an interim measure because of the short time those funds were available for obligation before May 3, 1980 (the FY 77 reallotment date), after they were distributed to the Regions, and to provide time to consider all implications of the Regional Administrator's request.

Several factors influenced our further consideration of the request including—

- EPA's current accounting system does not accurately track recoveries from year to year;
- EPA has not previously fully implemented §35.910-2(c); and
- Regional Offices have generally considered recoveries as "no-year" money.

Other Regional Offices have advised me that, because of their past experience in holding recoveries from year to year, they are not prepared to obligate their FY 79 and prior year recoveries before September 30, 1980. Because of this and our difficulty in identifying recoveries subject to reallotment on September 30, I have concluded it would be inappropriate to reallot FY 77 and FY 79 recoveries on September 30, 1980. As a result, I am approving a class deviation to that section for recoveries made through September 30, 1979.

Financial Management Division has developed an accounting system that will track unobligated FY 79 and prior year recoveries together with recoveries made this fiscal year through September 30, 1980, separately from those made during FY 81. Recoveries through September 30, 1980, will be subject to reallotment on October 1, 1981, if not obligated by September 30, 1981. Future recoveries will also be tracked to assure they are realloted at the appropriate time.

This deviation does *not* affect the period of availability of FY 79 funds which will be subject to reallotment on September 3, 1980, if not obligated.

Dated: August 22, 1980.

Concur:

Conrad W. Carter,

Acting Assistant Administrator for Planning and Management (PM-208).

Dated: August 26, 1980.

Concur:

Eckardt Beck,

Assistant Administrator for Water and Waste Management (WH-556).

[FR Doc. 80-29565 Filed 9-22-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180472A; FRL 1613-6]

California Department of Food and Agriculture; Issuance of Specific Exemption for Diazinon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA granted a specific exemption to the California Department of Food and Agriculture (hereafter

referred to as the "Applicant") to use diazininon on 15 acres of citrus pulp in Riverside County, California, to control vinegar flies (*Drosophila species*). The Applicant initiated a crisis exemption for this use of diazinon on May 30, 1980, and so notified the Administrator. Notification of this crisis exemption was published in the Federal Register of July 29, 1980 (45 FR 50415). The specific exemption was issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expired on August 17, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Programs, Environmental Protection Agency, Rm. E–124, 401 M St., SW., Washington, D.C. 20460 (202–426–0223).

SUPPLEMENTARY INFORMATION: The Applicant stated that citrus pulp was being stored, until it could be used as feed for local cattle, on approximately 15 acres near Mira Loma in Riverside County. The Applicant stated that fuel prices to transport the large volume of pulp were prohibitive and that buried pulp could not be fed to cattle. The storage field is adjacent to a residential area. The flies that infested the pulp were an extreme nuisance and health hazard to the community, according to the Applicant. There are no products registered for this unique situation. The Applicant stated that this was a onetime use pattern. the Applicant reported that the value of the citrus pulp was $19,600. Without the use of diazinon, the pulp would either have had to be moved (at a cost greater than the value of the pulp) or buried and thus made unsuitable for use.

EPA determined that since tolerances existed on alfalfa at 40 part per million (ppm), bean forage at 25 ppm, and a number of other feed commodities at high levels, there should be no problem with secondary residues associated with this use, particularly with the Applicant's intention of not feeding the pulp until residues fell below 0.75 ppm. It was expected that the proposed use would not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA determined that the criteria for an exemption were met. Accordingly, the Applicant was granted a specific exemption to use the pesticide noted above until August 17, 1980, in the manner and to the extent set forth in the application. The specific exemption was also subject to the following conditions:

1. The product, PureGro Diazinon AG500, EPA Reg. No. 1202–262, manufactured by PureGrow Co., was authorized for use. If an unregistered label was used, it was to contain the identical, applicable precautions and restrictions which appeared on the registered label;

2. Diazinion was to be applied daily at a rate of 1½ pints product (0.75 pound active ingredient) per acre in minimim of 10 gallons of water per acre by air, and a minimum of 100 gallons of water per acre by ground;

3. A maximum of 15 acres of citrus pulp (approximately 5 feet in depth) that was being stored near the town of Mira Loma in Riverside County was to be treated;

4. A maximum of 933.75 pounds active ingredients was to be applied;

5. All applications were to be made by, or under the supervision of, an applicator certified for this category of pest control;

6. All applicable directions, restrictions, and precautions on the EPA-registered product label were to be followed;

7. The County Agricultural Commissioner was to test for residues of diazinon before the treated pulp was fed to cattle. No pulp was to be fed to cattle until the residue was below 0.75 ppm. The Food and Drug Administration, U.S. Department of Health and Human Services, was advised of this action;

8. The applicant was to contact the Office of Endangered Species (Federal) and the State Fish and Game Agency personnel, prior to application, in order to determine if any endangered or threatened species were located in the area to be treated or adjacent to it; and

9. The EPA was to be immedaitely informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

(Sec. 18, as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: September 18, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–29309 Filed 9–22–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Community Reinvestment Act Information Statement

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Public information statement on the Community Reinvestment Act (CRA).

SUMMARY: In response to continuing interest on the part of individuals and organizations in the Community Reinvestment Act of 1977 and federal agency regulations implementing the Act, the Examination Council is issuing this public information statement. The statement briefly describes the requirements imposed by the Act and Indicates the approach taken by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the Office of the Comptroller of the Currency in implementing this statute. Within the next 90 days, the Council also plans to make available to the public, on behalf of these four Federal regulatory agencies, a "Citizens Guide" to CRA comment procedures which will provide more detailed information on individual agency policies and procedures.

DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Lawrence, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Eighth Floor, Washington, DC 20219 (202) 447–0939.

Community Reinvestment Act Information Statement

The Federal Financial Institutions Examination Council is issuing this statement for persons and organizations interested in the Community Reinvestment Act of 1977 (CRA). The Council is composed of the five financial institution regulatory agencies: the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration, and the Office of the Comptroller of the Currency. Financial institutions regulated by all of the agencies, except the National Credit Union Administration,[1] are subject to CRA.

CRA was enacted out of concern for unfair treatment of prospective borrowers and unwarranted differences in lending patterns between different neighborhoods in communities served by lenders. It emphasizes the institutions' affirmative obligations to help meet the credit needs of their entire

[1] The National Credit Union Administration does, however, expect all credit unions under its supervision to be responsive to the credit needs of all of their members as evidenced by its "anti-redlining" regulations and enforcement of the Federal equal credit opportunity and consumer credit protection laws.

communities. In addition, it requires the agencies to:

encourage regulated lenders to help meet the credit needs of the local communities in which they are chartered, consistent with safe and sound operation;

assess the lender's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods; and

consider those records in evaluating applications to expand the activities of the lender or, in certain cases, those of its parent holding company.

This last requirement applies to each application to one of the agencies for:

- a charter for a national bank or federal savings and loan association;
- deposit insurance;
- the establishment of a domestic branch or other facility with the ability to accept deposits.
- the relocation of the home office or a branch office;
- the merger or consolidation with, or acquisition of the assets, or assumption of liabilities of a regulated institution; or
- a holding company to acquire ownership, or control of shares or assets of, a bank or savings and loan, or formation of such a holding company.

CRA emphasizes that financial institutions have a continuing and affirmative obligation to help meet the credit needs of their local communities, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of those institutions. The CRA regulations specifically require each institution to:

- define the local community served by the institution without excluding any low- and moderate-income neighborhoods in those areas;
- prepare a CRA statement, listing the types of loans the institution is willing to make in its local community;
- establish a file on all comments received by the institution on its CRA statement or on its record of helping to meet the credit needs of its community and make this file available for the public to read at an office of the institution; and
- place in a public lobby of each office of the institution the CRA public notice required by regulations of each agency.

Although CRA is directed toward meeting sound community credit needs, it was not intended that federal agencies would impose credit allocation. The CRA regulations direct individual financial institutions to make their own credit decisions after assessing the credit needs of their local communities. The agencies believe that financial institutions are in the best position to assess those needs and that meetings with community organizations, local government officials and other representative groups should be an early and integral part of the assessment process.

Several community organizations have suggested that particular financial institutions have poor lending records because they do not return to certain neighborhoods in loans what they accept from them in deposits. The agencies believe that there are many reasons why a neighborhood may generate more deposits than loan requests, or vice versa, and that this disparity is not on its face evidence of discrimination or improper credit practices. The regulatory agencies are concerned with the lender's performance in meeting the credit needs of its local communities and with its sensitivity and response to the needs of each neighborhood.

Financial institutions may sometimes overlook or fail to identify the credit needs of creditworthy borrowers in their communities. For example, the agencies have discovered some disparities in housing-related lending in low- and moderate-income neighborhoods, compared with that in higher income areas. Factors such as housing demand and safety and soundness considerations do not appear to account fully for the extent of these disparities. When such disparities occur, the agencies investigate to determine the specific nature and extent of the lender's efforts to ascertain credit needs and publicize its credit services. A lender's claim of a "lack of demand" based on a lack of applications, will not be accepted as an adequate reason for an absence of or a substantially lower level of lending in a particular neighborhood without evidence that the lender had made substantial efforts in such neighborhood to ascertain credit needs and to publicize its credit services. The agencies also look for any policies or practices that discourage credit applications from, or discriminate against, portions of the lender's community.

The agencies expect each financial institution to offer the types of credit listed on its CRA statement throughout its community. In assessing an institution's record, the agencies view favorably the record of a lender that has defined its community reasonably and that offers credit to help meet the needs of its entire community. The agencies also give favorable weight to an institution's concerted efforts to tailor and adapt its credit programs and related services to meet the needs of low- and moderate-income areas in its community.

In acting upon applications covered by CRA, the agencies consider an institution's CRA record of performance along with other relevant factors. For existing institutions, commitments for future action are not viewed as part of the CRA record of performance, but may be given weight as an indicator of potential for improvement in a lender's performance.

The agencies expect all parties to applications to observe the agencies' procedures. Staffs of the agencies are available to advise parties on procedural requirements for commenting on applications. It is hoped that community representatives will bring their complaints to the attention of the lenders involved before protesting applications. However, when applications are protested on CRA grounds, the agencies encourage, but do not require, further communication between applicants and protestants. The agencies expect the protestants to provide evidence to support their complaints to the extent possible. For example, information on deed transfers may indicate mortgage loan demand and be instructive in demonstrating a particular lender's role in helping, or not helping, to meet that demand. The agencies' staffs will thoroughly investigate the merits of the application and the protest to provide the necessary record for an informed decision to be reached on the application.

To date, several protests have been withdrawn after the specific issues raised had been resolved by negotiation between the parties. However, it should be noted that:

- Withdrawal of protests does not alter the agencies' obligations to assess carefully the applicants' CRA records.
- Although the agencies hope all parties will meet to explain and clarify their positions, any decisions to negotiate are entirely within the parties' discretion.
- The agencies will not approve or enforce agreements between lenders and community groups. However, the agencies will consider evidence presented to them, by the parties to the agreement, that the agreement has been adhered to by the institution when the agencies assess the record of the institution in meeting its local credit needs.

Many lenders have adopted special purpose credit or pilot programs to test new credit offerings. The agencies wish to encourage, consistent with safety and soundness, those efforts to "target" community-related investments to geographic areas or individuals that are economically disadvantaged. Investments for special housing, community development, small business and small farm programs are also encouraged.

In designing procedures to accomplish CRA's goals, the four agencies of the Federal Financial Institutions Examination Council having CRA responsibilities appreciate the useful comments they have received from lending institutions, local governments, and community groups. They welcome additional suggestions. The agencies believe that communication between financial institutions and their communities can help ensure that sound credit needs are met within the lending capacity of depository institutions.

Dated: September 12, 1980.

Robert J. Lawrence,

Executive Secretary, Federal Financial Institution's Examination Council.

[FR Doc. 80-29269 Filed 9-22-80; 8:45 am]

BILLING CODE 6722-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 80-584]

Rulemaking and Regulatory Simplification

AGENCY: Federal Home Loan Bank Board.

ACTION: Resolution regarding regulatory simplification.

SUMMARY: The Federal Home Loan Bank Board is reaffirming its support of regulatory simplification by modifying its existing Resolution on this subject to inform the public of considerations undertaken by the Board before adoption or amendment of its regulations. These considerations are: need and purpose, alternatives considered, costs and paperwork burden, coordination with other agencies, public participation, and presentation that will be understandable by those subject to the regulation.

EFFECTIVE DATE: September 11, 1980.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, (202) 377-6445.

SUPPLEMENTARY INFORMATION: On March 31, 1980, the Depository Institutions Deregulation and Monetary Control Act of 1980 (the "Act"), Pub. L. No. 96-221, 94 Stat. 132, was enacted. The purpose of title VIII of the Act is to ensure that the regulations of financial regulatory agencies are simply and clearly written, achieve legislative goal effectively and efficiently, and do not impose unnecessary costs and paperwork burdens on the economy, on financial institutions or on consumers.

On March 23, 1978, President Carter signed Executive Order 12044 ("Improving Government Regulations"), which directed executive agencies to adopt procedures to improve existing and future regulations. Although by its own terms the Order does not apply to regulations issued by independent regulatory agencies, on June 21, 1979, the Board adopted Resolution No. 79-364 to comply with the spirit of the Executive Order. Executive Order 12044 has been extended by Executive Order 12221.

The Board supports the purposes of both title VIII of the Act and Executive Order 12044 and believes that its policies and procedures on rulemaking already comply with those directives. The Board desires to modify its Resolution of June 21, 1979, however, to incorporate expressly the policy provisions of title VIII of the Act and to reaffirm its commitment to improving the quality of its regulations. The resolution adopted today achieves this intent by adding a new paragraph (1) to Resolution 79-364 and making other conforming changes.

Resolution

Whereas, the Federal Home Loan Bank Board (the "Board") fully supports the regulatory reform policies embodied in title VIII of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Regulatory Simplification") and Executive Order 12044 ("Improving Government Regulations");

And whereas, the Board believes that it can: continue to improve the quality of its regulations and achieve statutory goals effectively and efficiently; remove unnecessary costs and paperwork burdens in a manner beneficial to the economy, the institutions it regulates and consumers without undermining the safety and soundness of institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation; and enhance public understanding of, and public participation in, the regulatory process by promulgating regulations that are as simple and clear as possible, using procedures that invite early public participation in the development of new regulations;

And whereas, the Board already has begun this process by simplifying substantially the majority of its regulations and by carefully considering simplification in connection with new regulatory proposals;

And whereas, the relatively small size of this agency and the sustained interest of its Board members in agency business has resulted in their personal oversight in the preparation and adoption of agency regulations;

And whereas, current regulatory procedures involve detailed staff analysis during the development of a new area of regulation and afford interested persons an opportunity for notice and comment before final action is taken, and the Board wishes to describe more fully that process and state its intention to encourage regulatory reform;

And whereas, in doing so, the Board recognizes that following these procedures may not be appropriate in all circumstances, and if the Board decides that in some instances more expedited procedures are fair, necessary or desirable, it will inform the public of the reasons for its decision;

And whereas, at a minimum, the Board will continue to follow the rulemaking procedures required by its regulations (12 CFR 508.10 *et seq.*) and the Administrative Procedure Act (5 U.S.C. 551 *et. seq.*):

Therefore be it resolved, that in order to improve the quality of agency rulemaking, the Board encourages the following policies and procedures for responsive rulemaking during the development of a new regulation:

(1) The Board shall ensure, to the maximum extent practicable, for each regulation issued, that:

(a) The need for, and purpose of, the regulation is established clearly;

(b) Meaningful alternatives to the promulgation of the regulation are considered before the regulation is issued;

(c) Compliance costs, paperwork and other burdens on insured institutions, consumers and the public are minimized;

(d) Conflicts, duplication and inconsistencies with the regulations issued by the other Federal financial regulatory agencies are avoided to the extent possible, taking into account differences in statutory responsibilities, the classes of financial institutions regulated and methods of implementation of statutory or policy objectives;

(e) Timely participation and comment by other Federal agencies, appropriate state and local agencies, regulated institutions and consumers are available; and

(f) The regulation shall be as simple and clearly written as possible and understandable by those who are subject to the regulation.

(2) After a public meeting at which the regulation is considered, the Board will publish each proposed and final regulation in the **Federal Register.** Each published document shall set forth succinctly:

(a) A description of the regulation;

(b) The legal basis for the regulation:

(c) The nature of public participation;

(d) The need for the regulation;

(e) The possible effects on competition;

(f) Alternative approaches considered;

(g) An estimate of additional reporting or recordkeeping requirements;

(h) If applicable, an analysis of public comments received regarding the regulation; and

(i) The name, address and telephone number of a knowledgeable Board official who can answer questions about the regulation.

(3) The public comment period for a proposed regulation will be at least sixty (60) days, and each final regulation will be published in the **Federal Register** at least thirty (30) days before its effective date; *provided,* that upon a determination that a shorter period is appropriate, the Board may shorten either such period, in which case the published notice will state the Board's reasons why a shorter period is practical or necessary.

These reasons may include that the regulation:

(a) Responds to an emergency;

(b) Requires prompt action in the public interest (*e.g.,* to further Board housing goals, to respond to adverse market conditions, or to correct an error);

(c) Consists of a technical, clarifying or nonsubstantive change;

(d) Is mandated by statute;

(e) Responds to a statutory or court-ordered deadline;

(f) Reformulates a proposal previously issued for public comment;

(g) Reduces or eliminates a regulatory burden; or

(h) Interprets rules, general statements or policy or internal agency procedures.

(4) In addition to the procedures in (2) and (3), early in the development of a regulation the staff will submit to the chairman for review a brief descriptive statement of the need, purpose and legal basis of the regulation, pertinent issues, possible alternative approaches, a tentative plan for public participation, projected dates for completion of various stages of the regulation, and recommendations regarding need for regulatory review.

(5) For each project that the Chairman deems to have a major economic consequence and that is either a major departure from Board policy or a new area of regulation, the Chairman will direct the preparation of a regulatory review before publication of a proposed rule, unless the Chairman determines that preparation of a regulatory review will delay unduly implementation of a regulation that requires expedited procedures for the reasons described in 3(a), (b), (d) or (e), and waives preparation of such review.

The regulatory review will:

(a) Describe the principal alternative ways of dealing with the problem under consideration;

(b) Analyze the economic consequences of each of these alternatives; and

(c) Explain in detail the reasons for choosing one alternative over the others.

The Board will publish in Federal Register notices of rulemaking the method for obtaining a copy of results of the regulatory review, unless the Board determines that such publication may cause financial speculation, endanger the stability of a financial institution, adversely affect litigation or agency adjudication, or frustrate agency action.

(6) During September and March of each year, the Board will approve and publish in the **Federal Register** an agenda of proposed regulations under development and existing regulations under review, unless the Board determines that such publication may cause financial speculation, endanger the stability of a financial institution, adversely affect litigation or agency adjudication, or frustrate agency action. Each agenda item will contain a description of the regulation, the need and legal basis for the regulation, the name and phone number of a knowledgeable Board official who can answer questions about the regulation, and the status of each agenda item.

(7) The Board will review each of its regulations periodically to determine whether the regulation should be continued, revised or eliminated. Regulations will be evaluated considering these factors:

(a) Need for the regulation;

(b) Alternative methods of achieving the regulatory purpose;

(c) Public reaction to the regulation;

(d) Burdens imposed by the regulation;

(e) Possible simplification or clarification of the regulation;

(f) Need to eliminate regulatory duplication; and

(g) Change in economic or technological conditions since the regulation was evaluated.

(8) The Board believes that, by adopting this Resolution, it is responsive to the requirements of title VIII of the Act and to the spirit of Executive Order 12044 and furthers its goal of reducing regulatory burdens and improving the quality of its regulations.

(Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48, Comp. p. 1071)

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80-29437 Filed 9-22-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 80-62]

Eurotropic Corp. Violations of Section 16 Initial Paragraph, Shipping Act, 1916; Order of Investigation and Hearing

Based on information developed by the Commission's Bureau of Enforcement, it appears that Eurotropic Corporation may have obtained or attempted to obtain transportation by water for property at less than the rates or charges which would othewise be applicable by unjust or unfair device or means.

The Commission's General Counsel asserted a claim for civil penalties against Eurotropic Corporation for receiving rebates from Polish Ocean Lines in connection with the exportation of shipments of ferns or grapefruits shown on the following bills of lading of Polish Ocean Lines:

Bill of lading number	Date
1. 704	Sept. 11, 1975.
2. 703	Sept. 19, 1975.
3. 703	Sept. 25, 1975.
4. 700	Oct. 17, 1975.
5. 700	Oct. 23, 1975.
6. 702	Oct. 2, 1975.
7. 700	Oct. 10, 1975.

However, Eurotropic informed the General Counsel that it did not wish to negotiate a settlement of the Commission's claim against it.

Accordingly, the Commission believes an investigation and hearing is necessary in order to determine whether Eurotropic Corporation has violated section 16, initial paragraph, Shipping Act, 1916, and if so, whether penalties should be assessed for such violations.

Now therefore, *it is ordered,* that pursuant to section 16, initial and penultimate paragraphs (46 U.S.C. § 821) of the Shipping Act, 1916, this proceeding is hereby instituted to

determine: (1) Whether or not Respondent violated section 16, initial paragraph, by obtaining or attempting to obtain transportation by water for property at less than the rates and charges which would otherwise be applicable by an unjust or unfair device or means; and (2) Whether penalties should be assessed against Respondent if found to have violated section 16, initial paragraph, and, if so, the amount of such penalties;

It is further ordered, That Eurotropic Corporation is hereby made Respondent in this proceeding and that the matter be assigned for public hearing before an Administrative Law Judge at a date and place to be determined by the Administrative Law Judge presiding in accordance with Rule 61 of the Commission's Rules of Practice and Procedure (46 CFR 502.61);

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding;

It is further ordered, That any person other than Respondent and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-29288 Filed 9-22-80; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 846]

Bryant & Heffernan, Inc.; Order of Revocation

On July 17, 1980, Bryant & Heffernan, Inc., 80 Broad Street, New York, New York 10004, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 846 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 846 Issued to Bryant & Heffernan, Inc. be and is hereby revoked effective July 17, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Bryant & Heffernan, Inc.

Robert G. Drew,

Director, Bureau of Certification, and Licensing.

[FR Doc. 80-29459 Filed 9-22-80; 8:45 am]

BILLING CODE 6730-01

[Independent Ocean Freight Forwarder License No. 503]

Frank A. Diaz, d.b.a. Borinquen Express Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Frank A. Diaz, dba Borinquen Express Co., 766 North Milwaukee Avenue, Chicago, IL 60622, FMC No. 503, was cancelled effective September 12, 1980.

By letter dated August 22, 1980, Frank A. Diaz, dba Borinquen Express Co., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 503 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Frank A. Diaz, dba Borinquen Express Co., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 503 be and is hereby revoked effective September 12, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 503, issued to Frank A. Diaz, dba Borinquen Express Co., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Frank A. Diaz, dba Borinquen Express Co.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-29458 Filed 9-22-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 2, 1980.
Thursday, October 9, 1980.
Thursday, October 16, 1980.
Thursday, October 23, 1980.
Thursday, October 30, 1980.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public,

upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

September 15, 1980.

[FR Doc. 80–29432 Filed 9–22–80; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL RESERVE SYSTEM

American Bancorporation; Acquisition of Bank

The American Bancorporation, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent of the voting shares of American Bank of Casper, Casper, Wyoming. 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–29321 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

American Bank Corp.; Acquisition of Bank

The American Bank Corporation, Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of American Bank of Wheatland, Wheatland, Wyoming. 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 October 16, 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, September 16, 1980.

Cathy L. Petryshn,

Assistant Secretary of the Board.

[FR Doc. 80–29319 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

Badger Bancshares, Inc.; Formation of Bank Holding Company

Badger Bancshares, Inc., Badger, Minnesota, 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 84.8 per cent or more of the voting shares of Badger State Bank, Badger, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–29336 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

B.O.Y. Bancorp, Inc.; Formation of Bank Holding Company

B.O.Y. Bancorp, Inc., Yorkville, 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 the Bank of Yorkville, Yorkville, 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 17, 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, September 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–29317 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

Citicorp, et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than October 15, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (insurance activities; Indiana, Michigan and Kentucky): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., in the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center Inc., to the extent permissible under applicable state insurance laws and regulations. The new activity will be offered in the previously approved service area for the office in Indianapolis, Indiana which covers the entire States of Indiana, Michigan and Kentucky.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Metro Bancshares, Inc., Kansas City, Missouri (real property leasing activities; Missouri): to engage in leasing the former premises of its subsidiary bank, Metro North State Bank, in Kansas City, Missouri, in conformance with the provisions of Regulation Y.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

This notice corrects a previous **Federal Register** document (FR Doc. 80–25992) published at page 56914 of the issue for Tuesday, August 26, 1980.

Western Bancorporation, Los Angeles, California (mortgage banking and insurance activities; Texas): to engage through its subsidiary, Western Bancorp Mortgage Company, in operating a mortgage banking company including making, acquiring, selling, and servicing real estate construction loans on its own account or for the account of others, and acting as agent or broker with respect to credit life and credit accident and health insurance and mortgage disability and mortgage redemption insurance directly related to extensions of credit or the provision of other financial services by Western Bancorporation or its subsidiaries. These activities would be conducted from an office in Houston, Texas, serving Colorado, Montana, New Mexico, Wyoming, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and Texas. Comments on this application must be received by October 8, 1980.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–29325 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

Farmers Exchange Bancorporation, Inc.; Formation of Bank Holding Company

Farmers Exchange Bancorporation, Inc., Cherokee, 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 percent or more (less directors' qualifying shares) of the voting shares of Farmers Exchange Bank, Cherokee, 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80–29326 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

Farmers & Stockmens Bancorp.; Formation of Bank Holding Company

Farmers & Stockmens Bancorporation, Clayton, New Mexico, 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 & Stockmens Bank of Clayton, Clayton, New Mexico. 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)).

Farmers & Stockmens Bancorporation, Clayton, New Mexico, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly engage in agricultural loan and general insurance agency activities. The general insurance agency activities would be conducted in a town of less than 5,000. These nonbanking activities would be performed from offices of Applicant's subsidiary in Clayton, New Mexico. The geographic area to be served by Applicant's agricultural loan activities is the five state area within 150 mile radius of Clayton and the geographic area to be served by Applicant's general insurance agency is primarily Union County, New Mexico. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be agrieved 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 October 16, 1980.

Board of Governors of the Federal Reserve System, September 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

FR Doc. 80–29330 Filed 9–22–80; 8:45 am]

BILLING CODE 6210–01–M

Financial Security Corp.; Formation of Bank Holding Company

Financial Security Corporation, Basin, Wyoming, 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 Security State Bank of Basin, Basin, Wyoming. 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 October 17, 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, September 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29318 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

First Security Bancshares, Inc.; Formation of Bank Holding Company

First Security Bancshares, Inc., Oklahoma City, 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 of the voting shares of First Security Bank and Trust Company, Oklahoma City, 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 October 16, 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, September 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29320 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Fountain Bancorporation, Ltd.; Formation of Bank Holding Company

Fountain Bancorporation, Ltd., Colorado Springs, Colorado, 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 98 per cent or more of the voting shares of Pioneer Bank of Fountain, Fountain, Colorado. 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 October 15, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29334 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Geiger Corp.; Acquisition of Bank

Geiger Corporation, Edina, Minnesota, has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 94.57 percent of the voting shares of Holstein State Bank, Holstein, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 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, September 17, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29322 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Graham-Michaelis Financial Corp.; Acquisition of Bank

Graham-Michaelis Financial Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 24.9 percent of the voting shares of RKB, Inc., Wichita, Kansas, a proposed bank holding company with respect to National Bank of Wichita, Wichita, Kansas. 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29328 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Greenspoint Bancshares, Inc.; Formation of Bank Holding Company

Greenspoint Bancshares, Inc., Houston, 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 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Greenspoint Bank, Houston, 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29324 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Northside Financial Corp.; Formation of Bank Holding Company

Northside Financial Corporation, San Antonio, 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 100 percent of the voting shares of Northside State Bank, San Antonio, 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29332 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-0-M

Panhandle Aviation, Inc.; Proposed Acquisition of Johnson Insurance Agency

Panhandle Aviation, Inc., Clarinda, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire all of the assets of Johnson Insurance Agency, Freemont, Iowa, and to engage in the sale of general insurance in a town of less than 5,000 population. These activities would be performed from offices of Applicant's proposed subsidiary bank, Farmers Savings Bank, in Freemont, Iowa, and the geographic area to be served is that portion of Mahaska County within a 25-mile radius of Freemont, Iowa. Such sctivities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any 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 October 15, 1980.

Board of Governors of the Federal Reserve System, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29333 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Panhandle Aviation, Inc.; Acquisition of Bank

Panhandle Aviation, Inc., Clarinda, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Farmers Savings Bank, Freemont, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 15, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29335 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

RKB, Inc.; Formation of Bank Holding Company

RKB, Inc., Wichita, Kansas, 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 83 per cent of the voting shares of National Bank of Wichita, Wichita, Kansas. 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29327 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

San Benito Bancshares, Inc.; Formation of Bank Holding Company

San Benito Bancshares, Inc., San Benito, 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 of the voting shares (less directors' qualifying shares) of the San Benito Bank & Trust Company, San Benito, 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

FR Doc. 80-29323 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Sierra Petroleum Co.; Acquisition of Bank

Sierra Petroleum Co., Wichita, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 24.9 percent of the voting shares of RKB, Inc., Wichita, Kansas, a proposed bank holding company with respect to National Bank of Wichita, Wichita, Kansas. 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 October 16, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

FR Doc. 80-29331 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Weleetka Bancorp., Inc.; Formation of Bank Holding Company

Weleetka Bancorporation, Inc., Weleetka, 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 percent or more of the voting shares of Weleetka Bancshares, Inc., and State National Bank, Weleetka, 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)).

Weleetka Bancorporation, Inc., Weleetka, Oklahoma, has also 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 acquire voting shares of Weleetka Insurance Agency, Inc., Weleetka, Oklahoma.

Applicant states that the proposed subsidary would offer credit life and accident and health insurance directly related to extensions of credit made by State National Bank. These activities would be performed from offices of Applicant's subsidiary bank in Weleetka, Oklahoma, and the geographic areas to be served are that town, the southeastern quadrant of Okfuskee County, and the northwestern quadrant of Hughes County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 October 16, 1980.

Board of Governors of the Federal Reserve System, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29329 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

Wirtz Corp.; Acquisition of Bank

Wirtz Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Security Trust and Savings Bank, Elmwood Park, 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 7, 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, September 16, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-29337 Filed 9-22-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Cigarette Testing Results; Tar and Nicotine Content; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects the notice published in the **Federal Register** for January 10, 1980, announcing the "tar" and nicotine content of cigarettes.

DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT: Harold C. Pillsbury, PAL-H-750, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3559.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-780 appearing at page 2102 in

the issue of Thursday, January 10, 1980 on page 2103 the following correction should be made:

The rounded "tar" figures for Newport, filter soft pack, menthol cigarette should be 9 mg. and not 10 mg.

Carol M. Thomas,

Secretary.

[FR Doc. 80-29311 Filed 9-22-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Solicitation of Nominations for Candidates To Serve on the National Council on Health Care Technology

Announcement is made that the Office of the Assistant Secretary for Health is soliciting nominations for candidates to serve on the National Council on Health Care Technology. The Committee, mandated by Public Law 95-623, provides advice and assistance to the Secretary on matters pertaining to health care technology.

There will be four (4) vacancies occurring on the Committee beginning May 4, 1981, representing such diversified subject areas as economics, law, consumers and medicine or science.

Especially sought is the candidacy of women and minority group members who have distinguished themselves in the above-mentioned disciplines.

Please forward nominations by December 1, 1980, to Sharon Paino, Executive Secretary, National Council on Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Tel: 301-443-1610.

Dated: September 16, 1980.

Wayne Richey,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-29290 Filed 9-22-80; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is evaluating several cytotoxic food testing procedures which are used in the diagnosis and treatment of allergies including:

Cytotoxicity testing using polymorphonuclear neutrophilic leukocytes (Bryan's test)
Skin Titration (Rinkle method)
Urine Autoinjection (autogenous urine immunization)
Provocative and Neutralization Testing (subcutaneous and sublingual administration)

Based on this evaluation, the Center will formulate a recommendation to advise the Health Care Financing Administration in establishing a Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than 30 days from the day of this notice. To enable the Center's staff to give appropriate consideration to any literature references or analysis of clinical data, a written summary no longer than 10 pages should be attached to any such submitted material.

Written material should be submitted to: National Center for Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, Medical and Scientific Evaluation Staff, National Center for Health Care Technology, (301) 443-4990.

Dated: September 16, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80-29289 Filed 9-22-80; 8:45 am]

BILLING CODE 4110-85-M

Food and Drug Administration

[Docket No. 80M-0250]

Ethicon, Inc.; Premarket Approval of Coated Vicryl (Polyglactin 910) Synthetic Absorbable Suture (Dyed/Braided) and the Coated Vicryl (Polyglactin 910) Synthetic Absorbable Suture (Undyed/Braided)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the applications for premarket approval under the Medical Device Amendments of 1976 of the Coated Vicryl (Polyglactin 910) Synthetic Absorbable Suture (Dyed/Braided) and the Coated Vicryl (Polyglactin 910) Synthetic Absorbable Suture (Undyed/Braided) sponsored by Ethicon, Inc., Somerville, NJ. After reviewing the recommendations of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the applications were approved because the devices had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by October 23, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 30857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: The sponsor, Ethicon, Inc., Somerville, NJ, submitted applications for premarket approval of the Coated Vicryl (Polyglactin 910) Synthetic Absorbable Suture (Dyed/Braided) and the Coated Vicryl (Polyglactin 910) Synthetic Absorbable Suture (Undyed/Braided) to FDA on November 1, 1979. The applications were reviewed by the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the applications. On January 9, 1980, FDA approved the applications by a letter to the sponsor from the Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the office of the Hearing Clerk (address above) and is available upon request from that office. Requests should be identified with the names of the devices and the Hearing Clerk docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to

grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 23, 1980 file with the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document. Received petitions may be seen in the above office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: September 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–29165 Filed 9–22–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80D–0376]

Source Leukocytes; Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a guideline for the collection of human leukocytes for further manufacturing use (Source Leukocytes).

ADDRESS: Requests for a copy of the guideline and submission of written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul K. Hiranaka, Bureau of Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: The agency has recently received several inquiries regarding the collection of human leukocytes for further manufacturing use (Source Leukocytes), primarily for the production of Interferon. The inquiries were generally concerned with the methodology and frequency of leukocyte collection, the safety of the donor, labeling requirements, and the sale of leukocytes in interstate commerce.

The agency has reviewed available data concerning maximum frequency and total number of leukocyte collections obtained by various methods including leukapheresis, whole blood collections, and double plasmapheresis procedures. Based on these data, the FDA's Bureau of Biologics has prepared and is making available a guideline entitled "Guidelines for the Collection of Human Leukocytes for Further Manufacturing." The guideline is intended to inform interested persons of practices concerning collection of leukocytes that are acceptable to the Bureau of Biologics. Copies of the guideline are being furnished to all FDA-registered blood-collecting facilities. Other persons interested in obtaining a copy of the guideline may write the Hearing Clerk, Food and Drug Administration, at the above address. Requests should include the Hearing Clerk docket number found in brackets in the heading of this document.

Interested persons may submit written comments on the guidelines to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether further amendments to or revisions of the guideline is warranted. Comments should be in four copies (except that individuals may submit single copies) and identified with the Hearing Clerk docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 16, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–29127 Filed 9–22–80; 8:45 am]

BILLING CODE 4110–03–M

Biological in Vitro Diagnostic Devices; Transfer of Responsibility From Bureau of Biologics to Bureau of Medical Devices

In FR Doc. 80–26795, appearing at page 58964, in the issue of Friday, September 5, 1980, please make the following correction:

On page 58965, second column, the first sentence of the third full paragraph now reading "Effective October 6, 1980, * * *" should read "Effective September 5, 1980, * * *".

BILLING CODE 1505–01–M

[Docket No. 78N–0276]

Nitrites; Availability of Report

In FR Doc. 80–27127, appearing on page 58970 in the issue of Friday, September 5, 1980, the following correction should be made:

In the first column, the first paragraph under **SUPPLEMENTARY INFORMATION,** the last line should read "studies on nitrites conducted at the Massachusetts Institute of Technology (MIT)."

BILLING CODE 1505–01–M

National Institutes of Health

Meeting of NIDR Special Grants Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, on November 18, 1980, in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on November 18, 1980, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. to adjournment on November 18, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concernig individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496–7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844- Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 16, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-29302 Filed 9-22-80; 8:45 am]

BILLING CODE 4110-08-M

Meeting of the Animal Resources Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, November 14, 1980, The Sheraton Boston, Prudential Center, Room 591, South Building, Boston, Massachusetts 02199, from 8:00 a.m. to adjournment. The meeting will be open to the public on November 14, from 11:00 a.m. to adjournment, during which time there will be a brief staff presentation on the current status of the Animal Resources Program and the Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 14, 1980, from 8:00 to approximately 11:00 a.m. for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: September 16, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-29303 Filed 9-22-80; 8:45 am]

BILLING CODE 4110-08-M

Meeting of the National Advisory Research Resources Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, October 15, 16, 17, 1980, at the Emory University School of Medicine, the Atlanta University Complex, Morehouse College School of Medicine, and the Atlanta Marriot Hotel, Courtland at International Boulevard, Atlanta, Georgia.

The meeting will be open to the public on October 15, from 8:45 a.m. to approximately 5:00 p.m. for presentations and a tour of the Yerkes Regional Primate Research Center, a tour of the General Clinical Research Centers and presentations by staff members at the Emory Univerity School of Medicine, and discussions on the Biomedical Research Support Grants with members of the staff at Emory University. The meeting will be open to the public on October 16, from 9:00 a.m. to approximately 4:00 p.m. for meetings with the Chancellor and Presidents of the five Atlanta University Complex Colleges, an overview of the Atlanta University Minority Biomedical Support Program, a tour of the facilities at the Atlanta University Complex, presentations by Minority Biomedical Support Program participants, and sessions with student participants; an overview of the Biomedical Research Development Program at the Morehouse College School of Medicine, a tour of the Biomedical Research Development facilities, and presentations by Biomedical Research Development participants. The meeting will continue from 5:30 p.m. to approximately 7:00 p.m. at the Atlanta Marriot Hotel, Courtland at International Boulevard, Atlanta, Georgia, for meetings of the Council Program Work Groups.

The meeting will convene at the Atlanta Marriot Hotel on October 17, from 8:30 a.m. to approximately 10:00 a.m. for a presentation on Artificial Intelligence and the conduct of regular Council business. Attendance by the public at all open sessions will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 17 from approximately 10:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301-396-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, Room 5B03, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, 301-496-6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.371; 13.375; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: September 16, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80-29304 Filed 9-22-80; 8:45 am]

BILLING CODE 4110-08-M

Meetings for the Review of Grant Applications

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: National Cancer Advisory Board Subcommittee on Organ Site Programs.
Dates: October 5, 1980.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open, October 5, 7:30 p.m.–8:45 p.m.; Closed: October 5, 8:45 p.m.–adjournment.
Closure reason: To review grant applications.
Executive Secretary: Dr. Andrew Chiarodo.
Address: Blair Building, Room 714, National Institutes of Health.
Phone: 301/427–8800.

(Catalog of Federal Domestic Assistance Numbers, 13.393, 13.394, 13.395, Project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

Name of Committee: Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Cancer Review Subcommittee).
Dates: November 5, 1980.
Place: Ambassador West/Kings Room, 1300 North State Parkway, Chicago, Illinois 60610.
Times: Open, November 5, 8:30 a.m.–10:00 a.m.; Closed: November 5, 10:00 a.m.–5:00 p.m.
Closure Reason: To review grant applications.
Executive Secretary: William E. Straile, Ph. D.
Address: Blair Building, Room 314, National Institutes of Health.
Phone: 301/427–8800.

(Catalog of Federal Domestic Assistance Numbers, 13.393, 13.394, 13.395, Project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

Name of Committee: Cancer Special Program Advisory Committee.
Dates: November 6–7, 1980.
Place: Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland 20014.
Times: Open: November 6, 9:00 a.m.–10:00 a.m.; Closed: November 6, 10:00 a.m.–5:00 p.m.; November 7, 8:30 a.m.–adjournment.
Closure Reason: To review grant applications.
Executive Secretary: Dr. William R. Sanslone.
Address: Westwood Building, Room 805, National Institutes of Health.
Phone: 301/496–7565.

(Catalog of Federal Domestic Assistance Number 13.392, project grants in cancer construction, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 16, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–29305 Filed 9–22–80; 8:45 am]

BILLING CODE 4110–08–M

Report on Bioassay of 2,6-Toluenediamine Dihydrochloride for Possible Carcinogenicity; Availability

2,6-Toluenediamine dihydrochloride (CAS 15481–70–6) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of 2,6-toluenediamine dihydrochloride for possible carcinogenicity was conducted by feeding diets containing the test chemical to F344 rats and B6C3F1 mice. 2,6-Toluenediamine is used as an intermediate in the production of dyes for furs and textiles, and flexible polyurethane foams and elastomers.

It was concluded that under conditions of the bioassy, 2,6-toluenediamine dihydrochloride was not carcinogenic for male and female F344 rats nor for male and female B6C3F1 mice.

Single copies of the report, Bioassy of 2,6-Toluenediamine Dihydrochloride (T.R. 200), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20205.

(Catalog of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 80–27407 Filed 9–22–80; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 12, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 8, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALASKA

Anchorage Division

Anchorage, *Anchorage City Hall, 524 W. 4th Ave.*
Anchorage, *Pioneer School House,* 3rd Ave. and Eagle St.

CALIFORNIA

Mendocino County

Covelo, *Round Valley Flour Mills,* Main and Greely Sts.

San Diego County

San Diego, *McClintock Storage Warehouse,* 1202 Kettner Blvd.

Siskiyou County

Weed, *Shasta Inn and Weed Lumber Company Boarding House,* 829 and 877 N. Davis St.

INDIANA

Vanderburgh County

Evansville, *Independence Historic District,* W. Franklin St. and Wabash Ave.

MAINE

Androscoggin County

Auburn, *Munroe, Horace, House,* 123 Pleasant St.

Cumberland County

Portland, *Maine Historical Society,* 485 Congress St.
Westbrook, *Walker Memorial Library,* 800 Main St.

Franklin County

Phillips, *Maine Woods Office,* Main St.
Strong, *Porter-Bell-Brackley Estate,* Lower Main St.

Hancock County

Blue Hill, *Barncastle,* South St.

Kennebec County

Winthrop vicinity, *Lund, John, Site.*

Lincoln County

Jefferson, *Jackson, Dr. F. W., House,* ME 32.

Madison County

Oneida, *Cottage Lawn,* 435 Main St.

Oxford County

North Fryeburg vicinity, *Wiley, Benjamin, House,* SE of North Fryeburg on Fish St.

Somerset County

Pittsfield, *Founders Hall,* S. Main St.
Skowhegan vicinity, *Weston, Samuel, Homestead,* S of Skowhegan on U.S. 201.

York County

Kennebunkport vicinity, *Maine Trolley Cars,* Seashore Trolley Museum.

MASSACHUSETTS

Essex County

Lynn, *Broad Street Historic District,* Marshall's Wharf, Broad, Carroll, Farrar and Washington Sts.

Franklin County

Northfield, *Northfield Main Street Historic District,* Main St. from Millers Brook to Pauchaug Brook.

Hampden County

Chicopee, *Polish National Home,* 136–144 Cabot St.

Suffolk County

Boston, *Oak Square School,* 35 Nonantum St.
Boston, *Russia Wharf Buildings,* 518–540 Atlantic Ave., 270, and 276–290 Congress St.

NEVADA

Washoe County

Reno, *Mackay School of Mines Building,* University of Nevada, Reno Campus.

NEW HAMPSHIRE

Rockingham County

Plaistow, *Plaistow Carhouse (Trolley Barn)* 27 Elm St.

Strafford County

Dover, *Hale, William, House,* 5 Hale St.

Sullivan County

Grantham vicinity, *Protectworth Tavern,* NH 4A.

NEW JERSEY

Mercer County

Titusville vicinity, *Upper Bellemont Farm,* NW of Titusville.

NEW YORK

New York County

New York, *Public School 35 (Public School 135)* 931 1st. Ave.

NORTH DAKOTA

Bowman County

Rhame vicinity, *Fort Dilts.*

Hettinger County

Regent, *Hill, Dr. S. W., Drug Store,* Off ND 21.

Mercer County

Stanton vicinity, *Fort Clark Archeological District,* SE of Stanton.

Ransom County

Fort Ransom vicinity, *Fort Ransom State Historic Site,* W of Fort Ransom.

Richland County

Abercrombie, *Fort Abercrombie,* Off U.S. 81.

Sheridan County

Martin vicinity, *Middle Station Historic Site.*

Ward County

Minot, *Minot Carnegie Library,* 105 2nd Ave. SE.

Oregon

Deschutes County

Redmond, *New Redmond Hotel,* 521 S. 6th St.

Linn County

Shedd, *Porter-Brasfield House,* 31838 Fayeteville Dr.

Marion County

Jefferson, *Jefferson Methodist Church and Parsonage,* 310 and 342 N. 2nd St.
Salem, *Gilbert, Andrew T., House,* 116 Marion St., NE.
Salem, *Wilson-Durbin House,* 434 Water St.
Silverton vicinity, *McCallister-Gash Farmhouse,* SW of Silverton at 9626 Kaufman Rd.

Polk County

Dallas, *Dallas Tannery,* 505 SW. Levens St.

Umatilla County

Pendleton, *Bowman Hotel,* 17 SW. Frazer Ave.

Wasco County

The Dalles, *Thompson, John L., House,* 209 W. 34d St.

TEXAS

Harris County

Houston, *Milroy, John, House,* 1102 Heights Blvd.

Milwaukee County

Glendale, *Elderwood,* 6789 N. Elm Tree Rd.

Tarrant County

Fort Worth, *Burnett, Burk, Building,* 500–502 Main St.

WISCONSIN

Dane County

Madison, *Dean, Nathaniel W., House,* 4718 Monona Dr.

Fond du Lac County

Johnsburg, *St. John the Baptist Catholic Church,* Off WI Q.

Oconto County

Oconto, *St. Peter's and St. Joseph's Catholic Churches,* 516 Brazeau Ave. and 705 Park Ave.

Ozaukee County

Cedarburg, *Wayside House,* Washington Ave.

Sauk County

Baraboo, *Tuttle, A. G., Estate,* N. Elizabeth St.

