7-9-80
Vol. 45 No. 133
Pages 46061-46334

federal register

Wednesday
July 9, 1980

Highlights

46328 **Identification of Subjects in Agency Regulations** Administrative Committee of the Federal Register issues a proposed rule on new requirements; comments by 9-8-80 (Part II of this issue)

46263 **Grant Programs** LSC considers applications from various companies (4 documents)

46332 **Rice** USDA/FGIS suspends provision of United States standards for milled rice; effective 8-1-80 (Part III of this issue)

46064 **Truth In Lending** FRS publishes final official staff interpretation permitting certain charges in sale of motor vehicle to be included in "cash price" or "other charges"; effective 7-9-80

46064-46065 **Credit** FRS terminates reporting and special deposit requirements of consumer credit restraint program; effective 7-24-80 and 7-28-80 (2 documents)

46063 **Banks** FRS rescinds marginal reserve requirements; effective 7-24-80

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The Federal Register will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

46121 **Telecommunications** FCC proposes to issue manual containing procedures to be followed by AT&T in allocating costs; comments on manual by 8-29-80, reply comments by 10-17-80; comments on long-term cost allocation procedures by 1-11-81; reply comments by 3-7-81

46069 **Income Tax** Treasury/IRS issues rules relating to unemployment compensation; effective for taxable years after 12-31-78

46082 **Income Tax** Treasury/IRS proposes to exclude certain disability payments from gross income; comments by 9-7-80

46068 **Mobile Homes** HUD/FHC waives effective date for rules regarding mobile home courts and parks; effective date advanced to 7-9-80

46145 **Trade Practices** Commerce/ITA republishes proposed survey on restrictive trade practices and boycotts; comments by 8-8-80

46094-46097 **Water Pollution Control** EPA proposes to amend list of hazardous substances, and proposes to add reportable quantities for those substances; comments by 9-8-80 (2 documents)

46100 **Pesticides** EPA proposes amendments to rules for registration of establishments and maintenance of records; comments by 8-8-80

46264 **Bonds** Treasury/Sec'y announces interest rate on Bonds of 1995

46262 **Antidumping** ITC extends preliminary investigation regarding steel jacks from Canada

46265 **Sunshine Act Meetings**

Separate Parts of This Issue

46328 **Part II, Administrative Committee of the Federal Register**

46332 **Part III, USDA/FGIS**

Contents

Federal Register
Vol. 45, No. 133
Wednesday, July 9, 1980

Administrative Committee of the Federal Register
See Federal Register Office.

Agricultural Marketing Service
RULES
46061–46062 Cherries grown in Mich. et al. (2 documents)
46061 Peaches grown in Colo.
NOTICES
Stockyards; posting and depositing:
46143 Nettleton Stockyards, Ala., et al.
46143 North American Auction Co., Mo.
46143 Parsons Livestock Auction, Inc., Kans., et al.

Agriculture Department
See Agricultural Marketing Service; Federal Grain Inspection Service; Forest Service.

Civil Aeronautics Board
NOTICES
Hearings, etc.:
46145 Former large irregular air service investigation, Phase III (2 documents)
46145 Miami-London service case
46144 Transatlantic, transpacific, and Latin American service mail rates investigation

Commerce Department
See Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration.

Conservation and Solar Energy Office
PROPOSED RULES
Appliances and consumer products:
46075 Efficiency standards; correction
46075 Efficiency standards; environmental assessment availability; correction

Defense Department
See also Engineers Corps.
RULES
Charters:
46071 Defense Logistics Agency; automatic data-processing resources and shelf-life item management, policy guidelines
NOTICES
Meetings:
46151 Electron Devices Advisory Group
46151 Senior Executive Service Performance Review Board; membership

Economic Development Administration
RULES
46065 Financial assistance, public works and development facilities program, etc.; technical amendments

Economic Regulatory Administration
NOTICES
Consent orders:
46159 Decalta International Corp.
46158 Inman Oil Co.
Decisions and orders:
46156–46158 Tennoco Oil Exploration & Production Co. (2 documents)
Natural gas; fuel oil displacement certification applications:
46160 Orange & Rockland Utilities, Inc.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.
46159 Modesto Irrigation District

Education Department
NOTICES
Committees; establishment, renewals, terminations, etc.:
46154 Black Higher Education and Black Colleges and Universities National Advisory Committee

Energy Department
See also Conservation and Solar Energy Office; Economic Regulatory Administration; Hearings and Appeals Office, Energy Department.
RULES
Assistance regulations:
46074 Cooperative agreements; correction
NOTICES
Nuclear waste management:
46155 Hanford Site, Richland, Wash.; double-shell tanks for defense high-level radioactive waste storage
46154 Savannah River Plant, Aiken, S.C.; double-shell tanks for defense high-level radioactive waste storage

Engineers Corps
PROPOSED RULES
Navigation regulations:
46093 Banana River, Cape Canaveral Air Force Station, Fla.
NOTICES
Environmental statements; availability, etc.:
46151 Lower Rio Grande Basin, Tex.; flood control and major drainage civil works project

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
46072 Colorado
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
46073 Thiabendazole
Pesticides; tolerances in animal feeds:
46067 Thiabendazole
PROPOSED RULES
Pesticide programs:
46100 Registration of pesticide producing establishments, submission of reports, labeling; maintenance of records; addition of producers of active ingredients

Water pollution control:
46094 Hazardous substances; designation criteria expansion; addition of carcinogens
46097 Hazardous substances; determination of reportable quantities; addition of carcinogens
46103 Toxic pollutant list; dichlorodifluoromethane and trichlorofloromethane, removal
NOTICES
Environmental statements; availability, etc.:
46193 Agency statements; review and comment
Pesticide registration, cancellation, etc.:
46205 Proturf insecticide 4, etc.
46202 Thiodan 50 wettable powder insecticide, etc.
Pesticides; emergency exemption applications:
46204, 46208 Ethylene dibromide (2 documents)
46205 Strychnine baits
Pesticides; temporary tolerances:
46204 Shell Chemical Co.
Pesticides; tolerances in animal feeds and human food:
46201 EM Laboratories, Inc., et al.
Toxic and hazardous substances control:
46199-46202, 46207 Premanufacture notices receipts (3 documents)

Environmental Quality Council
NOTICES
46266 Meetings; Sunshine Act

Federal Communications Commission
PROPOSED RULES
Common carrier services:
46121 AT&T's manual and procedures for allocation of costs

Federal Election Commission
NOTICES
46265 Meetings; Sunshine Act

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
46107 Connecticut et al.
46106 Massachusetts
46107 Washington
NOTICES
Disaster and emergency areas:
46209 Nebraska

Federal Energy Regulatory Commission
PROPOSED RULES
Natural gas companies:
46075 Annual report (Form No. 2); revision
NOTICES
Hearings, etc.
46164 Carolina Power & Light Co.
46164 Cleveland Electric Illuminating Co.
46164 Columbia Gas Transmission Corp. et al.
46187 Duke Power Co.
46187 Florida Power & Light Co.
46188 Geological Survey et al.
46161 Hydro Development Group Inc.
46187 Interstate Power Co.
46187 Natural Gas Pipeline Co. of America
46161 Northern Lights, Inc.
46188 Pennsylvania-New Jersey-Maryland Interconnection
46162 Sellers Manufacturing Co.
46162 Sellers Manufacturing Co., Inc.
46188 Tampa Electric Co.
46189 VEPCo-PJM Group et al.
46163 Warren Petroleum Co.
46163 Windsor Locks Canal Co. et al.
46265 Meetings; Sunshine Act
Natural Gas Policy Act of 1978:
46166-46179 Jurisdictional agency determinations (2 documents)

Federal Grain Inspection Service
RULES
Grain standards:
46332 Rice, milled; definition temporarily suspended in part

Federal Housing Commissioner—Office of Assistant Secretary for Housing
RULES
Mortgage and loan insurance programs:
46068 Multifamily housing; mobile home courts or parks, maximum mortgage limit increase, etc.; effective date change

Federal Maritime Commission
RULES
46073 Export cargo, free time and demurrage charges; New York and Philadelphia ports; CFR Part removed
NOTICES
Freight forwarder licenses:
46209 A-M Cargo International, Inc., et al.
46209 Total Transportation Services, Inc.
46265 Meetings; Sunshine Act

Federal Pay, Advisory Committee
NOTICES
46209 Annual adjustment in Federal pay; inquiry and meeting

Federal Register Office
PROPOSED RULES
46328 Subject identification requirement for agency regulations

Federal Reserve System
RULES
Credit restraint:
46064 Consumer credit; reporting and special deposit requirements terminated, etc.
46065 Special program reporting requirements; rescinded
Reserves of member banks (Regulation D):
46063 Marginal reserve requirements; credit control rescinded

Truth in lending (Regulation Z):
46064 Charges in sale of motor vehicles; inclusion in "cash price" or "other charges;" official staff interpretation
NOTICES
Applications, etc.:
46209 CBTcorp
46210 Wishek Bancorporation, Inc.
46265 Meetings; Sunshine Act

Fish and Wildlife Service
PROPOSED RULES
46141 Endangered and threatened wildlife plants; public hearing on Devil's River Minnow
NOTICES
46210 Endangered and threatened species permits; applications

Forest Service
NOTICES
Meetings:
46144 Carson National Forest Grazing Advisory Boards

General Services Administration
See Federal Register Office.

Health, Education, and Welfare Department
See Education Department; Health and Human Services Department.

Health and Human Services Department
NOTICES
Meetings:
46210 Health Care Technology National Council

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
46189-46190 Decisions and orders (2 documents)

Housing and Urban Development Department
See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

Interior Department
See Fish and Wildlife Service; National Park Service.

Internal Revenue Service
RULES
Income taxes:
46069 Unemployment compensation
PROPOSED RULES
Income taxes:
46082 Disability payments; exclusion

International Convention Advisory Commission
NOTICES
46211 Meetings

International Development Cooperation Agency
NOTICES
Authority delegations:
46254 Trade and Development Program, Director

International Trade Administration
RULES
Export licensing:
46066 Petroleum coke; commodity group transfer
46067 Technical advisory committees; practices
NOTICES
46145 Restrictive trade practices or boycotts; reproposed public survey; inquiry

International Trade Commission
NOTICES
Import investigations:
46255 Anhydrous sodium metasilicate from France
46261 Coin-operated audio visual games and components
46261 Electric motors from Japan
46262 Shell brim hats
46262 Steel jacks from Canada
46262 Steel products from Italy
46255 Senior Executive Service Performance Review Board; membership

Interstate Commerce Commission
NOTICES
46212 Hearing assignments
Motor carriers:
46214-46218, 46220 Finance applications (3 documents)
46219 Fuel costs recovery, expedited procedures
46223 Temporary authority applications
46211, 46214 Railroad car service rules, mandatory; exemptions (2 documents)
Railroad operation, acquisition, construction, etc.:
46222 Bennett Lumber Products, Inc.
Railroad services abandonment:
46214 Consolidated Rail Corp.
46221 Norfolk & Western Railway Co.
46221 Petaluma & Santa Rosa Railroad Co.
46222 St. Louis Southwestern Railroad Co.

Legal Services Corporation
NOTICES
46263 Grants and contracts; applications (4 documents)

National Credit Union Administration
NOTICES
46265 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
46141 Foreign fishing; Pacific whiting; reserve release
NOTICES
Meetings:
46151 Pacific Fishery Management Council

National Park Service
RULES
Special regulations:
46071 Big Thicket National Preserve, Tex.
NOTICES
Boundary establishment, descriptions, etc.:

46211 Chattahoochee River National Recreation Area, Ga.
Wilderness areas:
46211 Gulf Islands National Seashore; designation

Nuclear Regulatory Commission
NOTICES
Meetings:
46263 Screening Committee for Lawyer Vacancies on Licensing Board Panel
46266 Meetings; Sunshine Act (2 documents)

Small Business Administration
NOTICES
Disaster areas:
46264 South Dakota

Treasury Department
See also Internal Revenue Service.
NOTICES
Bonds, Treasury:
46264 1995 series

Veterans Administration
NOTICES
46264 Dental program, service-connected outpatient; evaluation report; availability

MEETINGS ANNOUNCED IN THIS ISSUE

ADVISORY COMMITTEE ON FEDERAL PAY
46209 Public discussions, 8-18-80

AGRICULTURE DEPARTMENT
Forest Service—
46144 Carson National Forest Grazing Advisory Boards, 7-26 and 8-2-80

DEFENSE DEPARTMENT
Office of the Secretary—
46151 DOD Advisory Group on Electron Devices, Working Group D, 8-13, 8-14 and 8-15-80

HEALTH AND HUMAN SERVICES DEPARTMENT
Office of Assistant Secretary for Health—
46210 National Council on Health Care Technology, three subcommittees, 7-14, 7-16 and 8-7-80

INTERNATIONAL CONVENTION ADVISORY COMMISSION
46211 Meeting, 7-23-80

NUCLEAR REGULATORY COMMISSION
46263 Screening Committee for Lawyer Vacancies on the Licensing Board Panel, 7-23-80

CHANGED MEETING

ENERGY DEPARTMENT
Conservation and Solar Energy Office—
46075 Energy Conservation Program for Consumer Products, 7-16-80

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
46151 Pacific Fishery Management Council, Status of coho salmon runs from Washington and Oregon, 7-5-80

INTERIOR DEPARTMENT
Fish and Wildlife Service—
46141 Endangered and threatened wildlife and plants; hearing on Devil's River Minnow, 7-23-80

INTERNATIONAL TRADE COMMISSION
46261 Certain electric motors from Japan, antidumping duty investigation, hearing 11-20-80, prehearing conference 11-14-80

CHANGED HEARING

ENERGY DEPARTMENT
Conservation and Solar Energy Office—
46075 Energy Conservation Program for Consumer Products, 8-11 through 8-22 and 8-25 through 8-29-80

CFR PARTS AFFECTED IN THIS ISSUE

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

1 CFR
Proposed Rules:
18 46328

7 CFR
68 46332
919 46061
930 (2 documents) 46061–46062

10 CFR
600 46074
Proposed Rules:
430 (2 documents) 46075

12 CFR
204 46063
226 46064
229 (2 documents) 46064–46065

13 CFR
305 46065
309 46065
315 46065

15 CFR
377 46066
390 46067

18 CFR
Proposed Rules:
260 46075

21 CFR
561 46067

24 CFR
207 46068

26 CFR
1 46069
Proposed Rules:
1 46082
7 46082

32 CFR
359 46071

33 CFR
Proposed Rules:
207 46093

36 CFR
7 46071

40 CFR
52 46072
180 46073
Proposed Rules:
116 46094
117 46097
167 46100
169 46100
401 46103

44 CFR
Proposed Rules:
67 (3 documents) 46106–46107

46 CFR
541 46073

47 CFR
Proposed Rules:
Ch. I 46121

50 CFR
Proposed Rules:
17 46141
611 46141

Rules and Regulations

Federal Register
Vol. 45, No. 133
Wednesday, July 9, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 919

[Peach Reg. 20]

Peaches Grown in Mesa County, Colo.; Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes minimum grade and size requirements for shipments of fresh Colorado peaches for the period July 15, 1980, through September 30, 1980. Such action is necessary to promote the orderly marketing of suitable quality and sizes of fresh Colorado peaches in the interest of producers and consumers.

EFFECTIVE DATES: July 15, 1980, through September 30, 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: This final action has been reviewed under 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. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colorado. 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 Administrative Committee, and upon other available information. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

The committee estimates 1980 season fresh shipments of peaches grown in the production area in Colorado at 150,000 bushels, compared with actual shipments of 139,550 bushels last season. The grade and size requirements are necessary to prevent the shipment of such peaches of a lower grade or smaller size than specified and are designed to provide ample supplies of good-quality fruit in the interest of producers and consumers consistent with the declared policy of the act.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Accordingly, it is found that the requirements for the handling of peaches should be and are established as follows: (This regulation expires October 1, 1980, and will not be published in the annual Code of Federal Regulations.)

§ 919.321 Peach Regulation 20.

(a) During the period July 15, 1980, through September 30, 1980, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter if (i) not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter, and (ii) not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) As used in this section, "peaches", "handler", "ship", and "variety" mean the same as defined in this marketing order, and "U.S. No. 1", "diameter", and "count" mean the same as defined in the United States Standards for Peaches (7 U.S.C. 2851.1210-2851.1223).

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

Dated: July 2, 1980, to become effective July 15, 1980.

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

[FR Doc. 80-20455 Filed 7-8-80; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland; Free and Restricted Percentages

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This regulation fixes free and restricted percentages applicable to cherries acquired by handlers during the 1980-81 fiscal period. This action is necessary to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: July 9, 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 describing the options considered in developing this final rule and the impact of each option 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 as "significant." This regulation is issued under §§ 930.51 and 930.52 of marketing Order No. 930, which regulates the handling of cherries grown in eight designated states. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Cherry

Administrative Board, and other information. The Board is the agency established under the order. It is hereby found that fixing the free and restricted percentages, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The free percentage fixed for a fiscal period represents the percentage of a particular crop which would meet the expected demand for processed cherries for that year.

Under this marketing order program, the quantity of cherries in excess of the estimated demand is represented by the restricted percentage. Restricted percentage cherries may be processed and stored in a reserve pool for the account of the growers, or the producer may leave restriced percentage cherries unharvested. Reserve cherries which are pooled are processed and held in storage for later release into normal commerical outlets. The marketing policy for the 1980–81 fiscal period adopted by the Cherry Administrative Board was based on the production estimate released by the Crop Reporting Board of USDA on June 24, 1980, and other estimates developed by the Cherry Administrative Board relative to potential demand, carryover, etc. Total U.S. production of tart cherries is estimate by the Crop Reporting Board to be 247.3 million pounds, with 223.5 million pounds of the total expected from the area regulated under the order. The Cherry Administrative Board met on June 25, 1980, and recommended free and restricted percentages based upon the following estimates:

	Million pounds
Supply:	
(1) Estimated U.S. production	247.3
(2) Less fresh sales and other not utilized	14.5
(3) Available for processing	232.8
(4) Carryover July 1, 1980	27.7
(5) Total (items 3 & 4)	260.5
Demand:	
(6) Frozen, canned, other	190.0
(7) Plus carryout, June 30, 1981	20.0
(8) Total (items 6 & 7)	210.0
Percentages:	
(9) Total supply less total demand (item 5 minus item 8)	50.5
(10) Available for processing from regulated area	210.0
(11) Restricted percent (item 9 divided by item 10, rounded)	[1]24
(12) Free percentage (100 percent minus restricted percent—item 11)	[1]76

[1] In percent.

This action was recommended at a public meeting at which all present could state their views. There is insufficient time between the date when information became available upon which this regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in EO 12044. It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and that good cause exists for not postponing the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), in that: (1) Producers and handlers need to know the free and restricted percentages applicable to cherries prior to the beginning of this year's harvesting, and such harvesting is expected to begin early in July; and (2) The Board held an open meeting on June 25, 1980, after giving notice thereof and interested persons were given the opportunity to submit information and views at such meeting.

Therefore, a new § 930.300 is added to Subpart—Rules and Regulations which reads as follows (this section is effective through April 30, 1981, and will not be published in the annual Code of Federal Regulations):

§ 930.300 Free and restricted percentages.

The free and restricted percentages applicable to all cherries acquired during the fiscal period May 1, 1980, through April 30, 1981, shall be 76 percent and 24 percent, respectively.

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

Dated: July 7, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-20562 Filed 7-8-80; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia and Maryland; Handler Compensation—Filing Date for Application for Diversion

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This action establishes the rate of charges for receiving, processing, storing and other costs related to reserve pool cherries for the current season; and changes the final date for filing an application for diversion.

EFFECTIVE DATE: July 9, 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 describing the options considered in developing this final rule and the impact of each option 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 as "not significant." These regulations are issued under §§ 930.56 and 930.58 of Marketing Order No. 910, which regulates the handling of cherries grown in eight designated states. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendation and information submitted by the Cherry Administrative Board, and other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the marketing order, whenever the Secretary fixes free and restricted percentages for a fiscal period, each handler must set aside for the reserve pool a portion of the cherries acquired by such handler. Reserve pool cherries must be set aside by handlers in 30 pound capacity metal containers in the form commonly referred to in the cherry industry as "5 plus 1 frozen cherries" (five pounds of raw pitted cherries combined with one pound of sugar) and must be stored thereafter in a suitable freezer storage facility. Since the equity in the cherries remains with the producer, the producer must pay the handler for these services—i.e., receiving, processing, necessary materials, storing, and other related costs. As a general rule, these costs are deducted by the handler from any monies due producers for deliveries of free percentage cherries. The Cherry Administrative Board solicited data from handlers relative to their estimated costs and recommended the compensation rates hereinafter set forth based on that data.

Cherry growers and handlers need to be aware of the rates of payment for services on reserve pool cherries prior to harvesting and processing this year's crop. Such harvesting and processing is expected to start early in July. Furthermore, compliance with this regulation requires no advance preparation on the part of cherry handlers.

Section 930.101(b) of Subpart—Rules and Regulations requires that any producer who elects to divert restricted percentage cherries in lieu of placing them in a reserve pool must file an application for such diversion by July 1 (or such other date as specified by the Board for growers who would harvest prior to that date). The Board concluded that more time should be provided for

growers to decide whether to place restricted percentage cherries in the reserve pool or exercise the diversion option. Therefore, the Board recommended that the date by which an application to divert restricted percentage cherries must be filed, be changed from July 1 to July 8.

These actions were 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 regulation is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Therefore, § 930.101(b) is revised and a new § 930.310 is added to Subpart—Rules and Regulations. Such revision and new section are as follows: (Section 930.310 is effective through April 30, 1981, and will not be published in the annual Code of Federal Regulations).

1. Section 930.101 is amended by revising paragraph (b).

§ 930.101 Diversion application.

(a) * * *

(b) Each producer who elects to divert cherries into an outlet, as the Board, with the approval of the Secretary may designate as specified in § 930.56, shall prior to such diversion submit to the Board at its office, or such other location as may be specified by the Board, on forms provided by the Board, an application to divert cherries as required by § 930.56(a)(1). Such application shall be filed with the Board not later than July 8 of the current fiscal year; *Provided,* That such application for growers who will harvest cherries prior to July 8 of any fiscal year shall be filed on such earlier date as may be specified by the Board or, if not so specified, prior to harvest of such cherries.

2. Section 930.310 is added (effective through April 30, 1981).

§ 930.310 Handler compensation rates.

During the fiscal period ending April 30, 1981, each handler shall be compensated by producers (or their successors in interest) having an interest in the reserve pool as follows:

(a) At the rate of $0.2425 (24¼ cents) per pound of reserve pool cherries received as raw unpitted cherries, and processed into the form of 5 plus 1 frozen cherries (five pounds of raw pitted cherries combined with one pound of sugar) packed in containers as specified in § 930.104(a) of this subpart, and for storage in a suitable freezer storage facility for 30 days from the date such cherries are placed in such storage facility; and

(b) At the rate of $0.09 (9 cents) per container per month for storage thereafter in a suitable freezer storage facility.

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

Dated: July 7, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-20628 Filed 7-8-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0318; Reg. D]

Reserves of Member Banks; Marginal Reserve Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has determined to rescind the marginal reserve requirement on managed liabilities of member banks (and Edge and Agreement Corporations) and United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion, and the supplementary reserve requirement imposed on large denomination time deposits of member banks (and Edge and Agreement Corporations).

EFFECTIVE DATE: July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), Paul S. Pilecki, Attorney (202/452-3281), or Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On October 6, 1979, the Board of Governors amended Regulation D (12 CFR Part 204) to impose a marginal reserve requirement of 8 per cent on the amount by which the total managed liabilities of member banks (and Edge and Agreement Corporations) and United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion exceeds the amount of the institution's managed liabilities outstanding during the base period (September 13–26, 1979) or $100 million, whichever is greater (44 FR 60071). On March 14, 1980, the Board acted to increase the marginal reserve ratio to 10 per cent and to adjust the base of managed liabilities (45 FR 17924).

On May 22, 1980, the Board reduced the marginal reserve ratio to 5 per cent and generally increased the base for institutions subject to the marginal reserve requirement program (45 FR 37410). The Board has determined to rescind the marginal reserve requirement on managed liabilities outstanding during the seven-day computation period beginning July 10, 1980. Accordingly, institutions subject to marginal reserve requirements will not be required to maintain reserves on managed liabilities for the seven-day maintenance period beginning July 24, 1980. Marginal reserves will be required to be maintained during the seven-day period beginning July 17, 1980, for managed liabilities outstanding during the seven-day computation period beginning July 3, 1980. At the same time, the Board is eliminating the 2 per cent supplementary reserve requirement on member bank time deposits in denominations of $100,000 or more and on certain other liabilities.

In order to achieve the objectives of this action more quickly, and because this action relieves a restriction, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553 with regard to this action are impracticable and contrary to the public interest.

Pursuant to its authority under sections 19, 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), effective July 24, 1980, the Board amends Regulation D (12 CFR Part 204) as follows:

§ 204.5 [Amended]

1. Sections 204.5(a)(1)(ii) and (2)(ii) are amended by deleting the last two sentences.

2. Section 204.5(f) is deleted in its entirety.

By order of the Board of Governors of the Federal Reserve System, July 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-20560 Filed 7-8-80; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; FC-0169]

Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

SUMMARY: The Board is publishing in final form Official Staff Interpretation FC-0169 of Regulation Z, Truth in Lending. The interpretation permits certain charges in the sale of a motor vehicle to be either included in the "cash price" or shown as "other charges."

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Jesse Filkins, 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) In FC-0169 the staff set forth the conditions under which fees for issuance of certificate of title and for registration and inspection of motor vehicles could be included in the cash price.

(2) FC-0169 was published January 21, 1980, (45 FR 3879) with an effective date of February 20, 1980. In response to a request for public comment submitted in accordance with § 226.1(d)(3) of Regulation Z, the effective date was suspended and the interpretation was republished for comment on February 29, 1980 (45 FR 13436).

(3) The request for republication asserted that the language in FC-0169 could lead creditors to believe that, by merely including the amount of the certificate and registration fees in the cash price, those amounts could be excluded from the finance charge.

The only commenter on the matter concurred with the challenger's recommendation that the interpretation reflect language clearly indicating that the fees must be itemized and disclosed to the customer in order to exclude them from the finance charge.

The staff agrees that the additional language may clarify the interpretation so that creditors do not inadvertently include the fees in the cash price without taking the steps necessary to exclude them from the finance charge. Therefore, the interpretation being published in final form incorporate the sugguested language.

Also, the republished interpretation modifies both Public Information Letters 623 and 993 (rather than just letter 623) to the extent that letter 993 requires that the charges discussed in FC-0169 be included in the cash price or to the extent that letter 623 requires that the charges be disclosed as other charges.

(4) Official Staff Interpretation FC-0169, which follows, has been changed to add the suggested language and to indicate that Public Information Letter 993 is also modified to the extent that it is inconsistent with the interpretation. FC-0169 is effective July 9, 1980.

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

Section 226.2(n): Prohibition against including § 226.4 charges in the cash price pertains to finance charges and does not apply to charges excluded pursuant to § 226.4(b). Alternatively, such charges may be shown as § 226:8(c)(4) other charges. (Modifies Public Information Letters 623 and 993.)

Section 226.4(b): Prohibition against including § 226.4 charges in the cash price pertains to finance charges and does not apply to charges excluded pursuant to § 226.4(b). Alternatively, such charges may be shown as § 226.8(c)(4) other charges. (Modifies Public Information Letters 623 and 993.)

Section 226.8(c)(4): Certificate of title, registration and inspection fees may be either included in the cash price or shown as an other charge.

July 3, 1980.

In your letter of * * *, you ask about the proper disclosure under Regulation Z of certain statutory fees imposed in connection with the sale of motor vehicles.

You state that your client, a seller of motor vehicles, is required by state law to collect fees for the issuance of a certificate of title and for registration and inspection of the vehicle. You have been itemizing and disclosing such fees as components of the cash price, but are concerned that the exclusionary language of § 226.2(n), which prohibits including "charges of the types described in § 226.4" in the cash price, requires that you discontinue this practice.

The staff believes that the prohibition in § 226.4(n) against including charges of the types described in § 226.4 pertains to finance charges and does not apply to those charges that have been excluded from the finance charge pursuant to § 226.4(b). Since you have properly excluded the certificate of title and registration fees from the finance charge by itemizing them as required under § 226.4(b)(4), the prohibitory language does not apply and you may include them in the cash price. Alternatively, such charges may be shown as other charges pursuant to § 226.8(c)(4). To the extent that Public Information Letters 623 and 993 are inconsistent with this position, those letters are modified. Note that whichever approach is taken, the amount financed will include the fees.

The inspection fee, however, is not among the § 226.4(b) charges that must be itemized to be excluded from the finance charge. Therefore, as long as it is not "imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit," it is not a finance charge and may either be included in the cash price as a "service[s] related to the sale" of the property pursuant to § 226.2(n), or shown as an other charge.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(2) and limited to the facts and issues discussed herein. It will become effective upon publication in the Federal Register.

Sincerely,

Nathaniel E. Butler,

Associate Director.

Board of Governors of the Federal Reserve System, July 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-20558 Filed 7-8-80; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 229

[Docket No. R-0314]

Credit Restraint; Consumer Credit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On March 14, 1980, the Board adopted a consumer credit restraint program pursuant to the Credit Control Act as implemented by Executive Order 12201. In view of current economic conditions, the Board is terminating the reporting and special deposit requirements of the consumer credit restraint program. The provisions regarding change in terms of open-end and 30-day credit accounts will remain temporarily in effect in order to permit the orderly phase-out of those provisions.

EFFECTIVE DATE: July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Margaret Egginton, Attorney (202/452-2489), Legal Division; or Margaret A. Stewart, Senior Attorney (202/452-2412), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board adopted a consumer credit restraint regulation (12 CFR Part 229, Subpart A; 45 FR 17927, March 19, 1980) pursuant to the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201. The regulation requires certain creditors to maintain a special deposit with the Federal Reserve against increases in the creditor's outstanding covered credit over the creditor's base. As originally promulgated, the regulation required a deposit equal to 15 percent of the increase in a creditor's covered credit.

On May 22, 1980 the Board reduced the special deposit requirement, to 7½ percent (45 FR 37413, June 3, 1980). In view of current economic conditions, the Board is rescinding the consumer credit special deposit and reporting requirements effective July 24, 1980. Reports for credit outstanding during the month of June 1980, that are to be filed by July 14, 1980, will not be required.

On April 2, 1980, the Board amended its consumer credit restraint regulation to provide a uniform, national rule to govern certain changes by creditors in the terms of their open-end and 30-day credit agreements (12 CFR 229.6; 45 FR 24444, April 10, 1980). The rule requires that a creditor give an affected consumer at least 30-days notice of the change in terms and permit the consumer to pay down the outstanding account balance according to the original contract terms. The rule provides, further, that use by the consumer of the account after the effective date of the change is deemed acceptance of the new terms, which can then be applied to both existing credit balances and new credit advances.

The Board is aware that some creditors are in the process of changing terms according to the consumer credit restraint program's rules. In order to provide an orderly phase-out of this aspect of the program, the Board is amending § 229.6 of the regulation to provide a transition period during which a creditor may adopt changes in account terms pursuant to the consumer credit restraint rules. The amendment provides that creditors desiring to change terms under § 229.6 must mail or deliver notice of the change on or before September 5, 1980.

For a change in terms made during the transition period, the date on which a creditor mails or delivers a notice to the individual account holder will determine the applicable legal requirements. For example, if a creditor mails or delivers a change of terms notice pursuant to the consumer credit restraint regulation on or before September 5, 1980, the notice will be effective according to its term even though the account holder receives the notice, uses the account or otherwise assents to the change after September 5, 1980. Any change-in-terms notice that is mailed or delivered after September 5, 1980 must comply with the requirements of Regulation Z (Truth-in-Lending, 12 CFR 226.7(f)) and any other applicable Federal or State law.

The Board believes that these amendments facilitate the orderly termination of the consumer credit restraint program and do not impose any additional burden on affected parties. The Board therefore for good cause finds that the notice, public procedure and delayed effective date provisions of 5 U.S.C. 553 with regard to this action are unnecessary and that immediate implementation is in the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, the Board hereby takes the following actions:

1. Effective July 24, 1980, 12 CFR Part 229, Subpart A is amended as follows:

(a) Sections 229.3 and 229.4 are removed and reserved.

§ 229.3 [Reserved]

§ 229.4 [Reserved]

(b) Paragraph (d) is added to § 229.6 as follows:

§ 229.6 Change in Terms of Open-End Credit Accounts.

* * * * *

(d)(1) A change in terms is effective under this section, only if notice of such change is mailed or delivered on or before September 5, 1980.

(2) A change-in-terms notice that is mailed or delivered after September 5, 1980, is not subject to this Subpart and must comply with the requirements of Regulation Z (12 CFR 226.7(f)) and other applicable Federal or State law.

§§ 229.1 through 229.6 [Rescinded]

2. Effective October 31, 1980, 12 CFR Part 229, Subpart A, §§ 229.1 through 229.6 are rescinded.

By order of the Board of Governors of the Federal Reserve System, July 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-20557 Filed 7-8-80; 8:45 am]

BILLING CODE 6210-01-M

---

12 CFR Part 229

[Docket No. R-0317]

Credit Restraint; Reports Under Special Credit Restraint Program

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Rescission of regulation.

SUMMARY: The Board is terminating the reporting requirements that U.S. commercial banks, U.S. branches and agencies of foreign banks, U.S. bank holding companies, finance companies, and certain other selected corporations are required to file in view of the phase-out of the Board's voluntary Special Credit Restraint Program.

EFFECTIVE DATE: July 28, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), Joseph R. Alexander, Attorney (202/452-3582), Legal Division, or Eleanor J. Stockwell, Senior Deputy Associate Director (202/452-3651), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board announced a voluntary Special Credit Restraint Program to encourage lenders to restrain credit by limiting growth in total loans and investments to a range between six and nine per cent per year. This subpart was adopted on March 28, 1980 (45 FR 22883), to require periodic reports from selected financial and non-financial organizations. In view of current economic conditions, the Board is phasing out its voluntary Special Credit Restraint Program and is rescinding the reporting requirements of this Subpart effective July 28, 1980. Reports to be filed before July 28, 1980, for lending activities during the month of June will be required to be submitted to the Federal Reserve Banks.

In order to achieve the objectives of this action more quickly and because this action relieves a restriction, the Board for good cause finds that the notice and public procedure provisions of 5 U.S.C. 553 with regard to these actions are impractical and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. § 1901–09) effective July 28, 1980, the Board hereby rescinds Subpart D of its Credit Restraint regulation (12 CFR Part 229).

By order of the Board of Governors of the Federal Reserve System, July 3, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-20559 Filed 7-8-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 305, 309 and 315

Miscellaneous Technical Amendments

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Interim rule.

SUMMARY: This rule makes minor technical revisions to three regulations. One change corrects a citation in the regulation recently published regarding industrial park projects. The second change eliminates a provision which

restricted EDA's participation in projects involving electric and gas facilities to 50 percent of the project cost. The third change eliminates a procedural requirement regarding withdrawal of petitions for certification under the Trade Adjustment Assistance program.

DATES: Effective date: July 9, 1980. Comments by: September 8, 1980.

ADDRESSES: Send comments to: Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: James F. Marten, Assistant Chief Counsel, Economic Development Administration, (202) 377-5441.

SUPPLEMENTARY INFORMATION: This rule makes three minor revisions to the following regulations:

1. Section 305.65 is amended to correct a reference in paragraph (d)(9). EDA amended § 305.65 to add a new paragraph (d) on June 10, 1980 (45 FR 39244). Paragraph (d)(9) of that amendment mistakenly refers to "requirements set forth in section 314". This paragraph should have referred to "requirements set forth in Part 314 of this chapter".

2. 13 CFR 309.4 is amended to delete paragraph (c)(1). This regulation for the most part sets forth certain statutory restrictions on funding projects which involve electric and gas facilities. Section 704(e) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3214), generally prohibits EDA from extending financial assistance for projects involving the generation, transmission or distribution of electrical energy, or for projects involving the production or transmission of gas. EDA may fund such projects if they meet one of the two statutory exceptions afforded by paragraphs (e)(1) and (e)(2) of section 704 (see paragraphs (a)(2) and (b)(2) of § 309.4).

If a project meets one of these statutory exceptions, paragraph (c)(1) of § 309.4 restricts EDA from providing grant assistance beyond 50% of the eligible costs. This 50% limitation of § 309.4 is based on administrative considerations, not because of any statutory provision. Based on its experience with the 50% limitation, EDA has determined that the limitation penalizes such projects unnecessarily. Accordingly, EDA is deleting paragraph (c)(1) of § 309.4. EDA will determine grant rates for such projects in the same manner as any other project and as set forth in 13 CFR 305.5.

3. 13 CFR 315.23 is amended by deleting subsection (f) which requires petitioners under the Trade Adjustment Assistance program to submit requests for withdrawal of petitions in writing. Under the Trade Adjustment Assistance program, certain firms adversely affected by imports may petition for certification of eligibility to apply for adjustment assistance under that program. Section 315.23 sets forth the procedures for processing petitions for certification. Subsection (f) of this section requires firms which wish to withdraw their petitions to submit their requests in writing. In order to facilitate the administration of the program, this rule deletes the requirement that such requests be in writing.

EDA has reviewed the rule with respect to the provisions of Executive Order 12044 on improving regulations and has determined that it is not a "significant regulation" under the criteria of that Order. Since EDA does not anticipate this rule to be a matter of controversy or of great public interest, EDA is publishing the rule in interim form. In order to provide an opportunity to participate in the rulemaking, EDA will not publish these regulations in final for at least 60 days. EDA invites interested persons and organizations to submit written comments to the Assistant Secretary at the above address. EDA will consider all comments before publishing these regulations in final.

Accordingly, EDA amends § 305.65, § 309.4, and § 315.23 as follows:

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

1. Section 305.65(d)(9) is revised to read as follows:

§ 305.65 Land, easements, and rights-of-way as eligible costs.

* * * * *

(d) * * *

(9) the requirements of Part 314 of this chapter will be met.

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

2. 13 CFR 309.4 is amended by deleting paragraph (c)(1) as follows:

§ 309.4 Electric and gas facilities.

* * * * *

(c) * * *

(1) [Deleted]

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

3. 13 CFR 315.23(f) is amended to read as follows:

§ 315.23 Acceptance of petitions.

* * * * *

(f) *Withdrawal of petitions.* A petition may be withdrawn by a petitioner if a request is received by TACD before a decision under § 315.30 of this part is made on the petition. A petitioner who withdraws a petition may submit a new petition at any time thereafter in accordance with the requirements of this section.

(Sec. 701, Pub. L. 89-136, 42 U.S.C. 3211; Sec. 262, Pub. L. 93-618, 19 U.S.C. 2352; Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: July 2, 1980.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-20561 Filed 7-8-80; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

15 CFR Part 377

Commodity Group Transfer for Petroleum Coke

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: A final rule which removed validated license requirements for the export of petroleum coke, both calcined and uncalcined, was published in the Federal Register on June 22, 1979 (44 FR 36375). Although validated export licenses are no longer required for the export of petroleum coke, exports of this commodity were intended to be covered by General License *G-NNR* and, if the conditions of this General License could not be met, such exports were intended to be subject to validated license control. This rule is issued to accomplish the foregoing by transferring petroleum coke from Petroleum Commodity Group "P" to Petroleum Commodity Group "Q".

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Tel. 202-377-3795).

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that

where practicable "regulations imposing controls on exports" be published in proposed form is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January, 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

Accordingly, Part 377 of the *Export Administration Regulations* (15 CFR Part 368 *et seq.*) is amended as follows:

1. Supplement No. 2 to Part 377 is amended by deleting "Group P" and its corresponding petroleum product information listed under "Petroleum Products Subject to Validated Licensing But Not Quotas."

2. Supplement No. 2 to Part 377 is amended by adding the following petroleum products and information to "Group Q", "Petroleum Products Subject to Provisions of either § 371.16 or § 377.6(d)(6):"

517.5120—Petroleum coke, calcined, S. Ton
521.3150—Petroleum coke, except calcined, S. Ton

(Secs. 13, 15 and 21, Pub. L. 96-72, (to be codified at 50 U.S.C. App. 2401 *et seq.*); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); and International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980))

Dated: July 2, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-20460 Filed 7-8-80; 8:45 am]

BILLING CODE 3510-25-M

---

15 CFR Part 390

Revision of Regulations Concerning Technical Advisory Committees

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule amends provisions in the *Export Administration Regulations* concerning Technical Advisory Committees. It amends the address to which requests for records are to be sent, and provides for automatic termination of membership for any member absent from four consecutive committee meetings. These revisions are made in order to conform the Regulations to practices prescribed by the Charters of the Technical Advisory Committees and by Department and International Trade Administration Administrative Orders.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230, Telephone: (202) 377-5247 or 377-4811.

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form.

On August 28, 1978, the Assistant Secretary for Administration rechartered the six Technical Advisory Committees authorized under section 5(c) of the Export Administration Act of 1969, as amended. Each new charter included a provision that a Committee member who is absent from four consecutive meetings will automatically terminate his membership. This provision was added to help maintain an active committee by replacing non-participating members. This rule amends the *Export Administration Regulations* to include this provision.

Because of the increase in the volume of records available to the public, the Department has decentralized its records inspection facilities. This rule also amends the *Export Administration Regulations* to include the address of the facility that now maintains records of Technical Advisory Committee meetings.

Accordingly, Part 390 of the *Export Administration Regulations* (15 CFR Part 390) is amended as follows:

A final sentence is added to § 390.1(b)(6), and § 390.1(h)(3) is revised to read as follows:

§ 390.1 Advisory committees.

* * * * *

(b) * * *

(6) * * * The membership of a member who is absent from four consecutive committee meetings shall be terminated automatically.

* * * * *

(h) * * *

(3) Minutes of those portions of technical advisory committee meetings open to the public may be requested by telephone from the Office of Export Administration, (202) 377-2583. All other requests for records should be addressed to: Freedom of Information Records Inspection Facility, International Trade Administration, U.S. Department of Commerce, Room 3012, Washington, D.C. 20230.

Rules concerning the use of the ITA Freedom of Information Records Inspection Facility are contained in Part 4 Subtitle A, Title 15, Code of Federal Regulations, or may be obtained from the International Trade Administration Freedom of Information Officer at the above address.

* * * * *

(Secs. 15 and 21, Pub. L. 96-72, 93 Stat. 503, to be codified at 50 U.S.C. App. 2401, *et seq.*; Department Organization Order 10-3, 45 FR 6141 (January 25, 1980); and Department Organization Order 41-1, 45 FR 11862 (February 22, 1980))

Dated: July 2, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-20461 Filed 7-8-80; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5240/R60]

Tolerances for Pesticides in Animal Feeds; Thiabendazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR Part 561 by establishing a feed additive tolerance for thiabendazole (2-(4-thiazolyl)-benzimidazole). This amendment to the regulations was requested by Merck & Co. This rule establishes maximum permissible levels for residues of the fungicide in or on rice hulls.

EFFECTIVE DATE: Effective on July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202/755-2562).

SUPPLEMENTARY INFORMATION: Notice was published in the Federal Register of October 24, 1979 (44 FR 61248) that Merck & Co., had filed a feed additive petition (FAP 9H5240). The petition proposed that 21 CFR 561.380 be amended by establishing tolerances for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on the animal feed rice bran and polishings at 2.5 parts per million (ppm) and rice hulls at 8 ppm. At the same time Merck & Co. submitted a pesticide petition (PP 9F2261) proposing that 40 CFR 180.242 be amended by permitting residues of the fungicide thiabendazole in or on the raw agricultural commodities rice at 2.5 ppm and rice straw at 10 ppm (44 FR 61248) as the result of application of the fungicide to growing rice plants. No comments were received in response to these notices of filing.

Merck & Co. subsequently amended the petition by deleting the proposed tolerances for thiabendazole in or on the animal feed rice bran and polishings at 2.5 ppm. They also amended their petition (PP 9F2216) by deleting the tolerance for the raw agricultural commodity rice at 2.5 ppm; and by increasing the tolerance in or on rough rice to 3 ppm. A related document establishing tolerances for residues of the subject fungicide in or on the raw agricultural commodities rice straw at 10 ppm and rough rice at 3 ppm appears elsewhere in today's Federal Register. Established tolerances in eggs, milk, meat, and poultry will be adequate to cover secondary residues as delineated in 40 CFR 180.6(a)(2). A proposed rule was published June 18, 1980 (45 FR 41157) in which Merck & Co. proposed establishing a tolerance for residues of thiabendazole in or on the animal feed rice hulls at 8 ppm. No comments were received in response to the proposed rule.

The scientific data considered in support of the tolerance included two-year rat and dog-feeding studies, rat and mouse reproduction studies, a lifetime carcinogenic study in mice, and subacute studies in rats, sheep, and other farm animals. Based on a rat study, the no-observable effect level is 10 milligrams (mg)/kilogram (kg)/day. This results in an allowable daily intake of 0.1 mg/kg/day and a maximum permissible intake of 6 mg/day for a 60-kg person. Existing and proposed tolerances result in a maximum theoretical exposure of 1.377 mg/day for a 60 kg person, which represents 22.94 percent of the ADI.

Tolerances have previously been established for residues of thiabendazole in or on a variety of raw agricultural commodities, ranging from 0.1 to 10 ppm. Both the chronic feeding study in the rat and the mouse were performed under a protocol considered adequate for carcinogenic potential evaluation. These studies do not provide any evidence that thiabendazole is a presumptive carcinogenic risk. Thus the Agency considers that the 8 ppm tolerance in rice hulls is adequate to protect the public health. An adequate analytical method (spectrophotofluorometry) is available to enforce the tolerance established by this amendment. There are no other actions currently pending against this tolerance. No actions are currently pending against registration of the subject fungicide, nor are any other considerations necessary in establishing the tolerance.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may 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 (92 Stat. 819 (7 U.S.C. 136)).

Any person adversely affected by this regulation may, on or before August 8, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M Street, SW, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provision of regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objection 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 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 date: July 9, 1980.

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

Dated: July 1, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator of Pesticide Programs.

Therefore, Part 561 of 21 CFR is amended by alphabetically inserting the following feed in § 561.380 to read as follows:

§ 561.380 Thiabendazole.

Feed:	*Part per million*
* * * * *	
Rice, hulls	8
* * * * *	

[FR Doc. 80-20505 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 207

[Docket No. R-80-827]

Mobile Home Parks Insured Under the National Housing Act; Effective Date Change

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; effective date change.

SUMMARY: On June 25, 1980, (45 FR 42604) the Secretary published a final rule in Docket No. R-80-827 which increased the mortgage limits for mobile home courts and parks. The rule stated good cause for making this increase effective as soon as possible and deferred the effective date twenty session days in compliance with the legislative review requirements of Section 7(o)(3) of the Department of HUD Act. As provided in Section 7(o)(4) of the Act, the Secretary has now obtained agreement from the Chairmen and Ranking Minority Members of both Banking Committees to waive the deferral of the effective date.

EFFECTIVE DATE: The effective date of the rule is therefore being advanced to July 9, 1980.

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

Issued at Washington, D.C., July 2, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 80-20512 Filed 7-8-80; 9:15 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7705]

Income Tax; Taxable Years Beginning After Dec. 31, 1953; Unemployment Compensation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the taxation of unemployment compensation. Changes to the applicable law were made by the Revenue Act of 1978 and the Technical Amendments Act of 1979. The regulations would provide the public with the guidance needed to comply with those Acts and would affect all taxpayers who receive unemployment compensation under a governmental unemployment compensation plan.

DATE: The regulations are effective for taxable years beginning after December 31, 1978.

FOR FURTHER INFORMATION CONTACT: John G. Schmalz of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3432, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 1979, the Federal Register published proposed amendments to the Income Tax Regulations [26 CFR Part 1] under section 85 of the Internal Revenue Code of 1954 [44 FR 75183]. The amendments were proposed to prescribe rules and regulations for the taxation of unemployment compensation received by certain taxpayers under certain governmental unemployment compensation plans. Although no public hearing was requested, one written comment was received which related to the proposed rules. Several other comments were received which questioned certain public policy decisions made by Congress when it enacted section 85. After consideration of the comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. The preamble to the notice of proposed rulemaking summarizes and explains the proposed amendments.

Fraudulently Received Unemployment Compensation

One comment was received concerning the taxation of fraudulently received unemployment compensation. The commentator suggested that the regulations under section 85 of the Internal Revenue Code make it clear that no amount of unemployment compensation received as a result of a claimant's fraud will be exempt from taxation. Since this suggestion is consistent with the Service's position, a provision has been added to the proposed regulations stating that all amounts of fraudulently received unemployment compensation are taxable without regard to any limitation in section 85 of the Internal Revenue Code.

Other Comments

Other comments were not adopted as they suggested changes that conflicted with express statutory provisions.

Additional Information

These regulations are needed to guide the public and government employees responsible for the administration of section 85.

The preceding parts of the preamble evidence Service consideration of the public comments and respond to the issues raised by these comments. Evaluation of the effectiveness of the regulations after issuance will be based on comments received from offices within the Internal Revenue Service and the Treasury Department, other governmental agencies, State and local governments, and the public.

To a certain extent, section 6050B of the Internal Revenue Code of 1954 will require additional reporting and recordkeeping by payers of unemployment compensation, *i.e.*, certain payers will be required to report to the Service the amount of their payment along with other information and will also be required to provide the recipient with a Form 1099 UC.

Drafting Information

The principal author of this regulation was John G. Schmalz of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

After careful consideration, the proposed amendments to the regulations are adopted subject to the addition of the following new provision:

Paragraph (c) of § 1.85-1 as set forth in the notice of proposed rulemaking is changed by redesignating paragraph (c)(2) as paragraph (c)(3) and adding after paragraph (c)(1) a new paragraph (c)(2) to read as set forth below.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: June 25, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

Amendments to the Regulations

The amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Immediately after § 1.83-8, there is added the following new section:

§ 1.85-1 Unemployment compensation.

(a) *Introduction.* Section 85 prescribes rules relating to the inclusion in gross income of unemployment compensation (as defined in paragraph (b)(1) of this section) paid in taxable years beginning after December 31, 1978 pursuant to governmental programs. In general, these rules provide that unemployment compensation paid pursuant to governmental programs is includible in the gross income of a taxpayer if the taxpayer's modified adjusted gross income (as defined in paragraph (b)(2) of this section) exceeds a statutory base amount (as defined in paragraph (b)(3) of this section). If there is such an excess, however, the amount included in gross income is limited under paragraph (c)(1) of this section to the lesser of one-half of such excess or the amount of the unemployment compensation. If such taxpayer's modified adjusted gross income does not exceed the applicable statutory base amount, none of the unemployment compensation is included in the taxpayer's gross income.

(b) *Definitions*—(1) *Unemployment compensation*—(i) *General rule.* Except as provided in paragraph (b)(1)(iii) of this section, the term "unemployment compensation" means any amount received under a law of the United States, or of a State, which is in the nature of unemployment compensation. Thus, section 85 applies only to unemployment compensation paid pursuant to governmental programs and does not apply to amounts paid pursuant to private nongovernmental unemployment compensation plans (which are includible in income without regard to section 85). Generally,

unemployment compensation programs are those designed to protect taxpayers against the loss of income caused by involuntary layoff. Ordinarily, unemployment compensation is paid in cash and on a periodic basis. The amount of the payments is usually computed in accordance with formula based on the taxpayer's length of prior employment and wages. Such payments, however, may be made in a lump sum or other than in cash or on some other basis.

(ii) *Disability and worker's compensation payments.* Amounts in the nature of unemployment compensation also include cash disability payments made pursuant to a governmental program as a substitute for case unemployment payments to an unemployed taxpayer who is ineligible for such payments solely because of the disability. Usually these disability payments are paid in the same weekly amount and for the same period as the unemployment compensation benefits to which the unemployed taxpayer otherwise would have been entitled. Amounts received under workmen's compensation acts as compensation for personal injuries or sickness are not amounts in the nature of unemployment compensation. See section 104(a)(1) relating to the exclusion from gross income of such amounts.

(iii) *Employee contributions to a governmental plan.* If a governmental unemployment compensation program is funded in part by an employee's contribution which is not deductible by the employee, an amount paid to such employee under the program is not to be considered unemployment compensation until an amount equal to the total nondeductible contributions paid by the employee to such program has been paid to such employee.

(iv) *Examples of governmental unemployment compensation programs.* Governmental unemployment compensation programs include (but are not limited to) programs established under:

(A) A State law approved by the Secretary of Labor pursuant to section 3304 of the Internal Revenue Code of 1954.

(B) Chapter 85 of Title 5, United States Code, relating to unemployment compensation for Federal employees generally and for ex-servicemen.

(C) Trade Act of 1974, sections 231 and 232 (19 U.S.C. 2291 and 2292).

(D) Disaster Relief Act of 1974, section 407 (42 U.S.C. 5177).

(E) The Airline Deregulation Act of 1978 (49 U.S.C. 1552(b)).

(F) The Railroad Unemployment Insurance Act, section 2 (45 U.S.C. 352).

(2) *Modified adjusted gross income.* The term "modified adjusted gross income" means the sum of the following amounts:

(i) Adjusted gross income (as defined in section 62);

(ii) All disability payments of the type that are eligible for exclusion from gross income under section 105(d); and

(iii) All amounts of unemployment compensation (as defined in paragraph (b)(1) of this section).

(3) *Base amount.* The term "base amount" means—

(i) $25,000 in the case of a joint return under section 6013.

(ii) Zero in the case of a taxpayer who—

(A) Is married (within the meaning of section 143) at the close of the taxable year,

(B) Does not file a joint return for such taxable year, and

(C) Does not live apart (as defined in paragraph (b)(4) of this section) from his or her spouse at all times during the taxable year.

(iii) $20,000 in the case of all other taxpayers.

(4) *Living apart.* A taxpayer does not "live apart" from his or her spouse at all times during a taxable year if for any period during the taxable year the taxpayer is a member of the same household as such taxpayer's spouse. A taxpayer is a member of a household for any period, including temporary absences due to special circumstances, during which the household is the taxpayer's place of abode. A temporary absence due to special circumstances includes a nonpermanent absence caused by illness, education, business, vacation, or military service.

(c) *Limitations*—(1) *General rule.* If for a taxable year, a taxpayer's modified adjusted gross income does not exceed the applicable statutory base amount, no amount of unemployment compensation is included in gross income for the taxable year. If there is such an excess, the taxpayer includes in gross income for the taxable year the lesser of the following:

(i) One-half of the excess of the taxpayer's modified adjusted gross income over such taxpayer's base amount, or

(ii) The amount of unemployment compensation.

(2) *Exception for fraudulently received unemployment compensation.* If a taxpayer fraudulently receives unemployment compensation under any governmental unemployment compensation program, then the entire amount of such fraudulently received unemployment compensation must be included in the taxpayer's gross income for the taxable year in which the benefits were received. Thus, the limitation in section 85 and in paragraph (c)(1) of this section, does not apply to such amounts.

(3) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). H and W are married taxpayers who for calendar year 1979 file a joint income tax return. During 1979 H receives $4,500 of disability income that is eligible for an exclusion under section 105(d). W works for part of 1979 and receives $20,000 as compensation and also receives $5,000 of unemployment compensation in 1979. Assume that H and W's adjusted gross income is $20,000. The modified adjusted gross income of H and W is $29,500 ($4,500 + $20,000 + $5,000). Since their modified adjusted gross income ($29,500) is greater than their base amount ($25,000), some of the unemployment compensation received by W must be included in their gross income on their 1979 joint income tax return. Under paragraph (c)(1) of this section, of the $5,000 which is unemployment compensation, the lesser of $2,250 (($29,500—$25,000)÷2) or $5,000 must be included in their gross income. Thus, $2,250 of the $5,000 received by W in 1979 is included in the gross income of H and W on their joint income tax return for 1979.

Example (2). Assume the same facts in example (1) except H received $5,000 of disability income that is eligible for an exclusion under section 105(d) and W receives $28,000 as compensation, and $4,000 which is unemployment compensation. Assume that H and W's adjusted gross income is $28,000. The modified adjusted gross income of H and W is $37,000 ($4,000 + $28,000 + $5,000). Since their modified adjusted gross income ($37,000) is greater than their base amount ($25,000), all of the unemployment compensation received by W must be included in their gross income on their 1979 joint income tax return. Under paragraph (c)(1) of this section, of the $4,000 which is unemployment compensation, the lesser of $6,000 (($37,000—$25,000)÷2) or $4,000 must be included in their gross income. Thus, all of the $4,000 unemployment compensation received by W is included in the gross income of H and W on their joint income tax return for 1979.

(d) *Cross reference.* See section 6050B, relating to the requirement that every person who makes payments of unemployment compensation aggregating $10 or more to any individual during any calendar year file an information return with the Interal Revenue Service.

Par. 2. Immediately after § 1.6050-1, there is added the following new section:

§ 1.6050B-1 Information returns by person making unemployment compensation payments.

For taxable years beginning after December 31, 1978, every person who makes payments of unemployment

compensation (as defined in section 85 (c)) aggregating $10 or more to any individual during any calendar year shall file a Form 1099UC in accordance with the instructions to such form.

[FR Doc. 80-20526 Filed 7-8-80; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 359

[DoD Directive 5105.22]

Defense Logistics Agency; Amendments No. 1 and 2

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: These amendments expand policy guidelines on shelf-life item management for the Defense Logistics Agency (Amendment No. 1) and on automatic data-processing resources (Amendment No. 2).

EFFECTIVE DATES: Amendment No. 1, 4/2/80; Amendment No. 2, 6/4/80.

FOR FURTHER INFORMATION CONTACT: Mr. A. Ehlers, Director, Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, Telephone: 202-695-6281.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-20929 appearing in the Federal Register on July 28, 1978 (43 FR 32759), the Office of the Secretary of Defense published its charter for the Defense Logistics Agency. The following are two amendments to the charter.

PART 359—DEFENSE LOGISTICS AGENCY

Accordingly, 32 CFR, Chapter I, Part 359, is amended as follows:

Section 359.5 is amended as follows:

1. By revising paragraph (j); and

2. By adding a new paragraph (u) and redesignating the existing paragraph (u) as (v).

Section 359.5 now reads as follows:

§ 359.5 Functions.

* * * * *

(j) *Automatic Data-Processing Resources.* Under the policy guidance of the Assistant Secretary of Defense (Comptroller) (ASD(C)):

(1) Administer the Defense program for reutilization/redistribution of excess Government-owned or leased automatic data processing equipment (ADPE).

(2) Assume responsibilities for the development, implementation, and management of a Defense ADP Sharing Program.

(3) Act as the ASD(C) executive agent for management of the ADP/MIS.

(4) Expand the capabilities of the ADP Resource Management System (ARMS) to provide necessary management information and visibility of ADP resources within the Department of Defense.

* * * * *

(u) *Shelf-Life Item Management.* (1) Administer the DoD Shelf-Life Item Management Program.

(2) Review and evaluate the operation of the DoD Shelf-Life Item Management Program and recommend policy changes, as appropriate.

(3) Provide a DoD Shelf-Life Item Management Program Evaluation Report to the ASD(MRA&L) not less frequently than once each year.

(v) Such other functions as may be assigned by the ASD(MRA&L).

* * * * *

(10 U.S.C. Chapter 4)

M. S. Healy,

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

July 2, 1980.

[FR Doc. 80-20432 Filed 7-8-80; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Big Thicket National Preserve, Texas; Establishment of Special Regulations

AGENCY: National Park Service.

ACTION: Final rule.

SUMMARY: The regulations set forth below are necessary for the proper use and management of Big Thicket National Preserve. These regulations have been designed to ensure that hunting, trapping, camping and other visitor use activities are conducted in a manner that will cause minimal damage to the environment and other natural resource values. Further, this action will relax or modify the general regulations currently governing the use and management of units of the National Park System (36 CFR Parts 1 through 4) that are inconsistent with the intent of Congress as expressed in the Act of October 11, 1974, establishing Big Thicket National Preserve.

EFFECTIVE DATE: August 8, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas Lubbert, Superintendent, Big Thicket National Preserve, National Park Service, P.O. Box 7408, Beaumont, Texas 77706, Telephone: 713-838-0271, ext. 373.

SUPPLEMENTARY INFORMATION:

Background

The Act of October 11, 1974 (88 Stat. 1254, 16 U.S.C. 698) established the Big Thicket National Preserve and directed the Secretary of the Interior to administer the Preserve in a manner that will assure its natural and ecological integrity in perpetuity. While the legislation mandated the preservation, conservation and protection of the natural, scenic and recreational values of the Preserve, which is consistent with traditional concepts of National Park Service administration, it also authorized several consumptive uses of resources not generally permitted within units of the National Park System. In order to assure ecological integrity and at the same time accommodate the consumptive use of natural resources, the Secretary is directed to publish such rules and regulations as he deems necessary and appropriate to limit or control the use of or activities on Federal lands and waters.

The general regulations governing the management and use of park areas within the National Park System, found in 36 CFR, Parts 1 through 4, generally prohibit the consumptive use of resources such as hunting and trapping. In order to relax the restrictions imposed by the general regulations and implement and guide the consumptive uses authorized in the enabling legislation, the Service determined that it was necessary to develop special regulations.

The regulations promulgated today are the result of a process that began with the planning and studies that preceded the establishment of the Preserve. The concepts regarding the environmental and socioeconomic impacts described in the Final Environmental Impact Statement have been considered and where appropriate, incorporated into the regulations. During April of 1976, as a part of the Development/Visitor Use Plan, the Service conducted a series of public workshops to discuss the impacts of these regulations on traditional uses of the Preserve.

On January 18, 1977, the National Park Service and the Texas Parks and Wildlife Department reached agreement on the type of hunting that would take place in the Preserve and the seasons for hunting, trapping and fishing.

It was decided that some of the smaller Preserve units and the river and bayou corridors would be closed to

hunting because they are not large enough to support this activity. For visitor safety, as well, especially along the river corridor units, certain units are being closed to trapping and hunting. The only other closures to hunting will occur if threatened or endangered species are found inhabiting a Preserve unit that is open to hunting. The areas that will be open to hunting and trapping comprise approximately 70% of the Preserve's total area (84,500± acres).

The remainder of these regulations, while placing some restrictions on visitors, are necessary to assure the natural and ecological integrity of the Big Thicket National Preserve. They prohibit the possession of firearms at night and camping in, or other overnight occupancy of trailers, motor homes, pickup campers or other wheeled vehicles. They also require that certain sanitation procedures be followed in backcountry areas.

Proposed management and use regulations for Big Thicket National Preserve were published in the Federal Register February 14, 1978 (43 FR 6261). During the 30-day period allowed for public comment, none were received. The regulations adopted today are the same as those proposed in 1978.

Drafting Information

The following individuals participated in the writing of these regulations: Jack Bixby and Carl Fleming, Big Thicket National Preserve, and Carl Christiansen, Gulf Islands National Seashore.

Impact Analysis

The National Park Service has made a determination that the regulations contained in this rulemaking are not significant, as that term is defined in 43 CFR Part 14, nor do they require the preparation of a regulatory analysis pursuant to the provisions of this authority. In addition, the Service had determined that these regulations do not represent a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement.

(Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. § 3); 16 U.S.C. § 698; 245 DM 1 (44 FR 23384); and National Park Service Order No. 77 (38 FR 7478), as amended)

Boyd Evison,

Acting Associate Director, Management and Operations.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, Part 7 of Title 36, Code of Federal Regulations, is amended by adding § 7.85 to read as follows:

§ 7.85 Big Thicket National Preserve.

(a) *Hunting.* Except as otherwise provided in this section, hunting is permitted in accordance with § 2.32 of this chapter.

(1) Hunting is permitted only during designated seasons, as defined for game animals or birds by the State of Texas. During other periods of the year, no hunting is permitted.

(2) During applicable open seasons, only the following may be hunted:

(i) Game animals, rabbits, and feral or wild hogs.

(ii) Game birds and migratory game birds.

(3) The use of dogs or calling devices for hunting game animals or fur-bearing animals is prohibited.

(4) The use or construction of stands, blinds or other structures for use in hunting or for other purposes is prohibited.

(b) *Trapping.* Trapping, for fur-bearing animals only, is permitted in accordance with § 2.32 of this chapter.

(c) *Hunting and Trapping Permits.* In addition to applicable State licenses or permits, a permit from the Superintendent is required for hunting or trapping on Preserve lands. Permits will be available, free of charge, at Preserve headquarters and can be obtained in person or by mail.

(d) *Firearms, Traps, and Other Weapons.* Except as otherwise provided in this paragraph, § 2.11 of this chapter shall be applicable to Preserve lands.

(1) During open hunting or trapping seasons, the possession and use of firearms or other devices capable of destroying animal life is permitted in accordance with § 2.11 of this chapter.

(2) The possession of firearms or other weapons at night, from one hour after sunset to one hour before sunrise is prohibited.

(3) Except as necessary to take legal game the discharge of a firearm is prohibited.

(e) *Camping.* Camping in, or other overnight occupancy of, trailers, motor homes, pickup campers, or other wheeled vehicles is prohibited.

(f) *Backcountry Sanitation.* The following restrictions shall apply to all persons in backcountry areas, which are defined as all areas of the Preserve which are more than 500 yards from any unit boundary or road and more than one-half (½) mile from any developed Preserve facility, other than trail, and those areas of the Preserve which are within 25 feet of the banks of the Neches River.

(1) The possession of food or beverages in glass containers is prohibited.

(2) Except in facilities provided therefor, no person shall urinate or defecate within 25 feet of any stream bank or trail. Fecal material must be placed in a hole and covered with no less than four (4) inches of soil.

[FR Doc. 80-20431, Filed 7-8-80; 8:45 am]
BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1532-4]

Approval and Promulgation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves a revision to Colorado's State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, Paragraph 58.20, Air quality surveillance, plan content.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

SUPPLEMENTARY INFORMATION: On April 28, 1980, EPA proposed for comment in the Federal Register this revision to the Colorado State Implementation Plan. No comments were received.

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

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

Dated: July 2, 1980.

Douglas M. Costle,

Administrator.

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

Subpart G—Colorado

1. Section 52.320(c)(17) is added as follows:

§ 52.320 Identification of Plan.

* * * * *

(c) * * *

(17) On March 4, 1980, the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring 40 CFR Part 58, Subpart C, § 58.20.

[FR Doc. 80-20506 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9F2216/R258; FRL 1535-6]

Pesticide Program; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Thiabendazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the fungicide thiabendazole. The amendment was requested by Merck & Co. This rule establishes maximum permissible levels for residues of thiabendazole on rough rice and rice straw.

EFFECTIVE DATE: Effective on July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202/755-2562).

SUPPLEMENTARY INFORMATION: Notice was published in the Federal Register of October 24, 1979 (44 FR 61248) that Merck & Co., P.O. Box 2000, Rahway, NJ 07065, had filed a pesticide petition (PP 9F2216) with the EPA.

The petition proposed that 40 CFR 180.242 be amended to establish tolerances for residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the raw agricultural commodities rice at 2.5 parts per million (ppm) and rice straw at 10 ppm. No comments were received in response to this notice of filing.

At the same time Merck & Co. submitted a feed additive petition (FAP 9H5240) proposing that 21 CFR 561.380 be amended by permitting residues of the fungicide thiabendazole in or on the animal feed rice bran and polishings at 2.5 ppm and rice hulls at 8.0 ppm(44 FR 61248). (A document establishing a feed additive tolerance appears elsewhere in today's Federal Register).

Merck & Co. subsequently amended this petition by deleting their request for a tolerance for rice at 2.5 ppm, and by increasing the tolerance in or on rough rice to 3 ppm. A proposed rule was published on June 18, 1980 (45 FR 41171). No comments were received in response to this proposed rule.

The scientific data considered in support of the tolerances were two-year rat and dog-feeding studies, rat and mouse reproduction studies, a life time carcinogenic study in mice and subacute studies on rats, sheep, and other farm animals. Based on the rat study, the no-observable-effect level is 10 milligrams (mg)/kilogram (kg)/day. This results in an allowable daily intake of 0.1 mg/kg/day and a maximum permissible intake of 6 mg/day for a 60-kg person. Existing and proposed tolerances result in a maximum theoretical exposure of 1.377 mg/day for a 60-kg person which represent 22.94 percent of the ADI. Tolerances have previously been established for residues of thiabendazole in or on variety of raw agricultural commodities, ranging from 0.1 to 10 ppm.

The chronic feeding studies in the rat and the mouse were performed under a protocol considered adequate for carcinogenic potential evaluation. These studies do not provide any evidence that thiabendazole is a presumptive carcinogenic risk. Thus the Agency considers that the 3 ppm tolerance in rough rice and the 10 ppm tolerance in rice straw are adequate to protect the public health.

An adequate analytical method (spectrophotofluorometry) is available to enforce the tolerances established by this amendment. There are no other actions currently pending against registration of the subject fungicide, nor are any other considerations necessary in establishing the tolerances.

The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2), and there is no reasonable expectation of residues in eggs and poultry (40 CFR 180.6(a)(3)). It has been determined that these tolerances established by amending 40 CFR 180.242 will protect the public health, and it is concluded, therefore, that these tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before August 8, 1980, file written objection with the Hearing Clerk, EPA, Rm M-3708 (A-110), 401 M Street, SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provision of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objection must state the issue 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 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 date: July 9, 1980.

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

Dated: July 1, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.242(a) to read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

(a) Tolerances are established for residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Apples (post-h)	10
Bananas (post-h)	3
Bananas, pulp (post-h)	0.4
Beets, sugar, without tops (pre-h)	0.25
Beets, sugar, tops	10
Citrus fruits (post-h)	10
Pears (post-h)	10
Potatoes (pre & post-h)	3
Rice, rough	3
Rice, straw	10
Soybeans	0.1
Squash, hubbard	1
Wheat grain	0.2
Wheat straw	1

[FR Doc. 80-20504 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 541

[General Order 26: Docket No. 80-23]

Free Time and Demurrage Charges on Export Cargo; Regulations Revoked

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission revokes Part 541 of Title 46, Code of Federal Regulations, which provides for regulation of free time, consolidation time, and demurrage charges on export cargo at the Ports of New York and Philadelphia. Improved

congestion conditions at those ports would appear to have eliminated the necessity for these regulations.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Part 541 of Title 46, Code of Federal Regulations, prescribes regulations governing free time, consolidation time, and demurrage charges at the Ports of New York and Philadelphia. The rules were established following hearings in Docket No. 68-9, *Free Time and Demurrage Charges on Export Cargo,* 13 F.M.C. 207 (1970). Evidence in that proceeding demonstrated that regulations were necessary because of the congested conditions of those ports.

The rules generally provide for a maximum free time period of ten days, with certain cargo being allowed up to 15 days upon request. Provision is also made for restrictions on the time allowed for consolidation of shipments and the assessment of demurrage charges.

The Port Authority of New York and New Jersey and the New York Terminal Conference have petitioned the Commission to rescind Part 541. Petitioners state that the congested conditions giving rise to the rules no longer exist. In the alternative, petitioners request that the coverage of the rules be extended to all Atlantic and Gulf Coast ports because the existence of the rules places them at a competitive disadvantage.

The Commission solicited comment on the proposal to revoke Part 541. We have reviewed these comments and found the majority of the commentators to be in favor of eliminating Part 541. The remaining comments expressed a neutral position. Two comments favored partial revocation only to eliminate the ten day maximum free time restriction. Of these two comments, one felt that the specific ten day prescription should be replaced by wording that would require free time at New York and Philadelphia to be compatible with the free time provisions maintained at other ports in the North Atlantic. The other is concerned that total revocation of Part 541 may result in free time of less than ten days and provide no guarantee that other protections to exporters will be retained. The majority of the comments expressed objection to Petitioners' alternative request that the coverage of the rules be extended to all Atlantic and Gulf Coast ports.

The comments contain no strong objection to the revocation of Part 541. The rule is based on circumstance not in existence today. The modern technique of containerization which started in the late 1960's has replaced much of the traditional bulk-cargo method of delivering small lots of cargo that are assembled at the pier.

Only one comment expressed concern over the possibility of free time periods of less than ten days and the removal of other detailed restrictions, such as, granting an additional five days of free time on consolidated shipments, assessing demurrage against the vessel when it fails to meet its sailing date, assessing first-period demurrage against the vessel in the event of the vessel cancellation, granting of additional free time when loading of cargo is prevented by any factor immobilizing the pier and requiring the piers to issue dock receipts. We are not concerned that the revocation of Part 541 will lead to reinstitution of these practices or others that gave rise to the rule. Carriers and ports have a responsibility to operate in a non-discriminatory manner and specifically to promulgate reasonable regulations and practices for the receipt of cargo. The Commission will continue to monitor free time and demurrage practices to ensure that practices do not offend the requirements of section 16 and 17 of the Shipping Act, 46 U.S.C. 815, 816 (1916).

PART 541—FREE TIME AND DEMURRAGE CHARGES ON EXPORT CARGO [REVOKED]

Now, therefore, *it is ordered,* That, effective July 9, 1980, Part 541 of Title 46, Code of Federal Regulations is rescinded.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-20430 Filed 7-8-80; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF ENERGY

10 CFR Part 600

Assistance Regulations; Cooperative Agreements; Correction to Final Rule

AGENCY: Department of Energy.

ACTION: Correction to Final rule.

SUMMARY: This Notice corrects a typographical error in the Department of Energy (DOE) final rule of Subpart C of the DOE Assistance Regulations published in the Federal Register on July 8, 1980, (45 FR 46044). Subpart C provides the administrative mechanisms necessary for DOE to enter into Cooperative Agreements.

FOR FURTHER INFORMATION CONTACT:

Steve R. Morgan Financial Assistance Policy Branch (PR-212), Procurement and Contracts Management Directorate, US Department of Energy, Washington, DC 20585, Telephone (202) 252-8253.

Robert Broxton Office of General Counsel, AGC for Procurement, US Department of Energy, Washington, DC 20585, Telephone (202) 252-6902.

The correction is as follows: On page 46046, third column, second full paragraph, delete item (2) which reads "any Cooperative Agreement awards made as a result thereof * * *" and renumber item (3) of that paragraph as item (2).

Robert L. Van Ness

Acting Director Office of Policy, Procurement and Contracts Management Directorate.

[FR Doc. 80-20679 Filed 7-8-80; 12:40 pm]

BILLING CODE 6450-01-M

Proposed Rules

Federal Register
Vol. 45, No. 133
Wednesday, July 9, 1980

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

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products

AGENCY: Department of Energy.

ACTION: Notice of Availability of Environmental Assessment and Finding of No Significant Impact; Correction.

SUMMARY: This document corrects the public meeting and hearings' dates listed in the Notice of Availability of Environmental Assessment (FR Doc. 80-19191) that appeared at 45 FR 44086 in the issue of June 30, 1980.

DATES: See Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Smith, Department of Energy, Forrestal Building, Room G-H-065, Mail Station G-H-068, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-9127.

SUPPLEMENTARY INFORMATION: The first full paragraph of the second column on page 44087 now reading "Interested parties should be aware that a public meeting will be held on the Notice of Proposed Rulemaking on July 9, 1980 and that public hearings are scheduled to be held in Washington, D.C. over the period July 21-August 1, 1980 and in Chicago, Illinois over the period August 4-8, 1980. Mr. James A. Smith, whose address is listed above, can provide any additional information desired," is changed to read "Interested parties should be aware that a public meeting will be held on the Notice of Proposed Rulemaking on July 16, 1980 and that public hearings are scheduled to be held in Washington, D.C. over the period August 11-22, 1980 and in Chicago, Illinois over the period August 25-29, 1980. Mr. James A. Smith, whose address is listed above, can provide any additional information desired."

Issued in Washington, D.C., July 2, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-20473 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 430

Energy Conservation Program for Consumer Products

Correction

In FR Doc. 80-19330, appearing at page 43976, Book II, in the issue of Monday, June 30, 1980, please make the following correction:

On page 44023, in the first column, directly under the chart, the following type was omitted:

"The requirement for retention of all test units for up to 120 days for specified basic models will be utilized by DOE generally on a random basis, but may also be required in specific instances where DOE has reason to believe that a manufacturer's statement of compliance on test results are incomplete or inaccurate.

6.5 Enforcement

"DOE will initiate all enforcement test audits by means of a test notice addressed to a manufacturer. The test notice will be mailed or delivered by DOE to an official designated by the manufacturer. The test request will specify the model or basis model selected for testing, the batch selected for testing, the batch sample size, the manufacturers plant or storage facility . . ."

BILLING CODE 1505-01-M

Federal Energy Regulatory Commission

18 CFR Part 260

[Docket No. RM80-56]

Annual Report for Natural Gas Companies (Class A and Class B): Revision of Form No. 2

July 1, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission gives notice that it proposes to revise its annual report, Form No. 2, "Annual Report for Natural Gas Companies (Class A and Class B)" (18 CFR 260.1). The proposed amendments would eliminate certain data elements which the Commission no longer needs to carry out its regulatory functions. The proposed changes are a product of the Commission's ongoing effort to eliminate unnecessary reporting burdens.

DATE: Comments are due by August 29, 1980.

ADDRESS: Comments on this Notice should be addressed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM80-56.

FOR FURTHER INFORMATION CONTACT:

James Kitchen, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 3408N, Washington, D.C. 20426, (202) 357-9212.

Elaine M. Dawson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 3405N, Washington, D.C. 20426, (202) 357-9190.

I. Background

The Federal Energy Regulatory Commission (Commission) is engaged in an ongoing effort to eliminate unnecessary reporting burdens. This rulemaking to amend Form No. 2, "Annual Report for Natural Gas Companies (Class A and Class B)," [1] is part of that effort, and reflects a new evaluation of the data needed by the Commission to carry out its regulatory functions. The proposed revisions for the form should result in a significant reduction in respondent's reporting burdens.*

Form No. 2 collects information annually from natural gas companies. The data primarily include general corporate information; summary financial data; balance sheet supporting data; income statement supporting data;

[1] A Class A natural gas company is one having annual gas operating revenues of $2,500,000 or more. A Class B natural gas company is one having annual gas operating revenues of $1,000,000 or more but less than $2,500,000. These classification criteria have not been examined for this rulemaking; they will, however, be the subject of a separate rulemaking.

* FERC Form No. 2 (Attachment B) is not being printed by the Federal Register. Copies are available in the Office of Public Information.

and gas plant, sales, operating and statistical data.[2]

The Commission has reviewed Form No. 2 in light of its regulatory responsibilities and has determined that it no longer needs certain elements of the data collected. The proposed deletions would cause an estimated 19 percent reduction in the current reporting burden for the form.[3]

The Energy Information Administration (EIA), however, may decide on behalf of itself or other sponsors within the Department of Energy to continue the collection of some data proposed for deletion herein. If EIA should make such a determination during this rulemaking proceeding, the Commission would issue a Final Rule based on this Notice with a delayed effective date. This would provide EIA (or any other potentially interested agency) a period of time in which to justify the need for the data and receive the approval for collection of such data under the agency's own authority.

II. Summary of Revisions

Sixty-two of the schedules in Form No. 2 will not be amended. The following is a brief summary of the Commission's proposed revisions to Form No. 2: [4]

a. Eliminate the requirement for CPA certification of 15 of the 19 schedules presently requiring such certification.

b. Establish specific threshold reporting levels on 13 schedules.

c. Revise the reporting instructions on 17 schedules.

d. Delete entire data columns from 10 schedules.

e. Delete 33 schedules in their entirety.

III. Comment Procedures

The Commission invites interested persons to submit written comments on this proposal. Copies of all comments will be furnished to EIA for its use. The Commission specifically requests that the comments address the following questions:

1. a. Do the proposed revisions or eliminations of data affect any Commission or State regulatory functions?

b. Will State agencies now utilizing this report form in the exercise of their own regulatory responsibilities agree to reduce their reporting requirements concurrently?

2. Is there any reason for continued collection of the data for the purposes of another Federal agency? Suggestions for the continued collection of data which have been proposed for elimination from the present Form No. 2 should identify the proper agency and the basis and purpose for its collection of the data.

3. What cost savings are likely to result from the proposed elimination of the 15 CPA certifications? [5]

4. What are the merits of using a percentage of the year end account balance rather than a selected fixed dollar figure in establishing a threshold for "minor items"?

5. What is the effect of deleting the INDEX from the back of the report form? [6]

Interested persons wishing to comment on this proposal should submit copies of their comments to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 and should refer to Docket No. RM80-56. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, August 29, 1980, will be considered by the Commission prior to promulgation of final regulations. Pursuant to the Federal Reports Act, 44 U.S.C. § 3501-3511, these proposed revisions will be considered by the Office of Management and Budget for clearance.

All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection during regular business hours in the Commission's Division of Public Information, Room 1000, 825 N. Capitol Street NE., Washington, D.C. 20426.

(Natural Gas Act, as amended, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E. O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission proposes to revise Form No. 2, "Annual Report for Natural Gas Companies (Class A and Class B)," prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations as set out in Attachment B.

In addition, in consideration of the foregoing, the Commission proposes to revise Part 260 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Part 260—Statements and Reports (Schedules) is amended in the Table of Contents and in the text of the regulations by revising § 260.1 to read as follows:

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

260.1 FERC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B).

* * * * *

§ 260.1 FERC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B).

(a) The form of Annual Report for Class A and Class B natural gas companies, designated herein as FERC Form No. 2, is prescribed for the year 1980 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act (15 U.S.C. 717, et seq.) which is included in Class A or Class B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall prepare and file with the Commission for the year beginning January 1, 1980, or subsequently during the calendar year 1980, if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated FERC Form No. 2 as are indicated in the general instructions set out in that form, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copies may be carbon copies, if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Control Over Respondent.
Corporations Controlled by Respondent.
Officers.
Directors.
Security Holders and Voting Powers.
Important Changes During the Year.
Comparative Balance Sheet—Statement A.
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion—Statement B.
Statement of Income for the Year—Statement C.

[2] The Commission is authorized to prescribe the reporting requirements of Form No. 2 pursuant to sections 10(a) and 16 of the Natural Gas Act (15 U.S.C. 717-717w).

[3] This is a conservative estimate, in that the information requirements in many of the schedules to be deleted are open-ended. As a result, some responses to these schedules can vary between zero and several hundred lines.

[4] *See* Attachment A for a chart of the proposed revision to Form No. 2. *See* Attachment B for Form No. 2, as revised.

[5] Responses to this question are especially requested from CPA firms.

[6] Form No. 2 contains a list of Schedules at pages iii through v, including the page locations of each schedule. Each of the financial statements (balance sheet and income statement) contains a column for the page number of the statement's supporting schedule.

Statement of Retained Earnings for the Year—Statement D.
Statement of Changes in Financial Position—Statement E.
Nonutility Property.
Accumulated Provision for Depreciation and Amortization of Nonutility Property.
Investments.
Investment in Subsidiary Companies.
Gas Stored.
Prepayments.
Extraordinary Property Losses.
Gas Prepayments Under Purchase Agreements.
Advances for Gas Prior to Initial Deliveries or Commission Certification.
Unamortized Debt Expense, Premium and Discount on Long-Term Debt.
Preliminary Survey and Investigation Charges.
Miscellaneous Deferred Debits.
Unamortized Loss and Gain on Reacquired Debt.
Accumulated Deferred Income Taxes (Account 190).
Capital Stock.
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock.
Other Paid-in Capital.
Discount on Capital Stock.
Capital Stock Expense.
Long-Term Debt.
Securities Issued or Assumed and Securities Refunded or Retired During the Year.
Tax Accrued, Prepaid and Charged During Year.
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.
Miscellaneous Current and Accrued Liabilities.
Other Deferred Credits.
Undelivered Gas Obligations Under Sales Agreements.
Accumulated Deferred Income Taxes (Accounts 281–283).
Investment Tax Credits Generated and Utilized.
Income from Utility Plant Leased to Others.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts.
Regulatory Commission Expenses.
Charges for Outside Professional and other Consultative Services.
Distribution of Salaries and Wages.
Gas Plant in Service.
Gas Plant Leased to Others.
Gas Plant Held for Future Use.
Production Properties Held for Further Use.
Construction Work in Progress and Completed Construction not Classified—Gas.
Accumulated Provisions for Depreciation of Gas Utility Plant.
Gas Operating Revenues.
Sales of Natural Gas by Communities.
Residential and Commercial Space Heating Customers.
Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers.
Field and Main Line Industrial Sales of Natural Gas.
Sales for Resale—Natural Gas.
Revenue from Transportation of Gas of Others—Natural Gas.
Sales of Products Extracted from Natural Gas.
Revenues from Natural Gas Processed by Others.
Gas Operation and Maintenance Expenses.
Number of Gas Department Employees.
Exploration and Development Expenses.
Abandoned Leases.
Gas Purchases.
Exchange Gas Transactions.
Exchange Gas Accounting.
Gas Used in Utility Operations—Credit.
Other Gas Supply Expenses.
Transmission and Compression of Gas by Others.
Miscellaneous General Expenses (Gas).
Construction Overheads—Gas.
General Description of Construction Overhead Procedure.
Depreciation, Depletion, and Amortization of Gas Plant.
Natural Gas Reserves and Land Acreage.
Changes in Estimated Natural Gas Reserves.
Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value.
Natural Gas Production and Gathering Statistics.
Products Extraction Operations—Natural Gas.
Compressor Stations.
Number of Gas and Oil Wells.
Field and Storage Lines.
Gas Storage.
Transmission Lines.
Liquefied Petroleum Gas Operations.
Transmission System Peak Deliveries.
Auxiliary Peaking Facilities.
Gas Account—Natural Gas.
System Maps.
Research, Development, and Demonstration Activities.
Attestation.

BILLING CODE 6450-85-M

PROPOSED REVISIONS - FORM NO. 2

Title	Schedule Page No.	Retain - As is	Retain - Change Threshold	Retain - Revise Instructions	Retain - Delete Columns	Delete Complete Schedule	Explanation
General Instructions	i-ii			X			Instruction 15 - Revise to require CPA certification on only the four basic financial statements, A, C, D, and E.
General Information	101-101A	X					
Control Over Respondent	102	X					
Corporations Controlled by Respondent	103	X					
Officers	104	X					
Directors	105			X			Revise editorially to reflect Order No. 57.
Security Holders and Voting Power	106-107	X					
Important Changes During the Year	108-109	X					
Comparative Balance Sheet - Statement A	110-112				X		Delete column (e). Expand to allow space for reporting account balances previously grouped and detailed on schedules now proposed for deletion.
Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion - Statement B	113	X					
Statement of Income for the Year-Statement C	114-116A			X			Expand to list Accounts 415-418 separately. Delete Instruction 7.
Statement of Retained Earnings for the Year-Statement D	117-117A			X			Revise editorially to reflect Order No. 53.
Statement of Changes in Financial Position-Statement E	118-119	X					
Nonutility Property	201		X				Instruction 5 - Add:(5% of the balance end of year for Account 121).
Accumulated Provision for Depreciation and Amortization of Nonutility Property	201	X					
Investments	202	X					
Investments in Subsidiary Companies	203	X					
Notes and Accounts Receivable	204					X	Move beginning and end of year balances to Schedule 110- Comparative Balance Sheet.
Accumulated Provisions for Uncollectible Accounts - Cr.	204					X	
Receivables from Associated Companies	206					X	Move beginning and end of year balance to Schedule 110 - Comparative Balance Sheet.
Material and Supplies	207					X	Move beginning and end of year balance to Schedule 110 - Comparative Balance Sheet.
Gas Stored	207A			X			Delete Instruction 2 and details for lines 7-11.
Production Fuel and Oil Stocks	209					X	
Prepayments	210			X			Delete instruction 3 and lines 7-11 allow line 6 to report miscellaneous as a group.
Miscellaneous Current and Accrued Assets	210					X	
Extraordinary Property Losses	210	X					
Gas Prepayments Under Purchase Agreements	210A	X					
Advances for Gas Prior to Initial Deliveries or Commission Certification	210B	X					
Unamortized Debt Expense, Premium, and Discount on Long-Term Debt	211	X					
Preliminary Survey and Investigation Charges	212		X				Instruction 3 - Add: (less than $250,000).
Miscellaneous Deferred Debits	214		X				Instruction 3 - Add: (less than $100,000).

PROPOSED REVISIONS - FORM NO. 2

Title	Schedule Page No.	Retain - As Is	Retain - Change Threshold	Retain - Revise Instructions	Retain - Delete Columns	Delete Complete Schedule	Explanation
Deferred Losses From Disposition of Utility Plant	214A					X	
Unamortized Loss and Gain on Reacquired Debt	214B	X					
Accumulated Deferred Income Taxes (190)	214C-D	X					
Capital Stock	215	X					
Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock and Installments Received on Capital Stock	216	X					
Other Paid-in Capital	217	X					
Discount on Capital Stock	218	X					
Capital Stock Expense	218	X					
Long-Term Debt	219	X					
Securities Issued or Assumed and Securities Refunded or Retired During the Year	220	X					
Notes Payable	221					X	Move beginning and end of year balance to Schedule 111 - Comparative Balance Sheet.
Payables to Associated Companies	221					X	Move beginning and end of year balance to Schedule 111 - Comparative Balance Sheet.
Taxes Accrued, Prepaid and Charged During the Year	222-222A	X					
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes	223	X					
Miscellaneous Current and Accrued Liabilities	224		X				Instruction 3 - Add: (less than $100,000).
Customer Advances for Construction	224					X	
Deferred Gains from Disposition of Utility Plant	224A					X	
Other Deferred Credits	225		X				Instruction 3 - Add: (less than $100,000).
Undelivered Gas Obligations Under Sales Agreements	225A	X					
Operating Reserves	226					X	Move beginning and end of year balances to Schedule 111 - Comparative Balance Sheet.
Accumulated Deferred Income Taxes	227-227E	X					
Investment Tax Credits Generated and Utilized	228	X					
Accumulated Deferred Investment Tax Credits	229					X	
Gain or Loss on Disposition of Property	300					X	
Income from Utility Plant Leased to Others	301	X					
Particulars Concerning Certain Other Income Accounts	303					X	Move account amounts for the year to Schedule 116A - Statement of Income for the Year.
Particulars Concerning Certain Income Deduction and Interest Charges Accounts	304		X	X			Instruction 3 - Revise to allow for grouping of items less than $10,000. Move Account 426.4 (and title) to be included in first sentence of Instruction 3.
Expenditures for Certain Civic, Political and related Activities	305					X	
Extraordinary Items	306					X	
Common Utility Plant and Expenses	351					X	
Regulatory Commission Expenses	353-353A		X				Instruction 6 - Add: (less than $25,000).
Charges for Outside Professional and Other Consultative Services	354		X				Instruction 1 and 2 - Revise to report only items in excess of $25,000 for both Class A and B.
Distribution of Salaries and Wages	355-356	X					

PROPOSED REVISIONS - FORM NO. 2

Title	Schedule Page No.	Retain - As is	Retain - Change Threshold	Retain - Revise Instructions	Retain - Delete Columns	Delete Complete Schedule	Explanation
Gas Plant in Service	501-504	X					
Gas Plant Leased to Others	505	X					
Gas Plant Held for Future Use	506		X				Revise Instructions to read $250,000.
Production Properties Held for Future Use	506A		X				Revise Instructions to read $250,000.
Construction Work in Progress and Completed Construction Not Classified - Gas	507		X				Instruction 4 - Add: (less than $500,000).
Accumulated Provision for Depreciation of Gas Utility Plant	508	X					
Accumulated Provision for Amortization and Depletion of Gas Utility Plant:							
Producing Natural Gas Lands and Land Rights	509					X	
Underground Storage Land and Land Rights	510					X	
Other Gas Plant in Service, Gas Plant Leased to Others, and Gas Plant Held for Future Use	511					X	
Abandonment of Leases	512					X	
Gas Plant Acquisition Adjustments and Accumulated Provision for Amortization of Gas Plant Acquisition Adjustments	513					X	
Gas Operating Reserves	514	X					
Unauthorized Overrun Penalties and Waivers of Penalties	515					X	
Sale of Natural Gas by Communities	516-517			X	X		Revise Instructions to report only volumes and operating revenues by State and Class of customer. Delete columns (b), (c), (f), (i), (l) and (o).
Residential and Commercial Space Heating Customers	518	X					
Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers	518	X					
Field and Main Line Industrial Sales of Natural Gas	519-520A	X					
Sales for Resale - Natural Gas	521-522	X					
Interdepartmental Sales - Natural Gas	523					X	
Rent from Gas Property and Interdepartmental Rents	523					X	
Revenue From Transportation of Gas of Others - Natural Gas	524	X					
Sales of Products Extracted from Natural Gas	525	X					
Revenues from Natural Gas Processed by Others	525	X					
Incidental Gasoline and Oil Sales and Other Gas Revenues	526					X	
Gas Operation and Maintenance Expenses	527-532	X					
Number of Gas Department Employees	532	X					
Lease Rental Charged	533A-533I					X	
Exploration and Development Expenses	534	X					
Abandoned Leases	534	X					
Gas Purchases	535-536A			X	X		Revise Instructions to reflect reporting by total for each account and retain only columns (k),(l)&(m).
Exchange Gas Transactions	537	X					
Exchange Gas Accounting	538	X					
Gas Used in Utility Operations - Credit	539	X					
Other Gas Supply Expenses	540	X					

PROPOSED REVISIONS - FORM NO. 2

Title	Schedule Page No.	Retain - As is	Retain - Change Threshold	Retain - Revise Instructions	Retain - Delete Columns	Delete Complete Schedule	Explanation
Transmission and Compression of Gas by Others	541		X	X			Revise instructions and column headings to establish 1 Bcf threshold with lesser amounts allowed to be grouped.
Franchise Requirements	542					X	
Miscellaneous General Expenses (Gas)	543		X				Lines 6 and 8 revise to read $5,000, allowing lesser amounts to be grouped for other expenses.
Construction Overheads - Gas	543				X		Delete column (d).
General Description of Construction Overhead Procedure	544	X					
Depreciation, Depletion and Amortization of Gas Plant	545-546B			X	X		Revise instructions to reflect the deletion of Sections B, page 546, and revisions to Section C - reporting by 6 functions in total, retain only columns (b) and (e).
Natural Gas Reserves and Land Acreage	547-548	X					
Changes in Estimated Natural Gas Reserves	549	X					
Changes in Estimated Hydrocarbon Reserves and Costs	549A-549B	X					
Natural Gas Reserves Available from Purchase Agreements	550-551					X	
Natural Gas Production and Gathering Statistics	552-553B			X	X		Revise Instructions to reflect the deletion of columns (f) through (w). Production area detail.
Products Extraction Operations - Natural Gas	554-555			X	X		Revise Instructions to reflect the deletion of columns (c) through (j), details by plant.
Compressor Stations	556-557	X					
Number of Gas and Oil Wells	558			X			Delete Instruction 5 - regarding other than full owership of wells disclosure.
Field and Storage Lines	559			X	X		Revise Instructions to reflect the deletion of columns (c) through (q), diameter of pipe.
Gas Storage	560-561B			X	X		Revise Instructions to reflect the deletion of columns (c) through(k), details by projects.
Transmission lines	562			X	X		Revise Instructions to reflect the deletion of columns (c) through (q), diameter of pipe.
Manufactured Gas Production Statistics	563					X	
Liquefied Petroleum Gas Operations	564	X					
Transmission System Peak Deliveries	565	X					
Auxiliary Peaking Facilities	566	X					
Gas Account - Natural Gas	568-569	X					
Service Interruptions Occurring on the Pipeline System	570					X	
System Map	571	X					
Research, Development and Demonstration Activities	572-572A	X					
Attestation	573	X					
Index	-					X	

[FR Doc. 80-20454 Filed 7-8-80; 8:45 am]
BILLING CODE 6450-85-C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 7

[CC:LR-159-76]

Income Tax; Exclusion of Certain Disability Payments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the exclusion from gross income of certain disability payments. Changes to the applicable tax law were made by the Tax Reform Act of 1976, the Tax Reduction and Simplification Act of 1977, and the Revenue Act of 1978. The regulations provide guidance to taxpayers and their physicians, and affect taxpayers who receive disability income payments.

DATES: Written comments and requests for a public hearing must be delivered or mailed by September 8, 1980. Except as otherwise provided the amendments are proposed to be effective for taxable years beginning after December 31, 1976.

ADDRESS: Send comments and requests to: Commissioner of Internal Revenue, Attention: CC:LR:T (CC:LR-159-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: John H. Parcell of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 202-566-3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 72, 104, 105, and 106 of the Internal Revenue Code of 1954. These amendments are proposed to reflect the amendment of section 105(d) of the Internal Revenue Code by section 505 of the Tax Reform Act of 1976 (90 Stat. 1566) (as amended by section 301 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 151)) and section 701(c) of the Revenue Act of 1978 (92 Stat. 2899). The amendments are to be issued under the authority of sections 105(d) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1566, 68A Stat. 917; 26 U.S.C. 105(d), 7805) and section 301 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 151).

In general, section 505 of the Tax Reform Act of 1976 repealed the prior sick pay exclusion and substituted a new disability income exclusion of $100 a week. This exclusion is available only to taxpayers under age 65 who have retired on disability and are permanently and totally disabled. In addition, the exclusion is reduced dollar-for-dollar by adjusted gross income (including disability income) in excess of $15,000. The Act also specified circumstances in which certain taxpayers could begin to recover their pension or annuity costs.

Absence From Work On Account of Permanent and Total Disability

Section 105(d)(1) provides that the disability income exclusion applies to certain amounts paid for a period during which an employee is absent from work on account of permanent and total disability. The proposed regulations make it clear that a taxpayer may not claim the exclusion unless the taxpayer is permanently and totally disabled during the period for which payments are made. The proposed regulations also provide that a taxpayer does not qualify for the exclusion after reaching mandatory retirement age. In both cases, the taxpayer does not qualify for the exclusion because the taxpayer is not absent from work on account of permanent and total disability.

Proof of Permanent and Total Disability

Section 105(d)(4) provides that a taxpayer is not considered permanently and totally disabled unless proof is furnished in the form and manner, and at the times, required by the Secretary. The proposed regulations generally require a taxpayer to furnish medical evidence of a physical or mental impairment. They also generally require a taxpayer to furnish a property completed Form 2440 to establish inability to engage in substantial gainful activity. If, however, the Veterans Administration or Social Security Administration has determined that a taxpayer is permanently and totally disabled a special rule applies. Since the standards used by these agencies in determining permanent and total disability are similar to the standard used for tax purposes, the Service generally will accept their decisions as proof of permanent and total disability.

Normally, a taxpayer must furnish proof of permanent and total disability every year. If there is no reasonable probability that a taxpayer's condition will improve, however, the taxpayer is required to furnish proof only once. In addition, taxpayers are not required to resubmit Veterans Administration and Social Security Administration certificates to permanent and total disability. A taxpayer who is not required to furnish proof for a taxable year must show on the Form 2440 for such taxable year that the proof was previously submitted.

Substantial Gainful Activity

Section 105 (d) provides that a taxpayer is permanently and totally disabled if the taxapyer is unable to engage in substantial gainful activity by reason of physical or mental impairment that meets certain conditions. The Temporary Income Tax Regulations under the Tax Reform Act of 1976 provide a definition of substantial gainful activity and examples of the application of this definition in specific factual situations. These proposed regulations generally adopt the definition and examples of the temporary regulations.

Pre-1977 Disability Retirees

In taxable years beginning in 1976 taxpayers who retired before 1977 could elect between the sick pay exclusion of prior law and recovery of pension or annuity costs. The proposed regulations provide rules for making and revoking this election and describe the tax consequences of elections and revocations.

The proposed regulations include a special rule for pre-1977 disability retirees who reached minimum retirement age before the end of 1976 and were not permanently and totally disabled. Prior to the enactment of the Tax Reducation and Simplificlation Act of 1977, these taxpayers were advised that they were not entitled to an exclusion under section 105(d), but could begin recovery of pension or annuity costs without making an election for the taxable year beginning in 1976. However, enactment of that Act allowed these taxpayers to claim the sick pay exclusion for 1976. If such a taxpayer began recovery of pension or annuity costs on the 1976 tax return without making an election and the amount of the recovery exceeds the sick pay exclusion to which the taxpayer was entitled, the proposed regulations provide three alternatives. The taxpayer must (1) make a formal election to begin recovery of pension or annuity costs, (2) amend the 1976 tax return to claim the sick pay exclusion, or (3) reduce the investment in the taxpayer's annuity contract by the amount the recovery of pension or annuity costs exceeds the sick pay exclusion.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations consideration will be given to any written comments that are submitted (preferably six copies) to the

Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

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

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

§ 1.72-4 [Amended]

Paragraph 1. Section 1.72-4(b)(2) is amended as follows:

1. The words "Except as provided in subdivision (v) of this subparagraph," are added at the beginning of paragraph (b)(2)(iv).

2. A new paragraph (b)(2)(v) is added. The added provision reads as follows:

* * * * *

(b) * * *

(2) * * *

(v) In taxable years beginning after December 31, 1975, the annuity starting date of a taxpayer with respect to amounts received through a wage continuation plan within the meaning of §§ 1.105-4(a)(2)(i) and 1.105-7(1) is the date on which such amounts first quality for annuity cost recovery, in accordance with §§ 1.105-8(h)(2) and 1.105-10 (e) and (g). Such amounts cannot so qualify before the date on which the taxpayer begins receiving such amounts as an annuity within the meaning of section 72 (a) and (e). Thus, in the case of a taxpayer described in section 105(d) who begins receiving such amounts as an annuity on July 1, 1979, and elects under section 105(d)(6) not to claim the disability income exclusion for taxable years beginning in 1979 and thereafter, the annuity starting date is July 1, 1979, rather than January 1, 1979. For purposes of this (v), a taxpayer begins receiving amounts through a wage continuation plan on the first day of the first period (whether annual, monthly, weekly, or otherwise) for which the taxpayer receives such amounts. Thus, if a taxpayer receives the first payment through a wage continuation plan on August 15, but the payment is for the month of July, the taxpayer is considered to have begun receiving such payments on July 1.

Par. 2. Section 1.72-15 is changed as follows:

1. Two new sentences are added at the end of paragraph (a).

2. The second sentence of paragraph (b) is revised.

3. The last sentence of paragraph (c)(1) is revised.

4. A new sentence is added immediately before the last sentence of paragraph (e) and the last sentence of paragraph (e) is revised.

5. The introductory language of paragraph (f) is revised, the revised introductory langauage and the existing examples of paragraph (f) are designated paragraph (f)(1), and a new paragraph (f)(2) is added.

6. Paragraph (i)(2) is revised by changing the first sentence and by making grammatical changes.

7. Example (2) of paragraph (i)(6) is revised by making clerical changes in the first sentence, by deleting the words "Thus, on July 1, 1977, B's annuity starting date, his" and substituting in their place three new sentences followed by the words "On January 1, 1977, B's", and by making clerical changes in the last sentence to the material that follows the colon.

8. The last sentence of Example (3) of paragraph (i)(6) is revised.

9. Four new sentences are added at the end of Example (4) of paragraph (i)(6) and grammatical changes are made to the remainder of the example.

10. Example (5) of paragraph (i)(6) is revised by adding four new sentences at the end of (5)(ii), by revising the first sentence of (5)(iii), and by making grammatical changes.

11. A new paragraph (j) is added.

These revised and added provisions read as follows:

§ 1.72-15 Applicability of section 72 to accident or health plans.

(a) *Applicability of section.* This section provides the rules for determining the taxation of amounts received from an employer-established plan which provides for distributions that are taxable under section 72 (or for distributions that are taxable under section 402 (a)(2) or (e), or section 403(a)(2), in the case of lump sum distributions) and which also provides for distributions that may be excludable from gross income under section 104 or 105 as accident or health benefits. For example, this section will apply to a pension plan described in section 401 and exempt under section 501 which provides for the payment of pensions at retirement and the payment of an earlier pension in the event of permanent disability. This section will also apply to a profit-sharing plan described in section 401 and exempt under section 501 which provides for periodic distribution of the amount standing to the account of a participant during any period that the participant is absent from work due to a personal injury or sickness and for the distribution of any balance standing to the account of the participant upon his separation from service. For purposes of this section, the term "contributions of the employee" includes contributions by the employer which were includible in the employee's gross income. For special rules for taxable years ending before January 27, 1975, relating to certain accident or health benefits which were treated as distributions to which section 72 applied, see paragraph (i) of this section. For special rules for taxable years beginning in 1976 that apply to accident and health benefits paid to certain taxpayers who are pre-1977 disability retirees within the meaning of § 1.105-7(h), see paragraph (j) of this section. For rules for taxable years beginning after December 31, 1976, that limit the exclusion under section 105(d) to permanently and totally disabled employees, see § 1.105-8(c).

(b) *General rule.* Section 72 does not apply to any amount received as an accident or health benefit, and the tax treatment of any such amount shall be determined under sections 104 and 105. See paragraphs (c) and (d) of this section, paragraph (d) of § 1.104-1, and §§ 1.105-1 through 1.105-10. Section 72 (or, in the case of certain total distributions, section 402(a)(2) or section 403(a)(2)) does apply to any amount which is received under a plan to which this section applies and which is not an accident or health benefit. See paragraph (e) of this section.

(c) *Accident or health benefits attributable to employee contributions.* (1) If a plan to which this section applies provides that any portion of the accident or health benefits is attributable to the contributions of the employee to such plan, then such portion of such benefits is excludable from gross income under section 104(a)(3) and paragraph (d) of § 1.104-1. Neither section 72 nor section 105 applies to any accident or health benefits (whether paid before or after retirement) attributable to contributions of the employee. Since such portion is excludable under section 104(a)(3), such

portion is not subject to the dollar limitation of section 105(d) and if such portion is payable after retirement of the employee, it is excludable without regard to the provisions of § 1.105–8 (or, in the case of taxable years beginning before January 1, 1977, § 1.105–4) and section 72.

* * * * *

(e) *Other benefits under the plan.* The taxability of amounts that are received under a plan to which this section applies and that are not accident or health benefits is determined under section 72 (or, in the case of certain total distributions, under section 402(a)(2) or section 403(a)(2)) without regard to any exclusion or inclusion of accident or health benefits under sections 104 and 105. For example, the investment in the contract or aggregate premiums paid is determined without regard to the exclusion of any amount under section 104 or 105, and the annuity starting date is determined without regard to the receipt of any accident or health benefits. However, section 105(d) and §§ 1.105–8 and 1.105–10 provide special rules for determining when amounts received through a wage continuation plan by certain disability retirees first qualify for annuity cost recovery. In addition, if any employee contributions are used to provide any accident of health beneftis, the investment in the contract or aggregate premiums paid must be adjusted as provided in paragraph (c)(3) of this section.

(f) *Examples.* (1) The following examples illustrate the principles of this section for taxable years beginning before January 1, 1977:

* * * * *

(2) The following examples illustrate the principles of this section for taxable years beginning after December 31, 1976. For purposes of these examples, assume that the taxpayer receives no disability retirement payments other than those described and that his or her adjusted gross income (determined without regard to section 105(d)) does not exceed $15,000.

Example (1). A is an employee and a participant in a contributory pension plan described in section 401(a) and exempt under section 501(a). The plan provides for payment of a pension when a participant retires at age 65. In addition, the plan provides for payment of an earlier pension when a participant retires on permanent and total disability. In 1978 A, who was age 62, retired on account of permanent and total disability and began receiving a pension of $100 a week under the plan. A had contributed $15,000 to the plan. The plan does not expressly provide that any part of the disability pension is purchased with employee contributions. Therefore, it is presumed that no part of the disability pension that A receives is purchased with A's contributions. The disability pension that A receives is excludable from gross income under section 105(d) if the conditions of that section and § 1.105–8 are satisfied. At the beginning of the taxable year in which A reaches age 65 or for which the right to claim the disability income exclusion is irrevocably waived, these conditions are no longer satisified. Consequently, A can no longer claim the disability income exclusion. Thereafter, the payments are amounts received as an annuity and are taxable under section 72. In the first three years amounts are received as an annuity, A receives payments in excess of A's contributions. Therefore, A excludes all amounts received as an annuity until the amounts received equal A's contributions to the plan ($15,000). Thereafter, all payments received are includible in gross income.

Example (2). B is an employee and a participant in a contributory profit-sharing plan described in section 401(a) and exempt under section 501(a). The plan provides that a participant will be paid the amount in the participant's account at the beginning of the taxable year in which such participant reaches age 65. In addition, the plan provides that a participant who retires on permanent and total disability will be paid $150 a week out of such participant's account. In 1978, B retired on permanent and total disability. At the time of retirement B had contributed $4,000 to the plan and B's employer had contributed $6,000 on B's account. In addition, $5,000 of plan earnings had been allocated to B's account. Assume that $3,000 of such earnings were attributable to employer contributions and $2,000 were attributable to B's contributions. At the time of retirement, the balance in B's account was $15,000 and the amount attributable to employer contributions was $9,000 ($6,000 of employer contributions plus $3,000 of earnings on employer contributions). During 1978, B received 20 weekly payments, or a total of $3,000. The plan did not expressly provide that payments on account of permanent and total disability are to be made from the participant's contributions. Accordingly, it is presumed that the disability payments are not made from B's contributions. Since the weekly payments are made on account of personal injury or sickness and are considered attributable to employer contributions, they generally are includible in gross income under section 105(a). However, under section 105(d), the payments may be excludable from gross income to the extent they do not exceed a weekly rate of $100. Thus, if the conditions of section 105(d) and § 1.105–8 are satisfied, $100 of each weekly payment is excludable from gross income under section 105(d) and the remaining $50 is includible in gross income under section 105(a). Exclusion of part of the payments does not reduce B's investment in the contract or the amount of premiums B is considered to have paid for purposes of any subsequent computations under section 72.

Example (3). The facts are the same as in example (2), except that B received 52 additional weekly payments in 1979. In 1980, B reached age 65 and was paid the amount remaining in the account. In 1979, the first 40 weekly payments (totaling $6,000) that B receives are treated in the manner set forth in example (2). At that point, the payments received by B under the plan ($3,000 in 1978 and $6,000 in 1979) are equal to the employer's contributions plus earnings thereon. Therefore, the 12 remaining payments in 1979 are considered to be distributions of B's contributions plus earnings thereon. Since the total of the remaining payments ($1,800) is less than the amount contributed by B ($4,000), the entire amount of these payments is excludable from B's gross income. For purposes of determining the tax treatment of the lump sum distributed to B in 1980, B's investment in the contract is reduced by $1,800 to reflect the return of contributions in 1979.

* * * * *

(i) *Special rules.* (1) * * *

(2) *Investment in the annuity contract.* A taxpayer described in paragraph (i)(1) of this section shall redetermine his investment in, consideration for, or basis of his annuity contract (hereinafter referred to in this paragraph and paragraph (j) of this section as the "investment in the contract") in accordance with the applicable rules of section 72 and the regulations thereunder and the rules of this paragraph. In making such redetermination the taxpayer's investment in his contract shall be decreased by the excess (if any) of the amount which the taxpayer is entitled to exclude under paragraph (i)(1) of this section over amount which could have been excluded under section 105(d) (subject to the limitations contained in such provision). Such investment in the contract shall be decreased only by the excess of the amount excluded under section 72 in taxable years ending before January 27, 1975, over the amount which could have been excluded under section 105(d) during the same period. For example, the investment in the contract shall not be decreased in the case of an individual who was retired from work on account of injury or sickness for a full taxable year if the amount excluded under section 72 was less than $5,200, since the entire amount could have been excluded under section 105(d). On the other hand, if the amount excluded under section 72 was equal to or greater than $5,200 for a full taxable year, for example, $6,000 for the full taxable year, then $5,200 shall be treated as excluded under section 105(d) and the investment in the contract shall be reduced by $800 ($6,000–$5,200).

* * * * *

(6) *Examples.* * * *

* * * * *

Example (2). B, a calendar year taxpayer, retired because of disability on July 1, 1970, his 58th birthday, receiving $1,000 per month under a plan which qualifies as a wage

continuation plan for purposes of section 105(d) and § 1.105–4. Under the plan, B's initial retirement age is age 60 (July 1, 1972), and his mandatory retirement age is 65 (July 1, 1977). B's consideration for the contract was $25,000. For payments received in 1970 and 1971 B excluded under section 105(d) $2,600 and $5,200, respectively, of the $6,000 (6 × $1,000) and $12,000 (12 × $1,000) received under the plan. For the period January 1, 1972, through June 30, 1972, B excluded an additional $2,600 under section 105(d). For the period July 1, 1972 through December 31, 1972, B excluded under section 72(d)(1) the entire $6,000 in payments received under the plan. Similarly, under section 72(d)(1), B excluded the entire $12,000 in payments received under the plan in 1973, and in 1974 B excluded the remaining $7,000 of his annuity basis. In 1975, B realized that he will be entitled to take full advantage of the exclusion under section 105(d) for periods through June, 30, 1977, when he would reach age 65. B need not file amended returns for 1972, 1973, and 1974, even though the amounts he excluded under section 72(d) exceeded the amount he was entitled to exclude under section 105(d). He must, however, recompute the amount that will be treated as his investment in his annuity contract. Section 105(d) was amended by the Tax Reform Act of 1976, as amended by the Tax Reduction and Simplification Act of 1977. As a result of this change, B is not entitled to an exclusion under section 105(d) after December 31, 1976, because he reached age 65 during the 1977 taxable year. In addition, B's annuity starting date changed from July 1, 1977, to January 1, 1977, as a result of the amendment of section 105(d). On January 1, 1977, B's investment in his annuity contract would be $13,000, recomputed as follows:

B's original investment		$25,000
Less amounts excluded under section 72 to the extent they exceed amounts that would have been excludable during the same period under section 105(d):		
1972 ($6,000 — 2,600)	$3,400	
1973 ($12,000 — 5,200)	6,800	
1974 ($7,000 — 5,200)	1,800	12,000
B's recomputed investment in his annuity contract		13,000

Example (3). Assume the same facts as in example (2) except that B's investment in his annuity contract is $37,000, and he excluded under section 72(b) 16.9 percent, or $2,028, of the $12,000 received per year. Thus, for the period July 1, 1972, through December 31, 1972, B excluded under section 72(b) $1,014 (16.9 percent of $6,000), and $2,028 in both 1973 and 1974. B files amended returns for 1972, 1973 and 1974 claiming the exclusion under section 105(d). Thus, B restored to income $1,014 for 1972, and $2,028 for both 1973 and 1974, claiming $2,600 ($5,200—$2,600) exclusion under section 105(d) for 1972 and a $5,200 exclusion in both 1973 and 1974. Thus, for 1972 B is entitled to an additional exclusion of $1,586 ($2,600—$1,014), and, for both 1973 and 1975, an additional exclusion of $3,172 ($5,200—$2,028). On January 1, 1977, B's investment in the contract is $37,000.

Example (4). C, a calendar year taxpayer, retired because of disability on January 1, 1965, his 58th birthday, receiving payments of $500 per month under a plan which qualifies as a wage continuation plan for purposes of section 105(d) and § 1.105–4. C had contributed $18,000 toward the cost of his annuity contract. Under the plan, C's initial retirement age is age 60 (January 1, 1967) and C's mandatory retirement age is age 70 (January 1, 1977). For taxable years 1965 and 1966, C excluded from gross income under section 105(d) $5,200 of the $6,000 (12×$500) he received from his employer as wage continuation benefits. On January 1, 1967, C began excluding all of the benefits C received in accordance with the rules of section 72(d). Thus, for 1967, 1968 and 1969, C excluded 100 percent of the annuity payments. For his taxable years 1970 through 1973, C included in his gross income all annuity payments. In 1974, C realized that he will be entitled to use the exclusion under section 105(d) through December 31, 1976 (until he reaches age 70). In 1974, C filed a timely claim for refund for his taxable years 1971, 1972 and 1973 (refunds for taxable year 1970 and prior years were barred by the statute of limitations) and continues to claim the exclusion under section 105(d) for 1974, 1975 and 1976. For 1977, C treats January 1, 1977, as the annuity starting date, and treats $15,600 as the investment in the contract. The $15,600 represents the $18,000 original investment in the contract reduced by the excess, $2,400, of the amount excluded under section 72 for 1967, 1968 and 1969 ($18,000) over the amount excludable under section 105(d) ($5,200 × 3) for such years. Section 105(d) was amended by the Tax Reform Act of 1976, as amended by the Tax Reduction and Simplification Act of 1977. This amendment provides that a taxpayer may not claim an exclusion under section 105(d) for a taxable year if the taxpayer reached age 65 before the end of the taxable year. However, this change is generally effective for taxable years beginning after December 31, 1976, so it does not limit the period for which C is entitled to the exclusion. In addition, the amendment does not change C's annuity starting date.

Example (5). * * *

(ii) In 1974, D realized that he will be entitled to use the exclusion provided in section 105(d) until January 1, 1977, when he reaches his mandatory retirement age, and that he improperly applied section 72 to payments received in the years 1967 through 1973. In 1974, D filed a timely claim for refund with respect to section 105(d) wage continuation benefits for 1971, 1972 and 1973 (refunds for taxable year 1970 and prior years were barred by the statute of limitations) and continues to claim the section 105(d) exclusion for 1974, 1975 and 1976. D is entitled to an additional exclusion of $870 ($1,200—$330) for each of the years 1971, 1972 and 1973. Section 105(d) was amended by the Tax Reform Act of 1976, as amended by the Tax Reduction and Simplification Act of 1977. The amendment provides that a taxpayer may not claim an exclusion under section 105(d) for a taxable year if the taxpayer reached age 65 before the end of the taxable year. However, this change is generally effective for taxable years beginning after December 31, 1976, so it does not limit the period for which D is entitled to the exclusion. In addition, the amendment does not change D's annuity starting date.

(iii) D treats January 1, 1977, as the annuity starting date and treats $6,000 as the investment in the contract. The investment in the contract is not reduced, because the amount excluded under section 72(b) for 1967 through 1970 ($330 per year) does not exceed the amount excludable under section 105(d) ($1,200 per year), and the $330 per year excluded for 1971, 1972 and 1973 were restored to the investment in the contract. Therefore, assuming that D would be entitled to exclude 41.3 percent of the payment under the plan if the annuity starting date is January 1, 1977, D would be entitled to exclude $495.60 (41.3 percent of $1,200) per annum.

* * * * *

(j) *Special rules for certain pre-1977 disability retirees who reached initial retirement age before the end of the 1976 taxable year*—(1) *In general.* The Tax Reform Act of 1976 as originally enacted repealed the sick pay exclusion described in § 1.105–7(k) for taxable years beginning after December 31, 1975. However, the Tax Reduction and Simplification Act of 1977 deferred the effective date of the repeal of the sick pay exclusion, permitting taxpayers to claim the exclusion for taxable years beginning in 1976. As a result, a number of taxpayers who were eligible for the sick pay exclusion in the taxable year beginning in 1976 began annuity cost recovery within the meaning of § 1.105–7(c) instead of claiming the sick pay exclusion. Some of these taxpayers relied on Internal Revenue Service instructions and began annuity cost recovery without electing not to claim the disability income exclusion in the manner set forth in § 1.105–10(e)(1) because they reached retirement age within the meaning of § 1.79–2(b)(3) (hereafter referred to as initial retirement age) before the end of the taxable year beginning in 1976. In some cases, the taxpayers excluded more than the sick pay exclusion to which they were entitled. This paragraph does not require recapture of the excess. Instead, the taxpayer may reduce the investment in the contract within the meaning of § 1.72–6 by the amount of the excess. Since taxpayers were entitled to claim the sick pay exclusion in taxable years beginning in 1976, the investment in the contract is reduced only by the amount of the excess.

(2) *Amount excludable.* This (2) provides a special rule for determining the amount excludable by a taxpayer described in § 1.105–10(h)(1). This special rule applies to amounts received by such a taxpayer under a wage continuation plan described in paragraph (a) of this section. In the taxable year beginning in 1976, such a taxpayer may exclude these payments

from income in an amount equal to the greater of—

(i) The amount actually excluded on the taxpayer's original return under section 72(b) or (d), to the extent that amount does not exceed the amount the taxpayer properly could have excluded under section 72(b) or (d) if the taxpayer had elected under § 1.105–10(e) to begin annuity cost recovery; or

(ii) The amount the taxpayer properly could have excluded under section 105(d) for the taxable year.

(3) *Computation of the investment in contract.* In general, a taxpayer described in § 1.105–10(h)(l) (or the surviving annuitant or beneficiary of such a taxpayer) determines the investment in the contract under the generally applicable rules of section 72 and the regulations thereunder. If, for the taxable year beginning in 1976, a taxpayer excludes an amount in excess of the amount permitted by paragraph (j)(2)(ii) of this section in accordance with paragraph (j)(2)(i) of this section, that taxpayer's investment in the contract is reduced by the amount of the excess. For examples of the operation of this rule, see the last two sentences of paragraph (i)(2) of this section.

(4) *Cross references.* (i) See section 72 (b)(4) and § 1.72–4(b) with respect to annuity starting dates.