[FR Doc. 80-28949 Filed 9-22-80; 8:45 am]
BILLING CODE 4310-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Social Security Administration; Statement of Organization, Functions, and Delegations of Authority

Sections 11(i)(2) and 11(j), in part, of the Food Stamp Act of 1977 (section 1301 of Pub. L. 95–113) provide for the Secretaries of Agriculture and Health and Human Services to jointly develop a system that will enable households which contain applicants for, or recipients of, Supplemental Security Income (SSI) and social security benefits to apply for participation in the Food Stamp benefit program at Social Security Adminstration (SSA) offices. Section 17(b)(1) of the Food Stamp Act of 1977 authorizes experimentation projects which involve the payment of cash benefits in lieu of food coupons to eligible households in which every member is either 65 or older or eligible for SSI benefits under title XVI of the Social Security Act, as amended. The purpose of these legislative provisions is to make it easier and more convenient for SSI applicants and recipients to apply for and receive benefits under the Food Stamp program.

SSA has basic responsibility within the Department of Health and Human Services for assuring full and timely implementation of sections 11(i)(2), 11(j), in part, and 17(b)(1) of the Food Stamp Act of 1977. In order to meet these responsibilities, the Commissioner of Social Security (the Commissioner) has been delegated the following authorities by the Secretary of Health and Human Services:

A. Authority to negotiate and execute agreements with State agencies for SSA participation in the food stamp application process and Food Stamp program demonstration projects, under sections 11(i)(2), 11(j), in part, and 17(b)(1) of the Food Stamp Act of 1977 and regulations published under these sections by the Department of Agriculture.

B. Authority to negotiate and execute reimbursement agreements with the Department of Agriculture to provide for funding of the costs incurred by SSA in implementing sections 11(i)(2), 11(j), in part, and 17(b)(1) of the Food Stamp Act of 1977.

C. Authority to perform all other administrative functions necessary to effectuate SSA participation in the food stamp application process and Food Stamp program demonstration projects, except authority to publish regulations.

These delegations to the Commissioner are effective on the date this notice is published in the **Federal Register.** The Commissioner may redelegate the authority to negotiate and execute agreements with State agencies to the Social Security Administration Regional Commissioners. If the

Commissioner or any delegate of the Commissioner exercises this authority before this notice is published in the Federal Register, his/her actions are affirmed and ratified.

Dated: September 3, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-29448 Filed 9-22-80; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

[INT DES 80-59]

Availability of Draft Environmental Impact Statement on California Rivers Proposal

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Heritage Conservation and Recreation Service (HCRS) has prepared a Draft Environmental Impact Statement for a proposal to add five rivers of the California Wild and Scenic Rivers System to the National System.

DATE: Written comments on this draft statement from government agencies and interested citizens will be accepted for 45 days from the date assigned in the Federal Register by the Environmental Protection Agency.

ADDRESS: Comments should be addressed to the Regional Director, Heritage Conservation and Recreation Service, 450 Golden Gate Avenue, San Francisco, California 94102. Comments will be available for public review at the Regional Office from 8:00 a.m. to 4:30 p.m. on regular workdays.

FOR FURTHER INFORMATION CONTACT:

Brian O'Neill, Assistant Regional Director, or Jim Huddlestun, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, Department of the Interior, San Francisco, California 94102, (415) 556-0182 or (415) 556-8313; or

John Haubert, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243, (202) 343-4793.

SUPPLEMENTARY INFORMATION: On August 7, 1980, a Notice of Intent to Prepare Environmental Impact Statement for this proposal was published in the Federal Register. The Notice also announced scoping meetings which were held in San Francisco, Los Angeles, Eureka and Fresno, California, between August 13 and August 19. The purpose of the scoping meetings was to solicit comments on (a) identification of those issues to be addressed, (b) identification of those issues to be analyzed in depth, and (c) identification of those issues which are not significant with respect to impact of this proposal.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), this document analyzes the significant environmental impacts of adding five California Wild and Scenic Rivers—the Klamath, Eel, Trinity, Smith and lower American—to the National System. These impacts will result from added protections provided by Federal designation. The document discusses reasonable alternatives available to the Secretary of the Interior with respect to accepting the State's proposal *in toto*, as well as a no-action alternative.

All written comments submitted to the Heritage Conservation and Recreation Service by Federal, State and local agencies and interested citizens or organizations during the comment period will be reviewed and considered. If, upon consideration, changes in the text of the draft document are deemed necessary or desirable, such changes will be made prior to publication of the final statements.

Copies of the draft statement may be obtained from either the Washington or San Francisco offices of the HCRS at the above addresses.

The primary author of this notice is John Haubert, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243.

Dated: September 16, 1980.

Robert L. Herbst,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-29308 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-03-M

Procedures for Including State-Administered Rivers in the National Wild and Scenic Rivers System

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide the Heritage Conservation and Recreation Service (HCRS) policy and procedures and criteria for inclusion of State-Administered rivers into the National Wild and Scenic Rivers System. The HCRS policy and procedures are contained in HCRS Instruction 8010.1, which is published in its entirety below.

EFFECTIVE DATE: September 16, 1980.

FOR FURTHER INFORMATION CONTACT: John Haubert, Heritage Conservation and Recreation Service, 440 G Street, N.W., Washington, D.C. 20243.

Dated: September 16, 1980.

Chris Therral Delaporte,

Director.

Department of the Interior

Heritage Conservation and Recreation Service

[HCRS Instruction 8010.1]

Natural Programs—Procedures and Criteria for Designating State-Administered Rivers

September 16, 1980.

A. *Purpose.* This Instruction prescribes the policy and procedures to be followed by a State and the Heritage Conservation and Recreation Service in order to include a river area in the National Wild and Scenic Rivers System as a State-administered component.

B. *Applicability.* This Instruction applies to HCRS, Servicewide, and to all applicant States.

C. *Reference Paragraph.* This policy and procedure is adopted in order to implement Section 2(a)(ii) of Pub. L. 90-542, as amended, the Wild and Scenic Rivers Act.

D. *Policy.* It is the policy of the Service to encourage all States with State Wild and Scenic Rivers Systems to apply to the Secretary of the Interior to add eligible components of their Systems to the National System. Furthermore, it is the policy of HCRS to encourage States without river protection programs to adopt such programs.

E. *Background.* Section 2(a)(ii) of the Act states that the National System may comprise rivers "* * * that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system * * *"

"Each river designated under clause (ii) shall be administered by the State or

political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii)."

Supplemental criteria were approved by the Secretaries of the Interior and Agriculture and are set forth in "Guidelines for Evaluating Wild, Scenic and Recreational River Areas proposed for Inclusion in the National Wild and Scenic Rivers System under Section 2, Pub. L. 90–542, (as amended)."

F. *Requirements.* Based on the Act and the "Guidelines," the following requirements for designating a State-administered component of the National System would apply in most instances:

1. The values which cause the river to be qualified for the National System must be assured of permanent protection and management by or pursuant to State statute. As a means to this and, the State must adopt a program of action which will provide permanent protection for the natural and cultural qualities of the river and adjoining lands.

2. Protective devices for the river corridor may include, but shall not be limited to, fee acquisition, scenic easements or other than fee acquisition, zoning, limitations on building permits and other regulations. The intent is to provide for regulations of the use of private lands immediately abutting or affecting the river so as to preclude changes in use which would substantially alter the character of the river corridor. The State must prohibit undue adverse impacts on the river resources by its own agencies and programs and through its permitting and licensing requirements. If local zoning will be a major tool, it must either be in place or expressions of local intent must be included in the application.

G. *Procedures.* The following procedures for designating a State-administered component of the National System will apply in most instances:

1. The Governor must forward a letter to the Secretary requesting that the river be added to the National System and documenting the actions taken to comply with requirements 1 and 2 above. The application shall indicate the extent of public involvement in the decision to protect the river. The application should include sufficient environmental data to permit the Secretary to assess the environmental impact of adding the river to the National System.

2. The Secretary's determination as to whether Requirements 1 and 2 above have been adequately met would be based on:

a. An evaluation of the program of action prepared by the State and a field reconnaissance of the manner in which the State is implementing its program, or

b. If a Federal study has been completed, the extent to which the conceptual plan, as contained in that report, is being implemented.

3. The Secretary must determine that the river possesses outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values and that it qualifies for inclusion in the National System.

4. The Secretary must submit the proposal to the Secretaries of Agriculture and Army, the Chairman of the Federal Energy Regulatory commission and the administrators of other affected Federal agencies for review and comment as required in Section 4(c) of the act.

5. Finally, if the State's request is approved by the Secretary, the river would be added to the National System by publishing notice in the **Federal Register.**

Chris Therral Delaporte,

Director.

[FR Doc. 80–29307 Filed 9–22–80; 8:45 am]

BILLING CODE 4310–03–M

Bureau of Land Management

Arizona, Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, October 24, 1980.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include the following fiscal year 1981 issues: (1) grazing decisions, (2) allotment management plan schedule, (3) Range Improvement program, (4) draft Range Improvement Policy, and (5) actual use records on allotment management plans.

The meeting will be open to the public. Interested persons may make oral statements to the Board, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., October 22, 1980.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Fritz U. Rennebaum,

District Manager.

September 12, 1980.

[FR Doc. 80–29343 Filed 9–22–80; 8:45 am]

BILLING CODE 4310–84–M

[OR 8457]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order 5235 on July 14, 1972, be continued in its entirety for a 20-year period, pursuant to section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714. The withdrawn land is described as follows:

Willamette Meridian

Lost Forest Research Natural Area

T. 25 S., R. 20 E.,
Sec. 20, S½SE¼ and SE¼SW¼;
Sec. 21, S½;
Sec. 22, S½, NE¼, and S½NW¼;
Sec. 23;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26 to 30, inclusive;
Sec. 31, all except lot 4;
Secs. 32 to 35, inclusive;
Sec. 36, W½.

Containing approximately 8,960 acres in Lake County. The purpose of the withdrawal is to protect the scientific, educational, and research values of the Lost Forest Research Natural Area. The land is currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before November 3, 1980. 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 continuation may be filed with the undersigned officer on or before November 3, 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 rejustification 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; and 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 withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 15, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-29345 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-84-M

[Ore 016183-E]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing Gerber Reservoir Recreation Site withdrawal made by Public Land Order 3869 on November 12, 1965, be continued in its entirety for a 20-year period, pursuant to the authority contained in section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751. 43 U.S.C. 1714. The following described land is included in the proposed continuation:

Willamette Meridian

Gerber Reservoir Recreation Site

T. 39 S., R. 13 E.,
Sec. 2, SE¼NE¼ and E½SE¼;
Sec. 11, NE¼NE¼.

Containing 160 acres in Klamath County.

The land is currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. The purpose of the withdrawal is to protect the public recreational values within the site. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before November 3, 1980. 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 continuation may be filed with the undersigned officer on or before November 3, 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 rejustification 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; and an agreement is reached on the concurrent management of the land and its resouces. 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 withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 15, 1980.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-29346 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-84-M

Redding District Multiple Use Advisory Council; Meeting

September 16, 1980.

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Redding District Multiple Use Advisory Council will be held on Thursday, October 30, 1980, beginning at 9:00 a.m. at the Bureau of Land Management Office, 355 Hemsted Drive, Redding, California.

The agenda for the meeting will include:

1. Introduction of council members and District Staff.
2. Discussion of Council function and objectives.
3. Orientation to Bureau and District programs, responsibilities, and issues.
4. Discussion of how the council can assist the District Manager.
5. Election of Officers.
6. Future meetings and agenda topics.

The meeting is open to the public. Interested persons may make oral statements to the Council or file a written statement that can be considered by the Council.

Public statements will be heard between 1:00 and 2:00 p.m., or as prearranged with the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection during normal business hours within 30 days following the meeting.

Stanley D. Butzer,

District Manager.

[FR Doc. 80-29342 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-84-M

Utah Vernal District, Vernal District Advisory Council; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: Notice is hereby given that a meeting of the Vernal District Advisory Council will be held October 28-29, 1980.

The meeting will begin at 9:30 a.m. on October 28 in the conference room of the Bureau of Land Management office at 170 South 500 East, Vernal, Utah. The agenda for the meeting will include: (1) Review of advisory council charter and discussion of duties and responsibilities; (2) Selection of a chairperson and vice-chairperson; (3) Overview of Bureau of

Land Management activities planned for Fiscal Year 1981; (4) Off-road vehicle use in the Diamond Mountain Resource Area; (5) Discussion of the status of energy development in the Uintah Basin and what can be expected in the near future. Items included will be, (a) Moon Lake Power Plant, (b) White River Dam, (c) Oil shale, and (d) Tar Sands; (6) Scheduling for the next meeting and agenda topics.

On October 29, 8:00 a.m. the Council will take a field tour of several important off-road vehicle use areas within the Diamond Mountain Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the Council between 3:00 p.m. and 4:00 p.m. on October 28 or file a written statement for the Council's consideration. Anyone wishing to make oral statements to the council must notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078 by October 24, 1980.

Summary minutes of the Council's meeting will be maintained in the District Office and will be available for public inspection during regular business hours.

L. H. Ferguson,

District Manager.

September 16, 1980

[FR Doc. 80-29341 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-84-M

Washington and Oregon; Redelegation of Authority

September 12, 1980.

Summary: A Notice published in the Federal Register July 29, 1980, 45 FR 50425 delegated authority to District Managers in the States of Oregon and Washington to issue rights-of-way under Title I, Section 28, of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976. The authority of the District Managers in the States of Oregon and Washington is hereby expanded to include all actions authorized by section 1.9(m) of Part 1 of Bureau Order 701, with respect to applications involving only one BLM District. Authority over applications involving more than one District will continue to be retained by the Oregon State Office and redelegated on an individual basis.

EFFECTIVE DATE: This redelegation is effective on September 22, 1980.

FOR FURTHER INFORMATION CONTACT: Harold A. Berends, 943 (503-231-6904), Oregon State Office, BLM, P.O. Box 2965, Portland, Oregon 97208.

William G. Leavell,

State Director.

[FR Doc. 80-29340 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-84-M

Owyhee Grazing Final Environmental Impact Statement; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Owyhee grazing FEIS availability.

SUMMARY:

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for a proposed grazing management program for the Owyhee Resource Area of the Boise District in southwestern Idaho. The proposal involves changes in initial stocking rates, implementing improved grazing systems and installation of certain range improvements. Approximately 1,000,000 acres of public lands are involved.

SUPPLEMENTARY INFORMATION: Copies of the final environmental impact statement are available for inspection at the following locations:

Boise District Office, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702, Telephone: (208) 334-1582.

Idaho State Office, Bureau of Land Management, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, Telephone: (208) 384-1170.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director or the Boise District Manager, Bureau of Land Management, at the above addresses.

FOR FURTHER INFORMATION CONTACT: Jim Gabettas, District Manager, BLM Boise District Office, Telephone: (208) 334-1582.

Dated: August 14, 1980.

Robert O. Buffington,

State Director.

[FR Doc. 80-29291 Filed 9-22-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions

Correction

In FR Doc. 80-26986, appearing on page 58723, in the issue of Thursday, September 4, 1980 make the following correction:

On page 58724, first column, the bold face heading appearing below the first complete paragraph reading: "*Volume No. OP4-03*" should have read: "*Volume No. OP4-030.*"

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-24054, appearing on page 53256, in the issue of Monday, August 11, 1980, make the following correction:

On page 53262, MC 124896 (Sub-3-4TA), second column, in the eleventh line of the first complete paragraph, the last entry reading "WV" should have read "VA".

BILLING CODE 1505-01-M

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 proceeding. 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 particularity 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., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or imporper 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 within 30 days of publication (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: September 9, 1980.

By the Commission, Review Board Number 5 Members Krock, Taylor, and Williams. (In MC-F-14359 Taylor did not participate.)

MC-F-14359F, filed March 28, 1980. VANCOM, INC. (Vancom) (17030 Torrence Avenue, South Holland, IL 60473)—Continuance in Control—Barker School Bus Service, Inc. (Barker) (2323 W. 27th Avenue, Gary, IN 46406), and Mid-America Charter Lines, Inc. (Mid-America Charter) (17030 Torrence Avenue, South Holland, IL 60473)—Continuance in Control—Colorado Charter Lines, Inc. (Colorado Charter) (710 Holland Park Blvd., Colorado Springs, CO 80917). Representative: Bruce E. Mitchell, Suite 502, Lenox Towers South, 3390 Peachtree Road, NE, Atlanta, GA 30326. Vancom, Inc., seeks authority to continue in control of Barker School Bus Service, Inc., upon the institution by Barker of operations in interstate or foreign commerce. Vancom presently holds all the issued and outstanding stock of Van Der Aa Bus Lines, Inc. (Van Der Aa) (17030 Torrence Avenue, South Holland, IL 60473). Mid-America Charter seeks authority to continue in control of Colorado Charter, upon the institution by Colorado Charter of operations, in interstate or foreign commerce. John G. Van Der AA and Terry L. Van Der AA are equal stockholders of Vancom, a non-carrier holding company. Also, the two sole stockholders of Vancom each hold, as individuals, 25 percent each of the issued and outstanding stock of Mid-America Charter. John G. Van Der AA and Terry L. Van Der AA join in this application and seek authority to acquire control of said rights through these transactions.

Van Der Aa is a motor common carrier pursuant to authority issued in Certificate No. MC 114886, which authorizes the transportation, over irregular routes, of *passengers and their baggage,* in round trip charter operations, beginning and ending at South Holland, Calumet City, Lansing, and Phoenix, IL, and extending to points in Lake, Porter, Jasper, and St. Joseph Counties, IN. On December 4, 1979, Barker was granted authority in MC 141600 to operate as a motor common carrier, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Lake, LaPorte, and Porter Counties, IN, and extending to points in IL, KY, the Lower Peninsula of MI, OH, WI, and those points in MO on and east of U.S. Hwy 63 and on and north of U.S. Hwy 60. A certificate has not been issued. Mid-America Charter holds authority to operate as a motor common carrier pursuant to authority issued in Certificates in MC 78296 and sub-numbers thereunder, which authorize the transportation of (1) *passengers and their baggage,* restricted to traffic originating at the point in the territory indicated, in charter operations, from Chicago, IL, and points in IL, WI, IN, and MI, within 100 miles of Chicago, to points in the United States east of, but not including NM, UT, ID, and MT, and return, restricted *against* (a) the transportation of passengers and their baggage, in common, yellow-type school buses, in round trip charter operations beginning and ending at points in Milwaukee, Waukesha, and Ozaukee Counties, WI, and extending to points in that part of IL on and north of U.S. Hwy 30, and (b) the transportation of passengers and their baggage in round trip charter operations beginning and ending at South Holland, Calumet City, Lansing, and Phoenix, IL, and extending to points in Lake, Porter, Jasper, and St. Joseph Counties, IN; and (2) *passengers and their baggage,* in the same vehicle with passengers, in special operations, beginning and ending at points in Kenosha, Racine, Milwaukee, Waukesha, Walworth, Jefferson, and Rock Counties, WI, points in that part of IL on, north, and east of a line beginning at the IN-IL State line and extending along Interstate Hwy 74 to junction Interstate Hwy 280, and then along Interstate Hwy 280 to the IL-IA State line, points in that part of IN on, north, and west of a line beginning at the IL-IN State line and extending along Interstate Hwy 74 to junction IN Hwy 32, then along IN Hwy 32 to Anderson, IN, and then along IN Hwy 9 to the IN-MI State line, and points in that part of MI on, west, and south of a line beginning at the MI-IN State line and extending along MI Hwy 66 to junction Interstate Hwy 96, then along Interstate Hwy 96 to Muskegon, MI, and extending to points in the United States, including AK, but excluding HI.

On October 12, 1979, Colorado Charter was granted authority in MC 145424 to operate as a motor common carrier, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in EL Paso, Douglas, Jefferson,

Arapahoe, Denver, Adams, Boulder, Larimer, and Weld Counties, CO, and extending to points in the United States, including AK, but excluding HI. A certificate has not been issued.

Notes.—(1) Mitchell J. Van Aa, John J. Van Der Aa, and John G. Van Der Aa, A Partnership, d.b.a. Van Der Aa Brothers School Bus Service, has incorporated. Therefore, the certificate issued in MC 114886 will be reissued in the corporate name of Van Der Aa Bus Lines, Inc. (2) Mid-America Coach Lines, Inc., has changed its corporate name to Mid-America Charter Lines, Inc. This change in corporate name does not involve any change in ownership, management, or control of the operating rights issued by the Commission. Therefore, the certificates issued in MC–78296 (Sub-1) will be reissued in the new corporate name.

Conditions: Vancon, Inc., is a non-carrier holding company with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Vancom, Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV. It will, therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (2) In order to eliminate the holding of duplicating operating rights by the affiliated motor carrier, Barker and Mid-America Charter, approval and authorization of this transaction is subject to the following modification of Mid-America Charter's authority in MC–78296 as suggested by applicants: restricted against the transportation of passengers and their baggage in the same vehicle with passengers, in charter operations, from points in Lake, LaPorte, and Porter Counties, IN, to points in the Lower Peninsula of MI, Points in IL, KY, OH, WI, and those in MO on and east of U.S. Hwy 63 and on and north of U.S. Hwy 60. (Hearing site: Chicago, IL, or Washington, DC.)

MC–F–14430F, filed June 19, 1980. CSI, THREE, INC. (CSI, Three) (2000 Market Street, Philadelphia, PA 19103)—Purchase—Standard Trucking Company (Standard) (225 E. 16th Street, Charlotte, NC). Representative: Harry J. Jordan, Suite 502. Solar Building, 1000 16th Street, N.W., Washington, DC 20036. CSI, Three seeks to purchase the interstate operating rights and property of Standard. Sun Carriers, Inc., which owns 100 percent of the outstanding stock of CSI, Three, and in turn Sun Company, Inc., which owns 100 percent of the outstanding stock of Sun Carriers, Inc., seek authority in the same application to acquire control of the operating rights of Standard. CSI, Three is purchasing the interstate operating rights contained in Standard's certificates issued in MC–39973 and various sub-numbers thereunder, which authorize the transportation, as a motor common carrier as follows: (1) *general commodities*, with the usual exceptions, over regular routes extending between Morganton, Eden, and Henderson, NC, and Charleston, Aiken, Greenwood, and Anderson, SC, with service at all intermediate points on such routes, the off-route points in North Carolina and South Carolina, and (2) *methanol*, over irregular routes, from Earl, NC, to Forster, SC. CSI, Three is a wholly-owned subsidiary of Sun Carriers, Inc. It was created for the purpose of purchasing Standard. Sun Company, Inc., and Sun Carriers, Inc., commonly control Milne Truck Lines, Inc., of Salt Lake City, UT, operating under certificate No. MC 44605 and sub-numbers thereunder, Jones Truck Lines, Inc., of Springdale, AR, operating under certificate No. MC 11123 and sub-numbers thereunder. In addition, Sun Carriers, Inc., controls indirectly through stock ownership SJT, Inc., and St. Johnsburg Trucking, Inc., of Holliston, MA, operating under certificate No. MC–108473 and sub-numbers thereunder. Condition: Sun Carriers, Inc., a non-carrier, shall continue to be deemed a carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV subject to subchapter III of chapter 111, relating of reporting and accounting, and 49 U.S.C. 11302 relating to the issuance of securities.

Note.—In Finance Docket No. 29390, directly related to this transaction, CSI, Three seeks authority to issue a promissory note to Standard and to assume Standard's obligation under a mortgage on certain terminal and office facilities.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–29280 Filed 9–22–80; 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 rule of practice (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 338

Decided: Sept. 17, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 127651 (Sub-63F), (Republication), filed May 27, 1980, previously noticed in the FR issue of August 12, 1980. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *wood articles and plastic articles, and materials, equipment, and supplies* used in the manufacture and distribution of wood articles and plastic articles, between the facilities of Teledyne Owen Division of Teledyne Industries, Inc. at or near Owen, WI, on the one hand, and, on the other hand, points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, and TN.

Note.—The purpose of this republication is to show the State of IA as a destination state.

Volume No. OP4–050

Decided: Sept. 17, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 144117 (Sub-65F), filed March 31, 1980, previously published in the FR issue of July 10, 1980, and republished this issue. Applicant: T. L. C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting (1) *such commodities* as are dealt in or used by automotive service centers (except commodities in bulk), and (2) *syntetic airline lubricating oils* (except in bulk), between the facilities of Exxon Company, U.S.A., at or near (a) Bayonne and Bayway, NJ, (b) Baton Rouge, LA, (c) Baytown, TX, and (d) Pittsburgh, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to add the restriction in (1) above.

Volume No. OP4–051

Decided: Sept. 17, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 21866 (Sub-165F), filed June 12, 1980, previously noticed in the FR issue of July 24, 1980, and previously noticed in the FR issue of July 24, 1980, and republished this issue. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *glass containers*, and *materials and supplies* used in the manufacture of glass containers, between the facilities used by Glass Containers Corporation, at Knox, Clarion, Pottsville, and Dubois, PA, on the one hand, and, on the other, points in DE, MD, NY, NJ, NC, SC, and VA.

Note.—The purpose of this republication is to correct the territorial description.

MC 115826 (Sub-59OF), filed June 10, 1980, previously published in the FR issue of July 24, 1980, and republished this issue. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *light bulbs and lighting fixtures*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, from Compton, CA, to points in WA, WY, CO, MT, NM, TX, OR, AZ, NV, ID, and UT. Note: The purpose of this republication is to modify the territorial description.

Volume No. OP4–053

Decided: September 17, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 120427 (Sub-33F), filed September 17, 1979, and previously noticed in the FR issues of March 14 and August 26, 1980. Applicant: WILLIAMS TRANSFER, INC., 2128 East Hwy No. 30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses*, from Dension, Carroll, Iowa Falls, Sioux City, Ft. Dodge, and Des Moines, IA, Crete, Lincoln, and Omaha, NE, to points in MT, WY, CO, NM, WA, OR, NV, ID, AZ, CA, and UT, restricted to traffic originating at the facilities of Farmland Foods, Inc., at or near the named origins.

Note.—This republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29279 Filed 9-22-80; 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 C.F.R. 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 F.R. 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, 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 on or before November 7, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or 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. OP–034

Decided: September 17, 1980.

By the Commission, Review Board Number 2, Members Chander, Eaton, and Liberman.

MC 117940 (Sub-366F) (Republication), filed August 8, 1980, previously noticed in the Federal Register issue of August 26, 1980. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Hwy. 12, Maple Plain, MN 55359. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between the facilities used by Charter Oak Shippers Cooperative Association, Inc., and its members, in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to clarify the territorial description.

Volume No. OP2–048

Decided: September 16, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 108453 (Sub-39F), filed September 9, 1980. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, MO 49099. Representative: Edward Malinzak, 900 Old Kent Bldg., Grant Rapids, MI 49503. Transporting *general commodities* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Root-Lowell Manufacturing Co., of Lowell, MI. Condition: To the extent this permit authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 119493 (Sub-389F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *household appliances, television sets, and recorders*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk), between points in Pulaski County, AR, on the one hand, and, on the other, points in AL, IL, IN, KY, LA, MD, MS, NM, OK, TN, TX, VA, and WI.

MC 119493 (Sub-390F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant) Transporting *construction materials, and materials and supplies* used in the manufacture and distribution of construction materials, (except commodities in bulk), between points in Johnson County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119493 (Sub-396F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *new furniture and furniture parts*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Atlanta, GA, Alsip, IL, Clifton, NJ, and Houston, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI)

MC 119493 (Sub-397F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) *paint*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paint (except commodities in bulk), between St. Louis, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151533, (Sub-4F), filed September 9, 1980. APPLICANT: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, 80 State St., P.O. Box 3258, Hartford, CT 06103. Transporting (1) *steel storage racks*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of steel storage racks, between the facilities of Lok-Rak Corporation of America, at East Hartford, CT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151783F filed September 5, 1980. APPLICANT: S. GOSKI & SONS, INC., 318 Massachusetts St., Westfield, NJ 07090. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, and (2) *machinery and supplies* used in the production or distribution of the Commodities in (1) above, (except commodities in bulk), between points in the U.S. under continuing contract(s) with Heinz USA, Division of H.J. Heinz Company, of Pittsburgh, PA

Volume No. OP4–049

Decided: September 17, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 21866, (Sub-176F), filed August 11, 1980, previously noticed in the FR issue of August 28, 1980, and republished this issue. APPLICANT: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *automotive parts, accessories,* and *supplies,* between points in DE, MD, MI, NJ, NY, OH, PA, VA, and WV, restricted to traffic originating at or destined to the facilities of Chrysler Corporation, Service and Parts Division, or its dealers.

Note.—The purpose of this republication is to correct the carrier's name, published as "Most Motor Freight, Inc."

Volume No. OP4–052

Decided: September 17, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 42487 (Sub-999F), filed August 14, 1980, previously noticed in the FR issue of September 3, 1980, and republished this issue. APPLICANT: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correct the commodity description.

Volume No. OP4–055

Decided: September 16, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 116457, (Sub 53F), filed September 3, 1980. APPLICANT: GENERAL TRANSPORTATION INCORPORATED, 1804 S. 27th Ave., Phoenix, AZ 85005. Representative: D. Parker Crosby, P.O. Box 6484, Phoenix, AZ 85005. Transporting (1)(a) *pipe and pipe fittings, and materials and supplies* used in the installation of pipe and pipe fittings, and (b) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1)(a) above, between points in McPherson County, KS, Hill and McLennan Counties, TX, Eldorado, Riverside, and Santa Clara Counties, CA, on the one hand, and, on the other, those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, and (2) *constructing materials,* between the facilities of the Celotex Corp., a Jim Walter Company, in Alameda County, CA, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 145437 (Sub-21F), filed September 4, 1980. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting (1) *wearing apparel,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of wearing apparel, between points in the U.S., under continuing contract(s) with Hart Schaffner & Marx Clothes, of Chicago, IL.

MC 146417 (Sub-3F), filed September 9, 1980. Applicant: PISANO FRENCH BREAD BAKING COMPANY, INC., 2497 Grove Way, Castro Valley, CA 94546. Representative: Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting *bakery goods,* between points in the U.S., under continuing contract(s) with Safeway Stores, Incorporated, of Oakland, CA.

MC 147636 (Sub-11F), filed September 3, 1980. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *steel wire,* between points in Cuyahoga County, OH, on the one hand, and, on the other, points in AL, AR, CA, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 150807 (Sub-1F), filed September 10, 1980. Applicant: DONALD WILKINSON d.b.a. WILCO BUS SERVICE, 2035 Delaware St., Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. Over regular routes, transporting *passengers,* in commuter service, (1) between Galena, IL and Dubuque, IA, over U.S. Hwy 20, serving all intermediate points, (2) between Benton, WI and Dubuque, IL, over WI Hwy 11, serving all intermediate points, and (3) serving the facilities of John Deere Dubuque Works, in connection with the authority in (1) and (2) above.

MC 150956 (Sub-2F), filed September 10, 1980. Applicant: SOUTHWEST TRUCK SERVICE a Corporation, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting (1) *such commodities* as are dealt in by grocery, food business houses, department stores, and variety stores, and (2) *materials, equipment, and supplies* used in the conduct of the businesses named in (1) between points in the U.S. (except AK and HI).

MC 151206 (Sub-1F), filed September 10, 1980. Applicant: NANCY & DWIGHT'S HOLIDAY TOURS, INC., P.O. Box 188, Randleman, NC 27317. Representative: Dwight E. Thompson (same address as applicant). Transporting *passengers and their baggage* in special and charter operations, between points in Randolph County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151576 (Sub-1F), filed September 5, 1980. Applicant: CHESAPEAKE TRUCKING INC., 4717 W. Military Hwy., Cheaspeake, VA 23321. Representative: Ernest E. Stovall, 5001 Bainbridge Blvd., Chesapeake, VA 23321. Transporting *stationery,* between Chesapeake and Norfolk, VA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, and DC.

MC 151747 (Sub-1F), filed September 8, 1980. Applicant: WALTER BROTHERS TRUCKING, INCORPORATED, 1266 N. Franklin St., Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting (1) *foodstuffs and pet foods* (except frozen foods and commodities in bulk), and (2) *advertising matter, displays and premiums* in mixed loads with the commodities in (1) from the facilities of The Quaker Oats Company, at or near Shiremanstown, PA, to points in NJ north of NJ Hwy 33, and those in NY on, east, and south of a line beginning at the NY-PA State line and extending along U.S. Hwy 209, then along U.S. Hwy 209 to junction U.S. Hwy 44, and then along U.S. Hwy 44 to the NY-MA State line.

MC 151786F filed September 8, 1980. Applicant: OZBURN & HESSEY STORAGE CO., a Corporation, P.O. Box 7154, 402 Murfreesboro Rd., Nashville, TN 37210. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting (1) *iron and steel articles,* (2) *aluminum and aluminum articles,* and (3) *commodities* which because of size or weight require the use of special equipment, between points in Davidson County, TN, on the one hand, and, on the other, points in TN.

Volume No. OP4–057

Decided: Sept. 17, 1981.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 21866 (Sub-178F), filed September 9, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *automotive parts,* and *materials and supplies* used in the manufacture of automotive parts, (except commodities in bulk), between Hopkinsville, KY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM (except KY).

MC 26396 (Sub-376F), filed September 12, 1980. Applicant: THE WAGGONERS TRUCKING, a Corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Portland, OR, and points in WA, ID, and MT, on the one hand, and, on the other, points in the U.S.

MC 107496 (Sub-1279F), filed September 9, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *general commodities,* between points in AL, AR, CO, IL, IN, IA, KS, TN, KY, LA, MI, MN, MS, MO, MT, NE, ND, OH, OK, SD, TX, UT, WI, and WY, on the one hand, and, on the other, points in the U.S. Conditions: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request of all Certificated authority under MC 107496. To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 109397 (Sub-519F), filed September 9, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacabs (same address as applicant). Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S.

MC 113666 (Sub-195F), filed September 11, 1980. Applicant: FREEPORT TRANSPORT, INC., P.O. Box Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). Transporting *general commodities,* between points in the U.S. (except AK and HI, restricted to traffic originating at or destined to the facilities of American Cyanmid Company, its affiliates and subsidiaries. Condition: To the extent the certificate be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 141867 (Sub-20F), filed September 10, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting (1) *paper and paper products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, between points in Nez Perce County, ID, on the one hand, and, on the other, points in CA, OR, and WA.

MC 143776 (Sub-5F), filed September 11, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of Brown Company.

MC 144616 (Sub-12F), filed September 9, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *foodstuffs* (except in bulk), from points in Adams, Cumberland, Dauphin, and Franklin Counties, PA, to points in AR, AZ, CA, LA, NM, OK, and TX.

MC 145317 (Sub-13F), filed September 10, 1980. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Rd., San Antonio, TX 78217. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. Transporting *cement and rock,* in bulk, in tank vehicles, between points in Ellis County, TX, on the one hand, and, on the other, points in OK.

MC 145317 (Sub-14F), filed September 10, 1980. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Rd., San Antonio, TX 78217. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. Transporting *fly ash,* between points in TX, AR, LA, OK, NM, MS, TN, MO, KS, CO, KY, and AL.

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Decided: Sept. 15, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1798 (Sub-5F), filed September 2, 1980. Applicant: HUB CITY TRANSFER & STORAGE CO., INC., 606 Reynolds Ave., Centralia, WA 98531. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting *household goods* as defined by the Commission, between points in WA and OR.

MC 8958 (Sub-44F), filed September 4, 1980. Applicant: THE YOUNGSTOWN CARTAGE COMPANY, INC., 825 W. Federal St., Youngstown, OH 44501. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *iron and steel articles* and *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, (except in bulk), between points in New Haven County, CT, on the one hand, and, on the other, points in GA, NC, SC, TN, and VA.

MC 25798, (Sub-399F), filed September 5, 1980. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *foodstuffs,* between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 25798, (Sub-400F), filed September 5, 1980. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting (1) *building materials and supplies,* between points in Polk County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *cleaning, scouring, and washing compounds,* between points in Orange County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 25869, (Sub-170F), filed August 26, 1980. Applicant: C.O.D.E., INC., 4800 Colorado Boulevard, Denver, CO 80216. Representative: Carol S. Raznick, 820 Clermont, Suite 100, Denver, CO 80220. Transporting (1) *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code tariff, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S.

MC 54819, (Sub-5F), filed September 8, 1980. Applicant: T. F. BOYLE TRANSPORTATION, INC., 15 Riverhurst Road, Billerica, MA 01821. Representative: Thomas F. Boyle (same address as applicant). Transporting (1) *plastics, plastic film and sheeting,* (2) *groceries, foodstuffs, baked goods, beverages and confectionery,* and (3) *materials and supplies* used in the

processing, manufacture and distribution of the commodities in (1) and (2) between points in CT, IL, IN, MA, MI, NH, NJ, NY, OH, PA, RI, and WI.

MC 56679 (Sub-174F), filed September 3, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW, Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Douglas, Washington and Cass Counties, NE, and those points in the U.S. in and east of LA, MS, TN, KY, IL, IA, and MN (except ME, NH, VT, CT, RI, and points in the Upper Peninsula of MI).

MC 57239 (Sub-53F), filed September 5, 1980. Applicant: RENNER'S EXPRESS, INC., 1350 S. West Street, Indianapolis, IN 46206. Representative: Rudy Yessin, 113 West Main St., Frankfort, KY 40601. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Firestone Steel Products Co., Division of Firestone Tire and Rubber Co., at or near Henderson, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 96878 (Sub-5F), filed August 28, 1980. Applicant: CONSOLIDATED TRANSFER AND WAREHOUSE CO., INC., 1251 Taney Rd., North Kansas City, MO 64116. Representative: Robert L. Winsky (same address as applicant). Transporting (1) *primary metal products,* (2) *fabricated metal products,* (3) *machinery and supplies,* (4) *clay, concrete, glass or stone products,* (5) *chemicals or allied products,* (6) *lumber or wood products,* (7) *transportation equipment,* (8) *rubber or plastic products,* (9) *forest products,* (10) *non-metallic minerals,* and (11) *pulp, paper or allied products,* between points in the U.S.

Note.—The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 99149 (Sub-15F), filed August 27, 1980. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., P.O. Box 9390, 8400 New Benton Highway, Little Rock, AR 72209. Representative: Charles J. Lincoln II, 1550 Tower Building, Little Rock, AR 72201. 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 Texarkana and Ft. Worth, over Interstate Hwy 30, and (2) between Shreveport, LA, and Ft. Worth, TX, over Interstate Hwy 20, serving in routes (1) and (2) Dallas, TX, as an intermediate point.

Note.—Applicant intends to tack.

MC 113678 (Sub-892F), filed August 28, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *general commodities* (except household goods and classes A and B explosives), between points in Hudson County, NJ, Philadelphia County, PA, on the one hand, and, on the other, points in Los Angeles and San Francisco Counties, CA, Denver County, CO, Dade, Duval, Hillsborough, and Orange Counties, FL, Washoe County, NV, Clackamas, Multnomah, and Washington Counties, OR, Salt Lake County, UT, King County, WA, and TX.

MC 113678 (Sub-893F), filed September 5, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *general commodities* (except household goods and classes A and B explosives), between the facilities of Eastman Kodak Company at points in CA, GA and Weld County, CO.

MC 116938 (Sub-10F), filed August 22, 1980. Applicant: BEATY TRUCKING CO., INC., Route 2, Manchester, TN 37355. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of (a) clay and clay products, (b) concrete and concrete products, (c) shale and shale products, and (d) mortar mixes (except commodities in bulk, in tank vehicles), and materials and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in the U.S., under continuing contract(s) with General Shale products Corporation and its subsidiaries. Condition: Prior or coincidental cancellation of applicant's authority in permits MC-116938 Subs 3, 4, 5, 6, 8, and 9.

MC 119789 (Sub-711F), filed August 26, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., (same address as applicant). Transporting *weed killing compounds, animal health care items, and animal feed supplements,* between points in Douglas County, NE, on the one hand, and, on the other, points in GA, NC, TX, and CA.

MC 121568 (Sub-48F), filed September 5, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission, and commodities in bulk), between points in NY, TN, VA, FL, PA, ME, AL, IN, LA, NJ, OH, MA, GA, and WA, 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 Arcata Corporation and its subsidiaries. Condition: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, submit an affidavit indicating why such approval is unnecessary.

MC 121568 (Sub-49F), filed September 5, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting *general commodities* (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 Scott Paper Company and its affiliates. Conditions: The person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, submit an affidavit indicating why such approval is unnecessary.

Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 124159 (Sub-13F), filed August 25, 1980. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* between points in Cass County, ND, on the one hand, and, on

the other, those points in the U.S. in and west of MI, OH, KY, TN, and AL.

MC 125368 (Sub-117), filed September 9, 1980. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *frozen vegetables* and *supplies used in the manufacture of frozen vegetables,* between the facilities of Saulbury Brothers, Inc., at or near Ridgely, MD, on the one hand, and, on the other, points in the U.S. (except AK, HI, NE, NH, and WY).

MC 125368 (Sub-118F), filed September 8, 1980. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses* as described in *sections A and C of Appendix I* to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Co., at or near Cactus, TX to points in AL, FL, GA, NC, SC, and TN.*

MC 126118 (Sub-251F), filed September 5, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). Transporting *such commodities as are dealt in and used by wholesale and general merchandise stores* (except commodities in bulk), between Norfolk, NE on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 128988 (Sub-106F), filed September 9, 1980. Applicant: JO/KEL, INC., 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). Transporting (1) *fiberglass bathtubs and showers, cultured marble bathtubs, wall surrounds, lavatory tops, and shower enclosures, and* (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) between points in the U.S., under continuing contract(s) with Kimstock, Inc., of Santa Ana, CA.

MC 130998F, filed August 26, 1980. Applicant: TRIPP ASSOCIATED LTD., 99 Pleasant Street, Northampton, MA 01060. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. To engage in operations as a *Broker,* at Northampton, MA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Hampden, Hampshire, and Franklin Counties, MA, and Hartford County, CT, and extending to points in the U.S.

MC 131009F, filed August 29, 1980. Applicant: SILHOUETTE TOURS AND TRAVEL, INC., 564 Cincinnati-Batavia Pike, Cincinnati, OH 45244. Representative: G. Robert Hines, 2416 Kroger Bldg., 1014 Vine Street, Cincinnati, OH 45202. To engage in operations in interstate or foreign commerce, as a *broker,* at Cincinnati and points in Clermont County, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in special or charter operations, beginning and ending at Cincinnati, OH, and extending to points in the U.S. (except AK and HI).

MC 133119 (Sub-185F), filed September 3, 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 *foodstuffs,* from points in Shelby County, TN, to points in the U.S.

MC 135598 (Sub-46F), filed September 3, 1980. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *racks and pallets,* and (2) *materials, equipment, and supplies* used in the manufacture of racks and pallets, from Lewisville, TX, to points in the U.S.

MC 135989 (Sub-18F), filed August 27, 1980. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steel Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Transporting *machinery and machinery supplies,* between points in the U.S., under continuing contract(s) with Smith Tool, Division of Smith International, Inc., of Irvine, CA.

MC 136528 (Sub-3F), filed August 20, 1980. Applicant: GREAT NORTHEASTERN, INC., P.O. Box 115, Blue Ball, PA 17506. Representative: Christian V. Graf, 407 N. Front Street, Harrisurg, PA 17101. Transporting (1) *water treatment, farm, and dairy materials, equipment, and supplies,* (except commodities in bulk and those requiring special equipment), and (2) *cleaning compounds, paint, and pesticides,* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Babson Bros. Co., of Oak Brook, IL.

MC 138438 (Sub-90F), filed September 5, 1980. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *wooden poles,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Escambia Treating Company.

MC 138469 (Sub-248F), filed September 2, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *alcoholic beverages and wine* (except in bulk, in tank vehicles) between the facilities of Glazer Wholesale Drugs, Inc., and its subsidiaries, Cactus Beverage Distribution Company, Little Rock Distributing Company and New Orleans Beverage Agency at Little Rock, AR, Phoenix and Tuscon, AZ, Harahan, Lafayette and Shreveport, LA, and Amarillo, Corpus Christie, Dallas, El Paso, Fort Worth, Houston, Odessa and San Antonio, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138469 (Sub-249F), filed September 3, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by wholesale and retail grocers (except commodities in bulk), between points in AR, AZ, CA, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, NC, OH, OK, TN, TX, WV, and WI, restricted to traffic destined to the facilities of Shur Fine-Central Corporation.

MC 139958 (Sub-13F), filed September 2, 1980. Applicant: R.T. TRUCK SERVICE, INC., 2334 Millers Lane, Lousville, KY 40216. Representative: Rudy Yessin, 113 W. Main Street, Frankfort, KY 40601. Tranporting (1) *beverages, and (2) materials, equipment and supplies* used in the manufacture of the commodities in (1), (except in bulk), between the facilities of Kolmar, Inc., at or near Austin, IN and points in KY, IN, IL, OH, WV, MI, MO, NJ, MS, TN, GA, NC, LA, AL, SC, VA, PA, AR, TX, NY, MN, and WI. Condition: the person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 143029 (Sub-5F), filed August 26, 1980. Applicant: MC–MOR–HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *liquid sugar, liquid corn syrup, canned nonalcoholic beverages, metal cans, and cardboard containers,* between points in the U.S., under continuing contract(s) with Wis-Pak, Inc., of Watertown, WI.

MC 143059 (Sub-129F), filed August 28, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). Transporting (1) *fabricated metal products,* and (2) *machinery* (except electrical), as described in Items 34 and 35 of the Standard Transportation Commodity Code Tariff respectively, between points in Jefferson County, AL on the one hand, and, on the other, points the U.S.

MC 143059 (Sub-130F), filed August 28, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Lousiville, KY 40202. Transporting (1)(a) *metallic ores,* (b) *scrap materials,* and (c) *primary metal products,* between points in the U.S. on the one hand, and, on the other, points in El Paso County, TX, Gila County, AZ, Lewis and Clark County, MT, Denver County, CO, Pierce County, WA, Cook County, IL, St. Louis and Reynolds County, MO, Hamilton County, OH, Shelby County, TN, and (2) *general commodities,* between points in Reynolds County, MO, on the one hand, and on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 143059 (Sub-133F), filed September 2, 1980. Applicant: MERCER TRANSPORATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) as described in Item 51 of the Standard Transportation Commodity Code Tariff, between points in New Castle County, DE, on the one hand, and, on the other, points in the U.S.

MC 144069 (Sub-21F), filed August 28, 1980. Applicant: FREIGHTWAYS, INC., P.O. Box 5204, Charlotte, NC 28225. Representative: W.T. Trowbridge (same address as applicant). Transporting *erection equipment and materials and supplies* used in the manufacture of erection equipment, between points in VA, NC, SC, GA, FL, AL, TN, KY, and MD.