(ii) See §§ 1.72–8(b) and 1.101–2(a)(2) with respect to treating certain amounts received by a surviving annuitant or beneficiary as employee death benefits.

(iii) See § 1.105–4(a)(3)(i)(B) for the definition of "mandatory retirement age".

(iv) See § 1.72–16(i)(2) for the definition of "investment in the contract".

(v) See § 1.105–10 for special rules applicable to pre-1977 disability retirees and § 1.105–7(h) for the definition of "pre-1977 disability retiree".

(5) *Examples.* The rules in this paragraph (j) are illustrated in the following examples. In each case assume that the taxpayers is a pre-1977 disability retiree as defined in § 1.105–7(h) who is not permanently and totally disabled. Also assume in each case that the taxpayer's initial retirement age is 60 and mandatory retirement age is 70, and that no part of the disability pension is purchased with employee contributions. Finally, assumed that the amounts received under the plan are an ordinary life annuity for the life of the taxpayer. Thus, Table I of § 1.72–9 is used in connection with the computations in the examples.

Example (1). A, a calendar year taxpayer, retired because of disability on July 1, 1975. A received $100 per week ($5,200 per year) under a plan that qualified as a wage continuation plan under section 105(d) and § 1.105–4. A reached initial retirement age of 60 on January 1, 1976. A's investment in the contract was $10,000. A was entitled to claim the sick pay exclusion under section 105(d) in 1975. In 1976, A excluded all amounts received ($5,200) under section 72(d). A did not make the election permitted under § 1.105–10(e)(1) and had not amended his 1976 tax return. In 1976, A property could have excluded $5,200 under either section 72(d) or section 105(d). Accordingly, the exclusion claimed by A is permitted under paragraph (j)(2) of this section and A's investment in the contract is not reduced on account of the exclusion claimed in 1976 because the exclusion claimed does not exceed the amount A properly could have excluded under section 105(d). Therefore, A's investment in the contract on January 1, 1977, is $10,000.

In 1977, A may not claim the disability income exclusion because A is not permanently and totally disabled. However, if A makes the election described in § 1.105–8(k), A may exclude all amounts received in 1977 under section 72(d). In such a case, A may exclude the remaining investment in the contract of $4,800 ($10,000–$5,200) on the income tax return for 1978.

Example (2). Assume the same facts as in example (1) except that A's investment in the contract is $3,000. In 1976, A excluded $3,000 under section 72(d) and included in income $2,200 ($5,200–$3,000). A may file an amended return for 1976 claiming the exclusion under section 105(d). In that case, A would restore to income the $3,000 excluded under section 72(d), but would exclude $5,200 under section 105(d). Thus, A is entitled to an additional exclusion of $2,200 ($5,200–$3,000). On January 1, 1977, A's investment in the contract is $3,000.

Example (3). B, a calendar year taxpayer, retired on disability on January 1, 1975. B received $250 per week ($13,000 per year) under a plan that qualified as a wage continuation plan under section 105(d) and § 1.105–4. B reached initial retirement age of 60 on January 1, 1976. B's investment in the contract was $30,000. B was entitled to claim the sick pay exclusion under section 105(d) in 1975. In 1976, B excluded all amounts received ($13,000) under section 72(d). B did not make the election permitted under § 1.105–10(e)(1) and has not amended the 1976 income tax return. In 1976, B properly could have excluded $13,000 under section 72(d) or $5,200 under section 105(d). Accordingly, the exclusion claimed is permitted under paragraph (j)(2) of this section. However, the exclusion claimed exceeds the amount B properly could have excluded under section 105(d). Under the special rule of paragraph (j)(3) of this section, B's investment in the contract is reduced by the excess of $7,800 ($13,000–$5,200). Thus, B's investment in the contract on January 1, 1977 is $22,200 ($30,000–$7,800). In 1977, B may not claim the disability income exclusion because B is not permanently and totally disabled. However, if B makes the election described in § 1.105–8(k), B may exclude the $13,000 received in 1977 under section 72(d). In 1978, B may exclude the remaining investment in the contract of $9,200 ($22,200–$13,000).

Example (4). Assume the same facts as in example (3) except that B's investment in the contract is $40,000. Assume further that with an investment in the contract of $40,000 and an annuity starting date of January 1, 1976, B would be entitled to exclude 16.9 percent or $2,197 per year under section 72(b). With the same investment in the contract and an annuity starting date of January 1, 1977, B would be entitled to exclude 17.6 percent or $2,288 per year under section 72(b). In 1976, B excluded 16.9 percent of the $13,000 received ($2,197) under section 72(b). B may file an amended return for 1976 claiming the exclusion under section 105(d). In that case, B would restore to income the $2,197 excluded under section 72(b), but would excluded $5,200 under section 105(d). Thus, B would be entitled to an additional exclusion of $3,003 ($5,200–$2,197) and B's investment in the contract would be restored to its original level of $40,000. If B then made the election described in § 1.105–8(k) for 1977 and subsequent years, B's annuity starting date would be January 1, 1977 and B would be entitled to exclude $2,288 each year under section 72(b).

Example (5). Assume the same facts as in example (3) except that B's investment in the contract is $100,000. In 1976, B excluded 42.3 percent of the $13,000 received ($5,499) under section 72(b). B did not make the election permitted under § 1.105–10(e)(1) and has not amended the 1976 income tax return. In 1976, B properly could have excluded $5,499 under section 72(b) or $5,200 under section 105(d). Accordingly, the exclusion claimed is permitted under paragraph (j)(2) of this section. However, the exclusion claimed exceeds the amount B properly could have excluded under section 105(d). Under the special rule of paragraph (j)(3) of this section, B's investment in the contract is reduced by $299 on account of the exclusion claimed in 1976. This is the amount by which the exclusion claimed exceeds the amount B properly could have excluded under section 105(d) ($5,499–$5,200). Thus, B's investment in the contract on January 1, 1977 is $99,701 ($100,000–$299). If B makes the election described in § 1.105–8(k) for 1977 and subsequent years, B's annuity starting date would be January 1, 1977. In that case, B would be entitled to exclude 43.8 percent of the payments under the plan, or $5,694 each year.

§ 1.104–1 [Amended]

Par. 3. Section 1.104–1 is amended by deleting the number "1.105–5" in the last sentence of paragraph (b) and the next-to-last sentence of paragraph (d) and substituting in its place the number "1.105–10."

§ 1.105–3 [Amended]

Par. 4. Section 1.105–1 is amended by deleting the number "1.105–5" in the fifth sentence of paragraph (a) and substituting in its place the number "1.105–10".

§ 1.105–2 [Amended]

Par. 5. Section 1.105–2 is amended by deleting the sentence "See § 1.105–4."

and substituting in its place the sentence "See §§ 1.105–4 and 1.105–7 through 1.105–10".

Par. 6. Paragraph (a)(1) of § 1.105–4 is amended by adding three new sentences at its end. The revised paragraph (a)(1) reads as follows:

§ 1.105–4 Wage continuation plans.

(a) *In general.* (1) Subject to the limitations provided in this section, section 105(d) provides an exclusion from gross income with respect to amounts referred to in section 105(a) which are paid to an employee through a wage continuation plan and which constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness. However, except as otherwise provided, the rules of this section apply only in taxable years beginning before January 1, 1977. For rules applicable in subsequent years see §§ 1.105–7 through 1.105–10. Sections 1.105–7 and 1.105–10 also contain definitions and special rules applicable in taxable years beginning in 1976.

* * * * *

Par. 7. New §§ 1.105–7 through 1.105–10 are added after § 1.105–6. The added provisions are set forth below.

§ 1.105–7 Disability income exclusion—definitions and special rules.

(a) *Applicability.* The definitions and special rules contained in this section apply for purposes of subsection 105(d), this section and §§ 1.105–8 through 1.105–10.

(b) *Age 65.* A taxpayer reaches age 65 on the day of the taxpayer's 65th birthday. Thus, a taxpayer whose 65th birthday occurs on January 1, 1978, is not considered to reach age 65 during 1977 for purposes of the disability income exclusion. This differs from the rule applied for purposes of the exemption for age and the credit for the elderly. For those purposes, a taxpayer is considered to reach age 65 on the day before the taxpayer's 65th birthday.

(c) *Annuity cost recovery.* The term "annuity cost recovery" means the exclusion from gross income under the rules of section 72 (b) or (d) of any part of amounts received by a taxpayer as an annuity.

(d) *Disability retirement payments.* The term "disability retirement payments" means wages or payments in lieu of wages paid to a disability retiree through a wage continuation plan.

(e) *Disability retiree.* The term "disability retiree" means an employee who retired on disability.

(f) *Mandatory retirement age.* The term "mandatory retirement age" means mandatory retirement age as defined in § 1.105–4(a)(3)(i)(B).

(g) *Minimum retirement age.* The term "minimum retirement age" means the age at which a taxpayer would be eligible to receive a pension or annuity without regard to disability.

(h) *Pre-1977 disability retires.* The term "pre-1977 disability retiree" means a taxpayer who—

(1) Retired before January 1, 1977;

(2) Retired on disability;

(3) Did not reach mandatory retirement age before January 1, 1976; and

(4) Was permanently and totally disabled on January 1, 1976, or January 1, 1977, or was entitled to claim the sick pay exclusion on December 31, 1975, or December 31, 1976.

(i) [Reserved].

(j) *Retired and retired on disability.* An employee is "retired" if the employee has ceased active employment in all respects. An employee is "retired on disability" if the employee retired because of a disability under a disability provision of a plan for employees. In addition, an employee who has actually ceased active employment in all respects because of a disability is retired on disability even though the employee has not yet gone through formal retirement procedures as, for example, where an employer carries the disabled employee in a non-retired status under the disability provisions of the plan solely for the purpose of continuing the employee's eligibility for certain employer-provided fringe benefits. An employee also may be treated as retired on disability immediately after ceasing employment even though accumulated "sick leave" or "annual leave" must be used before the employee is formally placed in disability retirement status. Finally, an employee is treated as retired on disability if the employee meets the conditions of § 1.105–6(a).

(k) *Sick pay exclusion.* The term "sick pay exclusion" means the exclusion that was permitted under the rules of section 105(d) that were in effect prior to the amendment of that section by the Tax Reform Act of 1976. These rules are set forth in § 1.105–4.

(l) *Wage continuation plan.* The term "wage continuation plan" means a wage continuation plan described in § 1.105–4(a)(2)(i). For purposes of this defiition, an employee who is absent from work on account of permanent and total disability is considered absent on account of personal injury or sickness.

§ 1.105–8 Disability income exclusion.

(a) *Scope.* This section prescribes the tax treatment of amounts received by a taxpayer through a wage continuation plan in taxable years beginning after December 31, 1976.

(b) *In general.* The disability income exclusion of section 105(d) is a limited exclusion from gross income of certain disability retirement payments. In general, the disability income exclusion permits employees who retired on disability and meet certain requirements as to permanent and total disability, age, etc. to exclude limited amounts of disability retirement payments from gross income. This exclusion applies in taxable years beginning after December 31, 1976. It replaces the less restrictive sick pay exclusion, which applied in earlier taxable years. For rules relating to the sick pay exclusion, see §§ 1.105–4 and 1.105–6.

(c) *Amounts qualifying for the disability income exclusion.* Subject to the limitations of paragraphs (e) and (f) of this section, amounts received by a taxpayer through a wage continuation plan qualify for the disability income exclusion if all of the following conditions are satisfied:

(1) The amounts are attributable to a period after the taxpayer retired within the meaning of § 1.105–7(j).

(2) The taxpayer retired on disability within the meaning of § 1.105–7(j).

(3) The taxpayer did not reach age 65 within the meaning of § 1.105(b) before the end of the taxable year in which such amounts were received.

(4) The taxpayer did not irrevocably waive the right to claim the disability income exclusion by making an election described in paragraph (k) of this section that applies to the taxable year in which such amounts were received.

(5) The taxpayer was permanently and totally disabled within the meaning of paragraph (j) of this section at the time of retirement.

(6) The amounts are accident or health insurance for personal injuries or sickness.

(7) The amounts are wages or payments in lieu of wages.

(8) The amounts are attributable to a period during which the taxpayer was permanently and totally disabled within the meaning of paragraph (j) of this section.

(9) The amounts are attributable to a period during which the taxpayer was not performing any services (including services that are not substantial gainful activity within the meaning of § 1.105–9 (c)) at the taxpayer's usual place of employment for the employer paying such amounts.

(10) The amounts are attributable to a period during which the taxpayer would have been at work but for the permanent and total disability.

(11) The amounts are attributable to a period before the taxpayer reached mandatory retirement age within the meaning of § 1.105-7(f).

(d) *Special rules*—(1) *Applicable period.* Paragraph (c) of this section provides that amounts received by a taxpayer under a wage continuation plan do not qualify for the disability income exclusion unless they are attributable to a period during which certain conditions are satisfied. Thus, amounts earned during a period when the taxpayer was performing services at the taxpayer's usual place of employment do not qualify for the disability income exclusion even though received when the taxpayer is no longer performing such services. Similarly amounts attributable to a period when the taxpayer was not permanently and totally disabled or had reached mandatory retirement age do not qualify for the disability income exclusion. For purposes of this section, the period to which an amount is attributable is determined by reference to the provisions of the wage continuation plan under which the amount is paid, and the contract, statute, or regulation that provides the terms of employment.

(2) *Time of receipt.* For purposes of this section, an amount is considered received in the taxable year in which such amount would have been includible in income under the taxpayer's method of accounting if section 105(d) did not apply.

(3) *Wages or payments in lieu of wages.* For purposes of this section, the provisions of a wage continuation plan determine whether amounts received by a taxpayer under such plan are wages or payments in lieu of wages.

(4) *Armed forces.* A member of the armed forces who retired under chapter 61 of title 10, United States Code (retirement or separation for physical disability) may exclude disability retirement payments under section 104 (a)(4) to the extent prescribed in § 1.104-1(e). If only some of such a taxpayer's disability retirement payments are excludable under section 104(a)(4), the remainder of his or her payments may qualify for the disability income exclusion.

(e) *Limitations applicable to the disability income exclusion*—(1) *In general.* The disability income exclusion is subject to the following limitations:

(i) For any week, the exclusion cannot exceed the lesser of the weekly rate of disability retirement payments or a weekly rate of $100. See paragraph (e)(3) of this section for a rule that prorates the maximum weekly exclusion when disability retirement payments are received for a partial week.

(ii) For any taxable year, the amount otherwise excludable is reduced by the amount (if any) by which the taxpayer's adjusted gross income, determined without regard to the disability income exclusion, exceeds $15,000. Thus, the exclusion cannot exceed, for a taxable year, the total amount otherwise excludable for the taxable year reduced, dollar for dollar, by the amount by which the taxpayer's adjusted gross income (determined without regard to the disability income exclusion) exceeds $15,000. See paragraph (f)(2)(ii) of this section for the application of this rule to joint returns.

(2) *Weekly rate.* The weekly rate of disability retirement payments is determined in accordance with the following rules:

(i) *Weekly pay period.* If the benefits are paid on a weekly basis, the weekly rate is the weekly amount of such payments.

(ii) *Biweekly pay period.* If the benefits are paid on a biweekly basis, the weekly rate is one-half of the biweekly amount of such payments.

(iii) *Semimonthly pay period.* If the benefits are paid on a semimonthly basis, the weekly rate is the semimonthly amount of such payments multiplied by 24 and divided by 52.

(iv) *Monthly pay period.* If the benefits are paid on a monthly basis, the weekly rate is the monthly amount of such payments multiplied by 12 and divided by 52.

(v) *Other basis.* If the benefits are paid on any other basis, the weekly rate is the annual rate at which such benefits are paid divided by 52.

(vi) *Two or more plans.* If the benefits are paid under two or more wage continuation plans (whether or not maintained by the same employer) the weekly rate is the sum of the weekly rates for all plans.

(3) *Partial weeks.* A taxpayer may receive disability retirement payments for a period of less than a week if the benefits are not paid on the basis of a weekly period. Even if the benefits are paid on the basis of a weekly period, a taxpayer may receive disability retirement payments for a period of less than a week if the taxpayer begins disability retirement, reaches mandatory retirement age, or dies after the first day of the weekly period. The amount of the exclusion for a partweek period is determined as follows:

(i) Divide the lesser of the weekly rate of disability retirement payments or $100 by the number of days the taxpayer worked in a normal week before his or her retirement to determine the daily exclusion.

(ii) Multiply the daily exclusion determined under paragraph (e)(3)(i) of this section by the number of days in the partweek period that correspond to days of the week on which the taxpayer normally worked before the taxpayer's retirement.

(f) *Additional rules applicable to married taxpayers.* (1) A taxpayer who is married at the close of a taxable year must file a joint return to claim the disability income exclusion unless the taxpayer and the taxpayer's spouse lived apart at all times during the taxable year. If a taxpayer is married at the close of a taxable year, but the taxpayer and the taxpayer's spouse lived apart for the entire taxable year, the taxpayer may claim the exclusion on either a joint or separate return.

(2) The following rules apply for purposes of paragraph (f)(1) of this section:

(i) The marital status of a taxpayer is determined under section 143 and § 1.143-1.

(ii) Spouses are not considered to be living apart for any period during which they are members of the same household. An individual is considered a member of a household for any period during which the household is the individual's place of abode. In addition, an individual is considered a member of a household during the temporary absences due to special circumstances. A nonpermanent failure to occupy a household as an abode by reason of illness, education, business, vacation, or military service is considered a temporary absence due to special circumstances.

(3) In the case of married taxpayers filing a joint return, the disability income exclusion is subject to the following rules:

(i) For any week each spouse's exclusion cannot exceed the lesser of that spouse's weekly rate of disability payments or $100. Thus, if only one spouse receives disability retirement payments, the maximum exclusion allowable on a joint return would be $100 per week. However, if both spouses receive disability retirement payments, the maximum exclusion allowable on their joint return would be $200 per week.

(ii) For any taxable year, the amount otherwise excludable is reduced by the amount by which the total adjusted gross income of both spouses, determined without regard to the disability income exclusion, exceeds $15,000. This rule applies whether the exclusion is claimed by one or both spouses.

(4) In the case of a married taxpayer who is not required to file a joint return

to claim the disability income exclusion and who files a separate return, the amount of the disability income exclusion is determined under paragraph (e) of this section. The amount of the exclusion is determined without regard to the adjusted gross income of the taxpayer's spouse or any exclusion to which the spouse is entitled.

(g) *Examples.* The following examples illustrate the operation of paragraphs (e) and (f) of this section. The taxpayers in these examples use the cash receipts and disbursements method of accounting and file returns on a calendar year basis. Before their retirement on disability, the taxpayers normally worked Monday through Friday.

Example (1). Taxpayer A received disability retirement payments qualifying for the exclusion in 1977. A received advance monthly payments of $300 on the first day of each month beginning November 1, 1977. A was unmarried and had other income of $12,000 during 1977. A's weekly rate of disability retirement payments is $69.23 computed as follows: 12 times $300 divided by 52.

Since the weekly rate of disability retirement payments is less than $100 and A's adjusted gross income determined without regard to the disability income exclusion ($12,000+$600) is less than $15,000, A may exclude the $600 of disability retirement payments received in 1977.

Example (2). The facts are the same as example (1) except that A received advance monthly payments of $500 rather than $300. A's disability income exclusion for 1977 is $880 computed as follows:

(1) Period for which disability retirement payments received:	
Full weeks	8 weeks
Part weeks (Nov. 1–4)	4 days
(2) Weekly rate of disability retirement payments: $\frac{12 \times \$500}{52}$	$115.38
(3) Lesser of weekly rate of disability retirement payments or $100	$100
(4) Daily exclusion: $100/5	$20
(5) Exclusion: (8 × $100) + (4 × $20)	$880

Since A's adjusted gross income determined without regard to the disability income exclusion does not exceed $15,000, A may exclude the full amount determined above.

Example (3). Taxpayer B received disability retirement payments qualifying for the exclusion in 1977. B was entitled to receive advance monthly payments of $1,000 on the first day of each month, beginning September 1, 1977, but did not receive any payments until January 1978. B received a payment of $5,000 in January 1978 ($1,000 each for the months of September, October, November, and December 1977, and $1,000 for the month of January 1978) and, during the remainder of 1978, received payments of $1,000 on the first day of each month. B was unmarried and had no other income during 1978. B's disability income exclusion for 1978 is $5,940 computed as follows:

(1) Period for which disability retirement payments received:	
In 1978	52 weeks
In 1977 (Sep. 1–2)	2 days
(Sep. 5–Dec. 30)	17 weeks
Total	69 weeks 2 days
(2) Weekly rate of disability retirement payments: $\frac{12 \times \$1,000}{52}$	$230.77
(3) Lesser of weekly rate of disability retirement payments or $100	$100
(4) Daily exclusion: $100/5	$20
(5) Exclusion determined without regard to reduction for adjusted gross income in excess of $15,000: (69 × $100) + (2 × $20)	$6,940
(6) Adjusted gross income determined without regard to disability income exclusion	$16,000
(7) Amount by which $16,000 exceeds $15,000	$1,000
(8) Disability income exclusion for 1978: ($6,940–$1,000)	$5,940

Example (4). C and D are married taxpayers who live together during 1979. Both C and D receive disability retirement payments qualifying for the exclusion during 1979. C receives advance weekly payments of $100 each Monday and D receives advance monthly payments of $650 on the first day of each month. C has no other income in 1979, but D receives interest income of $10,000. C and D may claim the disability income exclusion for 1979 if they file a joint return. The amount of the exclusion is $2,420 computed as follows:

Taxpayer C:	
(1) Period for which disability retirement payments received:	
In 1979 (Jan. 1–Dec. 28)	52 weeks
(Dec. 31)	1 day
In 1980 (Jan. 1–4)	4 days
Total	53 weeks
(2) Lesser of weekly rate of disability retirement payments or $100	$100
(3) Exclusion determined without regard to reduction for adjusted gross income in excess of $15,000; 53 × $100	$5,300
Taxpayer D:	
(4) Period for which disability retirement payments received:	
Full week	52 weeks
Part weeks	1 day
(5) Weekly rate of disability retirement payments: $\frac{12 \times \$650}{52}$	$150
(6) Lesser of weekly rate of disability retirement payments or $100	$100
(7) Daily exclusion: $100/5	$20
(8) Exclusion determined without regard to reduction for adjusted gross income in excess of $15,000: (52 × $100) + (1 × $20)	$5,220
Combined Exclusion:	
(9) Total exclusion determined without regard to reduction for adjusted gorss income in excess of $15,000: $5,300 + $5,220	$10,520
(10) Adjusted gross income determined without regard to disability income exclusion: (53 × $100) + (12 × $650) + $10,000	$23,100
(11) Amount by which $23,100 exceeds $15,000	$8,100
(12) Disability income exclusion for 1979: ($10,520–$8,100)	$2,420

(h) *Amounts not qualifying for the disability income exclusion*—(1) *Accident or health insurance.* Except as provided in paragraph (h)(2) of this section (relating to annuity cost recovery), amounts paid to a taxpayer through a wage continuation plan are includible in gross income under section 105(a) and § 1.105–1 if they are accident or health insurance for personal injuries or sickness and are not excludable under section 105(d) because—

(i) The amounts exceed the limitations of paragraph (e) or (f) of this section;

(ii) The amounts are atttributable to a period before the taxpayer retired within the meaning of § 1.105–7(j);

(iii) The taxpayer was not permanently and totally disabled within the meaning of paragraph (j) of this section at the time of retirement;

(iv) The amounts are not wages or payments in lieu of wages;

(v) The amounts are attributable to a period during which the taxpayer was not permanently and totally disabled within the meaning of paragraph (j) of this section;

(vi) The amounts are attributable to a period during which the taxpayer was performing services at the taxpayer's usual place of employment for the employer paying such amounts; or

(vii) The amounts are attributable to a period during which the taxpayer would not have been at work even if not permanently and totally disabled.

(2) *Annuity.* Except as provided in § 1.105–10(g), amounts paid to a taxpayer under a wage continuation plan qualify for annuity cost recovery if they are attributable to a period after the taxpayer retired within the meaning of § 1.105–7(j), and—

(i) The taxpayer did not retire on disability within the meaning of § 1.105–7(j);

(ii) The taxpayer irrevocably waived the right to claim the disability income exclusion by making an election described in paragraph (k) of this section that applies to the taxable year in which such amounts were received;

(iii) The amounts are attributable to a period after the taxpayer reached mandatory retirement age within the meaning of § 1.105–7(f);

(iv) The taxpayer retired on disability within the meaning of § 1.105–7(j), was permanently and totally disabled within the meaning of paragraph (j) of this section at the time of retirement, and reached age 65 within the meaning of § 1.105–7(b) before the end of the taxable year in which such amounts were received; or

(v) The taxpayer retired on disability within the meaning of § 1.105–7(j), was not permanently and totally disabled within the meaning of paragraph (j) of this section at the time of retirement, and reached minimum retirement age within the meaning of § 1.105–7(g) before the period to which such amounts are attributable.

(i) [Reserved].

(j) *Permanent and total disability*—(1) *In general.* Permanent and total disability is the inability to engage in any substantial gainful activity by

reason of any medically determinable physical or mental impairment that—

(i) Can be expected to result in death;

(ii) Has lasted for a continuous period of not less than 12 months; or

(iii) Can be expected to last for a continuous period of not less than 12 months.

(2) *Proof.* An individual is not considered permanently and totally disabled unless proof of the disability is furnished in the form and manner prescribed by the Secretary. Section 1.105-9 (a) and (b) prescribes rules relating to the proof of permanent and total disability.

(3) *Cross reference.* See § 1.105-9(c) for additional information relating to substantial gainful activity.

(k) *Election.* The election not to claim the disability income exclusion is an irrevocable waiver of the right to claim the exclusion in the taxable year for which the election is made and each taxable year thereafter. The election is made by means of a statement attached to the taxpayer's income tax return (or amended return) for the taxable year in which the taxpayer wishes to begin annuity cost recovery. The statement shall show that the taxpayer meets the conditions of paragraph (c) (1), (2), (3), (5), and (11) of this section. It shall also state that the taxpayer irrevocably waives the right to claim the disability income exclusion for that taxable year and each taxable year thereafter. The election cannot be made for any taxable year beginning before January 1, 1977.

(1) *Cross references.* (1) See § 1.72-15 for additional rules relating to the tax treatment of amounts received by a taxpayer through a wage continuation plan.

(2) See § 1.122-1(c)(2) for rules relating to certain reduced uniformed services retirement pay.

(3) See § 1.122-1(c)(3) for rules relating to a waiver by a member or former member of the uniformed service of part of the member's disability retirement payments in favor of a pension or compensation receivable under the laws administered by the Veterans Administration (38 U.S.C. 3105).

(4) See § 1.105-10 for special rules relating to the tax treatment of disability retirement payments received by taxpayers who are pre-1977 disability retirees within the meaning of § 1.105-7(h).

(5) See § 1.104-1 for rules relating to the tax treatment of amounts received through accident and health insurance that are neither (i) attributable to contributions by the employer that were not includible in the gross income of the employee, nor (ii) paid by the employer.

§ 1.105-9 Permanent and total disability.

(a) *Proof of permanent and total disability—generally—*

(1) *General rule.* A determination of permanent and total disability is made on the basis of all the facts and circumstances.

(2) *Medical evidence and certification required.* Except as provided in paragraph (b) of this section (relating to certain governmental certificates), a taxpayer is not considered permanently and totally disabled for purposes of § 1.105-8 (c) unless the taxpayer furnishes—

(i) Medical evidence of physical or mental impairment meeting the conditions of paragraph (a)(6), (7), (8), (9), and (10) of this section; and

(ii) A properly completed Form 2440.

(3) *Effect of required medical evidence and Form 2440.* Ordinarily, a taxpayer who furnishes the medical evidence and Form 2440 required by paragraph (a) (2) of this section is considered permanently and totally disabled for purposes of § 1.105-8 (c) for the period to which such medical evidence and Form 2440 relate. However, see paragraph (a) (5) of this section for an exception to this general rule.

(4) *When required.* Ordinarily, a taxpayer must submit the medical evidence and Form 2440 required by paragraph (a)(2) of this section with each income tax return on which the disability income exclusion is claimed. However, if the taxpayer furnishes medical evidence that indicates there is no reasonable probability that the taxpayer's condition will improve, such medical evidence also relates to subsequent taxable years. In such cases, the taxpayer is not required to furnish medical evidence with income tax returns for subsequent taxable years. However, the taxpayer must show on the Form 2440 for such taxable years that previously furnished medical evidence indicates there is no reasonable probability that the taxpayer's condition will improve. In addition, a copy of such previously furnished medical evidence must be retained in the taxpayer's records.

(5) *Clearly inconsistent facts and circumstances.* Even though a taxpayer furnishes the medical evidence and Form 2440 required by paragraph (a) (2) of this section, such a taxpayer is not permanently and totally disabled for purposes of § 1.105-8 (c) for any period during which the facts and circumtances are clearly inconsistent with the existence of permanent and total disability. The facts and circumstances are clearly inconsistent with the existence of permanent and total disability for periods during which the taxpayer is engaged in substantial gainful activity. In addition, the facts and circumstances generally are clearly inconsistent with the existence of permanent and total disability for periods before and after a period during which a taxpayer is engaged in substantial gainful activity if there is no evidence of a change in the taxpayer's condition.

(6) *Medical evidence-form.* The medical evidence of physical or mental impairment required by paragraph (a) (2) of this section must be in one of the following forms:

(i) A report signed by a qualified physician who is identified by name and address. For purposes of paragraph (a) (6), (7), (8), (9), and (10) of this section, the term "physician" means a person who is a physician for purposes of the Social Security Act. See section 1101 (a)(7) of the Social Security Act. (42 U.S.C. 1301 (a) (7)) for inclusion of osteopathic practitioners within such meaning.

(ii) A copy or summary of medical records of a hospital or other medical care facility or a governmental agency. The accuracy of the copy or summary must be certified by the custodian of such records or by a person authorized to do so by a governmental agency.

(7) *Medical evidence-identification of impairment.* The medical evidence of physical or mental impairment required by paragraph (a) (2) of this section must include an identification by a qualified physician of one or more physical or mental impairments of the taxpayer.

(8) *Medical evidence-duration of impairment.* The medical evidence required by paragraph (a) (2) of this section must include the opinion of a qualified physician that the impairment (or combination of impairments) satisfies one of the following conditions:

(i) It can be expected to result in death.

(ii) It has lasted for a continuous period of at least 12 months.

(iii) It can be expected to last for a continuous period of at least 12 months.

(iv) There is no reasonable probability that it will improve.

(9) *Medical evidence-severity of impairment.* The medical evidence required by paragraph (a) (2) of this section must include the opinion of a qualified physician that the impairment (or combination of impairments) satisfies one of the following conditions:

(i) It is a listed impairment within the meaning of paragraph (a) (11) (i) of this section.

(ii) It is the medical equivalent of a listed impairment within the meaning of paragraph (a)(11)(ii) of this section.

(10) *Medical evidence-period for which impairment satisfies duration and severity conditions.* The medical evidence required by paragraph (a)(2) of this section must include the following additional conclusions:

(i) Unless the taxpayer furnished the information required by paragraph (a)(2) of this section with the income tax return for a previous taxable year, the opinion of a qualified physician that the conditions of paragraph (a) (8) and (9) of this section were satisfied on the date of the taxpayer's retirement.

(ii) The period during which, in the opinion of a qualified physician, the conditions of paragraph (a) (8) and (9) have been satisfied.

(iii) Unless, in the opinion of a qualified physician, there is no reasonable probability that the taxpayer's condition will improve, the period during which the conditions of paragraph (a) (8) and (9) are expected to be satisfied.

(11) *Listed impairment and medical equivalent.* (i) A listed impairment is a physical of mental impairment that is described in the Listing of Impairments in Appendix 1 to 20 CFR part 404, Subpart P (relating to rights and benefits based on disability under Federal Old-Age, Survivors, and Disability Insurance). The rules and definitions in 20 CFR 404.1517 (relating to listing of impairments in appendix) are to be applied in determining whether an impairment is described in the Listing of Impairments.

(ii) An impairment is the medical equivalent of a listed impairment only if the medical findings for the impairment are at least equivalent in severity and duration to the medical findings for a listed impairment. An opinion that an impairment is the medical equivalent of a listed impairment must be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques.

(12) *Taxable years beginning before January 1, 1980.* A taxpayer who satisfies the requirements of A–13 of 26 CFR 7.105–1 revised as of April 1, 1979 (relating to proof of permanent and total disability) for a taxable year beginning before January 1, 1980, is considered to satisfy the requirements of this section for such taxable year. In addition, such a taxpayer is not required to furnish the statement described in paragraph (a)(10)(i) of this section.

(b) *Proof of permanent and total disability-certain governmental certificates*—(1) *Exception for certain governmental certificates.* Paragraph (a)(2) does not apply in the case of a taxpayer who furnishes a certificate of permanent and total disability meeting the conditions of paragraph (b)(6) of this section.

(2) *Effect of certain governmental certificate of permanent and total disability.* Ordinarily, a taxpayer who furnishes a certificates of permanent and total disability meeting the conditions of paragraph (b)(6) of this section is considered permanently and totally disabled for purposes of § 1.105–8(c). However, see paragraph (b) (3), (4), and (5) of this section for exceptions to this general rule.

(3) *Revoked certificates.* Paragraph (b)(2) of this section does not apply with respect to a certificate of permanent and total disability for periods after such certificate has been revoked by the governmental agency that issued the certificate.

(4) *Certificates not based on inability to engage in substantial gainful activity.* (i) Paragraph (b) (2) of this section does not apply with respect to a certificate of permanent and total disability that meets the conditions of paragraph (b) (6) of this section, but is not based on a determination that the taxpayer is unable to engage in any substantial gainful activity.

(ii) A certificate of permanent and total disability described in paragraph (b) (4) (i) of this section is evidence of permanent and total disability for purposes of § 1.105–8 (c) and is taken into account together with all other facts and circumstances in determining whether the taxpayer is permanently and totally disabled for purposes of § 1.105–8 (c).

(iii) An example of a certificate of permanent and total disability described in paragraph (b) (4) (i) of this section is a Veterans Administration certificate of permanent and total disability that is based solely on blindness or loss of limb. An additional example of such a certificate is a Social Security Administration certificate of permanent and total disability that is based on a determination that the taxpayer is disabled as defined in 20 CFR 404.1501 (a) (1) (ii) or 20 CFR 404.1501 (b) (1) (ii) (both relating to determinations of disability with respect to individuals who are statutorily blind).

(5) *Clearly inconsistent facts and circumstances.* Even though a taxpayer furnishes a certificate of permanent and total disability meeting the conditions of paragraph (b) (6) of this section, such a taxpayer is not permanently and totally disabled for purposes of § 1.105–8 (c) for any period during which the facts and circumstances are clearly inconsistent with the existence of permanent and total disability. The facts and circumstances are clearly inconsistent with the existence of permanent and total disability for periods during which the taxpayer is engaged in substantial gainful activity. In addition, the facts and circumstances generally are clearly inconsistent with the existence of permanent and total disability for periods before and after a period during which a taxpayer is engaged in substantial gainful activity if there is no evidence of a change in the taxpayer's condition.

(6) *Certificate of permanent and total disability.* (i) A Veterans Administration certificate of permanent and total disability must be executed by a person authorized by the Veterans Administration to do so. It must state that the records of the Veterans Administration show the taxpayer's permanent total disability as defined in 38 CFR 3.340 (relating to total and permanent total disability ratings and employability) or 38 CFR 3.342 (relating to permanent and total disability ratings for pension purposes) since the applicable date. In addition, it must state whether the determination is based solely on blindness or loss of limb.

(ii) A Social Security Administration certificate of permanent and total disability must be executed by a person authorized by the Social Security Administration to do so. It must state that the records of the Social Security Administration show the taxpayer's disability as defined in 20 CFR 404.1501 (a) (1) (relating to disability defined for disability benefits) or 20 CFR 404.1501 (b) (1) (relating to disability defined for period of disability) since the applicable date. In addition, it must state whether it is based on a determination that the taxpayer is disabled as defined in 20 CFR 404.1501 (a) (1) (ii) or 20 CFR 404.1501 (b) (1) (ii) (both relating to determinations of disability with respect to individuals who are statutorily blind).

(iii) In the case of any other governmental agency the certificate of permanent and total disability must be executed by a person authorized by such agency to do so and must contain such information as the Commissioner may prescribe.

(iv) The applicable date for purposes of this paragraph (b) depends on the taxpayer's date of retirement. In the case of taxpayers who retired after December 31, 1976, the applicable date is the date of retirement. In the case of taxpayers who retired before January 1, 1977, the applicable date is either January 1, 1976, or January 1, 1977.

(7) *Resubmission not required.* A taxpayer who has furnished a certificate of permanent and total disability meeting the conditions of paragraph (b)(6) of this section may, instead of

resubmitting such certificate for subsequent taxable years, show on the Form 2440 for such taxable years that the certificate was previously furnished. In such cases, a copy of such certificate must be retained in the taxpayer's records.

(c) *Substantial gainful activity*—(1) *Purpose.* This paragraph defines substantial gainful activity for purposes of section 105(d) and §§ 1.105–7 through 1.105–9, prescribes rules for determining whether a taxpayer has the ability to engage in substantial gainful activity, and provides examples of the application of the definition and rules in specific factual situations.

(2) *Definition.* Substantial gainful activity is the performance of significant duties over a reasonable period of time in work for remuneration or profit (or in work of a type generally performed for remuneration or profit).

(3) *General rules.* (i) Full-time work under competitive circumstances generally indicates ability to engage in substantial gainful activity.

(ii) Work performed in self-care or the taxpayer's own household tasks, and nonremunerative work performed in connection with hobbies, institutional therapy or training, school attendance, clubs, social programs, and similar activities is not substantial gainful activity. However, the nature of the work performed may be evidence of ability to engage in substantial gainful activity.

(iii) The fact that a taxpayer is unemployed for any length of time is not, of itself, conclusive evidence of inability to engage in substantial gainful activity.

(iv) Regular performance of duties by a taxpayer in a full-time, competitive work situation at a rate of pay at or above the minimum wage will conclusively establish the taxpayer's ability to engage in substantial gainful activity. For purposes of paragraph (c)(3)(iv) and (v) of this section, the minimum wage is the minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 206(a)(1).

(v) Regular performance of duties by a taxpayer in a part-time competitive work situation at a rate of pay at or above the minimum wage will conclusively establish the taxpayer's ability to engage in substantial gainful activity, if the duties are performed at the employer's convenience.

(vi) In situations other than those described in paragraph (c)(3)(iv) and (v) of this section, other factors, such as the nature of the duties performed, may establish a taxpayer's ability to engage in substantial gainful activity.

(4) *Examples.* The following examples illustrate the application of paragraphs (c)(2) and (3) of this section.

Example (1). Before retirement on disability, taxpayer worked for a hotel as night desk clerk. After retirement, the taxpayer is hired by another hotel as night desk clerk at a rate of pay exceeding the minimum wage. Since the taxpayer regularly performs duties in a full-time, competitive work situation at a rate of pay at or above the minimum wage, the taxpayer is able to engage in substantial gainful activity.

Example (2). A taxpayer who retired on disability from employment as a sales clerk is employed as a full-time babysitter at a rate of pay equal to the minimum wage. Since the taxpayer regularly performs duties in a full-time, competitive work situation at a rate of pay at or above the minimum wage, the taxpayer is able to engage in substantial gainful activity.

Example (3). A taxpayer retired on disability from employment as a teacher because of terminal cancer. The taxpayer's physician recommended continuing employment for therapeutic reasons and taxpayer accepted employment as a part-time teacher at a rate of pay in excess of the minimum wage. The part-time teaching work is done at the employer's convenience. Even though the taxpayer's illness is terminal, the employment was recommended for therapeutic reasons, and the work is part-time, the fact that the work is done at the employer's convenience demonstrates that the taxpayer is able to engage in substantial gainful activity.

Example (4). A taxpayer who retired on disability, is employed full-time in a competitive work situation that is less demanding than the taxpayer's former position. The rate of pay exceeds the minimum wage but is about half of the taxpayer's rate of pay in the former position. It is immaterial that the new work activity is less demanding or less gainful than the work in which the taxpayer was engaged before the taxpayer's retirement on disability. Since the taxpayer's regularly performs duties in a full-time, competitive work situation at a rate of pay at or above the minimum wage, the taxpayer is able to engage in substantial gainful activity.

Example (5). A taxpayer who retired on disability from employment as a bookkeeper drives trucks for a charitable organization at the taxpayer's convenience. The taxpayer receives no compensation, but duties of this nature generally are performed for remuneration or profit. Some weeks the taxpayer works 10 hours, some weeks 40 hours, and over the year the taxpayer works an average of 20 hours per week. Even though the taxpayer receives no compensation and works part-time at the taxpayer's convenience, the nature of the duties performed and the average number of hours worked per week establish the taxpayer's ability to engage in substantial gainful activity.

Example (6). A taxpayer who retired on disability was instructed by a doctor that uninterrupted bedrest was vital to the treatment of the taxpayer's disability. However, because of financial need, the taxpayer secured new employment in a sedentary job. After attempting the new employment for approximately two months, the taxpayer was physically unable to continue the employment. The fact that the taxpayer attempted to work and did, in fact, work for two months does not, of itself, establish the taxpayer's ability to engage in substantial gainful activity.

Example (7). A taxpayer who retired on disability accepted employment with a former employer on a trial basis. The purpose of the employment was to determine whether the taxpayer was employable. The trial period continued for an extended period of time and the taxpayer was paid at a rate equal to the minimum wage. However, because of the taxpayer's disability, only light duties of a nonproductive, make-work nature were assigned. Unless the activity is both substantial and gainful, the taxpayer is not engaged in substantial gainful activity. The activity was gainful because the taxpayer was paid at a rate at or above the minimum wage. However, the activity was not substantial because the duties were of a nonproductive, make-work nature. Accordingly, these facts do not, of themselves, establish the taxpayer's ability to engage in substantial gainful activity.

Example (8). A taxpayer who retired on disability from employment as a bookkeeper lives with a relative who manages several motel units. The taxpayer assisted the relative for one or two hours a day by performing duties such as washing dishes, answering phones, registering guests, and bookkeeping. The taxpayer can select the times during the day when the taxpayer feels most fit to perform the tasks undertaken. Work of this nature, performed off and on during the day at the taxpayer's convenience, is not activity of a substantial and gainful nature even if the individual is paid for the work. The performance of these duties does not, of itself, show that the taxpayer is able to engage in substantial gainful activity.

Example (9). A taxpayer who retired on disability because of a physical or mental impairment accepts sheltered employment in a protected environment under an institutional program. Sheltered employment is offered in sheltered workshops, hospitals and similar institutions, homebound programs, and Veterans Administration domiciliaries. Typically, earnings are lower in sheltered employment than in commercial employment. Consequently, impaired workers normally do not seek sheltered employment if other employment is available. The acceptance of sheltered employment by an impaired taxpayer does not necessarily establish the taxpayer's ability to engage in substantial gainful activity.

§ 1.105–10 Special rules for pre-1977 disability retirees.

(a) *Applicability.* This section prescribes special rules affecting the tax treatment of amounts received through a wage continuation plan by taxpayers who are pre-1977 disability retirees within the meaning of § 1.105–7(h).

(b) *General rule for taxable years beginning in 1976.* In the taxable year

beginning in 1976, a pre-1977 disability retiree who receives amounts through a wage continuation plan may claim the sick pay exclusion or begin annuity cost recovery. If the taxpayer elects under paragraph (d) of this section to claim the sick pay exclusion, the tax treatment of such amounts is determined under §§ 1.104-1 (d) and 1.105-1 through 1.105-5. If the taxpayer elects under paragraph (e) of this section to begin annuity cost recovery, the tax treatment of such amounts is determined under section 72.

(c) *Relationship of sick pay exclusion and annuity cost recovery.* A pre-1977 disability retiree who elects to begin annuity cost recovery in the taxable year beginning in 1976 may not claim the six pay exclusion for that year. Similarly, if such a taxpayer elects to claim the sick pay exclusion for the taxable year beginning in 1976, the taxpayer generally may not begin annuity cost recovery during that year. However, if the taxpayer reaches mandatory retirement age during the taxable year beginning in 1976, the taxpayer may elect to claim the sick pay exclusion for periods before mandatory retirement age is reached and begin annuity cost recovery on the date mandatory retirement age is reached.

(d) *Election of sick pay exclusion.* A pre-1977 disability retiree may elect to claim the sick pay exclusion in the taxable year beginning in 1976 in two ways:

(1) The taxpayer may elect by filing a return (or amended return) for such taxable year on which the taxpayer claims the sick pay exclusion and, except as permitted in paragraph (c) of this section, does not begin annuity cost recovery.

(2) If the taxapayer began annuity cost recovery on the income tax return for such taxable year and does not file an amended return, the taxapayer may elect by redetermining the investment in the taxpayer's annuity contract in accordance with § 1.72-15(j)(3). However, the taxpayer may not elect in this manner if the tax liability for the taxable year is greater as a result of the election.

(e) *Election of annuity cost recovery.* A pre-1977 disability retiree may elect to begin annuity cost recovery in the taxable year beginning in 1976 in two ways:

(1) A taxpayer who did not reach age 65 before the end of the taxable year may elect by means of a statement attached to the taxpayer's return (or amended return) for the taxable year. The statement shall show that the taxpayer is a pre-1977 disability retiree. It shall also state that the taxpayer elects not to exclude disability retirement payments under section 105(d) (that is, elects not to claim the sick pay exclusion or disability income exclusion) in that or any subsequent taxable year.

(2) A taxpayer who reached age 65 before the end of the taxable year may elect by filing a return (or amended return) on which he or she begins annuity cost recovery.

(f) *Period for making or revoking elections.* A pre-1977 disability retiree may make the elections described in paragraphs (d) and (e) of this section at any time before the expiration of the limitation period prescribed in section 6501 for the taxable year beginning in 1976. A timely election under paragaph (d) or (e) revokes any previous conflicting election under those paragraphs.

(g) *Taxable years after 1976*—(1) *In general.* In taxable years beginning after December 31, 1976, amounts received by a pre-1977 disability retiree through a wage continuation plan are taxed under the rules set forth in § 1.105-8, as modified by paragraph (g) (2) and (3) of this section.

(2) *Election.* A taxpayer is considered to have made the election described in § 1.105-8 (k) if such taxpayer made an election under paragraph (e) (1) of this section and—

(i) Has not revoked the election; or

(ii) Has revoked the election but began annuity cost recovery on the income tax return for the taxable year beginning in 1977 (unless such annuity cost recovery began only when the taxpayer reached mandatory retirement age).

(3) *Other modifications.* (i) A taxpayer is considered permanently and totally disabled within the meaning of § 1.105-8 (j) at the time of retirement if the taxpayer was permanently and totally disabled within the meaning of such paragraph on January 1, 1976, or January 1, 1977.

(ii) Amounts qualify for annuity cost recovery under § 1.105-8 (h) (2)(iv) even if the taxpayer was not permanently and totally disabled within the meaning of § 1.105-8 (j) at the time of retirement.

(iii) If the statement described in § 1.105-8 (k) shows that the taxpayer is a pre-1977 disability retiree, it is not required to show that the taxpayer was permanently and totally disabled within the meaning of § 1.105-8 (j) at the time of retirement.

(iv) Section 1.105-8 (h) (2) (v) does not apply.

(h) *Taxpayers who reached initial retirement age in 1976*—(1) *Applicability.* This paragraph applies to pre-1977 disability retirees who received amounts through a wage continuation plan in the taxable year beginning in 1976 and—

(i) Were not permanently and totally disabled on January 1, 1976;

(ii) Began annuity cost recovery with respect to these payments;

(iii) Reached minimum retirement age within the meaning of § 1.105-7 (g) (but not age 65) before the end of the taxable year beginning in 1976; and

(iv) Did not make the election permitted by paragraph (e) (1) of this section.

(2) *Rule.* If in the taxable year beginning in 1976, the annuity cost recovery claimed by a taxpayer described in paragraph (h) (1) exceeds the sick pay exclusion the taxpayer could have claimed, the taxpayer must—

(i) Make the election permitted by paragraph (e) (1) of this section;

(ii) Amend the income tax return for the taxable year beginning in 1976 to claim the sick pay exclusion; or

(iii) Satisfy the rules set forth in § 1.72-15 (j) (relating to special rules for certain pre-1977 disability retirees).

§ 1.106-1 [Amended]

Par. 8. Section 1.106-1 is amended by deleting the number "1.105-5" in the last sentence of the section and substituting in its place "1.105-10".

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

§§ 7.105-1 and 7.105-2 [Deleted]

Par. 8. Sections 7.105-1 and 7.105-2 are deleted.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-20625 Filed 7-8-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 207

Navigation Regulations; Banana River, Cape Canaveral Air Force Station—Restricted Area

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The Corps of Engineers proposed to establish a restricted area in the Banana River adjacent to the Cape Canaveral Air Force Station, Patrick Air Force Base, Florida. The

restricted area is necessary to prevent the entry of unauthorized vessels into the turning basin for security and safety purposes.

DATE: Comments must be received by 15 August 1980.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Lonnie Shepardson at (904) 791-2887 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of Section 7 of the River and Harbor Act of 8 August 1917 the Commander, Headquarters Eastern Space and Missile Center has requested a restricted area be established in the Banana River, Florida to protect the public from hazardous operations within the turning basin. Accordingly, the Corps of Engineers proposes to promulgate regulations in 33 CFR 207.171b to establish the restricted areas as set forth below:

Note.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, 24 March 1978).

§ 207.171b Banana River at Cape Canaveral Air Force Station, Fla., restricted area.

(a) *The Area.* (1) Starting at the northern boundary of the existing Prohibited Area as described in 33 CFR Part 207.171a, and the shoreline at latitude 28°28'58"N; Longitude 80°35'26"W; thence westerly along the northern boundary of 207.171a to latitude 28°28'58"N, longitude 80°35'43"W; thence N 04°06'25"E for 4760.11 feet to latitude 28°29'45"N, longitude 80°35'39"W; thence due east to a point on the shoreline at latitude 28°29'45"N, longitude 80°35'11"W.

(b) *The Regulation.* (1) All unauthorized craft shall stay clear of this area at all times.

(2) The regulations in this section shall be enforced by the Commander, Eastern Space and Missile Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

(40 Stat. 266; 33 U.S.C. 1)

Dated: July 1, 1980.

Approved:

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 80-20462 Filed 7-8-80; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 116

[FRL 1476-1]

Designation of Hazardous Substances

AGENCY: Environmental Protection Agency.

ACTION: Proposed Amendment.

SUMMARY: This proposal would amend 40 CFR Part 116 by adding to the list of substances designated as hazardous under section 311 of the Clean Water Act certain substances selected because of their carcinogenic effects on man. The toxicological selection criteria are described below. These criteria expand those utilized previously, which were based solely on acute toxicity to aquatic organisms.

DATES: Comments must be received on or before September 8, 1980.

ADDRESS: Comments should be sent to: Marine Activities Branch (WH-585), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph I. Lewis, Chief, Marine Activities Branch, (202) 245-3036.

SUPPLEMENTARY INFORMATION: On February 16, 1979, (44 FR 10270) EPA issued an Advance Notice of Proposed Rulemaking (ANPR) indicating its intent to propose an expansion of the toxicological selection criteria for designating hazardous substances (44 FR 10270). Factors offered for consideration and comment in the ANPR were carcinogenicity, mutagenicity, teratogenicity, bioaccumulation, radioactivity, synergism, and antagonism.

EPA is now proposing to expand the list of designated hazardous substances to include compounds which are known or suspected to case cancer in man. EPA defers at this time any proposal to designate substances on the basis of mutagenicity, teratogenicity, bioaccumulation, radioactivity, synergism, or antagonism.

Section 311(b)(2)(A) of the Clean Water Act requires EPA to designate as hazardous substances those elements and compounds which, when discharged in any quantity, present an imminent and substantial danger to the public health or welfare. Carcinogens clearly meet this requirement. Cancer is a leading cause of death in this nation and its tragic effects are costly in both human and monetary terms. The precise mechanism of carcinogenesis is not completely known at present; however, both single dose and long-term exposures to carcinogens are believed to lead to cancer. In addition, environmental factors, such as exposure to chemical carcinogens, are believed to play an important role in the development of cancer. Thus, although further research is continuing, there is sufficient information available at present to identify certain substances as known or suspect carcinogens. Regulation of such substances under section 311 of the Act will encourage careful handling to prevent discharges, and will ensure rapid response and clean-up to minimize human exposure. This proposal establishes criteria for the designation of carcinogenic substances under section 311.

The substances proposed to be designated in this rulemaking were drawn from the carcinogens in the Consent Decree (NRDC *v.* Costle, 8 ERC 2120 (D.D.C. 1976), modified at 12 ERC 1833 (D.D.C. 1979)). These substances have been identified by EPA's Carcinogen Assessment Group (CAG) as carcinogens in man. The selection of these compounds as proposed hazardous substances, is predicated on calculable risk to man from the discharge of these substances to water that serves as a potable water supply. For further discussion of this matter, the reader should consult the proposed amendments to 40 CFR Part 117 in this issue of the Federal Register.

This selection process follows the rationale specified in the publication "Regulation of Chemical Carcinogens," published by the Federal Regulatory Council in the Federal Register on October 17, 1979 (44 FR 60037). In that document, the policy is established that regulatory proposals shall be accompanied by some form of risk assessment which includes, at a minimum, an analysis of the substance's oncogenic potential and a determination that people are likely to be exposed to the substance during their normal activities. Accordingly, if a substance is found to have carcinogenic potential when evaluated against procedures and guidelines established by the Agency's Cancer Assessment Group, and further, if there exists a reasonable potential for discharge, then the substance becomes a candidate for designation as a proposed hazardous substance on the basis of carcinogenicity.

The weighing of the evidence, which is the initial step in this two-part process for designation of carcinogens, is based on the following considerations. CAG's evaluations of carcinogenicity were conducted according to the interim cancer assessment procedures and guidelines published by the Agency in

the Federal Register on May 25, 1976 (41 FR 21402), the Inter-Agency Regulatory Liaison Group report "Scientific Bases for Identification of Potential Carcinogens and Estimation of Risks", published in the Journal of the National Cancer Institute (*63*(1): 243–268, 1979), and the statement on "Regulation of Chemical Carcinogens", published by the Federal Regulatory Council on October 17, 1979 (44 FR 60037). In brief, the procedures are as follows. Data pertinent to assessing the carcinogenicity of each chemical in question are identified. Such evidence is of three types:

(1) Epidemiologic evidence derived from studies of exposed human populations

(2) Experimental evidence derived from long-term bioassays on animals, and

(3) Suggestive evidence derived from studies of ehemical structure or from short-term tests that are known to correlate with carcinogenic activity.

An evaluation is conducted, taking into account the quality and adequacy of data and kinds of responses induced by the suspect carcinogen and a qualitative judgment is made concerning the weight of evidence that an agent is a potential human carcinogen. Such judgment serves as the basis for designating compounds as proposed hazardous substances.

The best evidence supporting human carcinogenicity caused by a suspect carcinogen is derived from positive epidemiological studies in conjunction with confirmatory animal tests. Substantial evidence exists when animal tests demonstrate the induction of malignant tumors in one or more species including benign turmors, that are generally recognized as early stages of malignancies. Suggestive or supportive evidence exists when only those non-life-shortening benign turmors (which are generally accepted as not progressing to malignancy) are observed in long-term animal cancer bioassays, and also when positive results are observed in indirect tests of tumorigenic activity such as mutagenicity, *in vitro* cell transformation, and initiation-promotion skin tests in mice. In order to be included on the list of proposed carcinogens, a compound must demonstrate more than suggestive evidence as defined above.

The second step in the two-tier selection process is screening of the candidate substances on the basis of discharge potential criteria. The following criteria were considered grounds for eliminating substances from designation at this time:

(1) The substance has never been produced commercially; or

(2) The substance is used only as a laboratory reagent; or

(3) The substance is used only as a medicinal; or

(4) The substance is used only as a specific food additive; or

(5) The substance is not produced except as a by-product of biological activity (such as aflatoxins); or

(6) The substance is not an element or compound, as required by law. (An example of such a substance is soots and tars, which are known to be carcinogenic, but are not a specific element or compound.)

As discussed earlier, the proposed designation of hazardous substances because of carcinogenic potential is based primarily on the threat of exposure through ingestion of contaminated drinking water. However, section 311 applies to discharges to the navigable waters of the United States, regardless of whether such waters are used as public drinking water supplies. Thus, all discharges to navigable waters, equal to or in excess of the reportable quantity for designated hazardous substances, including those to estuarine and marine waters, are covered by this proposed regulation, and all such discharges must be reported in accordance with the provisions of 40 CFR Part 117. This is particularly appropriate since discharges to any waterbody may result in human exposure by any one of several possible routes, including ingestion, dermal contact, or consumption of contaminated seafoods. In addition, the site of discharge of a designated hazardous substance cannot be predicted in advance. The potential for harm to the public health or welfare from the discharge of carcinogens is known to exist, as is the potential for accidents when such substances are transported, stored, handled or used in commerce. Since the discharge of a carcinogen may occur as the result of various factors, and since such a discharge may be harmful to the public health or welfare, the Agency believes that carcinogens should be subject to section 311.

It is not known what the level of exposure must be to trigger oncogenesis, and while in certain occupational exposures it is suspected that considerable exposure is required for the trigger to occur, in other cases the evidence is far less conclusive. In fact, in certain cases, such as nitrosamines, the available evidence indicates that only one exposure may be required to trigger an oncogenic event several years later. If scientific evidence demonstrates that a substance has a known or suspected carcinogenic potential, the Agency believes that designation of such a material as a proposed hazardous substance is required, even if conclusive proof of its method of action is not yet available.

There are certain substances which have been identified as suspect carcinogens that are known to be present as contaminants of certain production processes. For example, 2,3,7,8-tetrachlorodibenzo-p-dioxin (commonly known as dioxin), is known to be a contaminant of several pesticide production processes, and often appears in the final product. It is also a suspected carcinogen. However, dioxin as such has never been produced commercially, and although it appears in certain products as a contaminant, its concentration in that product may vary from one production batch to another. The Agency has considered the designation of suspected carcinogens that appear as contaminants in other products, but has decided not to propose these compounds for designation as hazardous substances at this time because of the inherent difficulties in identifying both the contaminant and its reportable quantity in the contaminated product.

The Agency's Cancer Assessment Group identified 41 substances on the Consent Decree List as having the potential for causing cancer in humans through ingestion of water. Of the 41 carcinogenic substances identified, 12 were eliminated from consideration as candidates for designation after having been screened against discharge potential criteria, thereby leaving 29 such substances for designation. However, of these 29 substances, 15 are already on the existing list of designated hazardous substances in 40 CFR Part 116 and do not require redesignation. As a result 14 substances are being proposed for additions to 40 CFR Part 116 on the basis of carcinogenicity.

In addition to the carcinogens on the Consent Decree List, the Agency plans next to evaluate other carcinogens it has identified (i.e., in section 3001 RCRA (Identification and Listing of Hazardous Waste) and the upcoming proposed rulemaking on hazard labeling under TSCA 6(a)(3)) beyond those included on this list and, as appropriate, propose them for inclusion under 40 CFR Parts 116 and 117.

It should be carefully noted that this proposed rulemaking in no way limits the production or distribution of the substances proposed to be designated as hazardous substances on the basis of carcinogenicity. It is expected that such substances, because of their inherent

toxic properties, will be normally handled with care. The reportable quantities for the substances proposed today are identified in the proposed Part 117, Determination of Reportable Quantities for Hazardous Substances, which accompanies this rulemaking.

Relationship to Other Hazardous Pollutant Control Programs

The issuance of this proposed regulation governing the designation of hazardous substances on the basis of carcinogenicity is a major step in the expansion of the Agency's strategy to regulate the discharge of hazardous substances to the nation's waters. For a full discussion of the relationship between this proposed regulation and the existing section 307, 311, 402, and 404 programs of the Clean Water Act, the reader is referred to the discussion in the Final Rulemaking package for hazardous substances (44 FR 50766, 29 August 1979), particularly the subsection entitled "Relationship to Other Hazardous Pollutant Control Programs".

Written Comments:

The Agency recieved 17 written comment letters in response to its Advance Notice of Proposed Rulemaking. Very few of those comments offered constructive suggestions to aid this difficult and complex rulemaking process. The following discussion summarized the comments received addressing carcinogenicity and the response by the Agency to those comments.

(1) Several commenters argued that since discharges are generally episodic and short-term in nature, designation of hazardous substances should be limited to those substances exhibiting acutely toxic effects. One commenter asserted that it would be "unconscionable" to designate anything but acute toxicants; another commenter characterized the difficulty in designating carcinogens as "insurmountable" in view of the state of knowledge concerning the mechanism of oncogenesis.

The Agency recognizes that much is yet to be learned about ways in which chemical carcinogenesis occurs. Both long-term exposure and single-incident exposure are strongly suspected of increasing the incidence of cancer. Nevertheless, it is well known that limiting total exposure to carcinogens will reduce the incidence of cancer. Reporting discharges of carcinogens will encourage rapid clean-up and reduce exposure of the public to such substances. Commenters cited nothing in the Act which limit designation to substances with solely acute effects, and carcinogens can present an "imminent and substantial danger" when discharged.

(2) Several commenters suggested that compounds be designated only if they are known to persist in the aquatic environment.

Human exposure to hazardous substances may occur shortly after their discharge to the aquatic environment, thus creating a risk of cancer to humans even if the substance is one which is relatively non-persistent. Accordingly, the Agency believes that prompt reporting of the discharge of substances which may cause carcinogenesis is essential to reduce human exposure to such compounds.

(3) A few commenters suggested that consideration be given to degradation of water quality and background concentration of discharged substances in water and sediments. Another commenter suggested that substances be designated on a regional basis, since water chemistry may vary at differing locations.

The Act does not require consideration of such factors; the policy of section 311 is that there should be no discharges of hazardous substances.

(4) One commenter asserted that this regulation is unnecessary, because carcinogens are regulated under other statutes.

Although some carcinogens are regulated under other laws, there are currently no statutes which require prompt reporting of discharges of such substances, or which provide a Federal fund to ensure prompt clean-up of such discharges.

Designation of Hazardous Substances

The Agency intends to continue the designation of hazardous substances by means of a two-step process that consists of screening chemicals on the basis of (1) toxicological selection criteria, and (2) discharge potential criteria, respectively. The discharge potential criteria are used by the Agency primarily to avoid designating substances which have been identified by toxicological criteria as candidate hazardous substances, but which are so unlikely to be discharged that their designation would be largely academic and serve little purpose in protecting the environment. Discharge potential is also used as a tool to help the Agency establish priorities. However, it does not preclude the designation of any substance as long as toxicological data support such designation.

Since many of the substances, that are produced industrially in large volume and inexpensively, have now been evaluated for possible designation as hazardous substances, the Agency has been able to consider substances with lower production volumes and higher costs. For this reason the discharge potential criteria published on March 13, 1978 (43 FR 10475) are not applicable in the proposed designation of carcinogens in this rulemaking, and should be replaced by the criteria identified earlier in this Notice of Proposed Rulemaking.

Evaluation Plan

Under the amendment to section 311, the Agency is required to "conduct a study and report to the Congress on methods, mechanisms, and procedures to create incentives to achieve a higher standard of care in all aspects of management and movement of hazardous substances * * *. The Administrator shall include in such a study (1) limits of liability, (2) liability of third party damages, (3) penalties and fees, (4) spill prevention plans, (5) current practices in the insurance and banking industries, and (6) whether the penalty enacted in subclause (bb) of clause (iii) of subparagraph (B) of subsection (b)(2) of section 311 of Pub. L. 92-500 should be enacted." (Pub. L. 95-576.)

The study was initiated in October, 1979 and will be conducted over a period of two years. It will provide the Agency with a more complete picture of the effectiveness of these regulations and possible economic impacts, and will allow the Agency to evaluate any procedural difficulties encountered in implementing the regulations.

Regulatory Analysis

The Agency has reviewed this regulation together with the proposed Part 117 and determined that neither regulation is a significant regulation that requires the preparation of a Regulatory Analysis in compliance with Executive Order 12044. The Agency has, however, in keeping with the spirit of the Executive Order considered the possible economic impact.

The Agency believes that compliance with these regulations will not result in any direct costs to the regulated parties for the following reasons: the regulations do not require the purchase of equipment to treat or prevent discharges; they do not require spill prevention measures; and they do not prevent the manufacture, use, or safe transportation of any designated hazardous substance.

Two types of expenses may arise as a result of discharges in violation of these regulations: Civil penalties and clean-up costs. Since the economic impact of regulations measure the impact of compliance, and not the failure to comply, the two costs identified above

are not directly attributable costs of these regulations. Therefore, the Agency believes that these regulations will not result in any direct adverse economic impact; the regulations may result in increased costs as a result of discharges of designated substances in violation of the regulation.

This determination of no direct adverse economic impact applies jointly to both proposed regulations (40 CFR Part 116 and 40 CFR Part 117).

Accordingly, neither proposed regulation will have any economic impact independently.

Dated: June 27, 1980.

Douglas M. Costle,

Administrator.

Title 40, Part 116 Table 116.4A of the Code of Federal Regulations is hereby amended to add the following hazardous substances which are being designated on the basis of carcinogenic effects.

Common name	CAS No.	Synonyms or isomers	CAS Nos.
Benzidine	92875	(1,1'-Biphenyl)-4,4'Diamine; p-Diaminodiphenyl; Biphenyl; 4,4'-Diamino-; 4,4'-Biphenyldiamine; 4,4'-Diaminobiphenyl.	
Bis(2-chloroethyl)ether	111444	Bis(beta-chloroethyl)ether; 1-chloro-2(beta-chloroethyoxy)ethane; 2,2'-dichlorodiethyl ether; beta, beta-dichloroethyl ether; di-2-chloroethyl ether; di-(beta-chloroethyl) ether; dichloroethyl oxide; sym-dichloroethyl ether; dichloroether; DCEE.	
Dibutylnitrosamine	924163	n-Nitrosodibutylamine; n-Nitrosodi-n-butylamine; Nitrosodibutylamine; DBNA.	
Dichlorobenzidine	91941	4,4'-Diamino-3,3'-Dichlorobiphenyl; 3,3'Dichlorobenzidine; DCB.	
Diethylnitrosamine	55185	N-Nitrosodiethylamine; Diethylamine; N-Nitroso-diethylnitrosamine; N-N-Diethylnitrosamine; DEN; DENA; DANA.	
N-Nitrosodimethylamine	62759	Dimethylnitrosamine; Dimethylamine; N-Nitroso-dimethylnitrosamine; N-N-Dimethylnitrosamine; DMN, DMNA.	
Diphenylhydrazine	122667	1,2-Diphenylhydrazine	
Hexachlorobenzene	118741	Perchlorobenzene	
Hexachlorobutadiene	87683	Perchlorobutadiene; Hexachloro-1,3-butadiene; HCBD	
Hexachlorocyclohexane	319846	alpha: alpha-benzene hexachloride; alpha-HCH; 1,2,3,4,5,6-hexachloro-alpha-cyclohexane; alpha-hexachlorocyclohexane; 1,2,3,4,5,6-hexachlorocyclohexane, alpha-isomer; alpha-lindane.	
	319857	beta: *trans*-alpha-benzene hexachloride; beta-benzene hexachloride; beta-BHC; beta-hexachlorocyclohexane; beta-1,2,3,4,5,6-hexachlorocyclohexane; 1,2,3,4,5,6,-hexachlorocyclohexane, beta-isomer; beta-lindane.	
Hexachloroethane	67721	Carbon trichloride; Perchloroethane; Carbon hexa-chloride; Ethane hexachloride.	
1,1,2,2-Tetrachloroethane	79345	Tetrachloroethane; Acetylene tetrachloride; sym-Tetrachloroethane.	
Tetrachloroethylene	127184	Ethylene tetrachloride; Perchloroethylene	
1,1,2-Trichloroethane	79005	beta-Trichloroethane; Vinyl trichloride	

[FR Doc. 80-20508 Filed 7-8-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 117

[FRL 1476-2]

Determination of Reportable Quantities for Hazardous Substances

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendment.

SUMMARY: This proposal would amend 40 CFR Part 117 by adding reportable quantities for those substances concurrently being proposed in this issue of the Federal Register to be designated as hazardous under section 311 of the Clean Water Act on the basis of carcinogenicity.

DATES: Comments must be received on or before September 8, 1980.

ADDRESS: Comments should be sent to: Marine Activities Branch (WH-585), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph I. Lewis, Chief, Marine Activities Branch (202) 245-3036.

SUPPLEMENTARY INFORMATION: On February 16, 1979, (44 FR 10270) the U.S. Environmental Protection Agency (EPA) issued an Advance Notice of Proposed Rulemaking (ANPR) indicating its intent to propose an expansion of the toxicological selection criteria for designating hazardous substances. In accordance with the ANPR, EPA is now proposing concurrently in this issue of the Federal Register to expand the list of designated hazardous substances to include compounds which are known or suspected to cause cancer in man.

Paragraph 311(b)(4) of the Clean Water Act requires EPA to determine the reportable quantity for each hazardous substance which may be harmful if discharged to the Nation's waters. For substances exhibiting acute aquatic toxicity, 40 CFR Part 117 groups them according to their relative potential for harm into five categories, with reportable quantities of 1, 10, 100, 1,000 and 5,000 pounds. These groups have been designated as categories "X", "A", "B", "C", and "D", respectively (*cf.* 44 FR 10266 *et seq.*, February 16, 1979, and 44 FR 50766 *et seq.*, August 29, 1979, for additional details of the rationale and methodology for determining reportable quantities for hazardous substances).

This proposed Part 117 regulation would establish reportable quantities for the 14 substances being proposed concurrently in the revision to 40 CFR Part 116. It would also change the reportable quantities for six substances that are already on the existing hazardous substances list in 40 CFR Part 116 from a larger value (number) to a smaller one. The Agency believes that the smaller of the two reportable quantities (based on either carcinogenicity or aquatic toxicity) should be controlling in order to prevent either environmental or human risk.

The Agency has determined in this proposed amendment to 40 CFR Part 117 that reportable quantities for substances which present a risk of causing cancer should reflect the relative risk that a given quantity may pose. When substances were designated in 40 CFR Part 116 on March 13, 1978, on the basis of acute aquatic toxicity, the Agency utilized 96-hour LC50 toxicity tests; that is, the concentration likely to kill 50% of a fish population in 96 hours. A concentration that is likely to kill more than one fish out of a population of 2,000 animals, may be considered to present a non-significant danger to the public health or welfare. But a substance likely to cause cancer in one person out of every 2,000 exposed must be considered a significant harm to the public health or welfare. Therefore, for chemicals which are likely to be carcinogenic in humans, the Agency has utilized a different method of assessing toxic risks from that utilized in establishing aquatic toxicity limitations.

The approach taken by the Agency in establishing the potential is for various substances to cause cancer in humans is to establish a lifetime cancer risk level that is considered sufficiently hazardous to require reporting. For the regulation being proposed today, a lifetime risk level of one in one million (10^{-6}) has

been selected. The second step is to construct a spill analysis model which describes the relationship between the amounts discharged and the risk level. A concept used by the Agency to estimate cancer risk to humans on the basis of a single exposure to a chemical is used to relate discharge amounts to risk in the model. This concept, which is referred to by the Agency as the "one-hit" model was developed to establish water quality criteria and is detailed in Appendix C of the proposed EPA Water Quality Criteria, (44 FR 15974, March 15, 1979). It is used in this proposed Part 117 regulation to establish risk to humans from consumption of drinking water.

The Agency recognizes that it is impossible to construct a spill model which will predict risk of harm for all potential discharge situations. Such factors as size and flow of the receiving waters, as well as salinity, hardness, alkalinity, turbidity, and uses of the receiving waters will all affect the actual degree of harm posed. Therefore, the model utilized by the Agency necessarily relies on certain assumptions which will not reflect all the circumstances surrounding any particular discharge.

Such an approach is permissible under the statute. In the 1978 Amendments to section 311 (Pub. L. 95-576), Congress changed the statutory language of section 311(b)(4) from determination of quantities which "will be harmful" to those which "may be harmful." References to specific circumstances and conditions of discharge were also deleted. The legislative history of the amendment makes it clear that in making this change, Congress intended that the determination of reportable quantities would not require an assessment of actual harm in the variety of circumstances in which hazardous substances might be discharged. Rather, Congress intended that the determination be based on the chemical and toxic properties of the substance itself, not the circumstances surrounding its release. The practical effect of this change is that reportable quantities need not be predictive of the actual harm caused by particular discharges in individual circumstances. Instead, reportable quantities need only be a rational, generalized prediction of those quantities which may be harmful.

The model utilized here assumes the discharge of a carcinogen to a water body under worst case conditions: the discharge is into a water supply impoundment at the beginning of the drawdown cycle during severe drought conditions. It is also assumed the impoundment serves a population of 10,000 persons. A recent sudy performed for EPA indicates that 83% of all persons served by water supply systems are served by systems with more than 10,000 customers. (See "Survey of Operating and Financial Characteristics of Community Water Systems", Office of Water Supply, EPA, Washington, D.C., April 1977; Publication No. EPA-570/9-77-003.) It is further assumed that no other source of water supply is available, the impoundment has no other uses besides water supply, and no treatment technology for removing the carcinogen is installed. The carcinogen is assumed to mix rapidly and completely at the beginning of the drawdown cycle. During the drawdown cycle, the impoundment volume goes from nearly full to 25% full; it is assumed at least 75% of the water is withdrawn and used for water supply. This would only happen during a drought nearly as severe as the worst historical drought used in determining the "safe yield" of the impoundment. While at least 75% of the discharged substance will be drawn into the water supply system during the cycle, additional inflow to the impoundment usually occurs during a drought, and some of the carcinogenic substance will remain in the impoundment even after it begins to fill. The net affect is that an amount greater than 75% of the substance will enter the water supply system. The model therefore assumes 80% of the contaminant will enter the system. The average daily use per individual is assumed to be 400 liters (approximately 105 gallons), of which 2 liters or 0.5% is ingested. Therefore, for the entire population of 10,000 persons which ingests 0.5% of the amount of contaminant entering the system, the total dose of the contaminant received by each person is, on the average, 0.8 x 0.005/10,000 or 0.00004% (four one hundred-thousandths percent) of the discharged quantity.

The lifetime average daily dose, D, in units of milligrams/kilogram of body weight/day becomes:

$$D=(4\times10^{-7})\,n/LW \qquad (1)$$

where n is the amount spilled, L is lifetime in days, and W is an individual's body weight.

According to the linear, "one-hit" model of low-dose extrapolation, the lifetime cancer risk, P, is proportional to the average daily dose of the chemical. The equation expressing this relationship is:

$$P=BD=(4\times10^{-7})\,Bn/LW \qquad (2)$$

where the constant, B, is the carcinogenic potency of the compound. The potency, or "slope parameter", for each of the carcinogens addressed in this proposed rulemaking is as follows:

Acrylonitrile—2.0; Benzidine—2.0; bis-(2-chloroethyl)ether—0.68; Carbon tetrachloride—0.0901; Chloroform-0.15; Dibutylnitrosamine—27; Dichlorobenzidine—1.9; 1,2-Dichloroethane—0.048; 1,1-Dichloroethylene—0.26; Diethylinitrosamine—38; Dimethylnitrosamine—13; Dinitrotoluene—0.42; Diphenylhydrazine—0.72; Hexachlorobenzene—2.5; Hexachlorobutadiene—0.049; Hexachlorocyclohexane—2.0; Hexachloroethane—0.015; 1,1,2,2-Tetrachloroethane—0.16; Tetrachloroethylene—0.084; 1,1,2-trichloroethane—0.12.

Therefore the amount of the chemical that produces a risk "P" is:

$$n=PLW/(4\times10^{-7})\,B \qquad (3)$$

If the parameters of this equation are $P=10^{-6}$, L=25,500 days (70 years), W=70 kilograms and the units of B are in $(mg/kg/day)^{-1}$, then it can be shown that equation (3) is equivalent to:

$$n=9.85/B \qquad (4)$$

This formula gives the number of pounds of material, n, having carcinogenic potency, B $(mg/kg/day)^{-1}$, which would result in a lifetime cancer risk, P, of 10^{-6}.

For example, if Hexachlorobutadiene, which has a B value of =0.049 $(mg/kg/day)^{-1}$, is discharged into an impoundment, the number of pounds that would give a lifetime cance risk of 10^{-6} is:

$$n=9.85/0.049=201 \text{ lbs.}$$

The risk concept has been used in this proposed rulemaking to establish reportable quantities and assign the designated carcinogens to five categories on the basis of potential harm. The categories are "X", "A", "B", "C", and "D", as defined in 40 CFR Part 117 with corresponding levels of 1, 10, 100, 1,000 and 5,000 pounds, respectively, that trigger reporting when discharged. On the basis of an assumed lifetime cancer risk of 10^{-6}, the individual compounds were assigned to categories with specified reportable quantities as shown in the following table:

Pounds of substance discharged yielding a risk of 10^{-6}	Category	Reportable Quantity (pounds)
Less than 1 lb	X	1
1 lb to 10 lbs	A	10
10 lbs to 100 lbs	B	100
100 lbs to 1,000 lbs	C	1000
1,000 lbs to 5,000 lbs	D	5000

The reportable quantity categories as determined from the model are

relatively insensitive to changes in any of the following four assumptions:

(1) Variance from consumption of 2 liters per day per individual

(2) Variance from assumed weight per individual of 70 Kg

(3) Variance in size of community from 10,000 persons

(4) Variance in drawdown from 75%

Changing the assumption of water consumption from 2 liters to 1, would increase the amount of chemical associated with a 10^{-6} cancer risk by a factor of two. Since the categories of reportable quantities increase by a factor of ten, a change in category would occur only for chemicals with reportable quantities near the transition level. For example, the number of pounds of Hexachlorobutadiene associated with the 10^{-6} cancer risk would change from 201 to 402 pounds with no resulting change in category.

If, on the other hand, the assumption of an adult exposed is changed to a child exposed, the assumed weight per individual would change proportionately. If we assume the average weight of the child to be 40 kg, the spill amount would be reduced to 0.8 of the original amount based on the further assumption that the volume of water consumed by the child is proportional to the ⅔ power of the body weight. In this case, the amount of Hexachlorobutadiene associated with the cancer risk would become 161 pounds with no resulting change in category.

A change in the assumption of size of community served by the reservoir would result in an increase of the reportable quantity for larger communities and a decrease for smaller communities. In the example of Hexachlorobutadiene, the discharge amount for a community of 5,000 would be 101 pounds with no resulting change in category.

The assumption of a drawdown less than 75% would result in more liberal reporting quantities. For a drawdown of 50%, the discharge amount of Hexachlorobutadiene associated with the 10^{-6} cancer risk would become 202 pounds with no resulting change in category.

Written Comments

The Agency received few written comment letters which specifically addressed the complex and difficult issue of determining reportable quantities for carcinogenic hazardous substances. The following discussion summarizes the comments received and the response by the Agency to those comments.

(1) One commenter suggested that reportable quantities not be utilized.

This suggestion is unacceptable because reporting requirements and liability for clean-up costs are triggered by the discharge of a reportable quantity of hazardous substance.

(2) Another commenter suggested that the reportable quantity for a substance be based on its level of detection in water. Detection levels involve concentrations, not quantities, and cannot be used because they require an after-the-fact determination, rather than the a *priori* determination required by the Act.

(3) A third commenter suggested that reportable quantities be set at a level which will cause "significant harm."

This suggestion is directly contrary to the language of the Act, which provides that reportable quantities for hazardous substances be those which "may be harmful."

Evaluation Plan

Under the amendment to section 311, the Agency is required to "conduct a study and report to the Congress on methods, mechanisms, and procedures to create incentives to achieve a higher standard of care in all aspects of management and movement of hazardous substances. The Administrator shall include in such a study (1) limits of liability, (2) liability of third party damages, (3) penalties and fees, (4) spill prevention plans, (5) current practices in the insurance and banking industries, and (6) whether the penalty enacted in subclause (bb) of clause (iii) of subparagraph (B) of subsection (b)(2) of section 311 of Pub. L. 92-500 should be enacted." (Pub. L. 95-576.)

The study was initiated in October 1979 and will be conducted over a period of two years. It will provide the Agency with a more complete picture of the effectiveness of these regulations and possible economic impacts, and will allow the Agency to evaluate any procedural difficulties encountered in implementing the regulations.

Regulatory Analysis

The Agency has reviewed this regulation together with the proposed Part 116 and determined that neither regulation is a significant regulation that requires the preparation of a Regulatory Analysis in compliance with Executive Order 12044. The Agency has, however, in keeping with the spirit of the Executive Order considered the possible economic impact.

The Agency believes that compliance with these regulations will not result in any direct costs to the regulated parties for the following reasons: The regulations do not require the purchase of equipment to treat or prevent discharges; they do not require spill prevention measures; and they do not prevent the manufacture, use, or safe transportation of any designated hazardous substance.

Two types of expenses may arise as a result of discharges in violation of these regulations: Civil penalties and clean-up costs. Since the economic impact of regulations measure the impact of compliance, and not the failure to comply, the two costs identified above are not directly attributable costs of these regulations. Therefore, the Agency believes that these regulations will not result in any direct adverse economic impact; the regulations may result in increased costs as a result of discharges of designated substances in violation of the regulation.

This determination of no direct adverse economic impact applies jointly to both proposed regulations in this notice (40 CFR Parts 116 and 40 CFR Parts 117).

Dated: June 27, 1980.

Douglas M. Costle,

Administrator.

Table 117.3 is hereby amended as follows:

Reportable Quantities for Hazardous Substances Designated on the Basis of Carcinogenicity

Chemical	Category	RQ in pounds (kilograms)
Benzidine	A	10 (4.54)
bis-(2-chloroethyl)ether	B	100 (45.4)
Dibutylnitrosamine	X	1 (0.454)
Dichlorobenzidine	A	10 (4.54)
Diethylnitrosamine	X	1 (0.454)
Dimethylnitrosamine	X	1 (0.454)
Diphenylhydrazine	B	100 (45.4)
Hexachlorobenzene	A	10 (4.54)
Hexachlorobutadiene	C	1,000 (454)
Hexachlorocyclohexane (except gamma-HCH).	A	10 (4.54)
Hexachloroethane	C	1,000 (454)
1,1,2,2-Tetrachloroethane	B	100 (45.4)
Tetrachloroethylene	C	1,000 (454)
1,1,2-Trichloroethane	B	100 (45.4)

In addition, the categories and reportable quantities for the following six previously listed compounds are hereby amended as follows in Table 117.3:

Chemical	Category	RQ in pounds (kilograms)
Acrylonitrile	A	10 (4.54)
Carbon tetrachloride	C	1,000 (454)
Chloroform	B	100 (45.4)
Dinitrotoluene	B	100 (45.4)
Ethylene dichloride	C	1,000 (454)
Vinylidene chloride	B	100 (45.4)

[FR Doc. 80-20509 Filed 7-8-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Parts 167 and 169

[FRL 1504-6]

Registration of Pesticide Producing Establishments, Submission of Pesticide Reports, Labeling; and Maintenance of Records; Proposed Amendment to Regulations for Registration of Establishments and Maintenance of Records

AGENCY: Office of Enforcement, Environmental Protection Agency (EPA or the Agency).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations which impose a requirement on producers of pesticides and devices to register their establishments and submit pesticide reports by adding another class of producers who must conform to these requirements; namely, producers of active ingredients used in producing pesticides. It further proposes to require producers of pesticides to (a) notify the producers of the active ingredients used in the formulation of those pesticides of such use if the active ingredient is not already registered as a pesticide, and (b) require records of such notifications to be kept by producers. This proposal to require producers of active ingredients to register their establishments is being made to carry out the intent of Congress to have such establishments registered with the Agency. It will allow the Agency to inspect such establishments and increase the likelihood that any environmental problems at these establishments would be discovered.

DATE: Comments must be received by August 6, 1980.

ADDRESS: Interested persons are invited to participate in this proposed rulemaking by submitting written comments to Mr. Peter J. Niemiec, Pesticides and Toxic Substances Enforcement Division (EN-342), Policy and Strategy Branch, EPA, 401 M Street SW., Washington, D.C. 20460. All comments filed pursuant to this notice will be available for public inspection in the Pesticides and Toxic Substances Enforcement Division, Room 3624 at the address given above from 8:30 to 4:30 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Peter J. Niemiec, Office of Enforcement, Pesticides and Toxic Substances Enforcement Division, EN-342, EPA, 401 M Street S.W., Washington, D.C. 20460 (202) 755-9404.

SUPPLEMENTARY INFORMATION: These rules are being proposed under the authority of Sections 7, 8, and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136 *et seq.* (hereinafter, "FIFRA" or "the Act") and will amend the regulations promulgated on November 6, 1973. Part 167—Registration of Pesticide Producing Establishments, Submission of Pesticide Reports, and Labeling, will be amended to include producers of active ingredients in the class of persons who must register their establishments. This part was also rewritten in the interest of clarity. All the new requirements are described below. Part 169—Maintenance of Records, will be amended by adding a new paragraph, 169.2(m). This proposed amendment is in addition to the amendment to Part 169 which the Environmental Protection Agency (the Agency) recently proposed. (See 45 FR 27790, April 24, 1980.)

Background

On September 30, 1978, the Federal Pesticide Act of 1978, Pub. L. 95-396, 92 Stat. 819 (hereinafter, "the FPA of 1978") became law. The FPA of 1978 substantially amended many parts of FIFRA including section 7. Prior to the FPA of 1978, section 7 required producers of pesticides and devices to register their establishments and file annual reports. The amendments effected by the FPA of 1978 did not change those requirements, but added the requirement that producers of active ingredients used in producing pesticides also register their establishments and file annual reports.

The amendment to FIFRA requiring the registration of establishments producing active ingredients was made in response to an incident in Hopewell, Virginia, which resulted in widespread contamination of the environment with kepone, a highly toxic substance. This chemical was being manufactured in an establishment which was not registered under FIFRA. Prior to the passage of the FPA of 1978, registration of technical grade materials used in making pesticides, as well as registration of the establishments that produced such products, was required only when such products were sold as pesticides and when only dilution and repackaging were necessary to make an end use product. Thus, some active ingredients were registered; however, many were not.

By requiring producers of active ingredients to register their establishments and keep certain books and records, Congress hoped to avoid a recurrence of incidents like the one in Hopewell, Virginia. This would be accomplished in several ways. Requiring these establishments to register would mean that these establishments would be periodically inspected, thus increasing the likelihood that any problems would be discovered. Requiring such establishments to report their production would provide the Agency with data enabling it to assess and properly respond to any problem that might develop with a product. Finally, requiring these establishments to keep records would allow the Agency to trace shipments of a chemical, should there by a risk to human health or the environment.

Accordingly, the Agency proposes to amend Part 167 of its regulations to reflect the changes in FIFRA. However, the new requirements raise issues relating to the knowledge of manufacturers of active ingredients whose products have multiple uses. For reasons discussed below, the Agency proposes to require producers of pesticides to notify the producers of the active ingredients which they use of such use, if the active ingredient is not already registered as a pesticide. Records of these notifications will have to be kept. Thus, amendments to Part 169 of the Agency's regulations are necessary. These amendments are in addition to the amendments the Agency recently proposed. (See 45 FR 22790.)

Discussion

The Problem of Regulating Multiuse Chemical Producers

Many of the active ingredients used in pesticides have no other uses. Requiring such producers to register their establishments and report their production is simply accomplished by stating the requirements. Those producers will readily know that they must register their establishments and that they must report their production. In some instances, their establishments will already be registered, because the technical grade material is itself considered to be a pesticide.

However, a significant number of chemicals used as active ingredients in pesticides have other commercial uses. In some instances, such as with xylene and sodium hypochlorite, the primary uses of such chemicals are nonpesticidal. This situation poses a number of problems in implementing the Congressional scheme of requiring the producers of active ingredients (hereinafter, "ingredient producers") to register their establishments and report their production of active ingredients.

The first problem is that the ingredient producer may not be aware that his multi-use chemical is being used as a pesticide. Such a producer who fails to register and report would find himself in violation of the law unintentionally. Additionally, such omissions would

weaken the Agency's ability to locate any harmful or contaminated products, thereby defeating the purpose of the amendments to section 7 of FIFRA.

The second problem posed by active ingredients with multiple uses is deciding what should be reported by the ingredient producer. Since the amended section 7 requires such producers to report "the amounts of . . . active ingredients used in producing pesticides," it is not clear whether the Agency should require reporting of only that portion of production which actually is used as active ingredients in pesticides, or the entire production of the chemical. Requiring an ingredient producer to report all of his production of multi-use chemicals may result in the collection of a large amount of data which will only infrequently be useful. On the other hand, requiring the producer of mulit-use chemicals to report only that portion of his production used in pesticides also poses problems. The producer may not know this information. Gathering the information might be costly, and might not be possible without the cooperation of others in the chain of commerce. Additionally, if the Agency finds a chemical to be dangerous, it would need information on the entire production to formulate an appropriate response to the problem, and to account for all stocks of the product, if that becomes necessary.

Proposed Solution

In response to the mandates of Congress, and in consideration of the problems noted above, the Agency has proposed to amend Parts 167 and 169 as appears below. In summary, the amendments impose the following new requirements:

1. All ingredient producers must register their establishments and report the entire production of any chemical which has pesticidal use.
2. The producers of pesticides (hereinafter, "pesticide producers") must notify the producers of all active ingredients used in the pesticides they produce that the chemical is used as an active ingredient, if the active ingredient is not already registered as a pesticide.
3. Both pesticide producers and active ingredient producers must keep records of the notices described in (2).

The Agency feels that this approach has several benefits. Specifically, requiring pesticide producers to notify their suppliers substantially reduces the possibility that the producers of multi-use chemicals would not be aware of their obligation to register. Thus, the Agency wil have complete information, and no one should find himself unregistered for lack of knowledge that his chemicals are used as pesticide active ingredients.

The Agency has tailored this notification requirement to meet the problem presented. First, the notification need only be sent once, either six months after the effective date of the regulation, or upon commencement of production. Secondly, the notifications are required only where the active ingredient is not already registered. Those producers who already have registered their chemicals obviously do not need to be notified that these products are used as pesticides. The Agency did not feel there was any other reliable method of determining which active ingredient producers did not need to be notified of their product's pesticidal use.

The Agency proposes that active ingredient producers report the entire production of any chemical which has a pesticidal use, since this will give the Agency the most accurate information with which to assess the scope of any problem which might develop with a particular chemical, to formulate an appropriate response, and to account for existing stocks of the product, if that was necessary. Furthermore, this approach eliminates the need for an ingredient producer to seek detailed information about a customer's use of his products, as well as any need for the Agency to set up a reporting mechanism to require pesticide producers to give such information to ingredient producers. Thus, requiring ingredient producers to report the entire amount of production of such chemicals will materially reduce the cost of compliance with the reporting requirement.

Enforcement is facilitated, in two respects, by requiring the producers to keep records of these notifications. First, the Agency, through its routine inspections of the establishments of pesticide producers, can determine who should be registered as an ingredient producer. Secondly, if the pesticide producer did not actually send the notices required and therefore did not have records of such notices, the producer will have refused, within the context of Section 12(a)(2)(B) of the Act, to keep records required pursuant to section 8 of the Act, an illegal act.

Alternatives Considered

Other alternative regulatory schemes did not share the advantages of the current proposal. For example, requiring registration only of those ingredient producers who know their products are used in pesticides would obviously result in incomplete information on such producers. It would also be difficult to enforce, as knowledge of a particular fact, such as whether one's product is used in pesticides, is often difficult to prove. Requiring ingredient producers to register and report production unless they obtain certification from their customers that the customers did not use the product in a pesticide would result in undesirable effects. Such a requirement would mean that every chemical producer in the country would need to obtain such certifications. Accordingly, it would place a large economic burden on persons whom Congress did not intend to regulate under the Act. Requiring pesticide producers to send to EPA copies of the notifications which they send to the producers of active ingredients would increase the reporting burden on producers, and would increase the cost of compliance monitoring by EPA.

The Agency is still considering another change in its regulations to complement the proposal set forth below. Specifically, the Agency is considering an amendment to 40 CFR Part 162, Subpart A-Registration, Reregistration and Classification Procedures—which would require pesticide registration applicants to identify the producer(s) of the active ingredients as part of the application to register the pesticide. This amendment is being considered along with other changes to Part 162 which are necessary to bring the regulations into conformity with the Act, as amended.

Other Changes to the Regulations

The language of Part 167 was substantially rewritten to make the regulations clearer. Except for those changes explained above, which were made to include the ingredient producers in the regulatory scheme, these changes do not reflect any substantive change in the requirements to register establishments and report production.

Several changes in the language of the regulation were made to reflect more accurately the existing practices of the Agency. For example, the present regulation exempts from registration persons who produce pesticides solely for application by themselves. This exemption now appears as an exception to the definition of "produce" for the purposes for Part 167. As written in this proposal, persons who dilute formulated pesticides for their own use according to label directions do not need to register their establishments or to send the notifications required by Section 167.9. However, the new language makes it clear that someone who manufactures a pesticide, even if only to provide pest control services, must register the establishment. This interpretation is

consistent with EPA's current practice, as well as the statutory language added by the EPA of 1978 to the definition of the term "produce". Similarly, the provisions exempting custom blenders from the requirement to file pesticide reports is consistent with the Agency's practice in this area. Custom blenders are still required to register their establishments.

Finally, the proposal below requires changes in ownership or address of an establishment to be reported on the same form as the application for registration. Although this is a change from the present regulations, it is consistent with current Agency practice.

Request for Comments

In addition to welcoming comments on all aspects of this proposal, the Agency is especially interested in comments which address the following issues:

1. Is there another approach to handling the problems of the multi-use chemical producer? Specifically, is there any other way the Agency can assure that such producers will know their products are used as active ingredients in pesticides?
2. Should the Agency seek to collect information only on the amount of an active ingredient actually used in pesticides?
3. How many firms produce active ingredients that have significant other uses?
4. Is there any possible inconvenience to pesticide producers in determining the identity of the producers of the active ingredients which they use? Are active ingredients ever bought from middlemen who relabel or repackage the product so that the identity of the manufacturer cannot be determined? How unusual is this practice?
5. How much is it likely to cost an individual producer to comply with the proposed new requirements?

The procedure for submitting comments is set forth above.

Regulatory Analysis

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 requirement of Executive Order 12044.

Statutory Review

In accordance with Section 25(a) of FIFRA, the U.S. Department of Agriculture has reviewed the amendments proposed below and did not have any substantive comments on them. The FIFRA Scientific Advisory Panel (SAP) was provided with a copy of this proposal and waived its right to comment on it. Copies of this proposal were also submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate. The Agency has not received comments from either of these committees.

Regulatory Review

Section 2(d)(8) of Executive Order 12044 requires that a plan for evaluating the regulation after its issuance be developed. The Agency's plan for evaluation of this rule calls for a public comment period on the effects of the regulation five years from the date of promulgation of this rule. A determination will be made at that time, based on an evaluation of the comments, as to whether modification of the rule is necessary.

Effective date: These regulations will become effective upon publication of the final rule and shall become enforceable 180 days thereafter.

Authority: Sections 7, 8 and 25(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. §§ 136e, 136f, and 136w.

Dated: June 24, 1980.

Douglas M. Costle,

Administrator.

It is proposed to amend 40 CFR Part 167 to read as follows:

Sec.
167.1 Definitions.
167.2 Requirement to register establishment.
167.3 Exceptions to registration requirement.
167.4 How to register an establishment.
167.5 Changes in address or ownership.
167.6 Establishment number to appear on pesticide label.
167.7 Report of production and sales.
167.8 Where to submit applications and reports; where to obtain forms.
167.9 Notification to producers of active ingredients.

Authority: Secs. 7 and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136 *et seq.*

§ 167.1 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, when used in this part, the following terms shall have the meanings stated below:

(a) Act. As used in this part, the term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136, *et seq.*

(b) Custom blended pesticide. The term "custom blended pesticide" means a pesticide which meets the following conditions:

(1) The blend is produced to the order of the user;

(2) The blend is not held in inventory;

(3) The blend contains only registered pesticides, fertilizers, and inert ingredients;

(4) Each pesticide used in the blend bears end-use labelling directions providing for use of the product in such a blend, or the blend is recommended in writing by an appropriate state or Federal Agency official,

(5) The blend is delivered to the user with the following:

(i) A copy of the end use labelling of the pesticide(s) used in the blend, and

(ii) A statement specifying the composition of the mixture.

(c) Device. The term "device" means any device or class of devices as defined by the Act and determined by the Administrator pursuant to Section 25(c) to be subject to the provisions of section 7 of the Act.

(d) Establishment. The term "establishment", for purposes of this part, means each site where a pesticide, an active ingredient, or device as defined by this Act, is produced regardless of whether such site is independently owned or operated and regardless of whether such site is domestic and producing any pesticide, active ingredient or device for export only, or whether the site is foreign and producing any pesticide, active ingredient or device for import into the United States.

(e) Immediate container. The term "immediate container" means the individual intermost package holding the pesticide or active ingredient.

(f) Ingredient producer. The term "ingredient producer" means any person, as defined by the Act, who produces an active ingredient.

(g) Pesticide producer. The term "pesticide producer" means any person, as defined by the Act, who produces a pesticide or a device.

(h) Produce. The term "produce" means to manufacture, prepare, propagate, import, compound or process any pesticide, including any pesticide produced for use pursuant to Sections 3, 5, 18 or 24, or any active ingredient used in producing a pesticide or device, or to repackage or otherwise change the container of any pesticide, active ingredient or device. Diluting a registered end use pesticide or mixing or blending a registered end use pesticide with other substances, in accordance with label directions, or as allowed by Section 2 (ee) of the Act, by any person

for his own use, is not included in the definition of "produce" for the purposes of this part.

(i) Producer. The term "producer" means any person who produces any pesticide, device, or active ingredient.

§ 167.2 Requirement to register establishment.

Each establishment where any pesticide, device, or active ingredient is produced must be registered under this part.

§ 167.3 Exception to registration requirement.

An establishment need not be registered under this part if none of the pesticides or devices produced at the establishment is subject to any of the provisions of the Act, and if none of the active ingredients produced at the establishment is used to produce any pesticide subject to any of the provisions of the Act.

§ 167.4 How to register an establishment.

(a) How to apply for registration. Any person who wishes to register an establishment must complete and submit to EPA an EPA form entitled "Application for Registration of Pesticide Producing Establishments".

(b) How EPA will act on applications. Incomplete or inaccurately completed applications will be returned to the producer. If the application is complete and accurate, EPA will register the establishment and assign a registration number to the establishment. The establishment registration number will be entered on the application, and a copy of the application will be returned to the establishment.

(c) Time for submitting applications. No pesticide, device, or active ingredient may be produced at any establishment until an application for registration has been submitted under this Part. However, any establishment which must be registered solely because an active ingredient is produced there as of the effective date of this regulation need not submit an application for registration until 180 days after the effective date of this regulation.

§ 167.5 Changes in address or ownership.

Any change in the type of ownership or address of any establishment registered under this part must be reported to the EPA on the EPA form entitled "Application for Registration of Pesticide Producing Establishments", within thirty days after such change occurs.

§ 167.6 Establishment number to appear on pesticide label.

Requirements concerning the required placement of the establishment number on the label of a pesticide are set forth in 40 CFR 162.10(f).

§ 167.7 Report of production and sales.

(a) Reporting requirements. Each producer must submit reports to EPA concerning the pesticides, active ingredients, and devices produced at each establishment the producer operates, as required by this section.

(b) Frequency of reporting. The producer must submit an initial report not later than 30 days after the first registration of each establishment the producer operates, and must submit an annual report thereafter, on or before February 1 of each year.

(c) How to file report. The reports required by this section must be made by accurately completing and submitting to EPA an EPA form entitled "Pesticide Report." In filling out the "Pesticide Report," the term "pesticide," as used in the form and the instructions to the form, shall be read to include devices and active ingredients.

(d) Exception to reporting requirement. Any person who is a producer solely because he produces a custom blended pesticide need not submit the reports required by this section.

§ 167.8 Where to submit applications and reports; where to obtain forms.

(a) Where to submit applications and reports. All producers must submit all applications and reports required by this Part to the EPA Regional Office which serves the area where the producer's principal place of business is located. (See 40 CFR 1.7(b).) Any producer who has no place of business in the United States must submit all applications and reports to: Pesticide and Toxic Substances Enforcement Division, (EN-342), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(b) Where to obtain forms. Any person may obtain blank forms for the applications and reports required by this Part from any EPA Regional Office, or from the address listed in paragraph (a) of this section.

§ 167.9 Notification to producers of active ingredients.

(a) Notification Requirement. Each pesticide producer must send a notice, as specified in paragraph (b) below, to the ingredient producer(s) of each active ingredient used by the pesticide producer in producing pesticides. Such notice need not be sent to any ingredient producer whose product bears a label which exhibits an EPA registration number. The presence of an EPA registration number on the active ingredient's label is evidence of registration under the Act.

(b) Contents of notice. The notice required by paragraph (a) must contain the following:

(1) The name and address of the pesticide producer sending the notice;

(2) The name and address of the ingredient producer to whom the notice is sent;

(3) An identification of each chemical which is both used by the pesticide producer and produced by the ingredient producer;

(4) A statement that the chemical identified is used as an active ingredient in a pesticide,

(5) The signature of the pesticide producer or his authorized representative, and

(6) The date the notice was sent.

(c) Time for sending notice. Every person who is producing pesticides on (the effective date of this regulation) must send the notice required by this section within 180 days of the effective date. Every person who begins production of any pesticide after the effective date shall send the required notice(s) within thirty days after production begins.

It is proposed to amend 40 CFR Part 169 by adding a paragraph, as follows:

§ 169.2 Maintenance of records.

* * * * *

(m) Copies of all notifications required to be sent by section 167.9 of Title 40. These records shall be retained for a period of two (2) years.

Authority: Secs. 8 and 25, Federal Insecticide, Fungicide, and Rodenticide Act as amended, 7 U.S.C. § 136 *et seq.*

[FR Doc. 80-20154 Filed 7-3-80; 8:45 am]
BILLING CODE 6560-01-M

---

40 CFR Part 401

[FRL 1533-1]

Proposed Removal of Dichlorodifluoromethane and Trichlorofluoromethane From the Toxic Pollutant List Under Section 307(a)(1), of the Clean Water Act of 1977 (Public Law 95-217)

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to remove dichlorodifluoromethane and trichlorofluoromethane from the list of toxic pollutants published at 40 CFR

401.15 pursuant to section 307(a)(1) of the Clean Water Act.

This proposed action is in response to a petition for removal of these two compounds from the list. This proposed action is taken after the determination that removal of these compounds from the list would not result in damage if they were discharged into the acquatic environment.

DATES: Public comments on this proposed action must be submitted on or before (60 days from publication), 1980, to Mr. Joseph Krivak, listed below.

ADDRESS: Criteria and Standards Division (WH-585) Office of Water Planning and Standards U.S. Environmental Protection Agency 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Krivak, Director, (202-755-0100).

SUPPLEMENTARY INFORMATION: Section 307(a)(1) of the Clean Water Act requires EPA to publish a list of toxic pollutants. This section also authorizes the Administrator to add or remove substances from this list and provides that:

> The Administrator is publishing any revised list, including the addition or removal of any pollutant from such list, shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms.

On March 27, 1979 (44 FR 18279), EPA published a notice for the purpose of providing guidance to persons petitioning EPA for a change in the toxic pollutant list. The notice provided guidance as to the information necessary to support such a petition. These information factors were to include, but not be limited to, the following:

(1) Toxicity of the pollutant: a. Acute [96-hour LC50] toxicity to freshwater and marine organisms;

b. Maximum acceptable toxicant concentration to freshwater and marine organisms;

c. Embryo-larval and egg-fry tests on freshwater organisms;

d. Information on dose-related lethal or chronic sub-lethal effects on man, nonhuman mammals, vertebrates, and other aquatic organisms;

e. Information relating to known or suspected carcinogenicity, teratogenicity, and mutagenicity in man or in other animals.

(2) Persistence of a pollutant including mobility and degradability in water of the substance.

(3) Bioconcentration, bioaccumulation and biomagnification of a pollutant or of its degradation products or metabolites.

(4) Synergistic propensities and effects of the pollutant.

(5) Water solubility and octanol-water partition coefficient determinations for the pollutant.

(6) Extent of point source discharges into water including qualitative presence and quantitative concentrations of the pollutant in effluents, ambient water, benthic sediments, fish and other plant and animal aquatic organisms.

(7) Potential exposure of persons to the pollutant through drinking water, surface water, fish or shellfish consumption. Potential exposure of aquatic organisms and wildlife to the pollutant.

(8) Annual production of the pollutant in the United States.

(9) Use patterns.

(10) The capability of analytical methods to identify and quantitatively determine the presence of the pollutant in ambient water or wastewaters.

On January 31, 1978, EPA published the list of 65 toxic pollutants identified by Congress in Table 1 of Committee Print No. 95-30 of the House of Representatives Committee on Public Works and Transportation. This list was codified in 40 CFR 401.15 on July 30, 1979 44 FR 44501. Dichlorodifluoromethane (F-12) and trichlorofluoromethane (F-11) were listed under number 38 as halomethanes in 44 FR 44503.

On November 2, 1979, the E. I. duPont de Nemours & Company (Dupont) petitioned EPA to remove fluorocarbons F-11 and F-12 from EPA's list of toxic pollutants under the Clean Water Act. The petition contends that:

1. The nature of F-11 and F-12, as well as the methods of transportation and disposal of these compounds do not provide significant potential for contamination of water supplies. ("Ground One")

2. Their physical properties are such that, even in direct contact with water supplies, the level of contamination would be transient and low. ("Ground Two")

3. The toxicity of these compounds is low. ("Ground Three")

Ground One

U.S. production of F-11 and F-12 were estimated at 210 and 355 million pounds, respectively, in 1977. Of this total of 565 million pounds, an estimated 90 million pounds was shipped in returnable containers, such as tank cars, tank trucks, and cylinders, such that any unused material was thereby returned to the manufacturer. The small "heels" remaining in nonreturnable 20 and 50 gallon drums in which 25 million pounds were shipped, eventually vaporized to the atmosphere.

A total of 195 million pounds of F-11 and F-12 were used in 1977 in aerosol products. Under EPA and FDA Phase I CFC Regulations, this use was almost completely phased out as of December 15, 1978. As for the small volume which is still used for aerosol propellants, aerosol products are rarely discarded until all the product is discharged; at this point essentially all propellant has been released to the atmosphere.

A total 118 million pounds of F-11 and F-12 were used as a blowing agent in the production of foamed polyurethane and polystyrene plastics. It is believed that approximately 55 million pounds of F-11 is trapped inside the foam for 50 to 100 years. The remainder escapes to the atmosphere during manufacturing and use of the foam product.

Data available to the Agency indicate that the gross annual discharge of the two compounds to the nation's waters in 1976 was miniscule. Therefore any contribution to the levels of the fluorocarbons in the atmosphere by an aquatic route of introduction such as discharge in manufacturing point source effluents and subsequent evaporation would also be insignificant. The Agency does not anticipate any changes in the methods of production for these two compounds to change this conclusion. Fluorocarbons are primary products in their manufacturing process with insignificant amounts of them being lost at the site of production through either fugitive air emissions or through direct aquatic discharges in point source effluents. Therefore, no adverse environmental impact to air quality is anticipated from this proposed aciton.

Conclusion

No significant potential exists for contamination of water supplies by F-11 or F-12 due to the methods of transportation, use, and disposal of these compounds.[1] During manufacture of these compounds, total losses to the environment are insignificant. Almost all of the total losses during manufacturing are to the air from fugitive emissions with only a miniscule amount of loss accounted for by direct discharge into water from point source effluents.

Ground Two

The physical properties of dichlorodifluoromethane and trichlorofluoromethane are such that, even in direct contact with water supplies, the level of contamination would be transient and low.

The low boiling points of these two fluorocarbons result in relatively high vapor pressures. As an example, in the case of dichlorodifluoromethane, ambient temperature (15°C) is much greater than the boiling point of the compound (−30°C) resulting in the generation of a high vapor pressure. This would result in rapid evaporation if the liquid fluorocarbons were to be spilled or otherwise introduced into the environment. The latent heats of vaporization for the two compounds are also low. Thus a low latent heat of vaporization of a compound facilitates a change from the liquid to the gas phase. This combination of physical properties results in rapid evaporation rates when the compounds are exposed to the environment through spills or disposal.[1]

Fluorocarbons F-11 and F-12 are chemically inert and practically insoluble in water:

Trichlorofluoromethane—1.1×10^6 μg/l @ 20°C [3]

Dichlorodifluoromethane—2.8×10^5 μg/l @ 25°C

No estimated degradation rates were found for the halomethanes. Studies suggest that the compounds containing both chlorine and fluorine (trichlorofluoromethane and dichlorodifluoromethane) are virtually non-degradable in water.[2] However, the high vapor pressure [3] for these compounds (667 and 4306 mm/Hg respectively) would indicate that diffusion to the atmosphere would prevent any significant build-up of the compounds in the hydrosphere.[4]

Due to the rapid evaporation rates, there is concern that fluorocarbon F-11 and F-12 emissions may react with and cause depletion in the stratospheric ozone layer. It appears that little if any is removed from the atmosphere by rainfall or dissolution into surface or ground water.[5,6,7]

Conclusion

Experimental data and field measurements all confirm the water-to-air partition for F-11 and F-12 is so low that no significant hazard exists for contamination of water supplies.

Ground Three

The claim is that trichlorofluoromethane (F-11) and dichlorodifluoromethane (F-12) both have low toxicities.

F-11 has not shown appreciable oral toxicity to rats or dogs in either acute or chronic studies.[13,14] The chronic studies include one-month, 90 day and 2-year studies. No irritation was observed after dermal contact for mice and rabbits.[15,16,17] Transient conjunctival irritation was observed after application of F-11 to the rabbit eye. No permanent eye damage was seen.

The lethal concentration of F-11 for rats in a 4 hour exposure is 26,200 ppm.[13] A 30 minute exposure of rats to 50,000 ppm caused no symptoms of intoxication. Concentrations of 100,000 ppm or more were fatal after exposure of less than 30 minutes.[19]

In a bioassay supported by the National Cancer Institute, F-11 was not carcinogenic to rats or mice.[14] No significant increase in tumor formation was seen in a subcutaneous injection study.[20] Additionally F-11 has not been shown to be mutagenic in the Ames bioassay.[13] No embryotoxic, fetotoxic or teratogenic effects have been shown for F-11.[21]

The extremely low water solubility and high volatility for F-11 combined with low toxicity do not suggest aquatic environmental hazards.[1] As a result of the great difficulty in getting F-11 into solution and keeping it in solution long enough to run toxicity tests on aquatic species, there appear to be no aquatic toxicity test results available in the open scientific literature.

The toxicity data for dichlorodifluoromethane F-12 is very similar to F-11. F-12 has not demonstrated appreciable oral toxicity to laboratory animals in either acute or chronic studies.[13] These studies have included 18-weekj and two-year feeding studies in rats and dogs. The lethal concentration of F-12 for rats in a 3-hour exposure is 620,000 ppm.[14] Two-hour exposure to 600,000 ppm was lethal to rats but not to guinea pigs.[17]

Rats, guinea pigs, monkeys, rabbits, and dogs were continuously exposed to 810 ppm of F-12 for 90 days. Although 2/15 rats and 1/15 guinea pigs died during exposure, no other visible signs of toxicity were seen. Pathological examination revealed no compound-related changes in the lung, liver, and kidneys.[22] A similar group was exposed 8 hours daily, 5 days a week for 6 weeks to 840 ppm of F-12 with no signs of toxicity observed.

No effects were seen in a human volunteer exposed twice for 2.5 hours to 1,000 ppm of F-12. Exposure to 10,000 ppm resulted in a reduction in psychomotor test scores. Measurement of end-tidal air showed that the compound was rapidly eliminated (loss of vapor) from the lungs of the subject.[23] Other human subjects exposed to 40,000 to 110,000 ppm had varying effects from generalized tingling sensation, apprehension, EEG changes, slurred speech to amnesia and a decrease in consciousness occurring after 10 minutes exposure to 110,000 ppm.[24]

F-12 was not carcinogenic in a 2-year feeding study in rats and dogs.[13] Additionally, no tumors were reported in a 23-month inhalation study.[25] F-12 has not been shown to be mutagenic in the Ames test [13], or embryotoxic when tested using pregnant rats and rabbits.[13,21] A thorough check with EPA laboratories and literature searches has shown that no specific tests have been made on aquatic species to determine toxicity. The principal reason is the inability to get F-11 or F-12 into solution long enough to conduct aquatic toxicity testing. Unlike many other compounds, both F-11 and F-12 have been in heavy use for almost 50 years with no known aquatic damage ever recorded from spills or discharges.[1]

Conclusion

The low solubility and high volatility of F-11 and F-12, combined with low mammalian and human toxicity do not suggest any aquatic environmental hazard.

Comments

It should be emphasized that this proposed determination to delete these two fluorocarbons (F-11 and F-12) from our list does not affect the validity of EPA's toxic pollutant criteria. Rather, based on the documents provided by the petitioner, Dupont, it appears that the unique chemistry of these two fluorocarbons is such that it is almost impossible to cause damage when discharged into the aquatic environment.

This proposed action affects the designation of only two compounds listed under number 38 (halomethanes). The Agency has determined that a comment period of sixty (60) days will be sufficient to address the issues raised in this proposed action.

Dated: June 27, 1980.

Douglas M. Costle,

Administrator.

40 CFR Subchapter N, Part 401 is amended by the deletion of two compounds.

§ 401.15 [Amended]

At § 401.15 under number 38, halomethanes, in the list of toxic pollutants designated pursuant to section 307(a)(1) of the Act, delete both trichlorofluoromethane (F-11) and dichlorodifluoromethane (F-12).

References

(1) Dupoint petition—Nov. 2, 1979.

(2) Su, C. and E. D. Goldberg. 1976. Environmental Concentrations and Fluxes of Some Halocarbons. In Marine Pollutant

Transfer. Eds. H. L. Windom and R. A. Duce. Lexington Books, D.C. Heath and Company, Lexington, Massachusetts, pp. 353–374.
(3) Pearson, C. R., and G. McConnell. 1975. Chlorinated C_1 and C_2 hydrocarbons in the marine environment. Proceedings of the Royal Society of London B. 189(1096): 305–332.
(4) USEPA—Sept. 27, 1977—Chapter VI Environmental Fate and Effects—Halomethanes.
(5) National Academy of Sciences. 1976. Halocarbons: Effects on Stratospheric Ozone.
(6) NASA Reference Publication 1010. 1977. Chlorofluoromethanes and the Stratosphere.
(7) National Academy of Sciences. 1977. Response to the Ozone Protection Sections of the Clean Air Act Amendments of 1977: An interim Report.
(8) Municipal Environment Research Laboratory. 1977. Survey of Two Municipal Wastewater Treatment Plants. Wastewater Research Division USEPA, Cincinnati, Ohio. p. 18.
(9) Bellar, T. A., et al. 1974. The occurrence of organohalides in chlorinated drinking waters. Journal of the American Waterworks Association. pp. 703–706.
(10) Lovelock, J. E., et al. 1973. Halogenated hydrocarbons in and over the Atlantic. Nature. 241: 194–196.
(11) Environmental Protection Agency. 1975. Preliminary Assessment of Suspected Carcinogens in Drinking Water. In Report to Congress. Washington. D.C. p. 52.
(12) Dickson, A. G. and J. P. Riley. 1976. The distribution of short-chain halogenated aliphatic hydrocarbons in some marine organisms. Marine Pollution Bulletin. 7(9): 167–169.
(13) E. I. du Pont de Nemours and Company. Incorporated. Unpublished Haskell Laboratory Data.
(14) National Cancer Institute. 1978. Bioassay Report NCI-CG-TR-106. (NTIS PB 286187).
(15) Quevauviller, A., et al. 1963. Ann. Pharm. Franc. 21(11). 727–734.
(16) Quevauviller, A. 1960. Parfumerie Cosmetique Savons. 3. 228–230.
(17) Scholtz, J. 1962. Fortschr. Biol. Aerosol.-Forsch. (1957–61) Ber. Aerosol.-Kongr. 4. 420–429.
(18) Kudo, K., et al. 1971. Toho Igakkai Zasshi. 18(2). 363–367.
(19) Lester, D., and Greenburg, L. A. 1950. Acute and Chronic Toxicity of Some Halogenated Derivatives of Methane and Ethane. Arch. Ind. Hyg. Occup. Med. 2. 335–344.
(20) Epstein, S. S., et al. 1967. Synergistic Toxicity and Carcinogenicity of 'Freons' and Piperonyl Butoxide. Nature. 214. 526–528.
(21) Paulet, G. European J. Toxicol. Suppl. 9 (7). 385–407.
(22) Prendergast, J. A., et al. 1967. Effects on Experimental Animals of Long-Term Inhalation of Trichloroethylene, Carbon Tetrachloride, 1,1,1-Trichloroethane, Dichlorodifluoromethane, and 1,1-Dichloroethylene. Tox. Appl. Pharmacol. 10. 270–289.
(23) Azar, A., et al., Experimental Human Exposures to Fluorocarbon 12 (Dicholordifluoromethane). American Industrial Hygiene Association Journal. 207–16.
(24) Kehoe, R.A. 1943. Unpublished Data, Report of Observations to Determine the Highest Concentration of Dichlorodifluoromethane Vapor in Air to Which Human Beings Could Be Exposed Continuously over a Number of Hours Without Impairment of Cerebral Functions and Muscular Co-ordination, and Without Developing Any Other Immediate or Subsequent Illness or Disability. Kittering Laboratory.
(25) Smith, J. K., and Cast, M. T. 1973. Subacute and Chronic Toxicity Studies of Fluorocarbon Propellants in Mice, Rats and Dogs. Tox. Appl. Pharmacol. 26. 438–443.

[FR Doc. 80-20583 Filed 7-8-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-5665]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations; Massachusetts

AGENCY: Federal Insurance Administration, FEMA

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Reading, Middlesex County, Massachusetts.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Reading Chronicle* on April 9, 1980 and April 1980, and at 45 FR 25832 on April 16, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Program number flood insurance 83.100

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Massachusetts	(T), Reading, Middlesex County	Ipswich River	Downstream corporate limit	*71
			Just downstream Mill Street	*72
			Upstream corporate limit	*76
		Bear Meadow Brook	About 500 feet downstream of Haverhill Street	*71
			About 1.0 mile upstream of Haverhill Street	*76
		Aberjona River	Downstream corporate limit	*67
			Just downstream of West Street culvert	*82
			Divergence with North Spur Aberjona River	*85
		North Spur Aberjona River	Downstream corporate limit	*75
			Just upstream of West Street	*81
			Just upstream of Willow Street	*85
		Walkers Brook	Downstream corporate limit	*79
			Just downstream of Harvest Road	*84
			Just downstream of Ash Street	*87

Maps available at Town Hall, Town Clerk's Office, 60 Cowell Street, Reading, Massachusetts.

Send comments to Honorable James Sullivan, Jr., Chairman of the Board of Selectmen, Town of Reading, Town Hall, 60 Cowell Street, Reading, Massachusetts 01867.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 16, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-20452 Filed 7-8-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5122]

Revision of Proposed Flood Elevation Determinations for the City of Auburn, King County, Wash., Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Auburn, Washington.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published at 44 FR 7174–7175 on February 6, 1979 and in the *Auburn Globe-News,* published on or about February 14, 1979, and February 21, 1979, and here supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 25 West Main Street, Auburn, Washington.

Send comments to: the Honorable Stanley P. Kersey, Mayor, City of Auburn, City Hall, 25 West Main Street, Auburn, Washington 98002.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Auburn, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Program number flood insurance 83.100

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Depth in feet above ground *Elevation in feet (NGVD)
Mill Creek	Intersection of creek and center of 37th Street N.W.	*45
	250 feet upstream from center of State Highway 18.	*69
White River	Intersection of river and center of R Street S.E.	*120
	Intersection of river and Muckleshoot Indian Reservation Boundary.	*160
Green River	Intersection of river and easternmost corporate limits.	*92
	Intersection of D Street N.E. and South 276th Street.	*45

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: June 16, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-20451 Filed 7-8-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR PART 67

[Docket No. FEMA 5845]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a).