MC 144509 (Sub-4F), filed September 5, 1980. Applicant: HOLSTON MOTOR EXPRESS, INC., P.O. Box 1670, Kingsport, TN 37662. Representative: Karen Carter, P.O. Box 100906, Nashville, TN 37210. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Knoxville and Chattanooga, TN, over Interstate Hwy 75, serving no intermediate points, restricted against traffic originating at Knoxville, TN, and destined to Chattanooga, TN and further restricted against traffic originating at Chattanooga, TN and destined to Knoxville, TN.

Note.—Applicant intends to tack this authority with applicant's presently authorized regular-route operations.

MC 144568 (Sub-8F), filed August 19, 1980. Applicant: S. W. TRANSPORT, INC., 61 Lake Street, Rouses Point, NY 12979. Representative: Donald E. Cross, 918 16th Street, NW., Washington, DC 20006. Transporting *aluminum products and iron and steel articles,* between points in the U.S., under continuing contract(s) with Pole-Lite Industry, Inc., of Champlain, NY.

MC 144678 (Sub-18F), filed August 28, 1980. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). Transporting *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code tariff, between points in Finney County, KS, on the one hand, and, on the other, points in AL, GA, FL, MS, NC, SC, TN, IL, IN, IA, KY, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 144879 (Sub-8F), filed September 8, 1980. Applicant: D AND J TRANSFER COMPANY, Highway 4 North, Sherburn, MN 56171. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses,* between Chicago, points in Cook County, IL, on the one hand, and, on the other, points in IA, KS, MN, MO, NE, SD, and WI.

MC 144939 (Sub-7F), filed August 29, 1980. Applicant: LARRY A. HOUSEHOLDER d.b.a. HOUSEHOLDER TRUCKING, R.R. No. 1, Fenton, IA 50309. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *meat scraps, meat meal, blood meal, bone scraps, bone meal, and meat byproducts,* from the facilities of John Morrell & Co., at or near Sioux Falls, SD, to points in AR, IL, IA, KS, MN, MO, NE, and WI, restricted to traffic originating at the named facilities.

MC 145429 (Sub-2F), filed September 3, 1980. Applicant: MEL'S EXPRESS LTD., 90 Dissette St., P.O. Box 479, Bradford, Ontario, Canada LOG 1CO. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA. 22101. Transporting *beverages and citrus products,* from points in FL to the ports of entry on the international boundary line between the United States and Canada at points in NY and MI.

MC 146309 (Sub-6F), filed September 5, 1980. Applicant: IRVIN D. BLAIR d.b.a. D & T TRUCKING CO., 4300 Curtis Avenue, Baltimore, MD 21226. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *primary metal products* as described in Item 33 of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with Joseph Comac Co., Inc., of Severna Park, MD.

MC 146628 (Sub-7F), filed August 19, 1980. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *household appliances, luggage, outdoor power equipment, lawn tractors, garden tractors, garden tillers, tractor attachments, tiller attachments, chain saws, snow removal equipment,* (2) *accessories* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) and (2) between points in the U.S., under continuing contract(s) with Roper Corporation, of Kankakee, IL.

MC 146798 (Sub-5F), filed August 19, 1980. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatilla Street, Denver, CO 80204. Representative: Dale E. Isley, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Transporting *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code Tariff, and commodities used in the manufacture, sale, and distribution of candy, between points in Montrose County, CO, on the one hand, and, on the other, points in Dallas County, TX, and CA.

MC 147148 (Sub-2F), filed September 9, 1980. Applicant: GOLDEN TRIANGLE TRANSPORTATION, INC., Highway 82 East, P.O. Box 2043, Columbus, MS

39701. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in the U.S. under continuing contract(s) with Kerr-McGee Chemical Corporation, a subsidiary of Kerr-McGee Corporation, of Oklahoma City, OK.

MC 147308 (Sub-1F), filed September 5, 1980. Applicant: HOBOKEN TANK LINES, INC., 457—12th St., Hoboken, NJ 07030. Representative: Nick Caradonna, 48 Mayflower St., Clifton, NJ 07013. Transporting *animal and vegetable oils, cleaning compounds, chemicals and paint oils,* in bulk, in tank vehicles, between points in NY and NJ, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NC, NY, PA, RI and VA.

MC 147329 (Sub-4F), filed September 29, 1980. Applicant: ALL STATE TRANSPORT, INC., 5959 South Alameda Street, Los Angeles, CA 90001. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting *oil* (except in bulk), between points in the U.S., under continuing contract(s) with Mouren-Laurens Oil Co., of Compton, CA.

MC 148788 (Sub-2F), filed September 5, 1980. Applicant: PORT CARRIERS, INC., 1000 Farragut Drive, P.O. Box 26344, Jacksonville, FL 32218. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *general commodities* (except commodities in bulk) in intermodal containers, and (2) *intermodal containers* between points in Duval County, FL, Glenn County, GA, and Charleston County, SC, on the one hand, and, on the other, points in FL and GA, restricted to the transportation of traffic having an immediately prior of subsequent movement by water.

MC 148899 (Sub-1F), filed August 19, 1980. Applicant: BARLOW TRUCK LINES, INC., Route 2, Warrensburg, MO 64093. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between points in Carroll, Cherokee, Crawford, Hardin, Polk, Wevster, and Woodbury Counties, IA, and Douglas, Lancaster, and Saline Counties, NE, on the one hand, and, on the other points in AT, AZ, AR, CA, CO, FL, GA, IL, KS, KY, LA, MD, MS, MO, NV, NM, NC, OK, SC, TN, TX, and UT.

MC 149028 (Sub-2F), filed September 8, 1980. Applicant: T & M CARRIERS, LTD., Route 11, Berwick, PA 18603. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, D.C. 20036. Transporting *such merchandise as is dealt in or used by grocery and food business houses,* and foodstuff ingredients (except commodities in bulk and frozen foods), between points in the U.S. under continuing contract(s) with Wise Foods and Old London Foods, Borden, Inc. at Berwick, PA.

MC 149218 (Sub-7F), filed August 21, 1980. Applicant: SUNBELT EXPRESS, INC., U.S. Hwy 78, W., Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *cleaning compounds, buffing compounds, polishing compounds, textile softeners, lubricating oil, deodorants, and disinfectants,* (except commodities in bulk), from points in Will and Cook Counties, IL, to points in AL, FL, GA, KY, NC, SC, TN, and WV.

MC 151328F, filed August 20, 1980. Applicant: BARBARA R. WOMACK d.b.a. THRIFTY RED CARPET COACHES, 3803 Fort Hill Drive, Alexandria, VA 22310. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *passengers and their baggage* in special and charter operations, (a) beginning and ending at points in the U.S. and extending to points in MD, VA, and DC, and (b) beginning and ending at points in MD, VA, and DC, and extending to points in the U.S.

MC 151363F, filed September 4, 1980. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Casson Building, 603 Topeka Blvd., Topeka, KS 66603. Transporting *dry fertilizer,* from the facilities of Farmland Industries, Inc., at Lawrence, KS to points in MO, CO, NE, OK, IA, AR, and TX.

MC 151569F, filed August 20, 1980. Applicant: WILLIAM CRANDALL TRUCKING, INC., 4819 N.E. 39th Ave., Vancouver, WA 98661. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting (1) *shakes,* from Ridgefield, WA, to points in CA, and (2) *beer and wine,* from Sonoma, Napa, Colano, and Stanislaus Counties, CA, to the facilities of Evergreen Distributing Co., at Vancouver, WA.

MC 151629F, filed August 22, 1980. Applicant: POLY PIPE DISTRIBUTORS, INC., 1471 Yampa Avenue, Craig, CO 81625. Representative: Thomas J. Burke, Jr., 1660 Lincoln Street, Suite 1600, Denver, CO 80264. Transporting (1) *drilling muds and (2) oilfield chemicals,* (except in bulk), between points in Moffat County, CO, Natrona County, WY, and Lander County, NV, on the one hand, and, on the other hand, points in WY, CO, OK, and TX.

MC 151658F, filed August 25, 1980. Applicant: CHARLES CLIFTON PROPHET, d.b.a. PROPHET TRUCKING, P.O. Box 32, Harmans, MD 21077. Representative: Charles Clifton Prophet (same address as applicant). Transporting *general commodities* between points in the U.S., under continuing contract(s) with B and E Sales Co., Inc., of Jessup, MD.

MC 151738F, filed September 4, 1980. Applicant: CONCEPT, INC., c/o John Hildre, Cooperstown, ND 58425. Representative: Chalres E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting (1) *such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment and lawn and leisure products manufacturers and dealers (except commodities in bulk), from points in CO, KS, NE, WI, IL, IA, MN, and ND, to points in ND, SD, and Mt. (2) *truck bodies and truck boxes,* from points in Griggs County, ND, to points in the U.S., and (3) *materials, equipment and supplies* used in the manufacture and assembly of truck bodies and truck boxes, from points in the U.S., to points in Foster County, ND, restricted in parts (2) and (3) to traffic originating at or destined to the facilities of Reiten, Inc., at Cooperstown, ND.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29282 Filed 9-22-80; 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 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of

any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrents 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 becames 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. OP2–047

Decided: September 16, 1980.

By the Commission Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 39443 (Sub-25F), filed September 9, 1980. Applicant: THOMPSON, INC., 3904 Broadway, Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, betweeen points in the U.S.

MC 131012F, filed September 8, 1980. Applicant: DAVID F. HARRIS, NICK F. DARRAS and JOHN MURPHY, a Partnership, d.b.a. M.H.D. TRANSPORTATION SERVICES, 1354 Via Verde, San Dimas, CA 91733. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. As a *broker*, to arrange for the transportation of *general* commodities (except household goods), between points in the U.S.

MC 131013F, filed September 8, 1980. Applicant: FRANK BILOTTI, d.b.a. F.E.B. TRAFFIC SYSTEMS, 227 West Prospect Ave., Keyport, NJ 07735. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08817. As a *broker*, to arrange for the transporting of *general commodities* (except household goods), between points in the U.S.

MC 151782F, filed September 5, 1980. Applicant: MARTIN L. LANCE III, Route No. 3, Box 267 C, Inman, SC 29349. Representative: T. Kenneth Cribb, 407 S. Pine St., P.O. Box 2908, Spartanburg, SC 29304. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers*, if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

Volume No. OP4–056

Decided: September 16, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 134637 (Sub-3F), filed September 8, 1980. Applicant: SILICA TRANSPORT, INC., P.O. Box 232, Guion, AR 72540. Representative: Jack A. Knight, (same address as applicant). Transporting *general commodities*, between the points in Arkansas, Ashley, Bradley, Calhoun, Dallas, Garland, Grant, Hot Spring, Logan, Monroe, Perry, Prairie, Pulaski, Saline, Scott, Sebastian, Union, and Yell Counties, AR; Adams, Arapahoe, Elbert, El Paso, Kit Carson, and Lincoln Counties, CO; Clairborne, Jackson, Lincoln, and Union Counties, LA; and Alfalfa, Blaine, Beckham, Caddo, Canadian, Comanche, Cotton, Custer, Garfield, Grady, Grant, Jefferson, Kay, Kingfisher, Latimer, Leflore, Majors, Pittsburg, Stephens, and Washita Counties, OK, on the one hand, and, on the other, points in the U.S.

MC 138126 (Sub-45F), filed September 9, 1980. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 3666 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 147556 (Sub-3F), filed September 10, 1980. Applicant: SOUTHWESTERN SCIENTIFIC CO., 4345 E. Irvington Rd., Tucson, AZ 85714. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 149476F, filed September 4, 1980. Applicant: RICHARD LIGHT d.b.a. PRONTO PARCEL, 145 Palisades St., Dobbs Ferry, NY 10522. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transportation of *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151737F, filed September 4, 1980. Applicant: BURTON TRUCK & TRANSFER, INC., 14854 E. Valley, City of Industry, CA 91746. Representative: Bill Arthur Birkett, P.O. Box 2447, La Puente, CA 91746. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151777F, filed September 5, 1980. Applicant: BEN KRAFT d.b.a. BEN KRAFT TRUCKING, P.O. Box 285, Aberdeen, SD 57401. Representative: David C. Britton, 1425 Cottonwood St., Grand Forks, ND 58201. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption agricultural limestone and other soil conditioners, and agricultural fertilizers*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP5–018

Decided: September 5, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 96938 (Sub-12F), filed August 22, 1980. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike,

Little Rock, AR 72209. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, VA 22314. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions for the United States Government, between points in the United States.

MC 109818 (Sub-68F), filed August 22, 1980. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and muntions), for the United States Government, between points in the U.S.

MC 111548 (Sub-30F), filed August 28, 1980. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Lawrence E. Lindeman, 425 13th St., NW., Suite 1032, Washington, DC 20004. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 131008F, filed September 2, 1980. Applicant: FOSTER TRANSPORTATION SERVICES, INC., P.O. Box 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. To engage in operations as a broker arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 144879 (Sub-7F), filed August 29, 1980. Applicant: D AND J TRANSFER CO., a corporation, Highway 4 North, Sherburn, MN 56171. Representative: Laverne R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 149389 (Sub-2F), filed September 5, 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 *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-29285 Filed 9-22-80; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket Nos. 30,000 (Sub-1)]

Union Pacific Corp. and Union Pacific Railroad Co.—Control—Missouri Pacific Corp. and Missouri Pacific Railroad Co. and Western Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Waiver of certain filing requirements and clarification of others.

SUMMARY: The Commission decided to grant petitioners' request for waiver and clarification of certain filing requirements.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: On August 4, 1980, the Union Pacific Corporation (UPC), Union Pacific Railroad Company (UPRR), Missouri Pacific Corporation (MPC), Missouri Pacific Railroad Company (MPRR), and Western Pacific Railroad Company (WPRR) filed a second petition seeking waiver and clarification of our Railroad Consolidation Procedures.

By our decision of August 11, 1980 (served August 25, 1980) published elsewhere in this issue, we authorized petitioners to file their applications under the requirements proposed in November, 1979, in Ex Parte 282 (Sub-No. 3), Railroad Consolidation Procedures, (served November 8, 1979), 44 FR 66626 (November 26, 1979) (proposed regulations). Petitioners seek further waiver or clarification as discussed below.

1. Petitioners seek clarification that all applications directly related to the main consolidation applications may be filed under the proposed regulations. In our August 11, 1980 decision, we stated that the requirements of the proposed regulations shall extend to all the persons who may become parties to the proceeding. The proposed regulations shall also extend to all applications directly related to the main consolidation applications.

2. Petitioners seek clarification that 49 CFR § 1110.9 and the proposed regulations permit the incorporation by reference of any required material that has been simultaneously filed with a related application. Because of the substantial amount of material which will be filed with these applications, incorporation by reference of material filed with related applications is encouraged.

3. Petitioners seek clarification or waiver of § 1111.2(A)(3)(h) concerning labor impact data. They provide sample formats which they intend to follow for data on location, craft or class and classification of positions to be transferred, created, or abolished, the year the job change will occur, and annual wages or salaries added or saved in connection with each job change listed, as required by § 1111.2(A)(3)(h)(iii), (iv), and (v). Separate forms will be used for agreement and nonagreement employees. (See Appendix A.) Petitioner's sample format for the information described above is acceptable.

Petitioners provide sample formats which they intend to follow for data on net costs and net savings by class and by craft resulting from the job changes previously discussed, as required by § 1111.2(A)(3)(h)(iv). (See Appendix B.)

Section 1111.2(A)(3)(h)(iv) requires cost and savings information based upon classification, as well as by class and craft. Petitioners state that, because classifications (found at 49 CFR 1245.7 (1978)) encompass jobs from several crafts, as well as agreement and non-agreement classes, summarizing costs and savings by classification as well would provide no meaningul information and would only add confusion. We agree. Petitioners' waiver will be granted as requested.

4. Waiver of § 1111.5(B)(1), (3) and (5) of the proposed regulations is sought to enable petitioners to provide balance sheet and income statement information, and a statement and forecast of sources and application of funds, of WPRR on a different basis than is required by the proposed regulations. This is because during 1978-1979 WPRR was spun off from its predecessor company, making presentation of WPRR accounting data for 1979, 1978, and 1977 difficult.

Applicants propose to submit WPRR balance sheet information for 1978, on a pro forma basis and for 1977 on its predecessor company's basis. Applicants further propose to submit WPRR income statement information for 1979 and 1978, on a pro forma basis, and for 1977 on its predecessor company's basis.

Applicants also seek waiver of § 1111.5(B)(5) to permit WPRR to file a pro forma sources and application of funds statement for 1979.

Because of the difficulty applicants would encounter were we to strictly apply our regulations, we will grant the waiver of § 11.11.5(B)(1), (3), and (5) of our proposed regulations (as published November 26, 1979) as requested.

5. Waiver of § 1111.6(C)(2)(g)(ii) of the proposed regulations is sought to enable petitioners to submit 4 sets of microfiche covering all Study Movement Sheets (SMS) rather than filing the original and one copy of the SMS which underlie the intramodal traffic diversion studies.

Strict application of the regulation would require the filing of at least 120,000 sheets of paper. Because of the burden which this would impose upon both the petitioners and the Commission, we will grant the waiver as requested.

6. Petitioners seek waiver of § 1111.2(B)(2)(a) of the proposed regulations, which requires the filing of transcripts of the minutes of the directors' meetings at which the resolutions authorizing the proposed transactions were approved. This is to show the number of votes required to adopt the resolution.

Because minutes of meetings of the petitioners' boards of directors do not reflect the information required, petitioners proposed instead to file standard corporate secretaries' authentications of resolutions approved by the boards of directors. We will grant the waiver of § 1111.2(B)(2)(a) as requested.

7. Petitioners seek waiver of § 1111.6(A)(4), which requires the use by each party of an acronym to identify itself and a number following the acronym on each document it files in the proceeding.

Because petitioners intend to file documents on a joint basis, petitioners seek to identify these documents by group as well as by number, thus avoiding the use of numerous acronyms as prefixes. We will grant the waiver as requested.

It is ordered:

1. Petitioners' requests for waiver and clarification of our Railroad Consolidation Procedures as proposed in Ex Parte 282 (Sub-No. 3) (served November 8, 1979), 44 FR 66626 (November 26, 1979), are granted as stated above.

2. This decision shall be effective on the date it is served.

Decided: September 4, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioners Clapp and Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A.—*Section 1111.2(A)(3)(h) (iii), (iv), (v)—Labor Impact Data (Union Pacific Railroad Co./the Western Pacific Railroad Co.)*

1. Nonagreement Employees

Current location	ICC classification	Year	Job	Jobs transferred (new location)	Jobs created	Jobs abolished	Salaries	
							Added	Saved
San Francisco	005	1	Nonagreement			2		$40,000
Do	006	2	Nonagreement			2		40,000
Do	005	3	Nonagreement	1 (Omaha)				
Do	007	1	Nonagreement	1 (Salt Lake)				

Appendix B.—*Section 1111.2(A)(3)(h)(iv)—Summary Statement of Costs and Savings Resulted From Job Changes—3 Years (Union Pacific Railroad Co./the Western Pacific Railroad Co.)*

1. Nonagreement Employees

	Year 1	Year 2	Year 3
1. Positions transferred			
2. Positions added	1		
3. Positions abolished			
4. Salaries added (excluding transfers)	30,000	30,000	30,000
5. Salaries saved (excluding transfers)			
6. Net salaries saved (added)	(30,000)	(30,000)	(30,000)
7. Fringes added	10,000	10,000	10,000
8. Fringes saved			
9. Net fringes saved (added)	(10,000)	(10,000)	(10,000)
10. Total protection costs and relocation costs			
11. Total net savings (cost)	(40,000)	(40,000)	(40,000)

[FR Doc. 80-29265 Filed 9-22-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket Nos. 30,000 (Sub-No. 1]

Union Pacific Corp. and Union Pacific Railroad Co.—Control—Missouri Pacific Corp. and Missouri Pacific Railroad Co. and Western Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Decision on petition to proceed under proposed procedural regulations and to waive specific filing requirements; decision to require applicants to file additional information.

SUMMARY: The Commission decided to grant the applicants' request to apply the Commission's proposed regulations (both procedural and informational) to the proceeding. The Commission also decided to grant most of applicants' requests for waiver of specific filing requirements. The Commission is also asking for additional information related to specific issues in the proceeding. Finally, the Commission is publishing revised guidelines for the preparation of traffic studies in this case.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: On May 2, 1980, the Union Pacific Company

(UPC), Union Pacific Railroad Company (UPRR), Missouri Pacific Corporation (MPC), Missouri Pacific Railroad Company (MPRR), and Western Pacific Railroad Company (WPRR) filed a petition seeking waiver and clarification of our railroad consolidation regulations.

Our decision today resolves the issues raised by that petition. In addition, it requires applicants to provide the Commission with specific information, described below, relating to potential impacts of the proposed transaction.

Applicants filed a waiver petition in anticipation of submitting two consolidation applications under 49 U.S.C. §§ 11343–44 later this year. Petitioners indicate that they plan to file their applications on about September 15, 1980. The applications will seek Commission authorization for UPC to acquire control of MPC and WPRR, and for UPRR to exercise control over MPRR and WPRR.

Specifically, petitioners seek:

(1) Waiver of the presently codified rail consolidation regulations (49 CFR Part 1111), and use of the Commission's proposed revisions to the consolidation regulations instead (44 FR 66626).

(2) Waiver or clarification of the following sections of the proposed consolidation regulations:

- Proposed §§ 1111.2(A)(3)(h)(iii–vi), 1111.3(A–H), and 1111.2(A)(2)(c).
- Proposed § 1111.7(B).
- Proposed § 1111.3(H).
- Proposed §§ 1111.2(A)(3)(h)(vi) and 1111.3(D–G).
- Proposed § 1111.5(B)(1–5).
- Proposed § 1111.6(C)(2)(c) and (f).

(3) Clarification of 49 CFR 1100.5. We shall address each request separately.

On June 24, 1980, the Denver & Rio Grande Western Railroad Company (Rio Grande) filed: (1) A petition for leave to file a reply; and (2) a reply to the above parties' waiver petition. Rio Grande requests that the waiver petition be partially denied or conditioned. We will deny Rio Grande's petition and dismiss its reply.

The Commission's position on replies to waiver petitions is both longstanding and clear. The sole purpose of waiver and clarification petitions is to facilitate rail consolidation proceedings by determining at the outset what information will be necessary in preparing a complete application. See *Burlington Northern Inc.—Control & Merger—St. L.*, 354 I.C.C. 182, 190–191 (1977); accord 49 CFR 1100.10 (1979). Since there is no adjudicatory proceeding at the waiver stage, interested parties do not have a right to reply to a waiver petition and suggest what information prospective applicants must file with their application. An adversary proceeding will not begin until the application is formally accepted. See Finance Docket No. 28499 (Sub-No. 1), *Norfolk & Western Railway Company and Baltimore & Ohio Railroad Company—Control-Detroit, Toledo & Ironton Railroad Company* (not printed), decided November 15, 1977. The appropriate time for interested parties to seek further information is after a proceeding has been initiated by the acceptance of an application. Additional information may be sought at several points throughout the proceeding such as at the prehearing conference, during the discovery stages, or in the course of the hearing. We believe the rights of interested parties are adequately protected, since our decision on the application's completeness only relates to whether or not the application will be rejected. If any party can establish the need for further information, we can order the applicants to provide information at a later stage of the proceeding.

The principal exception to this general rule was discussed in *Itel Corp.—Control—Green Bay & W. R. Co., 354 I.C.C. 232, 233 (1978). When a prospective consolidation proceeding and a related transaction are both pending and involve the same parties, we will require the parties seeking waiver (or clarification) of the consolidation regulations to serve a copy of the waiver petition on the other parties to the related proceeding. Further, in recognition of those parties' special interest in the related proceedings, we will entertain any replies filed by those parties to the waiver petition.*

Appropriate Set of Regulations

The Commission's current rail consolidation regulations are codified at 49 CFR Part 1111 (1979), *Railroad Acquisition, Control, Merger, Consolidation Project, Trackage Rights and Lease Procedures.* Last fall we proposed revisions to the current regulations and published them in the **Federal Register** for public comment. *See* Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 26, 1979). Petitioners request that their consolidation proceedings be handled under the informational and procedural requirements of the proposed—rather than current—consolidation regulations. We substantially agree.

Numerous comments were submitted in response to our proposed regulatory revisions in Ex Parte No. 282 (Sub-No. 3). After reviewing those comments, we concluded that the procedural requirements of our consolidation regulations should be modified as proposed in that rulemaking proceeding.[1] These modifications are being implemented in a supplemental rulemaking notice which we are issuing in Ex Parte No. 282 (Sub-No. 3). Accordingly, petitioners' request for waiver of the old procedural requirements—and use of the proposed procedural requirements instead—is now moot, as the proposed procedural guidelines are now final and have superseded those codified at 49 CFR Part 1111 (1979).

We have not yet issued a final rule concerning the informational and data requirements for consolidation applications. However, we have decided to grant petitioners' request to proceed under the November version of those regulations rather than under our current requirements. The public comments submitted in Ex Parte No. 282 (Sub-No. 3), coupled with our own analysis, convince us that there is a general need for substantial reductions in the informational requirements associated with rail consolidations. The only reason we are not adopting the November 26 informational revisions is because we believe they may not go far enough. However, they are a major improvement over the informational requirements codified at 49 CFR Part 1111.

Since we believe the informational requirements of our rail consolidation regulations should be streamlined even further than we had previously proposed in the November 26, 1979 rulemaking notice, we are issuing a new rulemaking notice in Ex Parte No. 282 (Sub-No. 3) proposing further reductions in informational requirements. Since we have decided to revise our draft regulations to reduce the information required from applicants, petitioners should not be required to prepare their prospective applications under the old, more burdensome procedures. Moreover, substitution of the previously proposed regulations' informational requirements for those of the current regulations is wholly consistent with our traditional use of waivers to eliminate unnecessary informational burdens. Accordingly, we shall grant petitioners' request to comply with the Noverber 26, 1979 informational requirements, without prejudice to peitioners right to seek further informational waivers.[2]

[1] Those procedural requirements were generally contained in § 1111.6 of the proposed rules published November 26, 1979.

[2] At the same time, we will require applicants to submit the additional information, described below, which relates specifically to potential impacts of the proposed transaction.

Further, in this interest of conformity, this general authority to proceed under the previously proposed regulations [1] shall extend to all other persons who may become parties to this proceeding.

Proposed § 1111.2(A)(3)(h)(iii-vI), § 1111.3(A–H), and § 1111.2(A)(2)(c)

Petitioners request a waiver to permit them to submit—on a consolidated basis for each of petitioners' rail systems—the system map required by § 1111.2(A)(2)(c) and the employment and traffic data required by §§ 1111.2(A)(3)(h)(iii-VI) and 1111.3(A–H) of the previously proposed rail consolidation regulations.[3]

Petitioners contend that it would be excessively burdensome to develop this information on an individual subsidiary basis where it does not now exist and that such an effort, even if it could be done, would serve no useful purpose.

We consider a waiver unnecessary, since the proposed regulations do not prohibit applicants from filing this information on a consolidated basis. The previously proposed regulations do not require "applicant carriers" to submit the foregoing information on an individual subsidiary basis, rather than on a consolidated system-wide basis. In fact, we encourage petitioners to submit this information on a consolidated basis, so long as their submissions are adequately explained and rationally set forth. Also, any information submitted on a consolidated basis should, wherever possible, indicate which of the consolidated information is attributable to which particular corporate subsidiaries. We further recommend that, with regard to the map required by § 1111.2(A)(2)(c), petitioners submit one master map identifying all the various rail lines involved in the transaction, instead of submitting separate maps for each of the 3 major rail systems involved in this consolidation (UPRR, MPRR, and WPRR).

Proposed § 1111.7(B):

Petitioners request a clarification that the term, "applicant carrier" as used in proposed § 1111.7(B) does not include certain carriers which are allegedly not part of petitioners' rail systems. While these carriers would be identified in the corporate chart required by proposed § 1111.2(B)(1)(f), petitioner do not believe it necessary to submit any other information concerning them in the application. We agree with petitioners' interpretation.

UPRR, MPRR and WPRR have non-controlling interests (50 percent or less) in several terminal, switching, or short-line railroads owned jointly with other railroads. These non-system railroads are listed and briefly described in Appendix B to the waiver petition. In addition, MPRR owns a majority interest in two companies of the same nature, which are also listed in Appendix B to the petition. These carriers are operated independently, not as part of the petitioners' systems. Their records are separately maintained, and we believe it would serve no useful purpose to produce detailed data for them. Since they will be identified in the corporate chart required by § 1111.2(B)(1)(f), any interested parties may seek discovery regarding them during the initial stages of the proceeding upon a showing of good cause.

However, the definition of "applicant carrier" in § 1111.7(B) embraces all the railroads comprising the UPRR, MPRR, and WPRR systems. These carriers are listed in Appendix A to the waiver petition, and information regarding them must be submitted in the applications.

Proposed § 1111.3(H)

Petitioners seek waiver (or clarification) of previously proposed § 1111.3(H) concerning traffic studies to permit petitioners to: (1) Exclude from the traffic study base shipments for which the study carrier performed only a switching function; (2) eliminate from the study base certain categories of non-relevant traffic; and (3) dispense with the preparation of study movement sheets and retrieval of waybills and abstracts for certain categories of unaffected traffic. We believe these requests should be conditionally granted, as discussed below.

At the same time, we are slightly modifying the general guidelines contained in proposed § 1111.3(H). In general, our modifications require that the traffic sample used in the study be drawn from potentially divertible traffic rather than from total traffic. Revised guidelines for the preparation of traffic studies were drafted after informal consultation between staff and applicants and are included as Appendix A to this decision. The revisions are intended to produce a study which more accurately estimates the exent of diversion likely to result from the transaction. We thus hope during this proceeding to focus any controvesy concerning traffic studies upon the extent of estimated diversions rather than upon sampling methods.

Switched Traffic—Proposed § 1111.3(H)(2) requires that a "railroad performing the traffic study must sample *all* of the traffic it handled in the study year," with certain exceptions not relevant here (emphasis in original). However, petitioners contend it would be unfeasible and unnecessary to include in the traffic base any shipments for which the study carriers served only as a "switching" carrier. These shipments are almost impossible to sample and study without causing excessive delays in completing the applications, since the study carriers lack the information necessary to make traffice diversion judgments. As no line-haul service is provided by the study carrier, the only information available to it would be the names of the connecting line-haul carrier and consignor or consignee. Moreover, to the extent these shipments might be potentially divertible as a result of the consolidation, they may be examined in the traffic diversion studies of any protesting carrier that presently participates in the line-haul movement.

In view of these facts, petitioners should not be required to include, in the traffic study base, shipments for which a study carrier performed only a switching function. However, so that both the Commission and protestants can effectively analyze petitioners' traffic studies, the study carriers shall clearly indicate (in their instructions regarding selection of the sample data base) that these shipments were excluded from the study.

Non-Relevant Traffic—Petitioners also request a waiver of § 1111.3(H)(2)'s prohibition against the elimination of traffic (except local traffic and system local traffic) from the data base. More specifically, petitioners wish to exclude geographically non-relevant traffic and U.S. Postal Service traffic prior to selecting the sample. The result would be a significant reduction in the size of the sample, which will be large in any event. Elimination of this traffic before sampling will also remove the need for individual consideration of thousands of shipments which can be determined in advance, on a categorical basis, to be irrelevant to the proposed consolidation. Petitioners contend that this pre-sample-selection elimination of categories of shipments is essential to permit a study of the magnitude involved here.

We agree with petitioners that certain categories of shipments may be eliminated from the data base prior to sample selection, if they are categorically irrelevant to the proposed consolidation. Accordingly, we shall permit petitioners to exclude from the sample the two categories described, but we shall require them to indicate which categories of shipments were excluded.

[3] *Section 1111.2(A)(3)(h) (iii)–vi)* requires employee attrition data; § *1111.3(A)* requires traffic density data; § *1111.3(B)* requires carload interchange data; § *1111.3(C)* requires carload origin and destination data; § *1111.3(D)* requires freight car fleet data; § *1111.3(E)* requires revenues freight traffic data; § *1111.3(F)* requires commodity tonnage data; and § *1111.3(H)* requires traffic study results.

In this way, protestants may challenge the exclusions during the proceeding.

Post-Sample Exclusions—Petitioners seek a waiver of § 1111.3(H)(2)'s requirement for the retrieval of bills of lading and abstracts regarding shipments contained in the sample which were determined, by the final evaluator, to be unaffected by the consolidation, based on geographic or other criteria not programmed into the computer prior to selection of the sample.

However, petitioners would make available to the parties a computer printout of these shipments showing: Way-bill-type data such as the class of traffic (*e.g.*, interline received, interline forwarded, or intermediate); date waybill issued; origin; destination; partial routing; commodity description; type of shipment (*e.g.*, car, TOFC or COFC); tonnage; freight; and revenues. These printouts will enable any interested party to test the validity of the evaluator's judgment of non-divertability. Appendix C to the waiver petition lists the shipment-related information which will be contained in the computer printouts.

We agree that study movement sheets need not be prepared, and waybills and abstracts need not be retrieved, for shipments in the sample which are later found to be nondivertable. However, to facilitate full discussion of the nondivertability issue, we shall require petitioners to identify these shipments in their printout, and to indicate these exclusions in their instructions regarding selection of the sample data base.

Proposed § 1111.2(A)(3)(h)(vi) and § 1111.3(D–G)

Petitioners seek waiver of previously proposed §§ 1111.2(A)(3)(h)(vi) and 1111.3(D–G) to permit submission of certain categories of historical data only for the years 1977, 1978, and 1979, the 3 years preceding the application's filing. We believe this waiver is warranted.

The note following § 1111.3(G) requires that the data provided under § 1111.3(D–G) be submitted for the first, fifth and tenth years preceding the application's filing. This information (Exhibits 21–24) concerns freight commodity tonnage. Previously proposed § 1111.2(A)(3)(h)(vi) requires a showing in Exhibit 4 of the annual net change in employment, by craft or class and classification, for the last 6 years preceding the application's filing. Petitioners state that this approach would impose an undue burden, requiring them to search out older data which in some instances may not be fully available.

We do not believe the value, if any, of information older than 3 years preceding the application outweighs the burden of producing this information. The comments received in Ex Parte No. 282 (Sub-No. 3) lead us to question the need for such dated information. Accordingly, petitioners may submit the information called for in Exhibits 21–24 and the net change in employment data of Exhibit 4 only for 1977, 1978 and 1979, the 3 years preceding the filing of an application in 1980.

Proposed § 1111.5(B)(1–5)

Petitioners seek: (1) waiver of § 1111.5(B)(1) and (3) to permit submission of financial statements on a consolidated basis; (2) clarification that § 1111.5(B)(2) and (4), requiring *pro forma* financial statements, are not applicable; (3) waiver and clarification of section 1111.5(B)(5), which calls for source and application-of-funds statements, to permit their submission for each of the 3 rail systems on a consolidated basis; and (4) clarification that the term "current year" in § 1111.5(B)(5) refers only to the last full calendar year before the applications are filed. We believe these waivers should be granted and the proposed clarifications made, as discussed below.

Sections 1111.5(B)(1) and (3)—These sections require submission of balance sheets and income statements for the transferee, transferee's parent, and each subsidiary of the transferee on a "corporate entity" basis (among others). Petitioners seek a waiver permitting them to submit balance sheet and income statement data: (1) For the applicant railroad corporations and their subsidiaries on a consolidated basis; and (2) in the cases of UPC and MCP, for the holding companies and their subsidiaries on a consolidated basis. Under this approach, separate financial statements for petitioners, for non-railroad companies, and for subsidiary railroad companies would not need to be filed. Petitioners contend that no useful purpose would be served by submission of these separate financial statements, which do not presently exist for many of petitioners' subsidiaries.

We see no problem with granting the desired waiver, particularly in view of the fact that petitioners' corporate structures do not provide for separate financial statements for subsidiaries in many instances. However, to permit meaningful analysis, the financial statements submitted on a consolidated basis should, wherever possible, indicate which of the consolidated information is attributable to which particular corporate subsidiaries. Subject to this condition, petitioners may submit consolidated balance sheets and income statements for the UPRR, MPRR and WPRR systems, and for UPC and MPC, as requested.

Sections 1111.5(B)(2) and (4)—These sections require submission of *pro forma* balance sheets and income statements "where the transaction involves a proceeding other than a control." Although certain corporate subsidiaries may be "merged" to effect UPC control of MPC and WPRR, the underlying transactions remain "control" transactions for Commission purposes. Accordingly, the *pro forma* financial statements of § 1111.5(B)(2) and (4) are not required here.

Section 1111.5(B)(5)—This section requires:

Transferor's and transferee's statement of sources and application of funds for the current year, and a forecast of source and application of funds for each carrier * * * for the year following consummation of the proposed transaction, and years necessary to effectuate the operating plan.

Based on the definitions of "transferee" and "transferor" in §§ 1111.7(E) and (F), the first requirement of § 1111.5(B)(5) would apply to UPC, MPC, and WPRR. Petitioners argue, however, that the required financial statements would be more useful to the Commission if they were submitted for WPRR and the railroad subsidiaries of UPC and MPC, rather than for the holding companies of these railroads. We agree.

The purpose of § 1111.5(B)(5) is to reflect the impact of the proposed transaction on the cash flow of the railroads involved. Accordingly, it is unnecessary at this time to require financial statements for holding companies of the involved rail carriers.

Petitioners also seek clarification regarding § 1111.5(B)(5)'s requirement for forecasts of source and application of funds "for each carrier." Petitioners maintain that it would be simpler and more useful to submit these forecasts for each of the applicant carriers on a consolidated basis. As discussed above, we have no objection to the submission of information on a consolidated basis, so long as petitioners indicate, wherever possible, which of the consolidated information is attributable to which particular corporate subsidiaries.

Accordingly, petitioners may submit their "current year" statements for UPRR, MPRR, and WPRR, with each submitted on a consolidated system basis. They may also submit the requisite "forecasts" for UPRR, MPRR, and WPRR, each on a consolidated system basis. Finally, we confirm petitioners' interpretation of the term

"current year" in § 1111.5(B)(5) as referring only to the last full calendar year before the applications are filed.

Proposed § 1111.6(C)(2)(c)

Petitioners seek a waiver of this section to permit the filing of an original and one copy only of Exhibit 19 (state-by-state carload interchange data). We believe the waiver is warranted.

Section 1111.6(C)(2)(c) requires that each copy of the application conform to the original in all respects, but subsection (g) makes an exception for Exhibit 18 (carload interchange data). Exhibit 19 (state-by-state carload interchange data) will be much larger than Exhibit 18. In view of Exhibit 19's length, petitioners may submit only an original and one copy of Exhibit 19, subject to the other provisions of § 1111.6(C)(2)(g).

However, on further consideration, we do not believe the exception for Exhibit 18 is warranted. Exhibit 18 will be a relatively brief document whose inclusion in each copy of the application will not unduly burden applicants and will greatly facilitate evaluation of the application. Accordingly, a copy of Exhibit 18 shall be submitted with each copy of the application.

Proposed § 1111.6(C)(2)(f)

This provision requires simultaneous filing with the main consolidation application of all related applications, including those seeking line abandonments. Petitioners request a waiver of the simultaneous filing requirement with respect to related abandonment applications. The waiver will be partially granted.

Petitioners note that we cannot approve contested abandonment applications unless the involved lines have been identified in a System Diagram Map at least 4 months prior to submission of the application. *See* 49 U.S.C. 10904(d); 49 CFR 1121.23(d). Petitioners contend that it may not be possible for them to comply with the 4-month requirement and still adhere to their present schedule for filing the consolidation applications. Accordingly, they seek a waiver to permit submission of related abandonment applications up to 4 months after filing of the consolidation applications. Petitioners are willing, however, to identify any proposed abandonments in their consolidation applications, and their draft environmental impact reports will take into account any environmental impacts of such abandonments.

We agree that the consolidation application should not be delayed 4 months simply so that related abandonment applications can be filed concurrently. As we have previously noted, the 4-month waiting period associated with contested abandonments presents a good case for waiving the simultaneous filing requirement of the consolidation regulations. *See* Finance Docket No. 28905, *CSX Corporation-Control—Chessie System Inc., and Seaboard Coast Line Industries Inc.* (not printed), decided January 9, 1979, at p. 4.

Accordingly, we shall permit petitioners to file their consolidation applications without concurrently filing any related abandonment or discontinuance applications. However, to permit expeditious processing of the consolidation application, petitioners shall file any related abandonment or discontinuance application within 4 months of the date by the Commission). This will satisfy the 4-month minimum notice requirement of 49 U.S.C. 10904(d), while establishing a date certain for supplementation of the consolidation applications.

Further, in the interest of full disclosure of material facts, petitioners shall include in their consolidation applications a complete summary of the lines and services to be abandoned or discontinued as a result of the consolidation. This summary shall contain such material information as: (1) Identification of the lines or services to be abandoned or discontinued (including mileposts and endpoints); (2) the latest filed system diagram map depicting these lines and properities; (3) the counties and states within which the abandonment or discontinuance would occur; (4) the date applicants expect to file an abandonment or discontinuance application for these properties; (5) how traffic over those lines would be rerouted; (6) whether the abandonment would leave shippers on the affected lines without service; and (7) any other information the applicants deem material.

Clarification of 49 CFR 1110.5

Petitioners seek clarification that 49 CFR 1110.5—rather than Rules 13 or 82 of our *General Rules of Practice* (49 CFR 1100.13 and 1100.82)—governs the dimensions of exhibits submitted with the consolidated applications, so that maps, density charts, and other oversized exhibits may exceed the dimension limits of Rules 13 or 82, as long as they are folded properly. Petitioners' interpretation is correct.

The size of many of the exhibits to be submitted with the contemplated applications will be considerably larger than normal pleadings filed with the Commission. These include the required system map (proposed Exhibit 1), corporate chart (proposed Exhibit 12), density charts (proposed Exhibit 17), financial statements (proposed Exhibits 32–36), and material included with the operating plan.

49 CFR 1100.5 (which would not be changed by the proposed rail consolidation regulations) provides that exhibits in consolidation applications:

> may be in any convenient size but shall be folded to conform to the size of the application * * *

This authorizes the filing of application exhibits without regard to their original dimensions, so long as they are folded as required. *See* 49 CFR 1110.1(a). Our *General Rules of Practice* are expressly inapplicable to the extent they are "inconsistent with and superseded by requirements governing the practice and procedure in specified categories of proceedings as set out in (49 CFR) Parts 1101–1159," and to the extent "otherwise directed by the Commission in any proceeding." *See* 49 CFR 1100.1 (Rule 1).

Information Request

Our regulations provide that the Commission may require merger applicants to provide additional information in support of their application.[4] We have decided to require additional information in this proceeding; a list of the information which applicants should submit begins below. In general, we are today requiring analyses of the impacts of the proposed transaction.

Our new proposed merger regulations provide that the Commission may identify particular markets and issues that we believe warrant analysis, and that we may indicate the format of such analyses.

We believe that the markets and issues described in the information request which follows may be of particular concern in this proceeding. Wherever possible, applicants' response should correspond to each of the combinations which would be formed depending on our decision to grant or deny UP's separate applications for control of MPRR and WPRR.[5]

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[4] 49 CFR 1111.4(a)(4); proposed regulations (served November 8, 1979), 44 FR 66626 (November 20, 1979), to be codified at 49 CFR 1111.6(C)(2)(e).

[5] Where applicants' responses indicate that projected traffic levels may differ from the current levels, applicants should explain what factors account for the difference between projected and current levels. We are specifically interested in changes applicants expect to make after consolidation in routings, frequency and quality of service, and traffic solicitation. This information is to be submitted in addition to the operating plan required under § 1111.4 of our proposed regulations. We expect applicants' explanations concerning the specific markets listed to be more detailed than the system operating plan submitted under § 1111.4, and

Footnotes continued on next page

Specifically, we are requesting applicants to provide the information indicated below:

I. General Impact on Traffic Routings

Provide current and projected traffic density maps (tonnage charts) for the consolidated system.

II. Effect on Rail Service on Traffic From the West Coast to Midwest Gateways

A. Provide list of the feasible routings available today between the West Coast and Midwest Gateways, by carrier (not limited to applicants), and those projected after consummation, by carrier (not limited to applicants).

Supporting data may include, but need not be limited to, traffic flow charts and carload interchange data, both current and projected, and proposed maintenance and capital improvement plans.

Include in the discussion the effect on the availability of alternative rail routes in which the merged carrier is not a participant. How does the merged carrier plan to maximize profits over those routes in which it does participate?

B. Provide proposed operating schedules between Pueblo, CO, and Kansas City, MO, and between El Paso, TX, and St. Louis, MO.

C. Should this merger be consummated and the merged carrier maximize its profits, to what extent would shippers face a diminution of competitive routings, number of participants in those routings, quality of service, or price increases?

D. To what extent do water, motor carriers, and pipelines provide current or potential competitive alternatives for shippers? For which commodities?

E. To what extent do other rail carriers provide current or potential competitive alternatives for shippers? For which commodities?

F. To what extent would benefits to shippers, or cost savings to the merged carrier directly offset possible harm to shippers resulting from the transaction?

III. Effect of the Proposed Merger on Certain Texas Traffic

A. Discuss the impact of the merger on future service along the Missouri Pacific line between El Paso and Dallas, TX.

B. Provide current and projected interchange traffic between El Paso and Dallas, TX.

C. Discuss to what extent intermodal or other intramodal feasible alternatives exist or are potentially available to offset any potential reductions in service?

IV. Effect of the Merger on North-South Traffic Movements on the West Coast

A. Provide a list of the feasible routings available today between California and the Pacific Northwest, by carrier (not limited to applicants), and those projected after consummation, by carrier (not limited to applicants).

Supporting data may include, but need not be limited to, traffic flow charts and carload interchange data, both current and projected, and proposed maintenance and capital improvement plans.

Include in the discussion the effect on the availability of alternative rail routes in which the merged carrier is not a participant. How does the merged carrier plan to maximize profits over those routes in which it does participate?

B. Provide current and proposed operating schedules between Stockton and Bieber, CA.

C. If the merger were approved and the merge carrier maximizes its profits, to what extent would shippers in any of these markets face a diminution of competitive routings, number of participants in those routings, or quality of service, or price increases?

D. To what extent do water, motor carriers, and pipelines provide current or potential competitive alternatives? For which commodities?

E. To what extent do other rail carriers provide current or potential competitive alternatives for shippers? For which commodities?

V. Impact of the Merger on Transportation Alternatives Between Texas Gulf Coast Points and Midwest Markets

A. List the number of feasible routings available today in these markets, by carrier (not limited to applicants), and those projected after consummation, by carrier (not limited to applicants).

Include in the discussion the effect on the availability of alternative rail routes in which the merged carrier is not a participant. How does the merged carrier plan to maximize profits over those routes in which it does participate?