These elevations, together with the flood plain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change. any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Program number flood insurance 83.100

The proposed base (100-Year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Ledyard, Town, New Haven County.	Joe Clark Brook	Confluence with Poquetanuck Cove	*13
			400' upstream of Avery Hill Road	*17
			1,633' upstream of Avery Hill Road	*26
			100' downstream of footbridge	*36
			100' upstream of footbridge	*37
			1,240' upstream of footbridge	*41
			1,450' downstream of State Route 117	*49
			150' downstream of State Route 117	*59
		Shewville Brook	1,100' downstream of Shewville Road	*112
			60' downstream of Shewville Road	*113
			60' upstream of Shewville Road	*117
			760' upstream of Shewville Road	*117
		Williams Brook	1,540' downstream of Shewville Road	*58
			100' downstream of Shewville Road	*59
			50' upstream of Shewville Road	*60
			Upstream of Townfarm Road	*65
			2,000' upstream of private road	*68
			2,400' upstream of private road	*73
			4,250' upstream of private road	*78
		Witford Brook	1,775' downstream of Lantern Hill Road	*80
			475' downstream of Lantern Hill Road	*85
			50' upstream of Lantern Hill Road	*93
			370' upstream of Lantern Hill Road	*98
		Flat Brook	Confluence with Mill Cove	*12
			775' upstream of private road	*20
			985' upstream of private road	*26
			1,175' upstream of private road	*31
			40' downstream of Grade Drive	*35
			300' upstream of Grade Drive	*45
			Upstream side of the dam	*47
			State Route 12	*51
			135' upstream of State Route 12	*53
			375' upstream of State Route 12	*56
		Pine Swamp Brook	Military Highway	*12
			Upstream of Woodland Drive	*24
			Upstream of Harvard Terrace	*29
			1,830' upstream of Harvard Terrace	*29
		Thames River	Downstream of Corporate Limits	*11
			Confluence of Corporate Limits	*13
		Poquetanuck Cove	Entire Shoreline	*13
Maps available at the Building, Zoning and Planning Office and the office of the Town Clerk, Town Hall, Ledyard, Connecticut. Send comments to Honorable J. Alfred Clark, Mayor of Ledyard, Town Hall, Box 38, Ledyard, Connecticut 06339.				
Florida	Unincorporated Areas of Orange County.	St. Johns River	Just upstream of State Road 50	*13
			Just downstream of State Road 520	*18
		Econlockhatchee River	Just downstream of Cheney Highway	*44
			Just upstream of State Road 528	*60
		Little Enconlockhatchee River	Just downstream of Buck Road	*54
		Wekiva River	Just upstream of Miami Springs Drive	*16
		Boggy Creek—East Branch Boggy Creek.	Just upstream of State Road 527A	*74
			Just upstream of State Road 528	*89
		West Branch Boggy Creek	Just upstream of Seaboard Coast Line Railroad Spur B	*90
			Upstream of State Road 528	*98

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Shingle Creek	Just upstream of State Road 528	*84
			Just upstream of Floridas Turnpike	*89
			Upstream of Mcleod Road	*98
		Little Wekiva River	Just upstream of Egret Way	*68
			Just upstream of Garnet Drive	*75
			Just upstream of Road 424	*87
		Howell Creek	Downstream of Temple Drive	*64
			Just downstream of Horatio Drive	*68
		Cypress Creek	At confluence with Little Lake Fish	*102
		Lake Apopka	Entire Shoreline	*69
		Lake Barton	Entire Shoreline	*96
		Little Lake Barton	Entire Shoreline	*96
		Bay Lake	Entire Shoreline	*92
		Lake Beauclair	Entire Shoreline	*66
		Lake Bell	Entire Shoreline	*92
		Lake Bennet	Entire Shoreline	*118
		Lake Bessie	Intersection of Lee St. & Conror Road	*103
		Black Lake	Entire Shoreline	*101
		Lake Blance	Entire Shoreline	*102
		Lake Bosse	Entire Shoreline	*65
		Lake Bryan	Entire Shoreline	*100
		Lake Burkett	Entire Shoreline	*56
		Lake Butler	Entire Shoreline	*102
		Lake Cane	Entire Shoreline	*100
		Lake Carlton	Entire Shoreline	*66
		Lake Catherine	Entire Shoreline	*94
		Lake Charity	Entire Shoreline	*73
		Lake Chase	Entire Shoreline	*102
		Clear Lake	Entire Shoreline	*97
		Little Lake Conway	Entire Shoreline	*89
		Lake Conway	Entire Shoreline	*89
		Lake Cora Lee	Entire Shoreline	*76
		Crooked Lake	Entire Shoreline	*80
		Cyress Lake	Entire Shoreline	*102
		Lake Destiny	Entire Shoreline	*91
		Upper Doe Lake	Entire Shoreline	*70
		Lake Dora	Entire Shoreline	*66
		Lake Down	Entire Shoreline	*102
		Lake Fairview	Entire Shoreline	*91
		Lake Faith	Entire Shoreline	*73
		Fischer Lake	Entire Shoreline	*94
		Little Fish Lake	Entire Shoreline	*102
		Lake Fuller	Entire Shoreline	*70
		Lake Gandy	Entire Shoreline	*76
		Lake Gatlin	Entire Shoreline	*89
		Lake Georgia	Entire Shoreline	*62
		Lake Hart	Entire Shoreline	*66
		Lake Herrick	Entire Shoreline	*82
		Lake Hiawassa	Entire Shoreline	*83
		Lake Holden	Entire Shoreline	*93
		Lake Hope	Entire Shoreline	*74
		Lake Irma	Entire Shoreline	*57
		Lake Jennie Jewel	Entire Shoreline	*92
		Lake Jessamine	Entire Shoreline	*94
		Johns Lake	Entire Shoreline	*101
		Lake Killarney	Entire Shoreline	*85
		Lawne Lake	Entire Shoreline	*90
		Lake Lenore	Entire Shoreline	*76
		Lake Lockhart	Entire Shoreline	*76
		Long Lake	Entire Shoreline	*81
		Lake Louise	Entire Shoreline	*130
		Lake Louise	Entire Shoreline	*102
		Lake Mabel	Entire Shoreline	*97
		Lake Maitland	Entire Shoreline	*69
		Lake Mann	Entire Shoreline	*95
		Lake Marion	Entire Shoreline	*66
		Marshall Lake	Entire Shoreline	*70
		Lake Mary	Entire Shoreline	*95
		Lake Mary Jane	Entire Shoreline	*66
		Lake McCoy	Entire Shoreline	*65
		Lake Meadow	Entire Shoreline	*90
		Lake Minnehaha	Entire Shoreline	*68
		Lake Mira	Entire Shoreline	*61
		Lake Ola	Entire Shoreline	*74
		Lake Olympia	Entire Shoreline	*101
		Lake Orlando	West and southeast from US Highway 441 Bridge over Little Wekiva River.	*88
		Lake Palmer	Entire Shoreline	*102
		Lake Phillips	Entire Shoreline	*66
		Pike Lake	Entire Shoreline	*67
		Lake Pinelock	Entire Shoreline	*96
		Lake Pleasant	Entire Shoreline	*83
		Pocket Lake	Entire Shoreline	*102
		Prairie Lake	Entire Shoreline	*90
		Lake Rose	Entire Shoreline	*89
		Lake Rowena	Entire Shoreline	*75
		Lake Ruby	Entire Shoreline	*118
		Big Sand Lake	Entire Shoreline	*101

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Little Sand Lake	Entire Shoreline	*102
		Lake Shadow	Entire Shoreline	*85
		Lake Sheen	Entire Shoreline	*102
		Lake Sherwood	Entire Shoreline	*90
		Lake Sidney	Entire Shoreline	*90
		Lake Sims	Entire Shoreline	*96
		South Lake	Entire Shoreline	*97
		Lake Spier	Entire Shoreline	*95
		Spring Lake (near Ocoee)	Entire Shoreline	*121
		Spring Lake (near Little Sand Lake).	Entire Shoreline	*102
		Starke Lake	Entire Shoreline	*101
		Lake Steer	Entire Shoreline	*88
		Lake Sue	Entire Shoreline	*75
		Lake Susannah	Entire Shoreline	*99
		Lake Telfer	Entire Shoreline	*81
		Lake Tibet	Entire Shoreline	*102
		Trout Lake	Entire Shoreline	*76
		Turkey Lake	Entire Shoreline	*98
		Lake Warren	Entire Shoreline	*89
		Lake Waunatta	Entire Shoreline	*64
		Lake Willis	Entire Shoreline	*108
Maps available at Orange County Public Works Office, 2450 33rd Street, Orlando, Florida 32808.				
Send comments to Mr. Lamar Thomas, Chairman, Orange County Commission, Orange County Courthouse, 65 East Central, Room 331, Orlando, Florida 32801.				
Indiana	Franklin (City), Johnson County	Youngs Creek	50 feet upstream of intersection of creek and Home Avenue	*722
			200 feet upstream of intersection of creek and Morton Street (U.S. Highway 31).	*727
		Hurricane Creek	100 feet upstream of intersection of creek and East Monroe Street	*725
		Canary Ditch	100 feet downstream of intersection of ditch and Morton Street (U.S. Highway 31).	*749
			75 feet upstream of intersection of ditch and County Road 300 North (Earlywoods Drive).	*765
Maps available at City Hall, Planning Department, Franklin, Indiana.				
Send comments to the Honorable Charles R. Littleton, P.O. Box 216, Franklin, Indiana 46131.				
Indiana	(Uninc.) Hendricks County	Abner Creek	Just downstream of County Road 525 East	*752
			About 350 feet upstream of County Road 525 East	*754
			About 150 feet downstream of Conrail	*800
			Just upstream of County Road 100 North	*832
			About 250 feet upstream of County Road 150 North	*848
			About 3400 feet upstream of County Road 150 North	*864
		Clarks Creek	At Old State Road 267	*691
			Just downstream of Interstate 70 eastbound	*702
			Just upstream of Interstate 70 westbound	*704
			Just upstream of County Road 600 south	*713
			About 200 feet upstream of County Road 550 South	*721
			At downstream corporate limit of Plainfield	*724
			Upstream corporate limit of Plainfield	*773
			Confluence with Army Branch	*779
			At County Road 100 south	*821
		Clarks Creek Tributary	Just upstream of Conrail	*774
			Just downstream of first crossing of County Road 800 East	*775
			Just upstream of second crossing of County Road 800 East	*780
			Just downstream of third crossing of County Road 800 East	*788
			Just upstream of third crossing of County Road 800 East	*792
			Just downstream of intersection of County Road 150 South and County Road 800 East.	*809
			At County Road 100 South	*820
		Cosner Branch	At mouth of West Fort White Lick Creek	*749
			At Martin Road	*752
			Just upstream of County Road 350 South	*763
			About 5200 feet upstream of County Road 350 South	*783
		East Fork, White Lick Creek	About 1.25 miles downstream of County Road 800 South	*679
			Just upstream of County Road 800 South	*690
			Just upstream of County Road 700 South	*700
			Just downstream of Interstate 70 eastbound	*711
			Just upstream of Interstate 70 westbound	*717
			Just upstream of County Road 450 South	*723
			Downstream crossing of eastern county boundary	*736
			Upstream crossing of eastern county boundary	*803
			Just downstream of County Road 200 North	*814
			Just upstream of County Road 200 North	*817
			Just downstream of Lantern Drive	*831
			Just upstream of Chessie System Railroad	*836
			Just downstream of County Road 300 North	*842
			Just upstream of County Road 300 North	*845
			Just downstream of County Road 975 East	*859
			Just upstream of County Road 975 East	*861
			Just upstream of County Road 900 East	*874
			About 1.25 miles upstream of County Road 900 East	*879
		Hughes Branch	Mouth at Little West Fork White Lick Creek	*866
			About 200 feet downstream of first crossing of County Road 550 North.	*891
			Just upstream of first crossing of County Road 550 North	*895
			Just downstream of third crossing of County Road 550 North	*921

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Keany Ditch	Mouth at Little West Fork White Lick Creek	*928
			About 100 feet upstream of County Road 401 East	*930
			At County Road 275 East	*938
		Little West Fork White Lick Creek	Mouth at White Lick Creek	*850
			About 200 feet upstream of County Road 550 East	*863
			Just downstream Old U.S. Highway 136	*876
			Just downstream of Conrail	*879
			Just upstream of Conrail	*885
			About 4650 feet upstream of County Road 550 East	*895
			Just upstream of County Road 500 East	*909
			Just downstream of first crossing of County Road 750 North	*915
			Just upstream of second crossing of County Road 750 North	*920
			Just upstream of Interstate 74 westbound	*928
			At County Road 500 East	*939
		Thompson Creek	Mouth at West Fork White Lick Creek	*862
			About 6700 feet above confluence with West Fork White Lick Creek	*884
			At County Road 300 North	*911
		West Fork White Lick Creek	Mouth at White Lick Creek	*681
			Just downstream of Interstate 70 eastbound	*694
			Just upstream of Interstate 70 westbound	*702
			About 1.50 miles upstream of County Road 600 East	*712
			Just upstream of Old U.S. Highway 40	*738
			Just upstream of Conrail	*749
			Just upstream of County Road 200 East	*769
			About 1.0 mile downstream Cartersburg Road	*786
			Just upstream of County Road 200 South	*809
			Just downstream of Conrail near Danville	*831
			Just upstream of East Columbia Street	*849
			Just upstream of County Road Zero	*868
			Just upstream of County Road 200 North	*893
			Just upstream of first crossing of U.S. Highway 39	*897
			About 1 mile upstream of first crossing of U.S. Highway 39	*908
			Just downstream of second crossing of U.S. Highway 39	*922
			Just upstream of second crossing of U.S. Highway 39	*927
			Just downstream of County Road 25 West	*932
		West Fork White Lick Creek Tributary 1.	Confluence with West Fork White Lick Creek	*706
			At County Road 600 South	*731
		School Branch	Just upstream of County Line Road	*809
			About 2400 feet upstream of County Line Road	*817
			About 6600 feet upstream of County Line Road	*846
			Just downstream of County Road 600 North	*862
			Just upstream of County Road 600 North	*866
			Just upstream of County Road 1000 East	*870
			Just upstream of second crossing of County Road 1000 East	*880
			Just upstream of County Road 750 North	*895
			Just upstream of Maloney Road	*903
			Just upstream of County Road 950 North	*912
		White Lick Creek	Just upstream of County Line Road	*681
			Just downstream of Interstate 70 eastbound	*692
			Just upstream of Interstate 70 westbound	*696
			Just downstream of County Road 600 South	*703
			Just upstream County Road 600 South	*706
			Just downstream of Conrail in Plainfield	*728
			Just upstream of Conrail near Plainfield	*731
			Confluence of Abner Creek	*751
			Just upstream of Conrail	*775
			At County Road 100 North	*786
			Just upstream of County Road 200 North	*810
			Just downstream of County Road 350 North	*826
			Just upstream of County Road 350 North	*830
			Just upstream of Chessie System	*833
			Just upstream of County Road 500 North	*851
			Just upstream of Conrail at west edge of Brownsburg	*862
			Just upstream of Interstate 74 westbound	*874
			Just upstream of State Highway 267	*894
			About 1.30 miles upstream of County Road 1000 North	*914
		White Lick Creek Tributary 3	At mouth at White Lick Creek	*776
			Just downstream of U.S. Highway 36	*778
			Just downstream of outlet from Lake View	*787
			Just upstream of inlet to Lake View	*800
			Just upstream of State Highway 267	*811
			Just downstream of County Road 100 North	*830
			Just upstream of County Road 100 North	*833
			At County Road 200 North	*857
		White Lick Creek Tributary 4	Mouth at White Lick Creek	*783
			Just upstream of County Road 100 North	*791
			About 200 feet upstream of English Avenue	*836
			Just downstream of County Road 200 North	*845
			Just upstream of County Road 200	*849
			At County Road 300 North	*867

Maps available at the Planning Department, Hendricks County Courthouse, Danville, Indiana.

Send comments to Honorable Arthur Hemsel, President of County Board of Commissioners, Hendricks County, P.O. Box 97, Danville, Indiana 46122.

Kansas	(Uninc.) Sedgwick County	Spring Creek	0.35 mile upstream of mouth	*1,235
			Just downstream of Atchison, Topeka and Santa Fe Railway	*1,248

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	*Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of 91st Street South	*1,253
			About .56 mile upstream of Woodlawn Avenue	*1,261
		Cowskin Creek	0.5 mile downstream of 95th Street South	*1,240
			Just upstream of 95th Street South	*1,246
			At City of Haysville corporate limit	*1,261
			At City of Wichita corporate limit	*1,311
			About 150 feet upstream of Maple Street	*1,320
			Just upstream of Maize Road	*1,323
			Just downstream Central Avenue	*1,326
			Just downstream of 119th Street West	*1,334
			Just downstream of 21st Street North	*1,345
		Calfskin Creek	Just downstream of Maize Road	*1,314
			Just upstream of Maize Road	*1,317
			About 1.0 mile upstream of 119th Street West	*1,323
		North Fork Calfskin Creek	At confluence with Calfskin Creek	*1,320
			At confluence of Middle Fork Calfskin Creek	*1,323
			About 0.83 mile upstream of Maple Street	*1,330
			About 1.0 mile upstream of Maple Street	*1,337
			About 1.5 miles upstream of Maple Street	*1,340
		Middle Fork Calfskin Creek	About 0.83 mile upstream of confluence with North Fork Calfskin Creek.	*1,341
		Big Slough	Just upstream of 13th Street North	*1,318
			Just downstream of 21st Street North	*1,324
			Just downstream of Missouri Pacific Railroad	*1,326
			Just upstream of Ridge Road	*1,330
			About 0.7 mile downstream of 45th Street North	*1,337
			Just downstream of 53rd Street North	*1,346
		Little Slough	At confluence with Big Slough	*1,333
			Just downstream of 45th Street North	*1,338
			Just downstream of 53rd Street North	*1,342
		Chisholm Creek	Just upstream of Interstate 135	*1,350
			Just upstream of Treatment Plant Road	*1,351
			At confluence with West Fork Chisholm Creek	*1,357
			Just upstream of 77th Street North	*1,370
		West Branch Chisholm Creek	Mouth at Chisholm Creek	*1,332
			Just upstream St. Louis-San Francisco Railway	*1,335
			2400 feet upstream of 77th Street North	*1,343
		Park City Tributary	Just downstream of Maple Street	*1,340
			Just upstream of Maple Street	*1,343
			Just downstream of Hydraulic Avenue	*1,366
			Just upstream of Hydraulic Avenue	*1,370
			About 0.13 mile upstream of Hydraulic Avenue	*1,374
		Tributary P2	Just upstream of Maple Street	*1,343
			About 0.23 mile upstream of Maple Street	*1,352
		West Fork Chisholm Creek	About 2400 feet upstream of confluence with Chisholm Creek	*1,357
			Just upstream of 77th Street North	*1,364
		Middle Fork Chisholm Creek	Just upstream of Hydraulic Avenue	*1,339
			Just upstream of 45th Street North	*1,345
			Just downstream of Hillside Avenue	*1,348
			Just upstream State Route 254 near Oliver Street	*1,361
		Tributary M1	Just upstream of Hydraulic Avenue	*1,341
			About 0.67 mile upstream of Hydraulic Avenue	*1,354
			About 0.5 mile downstream of 53rd Street North	*1,359
			About 900 feet upstream of 53rd Street North	*1,373
		East Fork Chisholm Creek	Just upstream of Hillside Avenue	*1,339
			About 0.6 mile upstream Hillside Avenue	*1,341
			About 0.5 mile upstream from Oliver Street at corporate limits	*1,350
			Just downstream of Woodlawn Avenue	*1,357
			Just downstream of Missouri Pacific Railroad	*1,368
			Just upstream of Missouri Pacific Railroad	*1,376
			About 0.3 mile upstream of Rock Road	*1,379
			About 0.25 mile upstream of 53rd Street North	*1,402
		Tributary E1	At City of Wichita corporate limits	*1,334
			About 0.3 mile upstream of Hillside Avenue	*1,354
			About 0.35 mile upstream of Hillside Avenue	*1,359
			About 1.2 miles upstream of Hillside Avenue	*1,374
		Tributary E3	At the confluence with East Fork Chisholm Creek	*1,341
			Just upstream of Missouri Pacific Railroad	*1,368
			About 0.36 mile upstream of 37th Street North	*1,378
			About 0.4 mile upstream of 37th Street North	*1,384
			About 0.72 mile upstream of 37th Street North	*1,390
			About 0.75 mile upstream of 37th Street North	*1,396
			About 1.13 miles upstream of 37th Street North	*1,408
		Tributary E5	At City of Wichita corporate limits	*1,351
			About 300 feet downstream of Woodlawn Avenue	*1,356
			Just downstream of Woodlawn Avenue	*1,359
		Tributary E7	At the confluence with East Fork Chisholm Creek	*1,362
			About 100 feet downstream of Missouri Pacific Railroad	*1,367
			Just upstream of Missouri Pacific Railroad	*1,375
			Just upstream of 45th Street North	*1,396
			About 1300 feet upstream of 45th Street North	*1,408
		Middle Branch Gypsum Creek	City of Wichita corporate limits	*1,352
			Just downstream of St. Louis-San Francisco Railway	*1,366
			Just upstream of St. Louis-San Francisco Railway	*1,372
			Just upstream of 21st Street North	*1,378
		Fourmile Creek	Just downstream of Harry Street	*1,287
			Just downstream of Kellogg Avenue	*1,295
			Just downstream of Interstate 35	*1,312

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At confluence of West Fork Fourmile Creek	*1,321
			Just downstream of 13th Street North	*1,331
			Just downstream of St. Louis-San Francisco Railway	*1,340
			About 650 feet upstream of St. Louis-San Francisco Railway	*1,343
		Brookhaven Creek	About 660 feet downstream 159th Street East	*1,293
			Just downstream of Kellogg Avenue	*1,297
			Just upstream of Kellogg Avenue	*1,301
			Just downstream of Central Avenue	*1,314
			Just upstream of Central Avenue	*1,321
			About 150 feet upstream of Interstate 35	*1,325
			Just downstream of 13th Street North	*1,331
		West Fork Fourmile Creek	About 1200 feet upstream confluence with Fourmile Creek	*1,326
			About 1450 feet upstream confluence with Fourmile Creek	*1,333
			Just upstream of 127th Street East	*1,344
			Just upstream of St. Louis-San Francisco Railway	*1,352
			About 0.5 mile upstream of St. Louis-San Francisco Railway	*1,354
		Spring Branch	Just upstream of 159th Street East	*1,289
			About 1200 feet downstream of 143rd Street East	*1,294
			Just upstream of 127th Street East	*1,319
			Just upstream of Greenwich Road	*1,333
			About 0.55 mile upstream of Greenwich Road	*1,339
		Tributary S1	At confluence with Spring Branch	*1,289
			About 0.6 mile upstream confluence with Spring Branch	*1,294
			Just downstream of Pawnee Avenue	*1,309
		Tributary S4	About 600 feet upstream confluence with Spring Branch	*1,294
			About 0.2 mile downstream of Twin Lake Drive	*1,302
			Just upstream of 143rd Street East	*1,310
			Just downstream of Interstate 35	*1,323
			About 250 feet upstream of Garnett Avenue	*1,334
			About 500 feet upstream of Garnett Avenue	*1,341
			About 0.4 mile upstream of Garnett Avenue	*1,343
		Dry Creek	At Madison Street	*1,267
			Just upstream Meadowlark Road	*1,289
			About 2100 feet upstream Meadowlark Road	*1,294
		Dry Creek Tributary	About 750 feet upstream Brook Forest Road	*1,283
			About 1800 feet downstream Meadowlark Road	*1,293
		Arkansas River	Downstream county boundary	*1,223
			About 0.7 mile upstream of Washington Street	*1,252
			Corporate limits near Central Structure 4	*1,323
			About .75 mile downstream northern corporate limits	*1,330
		Wichita Valley Center Floodway	Just downstream Seneca Street	*1,270
			Downstream corporate limits	*1,317
			Upstream coroprate limits near U.S. Highway 235	*1,324
		Clearwater Tributary 1	About 1300 feet downstream Tracy Avenue South	*1,262
			Just upstream Tracy Avenue South	*1,265
			About 630 feet upstream Ross Avenue	*1,269
		Middle Fork Chisholm Creek	Just upstream Atchison, Topeka and Santa Fe Railway	*1,232

Maps available at the Sedgwick County Department of Public Works, 1015 Stillwell, Wichita, Kansas.

Send comments to Honorable Everett Patrick, Chairman of the County Commission, Sedgwick County, County Courthouse, Suite 320, 525 North Main, Wichita, Kansas 67203.

Maine	Mexico (Town), Oxford County	Androscoggin River	100 feet upstream of centerline of Dixfield-Peru Bridge	*419
			200 feet upstream of centerline of Rickonville Bridge	*435
		Swift River	Red Bridge (U.S. Route 2) at centerline	*440
			Swift Run Bridge at centerline	*542
		Webb River	U.S. Route 2 Bridge at centerline	*420
			Kingdom Road Bridge at centerline	*430

Maps available at Town Hall, Mexico, Maine.

Send comments to the Honorable James K. Dickson, Drawer C, Mexico, Maine 04257.

Maine	Otisfield, Town, Cumberland County.	Crooked River	Approximately 520 feet downstream of Scribner's Mill Road	*331
			Upstream side of Scribner's Mill Road	*345
			Downstream side of Bolster's Mills Dam	*368
			Downstream side of Bolster's Mills Road	*375
			Upstream side of Ryefield Bridge Road	*383
			Downstream side of State Route 117	*395
			Downstream of the upstream corporate limits	*400

Maps available at the Office of the Selectmen, Spurs Corner Fire Station, Otisfield, Route 121, Otisfield, Maine.

Send comments to Honorable John Harth, Chairman of the Board of Selectmen of Otisfield, Route 1, Oxford, Maine 04270.

Maine	Sebago, Town, Cumberland County.	Sebago Lake	Entire Shoreline within community	*268

Maps available at the Office of the Selectmen, Route 107, Sebago, Maine.

Send comments to Honorable George Anderson, Chairman of the Board of Selectmen of Sebago, P.O. Box 137, East Sebago, Maine 04029.

Massachusetts	Wales, Town, Hampden County	Wales Brook	.655 mile downstream of Holland Road	*700
			.347 mile downstream of Holland Road	*717
			.1225 mile downstream of Holland Road	*730
			.004 mile downstream of Holland Road	*741
			Downstream of Sizer Road	*752
			Upstream of Sizer Road	*755
			Downstream of Fire Station Road	*762

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			.1013 mile upstream of Fire Station Road	*771
			Downstream of Dirt Road	*823
			.0977 mile upstream of Dirt Road	*836
			.0481 mile downstream of Laurel Hill Road Dam	*869
			Downstream of Laurel Hill Road Dam	*874
			Upstream of Laurel Hill Road Dam	*885
			.0041 mile downstream of State Route 19	*895
			Upstream of State Route 19	*906
			.1625 mile upstream of State Route 19	*912
			Downstream of Monson Road	*915
			Upstream of State Route 19 Lake George Outlet	*920
			.783 mile upstream of State Route 19 Lake George Outlet	*944

Maps available at the Office of the Town Clerk, Wales, Massachusetts.

Send comments to Honorable John A. Cronin, Chairman of the Board of Selectmen of Wales, Hollow Road, Wales, Massachusetts 01081.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	(T), West Bridgewater, Plymouth County	Town River	About 2 miles downstream Main Street at the southern corporate limits.	*49
			Just upstream Main Street	*51
			Just upstream South Street	*61
			Approximately 0.3 mile upstream State Route 24 (at southern corporate limits).	*63
		Hockomock River	Approximately 0.6 mile downstream Maple Street (at southern corporate limits).	*63
			Just upstream of dirt road approximately 0.6 mile downstream Center Street.	*67
			Just downstream Manley Street (at confluence of Walnut Street Brook).	*72
		Coweeset Brook	Just upstream Manley Street	*75
			Just upstream abandoned railroad (about 1 mile upstream West Street).	*80
		Tributary to Town River	At confluence with Town River	*50
			About 0.2 mile upstream Main Street	*64
		Salisbury Plain River	At eastern corporate limit	*62
			About 0.6 mile upstream Conrail	*68
		West Meadow Brook	At confluence with Town River	*63
			Just upstream South Elm Street	*65
			Just downstream Crescent Street	*75
			Just upstream Crescent Street	*80
			Just downstream dirt road (about 1.2 miles upstream Crescent Street)	*85
			Just upstream dirt road (about 1.2 miles upstream Crescent Street)	*91
			Upstream corporate limit	*102
		Black Betty Brook	At the confluence with West Meadow Brook	*91
			About 900 feet upstream Samuel Avenue	*101

Maps available at the Town Clerk's Office, Town Offices, North Main Street, West Bridgewater, Massachusetts.

Send comments to Honorable Doris Hyaght, Chairperson, Board of Selectmen, Town of West Bridgewater, Town Offices, North Main Street, West Bridgewater, Massachusetts 02379.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(Uninc.), Dakota County	Vermillion River	At downstream county boundary	*689
			Just downstream from the eastern Hastings corporate limits	*692
			Just upstream from the western Hastings corporate limits	*803
			Just upstream from 170th Street East	*815
			Just downstream from Goodwin Avenue	*828
			Just downstream from the northern Vermillion corporate limits	*830
			Just upstream from the western Vermillion corporate limits	*837
			Just downstream U.S. Route 52	*846
			Just upstream from U.S. Route 52	*848
			Just upstream from Clayton Avenue	*855
			Just downstream from Blaine Avenue	*863
			About 500 feet downstream of State Route 3	*892
			Just downstream from Farmington corporate limits	*898
			Just upstream from Farmington corporate limits	*913
			Just upstream of 225th Street	*918
			1.3 miles upstream from 225th Street	*926
			1.23 miles downstream from Cedar Avenue	*935
			0.25 mile downstream from Cedar Avenue	*945
			Just upstream from Hamburg Avenue	*958
			Just downstream from Highview Avenue	*969
			Just upstream from 235th Street	*981
			Just downstream from Dodd Boulevard	*999
			About 0.33 mile downstream of 245th Street	*1,000
			About 0.17 mile downstream of 250th Street	*1,001
			At upstream county boundary	*1,009
		Cannon River	Downstream county boundary	*801
			Just downstream from U.S. Route 52	*802
			400 feet upstream from U.S. Route 52	*804
			Just downstream from Byllesby Dam	*813
			Just upstream from Byllesby Dam	*861
			At State Route 56	*861
			Just upstream from County Road 83	*865
			About 1.5 miles upstream from Chicago and North Western Railroad	*876
			Just downstream from Alta Avenue	*887
			At City of Northfield corporate limits	*899
		Unnamed Creek	At intersection of 200th Street East and Ravenna Trail	*2.0

Maps available at Planning Services, Dakota County Government Center, 1560 West Highway 55, Hast<ings, Minnesota.

Send comments to Honorable Russell Streefland, Chairman, Dakota County Board, Dakota County, Planning Services, Dakota County Government Center, 1560 West Highway 55, Hastings, Minnesota 55033.

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C), Town and Country, St. Louis County.	Grand Glaize West Creek	Downstream corporate limits	*471
			About 100 feet upstream of Thornhill Drive	*480
			Upstream corporate limits	*493
		Grand Glaize East Creek	About 380 feet downstream of the downstream corporate limits	*486
			About 60 feet downstream Topping Road	*507
			About 40 feet upstream of Topping Road	*511
Maps available at City Hall, 12225 Clayton Road, Town and Country, Missouri.				
Send comments to Honorable William A. Schneider, Mayor, City of Town and County, City Hall, 12225 Clayton Road, Town and County, Missouri 63131.				
Montana	Carbon County (Unincorporated Area).	Yellowstone River	At northeasternmost tip of county at channel (north of U.S. Highways 212 and and 310).	*3,298
			At northwest corner of Section 1, Township 3 South Range 23 East	*3,321
		Rock Creek	Upstream side of Burlington Northern Railroad (near confluence with Clarks Fork Yellowstone River) over the channel.	*3,424
			Upstream side of U.S. Highway 310 crossing the channel (near Rockvale).	*3,483
			Upstream side of County Road crossing the channel (near Montaque).	*3,572
			County Road crossing the channel (south of the Town of Joliet)	*3,724
			Downstream side of U.S. Highway 212 crossing the channel (west of the Town of Joliet).	*3,798
			Downstream side of U.S. Highway 212 crossing the channel (near Selmes).	*4,410
			Downstream side of County Road crossing the channel (approximately 1 mile south of Roberts).	*4,622
			County Road at Fox crossing the channel	*4,994
			Upstream side of County Road crossing the channel (approximately 1 mile north of the City of Red Lodge).	*5,385
			Upstream side of State Highway 308 crossing the channel (south of the City of Red Lodge).	*5,628
		Clarks Fork Yellowstone River	Upstream side of County Road (east side of the Town of Fromberg) crossing the channel.	*3,522
			Upstream side of U.S. Highway 310 crossing the channel (south of the Town of Bridger).	*3,657
Maps available at Planning Office, P.O. Box 460, Red Lodge, Montana.				
Send comments to the Honorable Dick Steffan, Carbon County Courthouse, Red Lodge, Montana 59068.				
Montana	Fromberg (Town), Carbon County	Clarks Fork Yellowstone River	At Corporate Limits approximately 200 feet east of intersection of Billings Avenue and North Street.	*3,517
			Approximately 50 feet north of intersection of Lovers Lane and River Street.	*3,519
			Southernmost end of Third Avenue	*3,525
Maps available at Town Hall, Fromberg, Montana.				
Send comments to the Honorable Myron Skurdal, Fromberg, Montana 59029.				
Montana	Joliet (Town), Carbon County	Rock Creek	Approximately 400 feet northeast along Central Avenue (extended) from its intersection with State Street.	*3,719
			Approximately 350 feet southeast along Main Street from its intersection with McMonigal Avenue.	*3,724
			Northeast side of First Street approximately 200 feet southeast of its intersection with McMonigal Avenue.	*3,727
Maps available at Town Hall, Joliet, Montana.				
Send comments to the Honorable R. E. Bauman, Joliet, Montana 59041.				
Montana	Lewis & Clark County (Unincorporated Areas).	Blackfoot River	Intersection of river and Poorman Creek Road	*4,536
			25 feet upstream of intersection of river and Private Drive	*4,681
		Elk Creek	Northwest corner of the intersection of Main Street and Hogan Street.	*4,075
			Northwest corner of the intersection of Laura Street and Beech Street	*4,082
		Prickly Pear Creek	75 feet downstream of intersection of creek and Sierra Road	*3,680
			10 feet upstream of intersection of creek and Valley Road (State Highway 435).	*3,844
		Silver Creek	Intersection of creek and Montana Avenue	*3,711
			30 feet upstream of intersection of creek and John G. Mine Road	*3,792
		Tenmile Creek	75 feet downstream of intersection of creek and Montana Avenue	*3,761
			10 feet upstream of intersection of creek and McHugh Drive	*3,784
			60 feet upstream of intersection of creek and Green Meadow Drive	*3,813
			100 feet upstream of the intersection of creek and Williams Street	*3,956
Maps available at City/County Building, 516 N. Park, Helena, Montana.				
Send comments to the Honorable Bob Decker, 516 N. Park, Helena, Montana 59601.				
Montana	Red Lodge (City), Carbon County.	Rock Creek	Northeast tip of community	*5,466
			Approximately 300 feet east along Third Street (extended) from its intersection with Hubbell Avenue.	*5,497
			Eastern end of Fourteenth Street	*5,560
			Approximately 100 feet east of intersection of U.S. Highway 212 and Twenty-first Street.	*5,605
Maps available at County Planning Office, 206N. Broadway, Red Lodge, Montana.				
Send comments to the Honorable George Schaefer, Red Lodge, Montana 59068.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Montgomery, Township, Somerset County.	Millstone River	Upstream Griggstown Causeway	*49
			Upstream Washington Street (Route 518) (Corporate Limits)	*52
		Van Horn Brook	Upstream River Road	*57
			845' upstream of River Road	*66
			1,895' upstream of River Road	*77
			2,695' upstream of River Road	*86
			3,645' upstream of River Road	*96
			Upstream Princeton Avenue	*102
			Downstream U.S. Route 206	*114
		Beden Brook	300' upstream of confluence of Pike Run	*52
			Upstream of U.S. Route 206	*57
			400' upstream of Opossum Road	*62
			50' upstream of confluence of Rock Brook	*66
			Upstream of U.S. Route 518	*70
			320' upstream of Cherry Hill Road	*74
			Downstream Mountain View Road	*80
			Upstream Great Road	*88
			2,700' upstream of Great Road	*93
			Upstream Third Golf Course Bridge	*106
			Downstream Province Line Road	*113
		Rock Brook	Confluence with Beden Brook	*66
			Upstream Burnt Hill Road	*74
			Downstream Sylvan Lake Dam	*84
			Upstream Sylvan Lake Dam	*92
			Upstream Great Road	*94
			100' downstream of Abandoned Railroad	*103
			Downstream Conrail	*116
			Upstream Conrail	*120
			Downstream Camp Meeting Avenue	*134
		Pike Run	Upstream River Road	*52
			Downstream Bridgepoint Road	*55
			Downstream Mill Pond Road (Harlingen Road)	*57
			Upstream Belle Mead-Griggstown Road	*65
			1,000' upstream of Abandoned Railroad	*67
			Downstream Township Line Road	*71
		Cruser Brook	100' upstream of Abandoned Railroad	*67
			100' upstream of Abandoned Railroad	*67
			Upstream U.S. Route 206	*71
			2,250' upstream of U.S. Route 206	*74
			245' upstream of Conrail	*80
			3,145' upstream of Conrail	*83
			Downstream Pleasant Valley Road	*85
Maps available at the City Clerk's Office, Montgomery, New Jersey.				
Honorable William Miller, Mayor of Montgomery, Montgomery Township, Rt. 206, R.D. 2, Box 1, Belle Mead, New Jersey 08502.				
New Jersey	Morris (Township), Morris County.	Whippany River	Intersection of Whippany River and center of Hanover Avenue	*271
			25 feet upstream from center of Inamere Road	*321
		Watnong Brook	30 feet upstream from center of Lake Road	*320
			Intersection of Watnong Brook and center of Hanover Avenue	*370
		Great Brook	150 feet upstream from center of Blackberry Land	*280
Maps available at P.O. Box 90, 50 Woodland Avenue, Convent Station New Jersey.				
Send comments to the Honorable Henry Blekicki, P.O. Box 90, 50 Woodland Avenue, Convent Station, New Jersey 07961.				
New Jersey	Morristown (Town), Morris County.	Whippany River	Intersection of Whippany River and center of Malcolm Street	*282
			150 feet upstream from center of Lake Road	*318
		Great Brook	Intersection of Great Brook and center of James Street	*294
Maps available at Office of Town Engineer, 38 Dumont Place, Morristown, New Jersey.				
Send comments to the Honorable Donald Cresitello, P. O. Box 709, Morristown, New Jersey 07960.				
North Carolina	Mecklenburg County (Unincorporated Areas).	Long Creek	100 feet upstream from center of Blacksnake Road	*583
			100 feet upstream from center of Mount Holly Road	*612
			100 feet downstream from North Carolina Highway 16	*645
		Long Creek Tributary 1	750 feet upstream from confluence with Long Creek	*578
		Long Creek Tributary 2	100 feet upstream from center of Pine Island Country Club Road	*646
		Long Creek Tributary 3	200 feet upstream from center of Branch Road	*639
		Gum Branch	150 feet upstream from center of Gum Branch Road	*648
			100 feet upstream from center of Valleydale Road	*660
			100 feet upstream from center of Caldwell Williams Road	*708
		Paw Creek	100 feet upstream from center of Old Dowd Road	*572
			200 feet upstream from center of Interstate Highway 85	*590
		Paw Creek Tributary No. 1	250 feet upstream from confluence with Paw Creek	*610
		Ticer Branch	100 feet downstream from center of Wilkenson Boulevard	*603
			100 feet upstream from center of Wilkenson Boulevard	*610
		Steele Creek	125 feet upstream from center of Carowinds Boulevard	*575
			100 feet upstream from center of Westinghouse Boulevard	*601
		Polk Ditch	100 feet upstream from center of Choate Circle	*569
		Walker Branch	100 feet upstream from center of Smith Road	*578
			100 feet upstream from center of York Road	*596
		Walker Branch Tributary	100 feet downstream from center of Steele Creek Road	*604
		Blankmanship Branch	100 feet upstream from center of Smith-Boyd Road	*615
		McCullough Branch	150 feet upstream from center of North Carolina Highway 51	*542
			100 feet upstream from center of Nations Ford Road	*565

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Coffey Creek	100 feet upstream from center of North Carolina Highway 49 (York Road).	*580
			100 feet upstream from center of Shopton Road	*597
			150 feet upstream from center of Bryum Drive (North Carolina Highway 160).	*640
			100 feet upstream from center of New Duke Road	*668
		Sugar Irwin Creek	200 feet upstream from center of North Carolina Highway 51	*540
			100 feet upstream from center of Southern Railroad	*549
			200 feet upstream from center of Interstate Highway 77	*569
			100 feet upstream from center of York Road	*586
			100 feet upstream from center of Nevins Road	*726
		Kennedy Branch	100 feet downstream from center of Slater Road	*734
		Stewart Creek	Intersection of creek and center of Caps Hill Mine Road	*728
		Taggart Creek	500 feet upstream from confluence with Sugar Irwin Creek	*604
			200 feet downstream from center of Wilkenson Boulevard	*681
		Kings Branch	100 feet upstream from confluence with Sugar Irwin Creek	*552
		Little Sugar Creek	200 feet upstream from center of U.S. Highway 521 (Lancaster Highway).	*553
			100 foot downstream from center of Sharon Road West	*563
		McMullen Creek	100 feet upstream from center of North Carolina Highway 51	*539
			300 feet upstream from center of Quail Hollow Road	*569
		McAlpine Creek	100 feet upstream from center of U.S. Highway 521	*530
			100 feet upstream from center of North Carolina Highway 74 (Independence Boulevard).	*588
			100 feet upstream from center of Lawyers Road	*670
		McAlpine Creek Tributary No. 1	500 feet upstream from confluence with McAlpine Creek	*536
		McAlpine Creek Tributary No. 1-A	800 feet upstream from confluence with McAlpine Creek Tributary No. 1.	*536
		Fourmile Creek	100 feet upstream from center of Elm Lane West	*546
			100 feet upstream from center of Providence Road	*576
			100 feet upstream from center of Old Monroe Road	*631
			100 feet upstream from center of Monroe Road	*675
		Rocky Branch	500 feet upstream from confluence with Fourmile Creek	*561
		Rea Branch	100 feet upstream from center of Rea Road	*560
		McAlpine Creek Tributary No. 3	Intersection of creek and center of Providence Road	*596
		Sardis Branch	375 feet downstream from center of Morning Dale Road	*625
		Irvins Creek	200 feet upstream from center of U.S. Highway 74 (Independence Boulevard).	*604
			100 feet upstream from center of Lebanon Road	*659
			100 feet upstream from center of Lawyers Road	*715
		Irvins Creek Tributary No. 1	600 feet upstream from confluence with Irvins Creek	*582
			100 feet upstream from center of Interstate Highway 74	*665
		Irvins Creek Tributary No. 2	100 feet upstream from center of Lawyers Road	*690
		Campbell Creek	50 feet upstream from the most downstream corporate limits of the City of Charlotte.	*586
		McAlpine Creek Tributary No. 6	300 feet upstream from confluence with McAlpine Creek	*670
		Mallard Creek	100 feet upstream from center of U.S. Highway 29	*596
			200 feet upstream from center of Mallard Creek Road	*828
			100 feet upstream from center of Old Potters Road	*736
		Stony Creek	100 feet upstream from center of U.S. Highway 29	*589
			100 feet upstream from center of Interstate Highway 85	*640
			100 feet upstream from center of Mallard Creek Road	*686
		Stony Creek Tributary	100 feet upstream from center of Homewood Drive	*653
			100 feet upstream from center of Mallard Creek Road	*683
		Toby Creek	100 feet upstream from center of North Carolina Highway 49	*621
		Doby Creek	100 feet upstream from center of W.T. Harris Boulevard	*615
		Doby Creek Tributary	100 feet upstream from center of W.T. Harris Boulevard	*622
		Clarks Creek	200 feet upstream from confluence with Mallard Creek	*630
			Intersection of creek and center of Dearmon Road	*738
		Clarks Creek Tributary No. 1	100 feet upstream from center of Hucks Road	*731
		Clarks Creek Tributary No. 1-A	250 feet upstream from confluence with Clarks Creek Tributary No. 1	*728
		Mallard Creek Tributary	100 feet upstream from center of Hubbard Road	*683
		Reedy Creek	100 feet upstream from center of Hood Road	*636
			100 feet upstream from center of Plaza Road Extended	*652
		Reedy Creek Tributary No. 2	100 feet upstream from center of Robinson Church Road	*640
		Reedy Creek Tributary No. 3	250 feet upstream from confluence with Reedy Creek	*641
			100 feet upstream from center of Plott Road	*682
Maps available at P.O. Box 31787, Charlotte, North Carolina.				
Send comments to the Honorable Ed Peacock, P.O. Box 31787, Charlotte, North Carolina 28231.				
Oregon	Ione (City), Morrow County	Willow Creek	100 feet upstream from center of Gooseberry Road	*1,077
			Intersection of 2nd Street and H Street	*1,093
		Lorraine Canyon	100 feet upstream from center of State Highway 74	*1,098
		Rietmann Creek	On H Street approximately 200 feet south from its intersection with State Highway 74.	#2
			100 feet upstream from center of State Highway 74	*1,103
Maps available at City Hall, P.O. 361, Ione, Oregon 97843.				
Send comments to the Honorable Linda LaRue, City Hall, P.O. 361, Ione, Oregon 97843.				
Oregon	Lexington (Town), Morrow County	Willow Creek	100 feet upstream from center of Union Pacific Railroad	*1,439
			100 feet upstream from center of B Street	*1,451
		Blackhorse Canyon	100 feet upstream from center of Arcade Street	*1,447
			Intersection of C Street and East Street	*1,454
Maps available at City Hall, P.O. Box 587, Lexington, Oregon.				
Send comments to the Honorable Lee Radberg, P.O. Box 587, Lexington, Oregon 97839.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Pennsylvania	Birmingham, Township, Chester County.	Brandywine Creek	Downstream State Boundary	*151
			Upstream State Boundary	*155
			Downstream County Boundary	*171
			State Route 926 (U/S)	*177
			Upstate Corporate Limits	*182
Maps available at the Birmingham Township Office.				
Send comments to Mr. Edward R. Ralston, Chairman of the Birmingham Board of Supervisors, 980 Brinton's Bridge Road, West Chester, Pennsylvania 19380.				
Pennsylvania	Denver, Borough Lancaster County.	Cocalico Creek	Downstream corporate limits	*384
				Conrail (upstream
				*387
			South Fourth Street (upstream)	*390
			Dam approximately 800 feet downstream of Main Street (downstream).	*392
			Main Street (upstream)	*394
			Upstream corporate limits	*394
		Little Cocalico Creek	Downstream corporate limits	*388
			North Third Street (upstream)	*389
			Upstream corporate limits	*390
Maps available at the Denver Borough Hall.				
Send comments to Honorable Frederick B. Fichthorn, Mayor of Denver, 147 East Lancaster Avenue, Denver, Pennsylvania 17517.				
Pennsylvania	East Coventry, Township, Chester County.	Schuykill River	Downstream corporate limits	*126
			Upstream Sanatoga Road	*132
			Upstream corporate limits	*139
		Pigeon Creek	Confluence with Schuykill River	*126
			Upstream of Zieber Road	*134
			Upstream side Saylors Mill Road	*146
			Downstream side Ellis Woods Road	*164
			Confluence of East Tributary	*187
			Downstream side Fulmer Road	*198
			Upstream corporate limits	*217
		East Tributary	Confluence with Pigeon Creek	*187
			Downstream School House Road	*226
			Extension of Maple Drive	*245
			Upstream corporate limits	*265
Maps available at the East Coventry Township Building.				
Send comments to Honorable Ronald F. Elliott, Chairman of the East Coventry Board of Supervisors, R.D. 1, Box 237, Pottstown, Pennsylvania 19464.				
Pennsylvania	East Drumore, Township Lancaster County.	South Fork	Downstream corporate limits	*461
			Downstream side state Route 372	*468
			Upstream side state Route 372	*471
			Approximately 400 feet downstream of Oak Bottom Road	*478
Maps available at the East Drumore Township Building.				
Send comments to Honorable John T. Byers, Chairman of the East Drumore Board of Supervisors, R.D. 1, Quarryville, Pennsylvania 17566.				
Pennsylvania	Patterson Heights, Borough, Beaver County.	Beaver River	Downstream corporate limits	*719
			Upstream corporate limits	*720
Maps available at the Patterson Heights Borough Building, 8th Avenue, Beaver Falls, Pennsylvania.				
Send comments to Honorabel Joseph Hill, Council President of Patterson Heights, 410 Fourth Street, Patterson heights, Beaver Falls, Pennsylvania 15010.				
Pennsylvania	Providence, Township, Lancaster County.	Pequea Creek	Upstream of Radcliff Road	*287
			Approximately 0.6 mile upstream of Radcliff Road	*293
			Approximately 900 feet downstream of Byerland Church Road	*295
			Downstream confluence of Huber Run	*296
			Upstream of State Route 272	*297
			Approximately 0.3 mile upstream of Township Route 493 (Herrville Road) and corporate limits.	*298
		Big Beaver Creek	Approximately 900 feet downstream of private lane	*353
			Upstream of private lane	*355
			Approximately 0.3 mile upstream of private lane	*361
			Approximately 0.9 mile downstream of Main Street	*368
			Downstream of Main Street	*373
			Downstream of confluence of Tributary B	*378
			Downstream of confluence of South Fork	*389
		South Fork	Upstream of confluence with Big Beaver Creek	*391
			Camargo Road (extended)	*395
			Approximately 0.4 mile upstream of Main Street	*400
			Approximately 0.5 mile upstream of Main Street	*405
			Downstream of confluence of Tributary C	*408
			Approximately 1600 feet upstream of confluence of Tributary C	*420
			Upstream of Farm Lane	*426
			Approximately 1600 feet upstream of Farm Lane	*435
			Upstream of L.R. 36172	*441
			Downstream of Conrail	*443
			Upstream of Conrail	*445
			Approximately 900 feet downstream of upstream corporate limits	*457
			Upstream corporate limits	*460
Maps available at the Providence Township Building.				
Send comments to Honorable Lloyd L. Schneider, Chariman of the Providence Board of Supervisors, R.D. 2, New Providence, Pennsylvania 17560.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Rosslyn Farms, Borough, Allegheny County.	Chartiers Creek	Downstream corporate limits	*754
				Upstream Conrail
				*757
			Downstream Woodkirk Street footbridge	*761
			Upstream corporate limits	*763
Maps available at the Community Center, Kings Highway, Carnegie, Pennsylvania.				
Send comments to Honorable Charles R. Volk, Council President of Rosslyn Farms, 7 Winthrop Road, Carnegie, Pennsylvania 15106				
Pennsylvania	Salisbury, Township, Lancaster County.	Houston Run	U.S. Route 30	*438
			Private road approximately 950 feet upstream of U.S. Route 30 (upstream side).	*448
			Private road approximately 3320 feet upstream of U.S. Route 30 (upstream side).	*465
			Strasburg Road (downstream side)	*504
Maps available at the Salisbury Municipal Office.				
Send comments to Honorable John Bergman, Chairman of the Salisbury Board of Supervisors, R.D. 2, New Holland, Pennsylvania 17557.				
Pennsylvania	Swatara, Township, Dauphin County.	Susquehanna River	Downstream Corporate Limits	*306
			Confluence of Spring Creek	*314
		Laurel Run	Old State Route 441 (Upstream side approximately 75 feet)	*427
			State Route 441 (Upstream side approximately 50 feet)	*434
		Spring Creek	Conrail	*315
			19th Street (Upstream side approximately 40 feet)	*325
			Gibson Street	*338
			State Route 441 (Upstream side approximately 25 feet)	*341
			Paxton Street (Upstream side approximately 75 feet)	*357
			Perry Street	*364
			Oakleigh Avenue	*370
			Abandoned Dam (Upstream side)	*375
			Plank Bridge	*367
			Upstream Corporate Limits	*393
		Parkway Creek	Interstate 83	*359
			Upstream Corporate Limits	*373
		Lawnton Branch Spring Creek	40th Street	*372
			Lawnton Road	*379
			45th Street	*388
			49th Street	*394
			Hebron Street (Downstream side approximately 40 feet)	*404
		West Branch Spring Creek	Confluence with Spring Creek	*386
			Upstream Corporate Limits	*386
		Swatara Creek	Downstream Corporate Limits	*325
			U.S. Route 322	*327
			Conrail (Upstream side approximately 60 feet)	*333
			Upstream Corporate Limits	*335
Maps available at the Swatara Township Building.				
Send comments to Honorable Thomas E. Hambright, Swatara Township Manager, 599 Eisenhower Boulevard, Harrisburg, Pennsylvania 17111.				
Pennsylvania	West Mayfield, Borough, Beaver County.	Walnut Bottom Run	Downstream corporate limits	*851
			Upstream West Third Avenue	*860
			Confluence of Tributary to Walnut Bottom Run	*871
			Upstream side of upstream crossing of Patterson Avenue	*901
			330 feet upstream of Patterson Avenue	*914
		Tributary to Walnut Bottom Run	Confluence with Walnut Bottom Run	*871
			Patterson Avenue	*880
			Corporate Limits	*903
		Wallace Run	Upstream of Conrail and Norwood Drive Culvert	*826
			Approximately 400 feet upstream of Norwood Drive	*838
			Upstream Wallace Run Road	*857
			Approximately 1000 feet upstream of Wallace Run Road	*882
			Corporate limits	*899
Maps available at the West Mayfield Borough Building, Harberson Road.				
Send comments to Honorable David Schutte, Council President of West Mayfield, 114 Wilson Avenue, Beaver Falls, Pennsylvania 15010.				
Rhode Island	Warwick, City, Kent County	Pawtuxet River	Broad Street Upstream	*15
			Elmwood Avenue Downstream	*20
			Approximately 2,000' upstream State Route 37	*25
			State Route 5 Upstream	*34
			Interstate 295 Upstream	*35
			Natick Dam Downstream	*37
			Natick Dam Upstream	*57
			Upstream Corporate Limits	*58
Maps located at City Hall, 3275 Post Road, Warwick, Rhode Island.				
Send comments to the Honorable Joseph W. Walsh, Mayor of the City of Warwick, 3275 Post Road, Warwick, Rhode Island 02886.				
South Carolina	Rock Hill (City), York County	Little Dutchman Creek	At confluence with Little Dutchman Creek Tributary No. 1	*525
		Little Dutchman Creek Tributary No. 1.	100 feet upstream from center of South Carolina Highway 161 (Celanese Road).	*531
			100 feet downstream from center of Ebinport Road	*549
			100 feet upstream from center of Ebinport Road	*562
			100 feet upstream from center of India Hook Road	*590

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Little Dutchman Creek Tributary No. 1-A.	At confluence with Little Dutchman Creek Tributary 1	*533
			100 feet downstream from center of Ebinport Road	*570
		Catawba River Tributary	100 feet upstream from center of Riverview Road	*568
		Manchester Creek	100 feet upstream from center of U.S. Highway 21 Bypass	*568
			100 feet upstream from center of South Carolina Highway 22	*585
			100 feet downstream from center of Southern Railway	*602
		Manchester Creek Tributary No. 2	100 feet upstream from center of U.S. Highway 21 Bypass	*571
		Manchester Creek Tributary No. 3	At confluence with Manchester Creek	*570
			100 feet downstream from center of Eastwood Drive	*605
		Taylors Creek Tributary No. 1	Intersection of creek and center of Glenarden Avenue	*570
			150 feet downstream from center of Albright Road	*593
		Taylors Creek Tributary No. 2	At confluence with Taylors Creek Tributary No. 2-A	*559
			100 feet upstream from center of Blackman Street	*596
		Wildcat Creek Tributary No. 1	At confluence with Wildcat Creek Tributary No. 1-A (near the end of Pine Terrace Drive).	*575
			100 feet upstream from center of Reynolds Street	*593
		Wildcat Creek Tributary No. 2	100 feet northwest from the northwest end of Calhoun Street	*587
		Stoney Branch	Intersection of King Drive and Aaron	*537
			Intersection of Boulware Street and Lomay Street	*570
Maps available at P.O. Box 11706, Rock Hill, South Carolina 29730.				
Send comments to the Honorable J. Emmett Jerome, P.O. Box 11706, Rock Hill, South Carolina 29730.				
Vermont	Bolton, Town, Chittenden County	Winooski River	Downstream corporate limits	*325
			Approximately 17,420 feet upstream of downstream corporate limits	*337
			Upstream corporate limits	*352
Maps available at the Office of the Town Clerk, Route 2, Bolton, Vermont.				
Send comments to Honorable Cherster Champney, Chairman of the Board of Selectmen of Bolton, R.F.D. 1, Waterbury, Vermont 05401.				
Vermont	Sheldon, Town, Franklin County	Missisquoi River	6,000' downstream of Sheldon Springs Dam	*222
			4,800' downstream of Sheldon Springs Dam	*229
			2,500' downstream of Sheldon Springs Dam	*262
			1,050' downstream of Sheldon Springs Dam	*287
			Downstream side of Sheldon Springs Dam	*307
			Upstream side of Sheldon Springs Dam	*330
			Downstream side of State Route 105	*340
			Central Vermont Railway Bridge	*348
			Upstream side of Saint Johnsbury and LaMoille Railroad Bridge	*353
			Downstream side of County Route 3	*364
			27,000' upstream of County Route 3	*373
Maps available at the Office of the Town Clerk, Sheldon, Vermont.				
Send comments to Honorable Hartland King, Chairman of the Board of Selectmen of Sheldon, R.F.D. 1, Sheldon, Vermont 05483.				
Washington	Kent (City), King County	Green River	350 feet upstream from center of State Route 516 (Kent Des Moines Road).	*38
		Springbrook Creek	50 feet upstream from center of South 188th Street	*23
			Intersection of Springbrook Creek and center of South 228th Street	*31
		Mill Creek	50 feet downstream from center of South 196th Street	*21
			50 feet upstream from center of East Titus Street	*45
		Shallow Flooding	250 feet southeast of intersection of South 192nd Street and 80th Avenue South.	*22
			200 feet north of intersection of Russell Road (53rd Avenue South) and South 228th Street.	*29
			300 feet southeast of intersection of State Route 167 (Valley Freeway) and Chicago, Milwaukee, St. Paul and Pacific Railroad.	*33
		Shallow Flooding	250 feet east of intersection of East George Street and North Woodford Avenue.	#2
Maps available at 220 South 4th, Kent, Washington.				
Send comments to the Honorable Isabel Hogan, 220 South 4th, Kent, Washington, 98031.				
Wisconsin	(V), Ettrick, Trempealeau County	North Fork Beaver Creek	Approximately 200 feet upstream South corporate limits	*757
			Just downstream West State Street	*762
			Approximately 150 feet upstream West State Street	*765
			North corporate limits	*769
		South Fork Beaver Creek	Approximately 1,000 feet downstream from South Main Street	*758
			Approximately 80 feet downstream of South Main Street	*761
			East corporate limits	*769
Maps available at the Village Office, 117 North Main Street, Ettrick, Wisconsin.				
Send comments to Honorable D. W. Erickson, Village President, Village of Ettrick, Village Office, 117 North Main Street, Ettrick, Wisconsin 54627.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C), Tomah Monroe County	Council Creek	About 4,000 feet downstream of Town Line Road	*945
			Just upstream of Town Line Road	*953
			About 400 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*956
			About 200 feet upstream of Monowau Street	*962
			Just downstream of Clifton Road	*964
			At upstream corporate limits	*969
		South Fork Lemonweir River	About 0.5 mile downstream of North Glendale Avenue	*944
			Just upstream of North Glendale Avenue	*948
			Just upstream of Superior Avenue	*953
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*957
			Just downstream of Lake Tomah Dam	*960
		Lake Tomah	At Lake Tomah Dam	*963
			At shoreline	*963

Maps available at the Office of the City Clerk, 819 Superior Avenue, Tomah, Wisconsin.

Send comments to Honorable James Ebert, Mayor, City of Tomah, 819 Superior Avenue, Tomah, Wisconsin 54660.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-20453 Filed 7-8-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-245 FCC 80-371]

American Telephone & Telegraph Co.; Manual and Procedures for the Allocation of Costs

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking sets forth manual containing procedures to be followed by AT&T in allocating costs. The proposal includes establishment of service categories to which plant, expenses and other costs must be assigned as well as procedures to be used in the allocation

DATES: Comments on the manual must be received on or before August 29, 1980. Reply comments on the manual are due October 17, 1980. Comments on long-term cost allocation procedures must be filed on or before January 11, 1981. Reply comments on long-term procedures are due March 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Albert Halprin, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-9342).

In the matter of American Telephone and Telegraph Co., Manual and Procedures for the Allocation of Costs, CC Docket No. 79-245. See also 45 FR 3383, January 17, 1980.

Adopted: June 25, 1980.

Released: June 26, 1980.

By the Commission: Commissioner Brown absent.

I. Introduction

1. This proceeding was initiated through the issuance of a Notice of Inquiry in September 1979.[1] It was designed to enable the Commission to prescribe a set of rules and procedures for allocating costs to be followed by the American Telephone and Telegraph Co. (AT&T) in accordance with the general principles we expressed in Docket Nos. 18128 [2] and 20814.[3]

2. In our Notice, we sought comments on the general question of the validity of AT&T's approach to cost allocation and requested responses to a series of specific questions about AT&T's procedures organized into ten categories.[4] Comments addressing some or all of our questions were filed by AT&T, Western Union (WU); Southern Pacific Communications (SPC), United States Transmission Systems (USTS) and Microwave Communications Inc. (MCI), jointly, "the Carriers;" Satellite Business Systems (SBS); the American Broadcasting Companies (ABC), CBS, and the National Broadcasting Company (NBC), jointly, "the Networks"; Aeronautical Radio (ARINC) and the Air Transport Association of American (ATA), jointly; the Independent Data Communications Manufacturers Association (IDCMA); eight corporations as the Ad Hoc Telecommunications Users Committee; and, by letter, General Telephone and Electronics (GTE). Their comments are summarized in Appendix A.

Note.—Appendix A is filed as part of the original with the Office of the Federal Register.

3. As described below, this proceeding can trace its roots to a line of earlier cases stretching back more than 15 years. These cases have all been concerned with the proper method of determining the cost of various services offered by AT&T. This concern in turn was necessitated by the overwhelmingly dominant position held by AT&T in the telecommunications field—a position which, because of Bell's monopoly on voice services for most of the population, permitted the cross-subsidization of those services for which competition existed. During the course of these earlier cases, and, indeed, during the course of this proceeding itself, the telecommunications industry has undergone a continual, if perhaps uneven, progression toward more competition for more services. While our general principles of preventing cross-subsidization and ensuring just, reasonable and non-discriminatory rates have existed throughout this period, the means which are necessary and proper to achieve this end must reflect existing conditions and not the state of the industry when this process began. As both we and the parties have noted, costing is an evolutionary process.[5] Any allocation procedure we prescribe must be sensitive to the dramatic changes

[1] 73 FCC 2d 629.

[2] 61 FCC 2d 587, reconsideration of 64 FCC 2d 971, further reconsideration 67 FCC 2d 1441.

[3] 74 FCC 2d 1.

[4] The categories were (1) the AT&T Data Bases and their Sources; (2) Experienced Relative Use; (3) Unit Costs; (4) the Trial Balance Process; (5) Facilities Available for Future Growth; (6) Forecasting (7) Adjustment of the Datum; (8) Service Categories, (9) Expenses; and (10) Procedures for Updating or Changing the Manual.

[5] See, e.g. the TELPAK Order on Reconsideration, 64 FCC 2d 979, where we noted the dynamic nature of this process.

which have taken place recently, and which continue today, in the telecommunications market—changes reflecting both new technologies and regulatory philosophy. Therefore, in considering the comments filed with us, we have been concerned with their relevance to the future rather than to the past.

4. After tracing some of the history of our interest in AT&T's method of cost allocation, we discuss the current relevance of our earlier decisions and put forth our proposal for a cost allocation manual for the present and near term future. We do not believe it to be a "perfect solution." We do, however, believe it is essential for us to prescribe an allocation process at this time and believe our proposal represents both a significant improvement over the present situation and a necessary step to enable us to fulfill our statutory obligations. In addition to seeking comments on this interim manual, we are seeking suggestions on other, longer term, approaches to deal with the potential for cross-subsidization. Such a longer term cost allocation manual could depend on the future availability of cost data not currently generated or maintained by AT&T if, and only if, such an approach would produce benefits outweighing its cost. In the meantime, we will rely, of necessity, on data already available and prescribe an approach which, although imperfect, is nevertheless a substantial improvement upon the complexity, confusion, and imprecision which currently exists.

5. In the Notice of Inquiry we pointed out that the regulatory trend toward a more competitive telecommunications market seemed well established. We also noted at that time that—

> Competitive markets for diverse telecommunications services remain in their infancy. Dominant carriers still possess sufficient market power to cross-subsidize among services and users. Such cross-subsidization might nullify or otherwise restrain the emergence of fully-developed competitive telecommunications markets.[6]

6. This possibility still exists, we believe, with respect to subsidization of private line services by message services. As explained below, we are less concerned about the possible cross-subsidization among the various individual private line services. Our reasons are basically that they are relatively small compared to AT&T's message services (MTS and WATS), they may now (except for certain switched services) be shared and resold and substantial competition already exists for them. Thus, the chief concern behind our belief that it is both appropriate and necessary for us to prescribe cost allocation procedures is our recognition that AT&T has, and will retain for the near future, a sufficiently monopolistic or dominant position in the provision of message service to enable it to overcharge MTS customers and use these overcharges to cross-subsidize private line service and weaken or prevent competion in the private line sphere. In essence, our proposed costing rules are designed to protect the MTS customer from paying rates which, in part, cover costs which should be borne by AT&T's private line customers.

7. We are therefore proposing the aggregation of private line services into a single category for reporting purposes. In addition, we propose abandoning the requirement that individual services within this category earn the precise interstate rate of return, and would require only that private line services do so as a whole. But, as we indicate below, our interest in eliminating unnecessary complexity is related to our intent that the allocation of costs be verifiable and not unduly subject to management discretion. We therefore propose an increase reliance on separations for allocation purposes. While existing separation procedures are far from perfect, and indeed may be amended in the near future, they nevertheless constitute an existing, externally mandated system of allocation which is readily subject to audit. We recognize that this system has drawbacks. However, we are convinced that these drawbacks are more than balanced by the benefits, including ease of implementation, associated with this approach.

8. This simplification of reporting requirements and added flexibility does not, in any way constitute a *carte blanche* to AT&T to engage in unjust, unreasonable or unlawfully discriminatory pricing practices—as judged by our view that all services should bear their share of fully distributed, and not merely incremental, costs. Our interim prescription of this manual does not shift or lessen the burden on AT&T to demonstrate the propriety of its tariff filings and, in particular, their compliance with Sections 201(b) and 202(a) of the Act. We expect that Bell will utilize data prepared in accordance with the manual in connection with such filings, and we recognize that compliance with the manual will be evidence of reasonableness with respect to information covered by it. However, where the manual is silent, the burden remains with AT&T to fully justify each tariff filing.

9. AT&T can continue to file information from its demand translation/unit costing process in support of tariffs, with any and all inprovements to the techniques it can implement. However, as discussed below, we have serious doubts about the value of the results of its existing methodology to enable us to confidently determine the cost of service. While Bell should, of course, continue to refine its procedures and should include such refinements in its justifications, we are not convinced that the new procedures will eliminate the problems we have with the procedures currently employed. We therefore expect that, in addition to such status quo support materials, any tariffs containing rate changes which are not *de minimis* will be accompanied by clear, comprehensive and, insofar as possible, verifiable jusification for the change.

10. We express below some of our present thoughts and concerns about the long term approach to cost allocation procedures and seek comments and suggestions in this area. Parties wishing to comment should, of course, keep in mind that a long term approach must relate to an industry whose transition to less regulation and greater competition is expected to continue. We anticipate the issuance of a Supplemental Notice of Rulemaking addressed to the long term problem of cost allocation after review of these comments.

11. We are also establishing a framework for discussions, to be open to all interested parties, as full participants, to consider various alternatives for a long term solution to the cost allocation problem and also to consider possible approaches to tariff evaluation until such time as we are able to issue a decision on such a long term solution. AT&T has already indicated its willingness to participate in such a forum[7], and we anticipate that other interested parties will attend and participate as well.

II. History

12. The process which has led to this proposed cost allocation manual has been lengthy and complex. It can be traced back, in certain respects, to the Commission's *Domestic Telegraph Investigation*, Docket No. 14650. That investigation was initiated to explore the significant decline in message volume and telegraph revenue and earnings experienced by Western Union in the 1950's and early 1960's. In the course of the investigation, the Bureau's

[6] 73 FCC 2d 630.

[7] Reply Comments, p. 3.

Telephone and Telegraph Committees considered, *inter alia*, charges by Western Union "that the Bell System has historically employed its monopoly voice services to subsidize or facilitate the underpricing of its teletypewriter exchange and private line telegraph services."[8] The private line services were the prime area of competitive overlap between the two carriers.

13. During the course of that proceeding, Bell was requested to perform what was known as the "7-Way Cost Study." This study distributed investments and expenses to AT&T's existing interstate services: message toll telephone service (MTS), wide area telephone service (WATS), teletypewriter exchange service (TWX), private line telephone service, private line telegraph services, TELPAK, and "all other services." A special study was necessary since AT&T did not maintain such records in the normal course of business. Bell made clear during the course of the proceeding that it did not rely upon a full cost of service approach to determine its tariff level. Significant attention was paid to "value of service" considerations, i.e. the demand curve, in pricing services.

14. On September 10, 1965 AT&T submitted the results of the 7-Way Cost Study. For the year ended August 31, 1964 the rate of return for the various categories ranged from 10.1% for WATS to .3% for TELPAK. The level of earnings for competitive services was shown to be significantly under the system-wide rate of return for interstate operations while the level of earnings for monopoly services significantly exceed the overall rate of return. These results, which raised the possiblility that monopoly services were providing a cross-subsidy for Bell's competitive services, were among the principal factors which caused the Commission to institute a general investigation into the lawfulness of all AT&T rates and services. In instituting that investigation, the Commission stated:

> These levels of earnings, as well as the wide variations in such levels for the different classes of service, indicate the desirability of a thorough examination by the Commission of the interstate rate structure of the Bell System to determine the lawfulness of the rate levels and rate relationships within that structure. The importance of such a determination is underscored by the fact that certain of the services involved are furnished by the Bell System in direct competition with services offered by other carriers. To the extent that these services may be underpriced by the Bell System, this may have a competitive impact on such carriers.[9]

15. While telecommunications had traditionally been provided by regulated monopolists with limited areas of competitive overlap, the situation was beginning to change. In 1959 and 1960, in its *Allocation of Frequencies in the Bands Above 890 mc. Decisions*, 27 FCC 359 and 29 FCC 825, the Commission had recognized that benefits might well result from permitting the establiishment of private microwave services even in areas where existing common carriers could provide service. In response to the potential competitive chalenge of these private systems, Bell filed a number of bulk discount services, e.g. TELPAK. By the mid 1960's technological developments outside of the telecommunications field, particularly in the area of data processing and interactive data processing, were creating new and potentially major markets to be developed and exploited. It was necessary, therefore, to determine the appropriate ratemaking standards to be employed by the Commission in performing its regulatory duties, especially since long distance voice services were still being provided on a monopoly basis.

16. A broad, general investigation into the lawfulness of all of AT&T's rates and services was begun in 1965 in Docket No. 16258. During this investighation, the parties and staff of the Common Carrier Bureau participated in a series of conferences which led to the "Statement of Ratemaking Principles and Factors" filed in that docket. This statement, a general, theoretical exposition of proper ratemaking, was viewed as a first step in the development of a mechanism which would permit the Commission to exercise its statutory mandate to ensure just reasonable, and lawful rates. After receiving the filing of the Statement, and without necessarily approving it, the Commission stated:

> The record developed in Docket 16258 provides an examination of pricing principles which we believe is of unprecedented scope in regulatory proceedings. It affords a sound basis upon which to determine theoretical ratemaking principles which can then be tested and applied in the context of ratemaking proceedings dealing with respondents' rate ratemaking principles which can then be tested and applied in the context of ratemaking proceedings dealing with respondents' rate structure and the prices to be charged for their specific services."[10]

17. The Statement of Ratemaking Principles and Factors recognized the validity of two approaches to utilizing costs as a basis for determining rates: Fully Distributed Costing (FDC) and Long Run Incremental Costing (LRIC). Each approach involved a different view of what constitutees cross-subsidy, i.e. a situation in which customers of certain AT&T services (presumably monopoly services) contribute revenues towards covering some of the costs attributable to customers of other AT&T services (presumably competitive or private line services). AT&T advocated the LRIC approach coupled with a "burden test." (The burden test attempted to determine if customers of the monopoly services were better or worse off when competitive services were offered by comparing the added revenues of the competitive service with its added costs). The Common Carrier Bureau staff favored an FDC approach coupled with an "equality of return" test for cross-subsidy. This approach required that overall costs be equitably distributed to all services, and assumed cross-subsidization occured whenever some services earned substantially less than the average overall rate of return.

18. A review of theoretical and specific costing proposals took place in Docket 18128, a proceeding initiated on April 10, 1968 to investigate the lawfulness of TELPAK rates filed by AT&T and later broadened to include the lawfulness of all of AT&T's private line service tariffs. On July 29, 1969, the Commission, in response to recommendations of the participants in Docket 16258, incorporated the record of Phase 1-B of that Docket (as well as the record of the original TELPAK proceeding, Docket No. 14251) into Docket No. 18128. In doing so, the Commission declared that "we believe that consolidation will enable us to reach these rate issues (raised by the State of Ratemaking Principles and Factors) with greater dispatch and effectiveness than if further extended hearings were held in Docket No. 16258."[11] At this point, Docket No. 18128 involved a general investigation of AT&T's and Western Union's matching private line tariffs including the issue of the overall contribution that each principal individual private line service should make to the interstate revenue requirements of the carriers.

19. In 1976, at the time a decision was issued in Docket 18128, considerable growth in competition in private line services was underway. A series of decisions, chief among them the

[8] Report of the Telephone and Telegraph Committees in the Domestic Telegraph Investigation Docket No. 14650, at p. 4.

[9] 2 FCC 2d 871-2.

[10] 18 FCC 2d 763-4.

[11] 18 FCC 2d 764.

Specialized Common Carrier Decision[12] (in which the Commission established a general policy favoring the entry of new carriers in the specialized private line communications field) had intensified the need for the successful resolution of the controversial issues concerning the pricing and costing of monopoly and competitive services.

20. While considering the various arguments in favor of both FDC and LRIC costing, the Commission was mindful of its obligations under the Act to ensure that rates were neither unjust nor unreasonable, nor unreasonably discriminatory. Several significant weaknesses in AT&T's LRIC approach made those methodologies inadequate to allow us to fulfill our regulatory obligations. A central flaw in the AT&T approach was its application of incremental costing ony to its private line services. This approach, reflecting a "basic service philosophy," resulted in the attribution of overhead costs almost entirely to the monopoly services. As we indicated in our opinion and Order in Docket No. 18128.

> Bell, despite its reliance on marginal costing for purposes of this proceeding, likewise recognizes that full recorded costs must be covered. Indeed, its basic service philosophy may be viewed simply as a special, implicit approach to the distribution of full recorded costs. As noted above, elements of its arguments related to competitive services stress the efficiency of less-than-full cost pricing, but the substance of Bell's basic service philosophy is based on full cost recovery constraint. For example, Bell disavows marginal cost pricing for all its services and, indeed, opposes strict use of the concept even for the pricing of competitive services [adjusting LRIC results to produce 'optimum' rate levels]. It is important to note that given a full cost recovery constraint, decisions regarding how much each service will contribute are equivalent to a division among such services of the full costs of operation. Whether such decisions are made through cost allocation procedures such as Methods 1 through 7 or through the basic service philosophy that Bell has proposed the objective is still the same: all costs will be recovered.[13]

21. We found in our decision that recovery of full recorded costs is consistent with the public interest. We also ruled that "since we find no merit or basis which warrants the special treatment [for certain of Bell's services] sought by a number of parties, we rule that a proportionate distribution of all recorded costs best furthers the objectives of the Act."[14] In order to ensure such proportionate distribution, we further held that—

> tariff filings should reflect their overall impact and effects, and should be based on data employed in a consistent manner between services and over time. Bell must exhibit methodological consistency and supply comparable supportive materials for future rate filings of all the various Bell services in accordance with the guidelines established herein.[15]

22. The Recommended Decision in Docket No. 18128 had called for the use of an FDC approach based upon recorded, historical costs (Method 1), which was one of the seven FDC methods put on the record. Bell and other parties argued that this approach, which corresponds to Separations Manual principles, would result in an allocation of older facilities to newer and growing services. Other FDC methods (e.g. Method 7) of recording costs involved the principles of historical cost causation, principles we considered attractive for both ratemaking and tracking purposes.

23. We found that an allocation methodology based on causation had to be consistent with a true historical causation allocative base and not susceptible to managerial interpretation and manipulation. We therefore held that a modified Method 7 approach which allocated costs based on historical causation and which would be compared with a modified Method 1 approach, looking at recorded costs, embodied the appropriate approach to distributing full costs.

24. After having established these "basic principles and standards of general applicability for determining cost of service and corresponding rate levels, by service category," we directed the Chief, Common Carrier Bureau, to consult with AT&T on the necessary revisions to AT&T's FDC costing methods. As a result of these consultations, several FDC manuals were developed by AT&T to be used as the basis for tariff filings. In accepting the reports of the Cost Analysis Task Force, which had been consulting with AT&T, we consistently noted that the results of the consultations were not binding on the Commission or on Staff elements charged with the responsibility for rate evaluation. We expressed our judgment that "the next step shold be the institution of proposed rulemaking looking towards the adopting of a fully distributed cost allocation manual."[16]

25. The question of whether the costing information generated and supplied by Bell through use of its manual was consistent with the principles of our Docket No. 18128 decision was considered at length in Docket No. 20814, an adjudicatory proceeding concerning the lawfulness of AT&T's Multi-schedule Private Line (MPL) tariffs. While the lawfulness, *per se*, of the manual was not at issue in that proceeding, cost allocations and studies for MPL tariffs produced through application of the manual were at the heart of the case. The Judge who heard the case found that the methodology employed by AT&T to allocate costs continued to reflect Bell's "basic service philosophy," i.e. the use of residuals to assign costs to message service and the consequent under-allocation of embedded costs to private line services, and the methodology violated our Docket No. 18128 decision. We supported this determination.

26. The Judge in the MPL case requested submissions from participating parties on alternative cost allocation procedures which would conform to the Docket No. 18128 decision. Based upon these submissions and other record materials, he issued a proposed allocation manual which could be utilized immediately by AT&T for its filings. While recognizing that this proposal was a preliminary step which required improvement, he believed that the prescription of an interim manual was necessary to produce AT&T compliance with our decision on the proper allocation methodology. Many objections, both procedural and substantive, to the issuance of the interim manual were filed. We commended the Judge for having undertaken the extraordinarily challenging task of prescribing the manual. Nevertheless, we had reservations about certain of the procedures employed and stated our view that a separate rulemaking in which all interested parties will participate and which is solely and specifically directed to the promulgation of a manual was the proper course of action.

27. We found in the MPL case that, while AT&T assigned exchange plant to individual private line services based on its FELTCAP study, all unassigned costs, the residual balance, were improperly allocated to message service customers. As a result, we found it necessary to proscribe certain interim measures to deal with our major concern about cross-subsidization, i.e. the possibility that AT&T's message services have been partially supporting its

[12] 29 FCC 2d 870, *aff'd sub nom. Washington Utilities and Transportation Comm. v. FCC*, 513 F 2d 1142 (9th Cir. 1975) *cert. den.* 423 U.S. 836 (1975). See also e.g. the *Resale and Shared Use* Decision (60 FCC 2d 310), the *DOMSAT* decision (35 FCC 2d 844 and 22 FCC 2d 86) and the *Other Common Carrier Interconnection* Decision (47 FCC 2d 660).

[13] 61 FCC 2d 587, 634.

[14] Id at 638.

[15] Id at 641–2.

[16] 66 FCC 2d 914.

traditionally more competitive private line services. Our Decision expressed concern over private line earnings in total rather than individually.

28. We therefore refrained from interim prescriptions regarding the allocation of costs among the private line services. We ordered that, on an immediate interim basis, the results of Jurisdictional Separations be used for deriving aggregate interstate exchange amounts for private line services and message services. We expressed our view that use of the separations results was not precluded by or necessarily inconsistent with a cost causation approach to costing. We also recommended that, for purposes of allocating exchange investment to WATS services, minutes of use developed from both originating and terminating ends be considered. Finally, we initiated the instant rulemaking proceeding and pledged the major allocation of resources needed for its timely resolution.

29. It is important to note that the evolution which has taken place in costing methods prescribed by the FCC has reflected not only our understanding of the concepts of costing at various points in time, but has also reflected the changing industry structure which has taken place over the last several decades. The decline in profitability of Western Union in the post-World War II era led to the development of the Seven-Way Cost Study. The approach in that study was relatively straightforward. The issue was simply whether or not Western Union was harmed by possible AT&T cross subsidization of private line services by message services. As private line competition expanded to include the Specialized Common Carriers, the costing approach became more comprehensive and complex. FDC Method 7 incorporated 16 service categories and included elements of forecasting in order to replicate the capital budgeting process engaged in by company management. Now, as the industry structure is again in the process of change, it becomes necessary to develop costing methods which are appropriate for the evolving structure.

30. We are now confronted by an industry structure which is even less restrictive than that which existed as recently as 1976, when a Final Decision in Docket 18128 was issued. Opportunities for cross-subsidization are beginning to diminish as the Commission contemplates the desirability of continuing to allow entry into all markets—including the interconnection of competing carriers into AT&T's public switched network.[17] Further it is possible that opportunities for cross-subsidization would diminish if restrictions against the resale and shared use of public-switched network services were removed from AT&T's tariffs.[18] In addition, we are hopeful that the specialized carriers themselves will be able to compete more rigorously as a result of the moderation of regulations or rules proposed in our competitive common carrier rulemaking, Docket 79-252, 77 FCC 2d.

III. Interim Proposals

31. As described above, the history of attempts to establish and implement cost allocation principles and procedures has been a lengthy and complex one. Each time filings purporting to allocate costs in accordance with our directives are made, objections to AT&T's methods and data are registered charging management manipulation of data and forecasts, cross-subsidization of competitive services by message service customers, or similar improprieties. Upon review we have, at times, found Bell's allocation methods unacceptable.[19] For example, as already noted, in Docket 20814 we determined that AT&T had continued its "basic service philosophy" and that it was imperative to take certain interim actions to partially correct this. Specifically, we ordered, *inter alia*, that AT&T rely on jurisdictional separations results to derive aggregate interstate exchange investment amounts for private line and for message services.

32. We did not make this interim prescription in the belief that it represented a perfect solution, but rather because it utilized a "readily available and established costing procedure" in contrast to AT&T's cost data which was "unreliable and unfit to support the justness and reasonableness of its rates." [20] In doing this we shared the concerns expressed by many parties in the instant proceeding—that the costing procedures developed by AT&T are not auditable, not understandable and "are analytical nightmares that place devastating compliance and auditing burdens on the Commission, its staff, and AT&T's customers and competitors." [21]

33. Reaching this conclusion does not require a finding that AT&T has acted improperly in its development of allocation methods. Despite our repeated attempts to understand and manage AT&T's costing procedures, we believe that little progress has been made. AT&T contends that efficiency requires that its highly fungible plant be continually shifted among different services, sometimes on a daily basis. No party has challenged the economic rationality of such a method of operation and we have no basis to do so. This procedure results in a large percentage of plant being used in common by a continually changing mix of individual services.

34. The nature of this operating system, *i.e.* the frequent changes in use of capacity by various services, results in a great complexity of the system developed by Bell which purports to fairly distribute the full costs of operation to the various services. We recognize that costing, as well as regulation, is a dynamic evolutionary process. The frequent introduction of new and modified studies and techniques by AT&T, while both necessary and desirable in theory, has contributed to our growing concern that the existing cost allocation procedures are beyond our reasonable control. With the passage of time, it is becoming ever clearer that, notwithstanding our additional experience, we simply do not possess the resources to confidently oversee this mammoth process and to review and evaluate with sufficient dispatch numerous volumes of cost data which are submitted to us as its yearly product.

35. Three general approaches to cost alocation have been proposed by parties in this docket.[22] The first, primarily but not exclusively espoused by AT&T, is to retain the overall framework of the existing system with improvements, such as elimination of FAFFG, improved collection of data and more detailed record keeping. AT&T's proposal is basically a long term solution with only some modifications to existing procedures possible in the short term. The second proposal, primarily put forth by the Carriers, is for a system based on extremely detailed records of actual use, including a requirement for significantly more assignment of individual facilities to specific services than presently exists. While this actual use proposal is essentially long term, depending on significant modifications to AT&T's system of record keeping, for the interim

[17] 67 FCC 2d 757 (1978), 73 FCC 2d 222 (1979).

[18] Resale and Shared Use of Common Carrier Domestic Public Switched Network Services CC Docket No. 80-54, FCC (released February 25, 1980).

[19] See Docket 19919, *Hi-Lo Case* 58 FCC 2d 362; Docket 20288, *Dataphone Digital Service* 62 FCC 2d 774; Docket 18128, *Private Line Case* 61 FCC 2d 587; Docket 20814, *MPL Service* 66 FCC 2d 914.

[20] *MPL Service* Final Decision and Order, 74 FCC 2d 1, 39.

[21] Comments of Western Union at p. 13.

[22] There have been, of course, a wide variety of different specific methods and modifications present in the filings.

existing relative use measures would be applied to Separations generated costs. The third general approach, contained in the comments of Western Union, also involves the elimination of the existing "built-up" method of developing costs. This proposal would rely upon common, empirically derived allocation factors which would be easily verifiable by all parties. These factors would be applied to the pool of interstate costs determined by the Separations process which it is suggested be reformed to realistically assign costs between jurisdictions. The specific factors to be utilized, however, are not identified.

36. We have analyzed these different approaches in terms of a number of practical and policy considerations. Chief among these is the requirement that the manner of cost allocation prescribed be one that enables us to fulfill our statutory responsibilites under the Act. We do not believe that we can permit the continual recurrence of a situation where we find a filed tariff to be unlawful but are unable to sufficiently reform, or even, at times, understand, the supporting cost data so as to prescribe an alternative. Any method we prescribe must be understandable and meaningfully auditable. It must allow us to correct or supplement the cost data filed with us by the use of independently verifiable information. While such a system may have to rely upon the exercise of management judgment and discretion, the impact of such inputs must be individually visible and open to challenge and modification, not buried in such a mass of data that their impact upon the results of the allocation is indecipherable.

37. We have considerable concern that an allocation system be sufficient to prevent the establishment of rates for message service above the costs of providing such service in order to generate a cross-subsidy for other, more competitive services. We pointed out in our Notice of Inquiry that, while the regulatory trend towards more competitive telecommunications markets seems well established, cross-subsidization might nullify or otherwise restrain the emergence of fully-developed competition. This movement toward greater competition, and our desire to rely more heavily on market forces rather than traditional regulation to serve the public interest is, in our view, inconsistent with the adoption of an approach to cost allocation which would require the creation or maintenance of a large bureaucracy to administer and monitor cost submission.[23]

38. We also recognize, however, that greater competition is not a one-way street. While we intend to take necessary actions to prevent dominant carriers, chiefly AT&T, from nullifying or restraining competition, these dominant carriers should not be tied down with rigid, excessive regulation which will distort economic signals to customers and competitors and reduce the benefits to the public which competition can bring. We believe that approaches other than traditional regulatory forms—such as those we are considering in the context of the *MTS/WATS Resale and Sharing, Private Line Market Structure,* and *Access Arrangements* proceedings—are better suited to the realities of the telecommunications industry and will make better use of the limited resources available to us for the regulation of common carriage.

39. In light of these principles, we have concluded that, at least as interim measures, and perhaps in the long run as well, the three sets of proposals made by the parties all contain major shortcomings which preclude their adoption. We can summarize our objections to them as follows: The existing system is, and even with the short-term modifications proposed by Bell, would remain, impossible to understand, monitor, audit, or control. A great many parties have made this assertion, both in this docket and others, and in part as a result of the track record of cases brought under the "18128 Manuals," we have come to agree with them. To work with this system would require a substantial increase in our common carrier staff resources and the devotion of such resources to a continual task of review and monitoring of the allocation process. We do not believe such a course to be either justifiable or feasible.

40. At present AT&T employs a "built-up" method of determining costs.[24] While the jurisdictional separations procedures establish the amount of costs which must be recovered through interstate operations, this lump sum is not used as the starting point for cost allocation. Instead of this approach, Bell determines the "unit costs" of different types of facilities and equipment used throughout interstate service. A large number of existing and planned future studies are utilized—IXL, TONIC, FELTCAP, TCT studies, ES.[25] These studies utilize different techniques (survey or census) and produce different levels of confidence (in both technical and practical senses) in their results—a situation which will continue for the foreseeable future.

41. While AT&T indicates its willingness to create and retain sufficient data to permit independent audits of the entire body of costs studies, we do not believe, given the scope of these studies, that this is practical for the short-term future. In any case, it is undisputed that no such arguably auditable system exists at present.

42. The results of AT&T's unit costing studies are then applied to forecasted demand of plant quantities developed via the demand translation process. Essentially this methodology takes predicted quantities of demand (which are themselves frequently challenged and of uncertain reliability) and produces quantities of interexchange plant necessary to fill that demand through use of a group of "translators" and other derived factors. These translators or factors have been developed based upon the results of facility characteristics studies as modified, in some cases, by management judgment. AT&T has indicated that it has made, and will continue to make, improvements in the development of these translators or factors. While Bell has made certain modifications to meet some of the objections raised to the demand translation process (e.g. the elimination of smoothing and, it appears, a decision to stop using different points-in-time and time spans for derivation of the translators), we are not confident that other, equally serious, objections will not be raised to the "new improved" methods when they are available for scrutiny. Moreover, the modifications AT&T has both introduced and promised do not affect the fundametally unverifiable nature of the demand translation process.

43. These methods produce a pool of interstate costs which differ from the actual costs which must be recovered through interstate service as determined by separations. The built up costs must

[23] From a practical standpoint, it seems inconceivable, given general deregulatory trends, that Congress would allocate funds for the establishment of such a bureaucracy.

[24] The elements of this system are discussed in more detail in Section V.

[25] It is not entirely clear when some of these studies are to be integrated into the cost allocation system. For example, HIFLAC, an associated company interexchange study, is described as both a future study (AT&T comments pp. I-6) and as being presently implemented (AT&T comments p. IV-8). In addition AT&T reports that the data base for FELTCAP has been changed effective April 1, 1980 and the ES study was "placed in effect" earlier this year (PI-11). The point at which data from these studies will be utilized in the allocation process is not clear to us.

therefore be adjusted to the total amount through a type of trial balancing process. AT&T indicates its belief that most of this difference (7% of investment costs and associated expense) is the result of the differences between separations and fully distributed casting methodologies. Other parties claim, however, that a substantial portion of this difference is attributable to fundamental inaccuracies in the unit costing method employed by AT&T. The trial balancing method as currently utilized and with any modifications which might be implemented in the immediate future prevents the resolution of this disagreement. While AT&T has, once again, proposed certain changes to its existing procedures, these are insufficient to render the system immune to reasonable challenge.

44. This elaborate costing approach does not, in our view, permit us to fulfill our responsibility to evaluate tariffs filed by AT&T. In addition to its complexity and inauditability, it prevents the identification of the impact on results produced by the various non-empirical inputs, such as management judgment. As a result, we receive massive Central Submissions which, as a practical matter, do not enable us to easily determine if filed tariffs are just, reasonable and non-discriminatory or to prescribe rates if we determine that this is necessary.

45. We noted in our Final Decision and Order in the MPL case, Docket 20814, that—

> The need for self-effective long-range solutions to the limitations of the investigatory process we have traditionally relied upon is evident. Unjustified and unlawful tariffs have remained in effect while under investigation, only to be replaced by other tariffs which themselves are later found to be unlawful * * *. These two proceedings (MPL and its predecessor) demonstrate AT&T's ability to frustrate the regulatory process by its failure to provide the kinds of information we require for a reasonable analysis of its tariffs. This recent history strongly suggests the need to explore innovative approaches to rate structure analysis and evaluation * * *.

46. We recognize that it is not merely the withholding of information which can frustrate our ability to review tariffs. In addition the provision of information which is so complex and convoluted, so fraught with cross-references and citations (frequently imprecise or incorrect), and, in many cases, so incomprehensible, that we are unable to identify the results of the inputs to the costing algorithms—some of which we might wish to reject while accepting others—accomplishes the same goal. Given our present resources, no presently possible modification of the existing procedures employed by AT&T for its Central Submission will make that document an adequate and defensible basis for us to employ in evaluating tariff filings. Accordingly, we must seek a different solution, at least for the immediate future, and perhaps for the long term as well.

47. Both the Carriers and SBS endorsed the proposal contained in "Cost-of-Service Accounting and Pricing Procedures", a report prepared by Walter Hinchman Associates, Inc. and originally filed in a different docket but incorporated in their comments. The Hinchman proposal likewise is marked by considerable complexity although the burden of its implementation would, in the first instance, fall on AT&T. In addition, we agree with Bell that certain features of this plan appear to go beyond mere allocation technique and would, in result if not in intent, unjustifiably restrict AT&T's ability to efficiently utilize its resources and to compete vigorously and fairly. In addition, the institution of procedures which would create incentives to assign higher cost facilities to less competitive services and vice versa would both reduce efficiency and be antithetical to the public interest. Such an approach would therefore require countermeasures (e.g. a "facilities assignment manual") which would be inconsistent with our desire to reduce the degree of regulatory intrusion insofar as it is possible. We discuss our concerns with the Hinchman proposal in Section V.[26]

48. The Western Union "top down" approach is appealing in its simplicity. However, it requires the development or identification of the common and concurrently derived factors to be used to divide the interstate "pie" of costs to the various services. Western Union has not identified what these factors would be. While various combinations of messages, miles, minutes, and other aspects of service usage could be utilized, none seem to provide an economically rational bases to allocate costs for the purpose of determining just and reasonable rates for individual services. We believe that any such factors we might develop without further consideration would be unsupportably arbitrary and might themselves hinder the movement towards greater competition.

[26] The Carriers advocate reliance on the "ID Manual" prescribed in Docket 20814, or, at least the non-controversial portions thereof, as an interim measure. This proposal, presented as a general matter without specific justification, would result in many of the same problems as AT&T's "modified status quo" approach.

49. We have therefore reached the conclusion that, at least as an interim measure, a different, less detailed, but significantly more manageable approach to cost allocation must be adopted. We are prepared, through necessity, to forgo any attempts to prescribe a method of determining those costs (not recorded below account levels for separations) which are causally related to individual private line services However, we intend to do our best to ensure—through a prescribed manual which is both understandable and auditable—that customers of MTS service are not charged improperly high prices to generate cross-subsidies for competitive services.

50. Although we have recognized that the methodology prescribed by our Final Decision in Docket 18128 is beyond our ability to effectively administer for the immediate future, we are not abandoning the important guiding principles of that decision which are still required as part of our obligation to uphold the public interest. We remain interested in assuring carrier accountability; in assuring equitable and non-discriminary treatment of all service users; in promoting technological innovation; and in defining a precise set of market rules. On the other hand, the procedures used to accomplish these goals must remain flexible and must be subject to correction in light of experience and changing market conditions. As we have noted, and as many of the parties have noted, costing must be considered an evolutionary process, and the Commission must stand ready to benefit by experience in this area.

IV. Interim Plan

51. We will require AT&T to provide annually a report or central submission showing its revenues, investment, and expense for three categories of service: MTS, WATS and private line. The costing methods proposed under our interim plan will apply only to these three reporting categories.

Investment

52. In the *Final Decision and Order in Docket 20814*[27] we required the allocation of investment to MTS, WATS, and private line categories by use of Jurisdictional Separations procedures. We will continue that recommendation here as part of our interim proposal in this proceeding and recommend that the current procedures used to assign exchange investment be continued.

53. Our prescription in Docket 20814 for the use of separations data to

[27] 74 FCC 2d 1.

develop exchange private line and message investment totals was based on the need to find an alternative to AT&T's "basic service" approach. Although the basic service problem, as discussed in our Docket 20814 Order, does not exist in AT&T's costing methods used to allocate interexchange investment, we face another, equally important problem which requires that we propose an alternative costing methodology.

54. Our problem with AT&T's method, as explained above, stems from what appears to us to be an unneeded complexity which prevents us from being able to determine the lawfulness of many of AT&T's tariffs. That complexity arises from the process of developing "translators" from detailed studies of plant characteristics (REDCAP) which convert AT&T-defined "market quantities" into units of physical plant required to serve those markets. Separate studied produce derived unit costs which are multiplied by the physical plant units to obtain investment costs. Given the limited resources available to the Commission to review these studies, the effect of AT&T's method is to confront us with the proverbial "black box." The Commission has prolonged its review of AT&T's cost studies in the case of WATS to a point considered unacceptable by the Appeals Court.[28] Therefore it is necessary that we propose a method which, even though subject to some conceptual criticisms, will readily enable us to determine whether or not rates (primarily MTS and WATS) are lawful, and if they are found to be unlawful, will allow us to prescribe lawful rates.

55. We proposed that AT&T make an initial allocation of the interexchange investment of its Associated Operating Companies amongst the private line and message categories on the basis of separations data (in the same manner as was done for exchange investment as part of the implementation of our Docket 20814 Order). For Long Lines interexchange investment, AT&T would have to develop similar techniques for splitting investment between private line and message, as the separations process does not perform this function. Further disaggregation of message network interexchange investment to MTS and WATS would occur on the basis of message minute miles. We believe that AT&T can accomplish this disaggregation at the present time by utilizing its Centralized Message Data System data base.

56. Beyond MTS, WATS and private line, we would define no further methods for disaggregating investment to service categories. As noted above, we are unaware of any valid basis upon which such a disaggregatioon can be made at the present time. Thus we reject both AT&T's approach which has repeatedly resulted in the filing of unlawful rates and the overly general, short term approaches suggested by other parties. Out conclusion at this phase of the proceeding is that the high degree of service substitutability with services offered by competitors as well as with other AT&T services, in conjunction with reductions in barriers to entry into most telecommunications markets, makes such broad reportings tolerable and preferable to a detailed allocation system the validity of which we cannot accept.

Expenses

57. Direct attribution of expenses to the reporting categories we have identified is still important. But we do not equate all instances of direct attribution with cost causation in cost studies AT&T has presented thus far to the Commission. There are many instances where costs are not clearly attributable to any individual service category. Aggregating service categories should help this process somewhat, but here, as with investment, we should not be misled into thinking that precision equates with direct attribution.

58. The important concept we propose regarding the distribution of non-attributable expenses is that they should be shared in some reasonably proportionate manner by all services [29] which incur them. Taxes for instance (including federal, ad valorem, etc.) should be allocated to all services. AT&T's past treatment of taxes has involved the assignment of negative amounts to certain service categories. This presumes that each service category is a separate legal entity, which, of course, is incorrect. This concept applies to such categories as depreciation, maintenance, etc., to the extent unambiguous direct attribution cannot be made. The specific requirements for the various expense accounts are set forth in Appendix B.

59. We are well aware that most parties to this proceeding, including AT&T, have expressed dissatisfaction with the existing separations process. Nevertheless, the fact remains that the costs assigned by separations to the interstate operations are the costs which those operations must recover. For example, if costs are assigned to the interstate jurisdiction because of WATS usage it would not appear inequitable to insist that WATS, rather than MTS or private line, users pay for such usage. We have recently convened a Joint Board to review existing Jurisdictional Separations procedures for the allocation of exchange plant. As soon as practical, we intend to examine the allocation of interexchange plant. We are hopeful that separations procedures can be modernized in the not too distant future so that they more accurately reflect the way costs are incurred. Even before this correction, however, we expect to establish an access charge which will fairly assign the costs of using exchange plant for interstate service to the various interstate carriers. If and when such an access charge is available, it will represent a better mechanism for assigning exchange plant costs to interstate service and we will require Bell to substitute this for exchange plant separations figures.

60. Because utilizing Jurisdictional Separations procedures represents a more understandable, verifiable basis for the assignment of plant cost among the broad service categories, we believe its use will reduce the burden on us, and other interested parties, of evaluating AT&T's central submissions. We do recognize that this approach will heighten concern about possible changes in separations procedures and expect that these will be addressed by a Joint Board in the near future. The added flexibility in pricing individual services permitted by the policy we are adopting should, however, be sufficient to mitigate any negative effects which some parties, including Bell, believe may occur from a reliance on separations results for cost allocation purposes. In fact, AT&T has identified the failure of separations procedures to assign costs to specific services as the major problem with utilizing that data for its Central Submission.[30] AT&T itself notes that the use of Jurisdictional Separations results to divide exchange plant cost between private line and message services, as we ordered in Docket No. 20814, reduces concern about its use of a "basic service" or residual costing philosophy. The company proposes that this mechanism for allocating exchange plant costs between the aggregated service classes be continued. Our decision to refrain from requiring individual private line services to earn the interstate rate of return negates the necessity and the advantage, if any,

[28] *MCI Telecommunications Corp. v. FCC* D.C. circuit No. 79-1119, Decided April 2, 1980.

[29] We continue agreement with paragraph 149 of Docket 18128: "* * * a proportional distribution of all recorded costs best furthers the underlying objectives of the Act."

[30] Reply at pp. 28, 30, B-3.

which might result from utilizing the "built up" costing methodology currently utilized by AT&T. The price in confusion, in complex and lengthy review proceedings, and in continued uncertainty about the reliability of figures—which we and others would have to pay were the demand translation and unit costing processes to continue—is simply much too high to pay given the scant rewards it might provide.

61. If earnings for any of the three reporting categories vary from the prescribed interstate rate of return, this would give rise to a presumption of unlawfulness and AT&T would be required to justify any such disparity. Although we do not intend to have any automatic correction of rates if returns for the reporting categories vary from the prescribed interstate rate of return, we will expect such correction absent special circumstances after allowing AT&T an opportunity to be heard.

62. The Manual we are proposing here requires the allocation of revenues, expenses, and investment only to the three reporting categories. Nevertheless, AT&T will continue to bear the burden of demonstrating the lawfulness of individual tariff filings. While we will no longer require that individual service categories earn the interstate rate of return, AT&T must still show that the rates for its various services and service elements are just, reasonable and nondiscriminatory. This showing requires, of course, allocation of revenues, expenses, and investment to individual services and service elements.

63. We will continue to require that such allocation be made on a fully distributed basis so that all services will be assigned a fair share of AT&T's overhead cost. Beyond this, we do not attempt to prescribe any further constraints upon AT&T for distributing cost particular services. We would emphasize however that this decision does not constitute a blanket approval of future filings or an invitation to AT&T to engage in improper pricing of services. The burden remains upon AT&T to provide any necessary cost support in a precise, logical, verifiable, and understandable fashion. Failure to meet this burden will be grounds, in appropriate cases, for rejection.

V. Long Term Considerations

64. The simplified, separations-based proposal we put forth herein is primarily designed to provide an understandable basis for the allocation of costs for the immediate future because, simply put, no comprehensible alternative exists. We intend to continue to consider the promulgation of a more sophisticated mechanism for the long-term future. However, as indicated above, we have major problems with the approaches to this task espoused by the parties. We set forth below our major difficulties with the various approaches suggested in this proceeding.

Continuation of Present Approach Forecasting

65. Even if all the improvements in its data collection and reporting mechanisms promised by AT&T are implemented, we would have fundamental problems with the reliance on forecasting that has been utilized to implement an "historical cost causation approach." As several parties have noted, historical causation is based upon the intent of management at the time costs involved in the acquisition of plant are incurred. Because AT&T does not acquire plant for individual services, but, rather, based upon total demand, a mechanism to allocate fungible investment at the time it is made is necessary. Despite our continued efforts, we have been unable to achieve a sufficient understanding of AT&T's attempt to implement historical causation principles in allocating such investment to enable us to responsibly evaluate tariff filings. This inability has occurred notwithstanding Bell's repeated assertions that, with respect to the inclusion of nonquantitative inputs in the costing process, sufficient information will be provided to allow us to evaluate the judgments involved and their effect on the bottom-line results. We therefore have several major problems with continuing the manner in which forecasts are currently utilized in the allocation process.

66. First, there is the problem described above concerning the lack of corporate facilities planning on an individual service basis. The substantial fungibility of plant facilities, especially transmission facilities, makes it difficult to relate forecasts to specific use of investment by individual services. Forecasting appears to have been "patched" into the costing process apart from the actual process of "plant provision." In addition, the emergency of a more competitive environment will lead to a faster rate of change in the development of services. This follows from the marketing orientation of services identification rather than a technology orientation.

67. Second, there are many difficulties associated with making forecasts. The use of telecommunications services is tied to the well-being of the national economy. Forecasts, even at macro-economic levels, have been somewhat lacking in accuracy[31] and are not expected to improve any time soon.

68. Finally, there is a conceptual problem with the forecast horizon which has been selected by AT&T in its Central Submission (see p. V-33 of AT&T's August FDC Manual). A ten month forecast for plant in service (Account 100.1) is used which assumes that all plant facilities are planned equally far in advance of installation. Of course, no such homogeneous set of facilities exists. Instead, forecast horizons vary considerably depending on the type of technology under consideration, ranging from a couple of weeks to a decade or more in some instances. It is very unlikely that a single-dimension forecast of 10 months duration bears much resemblance to the historical cost causation process conceived in FDC-7. Therefore, assuming forecasts were utilized as part of the ratemaking process for individual services, we conclude there would be too much risk for substantial error resulting from management discretion. However, for certain elements of the rate base (i.e. nonfungible plant, plant under construction, and plant held for future use) it may be worthwhile to utilize forecasts in setting rates where forecasts are related to aggregate levels of service.

69. In addition, despite repeated pledges to completely specify, describe and quantify the effect of all assumptions and other factors entering the judgmental process whenever management judgment or other non-quantitative inputs to the forecasting process are used, the Central Submission contains results of questionable validity. For example, the WATS forecasts were alleged to fall within a 95 percent confidence interval. However it is not at all apparent that the confidence intervals are indeed 95 percent. The derivation of the figures begins with the aggregate statistical base forecast and its associated 95 percent confidence interval. Bell then added adjustments to this forecast which are not quantified or described in detail, and which amount to as much as six percent of the total data base. Associated with the adjustment figure is a personalitic (or subjective) confidence interval of ±50 percent. This personalistic confidence interval was added to the 95 percent confidence interval of the statistical base forecast and resulted in what Bell calls a 95 percent confidence interval for the final forecast.

[31] Factors such as inflation and "supply shocks" appear to be most inherently unpredictable.

70. While the concepts related to the adjustments seems plausible, the fact that we were given no quantitative estimates for each individual adjustment puts us completely in the dark as to their true effect on the forecasts. It is clear, however, that adding a ±50 percent personalistic confidence interval to a 95 percent forecast confidence interval does not yield a 95 percent confidence interval for the final forecast. The following conclusions are only too apparent:

(1) A 95 percent confidence interval has not been determined. The August manual specifies that subjective probabilities may be used where necessary, but qualifictions to the confidence intervals must be specified.

(2) No sensitivity analysis has been provided. The August manual specifically states that sensitivity analyses of the forecasts will be sensitivity analyses of the forecasts will be provided.

(3) The forecasts with their associated adjustments are unauditable. We simply cannot be certain that the WATS forecasts are reliable. The August manual dictates that where management judgment or any nonquantitative methods are used, all assumptions and other factors must be completely specified and the effect described and quantified to the extent possible.

71. AT&T has rejected as inappropriate any attempt to prescribe specific forecasting techniques for its use. In fact, Bell believes that we should limit ourselves to prescribing the meta-forecasting system—guidelines and principles to the utilized in deciding what forecasting techniques should be employed for different purposes. Despite its claims to produce results at "95% confidence intervals," AT&T would reserve to itself the right to use personalistic probabilities where necessry as a result of judgmental factors entering the forecasting process. In other words, after producing forecasts based upon judgmental inputs, AT&T would merely report that results based upon these judgments were sufficiently worthy of confidence. Under these circumstances, we are sympathetic to those parties who charge that Bell's forecasts can be utilized to produce results desired by management at will and are neither sufficiently verifiable nor auditable to serve as a trustworthy basis for allocating costs.

Service Categories

72. Another major problem with reliance on a "new improved" FDC-7 methodology for the long term is its attempt to allocate costs among a large and unstable group of service categories. The categories must be defined by Bell, which does so as a firm seeking to structure competitive offerings of services with few significant technological differences. We can only expect the restructuring of tariffed offerings to proliferate as competition in telecommunications continues to increase. Under a more competitive regime we agree with Bell that a substantial amount of flexibility in designing services demanded by consumers is both a matter of competitive necessity and a method of ensuring that the benefits which should flow from competition to reach the customer.

73. Variability in service category development creates problems in a comprehensive service costing approach such as FDC-7 not only from the standpoint of determining what level of disaggregation is appropriate but also from the standpoint of how to incorporate new and discontinued services into the costing algorithm. The driving mechanism within FDC-7 for assigning investment to services conceptually is the decision by management to commit financial resources to build plant to provide a particular service to a group of customers—a commitment presumably based on some forecast of future demand. A new service which uses facilities previously constructed for other services falls outside of this scheme, however, as management cannot conceive, at any given time, all the possible marketing creations which the investment will allow.

74. The fact that many services can be devised after initial use of facilities is completed points out a major characteristic of AT&T's network investment overlooked by FDC-7—its fungibility.[32] As Bell has pointed out in its Reply Comments in CC Docket No. 79-252 (at p. 57), "the facility provision process is designed for economical network provision of aggregate requirements. It contains no identity as to service." In its comments (p. 36) AT&T describes its plant provision process as the means by which the decision to construct plant is made. AT&T indicates that this is accomplished on the basis of total demand—not on a service by service basis. It further explains that on a continual basis the totality of available facilities is examined, and that plant additions are made on an ongoing basis through any given year to satisfy *total* demand. This process obviously bears little resemblance to that anticipated by an FDC-7 or any other comprehensive service by service costing methodology.[33]

Service Costing

75. At present, AT&T offers dozens of "services" under a great variety of tariff provisions. In its January FDC Manual, 16 service categories were identified for costing purposes. This was increased to 17 categories in AT&T's August FDC Manual. The ALJ in his Initial Decision in Docket 20814 recommended that this number be increased to 23. Even beyond 23 service categories it is not clear that all potential areas of challenge would be covered. For instance, the category entitled Private Line Telephone Other in the August Manual contains such important services as CCSA, SCAN, EPSCS and over 2,000 types of station terminal equipment (e.g. Dataphone and Dataspeed 40), many of which have given rise to challenge by contesting parties. Assuming the service category list were comprehensive enough to include all services for which possible challenges of predatory pricing could be raised, there still remains the problem of what to do about rate elements within services. Concern over In-WATS in Docket 19989 led to the creation of a separate service category for this service. Yet even after creation of separate In and Out WATS services problems were left unresolved concerning possible cross subsidization between Full Business Day users and Measured Time users, between long haul users and short haul users. Similarly, our Decision in *Series 7000* raised problems about unequal treatment between full and part time users of that service (67 FCC 2d 1134 (1978)) and our Decision in *DDS* raised questions about cross-subsidization between the various speeds of service offered within that category (62 FCC 2d 994 (1977)). Thus, even the most comprehensive allocation of costs by service category would not eliminate problems with cross-subsidization. Costs would, instead, have to be

[32] See pp. 3-4 of AT&T's Comments in Docket 78-72 for discussion of the substitutability of services.

[33] AT&T notes in its Comments (p. 36) that "at the present time, service by service tracking of multi-service plant actually assigned is not part of the plant provision process." In its Reply, p. 11, AT&T describes its system as a single network of facilities used interchangeably. In its Comments (p. VIII-3) it proposes that its Service Categories not be defined by technology, but rather by service characteristics, implying that the provision of individual services bears little relationship to specific technologies. See also p. 85, AT&T Reply. However, in AT&T's Appendix to its Comments, p. 4, under Approval of the Project, it describes the point in the plant provision process at which a conference of company managers approves, on an aggregate basis, investment for new plant. Assuming other problems with FDC-7 in its current form did not exist, this juncture in the plant provision process would have been the logical point for identifying cost causation by services.

allocated to each tariffed service element.

Initial Datum

76. We have proposed that the concept of a fixed facilities datum be discontinued as part of the interim costing mechanism. The idea of an Initial Datum arose out of the Docket 18128 Final Decision in response to the Commission's need to make AT&T accountable for its initial plant assignments. It was thought that AT&T had the ability to construct many plausible facility assignments which could have the result of inhibiting competition in an environment where total freedom to enter was not allowed and where serious problems existed regarding cross-subsidy. The fixed facilities datum represented an attempt by the Commission to develop a regulatory tool which would provide control over where facilities would be assigned for costing purposes. The possibility existed that a controlled facilities datum would allow the Commission to prescribe rates in instances where AT&T failed to file rates which were considered to be cost justified. This has not proven feasible, however, and the Commission has remained unable to prescribe rates.

77. Our view in light of almost four years of experience with FDC-7 is that the high degree of fungibility of facilities used to provide interstate (interexchange) services and the more firmly embedded policies favoring competition [34] render the fixed facilities datum much less useful as a means to achieve the Commission's objectives. In the current environment, such an "active" regulatory tool may not be required. The ability to provide private line services in competition with AT&T has existed at least since issuance of the Commission's Specialized Common Carrier Decision in 1971. Although penetration of this market by competitors is limited at present, the trend toward its becoming workably competitive appears to be well established.

78. We therefore tentatively conclude that a fixed facilities datum has never enabled the Commission to act effectively in the public interest and should not be included in any long range proposal. A high possibility exists, in our view, that the static nature of a fixed facilities datum, which corresponded with services as they existed in 1975 (the year from which data were taken for the initial facilities datum), could aggravate the natural development of the industry structure for telecommunications. We believe that the annual assignment of all plant to aggregated service categories would better serve the public interest.

79. Moreover, we believe that the method which was utilized by AT&T to distribute costs to the various individual service categories—demand translation/unit costing—is, as described below, beyond our ability to audit or control. The utilization of this process of building up the costs of service rather than merely determining a valid basis for allocating those costs which must, of necessity, be recovered from interstate operations, has frustrated our repeated attempts to ensure that services bear an appropriate share of full costs.

Unit Costs

80. The unit cost approach adopted by AT&T has represented an attempt to aggregate groups of related investment, and, through special studies, develop costs for these aggregated groupings. AT&T has described the unit costing process in its proposed findings in Docket No. 20814 (paras 251–262), and elsewhere (see volumes 14–16 in its 1978 Annual FDC Report). However, these descriptions and results are supported by considerable backup materials and activities which are beyond the Commission's ability to meaningfully review.

81. AT&T uses a variety of different techniques to determine the unit costs for various types of plant—elaborate computer programs; updating of historic costs for increases in labor and material prices; application of various factors and ratios; and residual costing. The three volumes of the Central Submission containing the information on development of these unit costs provided an immense amount of detail but still had omissions which prevented a determination of its internal consistency. Thus, even if we were to accept, *arguendo*, the accuracy of the continually changing parade of studies which form the basis for the unit costing process, we would be unable to reliably monitor the results.

82. For interexchange plant the primary categories include (1) High Capacity, High Frequency Line (coaxial (L) and radio (R)) plant; (2) carrier terminals associated with L and R; (3) Low capacity short haul systems, primarily low capacity analog carrier systems (N carrier) and low capacity digital carrier systems (T carrier); (4) carrier terminals associated with N and T; (5) telephone circuit termination equipment (TCT), and (6) special service circuit equipment terminals (SSCET). HCHFL facility unit costs are calculated from AT&T's IXL (Interexchange Lines) study. This study analyzes, "among other things," the costs of the interexchange outside plant, central office equipment and land and buildings used to provide L and R types of facilities in the Long Lines layout for interstate services. AT&T indicates in its comments that its 1979 FDC report will include unit costs separately developed for its Associated Company plant using the "HIFLAC" study.

83. Insurmountable problems have arisen in every attempt to verify data inputs into the IXL study (which are collected for 5 outside plant categories and 19 circuit equipment categories) because these inputs are derived from various records maintained at offices throughout the United States. The investments for circuit equipment are developed at each of the Long Line areas and are computed "to reflect the related costs for power, land building and miscellaneous investment." It would be necessary for the Commission to verify the factors used to develop these "related costs." Other inputs are used to segregate the costs of interexchange circuit plant into separate costs for line haul and terminations. Unit costs for L and R central office equipment are determined through "detailed analysis" of the various elements including line haul circuit equipment, carrier terminals, telephone circuit terminating equipment, and special service circuit equipment.

84. In deriving its unit costs, AT&T makes extensive use of specialized computer programs. In Volume 14 of its 1978 Central Submission, AT&T states: "1978 HCHFL construction program and engineering planning data are consolidated by a computer process to produce cost and capacity information from which facility mix factors and unit investment are calculated." [35] In this instance additional difficulty would be encountered in attempting to decipher an end result which reflects combined processes and inputs.

85. Unit costs for N and T carrier systems are derived with the help of a specially designed program called TONIC. The files included in TONIC are listed in Appendix C (from Volume 15 of AT&T's 1978 Central Submission). To follow the results of the TONIC model, which itself represents only a portion of total interexchange investment, would require us to engage several computer specialists on a full time basis.

Note.—Appendix C is filed as part of the original with the Office of the Federal Register.

86. In addition to problems in reviewing the extensive amount of

[34] See AT&T *Comments* in CC Docket No. 78-72, pp. 50–52.

[35] CS Vol. 14 p. 1-1.

computer programs employed by AT&T in the development of unit costs, the Commission would also have considerable difficulty auditing the unit cost process. Inputs come from several sources including various AT&T internal task forces (CS Vol. 1, p. 2-9), Western Electric Company pricing records and the Bell Operating Companies.

Demand Translation

87. The "demand translation" process is designed to determine the type and quantity of plant necessary to provide a given quantity of actual or forecast service. AT&T has utilized the process both for the distribution of plant within the Initial Datum and for the assignment of new plant on the basis of historical cost causation. Essentially, the process utilizes a series of "translators"—such as ratios of route miles to airline miles, Bell ownership of route miles to total route miles, route miles of individual facility types to total facility route miles—developed by analyzing information generated by AT&T's REDCAP studies. Since REDCAP has, until the 1978 study, utilized sampling, rather than full census, techniques, some of the information generated was regarded by AT&T as "unrepresentative." AT&T therefore performed an operation it called "smoothing" in which data for given mileage bands which were viewed as inaccurate were, in effect, amended based upon judgments rather than detailed rules.[36] The magnitude of the impact produced by such smoothing has been subject to considerable dispute. In addition, objections have been raised to the inconsistent manner in which AT&T has developed and used its translators—using data from different REDCAP studies for different point-in-time and differential analyses and utilizing some translators both before and after smoothing for different purposes. Bell has consistently minimized the effect of these irregularities. In its Comments, Bell stated that because REDCAP census studies are now being conducted annually, "smoothing" will no longer be necessary and recent data will be uniformly employed. However, data will still be drawn from a variety of studies, including REDCAP, in which management judgment will play a role of uncertain magnitude.

88. As discussed above, we are tentatively of the view that, for a number of practical and policy reasons, costs should be allocated to three basic reporting categories and that these allocations should not be based on forecasts or projections of use. In addition, we are proposing the elimination of the Initial Datum. We have considered whether the demand translation process, with the improvements suggested by AT&T and/or other parties, should be used to allocate costs to these three categories and have concluded that it should not. First, were it necessary to allocate costs to a large number of categories—categories which do not represent entities to which costs were otherwise assigned—it would be necessry to develop a methodology to accomplish this task. However, a major advantage of the approach we are taking is that it utilizes categories that already exist for another purpose, Separations, and to which plant and associated costs are already assigned by an independent process.

89. Second, the demand translation process shares, along with unit costs, an almost overwhelming complexity. Three volumes of the central submissions[37] are directly devoted to it and they in turn cross-reference factors and data developed and listed in other volumes of the submission. As a result, we believe that continued reliance on demand translation, even if some of its more obvious shortcomings were eliminated, would foreclose the possibility of our, or other interested parties, understanding and meaningfully auditing the allocation process.[38] In addition, the complexity of the process serves to cloud the impact that forecasts and other exercises of management judgment, no matter how legitimate, have on the allocation process. Faced with the Central Submission we are unable to reasonably isolate this impact or to determine the change which would result from varying the assumptions made by management. These "soft" inputs when combined and acted upon by a number of "harder" inputs, translators, and the like, produce results which, we believe, render the entire process inadequate to fulfill our statutory oversight responsibilities, particulary in view of the limited resources available to us.