B. Should this merger be consummated and the merged carrier maximize its profits, to what extent would shippers using Texas Gulf to Midwest routes (or the reverse) face a diminution of competitive routings, number of participants in those routings, or quality of service, or price increases?

C. Provide current interchange data for each point of interchange between applicants and the Kansas City Southern Railway (KCS), and the Missouri-Kansas-Texas Railroad (MKT).

D. Assuming the merger is not consummated, provide projected interchange data for each point of interchange between applicants and the KCS and the MKT.

E. Assuming the merger is consummated, provide projected interchange data for each point of interchange between applicants and the KCS and the MKT.

F. Discuss to the extent possible the effect of any projected decrease in interchanges with KCS and MKT resulting from consummation of the merger on their future operations.

G. To what extent do water, motor carriers, and pipelines provide current or potential alternatives for shippers? For which commodities?

H. To what extent do other rail carriers provide current or potential competitive alternatives for shippers? For which commodities?

I. To what extent would the post-merger routings offer efficiency or other gains?

VI. Effect of the Merger on Ability of Chicago and North Western Transportation Co. To Provide Essential Services

A. To what extent would the proposed merger effect the continued ability of C&NW to provide service?

B. Provide current interchange data for each point of interchange between applicants and the Chicago and North Western Transportation Company. Include separate data for coal.

C. Assuming the merger is not consummated, provide projected interchange data, including separate data for coal, for each point of interchange between applicants and the C&NW.

D. Assuming the merger is consummated, provide projected interchange data including separate data for coal, for each point of interchange between applicants and the C&NW.

E. Discuss to the extent possible the effect of any projected decrease in interchange with C&NW resulting from consummation of the merger on the C&NW's future operations.

F. Discuss to what extent intermodal or other intramodal feasible alternatives exist or are potentially available to offset any reduction in service.

Footnotes continued from last page
we request applicants to focus on describing the differences between the ways they plan to conduct operations during the projected year and those conducted during the current year.

VII. Effect of the Proposed Merger on the Transportation of Coal

A. Provide current and projected coal traffic density maps on a consolidated basis for all coal traffic on any of applicants' systems. Describe maintenance and capital improvement plans for the highest density coal lines.

B. Provide the amount and origin points of coal traffic originating on each of the applicants' systems, and the delivery points (and amounts of coal delivered) for all coal originating on applicants' systems.

C. Provide current and projected coal interchange data on applicants systems, by carrier, at all points of interchange.

D. To what extent would shippers or coal regions lose rail transportation alternatives if the merger were consummated?

E. To what extent do water, motor carriers, and pipelines provide competitive current or potential alternatives for shippers?

F. To what extent do rail carriers provide competitive current or potential alternatives for shippers?

It is ordered:

(1) The petition for waiver and clarification is granted to the extent indicated in this decision.

(2) Rio Grande's petition for leave to file a reply to the waiver petition is denied, and its reply is accordingly dismissed.

(3) Applicants shall provide the information specified in this decision.

(4) This decision shall be effective on its service date.

Decided: August 11, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Commissioner Stafford concurring in part and dissenting in part. Commissioner Trantum concurring with a separate expession.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, Concurring

This response to the waiver petition, which was filed over three months ago, should have been issued much more promptly. Petitioners have a right to expect that the Commission, notorious for delay in certain prior consolidation proceedings, is not returning to its former ways.

I believe the intent of the Commission's "information request" is to focus all parties on significant issues at the outset. However, today's "scoping order" must necessarily be viewed as tentative, with more detail and precision to be worked out along the way. Nobody should assume that each issue identified here will ultimately prove crucial, or that other important issues will not arise. In general, I am specifically interested in the applicants demonstrating the economic advantages of the proposed transactions, compared with potentially less anti-competitive alternatives.

Appendix A

(1) The period covered by the traffic study shall be the latest full calendar year for which data are available preceding the filing of the application. The basis for the calendar year shall be described, whether it is settlement date, movement date, accounting date, or any other date. *All* other traffic studies filed by *any* party to the proceeding shall be based on the same calendar year, but need not use the same basis for the calendar year, as the traffic study accompanying the application.

(2) Each traffic study shall include a full explanation of the sample design including: the objective of the study; the population of shipments; the frame; the stratification; the sampling units; the random numbers; the replication, if any; the management of the collection of data; the method of analysis of data; the magnitudes of the estimated characteristics of the whole population; and the associated standard errors.[1]

(3) The railroads performing a traffic study must initially consider all of the traffic handled in the study year. The specific part (or frame) of the movements to be sampled will depend upon the purpose of the study. the sample size shall be (a) large enough to produce the precision adequate for the purpose, as determined by the standard errors and (b) small enough to be manageable from a collection and evaluation point of view. The size of the sample needed may be tested from the results from the first replicate in a stratified replicate sample.

(4) For a diversion study the population should be screened and all shipments which have no potential for being susceptible to diversion should be deleted from the sampling frame before the sample is selected. The criteria for the deletion should be specific enough so that the elimination can be made by machine.[2] These criteria must be designated in the application. The applicant's sample size need only be large enough to give the precision necessary for their roads.

A traffic study should cover all traffic sufficient to reflect the total operations of the merged company. In general, a stratified sample should be used for the traffic diversion study and operating plan where the rates of sampling may be quite different in the various strata, and where the sample from the strata of divertible traffic needs to determine gains and losses serves as one part.

(5) A conformed copy of all study movement sheets must be maintained at the headquarters of the party making the studies and be open for inspection and readily supplied upon request to the Commission and to parties to the proceedings having a legitimate interest in such movements.

(6) At a minimum, the evaluation of sample movements shall be vasted on the *data* listed in Attachment A unless otherwise prescribed by the Commission. These *data* and any additional information relied upon for the evaluations shall be reproduced totally on Study Movement Sheets (SMS). An SMS shall be prepared for *each* sample movement *whether or not a gain (or loss) has been determined.* Documents, including but not limited to waybills, from which *data* have been extracted and placed on an SMS or considered in making a determination of divertibility, are considered work papers. Work papers should not be filed with the application but must be made available, on request, to the Commission's staff and to parties to the proceeding having a legitimate interest in them. The *minimum data* required are shown in Attachment A in the suggested format for a Study Movement Sheet. This format should be followed as closely as practicable (particularly the use of only one sheet per sample movement). In some instances, the data required above for the SMS may not be readily available. In those instances, the party performing the study must use its *best* efforts to obtain the data, *e.g.*, in the case of overhead traffic, the waybill data may be obtained from the terminating carrier. When the required data cannot be obtained, a separate statement should be prepared describing the missing data and reference should be made to the SMS where the data were omitted. No substitutions of non-sample movements for sample movements are allowed.

(7) The traffic study shall include a separate statement showing all written instructions, if any, for determining the amount of gains (or losses). Each instance where the generic instructions were not followed, but were subordinated to other, unwritten instructions, shall be clearly explained and indicated on the corresponding SMS.

(8) Specific percentages (less than or equal to 100%) should be applied to determine the amount of gains (or losses) on movements. The criteria used to arrive at such percentages shall be stated precisely.

(9) The traffic study shall include a statement showing the name and title of (a) the person or persons making the initial and intermediate determination of gains or losses, if any; (b) the person or persons making the final determinations; and (c) the method used to resolve any conflicting determinations between the initial, intermediate, and final

[1] These subjects are described in "Guidelines for the Presentation of the Results of Sample Studies" February 1971, published by the Commission's Bureau of Economics.

[2] The Commission's staff has developed a computer program that separates movements that may be impacted by a merger or consolidation from those that are unlikely to be so affected. The program also separates the traditional categories of traffic (local, originated-forwarded, terminated-received and overhead) into a more refined matrix based on the relevant strength of carriers participating in various types of market and route combinations. Interested parties are welcome to examine the program and utilize it as a guide in developing their own computer-based decision rules. The Commission does not believe that this computer program should be used to the exclusion of any other systematic program although it will be used as a check on the effectiveness of the parties' sampling procedures. Any party desiring to review the program may contact the Deputy Director of the Section of Finance.

determinations. The final evaluator(s) shall submit a verified statement that he (they) personally evaluated all movements.

(10) Traffic study results-applicant carriers: The estimates of gains or losses in traffic and revenue shall be broken down separately for each connecting carrier as follows:

(a) Interline originated traffic by off-junction with connecting carrier.

(b) Interline terminated traffic by on-junction with connecting carrier.

(c) Overhead traffic by on- and off-junction with connecting carriers.

To the extent known, the gain or loss estimates for each non-connecting carrier participating in the movement under (a), (b), and (c) above, should be listed. The participating carriers in this instances are those which do not connect directly with the applicant carriers, but which have a portion performed by the "connecting carriers."

(11) Traffic study results—non-applicant carriers: The gains (or losses) in traffic and revenue shall be broken down separately, showing grains from or losses to applicant carriers only, at each gateway with applicant carriers at which the gain or loss occurs, and classified as interline originated, interline terminated, or overhead movements to the non-applicant carrier performing the study. Local traffic gains or losses be shown as a separate total.

(12) Traffic study summary—all carriers: The carrier preparing the traffic study shall prepare a statement showing: (a) Each carrier's gross revenue gaines (or losses); (b) the estimated cost of handling the gained or lost traffic for itself; and (c) the net revenue gain or loss thus derived for itself, including the standard errors for each an a detailed description of the methods used to compute the estimated cost of handling the traffic.

(13) Under 49 U.S.C. 11910(a)(1), the disclosure of certain traffic information is prohibited without the consent of the shipper of consignee when "that information may be used to the detriment of the shipper or consignee or may disclose *improperly*, to a competitor the business transactions of the shipper or consignee * * *." (Emphasis added). The voluntary exchange of traffic data to prepare an application or traffic study under 49 U.S.C. 11344 and 11346 is a proper disclosure which by itself would not constitute a violation of 49 U.S.C. 11910. Any misuse of that data, for purposes other than that for which it was obtained, would violate the statute.

(14) Non-rail traffic study. Traffic diversions from non-railroad modes of transportation *may* be shown in a statement estimating gross revenue gains from other modes of transportation (on traffic in which applicant carriers do *not* presently participate) developed from any study (*e.g.*, a market study) conducted by applicant carriers. Sufficient information about the study must be evaluated.

BILLING CODE 7035-01-M

STUDY MOVEMENT SHEET

SS# Stratum Identity, if any: Sequence #:

Waybill #:
Number of cars:
Waybill or accounting date:

Total Freight Revenue: $
Study Road Revenue: $
Study Road Accessorial Changes: $

Car Initial:
Car Number:
Car Type:
Commodities:
Weight:

Origin Data:
Station:
Switching arrangements Open ☐ Closed ☐ Recip. ☐ Team ☐
Consignor:
Carriers Serving:

TOFC ☐
COFC ☐

Special Equipment: yes ☐ no ☐

Destination Data:
Station:
Switching arrangements Open ☐ Closed ☐ Recip. ☐ Team ☐
Consignee:
Carriers serving:

Size or Weight Limitations:
yes ☐ no ☐

Present Route (Carriers & Junctions to extent known):
Routed by (if known):

Carrier ☐ Consignee ☐
Consignor ☐

Were Junctions Specified?
Yes ☐ No ☐ Unknown ☐

Transit or Other Priveleges (Specify):

Evaluation:
Gain ☐ ....Percent*
Loss ☐ ....Percent*
No change ☐

Amount of Gain or Loss:
Sample Basis: $
Expanded Basis: $

Diverted Route (Carriers and Junctions):

Other Data (if any):

Reason(s) for Evaluation (May be code-referenced if standardized):

Initials of Evaluators:
(Delete if only one evaluator made the evaluation on all SMS in the study)

*Show percent only if between 0 and 100.

[FR Doc. 80-26176 Filed 9-22-80; 8:45 am]
BILLING CODE 7035-01-C

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80–25738 appearing on page 56934 in the issue of Tuesday, August 26, 1980, make the following correction:

On page 56938, third column, "MC 16519 (Sub-85F)" for Frederick Transport Ltd., should have read "MC 116519 (Sub-85F)."

BILLING CODE 1505–01–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 on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 7, 1980, (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor commin carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–033

Decided: September 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 131010F, filed August 29, 1980. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. As a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the United States.

MC 144901 (Sub-6F), filed September 4, 1980. Applicant: INTERMODAL SYSTEMS, INC., 4740 Roanoke Pkwy., Kansas City, MO 64111. Representative: Willa Ellis, P.O. Box 281, Fort Scott, KS 66701. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the United States.

MC 151621F, filed September 8, 1980. Applicant: HAROLD L. POWELL, d.b.a POWELL TRUCKING COMPANY, 4309 Hickory Tree Road, Mesquite, TX 75180. Representative: Harold L. Powell (same address as applicant). Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the United States.

MC 151781F, filed September 5, 1980. Applicant: LEON M. CLAYTON, Route 3, Inman, SC 29349. Representative: T. Kenneth Cribb, 407 S. Pine St., P.O. Box 2908, Spartanburg, SC 29304. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the United States.

Volume No. OP2–046

Decided: September 16, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1222 (Sub-47F), filed September 5, 1980. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 Tenth Street, Portsmouth, OH 45662. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the United States.

Volume No. OP4–042

Decided: September 5, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 147547 (Sub-9F), filed September 3, 1980. Applicant: R & D TRUCKING COMPANY, INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the United States.

Volume No. OP4–044

Decided: September 10, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 1117 (Sub-34F), filed September 5, 1980. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the United States.

Volume No. OP4–046

Decided: September 9, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 103066 (Sub-79F), filed September 3, 1980. Applicant: STONE TRUCKING COMPANY, a corporation, P.O. Box 2014, Tulsa, OK 74101. Representative: Eugene D. Anderson, 910 Seventeenth St., N.W., Suite 428, Washington, DC 20006. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the United States.

MC 123987 (Sub-38F), filed September 3, 1980. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Nabgum, OK 73554. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146637 (Sub-5F), filed September 3, 1980. Applicant: YANKEE REFRIGERATED XxPRESS, INC., 5500 Tacony St., Philadelphia, PA 19137. Representative: Eugene D. Anderson, 910 17th St. NW., Suite 428, Washington, DC 20006. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OP4–048

Decided: September 11, 1980.
By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 131006F, filed September 3, 1980. Applicant: VALENTINE TRUCK BROKERS, INC., 1904 North Black Canyon, Phoenix, AZ 85005. Representative: David Earl Tinker, 1000 Connecticut Ave. NW., Washington, DC 20036. To engage in operations, in interstate or foreign commerce, as a broker, to arrange for the transportation of *general commodities* (except household goods) between points in the U.S.

Volume No. OP5–015

Decided: September 12, 1980.
By the Commission, Review Board Number Members Chandler, Eaton and Liberman.

MC 35358 (Sub-58F), filed September 3, 1980. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Dr. NE., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 46219 (Sub-21F), filed August 25, 1980. Applicant: STERNBERGER MOTOR CORPORATION, 44–55 Pearson St., Long Island City, NY 11101. Representative: Lawrence E. Lindeman, 425 13th St. NW., Washington, DC 20004. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 105369 (Sub-15F), filed August 28, 1980. Applicant: N.Y. & N.J. FREIGHTWAYS, INC., 47–10 Grand Avenue, Maspeth, NY 11378. Representative: Bruce J. Robbins, 118–21 Queens Boulevard, Forest Hills, NY 11375. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 118899 (Sub-14F), filed September 2, 1980. Applicant: BALTIMORE TANK LINES, INC., P.O. Box 1928, 180 Eighth Avenue, Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, DC 20004. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 125729 (Sub-3F), filed September 3, 1980. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Rd., Trenton, NJ 08638. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 130999F, filed August 25, 1980. Applicant: M & M SHIPPERS, INC., 4700 Clairton Blvd., Pittsburgh, PA 15236. Representative: Richard M. Tettelbaum, 3390 Peachtree Road NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. To arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 148208 (Sub-6F), filed August 28, 1980. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, a corporation, P.O. Box 295, Midvale, UT 84074. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 148758 (Sub-2F), filed August 25, 1980. Applicant: GATEWAY AIRFREIGHT, Division of C. F. Liebert, Inc., 8 12th Street, Blaine, WA 98230. Representative: Gary Knutson (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151648F, filed August 22, 1980. Applicant: NORM SIMON, 816 18th Ave. NE., Aberdeen, SD 57401. Representative: Norm Simon (same address as applicant). Transporting *food and other edible products (including edible by-products but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizer,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 151699 (Sub-1F), filed August 27, 1980. Applicant: BDL TRUCKING, INC., 18026 Ute Street NW., Anoka, MN 55303. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411; Edina, MN 55435. Transporting *general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)* for the United States Government between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–29110 Filed 9–22–80; 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 of notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of

the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly requet 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 September 23, 1980.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.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 October 23, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after the publication, or the application 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. 335

Decided: August 31, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 146821 (Sub-3F), filed February 8, 1980, and previously noticed in FR issue of April 3, 1980. Applicant: RON BESTEMAN PRODUCE, INC., 2240 Bryon Center Rd., SW., Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49509. Transporting (1) *apple products* (except in bulk), and (2) *glass and paper containers*, in vehicles equipped with mechanical refrigeration, between Belding, MI, and points in IA, IL, MN, and WI.

Note.—This republication shows MN as a destination state.

Volume No. 337

Decided: September 12, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 44523 (Sub-4F), filed October 3, 1979. Applicant: RED ARROW TRUCKING COMPANY, a corporation, 611 Tonnele Avenue, Jersey City, NJ 07307. Representative: Benjamin Coppola, Jr. (same as applicant). Transporting *such commodities* as are dealt in or used by grocery stores, department stores, and drug stores, between Cranford, NJ and Philadelphia, PA.

MC 66143 (Sub-3F), filed July 13, 1979. Applicant: JJL DISTRIBUTION SYSTEMS, INC., 557 Brook Street, Garden City, NY 11530. Representative: Arthur J. Piken, One Lefrak City, Plaza, Flushing, NY 11368. Transporting *sound recordings and sound recording jackets*, from Mt. Laurel, NJ, to New York, NY, and points in Suffolk County, NY.

MC 115353 (Sub-44F), filed April 11, 1980. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a corporation, 342 Schuyler Ave., Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Jacksonville, FL, restricted to traffic having a prior or subsequent movement by water.

MC 119192 (Sub-15F), filed June 4, 1980. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Ave., Bridgeport, CT 06607. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by department stores

(except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in PA and DE, under continuing contract(s) with Bloomingdale Brothers, Division of Federated Department Stores, of New York, NY.

MC 119392 (Sub-3F), filed June 5, 1980. Applicant: ALLEN'S CORNER GARAGE & TOWING SERVICE, INC., Rt. 1, Box 300, Hampshire, IL 60140. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *used or damaged industrial and construction machinery, and used contractors equipment,* between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 119392 (Sub-4F), filed June 6, 1980. Applicant: ALLEN'S CORNER GARAGE & TOWING SERVICE, INC., Rt. 1, Box 300, Hampshire, IL 60140. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *wrecked or disabled motor vehicles,* (2) *replacement vehicles* for the vehicles in (1) above, and (3) *parts* for wrecked motor vehicles, between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 144572 (Sub-44F), filed June 30, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. Transporting *alcoholic beverages* (except in bulk), from points in OR to the facilities of the Wyoming Liquor Commission at Cheyenne, WY.

MC 148292 (Sub-11F), filed June 3, 1980. Applicant: J. POSA, INC., One N. First St., Fulton, NY 13069. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *malt beverages,* in containers, from Rochester, NY, to Newport, KY, Brockton, MA, Havre de Grace, MD, Keene and Manchester, NH, Hainesport, NJ, and points in OH and PA, and (2) *materials, supplies, and equipment* used in the manufacture, and distribution of malt beverages, in the reverse direction.

MC 148582 (Sub-2F), filed April 29, 1980. Applicant: GUNVILLE TRUCKING, INC. d.b.a. GUNVILLE TRUCKING, P.O. Box 74, Niagara, WI 54151. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Transporting *coal,* from Escanaba and Gladstone, MI, to Niagara, WI, under a continuing contract(s) with Niagara of Wisconsin Paper Corporation, of Niagara, WI.

MC 148822 (Sub-2F), filed April 8, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *vinyl coated pressboard, plywood and gypsum board and materials, equipment and supplies* used in the manufacture and distribution of vinyl coated pressboard, plywood and gypsum board, between the facilities of Decor, Inc., at or near (a) Fairfield, (b) Elkhart, IN, (c) Tualiton, OR and (d) Arlington, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Decor, Inc., of Fairfield, AL.

MC 150323 (Sub-1F), filed June 1, 1980. Applicant: BAER OF LAKE PARK, INC., Rural Route No. 1, Lake Park, MN 56554. Representative: William J. Keppel, 2300 First National Bank Bldg., Minneapolis, MN 55402. Transporting *coal* in bulk, from points in ND, to those points in MN on and west of U.S. Hwy 71.

MC 150392 (Sub-1F), filed June 4, 1980. Applicant: RICHARD S. FRANCIS d.b.a. FRANTRAN, 1882 Noblestown Rd., Pittsburgh, PA 15205. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *general commodities* (except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, East St. Louis and Chicago, IL, Pittsburgh, PA, Alexandria, VA, and Baltimore, MD, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, MO, NY, OH, PA, VA, and WV, restricted to traffic having an immediate prior or subsequent movement by rail or water.

MC 150563F, filed March 14, 1980. Applicant: M. W. ODOM, d.b.a. ANCO SHIPPING COMPANY, 26 So. Hanford St., Seattle, WA 98134. Representative: Wallace Aiken, 1215 Norton Bldg., Seattle, WA 98134. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of (1) Seattle, WA, (2) Tacoma, WA, and (3) Anchorage, AK, restricted to traffic having a prior or subsequent movement by water.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29111 Filed 9-22-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisons; 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, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 7, 1980, (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or 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. OPI–032

Decided: September 11, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 200 (Sub-487F), filed September 2, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *plywood door skins,* between points in Camden County, NJ, and points in Kent County, MI.

MC 200 (Sub-488F), filed September 2, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk), between points in Angelina and Harris Counties, TX, on the one hand, and, on the other, points in AR, IA, IL, IN, KS, KY MO, NE, OH, and OK.

MC 200 (Sub-491F), filed September 9, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting (1) *paints, thinners, and cleaners,* and (2) *materials* used in the manufacture of paint, between points in Baltimore County, MD, and Broward County, FL.

MC 2421 (Sub-33F), filed September 10, 1980. Applicant: NEWTON TRANSPORTATION CO., INC., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Transporting *furniture or fixtures* as described in Item 25 of the Standard Transportation Commodity Code Tariff, (1) from points in Burke, McDowell, Cleveland, Davie and Guilford Counties, NC, to New York, NY, St. Louis, MO, and points in NJ and PA, (2) from points in Caldwell County, NC, to St. Louis, MO, and (3) from points in Catawba, Alexander and Iredell Counties, NC, to New York, NY, St. Louis, MO, and points in NJ.

MC 2860 (Sub-208F), filed September 8, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Peter J. Nickles, 888 16th St., N.W., Washington, DC 20006. Transporting *general commodities* between points in AL, AR, GA, IL, IN, KY, LA, MA, ME, MI, MN, MS, NH, OH, OK, PA, TN, TX, VT, WI, and WV. Condition: to the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire five years from the date of issuance.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 2900 (Sub-430F), filed September 5, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *rubber or miscellaneous plastics products,* as described in Item (30) of the Standard Transportation Commodity Code Tariff, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the United States.

MC 3581 (Sub-28F), filed September 4, 1980. Applicant: THE MOTOR CONVOY, INC., Suite 107, 2175 Parklake Dr., N.E., Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *automobiles, trucks, and tractors,* between points in AR, KY, LA, MO, MS, and TN.

MC 4080 (Sub-3F), filed September 9, 1980. Applicant: BRICK HAULERS, INC., 403 Holland Lane, Alexandria, VA 22313. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *building materials* (except in bulk), between points in the United States, under continuing contract(s) with United Materials & Services, Inc., of Springfield, VA.

MC 16831 (Sub-40F), filed September 8, 1980. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Ave., Des Moines, IA 50317. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *metal and metal articles,* (1) between points in IA, IL, IN, MN, MO, NE, and WI, and (2) between points in IA, IL, IN, MN, MO, NE, and WI, on the one hand, and, on the other, points in KY, MI, and OH.

MC 29910 (Sub-285F), filed September 8, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh St., Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72902. Transporting (1) *paper and paper products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products, between Desoto Parish, LA, on the one hand, and, on the other, points in the United States (except AK and HI).

MC 35320 (Sub-606F), filed September 3, 1980. Applicant: T.I.M.E.–D.C., INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, TX, and Kansas City, MO, from Dallas over US hwy 75 to junction US Hwy 69, then over US Hwy 69 to Kansas City, and return over the same route, as an alternate for operating convenience only, serving the intermediate point of Afton, OK for purposes of joinder only.

Note.—Applicant intends to tack the above requested authority with its existing regular route operations.

MC 35320 (Sub-607F), filed September 3, 1980. Applicant: T.I.M.E.–D.C., INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City, OK and Goodland, KS, (a) from Oklahoma City over Interstate Hwy 35 to junction Interstate Hwy 135, then over Interstate Hwy 135 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Goodland, and return over the same route, and (b) from Oklahoma City over US Hwy 270 to junction US Hwy 83, then over US Hwy 83 to junction Interstate Hwy 70, at or near Oakley, KS, and return over the same route, as alternate routes for operating convenience only, serving no intermediate points in (a) and (b) above.

Note.—Applicant intends to tack the above requested authority with its existing regular route operations.

MC 47171 (Sub-183F), filed September 8, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in DE (except Wilmington and Cheswold), on the one hand, and, on the other, points in GA, NC, AND SC.

MC 52460 (Sub-283F), filed September 8, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107.

Representative: Don E. Kruizinga (same address as applicant). Transporting *frozen foodstuffs,* from the facilities of Seabrook Foods, Inc., at or near Montezuma, GA, to points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MS, MO, OH, OK, PA, TN and TX.

MC 52680 (Sub-7F), filed September 2, 1980. Applicant: D. A. EXPRESS, INC., 11937 S. Page Ave., Calumet Park, IL 60643. Representative: Stephen H. Loeb, Suite 2027, 33 N. La Salle St., Chicago, IL 60602. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, NE, NJ, NY, OH, PA, TN, and WI, restricted to traffic having a prior or subsequent movement by rail or water.

MC 61440 (Sub-198F), filed September 3, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 NW., 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between the facilities of Lilly Division of Owens-Illinois, Inc., at or near (a) Centerville (Holmdel Township), NJ, (b) Bardstown, KY, (c) Springfield, MO, (d) Augusta, GA, (e) Riverside, CA, and (f) Toledo, OH, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the indicated origins and destinations.

MC 67450 (Sub-104F), filed September 3, 1980. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South La Salle St., Chicago, IL 60603. Transporting (1) *diatomaceous earth,* in bags, and (2) *materials, equipment and supplies* used in the manufacture of diatomaceous earth, between Maricopa, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

MC 78400 (Sub-94F), filed September 5, 1980. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from Union, MO, to points in OK, TN, IL, TX, NM, MI, and IN.

MC 83430 (Sub-14F), filed September 3, 1980. Applicant: ONEIDA MOTOR FREIGHT, INC., Commercial Ave., Carlstadt, NJ 07072. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. Transporting *general commodities,* between points in NY, NJ, and those in Bucks, Philadelphia, Delaware, and North Hampton Counties, PA, on the one hand, and, on the other, points in CT, MA, RI, NH, VT, and ME. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall expire 5 years from its date of issuance.

MC 95540 (Sub-1167F), filed September 3, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul E. Weaver (same address as applicant). Transporting (1) *rubber or miscellaneous plastics products,* and (2) *fabricated metal products,* (except ordnance—see Major Industry Groups 19—Machinery, 35, or 37—Transportation Equipment), as described in Items (30) and (34) of the Standard Transportation Commodity Code Tariff, between points in FL, NE, TX, NJ, CA, MO, IL and GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 103490 (Sub-82F), filed September 4, 1980. Applicant: PROVAN TRANSPORT CORP., 210 Mill St., Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *chemicals, ore, vegetable oil, and vegetable oil products,* in bulk, between the facilities used by NL Industries at (a) Tahawas, NY, and (b) Bayonne and Sayreville, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 108341 (Sub-191F), filed August 28, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *pipe and piping systems,* (2) *parts, fittings, and attachments* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture, distribution, and erection of the commodities in (1) and (2) above, between points in Wilson County, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 108341 (Sub-192F), filed September 3, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26215, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *Metal products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Nash and Wake Counties, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 110420 (Sub-857F), filed September 9, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, (1) between point in Nelson County, KY, on the one hand, and, on the other, points in Sebastian County, AR, Will County, IL, Jefferson and Orleans Parishes, LA, Wayne County, MI, Monmouth County, NJ, and San Mateo County, CA, (2) in foreign commerce only, between ports of entry on the international boundary line between the U.S. and Canada, at points in NY and MI, on the one hand, and, on the other, points in Sebastian County, AR, Will County, IL, Nelson County, KY, and Jefferson and Orleans Parishes, LA, (3) between points in Hamilton County, OH, on the one hand, and, on the other, points in Sebastian County, AR, Will County, IL, Nelson County, KY, Jefferson and Orleans Parishes, LA, and Monmouth County, NJ, (4) in foreign commerce only, between ports of entry along the international boundary line between the U.S. and the Republic of Mexico, at points in TX, on the one hand, and, on the other, points in Sebastian County, AR, (5) between points in AL, FL, LA, MD, NJ, NY, and PA, on the one hand, and, on the other, points Sebastian County, AR, Hamilton County, OH, Will County, IL, Nelson County, KY, and Monmouth County, NJ, (6) between points in Crawford County, GA, and Polk County, FL, on the one hand, and, on the other, points in Sebastian County, AR, and (7) between points in CA, on the one hand, and, on the other, points in Sebastian County, AR, Will County, IL, Jefferson and Orleans Parishes, LA, and Nelson County, KY.

MC 111231 (Sub-310F), filed September 3, 1980. Applicant: JONES TRUCK LINE, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. Transporting *bromine chloride,* in cylinders, between the facilities of Dow Chemical USA, at points in Columbia County, AR, on the one hand, and, on

the other points in the U.S. (except AK and HI).

MC 111231 (Sub-311F), filed September 3, 1980. Applicant: JONES TRUCK LINES, INC. 610 East Emma Avenue, Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Transporting *metal articles,* between points in Wyandotte County, KS, on the one hand, and, on the other, points in the U.S.

MC 111310 (Sub-61F), filed September 2, 1980. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *malt beverages* from Evansville, IN, Newport, KY, Belleville, IL, La Crosse, WI, St. Paul, MN, and Frankenmuth, MI, to points in IL, IN, KS, KY, MI, MN, and WI.

MC 111651 (Sub-15F), filed September 3, 1980. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Ave., St. Louis, MO 63147. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. *Over regular routes,* transporting *general commodities* (1) between Kansas City, MO, and Hutchinson, KS, from Kansas City, MO, over Interstate Hwy 70 and the KS Turnpike to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction KS Hwy 150, then over KS Hwy 150 to junction U.S. Hwy 56, then over U.S. Hwy 56 to junction KS Hwy 61, then over KS Hwy 61 to Hutchinson, KS, and return over the same route, (2) between Hutchinson and Wichita, KS, over KS Hwy 96, (3) between Hutchinson and Newton, KS, over U.S. Hwy 50, and (4) between between Newton and McPherson, KS, over Interstate Hwy 135, serving all intermediate points in (1) through (4) above. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall expire 5 years from its date of issuance.

MC 112520 (Sub-394F), filed September 5, 1980. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *sulfur dioxide,* in shipper-owned trailers, from Baton Rouge, LA, to Jacksonville, FL.

MC 112520 (Sub-395F), filed September 8, 1980. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *tall oil,* in bulk, in tank vehicles, from Jackson, AL, to the facilities of Sylvachem Corporation at Port St. Joe, FL.

MC 115311 (Sub-400F), filed September 5, 1980. Applicant: J&M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *clay pipe and couplings,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), (except commodities in bulk), between those points in the U.S. in and east of AZ, CO, NE, SD, and ND, restricted to traffic originating at or destined to the facilities of Dickey Clay Manufacturing Company.

MC 116371 (Sub-21F), filed September 4, 1980. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. In foreign commerce only, transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between ports of entry on the international boundary line between the U.S. and Canada at points in MI and NY, on the one hand, and, on the other, points in DU Page County, IL.

MC 117940 (Sub-368F), filed September 2, 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 *steel tubing* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Markin Tubing, Inc.

MC 119641 (Sub-185F), filed September 9, 1980. Applicant: RINGLE EXPRESS, INC., 450 E. 9th St., Fowler, IN 47944. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *concrete fibre and wood fibre,* from points in Glynn County, GA, and Hinds County, MS, to points in AR, IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, OK, SD, TN, TX, VA, WI, and WV.

MC 119641 (Sub-186F), filed September 10, 1980. Applicant: RINGLE EXPRESS, INC., 450 E. 9th St., Fowler, IN 47944. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *forklift trucks,* from Chicago, IL, New Orleans, LA, Baltimore, MD, New York, NY, and Houston, TX, to points in the U.S., and (2) *axles,* from Oshkosh, WI, to New York, NY.

MC 119821 (Sub-4F), filed September 3, 1980. Applicant: OCHROCH TRANSPORTATION CO., INC., 2d St. and Erie Ave., Philadelphia, PA 19140. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, VA 18966. Transporting *pulp, paper or allied products,* between points in Bucks and Philadelphia Counties, PA, and Spotsylvania County, VA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, VA, and DC.

MC 119821 (Sub-5F), filed September 3, 1980. Applicant: OCHROCH TRANSPORTATION CO., INC., 2d St. and Erie Ave., Philadelphia, PA 19140. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, VA 18966. Transporting *apparel, other finished textile products or knit apparel,* as described in Item 23 of the Standard Transportation Commodity Code Tariff, between points in Philadelphia County, PA, on the one hand, and, on the other, points in DE and NJ.

MC 124170 (Sub-153F), filed September 4, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in or used by manufacturers, distributors and wholesalers of health and beauty aids, between Greensboro, NC, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IA, IL, IN, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

MC 124170 (Sub-154F), filed September 5, 1980. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *frozen foods,* from Erie and Pittsburgh, PA, to points in AL, AR, CT, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, SC, TN, TX, VT, VA, WV, WI and DC.

MC 124170 (Sub-155F), filed September 5, 1980. Applicant: FROSTWAYS, INC., 300 Chrysler Service, Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in and used by department stores, between points in CA, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, ND, OH, SD, and WI.

MC 124211 (Sub-380F), filed September 2, 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 *such*

commodities as are dealt in or used by manufacturers and distributors of furniture, fixtures, and appliances (except commodities in bulk), between Denver, CO, Omaha, NE, and Seattle, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 126140 (Sub-10F), filed September 4, 1980. Applicant: TRANS-PETRO, INC., P.O. Box 124, Wood River, IL 62095. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *gasoline, fuel oil, and diesel fuel, in bulk, in tank vehicles, between* points in the U.S., under continuing contract(s) with Bugaieski Oil Co., of Christopher, IL.

MC 126930 (Sub-56F), filed September 3, 1980. Applicant: BRAZOS TRANSFER CO., a corporation, P.O. Box 2746, Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting (1) *iron and steel articles, plastic articles, pipe, petroleum and petroleum products,* in containers, and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between points in TX, OK, AZ, AL, IL, IN, IA, KS, MO, MS, NE, TN, UT, OH, MN, WY, MI, KY, FL, MT, SD, WI, LA, AR, CO, GA, NE, and NM.

MC 133490 (Sub-15F), filed September 10, 1980. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *such merchandise* as is dealt in or used by health food stores (except commodities in bulk, in tank vehicles), between points in the U.S., under continuing contract(s) with General Nutrition Corporation of Pittsburgh, PA.

MC 135640 (Sub-10F), filed September 2, 1980. Applicant: STALEY EXPRESS, INCORPORATED, 2501 N. Brush College Rd., Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant). Transporting *fertilizer compounds, insecticides, fungicides, tree and weed killing compounds, food, food products and food ingredients,* between the facilities of Staley Warehouse at points in Macon County, IL, on the one hand, and, on the other, points in the U.S.

MC 139171 (Sub-10F), filed September 9, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., 17295 East Railroad Ave., City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M St., NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with West Coast Shippers Association, Inc., of Philadelphia, PA.

MC 140601 (Sub-21F), filed August 28, 1980. Applicant: FRANK BROS. TRUCKING CO., a corporation, 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth, P.O. Box 1945, Austin, TX 78767. Transporting (1) *pipe and pipe fittings,* (2) *attachments and accessories* used in the installation of pipe and pipe fittings, and (3) *materials, equipment, and supplies* used in the manufacture and installation of pipe, between points in the U.S., under continuing contract(s) with Gifford-Hill & Company, Inc. of Dallas, TX.

MC 143110 (Sub-13F), filed September 2, 1980. Applicant: K AND B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08817. Transporting (1) *toilet preparations,* (2) *handbags and cases* for toilet preparations, and (3) *brushes,* between points in the U.S., under continuing contract(s) with Cosmair Inc., of Clark, NJ.

MC 147321 (Sub-4F), filed August 28, 1980. Applicant: BILL STARR TRUCKING, INC., 1041 Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *hospital supplies,* between points in El Paso County, TX, on the one hand, and, on the other, St. Louis, and points in Clay, Jackson, Platte, St. Charles, and St. Louis Counties, MO, Johnson and Wyandotte Counties, KS, and Omaha and points in Douglas County, NE.

MC 147691 (Sub-2F), filed September 5, 1980. Applicant: C. J. ZEPIK, INC., P.O. Box 66, Union Mills, IN 46382. Representative: Phillip A. Renz, Suite 200 Metro Bldg., Fort Wayne, IN 46802. Transporting (1) *castings,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of castings, between pounts in the United States, under continuing contract(s) with Teledyne Casting Service, of La Porte, IN.

MC 148320 (Sub-3F), filed September 8, 1980. Applicant: NHB, INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting *plastic film,* from points in Union County, NJ, to points in DE, FL, GA, MD, NC, SC, and VA.

MC 148710 (Sub-9F), filed September 4, 1980. Applicant: SEABOARD EXPRESS, INC., 6327 Burnt Poplar Rd., Greensboro, NC 27409. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *fabricated metal products,* between points in the United States, under continuing contract(s) with Armstrong Container, Inc., of Atlanta, GA.

MC 148831 (Sub-2F), filed September 2, 1980. Applicant: STUMPS REFRIGERATED EXPRESS, INC., RD No. 1, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. 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 liquid commodities in bulk), from points in El Paso, Lubbock and Potter Counties, TX, and Caddo Parish, LA, to points in CT, DE, FL, GA, IL, IN, MD, MA, MI, NH, NJ, NY, NC, SC, OH, PA, VA, WV, and DC.

MC150301 (Sub-4F), filed September 9, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 3653 Lake Eastbrook Blvd., S.E., Grand Rapids, MI 49506. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture of foodstuffs (except commodities in bulk), between points in the United States, under continuing contract(s) with the Keebler Company, of Elmhurst, IL.

MC 150570 (Sub-2F), filed September 10, 1980. Applicant: C. U. TRUCKING COMPANY, a Corporation, 1805 Dot, McHenry, IL 60050. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *cement* from Chicago, Lemont and Waukegan, IL, to points in Kenosha, Walworth and Rock Counties, WI.

MC 151020 (Sub-1F), filed September 5, 1980. Applicant: FOWLER'S EXPRESS, INC., 325 Bedford St., Whitman, MA 02382. Representative: Russell S.Callahan, P.O. Box 1806, Brockton, MA 02403. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CT, MA, ME, NH, and RI.

MC 151381 (Sub-1F), filed September 4, 1980. Applicant: SUNBELT FREIGHT, a Division of SUNBELT HOLDING CORPORATION, 5520 West Channel Road, Catoosa, OK 74015. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa,

OK 74103. Transporting *such commodities* as are dealt in or used by manfacturers, distributors, and retailers of iron and steel articles, between points in OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, NE, NM, OK, TN, and TX.

MC 151410 (Sub-1F), filed September 2, 1980. Applicant: DAVID OSMET, d.b.a. DAVID OSMENT COMPANY, Route 3, Old Hickory Blvd., Nashville, TN 37218. Representative: Michael E. Moore, 2100 One Commerce Place, Nashville, TN 37239. Transporting *brick and masonry materials,* between points in the United States under continuing contract(s) with Herbert Materials, Incorporated, of Nashville, TN.

MC 151780F, filed September 4, 1980. Applicant: P. EUGENE KIEBLER AND ESTHER KIEBLER, d.b.a. KIEBLER & SONS TRUCKING, R. D. 2, Box 198, Export, PA 15632. Representative: Arthur J. Diskin, 806 Frick Bldg. Pittsburgh, PA 15219. Transporting *coal,* from point in Greene, Washington, Fayette, Westmoreland, Armstrong, Allegheny, Indiana, Clearfield, Cambria, Somerset, Jefferson, and Butler Counties, PA, to points in MD, VA, and those in NY on and west of United States Hwy 81.

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Decided: September 16, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 39443 (Sub-24F), filed September 8, 1980. Applicant: THOMPSON, INC., 3904 Broadway, Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting (1) *dry animal and poultry feeds, mineral mixtures, medicines, pesticides, feeders, and animal and poultry treating equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Adams County, IL, on the one hand, and, on the other, points in IN, KS, MI, MN, MO, OH, and SD.

MC 71772 (Sub-5F), filed September 5, 1980. Applicant: MT. PLEASANT TRANSFER, INC., P.O. Box 267, Mt. Pleasant, TN 38474. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities,* (1) between Mt. Pleasant and Lawrenceburg, TN, over U.S. Hwy 43, (2) between Mt. Pleasant and Pulaski, TN: from Mt. Pleasant over unnumbered county Hwy to junction U.S. Hwy 31 at or near Stiverville, TN, then over U.S. Hwy 31 to Pulaski, and return over the same route, (3) between junction U.S. Hwys 43 and 64 and Ardmore, AL: from junction U.S. Hwys 43 and 64 over U.S. Hwy 64 to junction U.S. Hwy 31 at or near Pulaski, TN, then over U.S. Hwy 31 to junction TN Hwy 110 at or near Elkton, TN, then over TN Hwy 110 to Ardmore, and return over the same route, (4) between Pulaski and Chattanooga, TN: from Pulaski over U.S. Hwy 64 to junction Interstate Hwy 24 at or near Monteagle, TN, then over U.S. Hwy 64 to Chattanooga, TN, and return over the same route, (5) between junction U.S. Hwy 64 and Interstate Hwy 24 and Chattanooga, TN, over Interstate Hwy 24, and (6) between Pulaski and Nashville, TN: from Pulaski over U.S. Hwy 31A to junction Interstate Hwy 65, then over Interstate Hwy 65 to Nashville, and return over the same route, (A) In conjunction with routes (1) through (3) above serving all intermediate points and serving Giles and Lawrence Counties, TN, as off-route points, and (B) over routes (4) through (6) above as alternate routes for operating convenience only. Condition: To the extent this certificate authorizes classes A and B explosives, it shall expire 5 years from the date of issuance.

MC 108393 (Sub-153F), filed September 8, 1980. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, IL 60521. Representative: J. A. Kundtz, National City Bank Bldg., Cleveland, OH 44114. Transporting *such commodities* as are dealt in by or used by department, hardware, furniture, grocery and variety stores (except commodities in bulk, household goods as defined by the Commission and those requiring special equipment) between points in the United States, under continuing contract(s) with City Products Corporation, of Des Plaines, IL and its subsidiaries.

MC 114552 (Sub-257F), filed September 8, 1980. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in or used by manufacturers of paper and paper products, wood pulp, and plastic products (except commodities in bulk), between points in the United States, restricted to traffic originating at or destined to the facilities of Georgia Pacific Corporation.

MC 115162 (Sub-540F), filed September 4, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *slag and sand,* from points in Mobile County, AL, to points in FL, GA, LA, and MS.

MC 119493 (Sub-387F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin MO 64801. Representative: Thomas D. Boone (same as applicant). Transporting *building materials, and materials and supplies* used in the manufacture and distribution of building materials, (except commodities in bulk), between points in Ellis County, TX, on the one hand, and, on the other, points in the United States.

MC 121272 (Sub-10F), filed September 8, 1980. Applicant: HESS TRUCKING CO., a corporation, 1000 West Chocolate Ave., Hershey, PA 17033. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in or used by shoe retailers, (a) between points in Hunterdon County, NJ, on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bradford, Cambria, Carbon, Centre, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Elk, Franklin, Fulton, Huntingdon, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, PA, and Allegany and Washington Counties, MD; and (b) between points in Dauphin County, PA and Allegany and Washington Counties, MD.

MC 124393 (Sub-8F), filed September 4, 1980. Applicant: FRANK POTTER TRUCKING CO., INC., Box 132, Boonville, MO 65233. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *equipment, materials, and supplies* used in the manufacture and distribution of fiberboard, between points in the U.S., under continuing contract(s) with Huebert Fiberboard Company, of Boonville, MO.

MC 126822 (Sub 101F), filed September 8, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). Transporting *foodstuffs,* between points in CA, on the one hand, and, on the other, points in the U.S.

MC 126822 (Sub-102F), filed September 8, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). Transporting *foodstuffs,* between points

in Jackson County, MO, on the one hand, and, on the other, points in the U.S.

MC 136343 (Sub-225F), filed September 4, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by manufacturers and distributors of hardware (except commodities in bulk), between Middlesex, NJ, and Farmingdale and New York, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141532 (Sub-97F), filed September 4, 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 (1) *railroad ties, railroad rails, plate, bar, spikes, switchgear apparatus, springs, coils and* (2) *accessories* for the commodities in (1) above, between points in the U.S.

MC 143452 (Sub-3F), filed September 5, 1980. Applicant: SUPREME EXPRESS & TRANSFER CO., a corporation, 3311 Chouteau Ave., St. Louis, MO 63103. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *non-alcoholic beverages*, in containers, between points in the U.S., under continuing contract(s) with Taylor Group, Inc., of Hazelwood, MO.

MC 147103 (Sub-2F), filed September 8, 1980. Applicant: DONALD E. GRIFFIN, d.b.a. S & G CONTRACT CARRIERS, 875 Meadow St., Chicopee, MA 01013. Representative: Donald E. Griffin (same address as applicant). Transporting *such commodities* as are dealth in or used by warehouse centers, distribution centers, and construction industries, between points in the U.S., under continuing contract(s) with Pioneer Valley Distribution Center and CSS, Inc., at Chicopee, MA.