90. If decisions to add capacity were made on an individual service basis and the demand translation process were utilized to convert a forecast increase in demand for that service into plant to be ordered, the system might be auditable. Because decisions to add different facilities are made on a system basis in response to aggregated demand forecasts, the translation process serves to hinder attempts to evaluate the accuracy of forecasts and the propriety of decisions to add capacity. Our ability to monitor these decisions and to ensure that individual services bear the costs of the new capacity added for them is not enhanced through utilization of these translators. Indeed our review of AT&T's submissions purporting to explain the process leave us unable to determine its validity. Therefore, we believe that any benefits which, in theory, flow from the utilization of demand translation techniques are outweighed by the costs imposed by its complexity and inauditability. We believe that decisions to add new capacity should be related to the needs of services in an understandable manner and, for the interim, tend to believe actual assignments are the only mechanism through which such understanding can be achieved. Although the demand translation process might be manageable if it were substantially simpler, we are unaware of any way to accomplish this.

Trial Balancing

91. As we have noted, the essence of Bell's costing method is the building up of costs to be allocated to services through its demand translation/unit costing processes which are allocated to services but which do not, in total, equal the interstate costs assigned through separations. This "bottom-up" approach to cost determination requires, in AT&T's view, a "trial balancing" process to adjust the costs created by this method with the total costs assigned to interstate service by the jurisdictional separations process. Trial balancing, however, has been utilized in a way which further obfuscates the relationship between various inputs to the costing process and the results.

92. Under other circumstances it might be possible to check the accuracy of a built-up unit cost procedure such as AT&T employs, by comparing the aggregate amounts determined through this process with the investment for various plant categories found in AT&T's books of account. Unfortunately, this cannot be done here because the amounts determined through AT&T costing procedures are trial balanced by AT&T in order to (or so AT&T claims) adjust for the differences between its procedures and

[36] For example, certain characteristics are accepted to be fairly continuous over distance. Raw data from sampling which would produce sharp discontinuities in a graph of such a characteristic would be dropped and new figures which would produce a smooth graph were substituted, apparently based upon nothing more than visual inspection.

[37] Vols. 19, 20 and 21.

[38] See, e.g. figures 4-4 through 4-7 of the Central Submission (4-4 is reproduced in Appendix C) showing the calculation procedures used for voice grade, telephone, telegraph, and wideband plant. Apendix C is filed as part of the original with the office of the Federal Register.

the results obtained through Jurisdictional Separations. AT&T argues that "most of the differences" between book costs and the derived unit costs are due to differences between Separations methodology (which is insensitive to the varying costs of different facilities) and its FDC-7 methodology (which attempts to recognize such variance). The extent to which this difference is the cause of the costs assigned through trial balancing is challenged by other parties, such as the Carriers. Contrary to AT&T, they claim that it is the inaccuracy of the demand translation/unit costing process and AT&T's forecasts which creates much of the error which is distributed through trial balancing.

93. While AT&T has not presented us with sufficient information to resolve this dispute, we share the concerns expressed in the responses about the method in which trial balancing is applied. For example, Long Lines investment is allocated interstate in its entirety. Long Lines investment is, however, included in the trial balancing processing. Moreover, Bell's FDC methodology improperly assigned exchange investment for message service as a residual [39] so that the total amount assigned for exchange investment under its methodology equals the amounts allocated interstate under Jurisdictional Separations. Thus, neither Long Lines interexchange investment, nor any of Bell's exchange investment would cause any divergence because of separations vs. FDC-7 discrepancies, and any errors resulting from such discrepancies should be attributable only to the Associated Company interexchange plant assigned to interstate services. The extent to which this category is responsible for the 7.7% of the total interstate investment [40] which is allocated through trial balance factors is not ascertainable.

94. Bell notes that, in the future, new regular and special studies will eliminate certain weaknesses in trial balancing. For example, HIFLAC will produce information on the unit investment costs of Associated Company interexchange plant and eliminate the need to rely on the IXL studies of Long Lines interexchange plant as a surrogate. While AT&T states that "enhanced data bases and data collection methods * * * will serve to reduce the chance that the amount to be trial balanced will contain any amounts due to errors in unit costs or facilities characteristics" such errors will still not be identifiable or reviewable under present procedures. For the present, even Bell seems to recognize that such errors, of uncertain magnitude, may well exist.

Facilities Available for Future Growth (FAFFG)

95. The concept of facilities available for future growth (FAFFG) was developed by AT&T during the consultative sessions held with Common Carrier Bureau staff to discuss compliance with our *Docket No. 18128 Decision.* It was designed and intended to allocate to the Initial Datum that portion of the "getting started" costs of High Capacity High Frequency Line (HCHFL) plant which was viewed as being properly attributable only to the future services for which it was built. Rather than being assigned to the Initial Datum on the basis of projected relative use for the period 1976–1978, FAFFG was distributed to the various service categories by applying the ratio (potential capacity minus capacity in use in 1975) divided by potential capacity to the getting started costs for HCHF.

96. The FAFFG concept has been controversial since its inception and parties both in this case and in the MPL proceeding have vigorously urged its abandonment. In its comments, AT&T now proposes that the separate allocation of FAFFG investment be eliminated (AT&T Comments, pp. 11, 40, V-1—V-14). AT&T notes its present realization that the extension of FAFFG beyond HCHFL facilities "would require complex and time consuming analyses which are simply impractical" and states that the inconsistency of assignment which would result from the continued limited application of FAFFG might run "counter to the Commission's objective of equity."

97. With the exception of the Networks, the parties in this case have all supported AT&T's decision to eliminate FAFFG. The Networks, however, urged that FAFFG is not only sound, but that it is an integral part of Method 7 and that its abandonment at this point would raise "serious due process questions."

98. This Commission has never adopted FAFFG or in any way suggested approval of its use. Nor has the Commission ever suggested that the separate allocation of FAFFG on the basis of forecast use is an essential element of the method 7 methodology as approved in Docket No. 18128.[41] We explained in our Notice of Inquiry herein that:

> "In our Final Decision in Docket 18128, we contemplated that AT&T would identify unused capacity on a historical cost causation basis by analyzing its 1964 Seven-Way Cost Study and then assigning plant added since that time cumulatively. Thus, for all plant investment subsequent to 1964, we believed that AT&T could use its existing records to determine—for each amount invested—the precise services forecasted or intended to be provided with this plant investment. Unfortunately, it was not possible to carry out this approach. During the Docket 18128 implementation meetings, AT&T informed the staff that the necessary cost records simply did not exist."

It was only as a "surrogate" for such historical information that AT&T decided to allocate a portion of its embedded costs on the basis of forecast use. The approach was never contemplated by the Commission in its final decision in Docket 18128, and indeed, FAFFG is not even mentioned in our decision.

99. The present proceeding is the first time we are considering the validity of the FAFFG concept.[42] Our tentative view is that much of the criticism which has been directed at FAFFG is well deserved. Not only is the FAFFG concept not an essential element of historical cost causation, it is not even consistent with that method. Historical causation attempts to assign plant to different services based upon the usage projected by management for such plant at the time it is placed in service. As already noted such projected usage is not available for AT&T's embedded plant. The idea of using a fresh three year forecast as a "surrogate" for the required usage projections does not seem completely logical. The three year forecast would hardly provide a clue as to the intent of management at the time older plant was placed in service. For example, if plant is ten years old, it might have been built to accommodate services which are now declining or which no longer exist. On the other hand, for new plant which is to be utilized to full capacity only after a long hiatus—such as ten or twenty years—the three year forecast would not convey management's intent as to the

[39] This practice was corrected by the Commission's Final Order in Docket 20814.

[40] This represents more than three-quarters of a billion dollars. In addition, since expenses are assigned on the basis of investment, the impact of trial balancing is increased.

[41] Although the Cost Analysis Task Force and the Separated Trial Staff of the Commission may have been willing to accept the concept of FAFFG given the lack of alternative historical information, we do not believe that it is fair to suggest that they share the Networks' view that the FAFFG concept is an essential element of FDC 7.

[42] In our Final Order in Docket 20814 we did, in passing, question the validity of the ID finding that "an FAFFG calculation is a necessary part of any FDC study." (74 FCC 2d 1, paras. 76–79).

use of such plant.[43] The three-year forecast would be appropriate only for plant which is to reach its full potential use three years after it is installed. It is unlikely that this would be the case for more than a small fraction of AT&T's plant.

100. The FAFFG concept is also inconsistent with the way Bell builds plant. As already noted, Bell does not build plant in response to forecasts for individual services. Rather, it forecasts total demand and examines all available facilities in light of such demand. These procedures make it wholly unrealistic to attempt to determine historical causation by the use of individual service forecasts. The individual forecasts do not reflect management's intent in the actual plant provision process and have no purpose or existence outside the regulatory process.

101. Apart from any theoretical problems, there are also significant practical difficulties in the implementation of FAFFG. FAFFG is built upon a number of elements of AT&T's costing methodology which, as we have noted previously, we find questionable. For example, FAFFG is used to assign costs to the Initial Datum, which we propose to abolish, and is dependent upon forecast techniques which we have found to be inauditable and inaccurate. FAFFG serves to add additional layers to Bell's already multi-layered allocation process. Thus, the determination of potential capacity would appear to be both a difficult and subjective undertaking. In its comments, AT&T acknowledges that there are many different ways of determining potential capacity. It would be very difficult to specify a particular definition of the term "potential capacity" which would be appropriate in all cases. Specifically, it might be logical to use one measure of potential capacity where use of certain facilities is growing rapidly and can be readily upgraded and other measures where use is not growing or where growth is not contemplated or where increases of capacity cannot be readily accomplished. The allocation of plant investment between getting started costs and other investment also appears to us to be rather uncertain. Solving and monitoring these problems would require substantial Staff resources which, given the problems noted above, hardly seems worthwhile.

102. Under the circumstances, our tentative view is that FAFFG should be discontinued and that "getting started" costs should be assigned in the same way as other embedded costs, *viz* on the basis of relative use.

103. We see no procedural problem in discontinuing FAFFG. As already noted, this Commission has never approved the FAFFG concept. Even assuming, *arguendo*, that the Commission had at some point adopted FAFFG or given its imprimatur to this procedure, there are no due process problems raised by its termination in this proceeding. We are instituting this rulemaking to consider many of the problems related to FDC 7 and cost allocation generally. The parties will have ample opportunity to make their views known an any contemplated changes. This is all that due process requires. As we learn more, as conditions change, so must our rules on cost allocation change. We recognize that substantial effort—both by the Commission's Staff and by the parties—has gone into the cost allocation process thus far. Notwithstanding this effort, however, we cannot enshrine FDC 7 generally or FAFFG, in particular, in a pantheon of fixed and untouchable cost allocation rules. Our regulatory responsibilities demand flexibility and willingness to make adjustments or even drastic changes where called for.

Summary

104. A system of cost allocation must be understandable, verifiable; and, insofar as it assigns costs based upon forecasts or other inputs which are strongly subject to management discretion, capable of being checked for accuracy. Unit costing is none of these. By building up a pool of costs which differs, by an unknown degree, from the actual costs which must be recovered from interstate services, AT&T's cost allocation methods have prevented us from prescribing new rates in situations where filed tariffs have been found unlawful. Since the pool of unit costs does not represent the actual "pie" to be divided among the various interstate services, a finding that the share of costs assigned to a given service is incorrect cannot be remedied through a simple adjustment to the costing mechanism. We believe that a cost allocation mechanism must be sufficiently understandable to permit us to take appropriate remedial action if we find that improper rates have been filed. In order for unit costing/demand translation to meet this goal, a significant simplification would be necessary. We are far from confident that such a simplification is possible.

105. In the Notice of Inquiry initiating this proceeding, we sought comments on whether the current process is so inherently obtuse as to be inconsistent with out regulatory responsibilities. AT&T has responded to this point by augmenting its internal audit function and by offering to make available to us "sufficient information to allow subsequent independent review and verification of each study performed following the practices" [44] designed by AT&T to implement the manual. Bell expresses its belief that this is adequate to enable us to ensure carrier accountability. Our problems with the overwhelming complexity of present allocations are not, however, limited to (or even primarily based upon) a belief that AT&T is failing to follow its own procedures. They are, rather, related to our inability to manage, evaluate or modify the existing FDC-7 methodology sufficiently to fulfill our obligations. We do not believe that the audit program offered by Bell would bring us any closer, for example, to being able to prescribe rates if we found it appropriate to do so. No suggestions have been made which offer any hope of bringing the existing FDC-7 methodology under this type of control.

106. The triad of unit costs, demand translation and trial balancing are interconnected in a manner which prevents the identification or quantification of errors which may result from inaccurate inputs or faulty methodology. The overwhelming mass and detail of the central submission eliminates any possibility of meaningful review. This problem is further compounded by the way in which the central submission is organized and presented. Any attempt to analyze a given section runs across repeated cross-references to other sections where essential data or assumptions are "derived" or "justified." [45] These references in turn contain further referrals for portions of the "deviations"

[43] The three forecast period was selected by AT&T because of practical limitations. AT&T states in its Comments that this horizon "resulted from a recognition of the state of the art in forecasting by discrete service categories." (Comments, p. V-8).

[44] AT&T Comments at p. 46.

[45] Merely by way of example, volume 19 of the Central Submission, an overall description of the demand translation process describes technology/disaggregation calculations used to determine inputs to the process. These calculations use, inter alia, completion ratios "developed in volume 13, section 2" of the Submission. This section refers to an appendix where the "method of calculation of the completion ratios is described." This appendix discusses several assumptions and approximations employed in such terms as: Discussions among several DDD administrators *suggested* that subscribers lines are *approximately* equally divided across all line groups within an entity. *(emphasis added)*

No indication is given that sensitivity analyses or other attempts to validate the use o these assumptions were made. No indication is given in the demand translation volume of the submission that assumptions or approximations were involved in developing the ratios. If a party desired to challenge the validity of such assumptions it is unclear if their effect on the results of the demand translation process could ever be determined.

of justifications. The net result is a submission totally beyond our ability to manage with anything close to our level or resources. While modifications are made by AT&T in response to specific objections, there appears to be little prospect that the existing approach can be brought under control without fundamental and major modifications.

Hinchman Approach

107. The Hinchman report[46] was submitted in CC Docket No. 78-196, our inquiry into the Uniform Systems of Accounts by SPC, MCI, UST&T and SBS. It proposed the adoption of a Primary Allocation and Assignment Records (PAAR) System including corresponding financial records. Essentially, its adoption would substitute extremely detailed investments and expenses with individual services from the earliest possible stage of the expenditure process. The PAAR System would assign an identifier to each facility which would be maintained throughout its life. Each facility would be assigned to one or more specific services and all expenses connected with the facility would likewise be assigned to that service. An "initial datum" of facilities would be made on the basis of a survey of experienced relative use and new plant would be assigned on the basis of forecast relative use. Once capacity in a facility was assigned to a service, AT&T would not be free to use that capacity for any other service. AT&T could apply for permission to reassign under certain conditions[47] which we could grant after notice and hearing. However, if such capacity is reassigned, all costs associated with it for its entire existence would have to be recovered by the service to which the capacity was reassigned in the first year following its use. Moreover, the service which "lost" the capacity would have to return all of those previous recovered costs which were being reassigned to the new service, through rate reductions.

108. We have considerable sympathy for and interest in certain features of the Hinchman plan as a basis for a long term approach to cost allocation. As we have noted above, we have found the existing system of "built-up" costing employed by Bell to be incomprehensible and inauditable. Consequently, reliance on a system which would assign costs on the basis of relative use, both experienced and forecast, with a system of accounts documenting cost causation would, we believe, enable us to more responsibly exercise our tariff evaluation and oversight functions. In addition, we support the attempt of the Hinchman proposal to provide readily enforceable disincentives to improperly utilize management discretion in facility assignment. We have already indicated our view that a situation such as existed with respect to MPL rates—in which we found the tariff to be unjust and unreasonable and reflective of a basic service philosophy but were unable to prescribe new rates—is totally unacceptable.

109. However, despite these desirable goals, we believe that the Hinchman proposal contains limitations which, unless modified, will prevent its adoption as a long-term approach.[48] We have three main areas of objection to this plan: (1) The volume and detail of records to be utilized for cost allocation; (2) the rigidity in facility assignment which would interfere with economic efficiency; and (3) the instability and potential for harm of its ratemaking approach to facility reassignment.

110. AT&T has indicated its view that the Hinchman proposals to monitor each facility and record each "event" (an undefined term which appears to include each increase, decrease, reassignment, or reallocation of capacity) cannot be achieved as a practical matter. This opinion may well be accurate, in view of the way in which the Bell System currently operates.[49] Some parties appear to suggest that a change in this manner of operation is necesssary, and that AT&T should not have the freedom to assign and reassign plant at will. In our view, however, no basis for such a change has been presented.

111. We also believe that no basis exists for a finding that the significant restriction of facility reassignment in day-to-day operations of the Bell System which would be accomplished by the Hinchman proposal is desirable. Given the highly fungible nature of AT&T plant, retention of flexibility in assigning such plant would appear to be necessary for efficient operation. Restrictions of this kind are also inconsistent with our general regulatory approach and our intent to rely, where possible, upon competitive forces, instead of intervening directly in a carrier's operations. We agree with Bell that the Hinchman approach would likely to lead to an increase in the amount of unused capacity available, capacity whose costs would have to be borne by consumers of AT&T services.

112. It might be further suggested that the overwhelming mass of detail required by the Hinchman approach could be avoided, at least in part, by the use of sampling techniques. However, because a prime appeal of the PAAR system is its reliance on auditable records of use, we believe that the use of survey techniques to reduce the data collection problem would reintroduce some of the problems we are trying to eliminate. Thus, disputes would inevitably arise as to the adequacy of both the design of any sampling study and the manner in which it was conducted.

113. In addition to these problems, the transfer of lifetime past costs associated with reassigned capacity and the need to adjust the rates of both affected services in the following year appears extremely undesirable. Since it would not be necessary to demonstrate that the prior assignment of capacity was improper, persons who may well have suffered no harm (i.e. new customers of the service losing capacity) would receive unjustified rate reductions. These reductions result from assigning costs to customers who received no earlier benefit since customers of the growing service receiving the reassigned capacity may well have paid for the amount of capacity which was sufficient to meet their demands in earlier years. Moreover, the rate increases and reductions would fall on new customers of both services as well as on custmers who could not have received any past benefits or harms. This aspect of the Hinchman proposal would introduce potentially severe rate instability and prevent the emergence of realistic economic signals to AT&T's competitors and customers of telecommunication service.

114. We invite parties who believe that the Hinchman proposal's strengths can be retained and its flaws eliminated to address these areas of concern. Such comments should recognize, of course, the strong likelihood that as competition continues to develop both carriers and

[46] "Cost-of-Service Accounting and Pricing Procedures" prepared by Walter Hinchman Associates, Inc.

[47] If demand for the service losing the facility unforseeably decreased by at least 25%.

[48] As indicated above, its use as an interim approach is not advocated or possible, because the information necessary for its adoption is not available.

[49] AT&T states in its Reply Comments that: "In the ordinary course of [operations], circuits within a span are reassigned between public switched network and various private line services. For example, in 1979, for every net gain of one AT&T analog private line circuit, three circuits were added and two discontinued. Individual plug-in units within a span or wire center are intended to be rapidly moved between wire centers (or companies) to meet current service demands. A facility may be used for private line service one day, and several PSN services the next. Moreover, the use of facilities comprising circuits used by PSN services (MTS, Outward WATS and 800 service) shifts among those facilities as demand changes during each day and over longer periods of time." (p. A-7) (footnote omitted).

consumers have an interest in permitting the rapid development and offering of new services—a goal we likewise endorse.

Factor Approach

115. We recognize the benefits of the top down costing approach to distributing an ascertainable and verifiable pool of costs. We are, however, lacking specific recommendations of common and concurrently derived factors which could be applied to separations determined interstate costs to provide valid service by service allocations. Parties believing that such an approach is proper in light of the concerns for the future of telecommunications espoused herein, are invited to comment on this point. A major appeal of this approach is its simplicity, its verifiability, and its freedom from management distortion. However, these concerns, important though they are, require as well that any such factor or factors represent a valid basis for cost allocation.[50]

VI. Conclusion

116. We note that the interim proposal we make today is significantly less ambitious than what we, and others as well, may have anticipated at the initiation of the process which culminated in this proceeding. This is the result of the covergence of several factors—changes in the nature of the telecommunications industry; and increasing reliance on existing and developing competition to substitute, where proper, for regulatory intrusion; and, perhaps most importantly, a realistic appraisal of both our and our Staff's abilities and limitations.

117. We wish to stress once again that this proposal does not constitute a blanket approval of any or all tariff filings which may be made in the future. We intend to continue to exercise our authority to ensure that tariffs are neither unjust, unreasonable, nor unlawfully discriminatory. We do believe however that the elimination of an unmanageably convoluted reporting system, accompanied by a limited and justified increase in flexibility in the pricing of private line services can provide valuable information about both the extent of existing competition and the validity of expanding our reliance on market mechanisms for the future. As such, an examination of the results of an interim period would play a major role in any decision we would make about long-term cost allocation techniques. This proposal therefore appears to be justified, potentially of great long-term value and necessary. It is for these reasons that it is not put forth for comments.

118. We are well aware, however, that our failure to prescribe a detained set of rules for the allocation of costs to all individual services places a great deal of pressure on AT&T, on other parties wishing to participate in the tariff review process, and on ourselves. While we have recognized our inability to sufficiently modify any of the proposals before us to justify their use as an acceptable basis for evaluating specific tariffs, we have also indicated our commitment to effectively fulfill our statutory obligation to ensure the lawfulness of these tariffs. For this reason we have decided, as noted above, to convene a working session, to be conducted by Common Carrier Bureau staff, of all interested parties to discuss approaches and procedures available to evaluate filings for the immediate future. We hope and expect that AT&T and any other parties who may participate will come to this meeting with the requisite commitment to enable us to ensure that the legitimate interests of all parties and of the public can be served with respect to tariffs filed with us until such time as a long-run, self-enforcing cost allocation mechanism can be created. These sessions will take place before comments on long term approaches are due.

119. Our timetable for the adoption of the interim manual will be governed by the schedule contained in our Report to the Court which we filed with the Court of Appeals for the District of Columbia in *MCI Telecommunications Corp. v FCC*, Docket No. 79-1119, on April 30, 1980. Because of our intent to fulfill the representations which we made in that case, we believe it is proper to call for comment on our interim proposal to be filed separately from, and in advance of, responses to our concerns about a long-term solution. This bifurcation will permit interested parties to devote more resources to addressing the short-term solutions to cost allocation that, if comments on both short-term and long-term allocation problems had to be filed simultaneously.

120. The schedule we submitted to the Court of Appeals in the *MCI* case also requires AT&T to file interim replacement WATS rates in August, based on this proposed interim manual. The interim WATS tariff should be filed on 90 days' notice, with an effective date in November, 1980. The schedule calls for the filing of more permanent WATS rates early in 1981 on the basis of our Final Order in this proceeding adopting an interim cost manual. By order of June 11, 1980, the Court of Appeals approved the schedule we had submitted and directed that the schedule "shall govern future proceedings in this case before the commission."

121. Accordingly, it is ordered, that, pursuant to the provisions of Section 4(i) and (j), 201–205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), 201–205, and 403, and Section 553 of the Administrative Procedures Act, 5 U.S.C. 553, there is hereby instituted a notice of proposed rulemaking into the foregoing matters. Members of the public are put on notice that any such policies which may be established in this proceeding may be embodied in the rules and regulations of the Commission.

122. It is further ordered, that interested persons should therefore file comments on our proposal for an interim cost manual on or before August 29, 1980. Reply comments will be due on or before October 17, 1980. Comments on long-term cost allocation procedures should be filed on or before January 11, 1981. Reply comments on long-term procedures are due on or before March 7, 1981. Pursuant to the procedures set forth in § 1.51 of the Commission's rules, an original and nine copies of all filings shall be furnished to the Commission. All comments received in response to this Notice will be made available for public inspection in the Commission's offices in Washington, D.C. In reaching its determinations in this proceeding the Commission may also take into account other relevant material before it, in addition to the specific comments invited by the notice, provide that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

123. It is further ordered that AT&T will file by August 31, 1980, interim WATS rates, based on the interim manual proposed in this notice, on 90 days notice to the public.

124. It is further ordered, that the Secretary shall cause this Notice of Proposed Rulemaking to be published in the Federal Register.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix B—Manual

Investment

This section of the cost manual prescribes methods for allocating

[50] Actual revenues, for example, are clearly deficient in this regard and will be more so absent a requirement for individual services to earn the interstate rate of return.

interstate investment to the reporting categories. Because these allocations are driven primarily by the results of the jurisdictional separations process, it is unnecessary to refer to individual Uniform System of Accounts numbers.

Exchange Investment

The procedures described here shall apply until the Commission adopts final procedures for the development of appropriate charges for access to exchange facilities by competing common carriers.[1] At that time, exchange investment and expense costs developed for the reporting categories of MTS, WATS, and Private Line (upon which access charges will be based) will be added to interexchange investment and expense costs developed from procedures outlined in this manual to arrive at a total interstate rate of return for MTS, WATS, and Private Line.

For the interim, the initial inputs to the costing process for exchange interstate investment are to be provided by Jurisdictional Separations. (The Separations process identifies and develops total investment costs for private line and message services respectively). AT&T shall select an appropriate fully distributive costing methodology to develop investment costs used in the calculation of earnings ratios for individual private line services.[2] The only constraint we are identifying is that the method selected must result in an equitable distribution of common costs to all service categories within the Private Line reporting category.[3]

The allocation of exchange investment costs between MTS and WATS shall be based upon its relative subscriber line minutes of use (SLU). In developing the count of minutes of use to be used for the allocation of exchange "non-traffic sensitive" plant, both the interstate originating and terminating WATS minutes of use shall be counted. Further allocation of investment costs to Outward WATS and 800 Service must be made on a fully distributive basis which equitably allocates all commonly used investment.[4]

Interexchange Investment

Associated Operating Company interexchange investment amounts will be allocated in total either to the private line reporting category or the message reporting category as derived by the Jurisdictional Separations process. Further allocation to private line services shall be accomplished by suitable fully distributive costing techniques which insure equitable sharing of common costs. Allocation between MTS and WATS shall be made on the basis of total day message minute miles.[5]

For Long Lines interexchange investment, AT&T shall develop allocation techniques like those used in the Jurisdictional Separations process to divide investment between message services and private line services (in total). Allocation amongst individual private line services shall be accomplished on the basis of appropriate fully distributive cost techniques, insuring equitable sharing of common costs. Allocation amongst MTS and WATS shall occur on the basis of message minute miles. Further allocation to Outward WATS and 800 Service shall be accomplished on the basis of suitable fully distributive costing techniques.

Expenses and Income—Description of FDC Methodologies

Procedures in this section are to be used by AT&T to distribute all interstate assigned expenses (600 series accounts) and income to the reporting categories. The term "attribution" denotes the existence of a direct link between the expense account and the reporting category. The term "allocation" means that a direct link does not exist, and that a method was chosen to approximate the causation of the expense by reporting category. The term "assigned" refers to the sum of attributed and allocated expenses and investment costs for all reporting categories.

[1] *MTS and WATS Market Structure*, FCC 80-198, released April 16, 1980.

[2] The service categories identified in AT&T's August FDC Manual, along with AT&T's proposal in its CC Docket 79-245 Comments (p. VIII-6) to further identify investment costs for Private Line Telephone Other Category switched services and for BSOC Tariff F.C.C. No. 8 (ENFIA), are acceptable to the Commission. For purposes of this manual ENFIA should be considered a private line service.

[3] Although the private line category as a whole will be required to have rates targeted to earn the overall allowed interstate rate of return, we will not require individually tariffed private line services to have rate levels targeted to earn exactly the interstate allowed rate of return.

[4] We will not require rate levels for the various MTS and WATS services to be individually targeted to earn the prescribed interstate rate of return. However, the aggregate rate levels for MTS and WATS should be designed to yield the interstate allowed return. For example, Outward WATS and 800 Service together must be targeted to earn the interstate rate of return.

[5] Message Minute Miles shall also be used to derive investment costs attributable to Western Union.

VIII. Expenses and Revenues—FDC Methods

Operating expense accounts	Allocation and attribution procedures
602.1-602.8—Repairs of Outside Plant (OSP)	Allocate to reporting categories based on associated OSP in service (Accounts 241 through 244).
	Allocate Ocean Cable maintenance to reporting categories via the number of associated circuits in service.
603-01—Subscriber Line Testing	Subdivides into 3 parts (Station, OSP, and COE) in proportion to troubles found.
	(1) Allocate the Station portion to reporting categories in proportion to station repair expenses (See 605-01).
	(2) Allocate the OSP portion to reporting categories based on exchange OSP.
	(3) Allocate the COE portion to reporting based on the exchange portion of Account 604.
603-02—Service Order Testing	Allocate to the public switched network (PSN) and private line reporting categories in proportion to service order activity subsequent to the initial installation. Then attribute the total amount for PSN services to the PSN reporting categories based on the distribution of exchange outside plant and exchange central office equipment investment.
603-04—Trunk Testing	Attribute Long Lines circuit testing to reporting categories using an analysis of reported testing hours.
	Overseas testing allocated to reporting categories based on number of circuits in service.
	Allocate Long Lines facilities testing to reporting categories based on associated interexchange (IX) plant in service.
	Allocate Associated Company trunk testing expense to reporting categories based on expense per unit of plant developed from an analysis of Associated Company data.
604—COE Repairs	Attribute the Long Lines Area Sales Service Engineering portions of Account 604 (actual amounts from the budgeting process) directly to the private line category in total.
	Allocate the circuit rearrangements and change portions of Account 604-07 and Account 604-08 (less L.L. Sales Service Engineering) to reporting categories based on number of IX circuit sections.
	Allocate overseas facility terminal equipment maintenance to reporting categories based on associated number of circuits.
	Allocate the remainder of Account 604 to reporting categories based on associated COE plant in service.
605—Station Equipment Maintenance	Attribute Associated Company 605-01 (R) and 605-07 (M) separately to reporting categories using the results of a continuing sample of installers and repair persons. These people will report their time (construction, removal, rearrangements and changes and repair) to reporting categories.
	Allocate Associated Company 605-04 (shop repairs) to reporting categories based on the station equipment plant in service. Allocate Long Lines Account 605 to reporting categories based on Long Lines station equipment plant in service (Account 231, 232, and 234).

VIII. Expenses and Revenues—FDC Methods—Continued

Operating expense accounts	Allocation and attribution procedures
606—Buildings and Grounds	Allocate to reporting categories based on investment in buildings (less general space).
610—Maintaining Transmission Power	Allocate to reporting categories based on COE plant (Account 221) separately for domestic and overseas.
612—Other Maintenance Expenses	Allocate to reporting categories based on combined Accounts 602 through 606 and 610.
608—Depreciation	Attribute to reporting categories based on the depreciable classes of plant in service using composite Associated Company and Long Lines depreciation rates. (Ocean cable depreciation is based on life characteristics underlying the Long Lines' submarine cable depreciation rate.)
609—Extraordinary Retirements	Attribute to reporting categories based on special analysis of accounting records.
613—Amortization and Intangible Property	Allocate to reporting categories based on assigned annual costs.
614—Amortization of Plant Acquisition Adjustments.	Attribute to reporting categories based on special analysis of accounting records.
Note.—Accounts 621 through 633 are treated separately for the Associated Companies and Long Lines.	
621-01—General Traffic Supervising (Except Accounts 621-311 and 316).	Allocate to reporting categories based on Account 624 less 624-22 and 642-25.
621-02—Network Design	Allocate Associated Company (AC) Account 621-121 (Switching Design) to reporting categories based on toll dial switching equipment plant in service. Allocate AC Account 621-221 (Switchboard Design) to reporting categories based on Switchboard equipment plant in service. Attribute AC Account 621-631 (Trunk Design) to reporting categories based on IX central office equipment and OSP plant in service, excluding dedicated overseas IX central office equipment and outside plant. Allocate remainder of AC Account 621-02 based on combined distribution of 621-121-221, and -321. Allocate Long Lines 621-02 to reporting categories based on switching equipment plant in service.
621-311/316/04/05, 622-02/03, 624-25/629-08, 631-38 and 631-38 and 631-48—Business Services.	Attribute to reporting categories using data from a Business Services time reporting system.
621-03, 624-22, 629-07, 631-37/47—Network Administration.	Allocate Accounts 621-431, 624-222, 624-422 and 624-622 (switching and line number administration) to reporting categories based on toll dial switching equipment plant in service. Allocate Accounts 621-331 and 624-322 (traffic load data administration) to reporting categories based on toll dial switching and IX central office equipment and OSP plant in service, excluding dedicated overseas IX central office equipment and outside plant. Allocate Accounts 624-722 (Trunk Administration) to reporting categories based on IX central office equipment plant and OSP plant in service, excluding dedicated overseas IX central office equipment and outside plant. Allocate Accounts 621-231 (network administration staff) to reporting categories based on the combined attribution of Accounts 624-222, -622 and -722. Allocate the remainder (training and other staff) of Account 621-03 based on the combined attribution of Accounts 621-231, -331 and -431. Allocate the remainder (supervision, training and other) of Accounts 624-22, 629-07, 631-37 and 631-47 based on the combined attribution of Accounts 624-222, -422, -622 and -722.
622-01—Service Observing	Allocate to reporting categories based on Account 624 less 624-04, 624-22, and 624-25.
624 (Except Accounts 624-04, 624-22, and 624-25)—Operators Wages less Network Administration and Business Services.	Allocate Associated Company expenses to reporting categories based on traffic units. Attribute Long Lines expenses directly to MTS and Private Line.
624-04—Expenses for Official Teletypewriter and Data Transmission Services.	Attribute based on the distribution of assigned annual costs.
626—Rest and Lunch Rooms	Attribute to reporting categories based on Account 624 less 624-04, 624-22, and 624-25. (Network Administration and Business Services portions of these accounts are treated above.)
627—Operator's Employment and Training	Same as Account 626.
629 less -07 and -08—CO stationery and Printing	Same as Account 626.
630—CO House Service	Same as Account 626.
631 less -37, -38, 47, and -48—Miscellaneous CO Expenses.	Same as Account 626.
632—Public Telephone Expenses	Same as Account 626.
633—Other	Same as Account 626.
640—General Commercial Administration	Allocate Associated Company expenses to reporting categories based on Associated Company Account 645. Attribute Long Lines Product Management (actual amounts from the budgeting process) directly to reporting categories. Remainder of Long Lines Account 640 unattributable, allocate to service categories on Long Lines Account 643.
642—Advertising	Attribute Residence Sales, Long Distance Residence Sales and Long Distance Business sales to MTS. Business sales unattributable, allocate to reporting categories based on attributable annual costs. Remainder unattributable, allocate to reporting categories based on assigned costs.
643—Sales	Attribute to reporting categories using the results from a sales time reporting system.
644—Connecting Company Relations	Unattributable, allocate to reporting categories based on attribution of Independent Company Settlements.
645—Local Commercial Operations	Attribute Associated Company coin telephone collection (645-181/381) directly to MTS.

VIII. Expenses and Revenues—FDC Methods—Continued

Operating expense accounts	Allocation and attribution procedures
Attribute remainder of Associated Company expenses to reporting categories using results of an analysis of commercial work measurement plan.	
	Long Lines expenses unattributable, allocate to reporting categories based on Long Lines Account 643.
648—Public Telephone Commissions	Attribute to MTS.
649—Directory	Attribute to MTS and Outward WATS based on a distribution of a count of messages.
650—Other Commercial Expenses	Allocate Associated Company expenses to reporting categories based on Associated Company Account 645.
	Long Lines expenses unattributable, allocate based on Long Lines Account 643.
661—Executive Department	Distribute to reporting categories based on assigned costs. (Includes attributable expenses and return and taxes on attributable investment.)
662—Accounting Department	Attribute Revenue Accounting to reporting categories based on analysis of work hours and functions from Associated Company Cost Analysis Measurement Plan (CAMP) and analysis of Long Lines Revenue Accounting Offices. Remainder unattributable, allocate to reporting categories based on assigned costs.
663—Treasury Department	Allocate to reporting categories based on attributable plant in service.
664—Law Department	Attribute overseas legal expenses to overseas services.
	Attribute outside legal consultant fees and associated costs based on analysis of AT&T Form M Schedule 39.
	Allocate to service categories based on assigned costs.
665—Other General Office Salaries and Expenses.	Allocate Personnel Account 665-03 to reporting categories based on Maintenance, Traffic, Commercial and Revenue Accounting salaries.
	Allocate Long Lines Service Engineering expenses (Portion of 665-09) (actual amounts from budgeting process) to the private line category.
	Attribute #4 ESS overseas generic program costs (actual amounts from budget process directly to MTS.
	Remainder unattributable, allocate to reporting categories based on attributable plant in service.
668-669—Insurance and Accidents and Damages	Unattributable, allocate to reporting categories based on plant in service.
670—Earth Station Expenses	Allocate to reporting categories based on Account 100.5.
671—Operating Rents	Allocate circuit and miscellaneous rents to reporting categories based on inter-exchange OSP and circuit equipment and toll switching equipment plant in service.
	Allocate Long Lines rents paid to affiliates to reporting categories based on number of circuits.
	Allocate international Comsat rents directly to reporting categories based on international satellite circuits in use.
	Allocate domestic satellite rents to reporting categories based on domestic satellite circuits in use.
	Allocate space rents to reporting categories based on the combined Accounts 643, 645 and Revenue Accounting portion of 66.2.
672—Relief and Pensions	Allocate to reporting categories based on Maintenance, Traffic, Commercial, and Revenue Accounting Salaries.
674—General Services and Licenses	See General Department Services sub-section *infra*.
675—Other Expenses	Allocate to reporting categories based on plant in service.
676—Telephone Franchise Requirement (cr)	None allocated to the interstate rate base.
677—Expenses Charged Construction (cr)	Same as Account 675.

General Department Services Subsection

(1) Bell Laboratories Billing for Research and Fundamental Development:	
(A) Switching:	
(1) PBX	Allocate to categories based on PBX plant in service (Account 234).
(2) All other	Allocate to categories based on COE switching plant in service.
(B) Transmission:	
(1) Ocean Cable	Allocate to categories based on ocean cable and associated COE plant in service.
(2) Satellite Communications	Allocate to categories based on both satellite and earth station plant in service.
(3) Waveguide Systems	Allocate to categories based on IX plant in service.
(4) Other toll transmission	Allocate to categories based on IX plant in service.
(5) Exchange transmission	Allocate to categories based on exchange plant in service.
(C) Station	Allocate to categories based on station equipment plant in service (Accounts 231 and 232).
(D) Outside Plant	Allocate to categories based on OSP in service.
(E) General:	
(1) BIS	Allocate to categories based on assigned costs.
(2) Other	Allocate to categories based on assigned costs.
(F) Waveguide Construction	Allocate to categories based on IX plant in service.
(2) Customer Services Department:	
(A) Customer Assistance-Business Office	Allocate to categories based on attribution of Account 640.
(B) Customer Assistance-Operator Services	Allocate to categories based on traffic units.
(C) Customer Facilities	Allocate to categories based on station equipment (Accounts 231, 232, and 234) plant in service.
(D) Functional Accounting	Allocate to categories based on assigned costs.
(E) Corporate Security	Allocate to categories based on assigned costs.
(F) Directory Administration	Allocate to MTS & OUTWATS based on a distribution of a count of all messages.
(G) Administrative	Allocate to categories based on assigned costs.
(3) Engineering and Network Services Salaries and Office Expenses:	
(A) Network Engineering	Allocate to categories based on COE plant in service.
(B) Switching	Allocate to categories based on toll dial switching investment.

VIII. Expenses and Revenues—FDC Methods—Continued

Operating expense accounts	Allocation and attribution procedures
General Department Services Subsection—Continued	
(C) Transmission:	Allocate to categories based on:
(1) Toll	IX plant in service.
(2) Outside Plant	OSP in service.
(3) Central Office	COE plant in service.
(4) Ocean cable, satellite, waveguide	Associated IX plant in service.
(5) All other	Allocate based on plant in service.
(4) Human Resources Development	Allocate to categories based on Maintenance, Traffic, Commercial, and Revenue Accounting salaries.
(5) Labor Relations	Allocate to categories based on Maintenance, Traffic, Commercial, and Revenue Accounting salaries.
(6) Public Relations and Employee Information	Allocate to categories based on assigned costs.
(7) Legal Department:	
(A) General Legal and Tax	Allocate based on assigned costs.
(B) Patent Matters	Allocate based on Bell Laboratories Biling (see Item 1 above).
(C) Antitrust and MCI docket	Allocate based on assigned costs.
(8) Comptrollers	Allocate based on assigned costs.
(9) Tariffs and Costs	Allocate based on relative revenues.
(10) Administration D	Allocate based on assigned costs.
(11) Marketing Department	Based on the combined attribution of Accounts 640 and 643.
(12) Treasury	Allocate based on plant in service.
(13) Construction Plans	Allocate based on one year change in plant in service.
(14) State Regulatory Matters	Allocate based on assigned costs.
(15) Federal Regulatory Matters	Allocate based on assigned costs.
(16) Washington Office	Allocate based on assigned costs.
(17) Secretary Department	Allocate based on assigned costs.
(18) Executive	Allocate based on assigned costs.
(19) Administrative Services	Allocate based on assigned costs.
(20) Provision for Service pensions, death benefits, other expenses.	Allocate base on the results of 2 through 19 above.
(21) Other	Allocated based on results of 2 through 19 above.
(22) Taxes other than F.I.T	Allocated based on results of 2 through 19 above.
(23) Return Requirement (including related F.I.T. on net investment in the General Department Account 101.1).	Allocated based on results of 1 through 22 above.

Income Accounts—FDC Methos Subsection

Income accounts	Allocation and attribution procedures
Gross Operating Revenues (Accounts 500-526)	Directly assign to reporting categories from accounting records.
Uncollectibles (Account 530)	Attribute to MTS, WATS and Private Line services based on analysis of accounting records, and allocate to specific service categories within the above subgroups based on total billed revenues.
Independent Company Settlements	Allocate based on the revenue account charged.
LL Settlements except Division of Revenue	Attribute based on the revenue account charged.
Interest Earned (Account 313-01)	Allocate based on the plant in service (Account 100.1).
Interest Charged Construction (Account 313-02)	Allocate based on the allocation of Telephone Plant Under Construction (Account 100.2).
Miscellaneous Income Charges (Account 323)	Allocate based on plant in service (Account 100.1).

Taxes—FDC Methods

Type of tax	Allocation procedures
Gross Receipts Taxes	Allocate based on the allocation of reporting category revenues.
Social Security Taxes (Account 307-05)	Allocate based on the apportionment of Maintenance, Traffic, Commercial, and Revenue Accounting salaries.
Ad Valorem Taxes (Account 30-01)	Allocate based on the allocation of plant in service (Account 100.1).
Income Adjustments for Income Tax Determination.	Allocate depreciation of capitalized items, Relief and Pensions, and Social Security Taxes capitalized based on plant in service (Account 100.1). Allocate Interest Charged Construction based on Telephone Plant Under Construction (Account 100.2).

Type of tax	Allocation and attribution procedures
	Allocate Operating Fixed Charges based on the allocation of net investment.
State and local Income Taxes (Account 307-02)	Allocate the actual tax incurred based on net reporting category revenues.
Amortization of Investment Credits	Allocate based on the allocation of plant in service (Account 100.1).
Federal Income Tax	Allocate at the statutory tax rate of 46% based on net reporting category revenues.

[FR Doc. 80-20375 Filed 7-8-80; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing on Devil's River Minnow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The Service has been requested to hold a public hearing on the Devil's River Minnow (*Dionda diaboli*). This request has been considered and a hearing will be held. The date, time, and place of the hearing are set forth below.

DATE: The Service will conduct a public hearing on July 23, 1980 at 7:00 p.m.

ADDRESS: The public hearing will be held at the Del Rio Civic Center located at 1915 Av. F in Del Rio, Texas.

FOR FURTHER INFORMATION CONTACT: For further information on the hearing, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771) or the Endangered Species Staff, U.S. Fish and Wildlife Service, Regional Office, Albuquerque, New Mexico 87103 (505/766-2321).

SUPPLEMENTARY INFORMATION: In the Federal Register of May 16, 1980, the Service proposed Critical Habitat for the Devil's River minnow (45 FR 32350-32353). A public meeting on this proposal was conducted by the Service on June 12, 1980. The Service will hold a public hearing on July 23, 1980 in order to receive additional input from the public. The 15-day period for public notice of such hearings is modified in the public interest. The Service has already directly notified all known parties interested in this matter, as well as notified newspapers in the area concerned by the proposed rule. Because the request for the hearing arrived on the last date possible for such requests and the 2-year limit (from first proposal) for publishing a final rule is August 15, 1980, the Service finds good cause for shortening the notice period for this hearing.

Dated: July 7, 1980.

Robert S. Cook,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-20631 Filed 7-8-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Regulations, Northeast Pacific Ocean; Proposed Reserve Release

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Proposed rule.

SUMMARY: This document increases the total allowable level of foreign fishing (TALFF) of Pacific whiting in the fishery conservation zone off the Washington, Oregon, and California coasts by releasing part of the reserves of Pacific whiting for allocation by the Department of State.

DATE: Comments on this proposed action are invited until July 23, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone (206) 442-7575.

SUPPLEMENTARY INFORMATION: On February 10, 1977, a preliminary fishery management plan (PMP) prepared by the Secretary of Commerce was published in the Federal Register (42 FR 8578). The PMP established conservation and management measures for the foreign trawl fisheries of the Washington, Oregon, and California region under authority of section 201(g) of the Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. The PMP was subsequently amended on November 30, 1977 (42 FR 60945) May 4, 1979 (44 FR 26131), and May 16, 1980 (appearing in 45 FR 34003 on May 21, 1980). The third amendment to the PMP established an optimum yield (OY) for Pacific whiting of 175,000 metric tons (m.t.), a domestic annual harvest (DAH) of 40,000 m.t., and a TALFF of 100,000 m.t. Because of uncertainties in stock abundance and DAH, 35,000 m.t. of the otimum yield were held in reserve until better information on these points could be obtained. Provisions were made in the third amendment for the Regional Director to release the whiting reserve to TALFF as soon as practical after July 1 if events and available data justified this action. A 15 day comment period (following publication of this notice) was established and all pertinent statistics are available for public review in the Regional Office during this time.

Written comments will be accepted during the comment period, and should be submitted to Dr. Thomas E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, telephone (206) 442-7575.

The following criteria for release of the reserve were established in the third amendment to the PMP. The Regional Director may withhold all or part of the Pacific whiting reserve if, as of June 15:

(1) The results of the spring larval whiting assessment do not support the OY estimate; or

(2) All or part of the Pacific whiting reserve will be harvested by vessels of the United States during the rest of the fishing year, as determined by reported U.S. catch and effort compared to previously projected U.S. catch and effort for the rest of the fishing year.

Statistics reviewed by the Regional Director indicated as of June 15 that the criteria for partial release of the whiting reserve were met:

(1) The 1980 whiting larvae survey showed no significant changes in spawning biomass, therein supporting the 1980 estimate of OY; and

(2) Although shore based processors expressed no intention to process more whiting than originally estimated, joint venture operations expect to harvest 15,000 m.t. beyond their initial estimate of 28,000 m.t. Therefore, 15,000 m.t. of the reserve will be held for that purpose.

Based on the above information, and with the rulemaking authority delegated by the Assistant Administrator, the Regional Director has proposed that 20,000 m.t. of the 35,000 m.t. reserve shall be added to TALFF.

The Assistant Administrator for Fisheries has determined that this action does not require the preparation of a regulatory analysis under Executive Order 12044.

Signed at Washington, D.C., this 3d day of July, 1980.

(16 U.S.C. 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Appendix 1 to 50 CFR 611.20 is proposed to be revised so that the Reserve and TALFF columns under "North Pacific Ocean Fisheries: Washington, Oregon, and California Trawl Fisheries" read as follows:

Species	Species code	Area	OY	DAH	JVP	Reserve	TALFF
Whiting, Pacific						15,000	120,000
Flounders						15	120
Mackerel, jack						450	3,600
Rockfishes (excluding Pacific Ocean perch)						100	896
Pacific Ocean perch						10	74
Sablefish						26	208
Other species						75	600

[FR Doc. 80-20520 Filed 7-8-80; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 133
Wednesday, July 9, 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

Agricultural Marketing Service Packers and Stockyards; Nettleton Stockyards, Jonesboro, Ala.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility Number, Name, and Location of Stockyard; Date of Posting

AR-124 Nettleton Stockyards, Jonesboro, Alabama; June 29, 1957.
IL-155 Springfield Stock Yards, Springfield, Illinois; February 11, 1926.
KS-174 Parsons Livestock Auction, Inc., Parsons, Kansas; December 5, 1932.
KY-105 Taylor County Stock Yards, Campbellsville, Kentucky; December 13, 1959.
KY-140 Hart County Livestock Market, Munfordsville, Kentucky; September 25, 1965.
MO-120 Clinton Community Sale, Clinton, Missouri; May 27, 1959.
MT-110 Bear Paw Livestock Commission, Harve, Montana; February 20, 1950.
OH-133 Mount Hope Auction Co., Mt. Hope, Ohio; June 3, 1959.
TN-156 Hardin County Stock Yards, Savannah, Tennessee; July 17, 1959.
TX-300 Tom Bean Commission Company, Tom Bean, Texas; December 21, 1972.

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective upon publication in the Federal Register.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.)*

Done at Washington, D.C., this 2 day of July, 1980.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 80-20503 Filed 7-8-80; 8:45 am]
BILLING CODE 3410-02-M

North American Auction Co., Platte City, Mo.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility Number, Name, and Location of Stockyard; Date of Posting

Missouri

MO-248 North American Auction Co., Platte City; June 3, 1980.

Done at Washington, D.C., this 2d day of July, 1980.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 80-20502 Filed 7-8-80; 8:45 am]
BILLING CODE 3410-02-M

Parsons Livestock Auction, Inc., Parsons, Kans.; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

KS-202—Parsons Livestock Auction, Inc., Parsons, Kans.
KY-165—Taylor County Stock Yards, Campbellsville, Ky.
LA-139—Louisiana Horse Palace, Inc., Elm Grove, La.
MN-174—Lee & John's Livestock, Inc., d.b.a. Harmony Livestock Sales, Harmony, Minn.
MO-250—Farmers & Traders Commission Co., Inc., Hannibal, Mo.
MO-251—Skym Horse Auction, Humphreys, Mo.
MO-252—Grand River Auction, Jameson, Mo.
MT-120—Bear Paw Livestock Commission, Chinook, Mont.
NE-189—Southeast Nebraska Livestock Market, Palmyra, Nebr.
NY-159—Wallkill Livestock Market, Walden, N.Y.
OH-147—Mt. Hope Auction Company, Mount Hope, Ohio
OK-100—North East Oklahoma Feeder and Pig and Livestock Market, Leach, Okla.
OK-199—Jones Livestock Auction, Inc., Jones, Okla.
SC-129—Jim's Livestock, Inc., Kingstree, S.C.
SC-130—Pee Dee Livestock Association, Inc., Galivank Ferry, S.C.
SC-131—Piedmont Livestock Center, Laurens, S.C.
SC-132—Woods Livestock Commission, Edgefield, S.C.
SD-164—Centerville Livestock Sales, Centerville, S. Dak.
TN-176—Hardin County Stock Yards, Savannah, Tenn.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by July 24, 1980.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 2d day of July, 1980.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 80-20501 Filed 7-8-80; 8:45 am]
BILLING CODE 3410-02-M

Forest Service

Carson National Forest Grazing Advisory Boards; Meetings

The West Carson Grazing Advisory Board will meet at 10:00 a.m. on August 2, 1980, on the Apache Allotment of the Tres Piedras Ranger District, Tres Piedras, New Mexico.

The East Carson Grazing Advisory Board will meet at 10:00 a.m. on July 26, 1980, on La Lama Allotment of the Questa Ranger District, Questa, New Mexico.

The purpose of the meetings will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meetings will be open to the public. Persons who wish to attend should notify Ken Bishop, Telephone 505/758-2237, P.O. Box 558, Taos, New Mexico 87571.

Written statements may be filed before or during the meetings.

Dated: July 3, 1980.

Jack Crellin,

Forest Supervisor.

[FR Doc. 80-20627 Filed 7-8-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 37392; Order 80-7-10]

Transatlantic, Transpacific and Latin American Service Mail Rates Investigation; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of July, 1980

By Order 78-12-159, The board adopted a review procedure and updating formula for establishing final international service mail rates for future periods on a semi-annual basis. The update procedure has been modified subsequently.[1] The present order to show cause reflects all revisions adopted by the Board and proposes tentative final rates for the third quarter of calendar year 1980.

In addition, as indicated in Order 80-5-125, we also have added one further modification to the formula. We have restated the 1975 base period cost data to reflect capitalization of leases for comparative purposes. In the past we have been adjusting the latest cost data to insure comparability with cost data for periods prior to the change in accounting for lease expense. The carriers have provided sufficient data to enable us to restate cost data for the 1975 base period. It will no longer be necessary to adjust the reported data.

Also, the proposed final rates for the third quarter of 1980, set forth in the attached Appendix A,[2] shall serve as temporary rates for that quarter until the final rate order is issued. Since these rates are subject to retroactive adjustment, we waive the procedural requirements of Rule 310 with respect to the establishment of these temporary rates. This is the same procedure adopted in Order 80-6-173 for domestic service mail rates. Considerations of basic consistency argue that we adopt the same approach here.

It was necessary to estimate the amount of regulatory depreciation for Braniff and TWA for the last quarter of 1979 and the first quarter of 1980 and for Pan American for the first quarter of 1980. Reporting directive No. 4, effective December 31, 1979, waived the requirement for unsubsidized carriers to file Schedule P-5(a), "Components of Flight Equipment Depreciation" which provided regulatory depreciation data. We were able to obtain data from the other carriers. At this time we do not intend to reinstate the requirement to file Schedule P-5(a). However, we expect in the near future to issue a notice of proposed rule-making signaling our intent to change our policy in regard to the use of regulatory depreciation.[3]

The tentative service mail rates set forth in the attached Appendix A reflect the application of the following cost escalation factors:

1. Fuel cost: The cost per gallon as at August 15, 1980, is estimated by (a) computing the average monthly increase in price over the latest four months; (b) projecting the average monthly increase for a period of three months; and (c) adding the three-month increase to the May 1980 cost per gallon. (See Appendix D)

2. Other costs: Cost escalation from October 1, 1979 to October 1, 1980, is based on a comparison of unit cost for the year ended March 31, 1979, with unit costs for the year ended March 31, 1980.

These rates represent decreases in Atlantic and Pacific linehaul charges of about 0.5 and 5.4 percent, respectively, and an increase of 0.2 percent in Latin American linehaul charges from the final service mail rates established for the second quarter of 1980. Atlantic and Latin American terminal charges increased by 2.0 and 15.6 percent, respectively, while Pacific terminal charges decreased by 23.9 percent.

These fluctuations were caused by several factors. Fuel cost increases have moderated somewhat recently. Second quarter rates were based on per gallon fuel cost projections which were overestimated by 6.89 cents in the Atlantic, 8.86 cents in the Pacific and 3.97 cents in Latin America. Noncapacity costs per ton enplaned were likewise overestimated by $28.42 and $36.91, respectively, in the Atlantic and Pacific and were underestimated by $24.61 in Latin America. Most of the decline in Pacific terminal charges was brought about by a change in Northwest's allocation procedures among their operating entities which results in less costs being allocated to international and more costs to domestic entities.

The Board tentatively finds and concludes that:

(1) The fair and reasonable rates of compensation to be paid in their entirely by the Postmaster General pursuant to the provisions of Section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of space-available mail, military ordinary mail and all other mail over their respective routes in the Atlantic, Pacific, and Latin American rate areas, the facilities used and useful therefor, and the services connected therewith, for the period from July 1 through September 30, 1980, or until further Board order, are those set forth in the attached Appendix A.

(2) The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international services for the period October 1, 1980, until further Board order shall be the final rates established for the period July 1 through September 30, 1980.

(3) The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79-7-16.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302.

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix determine and publish the final rates specified above to be effective July 1 through September 30, 1980, or until further Board order.

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service of this order,

[1] See Orders 79-7-17, 79-7-96, 80-1-25 and 80-5-125.

[2] Appendices filed as part of the original document.

[3] See 14 CFR 399.42.

and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order.

3. If no notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in the attached Appendix A.

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international service for the period July 1, 1980, until further Board order are the rates set forth in the attached Appendix A.

5. We shall serve this order upon all parties to the proceeding in Docket 37392.

We shall publish this order in the Federal Register.[4]

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-20480 Filed 7-8-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 38008, and 38009]

Former Large Irregular Air Service Investigation Phase III; Applications of Genair International, Inc.; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on July 21, 1980 at 10:00 a.m. (45 FR 43816, June 30, 1980), is postponed until August 19, 1980 at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 2, 1980.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 80-20478 Filed 7-8-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 37942, and 38399]

Former Large Irregular Air Service Investigation Phase III; Application of Jet Charter Service, Inc.; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 4, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 3, 1980.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 80-20479 Filed 7-8-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37987]

Miami-London Service Case; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 5, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 3, 1980.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 80-20477 Filed 7-8-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Restrictive Trade Practices or Boycotts: Reproposal of Public Survey

SUMMARY: In a Federal Register notice published on October 17, 1979 (44 FR 59926), the Department invited interested persons to submit comments on a proposed survey to be undertaken pursuant to § 369.6(a)(7) of the Department's Restrictive Trade Practices or Boycotts Regulations (15 CFR Part 369) (the Regulations). In furtherance of the policy of the United States to oppose restrictive trade practices or boycotts directed against countries friendly to the United States or against United States persons, the proposed voluntary survey relates to boycott requests received by foreign subsidiaries and affiliates of domestic concerns with respect to their activities outside the interstate or foreign commerce of the United States. In view of the Department's desire to be responsive to the substantive comments received, which suggest the need for changes in the proposed survey, the Department has decided to republish the proposed survey in amended form and invite further comments.

DATES: All comments received by the Department on or before noon, August 8, 1980, will be considered. The Department cannot guarantee consideration of any comments received subsequent to this deadline; however, they will be accepted and made available for public inspection.

ADDRESSES: Written comments (four copies when possible) should be sent to: Office of Antiboycott Compliance, Room 3226, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

ORAL COMMUNICATIONS: Oral communications or requests for further information should be directed to: Ronald H. Prichep, Office of Antiboycott Compliance, International Trade Administration, 202-377-5942.

SUPPLEMENTARY INFORMATION: As stated in the original notice, the Department shall undertake the proposed survey pursuant to § 369.6(a)(7) of the Regulations which provides that:

> From time-to-time the Department will survey domestic concerns for purposes of determining the worldwide scope of boycott requests received by their controlled foreign subsidiaries and affiliates with respect to their activities outside United States commerce. This pertains to requests which would be reportable under this Section but for the fact that the activities to which the requests relate are outside United States commerce. The information requested will include the number and nature of nonreportable requests received, the action(s) requested, the action(s) taken in response, and the countries in which the requests originate. The results of such surveys, including the names of those surveyed, will be made public.

(Section 369.1 provides the definitions that apply to this notice under the survey.)

The Department received 14 responses during the comment period under the original notice. Based on the Department's careful consideration of all comments received, which raised a number of questions and/or offered suggestions on such important issues as the time-frame of the survey, its scope, the ability to protect proprietary information submitted, the potential impact of the survey on international relations, and the paperwork burden on industry, the Department has decided to publish a reproposal that it believes improves upon the original proposal and is responsive to most comments submitted. Before commenting on the reproposal, persons are requested to study the original proposal (44 FR 59926) as well as this reproposal in order to appreciate fully the extent of the changes proposed. A summary of the major changes from the original proposal follows.

---

[4] All Members concurred except Member Dalley who did not participate.

This reproposed survey of domestic concerns would request information, on a voluntary basis, about boycott requests received for a six-month period. This six-month period, rather than the original twelve-month period, would reduce the administrative burden on the participating domestic concerns and enable the Department to publish the results sooner than if the survey were to run for one year as originally proposed. The beginning date of the survey period is proposed to be 60 days from the date the notice of final survey is published in the Federal Register. This will enable the selected companies to prepare for participation in the survey. Following this survey, the Department will assess the results and the need for any subsequent survey(s).

The Department has determined that in order to effectively understand the level of boycott activity by foreign subsidiaries of United States firms outside U.S. commerce it is necessary to both substantially expand the survey sample and eliminate legal and commercial barriers to responding. By asking more firms to participate and requesting only the most relevant information the Department believes that the survey as proposed will yield a much higher percentage of participation from a broader group of companies.