MC 147282 (Sub-3F), filed September 8, 1980. Applicant: SCOTT WEBSTER TRUCKING COMPANY, a corporation, 209 Valley Park Dr., Pittsburgh, PA 15216. Representative: Scott T. Webster (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Commonwealth Warehouse and Storage, Inc., of Pittsburgh, PA.

MC 150102 (Sub-2F), filed September 8, 1980. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue Corton, Slidell, LA 70458. Representative: Albert T. Riddle (same address as applicant). Transporting *paint and materials, supplies and equipment* for paint, between points in the U.S., under continuing contract(s) with Sears, Roebuck and Company, of Chicago, IL.

MC 151533 (Sub-3F), filed September 4, 1980. Applicant: BESTWAY FREIGHT LINES LIMITED, 1749 Wilbur Cross Highway, Berlin, CT 06037. Representative: Gerald A. Joseloff, 80 State St., Hartford, CT 06103. Transporting (1) *machinery and equipment, and parts* for machinery and equipment, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of LVD Corporation, in Plainville, CT, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

Volume No. OP4–041

Decided: September 5, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 10547 (Sub-103F), filed September 3, 1980. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E Street NW., Washington, DC 20004. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission), (1) Between Memphis, TN, and Natchez, MS, over US Hwy 61; (2) Between Memphis, TN, and McComb, MS, (a) over US Hwy 51; (b) over Interstate Hwy 55; (3) Between Clarksdale and Gulfport, MS: From Clarksdale over US Hwy 49 to junction US Hwys 49E and 49W at or near Tutwiler, MS, then over US Hwys 49E and 49W to junction US Hwy 49 at or near Yazoo City, MS. then over US Hwy 49 to Gulfport, and return over the same route; (4) Between Clarksdale and Tupelo, MS, over MS Hwy 6; (5) Between Cleveland and Houston, MS, over MS Hwy 8; (6) Between Houston and Meridian, MS: From Houston over MS Hwy 15 to junction MS Hwy 19 at or near Philadelphia, MS, then over MS Hwy 19 to Meridian, and return over the same route; (7) Between Greenville and Columbus, MS, over US Hwy 82; (8) Between Aberdeen, MS, and Mobile, AL, over US Hwy 45; (9) Between Okolona and Brooksville, MS, over Alternate US Hwy 45; (10) Between Macon and Durant, MS: From Macon over MS Hwy 14 to Kosciusko, MS, then over MS Hwy 12 to Durant, and return over the same route: (11) Between Meridian and Vicksburg, MS, (a) over US Hwy 80, and (b) over Interstate Hwy 20; (12) Between Memphis, TN, and the Benton-Union county, MS line, over US Hwy 78; (13) Between Gadsden, AL, and junction US Hwys 41 and 411, near Carterville, GA, over US Hwy 411; (14) Between Chattanooga, TN, and MS–LA State line, (a) over US Hwy 11, and (b) over Interstate Hwy 59; (15) Between Jacksonville, FL, and the LA–MS State line, (a) over US Hwy 90, and (b) over Interstate Hwy 10; (16) (a) Between Decautur, AL, and junction US Hwys 31 and 64 near Pulaski, TN, over US Hwy 31; and (b) Between Decatur, AL, and junction Interstate Hwy 65 and US Hwy 64, near Pulaski, TN, over Interstate Hwy 65; (17) Between Nashville, TN, and Mobile, AL: From Nashville over US Hwy 31 to Columbia, TN, then over US Hwy 43 to Mobile, and return over the same route; (18) Between Fayetteville, TN, and Panama City, FL, over US Hwy 231; (19) Between Columbus, MS, and junction US Hwys 82 and 17, near Midway, GA, over US Hwy 82; (20) Between Natchez, MS, and Brunswick, GA, over US Hwy 84; (21) Between Corinth, MS, and Humboldt, TN: From Corinth over US Hwy 45 to junction US Hwy 45W, then over US Hwy 45W to Humboldt, and return over the same route; (22) Between Cullman and Mobile, AL, (a) over US Hwy 31, and (b) over Interstate Hwy 65; (23) Between Vicksburg, MS, and Savanah, GA over US Hwy 80; (24) Between Dothan and Huntsville, AL, over US Hwy 431; (25) Between Columbus, GA, and Birmingham, AL, over US Hwy 280; (26) Between Atlanta, GA, and Montgomery, AL, over Interstate Hwy 85; (27) Between Atlanta, GA, and the AL–MS State line: (a) over US Hwy 78, and (b) from Atlanta over Interstate Hwy 20 to Birmingham, AL, then over US Hwy 78 to the AL–MS State line, and return over the same route; (28) Between Chattanooga, TN, and Florence, AL over US Hwy 72; (29) Between Augusta, GA, and Nettleton, MS, over US Hwy 278; (30) Between Atlanta, Ga, and Pensacola, FL, over US Hwy 29; (31) Between Cartersville, GA, and Chattanooga, TN, (a) over US Hwy 41, and (b) over Interstate Hwy 75; (32) Between Atlanta, GA, and Miami, FL: (a) over US Hwy 41, and (b) from Atlanta over Interstate Hwy 75 to Tampa, then over US Hwy 41 to Miami, and return over the same route; (33) Between Cumming, GA, and Sarasota, FL, over US Hwy 19; (34) Between Athens, GA, and West Palm Beach, FL: From Athens over US Hwy 441 to Okeechobee, FL, then over US Hwy 98 to West Palm Beach, and return over the same route; (35) Between Savannah, GA,

and Punta Gorda, FL over US Hwy 17; (36) Between Augusta, GA, and Homestead, FL, over US Hwy 1; (37) Between Savannah, GA, and Miami, FL, over Interstate Hwy 95; (38) Between Daytona Beach and Tampa, FL, over Interstate Hwy 4; (39) Between Sarasota and Ft. Pierce, FL: From Sarasota over FL Hwy 72 to junction FL Hwy 70, then over FL Hwy 70 to Ft. Pierce, and return over the same route; (40) Between Chattanooga, TN, and Miami, FL, over US Hwy 27; (41) Between Allendale, SC, and Bradenton, FL, over US Hwy 301; (42) Between Clearwater and Vero Beach, FL, over FL Hwy 60; (43) Between Titusville and Weeki Wachee, FL, over FL Hwy 50; (44) Between Holly Hill and Ocala, FL, over FL Hwy 40; (45) Between Bunnell and Lake City, FL, over FL Hwy 100; (46) Between Brunswick and Perry, GA, over US Hwy 341; (47) Between Columbus, GA and junction US Hwys 80 and 280, near Butchton, GA, over US Hwy 280; (48) Between Statesboro and Augusta, GA, over US Hwy 25; (49) Between Bronson, FL, and Gainesville, GA: From Bronson over Alternate US Hwy 27 to Chiefland, FL, then over US Hwy 129 to Gainesville, and return over the same route; (50) Between Perry, FL, and Greenwood, SC over US Hwy 221; (51) Between Perry and Pensacola, FL, over US Hwy 98; (52) Between Nashville, TN, and Louisville, KY, (a) over US Hwy 31W, and (b) over Interstate Hwy 65; (53) Between Knoxville, TN, and Louisville, KY: (a) from Knoxville over US Hwy 25W to junction US Hwy 25, then over US Hwy 25 to Lexington, KY, then over US Hwy 60 to Louisville, and return over the same route, and (b) from Knoxville over Interstate Hwy 75 to junction Interstate Hwy 64, then over Interstate Hwy 64 to Louisville, and return over the same route; (54) Between Elizabethtown, and Lexington, KY, over US Hwy 62; (55) Serving all points in AL, FL, GA, and MS, as off-route points in connection with routes (1) through (51) above; (56) Serving all points in Allen, Anderson, Barren, Bourbon, Bullitt, Butler, Clark, Edmonson, Fayette, Franklin, Hardin, Hart, Jefferson, Jessamine, Larue, Logan, Nelson, Oldham, Scott, Shelby, Simpson, Spencer, Warren, and Woodford Counties, KY, and Clark, Floyd, and Harrison Counties, IN, as off-route points in connection with routes (52) through (54) above; (57) Serving all intermediate points on routes (1) through (54) above. Condition: to the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives it shall be limited in point of time to a period expiring 5 years of its date of issue.

Note.—Applicant intends to tack the above routes with each other and with applicant's existing regular-route authority.

MC 109537 (Sub-6F), filed August 29, 1980. Applicant: HERRON TRANSFER CO., 1026 Franklin St., Salem, OH 44460. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting (1) *tile, brick, refractories, and refractory products, and* (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between points in Carroll and Columbiana Counties, OH, and Plymouth Meeting, PA, on the one hand, and, on the other, those points in the U.S east, and north of WI, IA, MO, TN, and NC.

MC 126346 (Sub-46F), filed September 2, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers of electric motors and generators, between points in the U.S., under continuing contract(s) with Marathon Electric, of Wausau, WI.

MC 133566 (Sub-164), filed September 3, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Logansport, IN, to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN, restricted to traffic originating at the above named origin and destined to the indicated destinations.

MC 133566 (Sub-163F), filed September 2, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *meat*, between the facilities of Sugar Creek Packing Company at Bloomington, IL, Frontenac, KS, and Dayton and Washington Court House, OH, on the one hand, and, on the other those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134467 (Sub-69F), filed September 2, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *foodstuffs* (except in bulk), between Metairie, East New Orleans, and New Orleans, LA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, WY, CO, and NM, restricted to traffic originating at or destined to the facilities of New Orleans Cold Storage, Inc.

MC 139906 (Sub-123F), filed September 3, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Mr. Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *bakery products* between points in Henrico County, VA, Calhoun County, MI, Union County, SD, and Pierce County, WA, on the one hand, and, on the other, points in the U.S.

MC 141317 (Sub-5F), filed September 2, 1980. Applicant; HAAG TRANSPORT, INC., P.O. Box 25, Shelburn, IN 47879. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204. Transporting (1) *rubber products and plastic products*, and (2) *materials, equipment and supplies* used in the manufacture of rubber products and plastic products, between points in the U.S., under continuing contract(s) with Certain-Teed/Daymond Company, of Ann Arbor, MI.

MC 143027 (Sub-9F), filed September 2, 1980. Applicant: CAPITAL AIR FREIGHT, INC., 3533 International Lane, Madison, WI 53714. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. 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 Madison and Viroqua, WI, over U.S. Hwy 14, serving all intermediate points and serving as off-route points all points located in Vernon, Richland, and Sauk Counties, WI.

MC 147547 (Sub-8F), filed September 3, 1980. Applicant: R&D TRUCKING COMPANY, INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities*, between points in the U.S. restricted to traffic originating

at or destined to the facilities used by the Brunswick Corporation. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 149026 (Sub-12F), filed September 2, 1980. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *new furniture,* and *materials, equipment, and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), between points in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150817 (Sub-1F), filed September 2, 1980. Applicant: HOFFMAN & DAVIS, a partnership, Route No. 6, Box 89, Hagerstown, MD 21740. Representative: Edward N. Burton, 580 Northern Ave., Hagerstown, MD 21740. Transporting (1) *laboratory reagents and culture media,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with BBL Micro Biological Systems, of Cockeysville, MD.

MC 151636 (Sub-1F), filed August 25, 1980. Applicant: RULEAU BROS. TRANSPORT, INC., Cedar River, MI 49813. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. Transporting *pet food,* from points in Cumberland County, PA, and Wyandotte County, KS, to points in IL, IN, IA, KY, MI, MN, MO, and WI.

Volume No. OP4-043

Decided September 10, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 59206 (Sub-34F), filed September 5, 1980. Applicant: HOLLAND MOTOR EXPRESS, INC., 750 East 40th St., Holland, MI 49423. Representative: Kenneth De Vries (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 the use of special equipment), (1) between Chicago, IL and Milwaukee, WI, over Interstate Hwy 94, serving all intermediate points; (2) Between Chicago, IL and Milwaukee, WI: from Chicago over IL Hwy 32, to junction WI Hwy 32, then over WI Hwy 32 to Milwaukee, and return over the same route, serving all intermediate points; (3) Between Chicago, IL and Milwaukee, WI: from Chicago over Interstate Hwy 55 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Milwaukee, and return over the same route, serving all intermediate points; and (4) Between Rock Island, IL and Milwaukee, WI: from Rock Island over IL Hwy 2 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction WI Hwy 15, then over WI Hwy 15 to Milwaukee, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack the above authority with its presently authorized routes to provide a through service to points in IA, IL, IN, MI, OH, and KY.

MC 117686 (Sub-289F), filed September 5, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st St., South Sioux City, NE 68776. Representative: George H. Hirschbach (same address as applicant). Transporting *non-exempt foods or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, from points in Clay, O'Brien, Pottawattamie, and Webster Counties, IA, and points in Colfax, Dodge, and Douglas Counties, NE, to points in CA, FL, GA, NC, and SC.

MC 127177 (Sub-2F), filed September 8, 1980. Applicant: DUANE E. HAACK, 5012 Laurel Court, Sioux City, IA 51106. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *corrugated metal culvert pipe,* between points in the U.S., under continuing contract(s) with St. Regis Paper Company, Wheeler Division, of West Des Moines, IA.

MC 134336 (Sub-10F), filed September 5, 1980. Applicant: LYLE JOSEPH KLEINSCHMIT d.b.a. LYLE KLEINSCHMIT, 4838 Glenn St., Rt. 5, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *landscaping and building stone,* from Keystone, SD, to points in CA, CO, IA, KS, MN, MO, MT, MN, NE, ND, OK, TX, WI, and WY.

MC 148966 (Sub-2F), filed September 5, 1980. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *frozen potato products,* from the facilities of U and I, Incorporated, at (a) Boardman, Metolius, and Hermiston, OR, and (b) Walla Walla, WA, to points in CA, IA, IL, IN, MD, MI, MN, MO, NJ, NY, OH, PA, WI, and DC.

MC 151516 (Sub-3F), filed September 3, 1980. Applicant: JOSEPH W. HYDE, d.b.a. H. D. DELIVERY SERVICE, 130 24th St., Ogden, UT 84402. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. 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 Box Elder, Cache, Weber, Davis, Salt Lake, Morgan and Tooele Counties, UT, restricted to traffic having an immediately prior or subsequent movement by rail.

MC 151666 (Sub-1F), filed September 3, 1980. Applicant: BARR FREIGHT SYSTEM, INC., 4109 West 52nd St., Chicago, IL 60632. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Transporting *general commodities* (except classes A and b explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Central Ohio Shippers, of Columbus, OH.

Volume No. OP4-045

Decided: September 9, 1980.

By the Commission, Review Board, Number 2, Members Chandler, Eaton, and Liberman.

MC 26396 (Sub-374F), filed September 4, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are used in the manufacture and repair of rail cars and locomotives, between points in FL, KY, and VA, on the one hand, and, on the other, points in the U.S.

MC 93186 (Sub-9F), filed September 8, 1980. Applicant: EUDALL WATTS III d.b.a. WATTS TRANSFER COMPANY, 825 First Ave., Rock Island, IL 61201. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., Washington, D.C. 20036. Transporting *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 99896 (Sub-5F), filed September 4, 1980. Applicant: ATKINSON TRANSFER, INC., 1475 West River Rd., Dayton, OH 45418. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *paper and paper products,* between points in Montgomery County, OH, on the one hand, and, on the other, points in IN.

MC 124236 (Sub-109F), filed September 4, 1980. Applicant: CHEMICAL EXPRESS CARRIERS, INC.,

4645 No. Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. Transporting *gasoline,* in tank vehicles, from Tyler, TX, to Bossier City and Monroe, LA.

MC 126346 (Sub-47F), filed September 3, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* are dealt in or used by manufacturers of heating and cooling equipment, between points in the U.S., under continuing contract(s) with Lux Air, Inc., of Elyria, OH.

MC 136996 (Sub-6F), filed September 4, 1980. Applicant: IDEAL TRANSPORTATION COMPANY, a Corporation, 1623 W. Main St., Zanesville, OH 43701. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *alloys and silicon metals,* and *materials, equipment and supplies* used in the manufacture and distribution of alloys and silicon metals, between points in AL and OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (2) *gravel,* from points in MD, NC, and SC, to points in AL and OH.

MC 141707 (Sub-1F), filed September 4, 1980. Applicant: JOE A. STEVENS TRUCKING, INC., 454 N. College St., Harrodsburg, KY 40330. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *coal, fertilizer, salt, and sand,* in bulk, in dump vehicles, from points in Jefferson and Ohio Counties, KY, to points in IL, IN, and OH.

MC 144827 (Sub-54F), filed September 4, 1980. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, P.O. Box 18423, Memphis, TN 38118. Representative: Robert L. Baker, 6th Floor United American Bank Bldg., Nashville, TN 37219. Transporting *such commodities* as are dealt in or used by catalogue showroom, department, and discount stores, in the U.S.

MC 145437 (Sub-19F), filed September 3, 1980. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *meters,* and *materials, equipment and supplies* used in the manufacture and distribution of meters, between points in the U.S., under continuing contract(s) with Badger Meter, Inc., of Milwaukee, WI.

MC 148647 (Sub-3F), filed September 3, 1980. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 149026 (Sub-13F), filed September 3, 1980. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *lumber and wood products* (except furniture), between Watsontown, PA, Laurel, MS, Norman and Guthrie, OK, and Springhope, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150847 (Sub-1F), filed September 3, 1980. Applicant: JOHN AXTMAN d.b.a. AXTMAN TRUCKING, 35 D County Rd., Rugby, ND 58368. Representative: Kip B. H. Erickson, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *non-alcoholic beverages, and materials and supplies* used in the distribution of non-alcoholic beverages, between Fridley, MN, on the one hand, and, on the other, points in ND, SD, and MT.

Volume No. OP4-047

Decided: September 11, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1977 (Sub-46F), filed September 2, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) serving all intermediate points, (1) between Trinidad, CO, and Galveston, TX: from Trinidad over Interstate Hwy 25 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 287, then over U.S. Hwy 287 to Fort Worth, TX, then over Interstate Hwy 30 to Dallas, then over Interstate 45 to Galveston, and return over the same route: (2) between Albuquerque, NM, and Amarillo, TX, over Interstate Hwy 40; (3) between Phoenix, AZ, and Houston, TX, over Interstate Hwy 10; (4) between Dallas, TX, and San Antonio, TX: from Dallas over Interstate Hwy 35E to junction Interstate Hwy 35, then over Interstate Hwy 35 to San Antonio, and return over the same route: (5) between Fort Worth, TX, and junction Interstate 35W and Interstate 35: from Fort Worth over Interstate Hwy 35W to junction 35W and Interstate 35, and return over the same route; (6) serving points in TX as off-route points in connection with applicant's otherwise authorized regular-route operations, and (7) between Albuquerque, NM, and Las Cruces, NM, over Interstate Hwy 25.

MC 20356 (Sub-18F), filed September 8, 1980. Applicant: BADGER FREIGHTWAYS, INC., 1317 North 25th St., P.O. Box 1008, Sheboygan, WI 53081. Representative: Edward G. Bazelon, 39 South LaSalle St., 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 Milwaukee and Merrill, WI: From Milwaukee over U.S. Hwy 41 to WI Hwy 110, then over WI Hwy 110 to junction WI Hwy 51, then over WI Hwy 51 to Merrill, and return over the same route, serving all intermediate points, (2) between Milwaukee, WI and Menominee, MI, over U.S. Hwy 41, serving all intermediate points, and (3) between Madison and Merrill, WI, over U.S. Hwy 51, serving points in Sheboygan, Manitowoc, Calumet, Brown, Kewaunee, Fond Du Lac, Winnebago, Outagamie, Oconto, Shawno, Marathon, Lincoln, Langlade, Waupaca, Portage, Wood, Marinette, Waushara, Green Lake, Adams, Marquette, Taylor, Price, Sawyer, Oneida, Forest, Florence, Columbia, Door, Menominee, Vilas, Douglas and Iron Counties, WI, as intermediate and off-routes points Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 40 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

Note:—Applicant proposes to tack the requested authority with its existing authority.

MC 105566 (Sub-229F), filed September 5, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *glass television bulbs, and parts* for the foregoing commodities, between points in Luzerne County, PA, on the one hand, and, on the other, points in San Diego County, CA.

MC 109397 (Sub-518F), filed September 2, 1980. Applicant: TRI-

STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *cooling equipment and parts, materials, equipment and supplies* (except in bulk) used in connection with cooling equipment, and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture or distribution of commodities named in (1) above, between points in the United States (except AK and HI), restricted to traffic in (1) above originating at the facilities of The Marley Cooling Tower Company, and in (2) above destined to the facilities of The Marley Cooling Tower Company.

MC 115826 (Sub-594F), filed September 5, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, MO 80022. Representative: Charels J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *meats, meat products, meat byproducts and articles distributed by meat-packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the U.S. (except AK and HI).

MC 119656 (Sub-80F), filed September 9, 1980. Applicant: NORTH EXPRESS, INC., 219 Main St., P.O. Box 247, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in Washington County, AR, on the one hand, and, on the other, points in the U.S.

MC 131007F, filed September 2, 1980. Applicant: EDUCATION OVERLAND II, INC., 2452 Redbud Lane, P.O. Box 4309, Wichita, KS 67204. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 676202. To engage in operations, in interstate or foreign commerce, as a broker, to arrange for the transportation, by motor vehicle, of *passengers and their baggage,* in charter operations, in ski tours, beginning and ending at points in KS, and extending to points in CO and NM.

MC 135007 (Sub-86F), filed September 8, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting (1) *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, and (2) *materials, equipment, and supplies* used in the manufacture of food or kindred products, between points in the United States, under continuing contract(s) with Spencer Foods, Inc., of Schuyler, NE.

MC 139906 (Sub-124F), filed September 8, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *photographic equipment, materials, and supplies,* between points in Broward County, FL, on the one hand, and, on the other, points in Bergen County, NJ, Cook County, IL, Orange County, CA, and Tarrant County, TX.

MC 141187 (Sub-13F), filed September 5, 1980. Applicant: BLUFF TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence Haar (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers and distributors of pharmaceutical and medical supplies, and food and food products, between points in the U.S., under continuing contract(s) with Travenol Laboratories, Inc., of Morton Grove, IL.

MC 146807 (Sub-16F), filed September 8, 1980. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting (1) *plastic film, plastic sheeting and plastic bags,* from Pottsville, PA, to points in IL, IN, IA, KY, WI, MI, OH, and LA, and (2) *materials and supplies* in the manufacture and distribution of the commodities named in (1) above, in the reverse direction.

MC 147636 (Sub-9F), filed September 2, 1980. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *confectionery, dessert preparations and almonds,* between points in Crawford County, IL, on the one hand, and, on the other, points in CA, CO, LA, MO, OR, and TX.

MC 149466F, filed September 4, 1980. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S. under continuing contract(s) with Foremost-McKesson, Incorporated of San Francisco, CA.

MC 149467F, filed September 4, 1980. Applicant: SHEANS FREIGHT LINES, INC., 75 Locust St., Medford, MA 02155. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Transporting *such commodities* as are dealt in or used by retail department stores and mail order and discount houses (except commodities in bulk), between points in the U.S., under continuing contract(s) with Montgomery Ward & Co., Inc., of Chicago, IL., and F. W. Woolworth, Co., of New York, NY.

MC 150746 (Sub-3F), filed September 8, 1980. Applicant: DFC TRANSPORTATION COMPANY, a corporation, 45 East Main St., Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *tea and dry beverage preparations,* between points in Fulton and Cobb Counties, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151417 (Sub-1F), filed September 5, 1980. Applicant: HAUL TRANSPORT, INC., 2 Dew Lane, Canton, MA 02021. Representative: Albert E. Winemiller (same address as applicant). Transporting *general commodities* between points in Providence County, RI, and MA, on the one hand, and, on the other, points in the United States.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 151686 (Sub-1F), filed August 19, 1980. Applicant: ACME TRANSFER & STORAGE CO., INC., 201—5th Ave., S.W., New Birghton, MN 55112. Representative: Robert L. Cope, Suite 501, 1730 M St., NW, Washington, D.C. 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Minnesota Inter-Modial Shippers Association, Inc., of Minneapolis, MN.

MC 151686 (Sub-2F), filed August 19, 1980. Applicant: ACME TRANSFER & STORAGE CO., INC., 201—5th Ave., SW., New Birghton, MN 55112. Representative: Robert L. Cope, Suite 501, 1730 M St., NW., Washington, DC 220036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Intermodal Container Express, Inc., of Minneapolis, MN.

MC 151736F, filed September 4, 1980. Applicant: MANCHESTER MOVERS, INC., 85 Colonial Rd., Manchester, CT 06040. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *household goods* as defined by the Commission, between Manchester, Tolland, Bolton, Glastonbury, East Hartford, South Windsor, East Windsor Hill, and Rockville, CT, on the one hand, and, on the other, points in MA, RI, ME, NH, and VT.

MC 151746, filed September 2, 1980. Applicant: ORANGE DISTRIBUTION SERVICE, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *log homes, precut timber homes, parts of logs and precut timber homes,* and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above, between the facilities of Timber Log Homes, Inc., at Marlborough and Colchester, CT, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, TN, WV, IN, IL, MN, KY, MI, OH, and WI.

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Decided: September 12, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

W–1328F, filed August 5, 1980. Applicant: ALASKA TOUR & MARKETING SERVICE, INC., d.b.a. EXPLORATION CRUISE LINES, Suite 312 Park Place Bldg., Sixth and University, Seattle, WA 98101. Representative: Edward G. Lowry III, The Bank of California Center, Seattle, WA 98164. To operate as a *common carrier* by water, in interstate or foreign commerce, by self-propelled vessels, transporting *passengers and their baggage,* (1) between ports and points in WA, OR, and ID on the Columbia, Willamette, and Snake Rivers; and (2) between ports and points in CA, OR, WA, and AK. Condition: Pursuant to 49 CFR § 1106.5(a)(8), certification of water carrier service constitutes a major regulatory action under the Energy Policy and Conservation Act of 1975, and requires preparation of a Statement of Energy Impact (SEI). Applicant must submit the material required by 49 CFR 1106.7, within 30 days after publication, so that an appropriate SEI may be prepared by the Commission.

MC 1759 (Sub-41F), filed September 2, 1980. Applicant: FROEHLICH TRANSPORTATION CO., INC., Federal Rd., Danbury, CT 06810. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. Transporting (1) *foodstuffs* and *pet foods,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Dunkirk, NY, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, and VT.

MC 25798 (Sub-397F), filed September 2, 1980. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in Finney County, KS, on the one hand, and, on the other, points in the U.S.

MC 25798 (Sub-398F), filed September 3, 1980. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in El Paso County, TX, on the one hand, and, on the other, points in LA and MS.

MC 30089 (Sub-11F), filed August 25, 1980. Applicant: FRANK W. LILLY, INC., P.O. Box 111, Turtle Creek, PA 15145. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. Transporting (1) *foodstuffs* (except in bulk), and (2) *lumber and wood products* (except furniture), between points in the U.S. (except AK and HI), under continuing contract(s) with Heinz U.S.A., Division of H. J. Heinz Company, of Pittsburgh, PA.

MC 35358 (Sub-57F), filed September 3, 1980. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive, NE., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Tranporting *furniture,* from Plano, TX, to points in the U.S.

MC 35628 (Sub-435F), filed August 28, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, P.O. Box 175, 110 Ionia Ave., NW., Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant). Transporting (1) *gypsum, gypsum products,* and *building materials,* and (2) *materials and supplies* used in the installation and distribution of the commodities in (1) above, between points in Marshall County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 40978 (Sub-76F), filed August 25, 1980. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *electric generators and internal combustion engines,* between points in Sheboygan County, WI, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, and OH, and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of plumbing products, electric generators, and internal combustion engines, from points in IA, IL, IN, KY, MI, MN, MO, OH, PA, VA, and WV to the facilities of Kohler Co., in Sheboygan County, WI.

MC 52579 (Sub-210F), filed August 28, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Dr., Secaucus, NJ 07094. Representative: Lawrence S. Burstein, One world Trade Center, Suite 2373, New York, NY 10048. Transporting *wearing apparel,* and *materials, supplies and accessories* used in the manufacture of wearing apparel, between New York, NY, on the one hand, and, on the other, points in Wayne County, TN.

MC 52579 (Sub-211F), filed August 28, 1980. Applicant: GILBERT CARRIER CORP., One Gilbert Dr., Secaucus, NJ 07094. Representative: Lawrence S. Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *wearing apparel,* on hangers, between points in Meriwether and Dooly Counties, GA, on the one hand, and, on the other, points in New Castle County, DE, and Franklin County, OH.

MC 52709 (Sub-400F), filed August 28, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *pulp, paper, or allied products* as described in Item 26 of the Standard Transportation Commodity Code Tariff, between points in Spokane County, WA, on the one hand, and, on the other, points in MT.

MC 58549 (Sub-35F), filed September 2, 1980. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St., NE, P.O. Box 13727, Roanoke, VA 24036. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave., NW, Suite 850, Washington, DC 20006. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in

bulk, and those requiring the use of special equipment), between points in Greenbrier, Monroe, and Mercer Counties, WV, and points in NC and VA.

MC 105269 (Sub-89F), filed September 3, 1980. Applicant: GRAFF TRUCKING, COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI, restricted to traffic originating at or destined to the facilities of Mead Corporation and its subsidiaries.

MC 107818 (Sub-107F), filed August 28, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 N.W. 12th Ave., Pompano Beach, FL 33061 Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting *cleaning and sanitizing products,* from points in Cook County, IL, to points in FL, GA, NC, and SC.

MC 110288 (Sub-18F), filed September 3, 1980. Applicant: HARRY HENERY, INC., 3517 West Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *containers, and materials, equipment, and supplies* used in the manufacture and distribution of containers, between Franklin, IN, on the one hand, and, on the other, points in KS, DE, WV, VA, NC, SC, NE, GA, IA, and MN.

MC 116519 (Sub-88F), filed August 25, 1980. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. In foreign commerce only, transporting (1) *insulation materials, plastic and cement asbestos pipe, lighting systems, and roofing products,* from the facilities of Johns-Manville Sales Corporation and Johns-Manville Perlite Corporation in that portion of the U.S. in and east of ND, SD, NE, KS, OK, and TX, to ports of entry on the international boundary line between the U.S. and Canada in NY and MI, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), from those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, to ports of entry on the international boundary line between the U.S. and Canada in NY and MI.

MC 118899 (Sub-11F), filed August 25, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Ave., Glen Burnie, MD 21601. Representative: Lawrence E. Lindeman, 425 13th St., NW., Washington, DC 20004. Transporting *alcohol,* in bulk, in tank vehicles, from Philadelphia, PA, to points in MD and DC.

MC 118899 (Sub-12F), filed August 25, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Ave., Glen Burnie, MD 21601. Representative: Lawrence E. Lindeman, 425 13th St., NW., Washington, DC 20004. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from Baltimore, MD, to Alexandria, VA, and points in Arlington, Fairfax, Prince William, Loudoun, Fauquier, Stafford, Shenandoah, Rockingham, Culpeper, Clarke, Frederick, Warren, Page, Madison, Greene, Orange, Spotsylvania, Caroline, Rappahannock, and King George Counties, VA, and DC.

MC 118899 (Sub-13F), filed August 25, 1980. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Ave., Glen Burnie, MD 21601. Representative: Lawrence E. Lindeman, 425 13th St., NW., Washington, DC 20004. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from Manassas, VA, to points in MD and DC.

MC 124078 (Sub-1031F), filed August 25, 1980. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting *cement,* from points in Mayes and Woodward Counties, OK, to points in AR, KS, and MO.

MC 126679 (Sub-23F), filed August 25, 1980. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *building materials and concrete products,* between Brunswick, GA, and Terry, MS, on the one hand, and, on the other, points in TX, those in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada, and those in LA west of the Mississippi River.

MC 126679 (Sub-24F), filed August 28, 1980. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *prestressed concrete, concrete products, and iron and steel articles,* between Knoxville, TN and Jacksonville, FL, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochinching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 128648 (Sub-28F), filed September 3, 1980. Applicant: TRANS-UNITED, INC., 425 West 152nd St., P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. Transporting (1) *such commodities* as are dealt in or used by manufacturers and dealers of industrial, construction, road building, logging, and mining equipment (except commodities in bulk), 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), under continuing contract(s) with Pettibone Corporation of Chicago, IL; Pettibone Texas Corporation; Hanson Machinery Co., of Tiffin, OH; Pettibone Mercury Corporation, of Tualatin, OR; Pettibone Michigan Corporation; Pettibone Ohio Corporation, or Cleveland, OH; and Universal Engineering Corporation, of Cedar Rapids, IA.

MC 129219 (Sub-26F), filed August 21, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 SE Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 NE Weidler, Portland, OR 97232. Transporting *paint, paint materials, and* materials, equipment and supplies used in the manufacture and sale of paint, between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 129219 (Sub-27F), filed September 2, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 SE. Dumolt, Clackamas, OR 97015. Representative: Phillip G. Skofstad, 1525 NE. Weidler, Portland, OR 97232. Transporting *compressed sawdust logs,* between points in Josephine and Clackamas Counties, OR, on the one hand, and on the other, points in WA, OR, and CA, under continuing contract(s) with Agnew Environmental Products, Inc., of Grants Pass, OR.

MC 129906 (Sub-57F), filed September 3, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 SW. 15th St., Oklahoma City, OK 73107. Representative: John S. Odell, P.O. Box

75410, Oklahoma City, OK 73147. Transporting *general commodities* (except Classes A and B explosives), between the facilities of Target Stores, Division of Dayton-Hudson Corporation, 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).

MC 134599 (Sub-183F), filed August 27, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Western Publishing Company, Inc., of Racine, WI.

MC 135568 (Sub-6F), filed August 27, 1980. Applicant: CHRISTIE RIGGING & TRUCKING CO., a corporation, 182 Oakwood Drive, Glastonbury, CT 06033. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *machinery*, (2) *machinery parts*, and (3) *commodities*, the transportation of which, because of size or weight, requires special equipment, between points in the U.S., under continuing contract(s) with Keeney Enterprises, Inc., of Glastonbury, CT.

MC 138308 (Sub-124F), filed August 25, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39205. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. 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 NY and NJ to Nashville, TN, restricted to traffic destined to facilities used by members of the Mid-Tenn Shippers Association.

MC 139958 (Sub-12F), filed August 25, 1980. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. Transporting (1) *paint*, in drums, and (2) *materials, equipment and supplies* used in the manufacture of paint between the facilities of Pittsburgh Plate Glass Industry Inc., at or near Delaware, OH on the one hand, and, on the other points in KY, GA, IL, TX, OH, IA, LA, MO, TN, FL, PA, MI, and VA. Condition: the person or persons which appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 140389 (Sub-88F), filed August 25, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. Transporting *foodstuffs*, (except in bulk), from Memphis, TN, to points in the U.S. (except AK and HI).

MC 143059 (Sub-128F), filed August 28, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, 1128 W. Main Street, Lousiville, KY 40232. Representative: Mr. Kenneth W. Kilgore (same address as applicant). Transporting *general commodities*, between points in Bibb county, GA on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 143059 (Sub-131F), filed August 29, 1980. Applicant: MERCER TRANSPORTATION CO., a Corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). Transporting *general commodities* (except in bulk, classes A and B explosives, and household goods as defined by the Commission), between points in the U.S. (except HI), on the one hand, and, on the other, Chicago, IL, Los Angeles, Oakland, San Francisco, and Sacramento, CA, Houston, TX, St. Louis, MO, and Portland, OR.

MC 143059 (Sub-132F), filed August 29, 1980. Applicant: MERCER TRANSPORTATION CO. P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same address as applicant). Transporting (1) *coal*, (2) *nonmetallic minerals*, except fuels, (3) *chemicals or allied products*, (4) *rubber or miscellaneous plastic products*, and (5) *machinery*, except electrical, as described in Items 11, 14, 28, 30, and 35, respectively, of the Standard Transportation Commodity Code, between points in UT, on the one hand, and, on the other, points in the U.S.

MC 145078 (Sub-1F), filed August 25, 1980. Applicant: RAYMOND SEMRAU, 904 Miller Street, Marinette, WI 54143. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. Transporting (1) *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, and (2) *materials, equipment and supplies* used in the manufacture or distribution of the commodities in (1), between points in the U.S. under continuing contract(s) with the Frigo Cheese Corporation, of Lena, WI.

MC 145319 (Sub-3F), filed September 3, 1980. Applicant: DALE BRADBURY, d.b.a. BRADBURY COAL COMPANY, P.O. Box 145, Welch, OK 74369. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Transporting *coal*, from points in Craig County, OK, to points in Labette, Cherokee, Montgomery, Crawford, Neosho, and Allen Counties, KS.

MC 148099 (Sub-5F), filed August 27, 1980. Applicant: WILMINGTON CORP., 24 Industrial Way, Wilmington, MA 01887. Representative: Irwin M. Heller, One Center Plaza, Suite 600, Boston, MA 02108. Transporting *general commodities*, from the facilities of Springmeier Shipping Co., Inc., at Dallas, TX, to the facilities of Springmeier Shipping Co., Inc., at (a) New York, NY, and (b) St. Louis, MO, restricted to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8).

Note.—Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring five years from the date of issuance of the certificate.

MC 150079 (Sub-2F), filed August 25, 1980. Applicant: K.R.C. TRANSIT, INC., P.O. Box 572, Westmont, IL 60559. Representative: Stephen H. Loeb, 33 N. LaSalle—Suite 2027, Chicago, IL 60602. Transporting (1) *cans and can ends* from Valparaiso, IN to Chicago, IL and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), in the reverse direction, restricted to traffic originating at or destined to the facilities of The Coca-Cola Company Foods Division.

MC 150179 (Sub-1F), filed August 28, 1980. Applicant: LOGISTICS, INC., 6242 Executive Blvd., P.O. Box 638, Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *cornstarch*, in bags, between points in the U.S., under continuing contract(s) with Cargill, Inc., of Dayton, OH.

MC 150228 (Sub-1F), filed August 27, 1980. Applicant: RICENBAW TRUCKING, INC., Rural Route No. 2, Beaver Crossing, NE 68313. Representative: Daniel R. Stogsdill, 1900 First Nat'l. Bank, Lincoln, NE 68508. Transporting *frozen processed potatoes, frozen seafood, canned and frozen fruits and vegetables, flour products, poultry products, shortening, and dry groceries,*

between points in AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, LA, MI, MS, MN, MO, NE, ND, OK, OR, PA, SD, TX, UT, WA, and WI, under continuing contract(s) with Lincoln Poultry & Egg Company, of Lincoln, NE.

MC 150578 (Sub-3F), filed August 28, 1980. Applicant: STEVENS TRANSPORT, a Division of Stevens Foods, Inc., 2844 Motley Drive, Mesquite, TX 75150. Representative: S. Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Transporting *lard, shortening, vegetable oil, cooking or salad oil, margarine, and edible tallow,* from points in Tarrant County, TX, to points in CA, CO, WA, NV, OR, GA, TN, and FL.

MC 150619 (Sub-1F), filed August 25, 1980. Applicant: ROTH & SONS, INC., Ruote 8, Box 31, Jacksonville, FL 32224. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *telephone equipment, materials and supplies,* between points in FL on the one hand, and, on the other, points in Gwinnet County, GA.

MC 150808 (Sub-1F), filed August 27, 1980. Applicant: ROBERT MALADY, d.b.a. MALADY TRUCK SERVICE, 2115 Salisbury St., St. Louis, MO 63107. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) *glass containers,* from the facilities used by Midland Glass Company, Inc., at Terre Haute, IN, to St. Louis, MO, and (2) *materials and supplies* used in the manufacture and distribution of glass containers (except in bulk), in the reverse direction.

MC 150899F, filed September 2, 1980. Applicant: FRED L. LOWE, d.b.a. F. L. LOWE TRUCKING CO., 27 Crossman Street, Mattapan, MA 02126. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. Transporting *petroleum products,* in bulk, in tank vehicles, between points in MA, NH and RI.

MC 151038 (Sub-1F), filed September 5, 1980. Applicant: DER TRUCKING CO., INC., Box 4B–1105 N. Main St., Gainesville, FL 32601. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *axle assemblies, and parts and accessories* for axle assemblies, between Largo, FL, on the one hand, and, on the other, points in AL, CA, CO, GA, IN, KS, LA, MD, MS, NC, OH, PA, SC, TX, UT, and WI.

MC 151039F, filed August 28, 1980. Applicant: CABARRUS CONSOLIDATING & MANAGEMENT COMPANY, P.O. Box 1212, Concord, NC 28025. Representative: John N. Fountain, P.O. Box 2246, Raleigh, NC 27602. Transporting *textiles,* between points in the U.S. under continuing contracts with KasTex Corporation, of Los Angeles, CA, Miller Curtain Co., Inc., of San Antonio, TX, Lanscot-Arlen Fabrics, Inc., of Concord, NC, and De'Cor Fabrics, of Los Angeles, CA.

MC 151048F, filed August 27, 1980. Applicant: MODERN EXPRESS, INC., 2091 Kasota Avenue, St. Paul, MN 55108. Representative: James F. Finley, 1401 Silver Lake Road, New Brighton, MN 55112. 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, on the one hand, and, on the other, points in Vernon, LaCrosse, Monroe, Juneau, Adams, Jackson, Wood, Portage, Marathon, Clark, Trempealeau, Buffalo, Pepin, Eau Claire, Pierce, Dunn, St. Croix, Chippewa, Polk, Barron, Rusk, Lincoln, Taylor, Price, Sawyer, Ashland, Burnett, Washburn, Bayfield, Douglas, Fond du Lac, Winnebago, Outagamie and Brown Counties, WI, and points in MN.

MC 151118 (Sub-4F), filed September 3, 1980. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *paper, paper products, and printed matter,* and (2) *equipment, materials, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) (except commodities in bulk and those requiring special equipment), between points in Craighead County, AR, and Tate County, MS, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and points in CO, restricted to traffic originating at or destined to the facilities of W.A. Krueger Company.

MC 151598F, filed August 25, 1980. Applicant: HOW–DEA SERVICE CENTER, INC., Route 1, Belgium, WI 53004. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies,* used in the manufacture and distribution of the commodities in (1), (except commodities in bulk, and those requiring special equipment), between points in the U.S. under continuing contract(s) with The Krier Preserving Company, of Belgium, WI.

MC 151699F, filed August 27, 1980. Applicant: BDL TRUCKING, INC., 18026 Ute Street NW., Anoka, MN 55303. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Such commodities* as are dealt in or used by manufacturers and distributors of (1) roofing and road equipment, (2) machinery, forgings, and castings, and (3) agricultural and motor vehicle equipment and parts, between points in Hennepin and Ramsey Counties, MN, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-29115 Filed 9-22-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Coordinating Council on Juvenile Justice and Delinquency Prevention; Time Change

Notice is hereby given that the time of 10:00 a.m. for the meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention on September 30, 1980, published in the Federal Register dated September 15, 1980, has been changed to 9:00 a.m.

For further information contact Mr. James C. Shine, Executive Assistant and Special Counsel, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20532, Telephone: 202–724–7751.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80-29447 Filed 9-22-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Intent To Reallocate Nonutilized Funds Under Comprehensive Employment and Training Act (CETA) Annual Plan Subparts Carried Forward From Fiscal Year 1980 Into Fiscal Year 1981

AGENCY: Employment and Training Administration.

ACTION: Notice

SUMMARY: Pursuant to 20 CFR 676.47, the Department of Labor announces its intent to reallocate nonutilized funds under CETA prime sponsor annual plan subparts carried forward from Fiscal Year 1980 into Fiscal Year 1981, as indicated below. The purpose of this notice is to provide 30 days notice to all interested parties of the Department's intent to reallocate these funds.

FOR FURTHER INFORMATION CONTACT: Robert Anderson, Administrator, Office

of Comprehensive Employment Development, 601 D Street, N.W., Room 5010, Washington, D.C. 20213. Telephone: 202–376–6254.

SUPPLEMENTARY INFORMATION: This action is being taken by the Department to assure the effective utilization of all funds made available under CETA and, to the maximum extent possible, to assure that these funds are made available to those areas which are most in need of such funds.

Section 676.47 provides that the Department shall not consider as nonutilization carryover funds of up to 10 percent of the annual allocation for each subpart of a CETA prime sponsor's annual plan. Accordingly, the Department is advising all prime sponsors that carryover funds in excess of 10 percent of the annual allocation for programs funded under Titles II–D and VI of CETA shall be reallocated. It is also our intent to review all carryover funds in excess of 30 percent for programs funded under Title II–A, B and C, including Special Grants to Governors, to determine whether it is appropriate and necessary to reallocate nonutilized funds in excess of 30 percent of the annual allocation for these activities.

With respect to Youth Community Conservation Improvement Programs and Youth Employment and Training Programs, it is the intent of the Department to reallocate all nonutilized funds in excess of 10 percent of the annual allocation for these programs. In accordance with the law, all Summer Youth Employment Program funds carried over from one fiscal year to the next will be combined with new obligational authority for the next year's program.

With respect to Title VII funds, all carryover funds in excess of 25 percent of the annual allocation shall be subject to reallocation. Funds carried forward for programs such as the Skill Training Improvement Program, Help through Industry Retraining and Employment, Supported Work, Consolidated Youth Employment Program Enrichment Activities, Multijurisdictional Private Industry Council Incentive Funds, special summer youth program Title VI funds, funds for special weatherization projects, increased consortium bonus funds, and other special and demonstration program funds shall not be subject to reallocation.

Signed at Washington, D.C., this 10 day of September 1980.

Charles B. Knapp,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 80-29450 Filed 9-22-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M–79–119–C]

Consolidation Coal Co.; Petition for Modification of an Order Previously Granted for a Petition for Modification

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed a petition to modify an order previously granted them for a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions), docket number M–79–119–C, at its Franklin No. 65 Mine in Harrison County.

A summary of petitioner's statement follows:

1. This order was granted on January 14, 1980, by the Administrator for Coal Mine Safety and Health.

2. Consolidation Coal now seeks to modify this order to include additional air courses which have been marked by numerous and recent roof falls due to adverse conditions such as moisture, roof pressure, etc.

3. Petitioner states that similar conditions exist in this area of the Franklin No. 65 Mine as outlined in the previously granted petition, M–79–119–C.

4. As an alternative to weekly examinations, petitioner proposes to establish and maintain four additional checkpoints along this new area of the mine and adhere to the requirements set forth in M–79–119–C.

5. Petitioner states that this alternative method will at all times guarantee no less than the same measure of protection to all miners as would be afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 23, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 15, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-29453 Filed 9-22-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M–80–96–M]

H. E. Fletcher Co; Petition for Modification of Application of Mandatory Safety Standard

H. E. Fletcher Co., West Chelmsford, Massachusetts 01863, has filed a petition to modify the application of 30 CFR 56.11–1 (safe means of access) to its West Chelmsford Quarry located in Middlesex County, Massachusetts. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that safe means of access shall be provided and maintained to all working places.

2. Petitioner's quarry derrick does not have a ladder on the mast for safe access to the top for inspection and lubrication.

3. The derrick mast is 160 feet high and is inspected twice yearly.

4. As an alternative to installing a ladder on the derrick mast, petitioner proposes that the person inspecting the mast will:

a. Ride to the top of the mast on the boom trip;

b. Use a safety belt and landyard connected to the boom and when the boom is at the uppermost position, snap the lanyard to a boom rope and walk across to the mast top. (There are 8 parts of ⅞" diameter wire rope in the boom and near the top, the upper and lower wires are separated by approximately 42 inches. The person will walk across on the lower ropes while holding onto the upper ropes with the safety belt attached).

5. Petitioner states that employees using the alternate method outlined above feel that this procedure is much safer than climbing the ladder with tools which could cause fatigue and render the employee more susceptible to unsafe practices.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 23, 1980. Comments must be filed with the Office of standards,

Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 15, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-29452 Filed 9-22-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-116-C]

Preece Enterprises, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Preece Enterprises, Inc., Route 2, P.O. Box 5, Turkey Creek, Kentucky 41570 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 8 Mine located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The No. 8 Mine is in the Thacker Seam and ranges from 49" to 71", with ascending and descending grades every break length creating dips in the coal bed.

2. The coal height has been reduced to approximately 40" due to recent encounters with a rock roll which has started in the No. 1 heading running on an angle presently staying with the No. 5 heading.

3. The use of cabs or canopies on the mine's haulage equipment and mobile face drilling machine would result in a diminution of safety to the miners affected because the operator's visibility is hampered and the seating position of the operator is cramped by the canopies.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before October 23, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety And Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Frank A. White,

Director, Office of Standards, regulations and Variances.

[FR Doc. 80-29451 Filed 9-22-80; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-70; Exemption Application No. L-506]

Exemption From the Prohibitions for Certain Transactions Involving the Agway Insurance Co.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts, under certain conditions, the reinsurance by the Agway Insurance Company (Agway Insurance) and the Agway Life Insurance Company (Agway Life) of life insurance, health insurance or annuity contracts sold to the Agway Group Life and Health Insurance Plan, the welfare benefit plans maintained by Agway, Inc. (Agway) members for their employees, the Curtice-Burns Group Insurance Plan and the Texas City Refining and the Rebel Oil Company Life and Health Insurance Plans (collectively, the Plans). Agway Insurance and Agway Life are parties in interest with respect to the Plans.

EFFECTIVE DATE: This exemption is effective January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 15, 1980, notice was published in the **Federal Register** (45 FR 47553) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act), for transactions described in an application filed on behalf of Agway Insurance, Agway Life, and their parent corporation, Agway. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the notice to interested persons requirement as set forth in the notice of pendency. One request for a hearing was received, but it was subsequently withdrawn. The only substantive comment received by the Department was submitted by the applicants, who requested that the proposed exemption be expanded to include relief from the restrictions of Act section 406(b)(3) in light of the fact that the reinsurance transactions which are the subject of this exemption might be deemed to violate that provision. Accordingly, the Department has agreed to modify the exemption to include such relief.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) This exemption is supplemental to, and not in derogation of, any other provisions of the Act including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, effective January 1, 1975, the restrictions of section 406(a) and (b) of the Act shall not apply to the reinsurance of risks and the receipts of

premiums therefrom by Agway Life and Agway Insurance of life insurance, health insurance or annuity contracts sold by the Travelers Insurance Company to the Plans, subject to the conditions set forth in the notice of proposed exemption.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 17th day of September, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-29455 Filed 9-22-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-745]

Proposed Exemption for Certain Transactions Involving the Liberty Mutual Insurance Company

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the reinsurance by the Liberty Mutual Insurance Company (the Employer) of certain health insurance contracts sold to employee benefit plans covering employees of the Employer. The proposed exemption, if granted, would affect participants and beneficiaries of such employee benefit plans, the Employer, and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before November 7, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 1, 1975.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-745. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (a) and (b) of the Act. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a mutual casualty insurance company incorporated under the law of Massachusetts on January 1, 1912. It is, and has been for many years, engaged in the sale of various forms of casualty insurance in all fifty states. It does an annual business, in terms of net premium volume of over 2.6 billion dollars, and has over 14,000 employees.

2. Liberty Life Assurance Company of Boston (Liberty Life) is a stock life insurance company incorporated under the law of Massachusetts on September 17, 1963. Ninety percent of its sole class of stock is owned by the Employer. Liberty Life is, and has for a number of years been, engaged in the life insurance business in nearly all fifty states. In 1979, it had a total volume of business, in terms of net premium income, of over 32 million dollars.

3. The Employer maintains for its employees various employee benefit plans (the Plans) providing major medical and weekly accident and sickness benefits. There are approximately 14,000 participants covered under the Plans.

4. The benefits under the Plans have been funded since January 1, 1974, through the purchase of group insurance policies from Liberty Life. The entire risk under these policies has been fully reinsured by Liberty Life with the Employer.

5. The direct sale of health insurance policies by Liberty Life to fund the Plans is within the scope of Prohibited Transaction Exemption 79-41 (PTE 79-41, 44 FR 46365, August 7, 1979). However, PTE 79-41 specifically excluded from its coverage the reinsurance transaction which is the subject of this exemption.

6. The subject reinsurance arrangement was undertaken in lieu of a direct purchase of such insurance from the Employer because Liberty Life provides group life protection for employees of the Employer, which the Employer is not licensed to write, and writes group disability policies for other employers as part of its regular business. The applicant represents that it is more efficient for Liberty Life rather than the Employer to be the primary insurer of the policies funding the Plans. In addition by reinsuring such policies with the Employer, the participants are afforded additional protection in that the contracts are the liabilities of two separate legal entities. No commission is involved with respect to the reinsurance transaction.

7. The reinsurance contracts in no way affect the principal insurer's liability for all of the benefits promised under its insurance contracts with the Plans. The Plans are not a party to the reinsurance transactions, the transactions being an arrangement solely between the Employer and Liberty Life.

8. The conditions set forth in Act section 408(b)(5)(A), (in that (1) the Employer is the employer maintaining the Plans, (2) both the Employer and Liberty Life are qualified to do business in all or nearly all of the states, and (3) that the Plans pay no more than adequate consideration for the contracts), and the conditions set forth in PTE 79-41 governing the direct sales of insurance (except that the Employer is a party in interest by reason of being an employer whose employees are covered by such Plans), are present for the subject reinsurance transactions. The Employer obtained less than one-half of one percent of its premium income in 1979 from the subject reinsurance transactions.

9. In summary, the applicant represents that the subject transactions meet the statutory criteria of section 408(a) of the Act because: (1) the Plans are paying no more than adequate consideration for the insurance contracts; (2) the reinsurance of the contracts by the Employer provides the Plans' participants with the protection provided by the assets of two separate insurance companies; (3) the Plans' trustees have determined that the transactions involving the issuance of the group insurance contracts are in the best interests of the Plans' participants

and beneficiaries and protective of their rights; and (4) the protections provided to the Plans and their participants by PTE 79–41 and Act section 408(b)(5)(A) have been met under the subject reinsurance transactions.

Notice to Interested Persons

Within 14 days after publication of this proposed exemption in the **Federal Register**, the Employer will provide notice of this proposed exemption to all participating employees of the Plans. Such notice will be provided by means of copies being placed on bulletin boards to which all employees have access; there being at least one bulletin board in every office of the company. Such notice will inform such persons of their right to comment and of their right to request a hearing within the period set forth in this notice of proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) Before an exemption may be granted under section 408 (a) of the Act the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, effective January 1, 1975), the restrictions of section 406 (a) and (b) of the Act shall not apply to the reinsurance of risks, and the receipt of premiums therefrom, by the Employer, of health insurance contracts sold by Liberty Life to the Plans provided the amount paid Liberty Life for the contracts is no greater than fair market value.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 16th day of September, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-29454 Filed 9-22-80; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

General Motors Corp.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

Corrections

In FR Doc. 80–27715 appearing on page 59453 in the issue of Tuesday, September 9, 1980, on page 59455, the following listings in the table should appear as set forth below:

TA-W	Plant	Impact date
*	* * * * *	
7046	Delco Remy Division, Muncie, Indiana	Jan. 1, 1980.
*	* * * * *	
7782	Delco Products Division, Dayton, Ohio	Apr. 1, 1980.
*	* * * * *	
8107	Packard Electric Division, Clinton, Mississippi	Jan. 1, 1980.
*	* * * * *	
8581	Creative Services Department, Chevrolet Motor Division, Detroit, Michigan	Jan. 1, 1980.
*	* * * * *	
8610	AC Spark Plug Division, Milwaukee Operations, Oak Creek, Wisconsin	Jan. 1, 1980.
*	* * * * *	
8612	Delco Electronics Division, Indianapolis, Indiana	Jan. 1, 1980.
*	* * * * *	
8614	Delco Remy Division, Meridian, Mississippi	May 1, 1980.

BILLING CODE 1505-01-M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Members to Performance Review Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice of amendment to term of appointment of members to the Performance Review Board.

SUMMARY: The Notice published in the **Federal Register** on July 1, 1980 specified a three-year term for the members of the Performance Review Board. This Notice changes the term of appointment to one year.

Title IV of the Civil Service Reform Act, Sec. 405(a), Title IV, Pub. L. 95–454; 5 U.S.C. 4314 (c) (1) through (5) requires agencies to establish a Performance Review Board whose members make recommendations to the Chairwoman of

the Board relating to the performance of senior executives of the Merit Systems Protection Board.

Accordingly, the following persons are hereby appointed as members of the Performance Review Board of the Senior Executive Service:

Ronald P. Wertheim, Chairman.
Ernest Russell, National Labor Relations Board.
Willis E. Greenstreet, Alaska Natural Gas Transportation System.
Samuel A. Chaitovitz, Federal Labor Relations Authority.
Jay W. Morava.
Jane Edmisten.

The normal one-year term of office for members will run from January 1–December 31. For the first year of SES operation, however, the term of each member commenced formally on July 1, 1980, the original date of publication of this Notice, rather than on January 1, 1981. Thus, the term of persons appointed expires on December 31, 1981, with the exception of the Chairman whose term expires on March 1, 1981.

EFFECTIVE DATE: September 18, 1980.

FOR FURTHER INFORMATION CONTACT: Lawrence Bembry, Director of Personnel and EEO, Room 367, 1717 H Street, N.W., Washington, D.C. 20419, (202) 653–5916.

Merit Systems Protection Board.

Ruth T. Prokop,

Chairwoman.

September 18, 1980.

[FR Doc. 80-29484 Filed 9-22-80; 8:45 am]

BILLING CODE 6325-20-M

LEGAL SERVICES CORPORATION

Grants and Contracts

September 18, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project. * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Central Louisiana Legal Services, Inc., in Alexandria, Louisiana, to serve Catahoula, Concordia, LaSalle and Vernon Parishes.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-29480 Filed 9-22-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Future Meeting Dates

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold meetings on the days listed below in calendar year 1981. The times and location will be announced at a later date.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The meeting dates are as follows;

Tuesday and Wednesday—January 13 and 14.
Tuesday and Wednesday—February 24 and 25.
Thursday and Friday—March 26 and 27.
Tuesday and Wednesday—May 12 and 13.
Tuesday and Wednesday—June 23 and 25.
Tuesday and Wednesday—August 18 and 19.
Tuesday and Wednesday—September 22 and 23.
Monday and Tuesday—November 2 and 3.
Tuesday and Wednesday—December 8 and 9.

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning these meetings may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Steven N. Anastasion,

Executive Director.

[FR Doc. 80-29420 Filed 9-22-80; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science Education; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education.
Date and Time: October 9, 1980—9:00 a.m. to 5:00 p.m., October 10, 1980—9:00 a.m. to Noon.
Place: National Science Foundation, Room W–651, 5225 Wisconsin Avenue, N.W., Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W–660, National Science Foundation, Washington, D.C. 20550 (202) 282–7947.
Purpose of Committee: To provide advice on science education activities.
Agenda: Status reports; long range planning; and planning of program oversight activities.
Summary Minutes: May be obtained from contact person, Dr. Alphonse Buccino, at the above address.

M. Rebecca Winkler,

Committee Management Coordinator.

September 17, 1980.

[FR Doc. 80-29418 Filed 9-22-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Notice of Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on Oct. 8, 1980 in room 1010, 1717 H St., NW, Washington, DC to discuss proposals and schedules for future Subcommittee activities and its role in

the development of safety and research goals. Notice of this meeting was published Sept. 18.

In accordance with the procedures outlined in the Federal Register on October 1, 1979 (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 8, 1980
1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 16, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-29179 Filed 9-22-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena; Notice of Meeting

The ACRS Subcommittee on Extreme External phenomena will hold a meeting on Oct. 8, 1980 in room 1046, 1717 H St., NW, Washington, DC to discuss the Status of the NRC Staff review of the need for seismic qualification of auxiliary feedwater systems. Notice of this meeting was published September 18.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 8, 1980
1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 16, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-29178 Filed 9-22-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor, Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Notice of Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on September 3, 1980 in room 1046, 1717 H St., NW, Washington, DC to review the NRC Staff's general approach to developing licensing requirements in a number of areas, including Near-Term Construction Permit (NTCP) requirements, the effect of non-safety systems on plant safety functions, and the requirements for future LWRs. The Subcommittee also plans to begin a review of the nuclear accident cascades issue

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, September 3, 1980
8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 16, 1980.

John C. Hoyle,

Advisory Committee Manager Officer.

[FR Doc. 80-29177 Filed 9-22-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on the Dresden Nuclear Power Plant, Unit No. 1; Notice of Meeting

The ACRS Subcommittee on the Dresden Nuclear Power Plant, Unit No. 1, will hold a meeting on October 8, 1980 in Room 762, 1717 H St., NW, Washington, DC. Notice of this meeting was published September 18, 1980.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being

kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 8, 1980
8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, the Commonwealth Edison Company, their consultants, and their interested persons regarding the following topics:

(1) The method proposed by the Commonwealth Edison Company to decontaminate the primary cooling system of Dresden Unit No. 1.
(2) The Canadian Decontamination Process (CAN–DECON Concept).
(3) Adequacy of the method for processing and disposing radioactive waste resulting from chemical decontamination of Dresden Unit No. 1.
(4) Comments received from Federal agencies and from the public relating to chemical decontamination of Dresden Unit No. 1 and the NRC Staff's resolution of these comments.
(5) Handling of decontamination waste.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST or EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 52b(c)(4).

Dated: September 16, 1980.

John C. Hoyle,

Advisory, Committee Management Officer.

[FR Doc. 80–29176 Filed 9–22–80; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR SAFETY OVERSIGHT COMMITTEE

Open Meeting

September 18, 1980.

The Nuclear Safety Oversight Committee (NSOC) will meet from 11:00 am to 12:30 pm and 2:00 pm to 5:00 pm on October 7, and from 9:00 am to 12:30 pm and 2:00 pm to 5:00 pm on October 8, in Room 2010 of the New Executive Office Building (NEOB). The NEOB is located on the southeast corner of 17th Street and Pennsylvania Avenue, N.W. in Washington, D.C. The public entrance to the building is on 17th Street between Pennsylvania Avenue and H Street, N.W.

The Committee was established by Executive Order 12202 on March 18, 1980, in response to the recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny Commission). Generally, the Committee is responsible for monitoring the progress of the utilities and their suppliers, the Nuclear Regulatory Commission, other federal agencies, and state and local authorities in implementing the Kemeny Commission's recommendations and in improving the safety of nuclear power. The Committee will report periodically to the President and the public on its findings.

Thus far the Committee has held four meetings: on May 18, 1980, in Pasadena, California; and on July 28 and 29, August 18 and 19, and September 16 and 17, 1980 in Washington, D.C. The Committee has heard testimony and had discussion in a number of areas including:

The nature of the Committee's responsibilities as set forth in Executive Order 12202;

The Nuclear Regulatory Commission's (NRC) "Action Plan Developed as a Result of the TMI-2 Accident," designated NUREG-0660 and available through the Document Management Branch, Division of Technical Information and Document Control, NRC, Washington, D.C. 20555;

The procedure utilized in the federal decision-making process as it relates to nuclear safety, and public and private participation;

FEMA's Report to the President (June 1980), and procedures for emergency planning;

The status of generic safety issues; the analysis and evaluation of operational data;

The NRC budget and allocation of its staff resources to implement the "Action Plan" and how that will affect other NRC functions.

During the next meeting the Committee will receive testimony and, when appropriate, written materials and documents, concerning the following matters:

Inspection and enforcement;

Nuclear plant "data link";

The NRC budget and the NRC Action Plan;

The role of the vendor and the architect/engineer in nuclear safety.

Testimony on these matters will be received from a number of individuals specifically invited by the Committee.

The meeting will be open to public observation. Written comments or statements may be submitted at anytime before or after the meeting and should be related to the substantive matters identified above. Approximately 60 seats will be available for the public on a first come, first served basis. The Committee meeting will be recorded and the transcript may be examined in the Committee's office at 1133 15th Street, N.W., Suite 307, Washington, D.C.

For further information contact Margo von Kaenel at (202) 653–8468.

Margo W. von Kaenel,

Executive Assistant.

[FR Doc. 80–29445 Filed 9–22–80; 8:45 am]

BILLING CODE 6820–01–M

POSTAL RATE COMMISSION

[Docket No. A80–10; Order No. 355]

Saratoga, Calif. 95070 (John C. Aird, et al., Petitioner); Order of Filing of Appeal

Issued: September 18, 1980.

On August 25, 1980, the Commission received a letter from John C. Aird, *et al.*, (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close the post office in Saratoga, California located in a section of the city known as Saratoga Village. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30–day time limit.[1] The petition does not conform

[1] 39 U.S.C. § 404(b) (5). 39 U.S.C. § 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 C.F.R. § 3001.110 *et seq.*

perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition. [2] However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Saratoga post office be reversed. From the face of the petition it is unclear whether any hearings were held and whether a determination has been made under 39 U.S.C. § 403(b) (3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(c) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also amandatory consideration under § 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Whether the Postal Service's proposed actions are a "closing" of the Saratoga, California 95070 post office within the meaning of § 404(b)(1)?

2. Is Saratoga Village a "community" within the meaning of § 404(b)(2)(A), in the sense that requires Postal Service consideration of the change the closing would cause under the effect on Postal Service factor 404(b)(2)(A)?

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to § 113 of the rules of practice (39 CFR 3001.113) make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases,[8] and none is being appointed. The Commission orders that:

(A) The letter of August 25, 1980, from John C. Aird, *et al.*, be construed as a petition for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the Federal Register.

(C) The Postal Service shall file the administrative record in this case on or before September 19, 1980, pursuant to the Commission's rules of practice [39 C.F.R. § 3001.113(a)].

By the Commission.

David F. Harris,

Secretary.

Appendix

August 25, 1980–Filing of Petition
September 18, 1980–Notice of Order of Filing of Appeal
September 19, 1980–Filing of record by Postal Service [*see* 39 CFR 3001.113(a)].
September 24, 1980—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
October 6, 1980–Petitioner's intiial brief [*see* 39 CFR 3001.115(a)].
October 21, 1980–Postal Service answering brief [*see* 39CFR 3001.115(b)].
November 5, 1980–(1) Petitioner's reply brief, should petitioner choose to file such brief [*see* 39 CFR 3001.115(c)].
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its descretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
January 1, 1980—Expiration of 120–day decisional schedule [*see* 39 U.S.C. § 404(b)(5)].

[FR Doc. 80-29419 Filed 9-22-80; 8:45 am]
BILLING CODE 7715-01-M

[2] 39 CFR 3001.111 (a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. § 404(b) (1).

[5] 39 CFR 3001.113 (a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. § 101(b).

[7] 42 FR 59079–85 (November 17); the Commission's standard of review is set forth at 39 U.S.C. § 404(b) (5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78–1 (May 11, 1978).

POSTAL SERVICE

Privacy Act of 1974; Proposed System of Records Modification and Proposed New System of Records

AGENCY: Postal Service.

ACTION: Notice of proposed revision of an existing system of records and a proposed new system of records.

SUMMARY: The primary purpose of this document is to provide information for public comment concerning the Postal Service's proposal to modify a system of records USPS 120.120, Personnel Records—Personnel Research and Test Validation Records, and to create a new system of records, USPS 120.121, Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records. For USPS 120.120 the Postal Service proposes to expand the types of records in the system, to modify the statement of purpose, to add one routine use and delete existing routine uses "9", and make other minor changes to the system.

DATE: Any interested party may submit written comments regarding these proposals. Comments must be received on or before October 23, 1980.

ADDRESS: Written comments should be sent to the Records Officer, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, (202) 245–5568.

SUPPLEMENTARY INFORMATION: The purpose of the proposed system modification and new system of records is to use the records in those systems to collect and maintain information which will provide the Postal Service with the ability to assess the impact of selection decisions on applicants in each racial, sex, national origin, and disability category who take entry level employment examinations; to implement and evaluate USPS affirmative action programs in keeping with equal employment opportunity program requirements under the law; and to identify categories of individuals for personnel research.

Applicants taking Postal Service entrance examinations will, on a voluntary basis, complete a research questionnaire with data identifying their race, sex, national origin, and disability status. This information will be retrieved by name and Social Security Number; it will be maintained only on those individuals who voluntarily provide it and under conditions assuring that the identifying data does not accompany an individual's application when it is under consideration by a selecting official.

As provided by 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views or arguments on these proposals. Prior to publication of this proposal for both a revised and a new system of records, a report describing the proposed changes has been filed with Congress and the Office of Management and Budget for their evaluation. A waiver of the 60-day advance period pursuant to OMB Circular A–108, Transmittal Memorandum No. 3, has been requested. If the waiver is granted, and unless comments suggest the need for revisions, it is expected that these systems changes will become effective as proposed upon publication of the final rule following the expiration of the 30 day comment period. The complete text of both system notices appears below.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

USPS 120.120

SYSTEM NAME:

Personnel Records—Personnel Research and Test Validation Records, 120.120

SYSTEM LOCATION:

USPS National Tests Administration Center, Los Angeles, CA; USPS National and Regional Headquarters; Bulk Mail Centers; District Offices; and the Oklahoma City Computer Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for postal employment and USPS employee applicant for reassignment and/or promotion.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer scannable information and the applicants' answers to the test questions. Reports and analyses that have resulted from comparison of information from this system and from system USPS 120.121.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide verification of the applicants' test score. Data are collected whenever an examination is given and are used for construction, analysis, and validation of written tests; for research on personnel measurement and selection methods and techniques and research on personnel management practices such as performance evaluation or productivity. Race and national origin data are used to evaluate any adverse impact of the selection process. Use of these race and national origin data is limited to research projects and test validation conducted by the Postal Service. No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personnel information in this system of records is used by the personnel research staff in the Office of Personnel Management of the U.S. Postal Service.

Use—

1. To disclose information to the Equal Employment Opportunity Commission for use in determining the existence of adverse impact in the total selection process, in reviewing allegations of discrimination, or in assessing the status of compliance with Federal law.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or order issued pursuant thereto.

3. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information 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.

4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or 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 on that matter.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Answer sheets in handwritten form and computer storage media.

RETRIEVABILITY:

This system of records is indexed by employee name, batch number or employee's date of examination and examination center administering the examination.

SAFEGUARDS:

These records are maintained in closed file cabinets in a secure facility.

RETENTION AND DISPOSAL:

Records are maintained for five years. Paper records are destroyed by shredding and computer records by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether this system of records contains information on them should address inquiries to the head of the Test Administration Center where they were examined. Inquiries should contain full name, social security number, date of examination, examination number, and place of participation in the examination.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Applicants's test answers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39. CFR 266.9 for details.

USPS 120.121

SYSTEM NAME:

Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records, 120.121.

SYSTEM LOCATION:

USPS National Test Administration Center, Los Angeles, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for USPS entry-level examinations, including USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date of birth, lead office installation number, race, sex, national origin and disability status data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 101 and 5 U.S.C. 7201.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide the Postal Service with the ability to assess the impact of personnel selection decisions on applicants in each racial, sex, national origin and disability category.

Note: These data are maintained only on those applicants who voluntarily provide it and under conditions assuring that the individual's self-identification as to race, sex, national origin, and disability status does not accompany that individual's application when it is under consideration by a selecting official. Data are collected via a research questionnaire on an applicant-by-applicant basis and used to produce summary descriptive statistics and analytical studies to evaluate personnel/organizational measurement and selection methods; implement and evaluate USPS affirmative action programs; determine any adverse impact in the overall personnel selection process; identify categories of individuals for personnel research; and for related work force studies.

Use—

1. To disclose information to the Equal Employment Opportunity Commission for use in determining the existence of adverse impact in the total selection process, in reviewing allegations of discrimination, or in assessing the status of compliance with Federal law.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Disclosure may be made in response to the order of a court of competent jurisdiction.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or order issued pursuant thereto.

6. May 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 and clearance process as set forth in that Circular.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, magnetic tape and disks.

RETRIEVABILITY:

Records are retrieved by name and Social Security Number.

SAFEGUARDS:

Records are maintained in lockable filing cabinets in a secured room. Access is further restricted by computer passwords.

RETENTION AND DISPOSAL:

Records are retained for five years. Manual records are shredded or burned and magnetic tapes or disks are erased. Statistical records (without individual identifiers) are maintained for as long as needed for the purpose of conducting longitudinal studies.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether this system of records contains information about them should address inquiries to the head of the Test Administration Center where they are examined. Inquiries should be written, signed, and contain full name, Social Security Number, type of examination, examination number, and the date and place of participation in the examination.

RECORDS ACCESS PROCEDURE:

See Notification procedure above. Requests for access must also follow the USPS Privacy Act regulations regarding access to records and verification of identity (39 CFR 266.6).

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

Information is provided by applicants taking entrance examinations.

[FR Doc. 80–29363 Filed 9–22–80; 8:45 am]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11360; 812-4712]

Trust for Liquid Assets; Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

Notice is hereby given that Trust For Liquid Assets ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 13, 1980, requesting an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant's portfolio assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is organized as a Massachusetts business trust and that Liquid Assets Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., acts as its investment adviser. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal. Applicant invests in a variety of money market instruments, including United States Government obligations, instruments of banks and savings and loan associations which are members of FDIC or FSLIC, and other money market instruments maturing in one year or less. According to the application, it will limit its investments in commercial paper to those instruments rated A-1 by Standard & Poor's Corporation, Prime 1 by Moody's Investors Service or F-1 by Fitch Investor Service.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that its experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features. Applicant represents that its trustees have properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of the shareholders of Applicant. Applicant further represents that: (1) its trustees have determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method, and (2) its trustees have further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the trustees undertake—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the trustees shall be the following:

(a) Review by the trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the trustees will

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the trustees in the exercise of their discretion to be apporpriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

promptly consider what action, if any, should be initiated by the trustees.

(c) Where the trustees believe the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 14, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-29456 Filed 9-22-80; 8:45 am]

BILLING CODE 8010-01-M

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

Verde Capital Corp.; Proposed Change in Control Over Licensed Small Business Investment Company

[License No. 04/04–5156]

Notice is hereby given that at a Special Meeting of the Directors of Verde Capital Corporation (Verde), a Florida corporation, and a Federal Licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended, with its office located at 6701 Sunset Drive, South Miami, Florida 33143, held on June 9, 1980, it was resolved to sell 1,000 shares of Verde's Common Stock for a total amount of $505,000 to the following individual: Max Homberger, 6701 Sunset Drive, S. Miami, FL 33143.

Pursuant to the provisions of § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1980)), this proposed transaction is subject to the prior written approval of the Small Business Administration, as it will result in a change in control over Verde.

At the present time, the following individual owns 1,000 shares of Verde's Common Stock, which represents one hundred percent (100%) of the outstanding shares of such stock: Steven J. Green, 8002 Arvada Drive, Coral Gables, FL.

Following the proposed purchase by Mr. Homberger of 1,000 shares of Verde's Common Stock, he and Mr. Green will each own fifty percent (50%) of the outstanding shares thereof.

At the Special Meeting mentioned above, the Directors also accepted the resignation of Stephen J. Green as President and Treasurer; elected Jose Dearing as President; and elected Max Homberger as Vice Chairman of the Board and Treasurer, subject to his approval by the SBA.

Upon consummation of the foregoing transactions, Verde will continue operations at its present location and will have the followong officers and directors:

Steven J. Green, Chairman of the Board.

Max Homberger, Treasurer & Secretary.

Jose Dearing, President & Director.

Joseph J. Dempsey, Jr., Vice President & Director.

Matters involved in SBA's consideration of this proposed change in control include the general business reputation and character of the new shareholder, Max Homberger, and the probability of a successful operation of Verde in accordance with the Small Business Investment Act of 1958, as amended, and the Regulations promulgated thereunder.

Notice is hereby given that any person may, not later than 10 days after publication of this Notice, submit written comments on this proposed change in control to the Acting Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published by Verde in a newspaper of general circulation in South Miami, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: September 16, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-29312 Filed 9-22-80; 8:45 am]

BILLING CODE 8025-01-M

Region II—Advisory Council; Public Meeting

The Small Business Administration, Region II Newark Advisory Council, located in the geographical area of Newark, New Jersey, will hold a public meeting at 9:30 a.m. on Wednesday, October 29, 1980, at the Ramada Inn, 36 Valley Road, Clark, New Jersey 07066, to discuss such business as may be presented by members and the staff of the Small Business Administration or others attending. For further information, write or call Stanley H. Salt, Acting District Director, U.S. Small Business Administration, 970 Broad Street, Newark, New Jersey 07102, 201–645–3580.

Dated: September 18, 1980.

Michael B. Kraft,

Director, Office of Advisory Councils.

[FR Doc. 80-29461 Filed 9-22-80; 8:45 am]

BILLING CODE 8025-01-M

Region V—Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, will hold a public meeting at 9:00 a.m. (EST), Tuesday, October 28, 1980, at the Essex Hotel, 421 North Pennsylvania Street, Indianapolis, Indiana, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204 (317) 269–7275.

Dated: September 18, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 29462 Filed 9-22-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII—Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Sioux Falls, South Dakota, will hold a public meeting on Friday, October 17, 1980, from 9:00 a.m. to 3:30 p.m., at the Community Room, First National Bank in Sioux Falls, 100 South Phillips, Sioux Falls, South Dakota, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call M. Hawley Smith, District Director, U.S. Small Business Administration, Suite 101 Security Building, 101 South Main, Sioux Falls, South Dakota 57102—(605) 336–2980, Ext. 231.

Dated: September 16, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-29463 Filed 9-22-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 80-11]

Appointments of Individuals To Serve as Members of the Performance Review Board—Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4) requires that the appointments and changes in the membership of performance review boards by published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the Bureau of Alcohol, Tobacco and Firearms (ATF) for the rating year beginning January 1, 1980, and ending July 31, 1980. This notice effects changes in the membership of the ATF Performance Review Board previously appointed July 24, 1980 (45 FR 49427).

Name and Title

Stephen E. Higgins—Deputy Director, ATF
John Simpson—Deputy Assistant Secretary (Operations), Department of the Treasury
William Nickerson—Deputy Assistant Secretary (Enforcement), Department of the Treasury
John W. Mangels—Director of Operations, Department of the Treasury
Barbara P. Pomeroy—Assistant Director (Administration), ATF
Miles N. Keathley—Assistant Director (Criminal Enforcement), ATF
Donald Zimmerman—Assistant Director (Internal Affairs), ATF
William T. Drake—Assistant Director (Regulatory Enforcement), ATF
Michael Hoffman—Assistant Director (Technical and Scientific Services), ATF
Michael Lane—Assistant Director (Planning and Evaluation), ATF

FOR FURTHER INFORMATION CONTACT: Winifred D. Cook, Personnel Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202–566–7321).

Signed: September 16, 1980.

G. R. Dickerson,

Director,

[FR Doc. 80-29277 Filed 9-22-80; 8:45 am]

BILLING CODE 4810-31-M

Comptroller of the Currency

[Docket No. 80-3]

Termination of Closed Receivership Fund (First Notice)

Note.—The following document originally appeared in the **Federal Register** for Tuesday, September 16, 1980. It is reprinted in this issue at the request of the agency.

AGENCY: Office of the Comptroller of the Currency.

ACTION: Notice of termination.

SUMMARY: Notice is given that all rights of depositors and other creditors of national banks placed in receivership on or before January 22, 1934, to collect liquidating dividends from the "closed receivership fund" shall be barred after October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Howard J. Finkelstein, Attorney, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: Pursuant to section 723(a) of the Depository Institutions Deregulation and Monetary Control Act, Public Law 96–221 (March 31, 1980), notice is hereby given that all rights of depositors and other creditors of closed national banks to collect liquidating dividends from the "closed receivership fund" will be barred after October 7, 1981.

Prior to the assumption of closed national bank receivership functions by the Federal Deposit Insurance Corporation, the Comptroller of the Currency appointed individual receivers for all closed national banks pursuant to his authority under 12 U.S.C. 191–200. After settling the affairs of the closed banks and issuing final distributions to the creditors of the banks, the receivers transferred to the custody of the Office of the Comptroller of the Currency ("Office"), all remaining funds which represented distributions which were undeliverable or had not been presented for payment. The "closed receivership fund" ("fund") consists of the

aggregation of undistributed liquidating dividends from national banks closed on or before January 22, 1934. Pub. L. 96–221, section 722(1). Due to the uncertain legal status of the fund, the Office sought clarification from Congress. Congress provided such clarification in sections 721–723 of Pub. L. 96–221 by establishing a procedure for the satisfaction or cancellation of all outstanding claims for liquidating dividends and the termination of the fund.

Under the provisions of the new law, the Office will publish notices in the **Federal Register** once each week for four consecutive weeks that all rights of depositors and creditors of the fund will be barred after twelve months following the last date of publication of such notice. This the first such notice. During this twelve-month period, the Office will accept claims for liquidating dividends from the fund. A claim should consist of a Proof of Claim form received from the receiver at the time of the bank's closing or other acceptable evidence of an unsatisfied claim. Claims should be sent to the attention of Mr. Robert L. Teets, Finance and Planning Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

Following the close of the twelve-month period, all unclaimed dividends, together with income earned on liquidating dividends and other moneys remaining in the fund, will be covered into the general funds of the Office.

Dated: September 9, 1980.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 80-28545 Filed 9-15-80; 8:45 am]

BILLING CODE 4810-33-M

VETERANS ADMINISTRATION

Advisory Committee on Cemeteries and Memorials; Meeting

The Veterans Administration gives notice that a meeting of the Administrator of Veterans Affairs' Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 1001, will be held at the Park Plaza Hotel, Arlington Street at Park Square, Boston, Massachusetts 02117, on October 10, 1980, at 9 a.m. The Meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 20 persons. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Ms. Anne Chase in the Office of the Chief Memorial Affairs Director, (phone 202–389–5221) not later than 12 noon, EDT, October 9, 1980.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this in a letter to the Chief Memorial Affairs Director (40), 810 Vermont Avenue, N.W., Washington, D.C. 20420. In any such letters, the writers must fully identify themselves and state the organization, association or person they represent. Also, to the extent practicable, the letter should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver, them to the Chief Memorial Affairs Director. Letters and written statements as discussed above must be mailed or delivered in time to reach the Chief Memorial Affairs Director by 12 noon, EDT, October 9, 1980. Oral statements will be heard only between 3 and 4 p.m. on October 10, 1980.

Dated: September 17, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-29485 Filed 9-22-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 186
Tuesday, September 23, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-293, September 17, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., September 24, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

MATTERS TO BE CONSIDERED:

1. Ratification of items adopted by notation.
2. Docket 36767, Miami/New Orleans-San Jose, Costa Rica Case. (Instructions to the staff.) (OGC)
3. Elimination of exemption from section 409 for air carriers with respect to interlocking relationships with commercial lending institutions. (BDA)
4. Policy statement on the obligation of carriers to provide adequate service at the eligible points they serve. (BDA)
5. Docket 20051, Airline Scheduling Committee Agreements (Agreements CAB 20560, 20561, and 20562, as amended); Docket 20700, Washington National Commuter Agreement (Agreement CAB 20809). (OGC)
6. Docket 25587, *Chicago-Los Angeles Fare Reductions Case.* (Memo No. 4677-B, OGC)
7. Docket 33340, Tariff limits for filing airfreight overchange claims of certain carriers in foreign transportation. (BDA, OGC, BCP)
8. Docket 38019, *Wien Air Alaska Mainline and Bush Mail Rates Investigation.* (BDA)
9. Docket 37982, Reconsideration of Domestic Fare Flexibility. (BDA, OGC)
10. Dockets EAS-153, 255, 331, 332, and 231 Alaska Airlines' Appeals of Essential Air Service Determinations for Cordova, Petersburg, Wrangell, Yakutat and Middleton Island Alaska; Dockets 38562 and 38563, Alaska Airlines' notice and exemption request to reduce air service from seven days per week to five days per week at Cordova, Petersburg, Wrangell and Yakutat, Alaska, effective October 1, 1980. Docket 38011, Alaska Airlines' petition to reopen its final subsidy rate and set increased temporary and final subsidy rates. (OGC, OCCR, BDA)
11. Docket 35390, EAS-489, 490, and 499, Carrier selection for essential air transportation at Alliance, Chadron and Sidney, Nebraska. (BDA)
12. Docket 38279, Santa Fe, New Mexico, Carrier Selection Proceeding. (BDA)
13. Docket 38346, Notice of USAir, Inc., of intent to terminate service at Parkersburg, West Virginia. (Memo No. 9921, BDA, OCCR)
14. Docket 38230, Southern Air Transport, Inc. Petition for Board review of staff action and for formal investigation of staff handling of application. (BDA)
15. Docket 38560, Midwest Air Charter, Inc.-request for reissuance of 418 certificate, and Airborne Freight Corporation-request for revocation of 418 certificate. (Memo No. 9918, BDA)
16. Summary Report, Regulatory Information Planning Project. (OC)
17. American Institute for Foreign Study, Inc. Petition for review of staff action denying a waiver of the major change provisions of Part 380. (BDA)
18. Docket 35634, IATA agreements proposing general increases in cargo rates in a variety of international markets. (Memo No. 9923, BIA, BDA)
19. Docket 32660, IATA agreements establishing new cargo rate structures, some with increases, to apply in a number of geographic areas from October 1, 1980 (Memo No. 9916, BIA)
20. Docket 36700, Motion of Counsel for Aeral Aeronoleggi e Lavoro Aereo, S.p.A. d/b/a Aeral ("Aeral") for leave to withdraw. BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1748-80 Filed 9-19-80; 11:08am]

BILLING CODE 6320-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, September 23, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED: Notice is hereby given of a public meeting to be held during the morning of Tuesday, September 23, 1980 in the Commission Meeting Room (Room 856) at 1919 M Street NW., Washington, D.C. 20554, beginning at 9:30 a.m. The meeting is in response to the request of Mr. Theodore Brophy, Chairman of General Telephone and Electronics Corpration, to make a presentation on the subject of capital recovery for the benefit of the Commission and its staff. Requests for presentations on the same subject on the same date will be welcomed by the Commission. Attached is a copy of the request for the meeting together with an outline of Mr. Brophy's proposed presentation.

In order to make best use of a limited time to cover a complex subject, those requesting a hearing are asked to limit their remarks to the topics included in the attached outline. Similarly, persons who wish to respond in writing to Mr. Brophy's presentation should confine their comments to these topics.

Persons wishing to make a presentation should contact Joseph A. Marino of the Common Carrier Bureau, telephone number (202) 632-4887, no later than 5:00 p.m. EDT on September 18, 1980. Mr. Marino will be responsible for scheduling and other related matters and will be in direct contact with those expressing an interest in participating.

Outline for T. F. Brophy Presentation on Capital Recovery to FCC Commissioners

1. FCC's historical approach to capital recovery.
2. The changing environment:
   (a) Inflation.
   (b) Technology.
   (c) Competition.
3. Impact of inflation on capital recovery.
4. Impact of technology on capital recovery.
5. Impact of competition on capital recovery.
6. Changes necessary to adjust to the new environment.
7. Effect of changes:
   (a) Costs.
   (b) Benefits to customers.
8. The price of failure to adjust to the new environment.

Issued: September 17, 1980.

[S-1750-80 Filed 9-19-80; 2:28 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Thursday, September 25, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting which commences at 2 p.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Private Radio—1—Petitions for Reconsideration of the Commission's *Report* in the matter of Inquiry into the Alleged Improper Issuance of Licenses and Call Signs in the Amateur Radio Service (FCC 79-707, Docket No. 21418).

This meeting may be continued the following day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs office, telephone number (202) 254-7674.

Issued: September 19, 1980.

[S-1752 Filed 9-19-80; 3:48 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Thursday, September 25, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

General—1—*Title:* In re request by NASA for amendment of Part 2 of the FCC's Rules and Regulations. *Summary:* NASA has requested a change to Part 2 which provides a greater measure of administrative economy in specifying locations and frequencies for use in space research earth stations.

General—2—*Title:* Renewal of the Radio Technical Commission for Marine Services (RTCM). *Summary:* The RTCM has worked since 1947 in marine telecommunications, providing appropriate recommendations to the Government and to Industry. The FCC sponsors the RTCM as a Federal Advisory Committee and the current charter expires on 30 September 1980.

General—3—*Title:* Report on the Radio Technical Commission for Marine Services. *Summary:* The Commission will consider staff report on the Radio Technical Commission for Marine Services (RTCM). Study was conducted to determine the value of the Commission's sponsorship of and participation in RTCM.

Private Radio—1—*Title:* Notice of Proposed Rule Making to delete Section 81.303(c) of the Commission's rules that limit the establishment of new coast stations operating on frequencies below 27,500 kHz. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making proposing to delete section 81.303(c) from its rules. This section protects existing Class I and II public coast stations from new stations. Deletion of this section is intended to allow entry of new stations into the public coast station market and may encourage further development of the maritime public correspondence service.

Private Radio—2—*Title:* Amendment of Part 90 (formerly Parts 91 and 93 and Part 95 General Mobile Radio Service only) to require the use of directional antennas at stations located at high elevations in Southern California. *Summary:* The FCC will consider whether to adopt a Memorandum Opinion and Order terminating without action and Proceeding in Docket 78-236 which looks towards various means of solving the interference between stations operating in the Los Angeles metropolitan area and those operating in San Diego County.

Common Carrier—1—*Title:* Policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska (RM-3304). *Summary:* The Commission will consider whether a rulemaking proceeding should be initiated to establish ownership policies which will govern the processing of applications for Alaskan Bush earth stations.

Common Carrier—2—*Title:* Application for Review of Bureau's accepting for filing the applications of Mukluk Telephone Company, Inc. for authority to own and control domestic satellite earth stations at Elim, Golovin, Koyuk, St. Michael and Skaktoolik, Alaska. *Summary:* The Commission will consider whether the Bureau erred by placing the referenced applications on public notice.

Aural—1—*Title:* In re Application of The Board of Education of the City of Atlanta(WABE-FM), Atlanta, Georgia, for modification of facilities and a request for a waiver of Section 73.509(a) of the Rules. *Summary:* The Commission considers the above-mentioned application and waiver request.

Television—1—*Title:* Petition for reconsideration of action of Broadcast Bureau cancelling CP for unbuilt UHF station WOCA(TV), Ocala, Florida. *Summary:* The Commission considers the action of the Chief, Broadcast Bureau, which dismissed the application of Gator Broadcasting Corp. for more time to construct Station WOCA(TV), Ocala, Florida, and declared the construction permit forfeited.

Television—2—*Title:* Request of 220 Television, Inc. for waiver of cut-off date for TV channel 45, Dayton, Ohio. *Summary:* Petitioner seeks waiver of the cut-off rule on grounds that it was misled by the Commission's staff as to the pendency and status of applications for channel 45 in Dayton, Ohio. The Commission considers whether, under the circumstances recited in the petition, a waiver is warranted.

Broadcast—1—*Title:* Memorandum Opinion and Order taking action on petition RM-2854 filed by professional Boradcasting Services, Inc. on September 24, 1976. *Summary:* The Commission will take action on the petitioner's request for amendment of Section 74.432 of the Rules to create a new class of remote pickup broadcast licensee called a "system lessor".

Broadcast—2—*Title:* Petitions for reconsideration in BC Docket No. 78-101 ("Top Fifty" Policy). *Subject:* The Commission will consider petitions for reconsideration of its decision to delete the "Top Fifty" Policy, filed by Citizens Communications Center and the National Black Media Coalition. the Policy required licensees seeking to acquire a fourth television station or third VHF stations in the top fifty markets to make a "compelling public interest showing" of the benefits of the transfer.

Broadcast—3—*Title:* Petition to Institute a Notice of Inquiry and Proposed Rule Making on the Airing of Public service Announcements by Broadcast Licensees (BC Docket No. 78-251). *Summary:* The Commission will consider all the issues in the *Memorandum Opinion and Order and Notice of Inquiry*, FCC 78-602, 43 Fed. Reg. 37725, released August 24, 1978. Two general categories of questions were raised for inquiry in the *Notice*. The first sought information about the present use of public service announcements ("PSA's") by broadcasters. The second was designed to explore the possible role of PSA's in serving the problems, needs and interests of a station's service area.

Broadcast—4—*Title:* Report and Order, BC Docket No. 78-335. *Summary:* The action taken herein considers the issues raised in the *Memorandum Opinion and Order and Notice of Inquiry* in this proceeding. That *Notice* sought comment on the addition of a "Community Service Programming" category for commercial broadcast stations and the expansion of the current definition of "Public Affairs Programming" to include dramatizations when produced by or in conjunction with a non-profit group and presented on a sustaining basis.

Broadcast—5—9 kHz Spacing for AM Broadcasting. The Commission will consider a request by the National Black Media Coalition to establish certain extraordinary procedures in this Inquiry.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information cocerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 19, 1980.

[S-1753-80 Filed 9-19-80; 3:48 pm]

BILLING CODE 6712-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: 11 a.m., September 19, 1980.

PLACE: Room 9306, 825 North Capitol Street, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Deliberations concerning the investigation of a jurisdictional utility.

(2) Deliberations concerning the investigation of certain jurisdictional entities.

(3) Delibertations concerning the investigation of jurisdictional companies.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary.

[S–1748–80 Filed 9–19–80 ; 11:46 am]

BILLING CODE 6450–85–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 17, 1980.

TIME AND DATE: 10 a.m., Wednesday, September 24, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Evansville Materials, LAKE 80–195–M, Petition for Discretionary Review (Issues include interpretation and application of 30 CFR 56.9–2)
2. Valley Camp Coal Company, MORG 78–46–P (Issues include whether content of memorandum opinion accompanying approval of penalty settlement is contrary to law or Commission policy.)
3. Cambria Coal Company, PITT 76–108–P, IBMA 76–121 (Issues include whether size of parent company should be considered in assessing civil penalties against a subsidiary).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–1747–80 Filed 9–19–80; 11:06 am]

BILLING CODE 6820–12–M

7

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, September 29, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchases, under competitive bidding, of computer equipment within the Federal Reserve System.
2. Proposed revisions to the Federal Reserve System's health insurance guidelines.
3. Negotiation involving the proposed site preparation of computer installation within the Federal Reserve System.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. 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: September 19, 1980.

Theodore E. Allison,

Secretary of the Board.

[S–1754–80 Filed 9–19–80; 3:52 pm]

BILLING CODE 8210–01–M

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, September 25, 1980.

PLACE: Room 532, (open); room 540 (closed) Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580,

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to public:

(1) Oral Argument in Tenneco, Docket 9097.

Portions closed to public:

(2) Executive Session to discuss Oral Argument in Tenneco, Docket 9097.

CONTACT PERSON FOR MORE INFORMATION: Pamela F. Richard, Office of Public Information: (202) 523–3801; Recorded Message: (202) 523–3806.

[S–1751 9–19–80; 3:48 pm]

BILLING CODE 6760–01–M

9

[NM–80–34]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Monday, September 29/30, 1980.

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW, Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—SS *Chevron Hawaii* Explosion and Fire with Damage to Barges and the Shell Oil Company Terminal at Deer Park on the Houston Ship Channel, September 1, 1979, and *Recommendations* to U.S. Coast Guard, Shell Oil Company/Shell Chemical Company, and the Chevron Shipping Company.
2. *Marine Accident Report*—Sinking of the M/V *Holoholo* in the Pacific Ocean near the Hawaiian Islands, December 1978.
3. *Marine Accident Report*—Fire Onboard the Italian Passenger Ship *Angelina Lauro*, Charlotte Amalie Harbor, St. Thomas, U.S. Virgin Islands, March 30, 1979, and *Recommendations* to the U.S. Coast Guard, Governor of the U.S. Virgin Islands, and the Federal Emergency Management Agency.
4. *Highway Accident Report*—B & J Trucking Company Truck Tractor/Coachella Valley Unified School District Schoolbus, Tire Blow-out and Collision, State Route 86, near Coachella, California, April 23, 1980, and *Recommendations* to the State of California and the National Highway Traffic Safety Administration.
5. *Marine Accident Report*—Collision of Liberian Tankship *Pina* and U.S. Towboat *Mr. Pete*, Mississippi River, New Orleans, Louisiana, December 21, 1979, and *Recommendation* to U.S. Coast Guard.
6. *Railroad Accident Report*—Derailment of Western Pacific Railroad Freight Train at Hayward, California, April 9, 1980, and *Recommendations* to Western Pacific Railroad Company, Bay Area Rapid Transit District, and Urban Mass Transit Administration.
7. *Safety Effectiveness Evaluation* of Traffic Barrier Systems and *Recommendations* to Federal Highway Administration, American Association of State Highway and Transportation Officials, Governors of the States, National Highway Traffic Safety Administration, and all automobile manufacturers.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

September 19, 1980.

[S–1749–80 Filed 9–19–80; 11:52 am]

BILLING CODE 4910–58–M

federal register

Tuesday
September 23, 1980

Part II

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Unlawful Trade Practices Under the Federal Alcohol Administration Act

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 6, 8, 10, and 11

[T.D. ATF-74; Re: Notice No. 327]

Unlawful Trade Practices Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is adopting final regulations implementing the unlawful trade practice provisions of the Federal Alcohol Administration Act (FAA Act). Those specific provisions of the FAA Act include section 5(a), "Exclusive outlet"; section 5(b), "Tied-house"; section 5(c), "Commercial bribery"; and section 5(d), "Consignment sales." The purpose of these regulations is to liberalize permitted marketing practices within the existing statutory framework, to modernize, simplify and to clarify the interpretation of the FAA Act. These regulations were proposed on August 1, 1979, in Notice No. 327 [44 FR 45298], and have been adopted, with modifications, after consideration of all written comments and oral testimony received at five public hearings in September and October 1979.

DATE: These regulations are effective on Nov. 24, 1980.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

The Federal Alcohol Administration Act

Sections 5(a)-(d) of the Federal Alcohol Administration Act (FAA Act or Act), 27 U.S.C. 205(a)-(d), prohibit within jurisdictional limits, marketing practices which are considered unfair competition. These sections entitled "Exclusive outlet", "Tied-house", "Commercial bribery", and "Consignment sales", delineate and proscribe unfair trade practices in the alcoholic beverage industry. The jurisdictional limits in sections 5(a)-(d) of the Act in most cases require that the elements of inducement, exclusion of a competitor's product and of interstate commerce be present for the proscribed practices to violate the Act.

Although other sections of the FAA Act have been interpreted by regulations issued since 1935, regulations concerning prohibited trade practices have been issued in only two areas. As required by the Act, regulations providing exceptions to the general prohibitions of section 5(b)(3) were issued in 1935. In addition, regulations establishing the usual and customary credit period were issued in 1938. Rather than issuing regulations implementing the other provisions of sections 5(a)-(d) of the FAA Act, ATF and its predecessor agencies have utilized rulings and circulars in order to keep industry members informed of the requirements and application of the Act. The purpose of these regulations is, therefore, to liberalize permitted marketing practices within the existing statutory framework, to modernize, simplify and to clarify the interpretation of the FAA Act.

ATF recognizes that the FAA Act has not been substantially amended since its enactment in 1935. Consequently, the Act may not adequately address all aspects of competition in todays alcoholic beverage industry. To help remedy this, ATF is currently reviewing the Act for possible recommended legislative changes. In particular, ATF is seeking to determine whether the level of regulation now required by statute can be reduced.

Rulemaking History

ATF is now adopting final rules covering these other trade practice areas. ATF announced its intention to consider these regulations by issuing an advance notice of proposed rulemaking [Notice No. 315, 42 FR 37116, December 30, 1977]. That notice suggested specific trade practice areas which ATF was considering changing, such as regulations pertaining to equipment and supplies, inside signs, retail advertising specialties, and displays. The advance notice also suggested specific new exemptions for inclusion in the "Tiedhouse" regulations. Finally, the notice suggested that ATF might issue new regulations concerning all trade practices not currently covered by regulations.

ATF received about 90 written comments in response to the advance notice. In general, respondents favored modernizing and clarifying the FAA regulations. Based on these comments, ATF drafted proposed regulations implementing sections 5(a)-(d) of the FAA Act.

ATF published a notice of proposed rulemaking on August 1, 1979, [Notice No. 327, 44 FR 45298]. Seventy-six written comments were received in response. During September and October 1979, public hearings were held in five cities at which a total of 78 individuals testified on the proposed regulations.

Based on the public response to the notice of proposed rulemaking, ATF has changed some of the proposed regulations, and adopted others without change. Proposed regulations on pricing and discounts have not been adopted due to the recent decision in *National Distributing Company v. U.S. Treasury Department* case, No. 78-2303, Circuit Court of Appeals for the District of Columbia, decided April 22, 1980. Briefly, the court held that non-discriminatory, unconditionally low price sales which involved no link or tie between the wholesaler and retailer did not violate the FAA Act. The court, therefore, reversed the Acting Director's decision in suspending the basic permit of a wholesaler for making such sales. Final regulations on credit to retailers in arrears have also not been adopted, at this time, but will be the subject of further rulemaking.

Comments on the notice of proposed rulemaking, either in the form of written comments or oral testimony, were received from all industry segments including producers, wholesalers, importers, retailers, State governments, individuals, and trade associations. Among the national respondents were the Wine and Spirits Wholesalers of America (WSWA); the Distilled Spirits Council of the United States (DISCUS); the Wine Institute; the United States Brewers Association (USBA); the National Association of Beverage Importers (NABI); the National Licensed Beverage Association (NLBA); the Food Marketing Institute; the National Liquor Stores Association (NLSA); the National Beer Wholesalers Association (NBWA); the Independent American Whiskey Association; the National Association of Retail Grocers; the National Wine Distributors Association; Association of American Vintners; Consumer Alert; the American Wine Association; and the International Vermouth Institute. Due to the large number of responses and their in-depth nature, it is impossible to discuss all comments in this document.

Scope of Regulations

Subpart A of each of the new regulations, 27 CFR Parts 6, 8, 10 and 11, sets forth the conditions in which the regulations in each part are effective.

Territorial Limits. Sections 6.2, 8.2, 10.2, and 11.2 set forth the territorial extent of the regulations. It is defined as the States of the United States, the District of Columbia, and Puerto Rico, a definition which corresponds to the term "United States" as defined in section 17 of the FAA Act (27 U.S.C. 211).

Eight respondents requested that the regulations not apply to transactions involving the operations of duty free

shops at airports within the United States. These respondents felt that since sales at these shops are to consumers who are not entering commerce within the United States, the operators of these shops should not be considered retailers for purposes of the Act. ATF must, nevertheless, apply these regulations to transactions involving duty free shops since the FAA Act provides no exemptions to the geographic limits of the United States.

Malt beverage regulations. Two respondents, the National Beer Wholesalers Association and the New York State Beer Wholesalers Association requested that separate regulations be issued for malt beverages. These respondents argued that marketing practices are vastly different in the beer industry than in the wine or distilled spirits industries, and that separate regulations should apply.

ATF disagrees with the need for separate regulations covering malt beverages. No differences in the marketing practices would justify different rules; in addition, for any trade practice regulations under the FAA Act to be effective within a State with respect to malt beverages, that State must have passed similar or enabling legislation. In reality this leaves most regulation of the malt beverage industry to the individual States since only a few states have passed enabling legislation adopting the FAA regulations. As a result, most regulation of malt beverage remains at the State level. Thus, ATF views separate regulations for malt beverages as unnecessary.

Jurisdictional limits of regulations. The unlawful trade practices outlined in these regulations are not *per se* violations of the FAA Act; i.e., the practices by themselves do not constitute illegal actions. Instead, the regulations in each part are subject to certain elements which must be present for a violation of the Act to occur. These elements are stated for each part in §§ 6.4, 8.4, 10.4, and 11.4.

Many respondents requested clarification of minor matters which would appear to be prohibited by these regulations. Ordinarily, most of these minor matters are not violations of the FAA Act because all of the necessary elements for a violation are not present. ATF felt it unnecessary to amend specific regulations thereby increasing the total number of regulations merely to address these minor matters.

State liquor control authorities. Several States operate State liquor stores for the sale of alcoholic beverages at retail to consumers. Most of these States also operate wholesale and warehouse operations for the storage and sale of alcoholic beverages to private retail liquor dealers (such as restaurants or taverns) as well as to State liquor stores.

Six of these States (often referred to as "control States" or "monopoly States") responded by requesting ATF exclude States from the coverage of the FAA Act as it relates to retail liquor dealers. They requested instead that States be treated as wholesalers for all purposes under the FAA Act, or be exempted from the coverage of the Act altogether.

ATF disagrees. There is no statutory authority for exempting control States in their retail activities from the coverage of the Act. Control States are retailers under all of these regulations, and may not as retailers engage in trade practices prohibited between industry members and retail liquor dealers.

When operating as wholesalers, control States by the exemption found in section 5 of the FAA Act, are exempt in their transactions with retail liquor dealers for purposes of sections 5(a), (b), and (c) of the Act. This exemption is incorporated into the definition of "industry member" appearing in §§ 6.11, 8.11, and 10.11.

Definition of retail liquor dealer. Parts 6 and 8 apply to transactions between producers or wholesalers and retail liquor dealers. However, some liquor dealers, especially State liquor control authorities, conduct both wholesale and retail sales of alcoholic beverages. Moreover, some of these dealers are predominantly wholesalers but conduct minimal retail sales to consumers. ATF proposed to clarify the term "retailer" by excluding wholesalers who make incidental retail sales representing less than 10 percent of their total sales volume for the preceding two-month period.

Many respondents objected to reclassifying certain wholesale/retail dealers as wholesalers because it would permit large wholesalers to sell at retail in competition with smaller retail dealers. These large wholesale/retail operations could then make use of price advantages or other benefits passed on to the dealer as a wholesaler. Additionally, some respondents felt the 10% retail sales provision would allow a very large wholesaler to engage in substantial sales at retail while remaining classified as a wholesale dealer. This was viewed as detrimental to the three tier system of producers, wholesalers, and retailers.

ATF administers no Federal law that prohibits a wholesaler from making direct sales to consumers; however, such a dealer would now be viewed as a "retailer." ATF has concluded it is necessary to exempt some wholesale/retail dealers, especially some State liquor control boards, which make incidental retail sales to consumers, from the definition of "retailer." This exemption will allow certain dealers who are primarily wholesalers to continue to operate as wholesale liquor dealers for the purposes of sections 5 (a) and (b) of the Act, especially those State liquor boards which make only incidental retail sales. An exemption of 10% of sales, however, might allow a large wholesaler a substantial market advantage as a retailer, and ATF has concluded that five percent retail sales is a more reasonable delineation. Therefore, the definition of "retailer" in §§ 6.11 and 8.11 has been changed to exclude those wholesalers making incidental retail sales of less than five percent in the preceding two months.

"Tied-House" Regulations

Requirements of law. Part 6, "Tied house", implements section 5(b) of the FAA Act. That section provides that it is unlawful for an industry member to induce through any of the following means, any retailer engaged in the sale of alcoholic beverages to purchase any such product from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce, or if such person engages in the practice of using such means to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce:

(1) By acquiring or holding any interest in any license with respect to the premises of the retailer; or

(2) By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of the business; or

(3) By furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services or other thing of value, subject to the exceptions prescribed by regulations, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of the subsection; or

(4) By paying or crediting the retailer for any advertising display, or distribution service; or

(5) By guaranteeing any loan or repayment of any financial obligation of the retailer; or

(6) By extending to the retailer credit for a period in excess of the credit period usual and customary to the industry for the particular class of transactions, as ascertained by the Secretary and prescribed by regulation; or

(7) By requiring the retailer to take and dispose of a certain quota of any of such products.

Part 6, "Tied-House." Part 6 replaces former 27 CFR Part 6, Inducements Furnished to Retailers, and 27 CFR Part 8, Credit Period to be Extended to Retailers of Alcoholic Beverages. This part also incorporates many revenue rulings and industry circulars which were issued to clarify section 5(b) of the Act. Subpart B contains definitions used throughout the part. Subpart C states practices that are prohibited under section 5(b), and clarifies some of those prohibitions. Subpart D lists inducements under subsection 5(b)(3) which may legally be furnished to retail liquor dealers.

Definitions Part 6

The terms "Act", "Equipment", "Industry member", "Product", "Retailer", and "Retail establishment" are defined in § 6.11. Except for "retailer," these terms have the same definitions as proposed.

Industry member. Several respondents suggested changes to this definition in § 6.11 (also §§ 8.11, 10.11, and 11.11). DISCUS suggested that industry member include any sales division of a permittee. The Wine Institute recommended including "wine grower" in the definition. ATF is not adopting either of these requests. The term as defined closely parallels the meaning assigned by section 5 of the Act which does not contemplate including a wine grower. We have not included an operating or sales division of a permittee since they represent only one part of a permittee. An industry member may, of course, be composed of a number of such parts.

Exclusion. At least eight respondents requested that ATF define the term "exclusion." Those respondents were seeking a clear distinction between legitimate business practices which increase product sales, and those practices which might result in illegal exclusion of a competitor's product.

ATF disagrees. We believe the term "exclusion" must be defined in light of the facts and circumstances of each case. Any definition would be imprecise, and might be invalid in the light of a particular case or enforcement proceeding. We also feel that the issuance of these regulations will help delineate proscribed practices. We, therefore, are not defining "exclusion." For the same reasons, we do not feel it necessary to define "offense or violation", "willful", or "inducement."

Prohibited "Tied-House" Inducements

Subpart C lists those practices proscribed by section 5(b) of the FAA Act. Each division within this subpart restates one of the general prohibitions, sections 5(b)(1)–(7) of the Act, and further clarifies them.

Interest in retail license. Section 6.25 paraphrases section 5(b)(1) of the Act which prohibits industry members from inducing the purchases of a retailer by acquiring an interest in any license (State, county, or municipal) with respect to the premises of the retailer. Section 6.26 prohibits indirect interest in a license acquired through employees or officers of the industry member.

Partial ownership of a retailer by an industry member is prohibited by § 6.27(a). Section 6.27(b) permits complete ownership of a retailer by an industry member. Several respondents, including the Washington State Liquor Control Board, Heublein, Schieffelin, and WSWA, objected. They pointed out this provision could damage the three-tier system by allowing large wholesalers to dominate the market through ownership of retail outlets, and that it is contrary to many State laws. However, complete ownership is not prohibited by the FAA Act itself. The legislative history of the Act includes the following statement by the Senate Committee on Finance (S. Rep. No. 1215, 74th Cong., 1st Sess 7 (1935)): "The tied-house provisions * * * do not prohibit industry members from continuing to operate retail outlets heretofore established by them and wholly owned and operated by them, nor the establishment by industry members of new retail outlets of such character." Nevertheless, it must be recognized that the statutory provisions of the FAA Act do not expressly sanction this type of ownership and industry members should be aware that other Federal or State laws may restrict this type of ownership.

Interest in retail property. Section 6.31 paraphrases section 5(b)(2) of the Act which prohibits industry members from inducing the purchases of retailers by acquiring an interest in property owned, occupied, used or leased by the retailer in the retail business. Section 6.33 prohibits partial ownership of a retailer by an industry member, but allows complete ownership as discussed above.

Section 6.32 defines indirect interest as any interest acquired by corporate officials, partners, employees or other representatives of the industry member. This section should not be interpreted as prohibiting officers or employees of industry members from owning stock in corporations such as hotels or airlines which hold retail licenses, for example. Such ownership would result in a violation only if pursuant to the industry member's action all the elements of inducement, exclusion and interstate commerce were present.

Furnishing things of value. Sections 6.41–6.47 implement section 5(b)(3) of the Act prohibiting an industry member from furnishing services or things of value to a retailer. These regulations replace former 27 CFR 6.20.

Section 6.42 prohibits an industry member from furnishing a thing of value to a third party (such as a retail association) and the thing of value passing through to a retailer. Based on the comments of the Wine Institute, The Finger Lakes Wine Growers, and the Ohio Wholesale Wine Dealers, this section has been clarified to insure that industry members may continue to employ third parties to perform services which the industry member may legally perform. Many respondents also requested the deletion of retailer associations from the coverage of this section in order to allow industry members to make payments or gifts to these associations. ATF, however, believes that such payments or gifts to retailer associations are inducements under the Act to the extent that the thing of value or services provided to an association are indirectly passed through to the individual retailers.

Equipment. Section 6.43 prohibits an industry member from selling equipment to a retailer, or negotiating a special price for the retailer. A number of respondents requested that industry members be permitted to sell equipment at *fair market value* to retailers. However, ATF has long taken the position that the selling of equipment to retailers is a proscribed inducement unless the Secretary has authorized a specific exception, such as that granted for tapping accessories (formerly § 6.22, new § 6.89). While no across the board exception is being made for the sale of any equipment at fair market value, an additional exception is being made for the sale of glassware. A new section, § 6.88, allows such sales if the price is not less than the cost to the industry member, and if the price is collected within 30 days of the date of sale.

WSWA, National Distillers, and DISCUS pointed out that § 6.43 could be interpreted to prohibit the furnishing of advice to retailers on equipment purchase. ATF notes that since

inducement, exclusion, and interstate commerce are all necessary for a violation of the Act, the mere furnishing of advice would not result in a violation.

Free warehousing. Section 6.44, prohibits an industry member from delaying delivery of alcoholic beverages to a retailer beyond the lawful credit period set forth in § 6.66.

Other things of value. Section 6.45 prohibits the furnishing of any assistance by an industry member to a retailer in the acquisition of a license. Although three respondents felt this provision is vague, ATF has concluded that it is not possible to give examples of all types of assistance.

Under § 6.46(a), (proposed § 6.48(a)), an industry member is prohibited from furnishing outside signs to retailers. Paragraph (b) further prohibits an industry member from placing a "billboard" or "spectacular" sign on the wall or roof of a retail establishment or adjacent building under certain circumstances.

Section 6.47 (proposed § 6.49) provides that things of value given to retailers, such as trading stamps, coupons, non-alcoholic mixers, and pouring racks, are inducements under the FAA Act, even if the industry member intends them for free distribution to consumers.

Proposed § 6.47 would have prohibited the furnishing of certain activities such as entertainment for patrons at a retail establishment by an industry member. Several respondents commented that this section was unnecessary. ATF agrees since § 6.41 prohibits the furnishing of a thing of value to a retailer unless excepted by regulations and, therefore, we have deleted the section.

Paying for advertising, display or distribution service. Section 6.51 paraphrases section 5(b)(4) of the Act which prohibits industry members from inducing a retailer by paying or crediting the retailer for an advertising, display, or distribution service.

Cooperative advertising in which an industry member participates with a retailer in paying for an advertisement placed by the retailer is prohibited by § 6.52. Section 6.53 prohibits an industry member from purchasing advertising signs, scoreboards, programs, and the like at ball parks, race tracks, or stadiums from a retail concessionaire. Advertising by an industry member in a retailer publication intended for distribution to consumers or the general public is prohibited under § 6.54. Section 6.55 prohibits payments by industry members to retailers for setting up product displays. Similarly, under § 6.56, a wholesaler may not rent display space on the retailer's premises.

Guaranteeing loans. Section 6.61 paraphrases section 5(b)(5) of the Act which prohibits an industry member from inducing a retailer by guaranteeing any loan or the repayment of a financial obligation by the retailer.

Extension of credit. Section 5(b)(6) of the Act prohibits industry members from inducing a retailer by extending credit in excess of the customary credit period. Section 6.65 sets the usual and customary credit period as 30 days, as previously set forth in 27 CFR 8.20 and 8.21. Under § 6.66 (formerly 27 CFR 8.22), the credit period is calculated as the time between delivery of the alcoholic beverage and the date of the full legal discharge by the retailer of indebtedness arising from the sale.

There were several comments concerning § 6.65. A number of respondents felt the wording of the section created a *per se* credit law of 30 days. Also, a number of wholesalers and the State of Virginia recommended changing this regulation to a cash on delivery requirement.

ATF does not agree with these comments. Section 6.65 does not create a *per se* credit law of 30 days since a violation of the Act does not arise from the extension of credit for a greater period, unless the inducement and exclusion elements are also present. Further, the credit period established under State law will be considered in determining whether these elements are present.

ATF similarly rejects a cash-only requirement. We feel that such restrictions on credit are more appropriately a matter of State concern.

Sales to retailer whose account is in arrears. ATF proposed § 6.67 to insure the liquidation of a retailer's past-due credit balance owed to an industry member. The proposal required the retailer to reduce the outstanding overdue balance to the "average purchase" from the industry member, and to make cash payments for future deliveries of alcoholic beverages. This proposal was intended to require the retailer to reduce the balance owed, and to insure that such indebtedness would not result in a "tied-house" relationship with the industry member.

Many respondents voiced strong objections to proposed § 6.67. The Wholesale Liquor Distributors of Illinois pointed out that this regulation is not workable because it would require every wholesaler to examine all delinquent accounts each month to determine the "average purchase." This would be onerous on small, noncomputerized wholesalers.

Next, several respondents stated that the proposed regulation would severely penalize wholesalers who extend credit in good faith to retailers. DISCUS and WSWA noted that this regulation might require the retailer to repay almost all of the outstanding balance owed plus pay cash for future deliveries. As a result, the retailer would simply purchase from another wholesaler to whom money was not owed, while ignoring the debt to the first wholesaler.

Finally, several respondents suggested that retailers in arrears should be regulated by the States rather than the Federal government.

At this time we feel that the proposed regulation is not satisfactory, and that other approaches may be taken, such as requiring that the unpaid balance be settled within a certain time period, or that the retailer pay a percentage of the outstanding balance with each order. ATF is, therefore, not adopting § 6.67. We are instead retaining Revenue Ruling 54–162, 1954–1 C.B. 340, which requires retailers in arrears of payments to their suppliers to make payments equal to or greater than the current order of alcoholic beverages. At some future date, ATF will issue a notice of proposed rulemaking soliciting additional comments on this issue.

Quota sales. Section 6.71 paraphrases section 5(b)(7) of the Act which prohibits an industry member from inducing a retailer by requiring that the retailer take a specified quota of any alcoholic beverage.

Section 6.72 (proposed 8.24) prohibits "tie-in" sales whereby two or more alcoholic beverages are sold in combination if the products are not available for sale to the retailer separately or if the retailer is required to purchase one product in order to buy the other product. This section does not prohibit "tie-in" sales when the products may also be purchased separately. Although this section was proposed as part of the "Exclusive Outlet" regulations, it has been relocated to Part 6 since it more appropriately implements the quota sales prohibition found in section 5(b)(7) of the Act.

Exceptions to "Tied-House" Regulations

Subpart D lists exemptions to the general prohibitions of section 5(b)(3) of the Act. This subpart incorporates those exceptions formerly contained in §§ 6.21–6.31, and lists new exceptions. This subpart also incorporates many outstanding revenue rulings. Section 6.81(a) is a general statement allowing industry members to furnish certain inducements to retailers within the restrictions listed in Subpart D, as long

as the inducements are not conditioned on the purchase of alcoholic beverages.

Recordkeeping requirements. Section 6.81(b) requires industry members to keep records of things of value furnished to retailers under the provisions of this subpart, for a period of three years.

Proposed § 6.81(b) generated a great deal of negative response. As proposed, industry members would have kept records of all goods and services furnished to retailers, including the value of these goods or services. The proposed record retention was five years.

Opposition was based on the fact that ATF would be requiring records of services such as shelf stocking or rotation which most wholesalers do not keep. Also, industry members stated that it is impossible to assign a value to services given to retailers such as stocking, pricing, or affixing point-of-sale advertising. Finally, it was pointed out that five years is an unduly long time, and is not consistent with 27 CFR Part 194, Liquor Dealers, and most States which require records to be kept three years.

ATF concurs with these comments. It is not our intention to impose new or unreasonable record requirements on industry members, but rather enable ATF to determine if industry members are complying with this part. The recordkeeping requirement has been modified accordingly. Section 6.81(b) now requires industry members to keep records of things of value furnished to retailers for which a dollar limit is easily obtainable. These items include product displays, § 6.83; inside signs, § 6.84; retailer advertising specialties, § 6.85; wine lists, § 6.86; glassware, § 6.88; tapping accessories, § 6.89; supplies, § 6.90; samples, § 6.91; payments to retailers for handling coupons, § 6.96(a); and payments to retailer associations, § 6.100. Records need not be kept for consumer advertising specialties; stocking, rotation, and pricing services; or other exceptions listed in Subpart D.

The retention period has been reduced to three years and a statement added to § 6.81(b) to recognize that commercial records or invoices will satisfy the record requirement if they contain the required information.

Although the record retention period has been reduced to three years, ATF would like to point out that the statute of limitations for criminal violations of the FAA Act is five years. If problems develop in this area, ATF will consider extending the retention period to five years.

Cost adjustment factor. Several of the inducements listed (product displays, retail advertising specialties, advertising in retailer association publications) contain fixed dollar limitations. In the past, inflation has necessitated increasing these limitations through administrative action. To streamline this process, § 6.82 provides for adjustment of these dollar limitations on an annual basis. Adjustments would be determined by a "cost adjustment factor" equal to the change in the Consumer Price Index published monthly by the Bureau of Labor Statistics.

As proposed, the cost adjustment would be utilized when the cumulative change in a dollar limit reached $10. Several respondents requested that the "trigger" amount be reduced to $5 to provide for more frequent cost adjustments. ATF has instead revised § 6.82 to allow this adjustment for all items on an annual basis. We believe this will be less confusing, and will be a more equitable method of determining changes in the dollar limitations.

Inside signs. Section 6.84 permits an industry member to furnish, give, rent, loan or sell inside signs to retailers without dollar limits. Inside signs must, however, have no secondary value and be of value to the retailer only as advertising. Industry members may not pay or credit retailers for the display of signs. Comments on inside signs follow the discussion on product displays.

Product displays. Section 6.83 defines a product display as any "wine racks, bins, barrels, casks, shelving, and the like from which distilled spirits, wine, or malt beverages are displayed and sold."

This section permits an industry member to furnish, give, rent loan, or sell product displays to a retailer. The total value of the product displays furnished to a retailer by an industry member is limited to $100 per brand in use at any one time; "pooling" of dollar limitations in order to exceed the dollar limitation is prohibited. The dollar value is the actual cost to the industry member excluding transportation and installation charges. Product displays are required to bear conspicuous advertising matter. An industry member cannot condition the furnishing of a product display on the sale of sufficient product to stock the display, although there is no limit to the amount of product which may be used in a product display. Product displays do not include wine tapping equipment; this is covered by § 6.89, Tapping accessories.

Comments on product displays and inside signs. A strong industry response favored combining the proposed sections on displays and inside signs into one section, rather than drawing a distinction between them. WSWA, DISCUS, Brown-Forman, National Distillers, the Wine Institute, several wholesalers, and their associations favored this approach. These industry members felt the distinction between displays and inside signs is artificial and difficult to enforce. Thus, these respondents contended that eliminating the distinction would make the regulations clearer and eliminate needless confusion.

Many respondents also favored raising or eliminating the dollar limits or establishing them on a per-brand basis. Reasons given for raising these limits from those proposed (displays $25 plus product, inside signs $75) are:

(1) It is impossible to prepare a good display for $25. This allows only paper or carboard and excludes furnishing displays of wood or other durable material.

(2) The dollar limit on displays is unenforceable because, if necessary, industry members will ship displays in several pieces.

(3) Due to inflation, it is impossible to furnish good displays or signs for even the proposed amounts. The cost of all raw materials is continuing to increase rapidly.

(4) The proposed dollar limits would apply per industry member. They should apply per brand. By setting the limit per industry member, a wholesaler is forced to discriminate among the many brands carried. This favors the single-brand wholesaler over the multi-brand wholesaler who cannot promote all brands as effectively.

(5) The dollar limit should be eliminated altogether for displays and inside signs. The requirement that they have no secondary value to the retailer precludes a need for a specific limit since they cannot be used for purposes other than for advertising. Advertising itself has no dollar limit.

On the basis of the response, ATF has decided to eliminate dollar limitations on inside signs which have no value except as advertising.

Section 6.83 regarding product displays has been liberalized by increasing the proposed limit of $25 per industry member to $100 per brand. ATF feels this will enable industry members to furnish better product displays, yet will preclude the furnishing of equipment such as permanent shelving, or other items of obvious value such as boats, televisions, or the like. The per brand limitation will enable multi-brand wholesalers to display several of their brands concurrently at a retailers premises.

Retailer advertising specialties. Section 6.85 lists certain advertising specialties such as coasters, napkins, clocks thermometers, calendars, or

menu cards which an industry member may furnish to a retailer. This section sets a uniform value of $50 per brand for those specialties which an industry member may furnish to a retailer in any one year. "Pooling" of funds by industry members to furnish specialties of higher dollar limits is prohibited.

Most respondents requested that the propsed $50 limit per industry member be increased. DISCUS, Joseph Schlitz Brewing Co., Olympia Brewing Co., Adolph Coors Brewing Co., Glenmore Distilleries, National Distillers, and several wholesalers all supported increased dollar limits, generally between $50–$100 per brand. Other respondents such as Heublein and the National Wine Distributors Association proposed elimination of dollar limits altogether. These respondents felt that increased dollar limits would help compensate for the increased costs of these specialties. The present limitations of $10 for malt beverages and $20 for wine or distilled spirits are clearly obsolete due to inflation. Industry members seeking total elimination of dollar limits felt regulation of these items should be left to the States.

ATF has amended § 6.85 by increasing the limit to $50 per brand per industry member. This will help compensate for inflation and rising material costs, but will prevent the furnishing of equipment, or of specialties to the retailer in such quantity as to constitute an inducement. ATF has also eliminated the proposed $20 per item limitation as being too restrictive. The $50 per brand limitation will instead give industry members greater flexibility in their marketing programs.

The Beer Wholesalers' Association of New Jersey requested that coasters and napkins be deleted from the list of retailer advertising specialties. They stated that brewers no longer furnish coasters due to their diminished value as advertising, and that retailers continue to demand coasters or napkins from wholesalers. We have, however, retained both as retailer advertising specialties due to their long acceptance and widespread usage.

Wine lists. A new section, § 6.86, permits an industry member to furnish, give or sell wine lists or wine menus to retailers. This section does not establish any dollar limitation on wine lists.

Wine lists proved to be very controversial. A large number of respondents testified on wine lists during the public hearings, in response to the notice of proposed rulemaking and to ATF Ruling 79–10 which held that wine lists were not retailer advertising specialties or consumer advertising specialties, and therefore were prohibited inducements.

Most respondents favored the furnishing of wine lists to retailers by wineries or wholesalers; these included DISCUS, WSWA, the Wine Institute, the Finger Lakes Wine Growers, NLBA, and numerous producers, wholesalers, and their State associations. The reasons given were: (1) wine lists are a traditional marketing tool in use for 40 years; (2) wine lists educate the public, and retailers are not knowledgeable enough to prepare them; (3) changes in wine supply limit the life of wine lists, and their replacement allows competition among wine suppliers; (4) wine lists are an inexpensive means of advertising for small wineries; (5) a retailer-furnished wine list would include only those wines with which the retailer was familiar; a retailer would be unwilling to invest his or her own money in a new list in order to add new wines; and (6) supplier-furnished wine lists are generally not exclusive since exclusive lists are much easier for other industry members to replace.

Those respondents opposing the furnishing of wine lists stated that: (1) furnishing wine lists to retailers is the same as furnishing money; (2) wine lists are exclusive; and (3) larger wholesalers or suppliers are financially better able to provide wine lists than smaller industry members.

On the basis of all evidence presented, ATF has concluded that wine lists can contribute to competition between wine suppliers. We believe that wine lists will help increase the availability of different wines to consumers. Also, they have been used for many years by wineries and wholesalers as a way to market their wines; for smaller suppliers, especially, wine lists represent an inexpensive form of advertising whereby they may present their wines to the consuming public.

ATF has, therefore, authorized a new exception under section 5(b)(3) to allow industry members to furnish, give, or sell wine lists to retailers without monetary limitation.

Samples. Section 6.91 (proposed § 6.89) allowed an industry member to furnish samples of alcoholic beverages to retailers who had not previously purchased that brand. Several respondents pointed out that a wholesaler would have no way to determine if the retailer had purchased a brand from another wholesaler. This section has, therefore, been clarified by stating that the sample may be furnished to a retailer who has not purchased the brand from that industry member.

Tapping accessories and supplies. Sections 6.89 and 6.90 (proposed §§ 6.87 and 6.88) permit industry members to sell tapping equipment and carbon dioxide or ice to retailers. At the suggestion of the USBA, several additional pieces of tapping equipment have been added to the list of tapping accessories that may be sold to retailers. ATF would also point out that tapping accessories for wine may be sold to retailers under § 6.89, if sold at not less than the industry member's cost.

Combination packaging. An industry member may package and distribute with alcoholic beverages, other non-alcoholic items such as salt, cocktail mix, plastic charms, glassware, or the like under § 6.93 (proposed § 6.92).

The proposed section required the combination items to be affixed to the bottle. Sixteen respondents noted this requirement was unworkable and would dictate industry's marketing techniques. ATF agrees that this "affixability" requirement is not realistic; thus, we have amended § 6.93 to require that the package (bottle of alcoholic beverage plus non-alcoholic item) be designed to be delivered intact to the consumer. This will allow gift boxes of an alcoholic beverage and beverage mixes or glasses to be sold in combination. Section 6.93 also requires that any additional cost incurred in creating the combination package (cost of combination item plus packaging cost) be passed on to the retailer. We feel this provision is necessary to prevent an industry member from furnishing glassware, cocktail mixes or other items which could be used in a retail business to a retailer without charge.

As used in § 6.93, combination packaging refers only to sales of alcoholic beverages in combination with other non-alcoholic products. Sales of two or more alcoholic beverages are permitted unless they are "tie-in" sales under § 6.72.

Educational seminars. Section 6.94 allows industry members to give or sponsor educational seminars for employees of retailers. Industry members are, however, prohibited from paying retailers' expenses, for example, transportation or lodging in connection with educational seminars. Several respondents suggested amending this section to allow an industry member to furnish a meal as a normal amenity in conjunction with an educational seminar. ATF has not incorporated this suggestion into § 6.94 since furnishing such meals could possibly violate the commercial bribery provisions of the Act.

Consumer tasting on retailers premises. Section 6.95 permits an

industry member to conduct consumer tasting at a retail establishment. The industry member may purchase the alcoholic beverages to be used from the retailer, but is prohibited from paying more than the ordinary retail price for them. Response to this proposed section (§ 6.94) was mixed; one respondent stated this practice might be used by larger industry members to discriminate against certain retailers. Other respondents favored the provision, but suggested placing limits on the amount of alcoholic beverage the industry member could purchase from the retailer.

We have not changed the section. ATF feels this type of sampling benefits the consumer and stimulates competition. At the same time, we cannot find any appropriate method to set a limit on the amount of product used or purchased from the retailer, nor do we feel it is necessary to restrict such purchases.

Consumer promotions. Under § 6.96, an industry member may furnish consumers with coupons which may be redeemed by retailers. The coupons may not specify retailers where the coupons may be redeemed. This section also allows industry members to offer contest prizes, premiums, refunds, and the like, directly to consumers as long as officers, employees, and representatives of wholesalers and retailers are excluded from participation.

At least eight respondents requested that producers or wholesalers be permitted to reimburse retailers a nominal fee for handling coupons. Reimbursement would have been prohibited under § 6.96 (proposed § 6.95) but, as these respondents pointed out, a reimbursement fee for coupons is common practice in the grocery industry; these fees are usually five cents per coupon. DISCUS noted that coupons are costly for retailers to handle and that by prohibiting payment of a handling fee, ATF would effectively prohibit the use of coupons.

ATF has amended this section to allow industry members to pay a customary handling fee for coupons. No monetary limit per coupon has been set since handling fees vary, but the fees must be usual and customary. Employees, officers and representatives of wholesalers and retailers are prohibited from redeeming coupons, and payments for coupons must be made to the retail entity in order to avoid the commercial bribery prohibitions of section 5(c) of the FAA Act.

Coil cleaning service. Section 6.97 allows an industry member to furnish, sell, or give coil cleaning service to a retailer. This section applies equally to services furnished retailers of malt beverage as well as to wine retailers using bulk dispensers.

Stocking, rotation, and pricing of alcoholic beverages. The stocking of shelves, rotation of product, and affixing of prices on bottles is permitted at retailer's premises by industry members under § 6.99 (proposed § 6.98). An industry member is prohibited from disturbing products sold by another industry member, or from resetting an entire store or liquor department. The industry member must have the permission of the retailer before performing these services.

No other section of the proposed regulations generated as much public comment. Over 65 respondents to the notice of proposed rulemaking commented, including all major producer associations, wholesaler associations, and individual wholesalers, producers, retailers, and State governments.

A wide cross section of the alcoholic beverage industry favored the stocking, rotation, and pricing of alcoholic beverages, as did Consumer Alert, a consumer organization. Among the many reasons favoring the proposal were that: (1) retailers do not have the know-how to properly merchandise wines; (2) industry members will not allow out-of-stock situations to occur, and will keep all brands available on shelves; (3) wine will be fresher because of proper rotation; (4) products will be correctly priced because wholesalers will insure that price reductions are passed on to consumers; (5) competition among industry members will be enhanced, and smaller wholesalers or producers will be able to insure shelf space for their products by performing these services.

Among respondents opposed to authorizing these services, the reasons given were: (1) these services will result in increased costs to industry members who will pass it on to retailers and eventually the consumer; (2) large wholesalers or producers are financially better able to perform these services; (3) it is a very valuable service given to retailers; and (4) it is prohibited by various State laws.

ATF feels that stocking, rotation, and price affixing will increase competition among industry members, will insure fresher products, and will increase the availability of products in the marketplace. We have, therefore, adopted this section without change. This section applies equally to distilled spirits, wine, and malt beverages.

Industry members are prohibited from disturbing products sold by other industry members, or resetting an entire store. Although there was considerable comment on this issue, many respondents felt that permitting industry members to service or disturb other products could lead to partial or complete exclusion of those other products from the retailer's premises.

Participation in retailer association activities. Section 6.100 describes the extent to which industry members may participate in retailer association activities. Under § 6.100 (proposed § 6.99), an industry member may (1) display its products at a convention or trade show; (2) rent display booth space if the rental is not excessive and is the same as paid by all exhibitors; (3) setup hospitality that is independent from association sponsored activities; (4) purchase tickets and pay registration fees if the payments or fees are consistent with prices paid by all exhibitors; and (5) purchase advertising in programs or brochures issued by retailer associations if the cost does not exceed $100 per year.

This section drew a great deal of response, most of which centered on the issue of industry member purchase of advertising in programs or brochures. In general, retail associations favored lifting all restrictions on supplier participation in association activities, and suggested rewriting the regulation to simply permit such participation. ATF, however, does not feel this position can be legally sanctioned since section 5(b)(3) prohibits services or things of value being passed *directly or indirectly* to retailers. We have consistently held that since retailer associations are composed of individual retailers, things of value may pass through to those retailers. Thus, we cannot entirely deregulate these relationships, nor can we exempt retailer associations from third party arrangements covered in § 6.42.

Section 6.100(b) permits the rental of display booth space if the fee is not excessive and is the same as paid by all exhibitors. As proposed, rental fees would have been paid directly to the hotel or convention center. Many respondents noted such arrangements are unworkable, since the sponsoring association usually rents the entire convention space from the hotel or center. We have, therefore, permitted rental of display booth space directly from the retailer association; the fee may not be excessive and will be the same as paid by nonindustry member exhibitors.

As proposed, § 6.100(c) would have permitted an industry member to set up a hospitality "suite" independent from association sponsored activities. The term "suite" has been deleted as being

too restrictive; hospitality may be provided at poolside or other areas not in a "suite." Since hospitality must, however, not be in conjunction with retailer association activities, an industry member is prohibited from furnishing alcoholic beverages for a banquet, or sharing the cost of a banquet or dinner dance with the association.

Industry members may purchase tickets to activities or pay registration fees under § 6.100(d). As proposed, these fees or ticket costs would have been the same as paid by all attendees, either retailers or exhibitors. Although a few respondents did not favor the purchase of tickets, most did not oppose it. Many retail associations did point out, however, that retailer's dues provided the income to operate the association during the year, and that they wished to charge different fees for retailers than for exhibitors in recognition of this fact. ATF has changed § 6.100(d) to permit industry members to pay fees which are the same as paid by all exhibitors rather than all attendees. We further note that the purchase of excessive numbers of tickets to functions could result in a violation of section 5(b)(3) of the Act.

Section 6.100(e) permits industry members to purchase advertising in brochures or programs issued by retailer associations at conventions or trade shows. A limit of $100 per year per retailer association has been adopted, an increase from $75 as proposed.

DISCUS, the Wine Institute, National Distillers, Glenmore Distilleries, and several other respondents favored retaining the current prohibition against such advertising. DISCUS stated there are too many retailer associations—96 in New York alone—and that advertising would be cost prohibitive. The Wine Institute stated that such ads were of no value as advertisements and that funds would be channeled elsewhere. The Beverage Bulletin, a periodical, objected on the basis that retailer associations should not be entering the publishing business.

Ten retailer associations (including NLBA and NLSA), one Congressman, and one wholesaler supported the concept of advertising in retailer publications, and generally felt the dollar limitation should be increased. The concensus was that if all advertisers paid the same rates, exclusion could not occur. These respondents favored eliminating the dollar limit altogether but insuring that rates are "not excessive." Several retailer organizations correlated the fee for advertisements with the costs of producing a booklet or brochure, and stated that $75 would not cover printing costs. A few State retailer organizations stated that money from advertising was necessary to help defray the costs of the convention and the yearly operating expenses of the retailer organizations. WSWA stated that if a dollar limitation were established, the maximum would automatically become the minimum fee.

ATF has concluded that such advertising in retailer publications is generally unlikely to result in exclusion under the FAA Act. However, we believe that a limit is necessary to prevent abuses, either on the part of retailer organizations or on the part of some industry members, which might lead to exclusion. Therefore, we have permitted a limited amount of advertising and raised the limit to $100 per retailer association. This amount will allow the purchase of small advertisements in programs or brochures, but will prevent general subsidy-type payments to retailer associations.

Section 6.100 also continues ATF's position that certain activities relating to retailer associations may result in violations of section 5(b)(3) of the Act. These prohibited activities include: (1) payments made to trade buyer employee associations, as prohibited by Revenue Ruling 54–391; (2) collection of dues on behalf of retail liquor dealer associations as prohibited by Revenue Ruling 54–130; and (3) payments to retailer associations to underwrite conventions.

Discounts and Pricing Arrangements

The proposed regulations contained two sections dealing with discounts, § 6.46 authorizing discounts and other legitimate forms of pricing arrangements, and § 6.90 authorizing discounts given for an accumulation of purchases over a period of time. Neither of these sections are being adopted at this time.

Since the issuance of the notice of proposed rulemaking, the United States Court of Appeals for the District of Columbia issued a decision relating to "pricing" under the Act in *National Distributing Company v. United States Treasury Department,* No. 78–2303 (decided April 22, 1980).

That case involved a permit suspension action based upon below "laid-in cost" sales in violation of section 5(b)(3) of the Act. The court found that a nondiscriminatory, unconditionally low price sale which involved no link or tie between the wholesaler and retailer did not violate the Act, and therefore, reversed the Acting Director's decision. Where such sales involve no effect on any other transaction, the court held that even a destructive, below cost price would not violate the Act.

The court concluded that price cuts are prohibited by the Act only when they are coupled with an agreement or understanding that a retailer will buy other products of the wholesaler or producer to the exclusion of competitors or when they lead to domination or control of a retail outlet by the wholesaler or producer.

This decision raises a number of significant issues with respect to the focus of various ATF positions relating to pricing and discount practices, and ATF intends to consider this subject further before proposing new regulations on it.

Consequently, all proposed regulations relating to cumulative discounts, dissimilar goods, and below cost sales have been omitted from these final rules. ATF does not by this section concede the invalidity of its below cost sales position or any of its other positions in this area. The Bureau's interpretation of the Act as set forth in various rulings will be enforced where the facts fall within the permissible area of control expressed by the court in *National.* Therefore, the lack of new rules on this subject should not be interpreted as retraction of our basic policy.

Exclusive Outlet Regulations

Requirements of law. Part 8, Exclusive Outlet, implements section 5(a) of the FAA Act. That section provides that it is unlawful for an industry member, directly or indirectly or through an affiliate to require, by agreement or otherwise, that any retailer engaged in the sale of alcoholic beverages, purchase any such products from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, if such requirement is made in the course of interstate or foreign commerce, or if such person engages in such practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such requirement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

Section 5(a) of the Act applies to transactions between industry members and retailers. State agencies when operating as retailers are included within the coverage of this part. However, State agencies' wholesale transactions with retailers are exempt.

Definitions. Terms used throughout the part are defined in § 8.11. All definitions are the same as those proposed except for "retailer."

Prohibited trade practices. Subpart C outlines trade practices prohibited by section 5(a) of the FAA Act. Section 8.21 paraphrases the Act by describing those transactions that are prohibited. This section further states that purchases coerced by industry members, through threats or acts of physical or economic harm, are prohibited, as are voluntary industry member-retailer purchase agreements.

Contracts which require a retailer to purchase alcoholic beverages beyond a single sales transaction are prohibited by § 8.22.

Arrangements in which a third party, often a ball park or stadium, requires a retailer to purchase products from a particular industry member, usually an advertiser, are prohibited by § 8.23.

Section 8.24 prohibiting "tie-in" sales has been redesignated § 6.72.

Public response on Part 8 was minimal and these regulations were adopted as proposed, with the exceptions noted above.

Commercial Bribery Regulations

Requirements of law. Part 10, Commercial Bribery implements section 5(c) of the FAA Act. That section provides that it is unlawful for any industry member to induce through any of the following means, any trade buyer engaged in the sale of alcoholic beverages, to purchase any such products from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce, or if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce: (1) by commercial bribery; or (2) by offering or giving any bonus, premium, or compensation to any officer, or employee, or representative of the trade buyer.

Jurisdictional limits. An editorial correction to § 10.4 has been made. DISCUS noted that the jurisdictional limits of Part 10 extend to trade buyers (wholesalers and retailers), not retailers only as stated in the proposed regulations.

Definitions. Section 10.11 provides definitions used throughout the part. The term "trade buyer" is defined as any wholesaler or retailer of wine, distilled spirits, or malt beverages. The term "officer" is defined as all corporate executives including presidents, vice presidents, treasurers, and chief executive officers. This incorporates the definition given in ATF Ruling 77–17.

WSWA and DISCUS requested that a definition for "bonus, premium or compensation" be provided in § 10.11. Their proposed definition would include money, prizes or things of value given to an employee of a retailer, or money, etc. in excess of a specified dollar limitation given to an employee of a wholesaler. This definition would exclude money, prizes, or other things of value given to a wholesale entity, or ordinary business meals or entertainment.

ATF does not agree, either with the proposal to define these terms, or with the proposed definition. An exact definition of "bonus, premium or compensation" is unnecessary since Subpart C, §§ 10.21–10.24, contains explicit examples of prohibited practices involving the payment of a "bonus, premium, or compensation" as contemplated by section 5(c)(2) of the Act. Moreover, we do not feel it possible to write an all-inclusive definition for these terms. Therefore, we have not adopted this comment.

Bonus, premium or compensation. Section 10.21 restates the general prohibition of section 5(c) of the Act against furnishing or offering a bonus, premium, compensation, or other thing of value to employees of trade buyers. Since the FAA Act provides no exceptions to this general prohibition, ATF cannot by regulation provide the exceptions suggested for incorporation into "bonus, premium or compensation." Ordinary business meals and entertainment are not sanctioned under the FAA Act, and are prohibited trade practices.

Gifts or payments to wholesalers. Section 10.23 makes a distinction between those gifts or payments which may not be legally given to the employees of a wholesaler, and those gifts or payments which may be given to the wholesale entity. Certain gifts may be given to the wholesale entity if there is no agreement, implied or explicit, that the gifts will pass through to employees. Since section 5(c)(2) prohibits such gifts or payments to wholesale employees, it cannot be legal for an industry member to furnish gifts or payments to the employees of the wholesaler even when the wholesaler makes the final determination as to which employees receive the gifts or payments. We, therefore, have not adopted the suggestion of several respondents to allow the wholesaler to select employees which would be awarded gifts from an industry member. Trips or other personal gifts cannot be awarded to a business since a pass through to the wholesaler's employees is clearly contemplated. Therefore, section 10.23 is adopted as proposed. This section incorporates the provisions of ATF Ruling 77–17.

Consignment Sales Regulations

Requirement of law. Part 11, Consignment Sales implements section 5(d) of the FAA Act. That section provides that it is unlawful for any industry member to sell, offer for sale, or contract to sell to any trade buyer engaged in the sale of alcoholic beverages, of for any such trade buyer to purchase, offer to purchase, or contract to purchase, any such products on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a bona fide sale, or where any part of such transaction involves, directly or indirectly, the acquisition by such person from the trade buyer or his agreement to acquire from the trade buyer other alcoholic beverages if such sale, purchase, offer, or contract is made in the course of interstate or foreign commerce, or if such person or trade buyer engages in such practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such sale, purchase, offer, or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce: Provided, That this section shall not apply to transactions involving solely the bona fide return of merchandise for ordinary and usual commercial reasons arising after the merchandise has been sold.

Definitions. In § 11.11, the term "industry member" includes State liquor authorities. "Exchange" is defined as the transfer of distilled spirits, wine, or malt beverages from a trade buyer to an industry member with other products taken as a replacement. "Return" is defined as the transfer of distilled spirits, wine, or malt beverages from a trade buyer to the industry member from whom purchased, for cash or credit.

Unlawful sales arrangements. Subpart C, Unlawful Sales Arrangements, explains the types of sales arrangements which are prohibited by section 5(d) of the Act.

A "consignment sale" is defined in § 11.22 as a sale in which the trade buyer is under no obligation to pay for the product until it is sold.

As proposed, § 11.23 also contained a definition for a "conditional sale." This type of sale was defined as one in which the seller maintains a security interest in the product.

Nine respondents, mostly distilled spirits and wine producers plus WSWA, commented that this definition would preclude legitimate security interests in products sold to financially weak retailers or wholesalers. They noted that under the Uniform Commercial Code, other industries permit this type of sale to protect the vendor in the case of insolvency or bankruptcy of the buyer.

ATF feels the proposed definition may have been too restrictive. A sale involving a security agreement for a bona fide financial reason would not be a violation of section 5(d) of the Act unless the arrangement was intended to be a consignment sale or an other than bona fide sale. If, for example, the trade buyer was not expected to pay for the product until it was sold, a violation of section 5(d) may exist. A mere security interest held for financial reasons would not by itself constitute a violation unless these other elements of a consignment sale were present.

Transactions in which there exists an agreement at the time of sale to allow the return of unsold products other than for the reasons set forth in Subpart D, are prohibited under § 11.23.

Section 11.23(a) prohibits sales transactions in which an industry member agrees to accept other products from the trade buyer as a condition to present or future sales of products to that trade buyer. Section 11.23(b) prohibits exchange of products if the exchange is conditioned on the acquisition of other products. This section does not prohibit the exchange of products if there was no direct or implied privilege of return when the products were originally sold.

Section 11.31 states that distilled spirits, wine, or malt beverages may be returned under specified conditions. At the suggestion of a number of respondents, a paragraph has been added stating that an industry member is under no *obligation* to accept products from trade buyers, even for the reasons outlined §§ 11.32–11.40.

Sections 11.32–11.40 outline what may be considered valid reasons for the return of alcoholic beverages.

Defective products which are unmarketable may be exchanged under § 11.32 for an equal quantity of identical products. These products may only be exchanged, they may not be returned for cash or credit.

Errors. Products which are delivered in error to a trade buyer may be exchanged for the product that was originally ordered, or may be returned for cash or credit against outstanding indebtedness. A return is required within a reasonable period after delivery.

Products which may no longer be lawfully sold may be returned if a trade buyer is unable to sell them because of legal or regulatory action over which the trade buyer has no control. These products (including different sizes or brands of a product) may be returned for cash or credit against outstanding indebtedness.

Termination of business. Section 11.35 permits a return for cash or credit against existing indebtedness of alcoholic beverages held by a trade buyer who is terminating business. Limited dealers whose operations are not recurring would be covered by this section, but seasonal dealers who are temporarily closing would not be covered (see § 11.40).

Termination of franchise. Section 11.36 permits a wholesaler to return products to an industry member for cash or credit against existing indebtedness in cases when the wholesaler's franchise to sell that product has been terminated by the industry member.

Change in product. Under § 11.37, a trade buyer may exchange a product which has been changed in formula, proof, label or container, for an equal quantity of the new version of the product.

Discontinued products. A trade buyer may return for cash or credit against existing indebtedness, quantities of a product which has been discontinued by a producer or importer.

Seasonal dealers. A provision allowing for the return of alcoholic beverages by seasonal dealers, open only a portion of the year, when the products are perishable, is incorporated into § 11.39.

Overstocked and slow-moving products. Section 11.45 (proposed § 11.41) prohibits the return of products by trade buyers because of oversupply or slow sales.

Seasonal products. Under § 11.46 (proposed § 11.42), products for which a seasonal demand exists, for example, holiday decanters, may not be sold by an industry member with the express or implied privilege of return of unsold portions of the product.

Treatment of Revenue Rulings

The following revenue rulings will either be incorporated into the proposed regulations, or their provisions will become obsolete at the time these regulations become effective: Revenue Rulings 54–131, 1954–1 C.B. 341; 54–175, 1954–1 C.B. 340; 54–176, 1954–1 C.B. 340; 54–177, 1954–1 C.B. 340; 54–260, 1954–2 C.B. 572; 54–261, 1954–1 C.B. 573; 54–262, 1954–2 C.B. 575; 54–279, 1954–2 C.B. 582; 54–286, 1954–2 C.B. 576; 54–295, 1954–2 C.B. 572; 54–303, 1954–2 C.B. 576; 54–337, 1954–2 C.B. 573; 54–355, 1954–2 C.B. 577; 54–377, 1954–2 C.B. 577; 54–390, 1954–2 C.B. 578; 54–509, 1954–2 C.B. 561; 54–620, 1954–2 C.B. 580; 54–621, 1954–2 C.B. 581; 54–622, 1954–2 C.B. 581; 55–42, 1955–1 C.B. 610; 55–166, 1955–1 C.B. 610; 55–167, 1955–1 C.B. 610; 55–168, 1955–1 C.B. 611; 55–401, 1955–1 C.B. 611; 55–403, 1955–1 C.B. 609; 55–551, 1955–2 C.B. 732; 55–567, 1955–2 C.B. 732; 55–568, 1955–2 C.B. 731; 56–204, 1956–1 C.B. 808; 56–205, 1956–1 C.B. 809; 56–206, 1956–1 C.B. 810; 56–384, 1956–2 C.B. 1053; 56–628, 1956–2 C.B. 1055; 56–629, 1956–2 C.B. 1056; 56–646, 1956–2 C.B. 1057; 56–647, 1956–2 C.B. 1056; 56–650, 1956–2 C.B. 1058; 58–121, 1958–1 C.B. 609; 58–136, 1958–1 C.B. 612; 61–78, 1961–1 C.B. 846; 62–223, 1962–2 C.B. 385; ATF Rulings 76–23, 1976 ATF C.B. 79; 77–4, 1977 ATF C.B. 161; 77–17, 1977 ATF C.B. 153; 79–10, 1979–2 ATF Quarterly Bulletin 3.

Drafting Information

The principal author of this document is Charles N. Bacon, Bureau of Alcohol, Tobacco and Firearms. However, other personnel or ATF and the Treasury Department participated in developing the document.

Compliance With Executive Order 12044

This regulation does not meet the Department's criteria for significant regulations as set forth in the **Federal Register** of November 8, 1978.

Authority and Issuance

These regulations are issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended (27 U.S.C. 205).

Accordingly, Title 27 Code of Federal Regulations is amended as follows:

Paragraph. 1. Revise Part 6 to read as follows:

PART 6—"TIED-HOUSE"

Subpart A—Scope of Regulations

Sec.

6.1 General.
6.2 Territorial extent.
6.3 Application.
6.4 Jurisdictional limits.

Subpart B—Definitions

6.11 Meaning of terms.

Subpart C—Unlawful Inducements

Sec.

General

6.21 Application.

Interest In Retail License

6.25 General.
6.26 Indirect interest.
6.27 Proprietary interest.

Interest In Retail Property

6.31 General.
6.32 Indirect interest.
6.33 Proprietary interest.
6.34 Mortgages.
6.35 Renting display space.

Furnishing Things of Value

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Paying for Advertising, Display or Distribution Service

6.51 General.
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6.53 Advertising in ballparks, racetracks, and stadiums.
6.54 Advertising in retailer publications.
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Guaranteeing Loans

6.61 Guaranteeing loans.

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6.66 Calculation of period.
6.67 Sales to retailer whose account is in arrears. [Reserved]

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6.71 Quota sales.
6.72 "Tie-in" Sales.

Subpart D—Exceptions

6.81 General.
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6.83 Product displays.
6.84 Inside signs.
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6.86 Wine lists.
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6.89 Tapping accessories.
6.90 Supplies.
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6.92 Newspaper cuts.
6.93 Combination packaging.
6.94 Educational seminars.
6.95 Consumer tasting or sampling at retail establishments.
6.96 Consumer promotions.
6.97 Coil cleaning service.
6.98 Advertising service.
6.99 Stocking, rotation, and pricing service.
6.100 Participation in retailer association activities.
6.101 Merchandise.

Authority: The provisions of this Part 6 issued under 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 6.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which are prohibited by subsection (b), "Tied-house", and provide the exception to these prohibitions. This part does not attempt to enumerate all of the practices prohibited by section 5(b) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 6.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 6.3 Application.

(a) *General.* This part applies only to transactions between industry members and retailers. It does not apply to transactions between two industry members (for example, between a producer and a wholesaler), or to transactions between an industry member and a retailer wholly owned by that industry member.

(b) *Transaction involving State agencies.* The regulations in this part apply only to transactions between industry members and State agencies operating as retailers as defined in this part. The regulations do not apply to State agencies with regard to their wholesale dealings with retailers.

§ 6.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) the industry member induces a retailer to purchase distilled spirits, wine, or malt beverages from such industry member to the exclusion in whole or in part of products sold or offered for sale by other persons in interstate or foreign commerce; and

(2) if:

(i) the inducement is made in the course of interstate or foreign commerce; or

(ii) the industry member engages in the practice of using an inducement to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) the direct effect of the inducement is to pervent, deter, hinder or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between a retailer in any State and a brewer, importer, or wholesaler or malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(b) of the Federal Alcohol Administration Act [27 U.S.C. 205(b)], with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler or malt beverage in such State, as the case may be.

Subpart B—Definitions

§ 6.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and use in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Equipment. All functional items such as tap boxes, glassware, pouring racks, and similar items used in the conduct of a retailer's business.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine or malt beverages, or as a bottler, or warehousemen and bottler, of distilled spirits; industry member does not include an agency of a State or political subdivision thereof, or an officer or employee of such agency.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Retailer. Any person engaged in the sale of distilled spirits, wine or malt beverages to consumers. A wholesaler who makes incidental retail sales representing less than five percent of the wholesaler's total sales volume for the preceding two-month period shall not be considered a retailer with respect to such incidental sales.

Retailer establishment. Any premises where distilled spirits, wine or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

Subpart C—Unlawful Inducements

General

§ 6.21 Application.

Except as provided in Subpart D, it is unlawful for any industry member to induce, directly or indirectly, any retailer to purchase any products from the industry member to the exclusion, in whole or in part, of such products sold or offered for sale by other persons in

interstate or foreign commerce by any of the following means:

(a) by acquiring or holding (after the expiration of any license held at the time the FAA Act was enacted) any interest in any license with respect to the premises of the retailer;

(b) by acquiring any interest in the real or personal property owned, occupied, or used by the retailer in the conduct of his business;

(c) by furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services or other thing of value, subject to the exceptions contained in Subpart D;

(d) by paying or crediting the retailer for any advertising, display, or distribution service;

(e) by guaranteeing any loan or the repayment of any financial obligation of the retailer;

(f) by extending to the retailer credit for a period in excess of the credit period usual and customary to the industry for the particular class of transactions as prescribed in § 6.65; or

(g) by requiring the retailer to take and dispose of a certain quota of any such products.

Interest in Retail License

§ 6.25 General.

Industry members are prohibited from inducing the purchases of a retailer by acquiring or holding any interest in any license (State, county or municipal) with respect to the premises of a retailer.

§ 6.26 Indirect interest.

Industry member interest in retail licenses includes any interest acquired by corporate officials, partners, employees or other representatives of the industry member. Any interest in a retail license acquired by a separate corporation in which the industry member or its officials, hold ownership or are otherwise affiliated, is an interest in a retail license.

§ 6.27 Proprietary interest.

(a) *Complete ownership.* Outright ownership of a retail business by an industry member is not prohibited.

(b) *Partial ownership.* Less than complete ownership of a retail business by an industry member constitutes an interest in a retail license within the meaning of the Act.

§ 6.31 General.

Industry members are prohibited from inducing the purchases of retailers by acquiring an interest in real or personal property owned, occupied, or used by the retailer in the conduct of the business.

§ 6.32 Indirect interest.

Industry member interest in retail property includes any interest acquired by corporate officials, partners, employees or other representatives of the industry member. Any interest in retail property acquired by a separate corporation in which the industry member or its officials, hold ownership or are otherwise affiliated, is an interest in retail property.

§ 6.33 Proprietary interest.

(a) *Complete ownership.* Outright ownership of a retail business by an industry member is not prohibited.

(b) *Partial ownership.* Less than complete ownership of a retail business by an industry member constitutes an interest in retail property within the meaning of the Act.

§ 6.34 Mortgages.

The acquisition of a mortgage on a retailer's real or personal property by an industry member constitutes an interest in the retailer's property within the meaning of the Act.

§ 6.35 Renting display space.

The renting of display space by an industry member at a retail establishment constitutes an interest in the retailer's property within the meaning of the Act.

Furnishing Things of Value

§ 6.41 General.

Subject to the exceptions listed in Subpart D, industry members are prohibited from inducing the purchases of a retailer by furnishing, giving, renting, lending or selling to the retailer any equipment, fixtures, signs, supplies, money, services or other thing of value.

§ 6.42 Indirect inducement through third party arrangements.

The furnishing, giving, renting, lending or selling of equipment, fixtures, signs, supplies, money, services, or other thing of value by an industry member to a third party, such as a retailer association or display company where the benefits resulting from such thing of value flow to individual retailers, is the indirect furnishing of a thing of value within the meaning of the Act. This section does not prohibit third parties from furnishing, giving, renting, lending, or selling equipment, fixtures, signs, supplies, money, services, or things of value to retailers which industry members may lawfully provide to retailers under Subpart D of this part.

§ 6.43 Sale of equipment.

A transaction in which equipment is sold to a retailer by an industry member, except as provided in §§ 6.88 and 6.89, is the selling of equipment within the meaning of the Act regardless of how sold. Further, the negotiation by an industry member of a special price to a retailer for equipment from an equipment company is the furnishing of a thing of value within the meaning of the Act.

§ 6.44 Free warehousing.

The furnishing of free warehousing by delaying delivery of distilled spirits, wine, or malt beverages beyond the time that payment for the product is received, or if a retailer is purchasing on credit, delaying final delivery of products beyond the close of the period of time for which credit is lawfully extended, is the furnishing of a service or thing of value within the meaning of the Act.

§ 6.45 Assistance in acquiring license.

Any assistance (financial, legal, administrative or influential) given the retailer by an industry member in the retailer's acquisition of the retailer's license is the furnishing of a service or thing of value within the meaning of the Act.

§ 6.46 Outside signs.

(a) *Furnished to retailers.* The furnishing of outside signs to retailers by an industry member is the furnishing of a thing of value within the meaning of the Act.

(b) *Benefiting a retailer.* The placement by an industry member of a "billboard" or "spectacular" sign, advertising distilled spirits, wine, or malt beverages, on the wall or roof of a building adjacent to or occupied by a retailer is the furnishing of a thing of value within the meaning of the Act if (1) the sign contains a panel identifying the retailer, or (2) the retailer is compensated, directly or indirectly (through a sign company), in conjunction with the placement of the sign.

§ 6.47 Item intended for consumers.

Except as provided in §§ 6.87 and 6.93, the furnishing of things of value such as trading stamps, coupons, non-alcoholic mixers, pouring racks, and the like to retailers is the furnishing of a thing of value within the meaning of the Act regardless of whether the industry member intends for the items to be distributed free of charge to consumers.

Paying for Advertising, Display or Distribution Service

§ 6.51 General.

Industry members are prohibited from inducing the purchases of a retailer by paying or crediting the retailer for any advertising, display or distribution

service, whether or not the advertising, display or distribution service received is commensurate with the amount paid by the retailer.

§ 6.52 Cooperative advertising.

An arrangement in which an industry member participates with a retailer in paying for an advertisement placed by the retailer constitutes paying the retailer for advertising within the meaning of the Act.

§ 6.53 Advertising in ballparks, racetracks, and stadiums.

The purchase, by an industry member, of advertising on signs, scoreboards programs, scorecards, and the like at ballparks, racetracks or stadiums, from the retail concessionaire constitutes paying the retailer for an advertising service within the meaning of the Act.

§ 6.54 Advertising in retailer publications.

The purchase, by an industry member, of advertising in a retailer publication for distribution to consumers or the general public constitutes paying the retailer for advertising within the meaning of the Act.

§ 6.55 Display service.

Industry member reimbursements to retailers for setting up product or other displays constitutes paying the retailer for rendering a display service within the meaning of the Act.

§ 6.56 Renting display space.

A promotion whereby an industry member rents display space at a retail establishment constitutes paying the retailer for rendering a display service within the meaning of the Act.

Guaranteeing Loans

§ 6.61 Guaranteeing loans.

An industry member is prohibited from inducing the purchases of a retailer by guaranteeing any loan or the repayment of any financial obligation of a retailer.

Extension of Credit

§ 6.65 General.

Industry members are prohibited from inducing the purchases of a retailer by the extension of credit to the retailer for a period of time in excess of 30 days from the date of delivery.

§ 6.66 Calculation of period.

For the purpose of this part, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

§ 6.67 Sales to retailer whose account is in arrears. [Reserved]

Quota Sales

§ 6.71 Quota sales.

An industry member is prohibited from inducing the purchases of a retailer by requiring a retailer to take and dispose of any quota of distilled spirits, wine, or malt beverages.

§ 6.72 "Tie-in" sales.

A requirement that a retailer purchase one product in order to purchase another is prohibited. This includes combination sales if one or more products may be purchased only in combination with other products and not individually. However, an industry member is not prohibited from selling at a special combination price, two or more kinds or brands of products to a retailer, provided (a) the retailer has the option of purchasing either product at the usual price, and (b) the retailer is not required to purchase any product he or she does not want.

Subpart D—Exceptions

§ 6.81 General.

(a) *Application.* An industry member may furnish a retailer equipment, inside signs, supplies, services, or other thing of value, under the conditions and within the limitations prescribed by this subpart. The furnishing of these items or services may not be conditioned on the purchase of distilled spirits, wine or malt beverages.

(b) *Recordkeeping requirements.* Industry members shall keep and maintain records on the permit premises, for a three-year period, of all items furnished to retailers under §§ 6.83, 6.84, 6.85, 6.86, 6.88, 6.89, 6.90, 6.91, 6.96(a), and 6.100. Commercial records or invoices may be used to satisfy this recordkeeping requirement if all required information is shown. These records shall show:

(1) the name and address of the retailer receiving the item;

(2) the date furnished;

(3) the item furnished;

(4) the industry member's cost of the item furnished (determined by manufacturer's invoice price); and

(5) charges to the retailer for any item.

§ 6.82 Cost adjustment factor.

(a) *General.* A "cost adjustment factor" will be used to periodically update the dollar limitations prescribed in this subpart. The Director, Bureau of Alcohol, Tobacco and Firearms, shall establish the adjusted dollar limitation on an annual basis beginning in January 1981.

(b) *Definition.* "Cost adjustment factor" is a percentage equal to the change in the Bureau of Labor Statistics consumer price index.

§ 6.83 Product displays.

(a) *General.* An industry member may furnish, give, rent, loan, or sell product displays to a retailer, subject to the limitations prescribed in paragraph (c) of this section.

(b) *Definition.* Product display means any wine racks, bins, barrels, casks, shelving, and the like from which distilled spirits, wine, or malt beverages are displayed and sold.

(c) *Conditions and limitations.*

(1) The total value of all product displays furnished by an industry member under paragraph (a) of this section may not exceed $100 per brand in use at any one time in any one retail establishment. The value of a product display is the actual cost to the industry member who initially purchased it. Transportation and installation costs are excluded.

(2) Industry members may not pool or combine their dollar limitations in order to provide a retailer a product display valued in excess of $100 per brand.

(3) Product displays shall bear conspicuous and substantial advertising matter.

§ 6.84 Inside signs.

(a) *General.* An industry member may furnish, give, rent, loan, or sell to a retailer inside signs which bear advertising matter. Inside signs include such things as posters, placards, designs, mechanical devices, and window decorations.

(b) *Conditions and limitations.* Industry members may furnish inside signs to retailers under the following limitations:

(1) The inside sign shall have no secondary value and be of value to the retailer only as advertising.

(2) The inside sign shall be used only in the windows or other interior portions of the retail establishment.

(3) The industry member may not directly or indirectly pay or credit the retailer for displaying the inside sign or for any expense incidental to its operation.

§ 6.85 Retailer advertising specialties.

(a) *General.* An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if these items bear advertising matter and are primarily valuable to the retailer as point of sale advertising. These items include such things as trays, coasters,

mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, and calendars. An industry member may add the name or name and address of the retailer to the retailer advertising specialty.

(b) *Limitations.*

(1) The total value of all retailer advertising specialties furnished by an industry member to a retailer may not exceed $50 per brand in any one calendar year per retail establishment. The value of a retailer advertising specialty is the actual cost of that item to the industry member who initially purchased it. Transportation and installation costs are excluded.

(2) Industry members may not pool or combine their dollar limitations in order to provide a retailer with retailer advertising specialties valued in excess of $50 per brand.

§ 6.86 Wine lists.

An industry member may furnish, give, rent, loan, or sell wine lists or wine menus to retailers.

§ 6.87 Consumer advertising specialties.

Consumer advertising specialties, such as ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, and pencils, which bear advertising matter may be furnished, given, or sold to a retailer for unconditional distribution by the retailer to the general public. The retailer may not be paid or credited in any manner directly or indirectly for this distribution service.

§ 6.88 Glassware.

An industry member may sell glassware to a retailer if the glassware is sold at a price not less than the cost to the industry member who initially purchased it, and if the price is collected within 30 days of the date of sale.

§ 6.89 Tapping accessories.

Tapping accessories, such as standards, faucets, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves, may be sold to a retailer and installed in the retailer's establishment if the tapping accessories are sold at a price not less than the cost to the industry member who initially purchased them, and if the price is collected within 30 days of the date of sale.

§ 6.90 Supplies.

Carbon dioxide gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price in the locality where sold, and if the price is collected within 30 days of the date of sale.

§ 6.91 Samples.

An industry member may furnish or give a sample of distilled spirits, wine, or malt beverages to a retailer who has not previously purchased the brand from that industry member. For each retail establishment, the industry member may give not more than 3 gallons of any brand of malt beverage, not more than 500 milliliters of any brand of distilled spirits, and not more than 3 liters of any brand of wine. If the retailer is an agency of a State or a political subdivision of a State, the industry member may furnish not more than 2 liters of any brand of distilled spirits. If a particular product is not available in a size within the quantity limitations of this section, an industry member may furnish to a retailer the next largest size.

§ 6.92 Newspaper cuts.

Newspaper cuts, mats, or engraved blocks for use in retailers' advertisements may be furnished, given, rented, loaned, or sold by an industry member to a retailer selling the industry member's products.

§ 6.93 Combination packaging.

An industry member may package and distribute distilled spirits, wine, or malt beverages in combination with other items provided that:

(a) The items have no value or benefit to the retailer other than that of having the potential of attracting purchasers and thereby promoting sales;

(b) The package (product plus non-alcoholic item) is designed to be delivered intact to the consumer; and

(c) Any additional cost incurred in creating the combination package is passed on to the retailer.

§ 6.94 Educational seminars.

An industry member may give or sponsor educational seminars for employees of retailers either at the industry member's premises or at the retail establishment. Examples would be seminars dealing with use of a retailer's equipment, training seminars for employees of retailers, or tours of industry member's plant premises. This section does not authorize an industry member to pay a retailer's expense in conjunction with an educational seminar.

§ 6.95 Consumer tasting or sampling at retail establishments.

An industry member may conduct tasting or sampling activities at a retail establishment. The industry member may purchase the products to be used from the retailer, but may not purchase them from the retailer for more than the ordinary retail price.

§ 6.96 Consumer promotions.

(a) *Coupons.* An industry member may furnish to consumers, coupons which are redeemable at a retail establishment under the following conditions:

(1) The coupons may not specify a particular retailer or group of retailers where such coupons can be redeemed.

(2) An industry member may reimburse a retailer for the face value of all coupons redeemed, and pay a retailer a usual and customary handling fee for the redemption of coupons.

(3) Payments for the redemption of coupons shall be made directly to the retail entity to reduce the cost of sales. An industry member may not pay officers, employees or representatives of retailers or wholesalers for the redemption of coupons.

(b) *Direct offerings.* Contest prizes, premium offers, refunds, and like items may be offered by industry members directly to consumers. Officers, employees and representatives of wholesalers or retailers are excluded from participtions.

§ 6.97 Coil cleaning service.

Coil cleaning service may be furnished, given or sold to a retailer of wine or malt beverages.

§ 6.98 Advertising service.

The names and addresses of retailers selling the products of an industry member may be listed in an advertisement of that industry member, if—

(a) the advertisement does not also contain the retail price of the product, and

(b) the listing is the only reference to the retailer in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole.

Picture or illustrations of retail establishments and laudatory references to retailers in industry member advertisements are not hereby authorized.

§ 6.99 Stocking, rotation and pricing service.

Industry members may, at a retail establishment, stock, rotate and affix the price to distilled spirits, wine, or malt beverages which they sell, provided products purchased from other industry members are not altered or disturbed. The rearranging or resetting of all or part of a store or liquor department is not hereby authorized.

§ 6.100 Participation in retailer association activities.

An industry member may participate in retailer association activities. An industry member may—

(a) display its products at a convention or trade show,

(b) rent display booth space if the rental fee is not excessive and is the same as paid by all exhibitors,

(c) provide its own hospitality which is independent from association sponsored activities,

(d) purchase tickets to functions and pay registration fees if the payments or fees are not excessive and are the same as paid by all exhibitors, and

(e) make payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show if the total payments made by an industry member for all such advertisements do not exceed $100 per year for any retailer association.

§ 6.101 Merchandise.

(a) *General.* An industry member, who is also engaged in business as a bona fide vendor of other merchandise (for example, groceries or drugs) may sell that merchandise to a retailer if—

(1) the merchandise is sold at its fair market value,

(2) the merchandise is sold in combination with distilled spirits, wines, or malt beverages, and

(3) the merchandise is itemized separately on the industry member's invoices and other records.

(b) *Things of value covered in other sections of this part.* Equipment, fixtures, signs, glassware, supplies, services, and advertising specialties may be furnished to retailers only as provided in other sections within this part.

Par. 2. Delete Part 8: Credit Period to be Extended to Retailers of Alcoholic Beverages.

Par. 3. Add new Parts 8, 10 and 11 which read as follow:

PART 8—EXCLUSIVE OUTLETS

Subpart A—Scope of Regulations

Sec.
8.1 General.
8.2 Territorial extent.
8.3 Application.
8.4 Jurisdictional limits.

Subpart B—Definitions

8.11 Meaning of terms.

Subpart C—Prohibited Practices

8.21 General.
8.22 Contracts to purchase distilled spirits, wine, or malt beverages.
8.23 Third party arrangements.

Authority: 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 8.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which are prohibited by subsection (a), "Exclusive outlet." This part does not attempt to enumerate all of the practices prohibited by section 5(a) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 8.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 8.3 Application.

(a) *General.* This part applies only to transactions between industry members and retailers. It does not apply to transactions between two industry members; for example, between a producer and a wholesaler.

(b) *Transactions involving State agencies.* The regulations in this part apply only to transactions between industry members and State agencies operating as retailers as defined in this part. The regulations do not apply to State agencies with regard to their wholesale dealings with retailers.

§ 8.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) the industry member requires, by agreement or otherwise, a retailer to purchase distilled spirits, wine, or malt beverages from such industry member to the exclusion in whole or in part of products sold or offered for sale by other persons in interstate or foreign commerce; and

(2) if:

(i) the requirement is made in the course of interstate or foreign commerce; or

(ii) the industry member engages in the practice of using a requirement to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) the direct effect of the requirement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between a retailer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(a) of the Federal Alcohol Administration Act (27 U.S.C. 205(a)), with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler of malt beverages in such State.

Subpart B—Definitions

§ 8.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits; industry member does not include an agency of a State or political subdivision thereof, or an officer of employee of such agency.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Retailer. Any person engaged in the sale of distilled spirits, wine or malt beverages to consumers. A wholesaler who makes incidental retail sales representing less than five percent of the wholesaler's total sales volume for the preceding two-month period shall not be considered a retailer with respect to such incidental sales.

Retail establishment. Any premises where distilled spirits, wine or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

Subpart C—Prohibited Practices

§ 8.21 General.

It is unlawful for an industry member to require, by agreement or otherwise, that any retailer purchase distilled spirits, wine, or malt beverages from the industry member to the exclusion, in whole or in part, of products sold or offered for sale by other persons in interstate or foreign commerce. This prohibition includes purchases coerced by industry members, through acts or threats of physical or economic harm, as well as voluntary industry member-retailer purchase agreements.

§ 8.22 Contracts to purchase distilled spirits, wine, or malt beverages.

Any contract or agreement, written or unwritten, which has the effect of requiring the retailer to purchase distilled spirits, wine, or malt beverages from the industry member beyond a single sales transaction is prohibited. Examples of such contracts are:

(a) An advertising contract between an industry member and a retailer with the express or implied requirement of the purchase of the advertiser's products; or

(b) A sales contract awarded on a competitive bid basis which has the effect of prohibiting the retailer from purchasing from other industry members by:

(1) requiring that for the period of the agreement, the retailer purchase a product or line of products exclusively from the industry member; or

(2) requiring that the retailer purchase a specific or minimum quantity during the period of the agreement.

§ 8.23 Third party arrangements.

Industry member arrangements with non-retailers which result in a retailer being required to purchase the industry member's products are prohibited. For example, a supplier enters into a contractual agreement or other arrangement with a third party. The third party, a ballclub, or municipal or private corporation, not acting as a retailer, leases the concession rights but is able to control the purchasing decisions of the retailer. The business arrangements entered into, between the industry member and the third party, may consist of such things as sponsoring radio or television broadcasting, paying for advertising, or providing other services or things of value. The third party, in consideration of the above, requires the retailer to purchase the industry member's products either exclusively or on a specified percentage basis.

PART 10—COMMERCIAL BRIBERY

Subpart A—Scope of Regulations

Sec.
10.1 General.
10.2 Territorial extent.
10.3 Application.
10.4 Jurisdictional limits.

Subpart B—Definitions

10.11 Meaning of terms.

Subpart C—Commercial Bribery

10.21 Commercial bribery.
10.22 Employee associations.
10.23 Gifts or payments to wholesalers.
10.24 Sales promotion contests.

Authority: 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 10.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which are prohibited by subsection (c), "Commercial bribery." This part does not attempt to enumerate all of the practices prohibited by section 5(c) of the Act. Nothing in this part shall exempt any person from the requirements of any State law or regulation.

§ 10.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 10.3 Application.

(a) *General.* The regulations in this part apply to transactions between industry members and employees, officers, or representatives of trade buyers.

(b) *Transactions involving State agencies.* The regulations in this part apply only to transactions between industry members and employees of State agencies operating as retailers, wholesalers, or both. The regulations do not apply to State agencies with regard to their dealings with employees, officers, or representatives of trade buyers.

§ 10.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) the industry member induces a trade buyer to purchase distilled spirits, wine, or malt beverages from such industry member to the exclusion in part of products sold or offered for sale by other persons in interstate or foreign commerce; and

(2) if:

(i) the inducement is made in the course of interstate or foreign commerce; or

(ii) the industry member engages in the practice of using an inducement to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) the direct effect of the inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between an employee, officer, or representative of a trade buyer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(c) of the Federal Alcohol Administration Act (27 U.S.C. 205(c)), with respect to similar transactions between an employee, officer, or representative of a trade buyer in such State and a brewer, importer, or wholesaler of malt beverages in such State.

Subpart B—Definitions

§ 10.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Industry member. Any person engaged in business as a distiller, brewer, recitifier, blender, or other producer, or as an importer or wholesaler of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits; industry member does not include an agency of a State or political subdivision thereof, or an officer or employee of such agency.

Officer. All corporate executives, including presidents, vice presidents, treasurers, and chief executive officers.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Trade buyer. Any person who is a wholesaler or retailer of distilled spirits, wine, or malt beverages.

Subpart C—Commercial Bribery

§ 10.21 Commercial bribery.

It is unlawful for an industry member, directly or indirectly or through an affiliate, to induce a trade buyer to purchase the industry member's products, to the complete or partial exclusion of products sold or offered for sale by other persons in interstate or foreign commerce, by offering or giving a bonus, premium, compensation, or other thing of value to any officer, employee, or representative of the trade buyer. The bonus, premium, compensation, or other thing of value need not be offered or given for the purpose of directly inducing a trade buyer to purchase from the seller, but rather is applicable if an industry member induces officers, employees or representatives of the trade buyer to promote sales of the industry member's products and thereby indirectly induces

the trade buyer to purchase from the industry member.

§ 10.22 Employee associations.

Gifts, donations, and other payments such as for advertising in publications, by an industry member, to trade buyer employee associations are considered the same as bonuses, premiums, compensation, or other things of value given directly to the employees, since the benefits resulting from the gifts or payments flow to the individual members of the association.

§ 10.23 Gifts or payments to wholesalers.

Although industry members are not prohibited from offering or giving money or other things of value to a wholesale entity (i.e., the corporation, partnership, or individual who owns the business), the wholesaler will be considered as acting as a mere conduit between its officers, employees, or representatives and the industry member, if—

(a) there is an agreement or understanding, implied or explicit, that the money or thing of value will be passed on to the officers, employees, or representatives, or

(b) it is obvious by the very nature of the item given (such as a free trip) that a pass through to the officers, employees, or representatives is clearly contemplated, or

(c) the records of the recipient wholesaler do not accurately reflect such money or item as an asset or the wholesale entity, thus being subject to all ensuing tax consequences as distinguished from the receipt of the money or item as a personal asset of an officer, employee, or representative.

§ 10.24 Sales promotion contests.

Sales contests sponsored by an industry member which offer prizes directly or indirectly to trade buyer officers, employees or representatives are inducements within the meaning of the Act.

PART 11—CONSIGNMENT SALES

Subpart A—Scope of Regulations

Sec.
11.1 General.
11.2 Territorial extent.
11.3 Application.
11.4 Jurisdictional limits.

Subpart B—Definitions

11.11 Meaning of terms.

Subpart C—Unlawful Sales Arrangements

11.21 General.
11.22 Consignment sales.
11.23 Sales conditioned on the acquisition of other products.

Subpart D—Rules for the Return of Distilled Spirits, Wine, and Malt Beverages

Sec.
11.31 General.

Exchanges and Returns for Ordinary and Usual Commercial Reasons

11.32 Defective products.
11.33 Error in products delivered.
11.34 Products which may no longer be lawfully sold.
11.35 Termination of business.
11.36 Termination of franchise.
11.37 Change in product.
11.38 Discontinued products.
11.39 Seasonal dealers.

Exchanges and Returns for Reasons Not Considered Ordinary and Usual

11.45 Overstocked and slow-moving products.
11.46 Seasonal products.

Authority: 49 Stat. 981, as amended (27 U.S.C. 205).

Subpart A—Scope of Regulations

§ 11.1 General.

The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify sales arrangements prohibited by subsection (d), "Consignment sales" and contain guidelines concerning the return of distilled spirits, wine, and malt beverages from a trade buyer. This part does not attempt to enumerate all of the sales arrangements prohibited by section 5(d) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 11.2 Territorial extent.

This part applies to the several States of the United States, the District of Columbia, and Puerto Rico.

§ 11.3 Application.

(a) *General.* The regulations in this part apply to transactions between industry members and trade buyers.

(b) *Transactions involving State agencies.* The regulations in this part apply to transactions involving State agencies operating as retailers or wholesalers.

§ 11.4 Jurisdictional limits.

(a) *General.* The regulations in this part apply where:

(1) the industry member sells, offers for sale, or contracts to sell to a trade buyer engaged in the sale of distilled spirits, wines, or malt beverages, or for any such trade buyer to purchase, offer to purchase, or contract to purchase, any such products on consignment or under conditional sale or with the privilege of return or on any basis other than a bona fide sale, or where any part of such transaction involves, directly or indirectly, the acquisition by such person from the trade buyer or the agreement to acquire from the trade buyer other distilled spirits, wine, or malt beverages; and,

(2) if:

(i) the sale, purchase, offer or contract is made in the course of interstate or foreign commerce; or

(ii) the industry member engages in using the practice to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products; or

(iii) the direct effect of the sale, purchase, offer or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such trade buyer in interstate or foreign commerce.

(b) *Malt beverages.* In the case of malt beverages, this part applies to transactions between a retailer in any State and a brewer, importer, or wholesaler of malt beverages inside or outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5(d) of the Federal Alcohol Administration Act (27 U.S.C. 205(d)), with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler of malt beverages in such State.

Subpart B—Definitions

§ 11.11 Meaning of terms.

As used in this part, unless the context otherwise requires, terms have the meanings given in this section. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by that Act.

Act. The Federal Alcohol Administration Act.

Exchange. The transfer of distilled spirits, wine, or malt beverages from a trade buyer to an industry member with other products taken as a replacement.

Industry member. Any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler of distilled spirits, wine or malt beverages, or as a bottler or warehouseman and bottler, of distilled spirits.

Product. Distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

Return. The transfer of distilled spirits, wine, or malt beverages from a trade buyer to the industry member from whom purchased, for cash or credit.

Trade buyer. Any person who is a wholesaler or retailer of distilled spirits, wine or malt beverages.

Subpart C—Unlawful Sales Arrangements

§ 11.21 General.

It is unlawful for an industry member to sell, offer for sale, or contract to sell to any trade buyer, or for any such trade buyer to purchase, offer to purchase, or contract to purchase any products (a) on consignment; or (b) under conditional sale; or (c) with the privilege of return; or (d) on any basis other than a bona fide sale; or (e) if any part of the sale involves, directly or indirectly, the acquisition by such person of other products from the trade buyer or the agreement to acquire other products from the trade buyer. Transactions involving the bona fide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited.

§ 11.22 Consignment sales.

Consignment sales are arrangements wherein the trade buyer is under no obligation to pay for distilled spirits, wine, or malt beverages until they are sold by the trade buyer.

§ 11.23 Sales conditioned on the acquisition of other products.

(a) *General.* A sale in which any part of the sale involves, directly or indirectly, the acquisition by the industry member from the trade buyer, or the agreement, as a condition to present or future sales, to accept other products from the trade buyer is prohibited.

(b) *Exchange.* The exchange of one product for another is prohibited as a sales transaction conditioned on the acquisition of other products. However, the exchange of a product for equal quantities (case for case) of the same type and brand of product, in containers of another size is not considered an acquisition of "other" products and is not prohibited if there was no direct or implied privilege of return extended when the product was originally sold. Industry members may make price adjustments on products eligible for exchange under this paragraph.

Subpart D—Rules for the Return of Distilled Spirits, Wine, and Malt Beverages

§ 11.31 General.

(a) Section 5(d) of the Act provides, in part, that it is unlawful to sell, offer to sell, or contract to sell products with the privilege of return for any reason, other than those considered to be "ordinary and usual commercial reasons" arising after the product has been sold. Sections 11.32 through 11.39 specify what are considered "ordinary and usual commercial reasons" for the return of products, and outline the conditions and limitations for such returns.

(b) An industry member is under no obligation to accept the return of products for the reasons listed in §§ 11.32–11.39.

Exchanges and Returns for Ordinary and Usual Commercial Reasons

§ 11.32 Defective products.

Products which are unmarketable because of product deterioration, leaking containers, damaged labels, or mutilated and missing strip stamps may be exchanged for an equal quantity of identical products.

§ 11.33 Error in products delivered.

Any discrepancy between products ordered and products delivered may be corrected, within a reasonable period after delivery, by exchange of the products delivered for those which were ordered, or by a return for cash or credit against outstanding indebtedness.

§ 11.34 Products which may no longer be lawfully sold.

Products which may no longer be lawfully sold may be returned for cash or credit against outstanding indebtedness. This would include situations where, due to a change in law or regulation, a particular size or brand is no longer permitted to be sold.

§ 11.35 Termination of business.

Products on hand at the time a trade buyer terminates operations may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown (see § 11.40).

§ 11.36 Termination of franchise.

When an industry member has sold products for cash or credit to one of its wholesalers and the distributorship arrangement is subsequently terminated, stocks of the product on hand may be returned for cash or credit against outstanding indebtedness.

§ 11.37 Change in product.

A trade buyer's inventory of a product which has been changed in formula, proof, label or container (subject to § 11.46) may be exchanged for equal quantities of the new version of that product.

§ 11.38 Discontinued products.

When a producer or importer discontinues the production or importation of a product, a trade buyer's inventory of that product may be returned for cash or credit against outstanding indebtedness.

§ 11.39 Seasonal dealers.

Industry members may accept the return of products from retail dealers who are only open a portion of the year, if the products are likely to spoil during the off season. These returns will be for cash or for credit against outstanding indebtedness.

Exchanges and Returns for Reasons Not Considered Ordinary and Usual

§ 11.45 Overstocked and slow-moving products.

The return or exchange of a product because it is overstocked or slow-moving does not constitute a return for "ordinary and usual commercial reasons."

§ 11.46 Seasonal products.

The return or exchange of products for which there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles, does not constitute a return for "ordinary and usual commercial reasons."

Signed: September 15, 1980.

G. R. Dickerson,

Director.

Approved: September 15, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-29427 Filed 9-19-80; 8:45 am]

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Federal Register

Vol. 45, No. 186

Tuesday, September 23, 1980

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing September 19, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 594 / Pub. L. 96–353 To authorize and request the President to issue a proclamation designating September 18, 1980, as "Costantino Brumidi Day". (Sep. 19, 1980; 94 Stat. 1163) Price: $1.

S. 299 / Pub. L. 96–354 Regulatory Flexibility Act. (Sep. 19, 1980; 94 Stat. 1164) Price: $1.

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