The new proposal expands the survey from the 100 domestic concerns having the most business with or in boycotting countries, as originally proposed, to approximately 1100 domestic concerns with subsidiaries and affiliates operating in boycotting countries or in foreign countries that have substantial trade with boycotting countries. The countries so selected are Algeria, Austria, Behrain, Belgium, Canada, Denmark, Finland, France, German Federal Republic, Greece, Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Lebanon, Libya, Luxembourg, Morocco, The Netherlands, Norway, Oman, Portugal, Qatar, Saudi Arabia, Spain, Sweden, Switzerland, Syria, Tunisia, United Arab Emirates, United Kingdom, Yeman (Adén), and Yeman A.R. (Sana).

In order to develop a list of representative industries involved in Middle East trade the Department reviewed the import statistics of boycotting countries. In developing the categories of industries to be surveyed, the Department reviewed the publications, *U.S. Direct Investment Abroad* and *Survey of Current Business*, both published by the Department's Bureau of Economic Analysis. The industry categories which follow are among those used by the Bureau of Economic Analysis in the collection and publication of industry data and include most major categories of imports of boycotting countries: Petroleum Equipment; Petroleum Products; Food Products; Chemicals; Pharmaceuticals and Cosmetics; Machinery; Transportation and Transportation Equipment; Textiles, Apparel and Leather Goods; Finance and Insurance; Construction Services, Materials and Supplies; Consumer Durable Goods; and Paper and Allied Products.

The Department then consulted the *Directory of American Firms Operating in Foreign Countries* (Juvenal L. Angel, 9th Ed; New York: Uniworld Business Publications, Inc.; 1979) for a comprehensive list of U.S. firms operating abroad. Finally, the Department identified those domestic concerns with subsidiaries that both appear in the industry list and conduct business in the countries that have relatively substantial trade with boycotting countries or are located in boycotting countries. The result of this process was a listing of over 1100 domestic concerns with foreign affiliates considered likely to have business with boycotting countries. (It is the Department's intention that the domestic firms selected through this process will report the requested information for all of their foreign affiliates, regardless of the location of the affiliates or the product or service the affiliates market.)

The information sought is proposed to be reported only in aggregate form (copy of proposed form attached). The Department does not propose to request the submission of the commercial or other documents relative to the reported transactions. Reporting in aggregate form and deleting the requirement for the documents will significantly reduce the paperwork burden and expense on industry, protect confidentiality, and avoid conflicts with local law and sovereignty, major concerns of a number of commenting parties. As a further safeguard, the names and countries of the foreign subsidiaries reporting boycott requests will not be required. This proposal will permit the Department to be able to better determine the nature and volume of boycott requests received, the originating countries of such requests, and the actions taken in response to the requests. This information is critical to the Department in assessing the scope of boycott participation by United States foreign subsidiaries outside U.S. commerce.

Consistent with the original proposal, the Department will make public in the Freedom of Information Records Inspection Facility the names of all firms surveyed and the responses to the survey. Also, the Department will publish in the Federal Register the results of the survey in aggregate form, as described in the original notice of the survey. Such publication will identify the names of the firms that responded to the survey as well as the names of firms that did not respond. Any written comments from firms that declined to participate in the survey will be placed on file in the Freedom of Information Records Inspection Facility.

Treatment of Comments

Although exempt from the notice and comment procedures of the Administrative Procedure Act, the Department is inviting public participation in the development of the survey. All persons who desire to comment are encouraged to do so at the earliest possible time so as to permit the fullest consideration of their views. Comments may take the form of a discussion of the issues involved in conducting such a survey, alternative survey formats, or any other appropriate form.

Written public comments on the reproposal which are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature (or for any other reason) will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the survey.

All public comments to be considered in the development of the survey will be a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments.

In the interests of accuracy and completeness, comments in written form ar preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person on whose behalf they are made. All written comments and memoranda of oral comments will be available in the Freedom of Information Records Inspection Facility.

The public record concerning the survey will be maintained in the Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230. Records in this facility, including written public comments and

memoranda summarizing oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, Freedom of Information Officer, at the above address or by phoning 202-377-3031.

The final survey form will be ready for distribution as soon as possible after the comment period closes.

Issued in Washington, D.C. on July 2, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

BILLING CODE 3510-25-M

UNITED STATES DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

PUBLIC SURVEY FORM FOR RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

General Information

The Department of Commerce is conducting a voluntary survey of approximately 1100 domestic concerns under the foreign boycott provisions (Section 369.6(a)(7)) of the Export Administration Regulations (Part 369, Title 15, Code of Federal Regulations). Its purpose is to determine the nature and scope of boycott requests received by the domestic concerns' controlled foreign subsidiaries and affiliates with respect to their activities outside United States commerce. This survey pertains to requests which would be reportable under Section 369.6 but for the fact that the activities to which the requests relate are outside United States commerce.

The information is needed to further the policies of the United States to oppose restrictive trade practices or boycotts as declared by the Congress in the Export Administration Act. The Department urges the participant to accurately complete and return this form by the required date. Time period of survey: to . Survey forms must be returned by to the International Trade Administration, Room 1617M, U.S. Dept. of Commerce, Washington, D.C. 20230.

Survey Instructions

On the reverse side of this sheet are six questions pertaining to business transactions with foreign countries. Under each question number is the subject matter of the question and to the right of each question number is the specific instruction for that question. Below the sample questions is a sample answer sheet with answers to the sample questions.

Before completing the survey answer sheet, read the following instructions carefully.

For each transaction, use a separate line on the answer sheet except in the following circumstances. If there is a single transaction in which there are two or more answers for a question, use two lines on the answer sheet placing the second code vertically below the first code (see lines 1 and 2 in the example). Where more than one transaction occurs where all of the codes in questions 1 through 5 are the same, use only one line and place the total number of transactions in columns 13 through 16 so that the rightmost digit ends in column 16 (see line 3 in the example below). On the other hand if there are two transactions where all of the codes in questions 1 through 5 are not the same, use two separate lines and fill in all the codes for each transaction (see lines 4 and 5 in the example below).

Question 1			Question 2		Question 3	Question 4	Question 5	Question 6			
Originating Country		Enter the Country name if Selected Code 14	Boycotted Country	Enter the Country name if Selected Code 2	Request Type	Document Type	Decision	TOTAL Number of Identical Transactions			
7	8		9		10	11	12	13	14	15	16
1	1		1		B	J	X				
						M					
1	4	Pambredia	2	Indepesh	A	P	W			1	2
1	4	Pambredia	2	Oceana	F	P	X				
1	4	Pambredia	2	Oceana	G	P	Y				

To begin the survey, turn this sheet over and read the sample questions and study the completed sample answer sheet below the sample questions. Keep this survey instruction at hand for referral.

If there are problems in answering the six questions, please contact

UNITED STATES DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

Question Sheet

PUBLIC SURVEY FORM FOR RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

QUESTION 1	Which country made a boycott request?
Originating Country	Select one two-digit code and place it in column 7 and 8. If the code is 14 (other), place to the right of the code in the space provided, the name of the country.
QUESTION 2	Which country(s) is being boycotted by the country in Question 1?
Boycotted Country	Select one or more one-digit codes and place it in column 9. If code is 2 (other), place it to the right of the code in the space provided, the name of the country.
QUESTION 3	What type of request was made?
Request Type	Select the type of request code(s) applicable. Place the code(s) in column 10.
QUESTION 4	Which type of document was the request made on?
Document Type	Select the type of document(s) on which the requests were made. Place the code(s) in column 11.
QUESTION 5	Which decision was made for each type of request?
Decision	For each letter in column 10, select one decision code and place it in column 12 directly across from the corresponding letter in column 10.
QUESTION 6	How many times has this particular line of information in columns 7 through 12 occurred?
Total Number of Identical Transaction	When more than one transaction occurs with identical codes in question 1 through 5, place the total number of transactions in columns 13 through 16 so that the rightmost digit ends in column 16.

Question 1			Question 2		Question 3	Question 4	Question 5	Question 6			
Originating Country		Enter the Country name if Selected Code 14	Boycotted Country	Enter the Country name if Selected Code 2	Request Type	Document Type	Decision	TOTAL Number of Identical Transactions			
7	8		9		10	11	12	13	14	15	16
0	4		1		A	K	V				
0	6		1		B	P	Y			2	0
1	4	Pambredia	2	Indepesh	A	M	W				

UNITED STATES DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION

SURVEY
ANSWER SHEET

PUBLIC SURVEY FORM FOR RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Question 1			Question 2		Question 3	Question 4	Question 5	Question 6			
Originating Country		Enter the Country name if Selected Code 14	Boycotted Country	Enter the Country name if Selected Code 2	Request Type	Document Type	Decision	TOTAL Number of Identical Transactions			
7	8		9		10	11	12	13	14	15	16

USE TO CODE QUESTION 1

01 Bahrain
02 Iraq
03 Jordan
04 Kuwait
05 Lebanon
06 Libya
07 Oman
08 Saudia Arabia
09 Syria
10 United Arab Emirates
11 Qatar
12 Yemen (Aden)
13 Yemen A. R. (Sana)
14 Other

USE TO CODE QUESTION 2

1 Israel
2 Other

USE TO CODE QUESTION 3

A Refusal to do business
B Agreement to refuse to do business
C Taking discriminatory actions
D Furnishing information about race, religion, sex, or national origin
E Furnishing information about business relationships with boycotted countries or blacklisted persons
F Furnishing information concerning association with charitable and fraternal organizations
G Negative certification of origin
H Agreement to obey boycotting country's "boycott laws"

USE TO CODE QUESTION 4

J Request to carrier for blacklist certificate
K Unwritten, not otherwise provided for
M Letter of credit
N Requisition/purchase order/accepted/contract/shipping instruction
P Bid invitation/tender/proposal/trade opportunity
S Questionnaire (not related to a particular dollar value transaction)
T Other written

USE TO CODE QUESTION 5

V Have not taken and will not take the action requested
W Have taken or will take the action requested
X Have taken or will take the action requested in a modified form (you may attach a detailed explanation)
Y Ultimate decision on the request has not been made

[FR Doc. 80-20457 Filed 7-8-80; 8:45 am]
BILLING CODE 3510-25-C

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Hearing

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of public hearing.

SUMMARY: The Pacific Fishery Management Council will conduct a public hearing on the status of coho salmon runs from Washington and Oregon.

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will conduct a public hearing to receive public testimony regarding recently expressed opinions indicating that the 1980 runs of coho salmon produced in Washington and Oregon streams appear much larger than previously predicted. Testimony and supporting data regarding this subject, observed catch per effort for the recreational fishery, extraordinary economic impacts on the commercial troll fleet which were unanticipated prior to the season, and other relevant data will be heard. Members of the Salmon Advisory Subpanel and Scientific and Statistical Committee will be advised of this hearing but there will be no separate meetings scheduled for them.

DATE: The hearing will be held 12:00 pm on Saturday, July 5, 1980.

ADDRESS: The hearing will take place in the Capri/Del Rio Room of the Cosmopolitan Hotel, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201. Telephone: (503) 221-6352.

Dated: July 3, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-20510 Filed 7-8-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Engineers Corps

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Lower Rio Grande Basin, Tex. Flood Control and Major Drainage Civil Works Project

AGENCY: Galveston District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a DEIS.

SUMMARY: 1. The proposed action to be addressed in the DEIS is flood control and major drainage improvements to the Lower Rio Grande Basin, Texas Federal Project in south Texas. The proposed project would provide flood protection to several municipalities and major agricultural drainage to farmlands in the Lower Rio Grande Basin of south Texas.

2. Alternatives to be considered in the DEIS include structural and nonstructural methods of flood protection and various channel alignments and sizes for improved drainage and flood protection.

3.a. Coordination of the project has included two public meetings and consultation with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Texas Parks and Wildlife Department. The first public meeting was held in Edinburgh, Texas on 28 June 1974 to reaffirm local sponsorship of the project and to assess views of the public toward a plan of improvement developed by the Soil Conservation Service. The second public meeting was held on 3 December 1977 to present alternative plans evaluated during the study.

b. Environmental concerns to be analyzed as a result of past coordination and participation include: pesticide contamination of the Laguna Madre, destruction of valuable wildlife habitat including potholes and depressions and brushland, and increased turbidity and sedimentation in the Laguna Madre.

c. Coordination will continue with various local, State, and Federal agencies and the interested public by issuance of the DEIS and Design Memorandum.

d. Other environmental consultation and review will be conducted in accordance with the National Environmental Policy Act and other applicable laws and regulations concerning endangered species, cultural resources, and others.

4. A public meeting specifically to determine the scope of the DEIS will not be held. All previous and future input to studies for the project have been and will continue to be considered in the scoping process.

5. The DEIS is scheduled to be available to the public in late July 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. C. R. Harbaugh, Chief, Environmental Resources Branch, Galveston District, Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553, (713) 763-1211, extension 492.

Dated: July 1, 1980.

James M. Sigler,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-20487 Filed 7-8-80; 8:45 am]

BILLING CODE 3710-GK-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session August 13, 1980 at Naval Electronic Systems Command Headquarters, National Center, Building 1 Room 9W67, Crystal City, Arlington, Virginia; and August 14 and 15, 1980 at Defense Advanced Research Projects Agency, 1400 Wilson Blvd., Room 841, Arlington, Virginia.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. I, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

July 2, 1980.

M. S. Healy,

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

[FR Doc. 80-20382 Filed 7-8-80; 8:45 am]

BILLING CODE 3810-70-M

Membership of the Office of the Secretary of Defense (OSD); Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of the membership of the Office of the Secretary of Defense Performance Review Board.

SUMMARY: The Department of Defense announces additional membership of the Office of the Secretary of Defense Performance Review Board for the Office of the Secertary of Defense and its field activities, the Organization of the Joint Chiefs of Staff, and civilian Directors and Deputy Directors of Defense Agencies. The purpose of the Board is to provide fair and impartial review of the Senior Executive Service performance appraisals prepared by the senior executive's immediate and second level supervisor, and make recommendations to the Secretary of Defense regarding acceptance or modification of the performance rating; to review recommendations for transfer, reassignment, or removal from the SES of any senior executive whose performance is considered to be less than fully successful; to review nominations for financial performance awards; and to review nominations for the rank of Meritorious Executive and Distinguished Executive.

EFFECTIVE DATE: June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon (202) 695-4573 or 695-9313.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314 (c)(4) and DoD Directive 1434.2 (to be published as 32 CFR Part 57), the following are names and titles of the persons who have been appointed to the Office of the Secretary of Defense Performance Review Board. They will serve a one-year renewable term, effective the date of this Notice.

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

July 3, 1980.

Airey, John R., Director, Directed Energy Programs
Altizer, Harrell B., Director for Supply, Management Policy
Anderson, David L., Staff Specialist for Tactical Ocean Surveillance and Electromagnetic Technology
Bader, George, W., Deputy Director, European and NATO Affairs
Barfield, Howard P., Staff Specialist for Space and Advanced Systems
Barringer, Philip E., Director, Foreign Military Rights Affairs
Beach, John W., Director for Plans and Systems
Becker, Karl F., Director of Personnel and Security
Beebe, James L., Staff Specialist for Strategic Systems Assessment
Berenson, Paul J., Deputy Assistant to the Secretary of Defense (Atomic Energy) (Assessment)
Bergmann, Walter B., II, Director, Resource Management and Analysis
Bernard, Charles W., Director, Office of Land Warfare
Blaker, James R., Personal Representative of the Secretary of Defense on the Mutual and Balanced Force Reduction Negotiations
Boutte, David G. Staff Director, Task Force on Evaluation of the Audit Inspection and Investigation Components of DoD
Brannan, James T., Deputy Director, Defense Acquisition Regulatory System
Brinkerhoff, John R., Special Assistant to Deputy Assistant Secretary of Defense (Reserve Affairs)
Briskin, Manuel Assistant General Counsel (Fiscal Matters)
Butler, Gunning, Jr. Staff Specialist for Arms Control Assessment
Buzalski, Ernest A., Director, Base Requirements and Utilization
Calaway, Paul R., Deputy Defense Advisor for Research, Engineering and Acquisition
Carabello, John M., Director for Data Automation
Cardinale, Anthony, Director, DoD Dependents Schools
Cavaney, William T., Director, Defense Privacy Office/Executive Secretary, Defense Privacy Board
Chapman, Robert A., Director, Program Management Office
Charvonia, David A., Director, DARPA Regional Office, Eurpore
Chase, Harold W., Deputy Assistant Secretary of Defense (Reserve Affairs)
Chen, Martin F., Staff Specialist for Interdiction/Naval Strike
Christie, Deborah P., Director, Mobility Forces Division
Cittadino, John C., Director, Combat Support
Cooper, Kenneth B., Deputy Assistant Secretary of Defense (Plans and Resources)
Cramer, Shannon D., Jr., Representative of DoD for Law of the Sea Matters
Cranston, Robert, Director, American Forces Information Service
Crehan, John T., Director for Accounting Policy
Croteau, Robert J., Director, Tactical Air Division
Cutchis, Angeliki D., Special Assistant for Air Defense Programs
Dashiell, Thomas R., Staff Specialist for Chemical Technolgy
Davis, Paul K., Director, Special Regional Studies Division
Dolvin, Welborn G., Deputy Negotiator for the Department of Defense for the Panama Canal Treaty Negotiations
Donovan, Paul, Director Mobilization and Deployment Planning
Dube, Lawrence P., Director for Military Personnel
Earlich, Douglas R., Director, Management Studies
Eaton, Nelson W., Deputy Director for Research and Development
Ehlers, Arthur H., Jr., Director for Organizational and Management Planning
Eisenhauer, John, Deputy Director, Security Assistance Operations
Embrey, Thomas C., Director, Space Management and Services
Estes, Charles E., Jr., Director, Strategic Policy
Facey, Albert G., Jr., Staff Specialist for Switched and Special Purpose Communications Systems
Farbrother, Douglas, Director, Manpower Management
Felsher, Hal C., Director of Small Business and Economic Utilization Policy
Feinberg, Martin, Director of Finance, Central European Operating Agency
Feinstein, Joseph, Director, Electronics and Physical Sciences
Fields, Craig I., Assistant Director for Cybernetics Technology
Finch, Louis C., Director, Mutual and Balanced Force Reductions Task Force
Finsterle, James C., Director, Land Forces Division
Fisher, Carl W., Director of Budget and Finance
Fites, Jeanne B., Director, Intergovernmental Affairs
Fliakas, Perry J., Deputy Assistant Secretary of Defense (Installations and Housing)
Gamota, George, Assistant for Research
Gentry, Edwin B., Director, Communications and Electronics Division
Glaister, Clyde O., Director for Program and Financial Control
Goldberg, Alfred, Policy Analyst and Historian
Goodwyn, James C., Deputy Director, Program Managment Office
Gray, Donald S., Director for Equal Opportunity (Military)
Green, David H., Director, Labor-Management Relations
Greenlee, Donald R., Staff Specialist for Strategic and Naval Warfare Systems
Greinke, Everett D., Director for NATO/European Affairs
Groth, Carl H., Jr., Director, International Economic Affairs
Grove, H. Mark, Staff Specialist, Defense System Computer Resources and Electronics
Hamilton, Dale L., Staff Specialist for Satellite Communications Systems
Hannifin, Patrick J., Deputy Director, Department of Defense/Department of Energy Long Range Resource Planning Group
Harshman, Richard A., Director for Procurement
Haughton, Claiborne D., Jr., Director for Equal Opportunity (Civilian)
Hessler, David J., Director for Research and Development
Horton, Cyril F., Staff Specialist for Close Combat Systems
Hyman, Paul J. Director, Transportation and Distribution Policy
Jefferson, Ralph H., Deputy Civilian Commandant
Kapper, Francis B., Director, Technology Export
Keller, Michael I., Senior Staff Specialist for Electronic Subsystems Integration and Standardization
Kendig, John L., Deputy Director (Cost, Pricing and Finance)
Knutson, Laurin A., Assistant Director (Programming)

Kraft, Herbert H., Jr., Principal Assistant to the Deputy Assistant Secretary of Defense (Management Systems)
Lang, William E., Deputy Director, Security Assistance Plans and Requirements
Legere, Laurence J., Defense Advisor, US Mission
Leonard, Michael, Director, Europe Division
Ligon, Walter B., Director, Security Assistance Plans and Requirements
Liopiros, Kostas J., Director, Communications, Command and Control Policy
Lomacky, Oles, Assistant Director, Technological Commitments and Trade
Lose, Graydon I., Special Assistant to the Assistant Secretary of Defense (Comptroller)
Loveland, Trafton J., Director, Infrastructure and Logistics Division
Lynch, John, Economic Advisor
Lynn, Verne L., Director, Defensive Systems
Major, Philip L., Director, Strategic Defensive and Theater Nuclear Forces Division
Makepeace, Gershom R., Assistant Director (Engineering Technology)
Mangano, Joseph A., Chief, Directed Energy Division
Marienthal, George, Deputy Assistant Secretary of Defense (Energy, Environment and Safety)
Marquis, Dennis C., Special Assistant for NATO and European Theater Command and Control
Marshall, Andrew W., Director of Net Assessment
Marshall, Mortimer M., Director for Construction Standards and Design
Martin, Albert J., Jr., Director for Accession Policy
Martin, John D., Director of Nuclear Planning
McKinney, Edward J., Staff Specialist for Anti-Submarine and Undersea Surveillance
McLaughlin, Frank L., Deputy Director for Operations
Melchner, John W., Deputy Director for Program and Financial Control
Michael, Louis G., Deputy Assistant to the Secretary of Defense (Atomic Energy) (Long Range Resource Planning)
Millburn, George P., Special Assistant to Deputy Under Secretary (Research and Advanced Technology)
Minichiello, Lee P., Senior OSD Advisor (SALT Overseas Element)
Minneman, Milton J., Special Assistant for Plans and Analysis
Mintz, Jeanne S., Special Assistant for Planning and Requirements
Mittino, John A., Director, Materiel Acquisition Policy
Moore, Robert H., Staff Director, Transportation Systems Division
Moore, Robert J., Staff Director, Materiel Management Systems Division
Morgenstern, John C., Director, Strategic and Theater Command and Control Systems
Morris, Herbert K., Deputy Comptroller, DSAA
Morrow, Rowland A., Director, Counterintelligence and Investigative Programs
Mulcahy, Kenneth C., Director for Industrial Cost Division
Mullen, James E., Director, Cruise Missile Systems
Musa, Samuel A., Staff Specialist for Electronic Warfare and Target Acquisition
Nelson, Wayne S., Director for Safety and Occupational Health Policy
O'Brien, Thomas J., Director, Security Plans and Programs
O'Neil, William D., III, Director, Naval Warfare
Olsen, Margaret A., Counselor on International Law
Pennington, Arthur W., Director, Naval Forces Division
Perin, David A., Director, Strategic Offensive Forces and Arms Limitation Division
Persh, Jerome, Staff Specialist for Materials and Structures
Petosa, Pascale A., Director, Compensation and Position Management
Phillips, William J., Deputy Director, Tactical Technology
Pierce, Albert C., Assistant to the Secretary of Defense
Pike, H. Alan, Deputy Director, Directed Energy Office
Porter, John M., Director, Electronic Warfare and C3 Countermeasures
Powell, Norma L., Director, Small and Disadvantaged Business Utilization
Quinn, Thomas, Deputy Assistant Secretary of Defense (Communications, Command and Control)
Reynolds, Richard A., Deputy Director, Defense Sciences Office
Richardson, William A., General Engineer
Riley, Paul H., Deputy Assistant Secretary of Defense (Supply, Maintenance and Transportation)
Roche, Francis B., Director, Real Property and Natural Resources
Rogner, Emil A., Director for Installation Management and Planning
Rollence, John F., Director for Facilities Programming
Rozycki, Robert F., Staff Director/Director, Supply Policy and Programs
Rudd, Glenn A., Comptroller
Ruffine, Richard S., Staff Specialist for Technology and Analysis (Offensive Systems)
Salton, George L., Director, Communications Systems
Saylor, James W., Director for Investment Division
Schacter, Leon, Deputy Associate General Counsel
Schmidt, Raymond E., Deputy Comptroller for Audit Policy
Schneiter, George R., Deputy Director, DoD SALT Task Force
Scott, Richard U., Director, DARPA Regional Office, Pacific
Scott, Winfield S., Director for Management Information Control and Analysis
Sharkey, William J., Jr., Director for Energy Policy
Sheehan, William J., Director, Office of Economic Adjustment
Shilling, David M., Director, General Purpose Forces Policy
Shorey, Russell R., Special Assistant for Weapons Support Improvement
Shycoff, Donald B., Director for Operations
Siena, James V., Deputy Assistant Secretary of Defense (European and NATO Affairs)
Siewert, Raymond F., Jr., Staff Specialist for Aeronautics and Hydronautics
Sigman, Gordon H., Jr., Director, Tactical Technology Office
Smiley, Orville L., Director, Automated Systems
Smith, Homer D., Jr., Director of Logistics
Smith, John E., Director, Major Systems Acquisition
Snider, L. Britt, Director, Counterintelligence and Security Policy
South, Allen D., Director for Construction
Spaulding, Harry S., Director of Logistics
Standahar, Raymond M., Staff Specialist for Propulsion
Starbird, Alfred D., Director, DoD/DoE Long Range Resource Planning Group
Stivers, Ronald H., Assistant Deputy Under Secretary of Defense (Policy Review)
Stone, Robert A., Deputy Assistant Secretary of Defense (Program Management)
Sullivan, Alden P., Director, C3 Resources
Sullivan, Gerald D., Staff Specialist for International Programs and Policy
Tanimoto, Douglas H., Director, Directed Energy Office
Tapparo, Frank A., Director, Asia Division
Tegnelia, James A., Jr., Assistant Director, Weapons Technology & Concepts Division
Tether, Anthony J., Director, National Intelligence Systems
Thomas, Carl M., Director, Strategic Technology Office
Thomas, Reynold, Jr., Staff Specialist for WWMCCS and Other C3 Systems Architecture
Thorkildsen, Ray, Staff Specialist for Ordnance
Tobriner, Matthew W., Senior Analyst for Long Range Resource Planning
Toulme, Clarence V., Director for Banking, International Finance and Professional Development
Trimble, Robert F., Director (Contracts and Systems Acquisition)
Trodden, Stephen A., Deputy Director for Procurement
Trosch, Dennis H., Assistant General Counsel (Logistics)
Tucker, Alvin, Director for Training and Education
Turke, Joseph G., Director for Maintenance Policy
Turner, Robert D., Special Assistant for Technical Plans and Research
Tyler, John T., Jr., Director, Defense Plans Division
Valdes, William C., Staff Director, CPP/ Director for Personnel Management
Vancook, Arthur F., Director, Information Security
Vanreuth, Edward C., Assistant Director, Material Sciences
Violette, Richard R., Director, Security Assistance Operations
Watt, Charles, Deputy Director, Test and Evaluation for Strategic and Naval Warfare Systems
Weatherholt, Charles W., Director, Staffing and Career Management
Weiss, Gus W., Jr., Special Assistant for Space Policy Coordination
Williams, Arthur, Director, Disadvantaged Business Utilization Policy
Winshurst, Thomas H. E., Assistant Director for Operations
Winter, William H., Staff Specialist for Defensive Systems
Woehrle, Charles D., Director for Internal Audit Policy

Wood, Theodore D., Director, Office of the Civilian Health and Medical Program of the Uniformed Services
Yarbrough, Darlene, Central Legal Staff Director
Zeiberg, Seymour L., Deputy Under Secretary of Defense Research and Engineering (Strategic and Space Systems)

[FR Doc. 80-20391 Filed 7-8-80; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Renewal of National Advisory Committee on Black Higher Education and Black Colleges and Universities

Pursuant to the Federal Advisory Committee Act 5 USC Appendix I, notice is hereby given of the renewal of the National Advisory Committee on Black Higher Education and Black Colleges and Universities by the Secretary of Education. The Committee advises and makes recommendations to the Secretary and examines all approaches to higher education of black Americans as well as the needs of the historically black colleges and universities.

Authority for this committee will expire on June 30, 1982 unless the Secretary formally determines that continuance is in the public interest.

Further information on the Committee may be obtained from Mrs. Carol J. Smith, Program Delegate, U.S. Education Department, 1100-17th Street, N.W., Suite 706, Washington, D.C. 20036, telephone 202-653-7558.

Dated: June 30, 1980.

Ann V. Bailey,
Committee Management Officer, U.S. Education Department.

[FR Doc. 80-20488 Filed 7-8-80; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Deputy Assistant Secretary for Nuclear Waste Management

Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Savannah River Plant, Aiken, S.C.

Record of Decision

Decision. The decision has been made to complete the construction of the 14 double-shell tanks and use them to store defense high-level radioactive waste at the Savannah River Plant (SRP).

Background. The SRP, located near Aiken, South Carolina, is a major installation of the Department of Energy (DOE) for the production of nuclear materials for national defense. It began operations in the 1950's and is currently the nation's primary source of reactor-produced defense materials. As a byproduct, the SRP operations produce liquid high-level radioactive waste from the chemical processing of fuel and target materials after irradiation in the SRP nuclear reactors.

The high-level liquid radioactive wastes are presently stored in four different types of tanks (Types I, II, III & IV). In 1974, SRP began a tank replacement program to (1) accommodate storage of fresh radioactive wastes as they are generated by production operations and (2) replace all older-design tanks with Type III tanks. The new tanks are intended for storage of the waste until long-term disposal/isolation can be implemented. This program was discussed as the base case (Alternative 4) in the *Final Environmental Impact Statement on Waste Management Operations, Savannah River Plant,* ERDA-1537 (Sept. 1977).

The Federal District Court for the District of Columbia (Natural Resources Defense Council (NRDC) v. Administrator, ERDA/DOE), directed on September 29, 1979, that a supplemental environmental impact statement be prepared to address design and safety alternatives of the ten waste storage tanks authorized in FY 1976 and FY 1977 projects at SRP. DOE published the final environmental impact statement *Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Savannah River Plant, Aiken, South Carolina,* DOE/EIS-0062, in April 1980. Notice of its availability was published in the Federal Register by the Environmental Protection Agency on April 18, 1980 (Vol. 45, No. 77, page 26457). The environmental impact statement goes beyond the court requirement in that four additional tanks authorized in an FY 1978 project are also included. On April 30, 1980, the Federal District Court concluded that DOE had fully complied with the Court's order of September 29, 1979, by writing an environmental impact statement that complied with the National Environmental Policy Act (NEPA).

Description of Action. The DOE action is to complete construction and utilize in waste management operations the 14 Type III tanks under consideration in this statement; the 14 tanks are in various stages of construction. The Type III tanks differ from Types I, II, and IV tanks in that the primary tank is heat-treated after field erection to remove residual stress due to welding. The heat treatment is to help prevent stress corrosion cracking that has been experienced in nine Type I and II tanks which were not heat-treated. No leaks have been detected in any of the nine Type III tanks that are now in service.

Other major design improvements in Type III tanks include:

- Full height steel secondary vessels, rather than 5-ft pans used in Types I and II tanks.
- A single roof support column mounted on the foundation pad rather than on the bottom of the primary tanks.
- Air cooling of the center column and bottom of primary tank.
- Bottom-supported cooling coils distributed throughout the tank.

Significant engineered safety features are also incorporated in the design to provide for prompt leak detection, ventilation, emergency power, and protection against natural events.

Description of Alternatives. The alternatives to completing construction of the 14 Type III tanks for utilization involve stopping the construction in order to consider the following:

1. Thicker and more chemically resistant tank steel,
2. Cathodic protection, and
3. Better waste retrieval equipment and enlarged tank openings to facilitate waste retrieval.

The no-action alternatives were discussed in ERDA-1537 and are not considered in this document.

Basis for Decision. The high level liquid radioactive waste has been and is stored safely in underground Type III tanks that are engineered to provide reliable storage of the waste. This is accomplished through conservative design of the waste tanks, incorporation of engineered safety features, and proper implementation of a prescribed operational and maintenance program.

Thicker steel is not required because thinning due to general corrosion is not a problem and thicker steel would not prevent stress corrosion. The issue of more chemically resistant plates has, in essence, been adopted via the change to a heat-treated steel and post-fabrication stress relief of the primary tanks. These treatments should also eliminate stress corrosion.

Cathodic protection from corrosion was considered in 1972. The benefits of cathodic protection for waste tanks were judged to be small in comparison with the uncertainties and problems of installing such a system in a tank with widely varying contents; while protection may be afforded in one part of a tank, there may be a deleterious effect in another part of the tank.

Although adequate waste removal techniques have been demonstrated, salt and sludge removal and chemical cleaning tests during 1980 will investigate improved methods and will

demonstrate performance of equipment for waste retrieval.

Enlarged tank openings are not included in these new Type III tanks. The long-shafted pumps that can be used to remove liquid waste, redissolved salt, or sludge slurry from SRP waste tanks are designed to fit into any tank riser two feet or larger in diameter. These 14 Type III tanks contain nine access risers three feet or larger in diameter which can accommodate these pumps. Pumping of all three waste forms has been successfully demonstrated in existing SRP waste tanks, and the equipment was safely retrieved.

Thus, the design alternatives were rejected because no unique advantages were identified for the alternatives and because there are definite disadvantages (cost, delays, and potential problems) associated with the proposed design alternatives.

Discussion of Environmentally Preferred Alternatives. None of the design alternatives would have any environmental advantage over the tanks as presently designed. Incorporation of any of the design alternatives would require modification of the tanks under construction and commitment of additional resources. Also, the preferred alternative will result in taking older design tanks out of service earlier and might result in reduced radioactive releases.

Consideration in Implementation of the Decision. Completion of construction for utilization of the 14 Type III tanks would maintain operational flexibility and enhance environmental protection by removing waste from older design tanks, some with known leaks. In view of the protective operating procedures and surveillance program to be followed throughout the life of the tanks along with the significantly improved design features, it has been concluded that the tanks are adequate for interim storage of the high-level radioactive waste.

For the United States Department of Energy.

Dated: July 1, 1980.

Sheldon Meyers,

Deputy Assistant Secretary for Nuclear Waste Management.

[FR Doc. 80-20404 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Wash.

Record of Decision

Decision. The decision has been made to complete the construction of the 13 double-shell tanks and use them to store defense high-level radioactive waste at the Hanford Site, Richland, Washington.

Background. Defense high-level radioactive wastes resulting from the chemical processing of spent reactor fuels for the recovery of plutonium, uranium, and other isotopes have been accumulating at Hanford since 1944. These wastes were initially stored in single-shell tanks. Since that time, improved interim storage methods have been developed, and double-shell tanks are being constructed to store the liquid wastes. The 13 new double-shell tanks, which are the subject of this action, will supplement the 156 tanks (149 single-shell and 7 double-shell) built at Hanford since 1943 to store high-level wastes. The removable liquids from the older single-shell tanks, some of which have developed leaks, will be transferred to the new tanks to provide improved containment of the radioactive materials. The new tanks are intended for storage of the waste until long-term disposal/isolation can be implemented. This program was discussed in the *Final Environmental Statement on Waste Management Operations, Hanford Reservation, Richland, Washington,* ERDA-1538, December 1975.

The Federal District Court for the District of Columbia (Natural Resources Defense Council (NRDC) v. Administrator, ERDA/DOE), directed on September 29, 1979, that a supplemental environmental impact statement be prepared to address design and safety alternatives of the 12 waste storage tanks authorized in FY 1976 and FY 1977 projects at Hanford. DOE published the final environmental impact statement *Double-Shell Tanks for Defense High-Level Radioactive Waste Storage, Hanford Site, Richland, Washington,* DOE/EIS-0063, in April 1980. Notice of its availability was published in the Federal Register by the Environmental Protection Agency on April 18, 1980 (Vol. 45, No. 77, page 26457). The environmental impact statement goes beyond the court requirement in that an additional tank authorized in an FY 1978 project is also included. On April 30, 1980, the Federal District Court concluded that DOE had fully complied with the Court's order of September 29, 1979, by writing an environmental impact statement that complied with the National Environmental Policy Act (NEPA).

Description of Action. The DOE action is to complete construction and utilize in waste management operations the 13 tanks under consideration in this statement. The double-shell tanks are designed to safely contain the liquid radioactive wastes for an interim period. The new double-shell tanks employ significant design and safety improvements over the 149 single-shell tanks. No leaks have been detected in any of the 7 double-shell tanks now in service. The new tanks are constructed as a primary tank within a secondary tank to provide a secondary barrier to waste contact with the surrounding soil. The primary tank is heat-treated (stress-relieved) after fabrication to reduce or eliminate localized high-stress points at welded joints. This heat treatment will help prevent stress corrosion cracking which is believed to have been the cause of some earlier leaks in single-shell tanks.

Other major design improvements include:

- Use of higher strength steel for both the primary tank and the secondary steel liner.
- Increased airflow through the annulus for cooling the primary tank over older double-shell designs. This feature was not included in single-shell tanks. The bottoms of the double-shell tanks are also air-cooled.
- Increased tank dome strength.
- Use of more comprehensive nondestructive examination of the tanks.

Significant engineered safety features are also included in the design to provide for prompt leak detection, ventilation, emergency power, and protection against natural events.

Description of Alternatives. The alternatives to completing construction of the 13 tanks for utilization involve stopping the construction in order to consider the following:

1. Thicker and more chemically resistant steel plates,
2. A cathodic protection system,
3. Better waste retrieval equipment and enlarged tank openings to facilitate retrieval, and
4. Cooling coils like those at the Savannah River Plant.

The no-action alternatives were discussed in ERDA-1538 and are not considered in this document.

Basis for Decision. The results of the examination of the design alternatives are summarized below. DOE has been aware of the importance of evaluating the issues raised in each of the alternatives and had considered the issues before and during tank construction. The 13 new tanks have incorporated many significant design and safety improvements over previous single- and double-shell tanks constructed at Hanford. The new tanks are engineered to provide reliable storage of radioactive waste for the interim period.

The thicker plate alternative has, in essence, already been adopted via the change from single-shell tanks of ⅜-inch plate to double-shell tanks, where the primary tanks are fabricated with ½- to 1-inch plates. This is backed up with a secondary tank constructed of ⅜ inch plate, whose design and construction is equal or superior to the original single-shell tanks. The alternative of more chemically resistant plates has also been adopted via the change to a normalized (heat-treated) steel and to a post-fabrication stress relieving of the primary tanks. These two measures significantly increase the steel's resistance to stress corrosion.

Cathodic protection from corrosion was evaluated and found to be unnecessary because the required corrosion protection will be provided by implementation of protective operating procedures including adjustment of the composition of the waste solutions as determined by routine monitoring of the tank contents. Although a cathodic protection system is feasible to install, the operation of the system is complex and unless extreme care is exercised, the system could induce corrosion rather than eliminate it.

Waste retrieval equipment presently exists which has been demonstrated at Hanford to be effective and reliable for removing waste from the tanks. The tank openings now provided (42-inch diameter) are adequate for retrieval of the waste projected for storage in the tanks. Therefore, enlarged tank openings and better retrieval equipment are not needed.

The design heat generation of Hanford high-level waste is about 30 times less than Savannah River wastes; the actual heat generation rate may be 60 times less. The air cooling provided in the Hanford tanks is designed to remove over twice the amount of heat expected to be generated. Therefore, cooling coils in the tanks are not needed.

Thus, the design alternatives were rejected because no unique advantages were identified for the alternatives and because there are definite disadvantages (cost, delays, and potential problems) associated with the proposed design alternatives.

Discussion of Environmentally Preferred Alternative. None of the design alternatives would have any environmental advantage over the tanks as presently designed. Since the 13 new tanks are presently near completion, full adoption of any one of the four alternatives would require a significant commitment of additional resources. Also, the preferred alternative will result in taking older design tanks out of service earlier and could conceivably result in reduced radioactive releases.

Considerations in Implementation of Decision. Completion of construction for utilization of the 13 tanks would maintain operational flexibility and enhance environmental protection by removing waste from older design tanks, some with known leaks. In view of the protective operating procedures and surveillance program to be followed throughout the life of the tanks along with the significantly improved design features, it has been concluded that the tanks are adequate for interim storage of the high-level liquid radioactive wastes.

For the United States Department of Energy.

Dated: July 1, 1980.

Sheldon Meyers,

Deputy Assistant Secretary for Nuclear Waste Management.

[FR Doc. 80-20405 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Tenneco Oil Exploration and Production Co; Proposed Decision and Order under the Tertiary Incentive Program

To: Tenneco Oil Exploration and Production Company, Houston, Tex.

Subject: Designation of Allowed Expense for Pettit Reservoir (Old Lisbon Field Unit), Polymer Augmented Waterflood Enhanced Oil Recovery Project (Docket Number ERA-TA-80-06).

I. Introduction

On November 1, 1979, the Tenneco Oil Exploration and Production Company (Tenneco) of Houston, Texas, a subsidiary of the Tenneco Company, submitted an application for an order under 10 CFR 212.78(e)(3) which would permit Tenneco allowed expenses in addition to those allowed in the Appendix to § 212.78 for polymer augmented waterflood projects as defined in § 212.78(c).

II. Background

On August 21, 1979, the Economic Regulatory Administration (ERA) amended 10 CFR 212.78 to establish the Tertiary Incentive Program. In general, this program permits a producer that employs a self-certifiable enhanced oil recovery (EOR) technique in connection with an enhanced oil recovery project to recover a portion of certain allowed expenses associated with that project. An allowed expense is seventy-five percent of an environmental expense (as defined in § 212.78(c)), seventy-five percent of an engineering and laboratory expense (as defined in § 212.78(c)), or seventy-five percent of an expense listed in the Appendix to § 212.78 or in an order issued pursuant to either § 212.78(e)(2) or § 212.78(e)(3).

Section § 212.78(e)(3) provides that, with respect to an EOR project that employs a "self-certifiable technique", a producer may apply to ERA for an order designating allowed expenses in addition to those designated in the Appendix to § 212.78 for self-certified projects. ERA's General Guidelines on Tertiary Enhanced Recovery Program Review (Guidelines) provide that a producer applying for an issuance of an order pursuant to § 212.78(e)(3), must demonstrate that it is employing an EOR technique which involves high levels of risks and cost, and that the offset of certain costs is necessary to make the use of that technique an attractive investment opportunity.

III. Findings and Analysis

The Tenneco application concerns a cross-linking polymer project to be undertaken in the Old Lisbon Field in Northern Louisiana. Tenneco holds a 96.2 percent working interest in the Old Lisbon Field.

The project area is underlain by a reservoir composed of a coarse textured Pettit limestone which has evidenced no faulting or fracturing. There are four producing horizons which are referred to as the Pettit porosity zones. Only the top two zones have sufficient permeability, porosity and oil saturation for commercial oil production. The two pay zones lie at an average depth of 5,250 feet, have an average pay thickness of 6.0 to 7.5 feet, and have been always produced together with production commingled.

The Old Lisbon Field was discovered in 1936 and was produced by primary methods, some 270 wells being eventually drilled on 20-to 40-acre spacing. Secondary waterflooding was initiated in 1951 and the well count was reduced to 53, about equally divided between injection and production wells, on 80 acre spacing. About 24 percent of the original oil in place has been recovered by primary and secondary methods. Extensive engineering studies indicate that an incremental eight million barrels of oil can be recovered by the application of the tertiary technique proposed in the application.

Tenneco's engineering studies disclosed that eigther carbon dioxide miscible or a somewhat modified form of polymer augmented waterflooding was a promising candidate for

application in the Pettit formation of the Old Lisbon Field. The latter was selected because of the absence of an economically accessible supply of carbon dioxide.

An ordinary polymer flood would be entirely inappropriate in the Pettit formation. A typical polymer augmented waterflood would be employed in a reservoir exhibiting homogeneous permeability. The permeability should be greater than 20 millidarcies. The reservoir would have a high porosity-time-thickness index. (The average mid-continent sand has such an index of around 8.0). A reservoir candidate for an ordinary polymer flood should exhibit low calcium and clay content.

The Pettit formation, in which the Tenneco project is to be undertaken, departs significantly from those normal characteristics. The permeability is not homogeneous—it varies widely, namely from 0.1 to 930 millidarcies. It has a low porosity-time-thickness index of 1.05. Rather than being low in calcium content, the Pettit formation is calcium carbonate. The deviation of these important reservoir characteristics from those normally required for a candidate for polymer flooding calls for a basically different polymer treatment.

Of particular importance is the wide permeability variation of the Pettit formation. Because of that wide permeability, an ordinary polymer augmented waterflood would result in the polymers "pushing" the cards toward producing wells only through the high permeability channels. Thus, the bulk of the crude oil would be bypassed and remain in place. The consequence of such a project would be technical and economic failure.

Tenneco proposes a patented method of building resistance to the flow of water through high permeability sections of the formation in a layer-by-layer fashion. This will entail injecting carefully controlled slugs of cationic polymer followed by slugs of anionic polymer alternated with slugs of aluminum citrate.

The theory is that the cationic polymers, which move into high permeability areas, have polarities which attract the anionic polymers. The anionic polymers then "build up" on the cationic polymers to create a non-fingering polymer front for sweeping the reservior. This build up is enhanced by the binding effect of the aluminum citrate hook. There is no assurance that this theory can be made to work in an ordinary reservior application. The risks of process failure are compounded by the fact that the polymers are ordinarily employed in low calcium reserviors while the Pettit formation is an oolitic limestone reservior. In such a reservoir the cross-linking technique to be employed by Tenneco has never been tried.

The typical polymer augmented waterflood is frequently regarded as having roughly a 50 percent expectation of success. In the Tenneco project, the departures from the technique followed in typical polymer projects make the cross-linking polymer application in the Old Lisbon Field a unique proposal. The expectation of success falls well below 50 percent assuming other factors are normal. However, because of the unusual nature of the Pettit formation recited above, for polymer projects the expectation of success is still lower.

Tenneco's Pettit Reservior project is a self-certifiable polymer augmented waterflood project because the chemicals to be injected are polymers. However, in terms of the sophistication of the technology of the cross-linking technique which creates high risks of process failure, and in terms of the high costs of undertaking the project, Tenneco's Pettit Reservior project is commensurate with a microemulsion flood. Therefore, we have concluded that Tenneco's Old Lisbon Field project will require the recovery of expenses in addition to those allowed a self-certifiable polymer augmented waterflood in order to be an attractice investment opportunity.

Therefore, we are proposing to permit Tenneco to recover expenses parallel to those expenses allowed under self-certification for microemulsion floods. Accordingly, under the proposed order, the allowed expenses for the Old Lisbon Field project would include these additional items:

(a) The cost of the chemicals, (including cationic polymers, anionic polymers, and the aluminum ion source) for injection into the formation, plus any fluids used in association with the cross-linking polymer flood at the project site.

(b) The costs of capital equipment used for mixing of chemicals on the project site, provided that, with respect to a particular year, the amount of allowed expenses based on such costs may not exceed the amount of depreciation reported to the IRS with respect to such costs for that year.

(c) The costs of chemicals to preserve the quality of injectants (including oxygen removal, control of iron contamination, flocculants, and biocides for control of bacteria).

(d) The costs of water supply purchased to meet quality specifications to protect chemicals or the costs of treating equipment and chemicals required to condition water to meet quality specification to protect chemicals.

(e) The costs of process control equipment, instruments, and filters.

(f) Well costs as defined in § 212.78(c).

(g) The costs of valves, regulators, fiberglass injection lines, insulation, coastings, etc., in fluid injection distribution systems, necessary to maintain the injection fluid quality of the project.

(h) The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids from the project.

IV. Comment Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the Federal Register and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication in the Federal Register of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James 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) and in the Public Affairs Office, Room B-110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

V. Order

1. Except as otherwise indicated in each subparagraph below, the following expenses in addition to environmental expenses and engineering and laboratory expenses as defined in § 212.78(c) are declared to be allowed expenses for the Old Lisbon Field Cross-Linking Polymer project undertaken by Tenneco Oil Exploration and Production Company in the Old Lisbon Field, Louisiana:

(a) The costs of chemicals (including cationic polymers, anionic polymers, and the aluminum ion source) for injection into the formation, plus any fluids used in association with the cross-linking polymer flood at the project site.

(b) The costs of capital equipment used for mixing of chemicals on the project site, provided that, with respect to a particular year, the amount of allowed expenses based on such costs may not exceed the amount of depreciation reported to the IRS with respect to such costs for that year.

(c) The costs of chemicals to preserve the quality of injectants (including

oxygen removal, control of iron contamination, flocculants, and biocides for control of bacteria).

(d) The costs of water supply purchased to meet quality specifications to protect chemicals or the costs of treating equipment and chemicals required to condition water to meet quality specifications to protect chemicals.

(e) The costs of process control equipment, instruments, and filters.

(f) Well costs as defined in § 212.78(c).

(g) The costs of valves, regulators, fiberglass injection lines, insulation, coatings, etc., in fluid injection distribution systems, necessary to maintain the injection fluid quality of the project.

(h) The costs of produced fluid treatment required to assure environmentally acceptable disposal of waste fluids from the project.

In all other respects, Tenneco's application for the designation of allowed expenses is hereby denied.

2. This Order is based on the presumed validity of statements, assertions, and documentary materials submitted by Tenneco. It is further based on our understanding that all actual and projected costs reported by Tenneco represent fair and reasonable market price valuations for the expenditures involved, that all actual projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost, revenue and production estimates are reasonably accurate. This Order may be revoked or modified upon determination that the factual basis underlying the Order is incorrect.

3. Pursuant to this Order any qualified producer with respect to the Old Lisbon Field project may recover all allowed costs specified herein which were incurred and paid on or after August 22, 1979, so long as such producer is engaged in the project described in this Order.

Issued in Washington, D.C., on June 30, 1980.

Barton R. House,

Deputy Administrator for Operations and Emergency Management, Economic Regulatory Administration.

[FR Doc. 80-20370 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-TA-80-06]

Tenneco Oil Exploration, and Production Co.; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to Tenneco Oil Exploration and Production Company (Tenneco) a Proposed Decision and Order with regard to an application for incentive prices pursuant to 10 CFR 212.78(e)(3) of the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the Federal Register. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to:

Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461, Attention: Manager, Tertiary Enhanced Recovery Program.

A copy of the text of the Proposed Decision and Order together with a copy of Tenneco's application is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and the Department of Energy Reading Room, Room 5B-180, James Forrestal Building, 1000 Independence Avenue, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on June 30, 1980.

Barton R. House,

Deputy Administrator, for Operations and Emergency Management, Economic Regulatory Administration.

[FR Doc. 80-20369 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

Inman Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 23, 1980. Comments by: August 8, 1980.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106, (phone) 816-374-5932.

SUPPLEMENTARY INFORMATION: On June 23, 1980, the Office of Enforcement of the ERA executed a Consent Order with Inman Oil Company of Salem, Missouri. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Inman Oil Company (Inman), with its home office located in Salem, MO., is a firm engaged in the marketing of Motor Gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Inman, the Office of Enforcement, ERA, and Inman entered into a Consent Order.

The Consent Order encompasses Inman's sale of covered products during the period January 1, 1979, through July 1, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, Inman agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of twenty-nine thousand four hundred eighty-six dollars and twenty cents ($29,486.20) by January 15, 1982. Refunded overcharges will be in the form of direct payment or credit memorandum to identifiable consumers. Refunded overcharges to resellers will be in the form of certified checks made payable to the United States Department of Energy and will be

delivered to the assistant administrator for Enforcement, ERA. These refunds will remain in a suitable account pending the determinaion of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required.

Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for the Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816-374-5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Inman Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on August 8, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Mo., on the 30th day of June 1980.

William D. Miller,

District Manager of Enforcement.

Dated: June 30, 1980.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 80-20403 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

Modesto Irrigation District; Approval of Compliance Plan Making Effective a Previously Issued Order Granting an Exemption

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its approval of the Modesto Irrigation District's (Modesto) Compliance Plan required by ERA's Decision and Order issued April 25, 1980. The Order granted a permanent peakload exemption to Modesto from the prohibitions against the use of petroleum by a new powerplant contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). The exemption was granted to Modesto for operation of its proposed powerplant, McClure Station Unit 1 (McClure 1), subject to certain specified terms and conditions.

Under Final Rules published June 6, 1980 (45 FR 38320) implementing certain provisions of FUA, ERA will not impose, in granting peakload exemptions, all of the terms and conditions contained in the April 25, 1980 Order to Modesto. Therefore, condition "B" relating to the feasibility of installing certain equipment, condition "D" relating to the possible future use of alternate fuels, and condition "E" relating to system-wide conservation measures have been deleted from the Decision and Order, which becomes effective as of this date.

Issued in Washington, D.C., June 30, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-20406 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

Decalta International Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 30, 1980.

COMMENTS BY: August 8, 1980.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, 6th Floor, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, 6th Floor, San Francisco, CA 94105, Phone: (415) 764-7038.

SUPPLEMENTAL INFORMATION: On May 30, 1980, the Office of Enforcement of the ERA executed a Consent Order with Decalta International Corporation (Decalta), of Ventura, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Decalta, with its office located in Ventura, California, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Price Allocation Regulations of 10 CFR parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Decalta, the Office of Enforcement, ERA, and Decalta entered into a Consent Order, the significant terms of which are as follows:

1. Decalta is the operator of the "2600" and "Watson B" Leases in Los Angeles County, California.

2. Decalta produced and sold crude oil from the "2600" lease during July 1975 at exempt prices. Decalta should not have received payments in excess of the lower tier ceiling price as prescribed by 10 CFR 212.73 during July 1975. Payments received by Decalta in excess

of the applicable lower price during July 1975 totaled $11,316.29.

3. Decalta produced and sold crude oil from the Watson B lease during the period July 1, 1975 through March 31, 1978, which was sold at exempt oil prices based upon Decalta's treatment of the lease as a stripper well property. The DOE contends that the lease was not eligible for the stripper well exemption for any period prior to April 1, 1978 and that Decalta should not have received payments in excess of the lower and upper tier ceiling prices as prescribed by 10 CFR 212.73 and 212.74 during the period in question. Payments received by Decalta in excess of the applicable lower and upper tier ceiling price during the period July 1, 1975 and March 31, 1978 totalled $112,715.01.

4. Decalta International Corporation, without admitting that it has violated any regulation or overcharged any customer, is willing to enter into the Consent Order and refund $99,211.54 plus interest, at the rate set by DOE, and penalty, as a means of settling this dispute.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Decalta agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of $99,221.54, plus interest, on or before July 1, 1980. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refunded amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, 6th Floor, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Decalta International Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on August 8, 1980. You should identify any information or data, which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco on the 23rd day of June, 1980.

Concurrence:

Ginger Lew,

Chief Counsel, Western District of Enforcement.

Lon W. Smith,

District Manager of Enforcement.

[FR Doc. 20497 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-024]

Orange & Rockland Utilities, Inc.; Application for Recertification of the Use of Natural Gas to Displace Fuel Oil

On July 25, 1979, Orange and Rockland Utilities, Inc. (Orange and Rockland), One Blue Hill Plaza, Pearl River, New York 10965, was granted a certificate of eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 79-CERT-054). The certification involved the purchase of natural gas from East Tennessee Natural Gas Company for use by Orange and Rockland at its Lovett Plant and/or Bowline Point generation facililties in Rockland County, New York. The ERA certificate expires on July 24, 1980.

On June 23, 1980, Orange and Rockland filed an application for recertification of an eligible use of natural gas to displace fuel oil at its Lovett Plant and/or Bowline Point generating facilities located in Rockland County, New York pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Docket Room 7108, 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.

In its application, Orange and Rockland states that the volume of natural gas for which it requests recertification is up to about 50,000Mcf per day. It is estimated that a total of 1.96 million Mcf of natural gas will be used to displace about 316,700 barrels of No. 6 fuel oil (0.37 to 0.6 percent sulfur) at the Lovett Plant and/or Bowline Point facilities. The gas is being purchased under an existing contract which continues through August 31, 1980. Orange and Rockland requests recertification for an additional year.

The eligible seller of the natural gas is East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919. The gas will be transported by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas, 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, 2000 M Street, N.W., Washington, Attention: Albert F. Bass, by July 19, 1980.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Orange and Rockland and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on July 2, 1980.

Douglas G. Robinson,

Deputy Administrator for Policy, Economic Regulatory Administration.

[FR Doc. 80-20498 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3181]

Hydro Development Group Inc.; Application for Preliminary Permit

July 1, 1980.

Take notice that Hydro Development Group Inc. (Applicant) filed on May 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3181 to be known as the No. 6 Mill Project located on the Oswegatchie River in Fowler Township, St. Lawrence County, New York. Correspondence with the Applicant should be directed to: Mr. Mark Quallen, Box 58, Locke Street, Dexter, New York 13634.

Project Description—The proposed project would redevelop the existing but inoperative No. 6 Mill Hydroelectric Plant and would consist of: (1) An existing 12-foot high and 150-foot long concrete dam; (2) a reservoir with a surface area of about four acres and a storage capacity of about 25 acre-feet at normal surface elevation of 490 feet m.s.l.; (3) an existing 40-foot wide and 50-foot long powerhouse on the south (left) side of the dam containing two rebuilt turbines rated at 800 hp and 400 hp, connected to two new generators rated at 600 kW and 300 kW, respectively; and (4) appurtenant facilities. Project energy would be sold to Niagara Mohawk Power Corporation and transmitted through an existing transmission line presently serving the adjacent mill. Applicant estimates the annual generation would average about 5,500,000 kWh.

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 evaluate the dam and powerhouse structures, determine the turbine repairs needed, develop designs and specifications for the generations, switchboards, and substation, study the project environmental impact, and determine the economic and financial feasibility of the proposal. Upon determination of feasibility, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would approximate $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 29, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 28, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 29, 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. 80-20393 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2752]

Northern Lights, Inc.; Extension of Time

July 1, 1980.

Respective motions were recently filed with the Commission by Richard Buti, the State of Montana, Barbara D. Rhodes, the Libby Rod and Gun Club, the Cabinet Resource Group and the Town of Troy, Montana, for extensions of time to file comments on the Draft Environmental Impact Statement (DEIS) issued May 9, 1980, in the above-docketed proceeding. In their motion for an extension of time to file comments, the State of Montana further requests that an extension of time be granted for the filing of interventions in this proceeding.

The motions state that additional time is needed because of delays in the receipt of the DEIS and because of the amount of material which must be reviewed in this document. The motion of the Libby Rod and Gun Club further states that additional time is required because of the number of questions which are raised in the DEIS which require an involved review. In support of their request for an extension of time, the motion of the Cabinet Resource Group states that unanticipated scheduling problems have delayed meetings between Cabinet Resource

Group members which were planned for the purpose of reviewing the DEIS.

On June 18, 1980, Northern Lights, Inc. filed a response to the motion of the Libby Rod and Gun Club, stating their support for the requested extension.

Upon consideration, notice is hereby given that extensions of time for the filing of comments on the DEIS and for the filing of interventions are granted to and including July 28, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20394 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3158]

Sellers Manufacturing Co.; Application for Preliminary Permit

July 1, 1980.

Take notice that Sellers Manufacturing Company (Applicant) filed on April 24, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 3158 to be known as High Falls Dam Water Power Project located on the Deep River in Moore County, North Carolina. An application for a preliminary permit for Project No. 3059 for the same project site was filed by North Carolina Electric Membership Corporation on February 28, 1980. Correspondence with the Applicant should be directed to: Mr. John M. Jordon, Vice President, Sellers Manufacturing Company, P.O. Box 12, Saxapahaw, North Carolina 27340.

Project Description—The proposed project would utilize the existing High Falls Dam owned by Mr. J. M. Currie of Carthage, North Carolina. Project facilities would consist of: (1) The existing stone masonry dam, approximately 960 feet long and 15 feet high; (2) an existing canal leading from the left side of the dam to; (3) a proposed power-house having an installed capacity of 1,300 kW with an average generation of 3,100 MWh; and (4) appurtenant facilities.

Purpose of Project—Potential customers for project power include nearby towns, such as High Falls, and Duke Power Company, the local utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which it would collect data, conduct hydrological, economic, and environmental studies, and if studies show that the proposed project is feasible, prepare an application for FERC license. The estimated cost of studies under the permit is $45,000.

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—This application was filed as a competing application to the High Falls Dam Water Power Project No. 3059, under 18 CFR 4.33 (as amended, 44 FR 61328, Oct. 25, 1979). The time for filing competing applications for the site in question expires June 27, 1980. Therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing after that date.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before August 8, 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. 80-20395 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3203]

Sellers Manufacturing Co., Inc.; Application for Preliminary Permit

July 1, 1980.

Take notice that Sellers Manufacturing Company, Inc. (Applicant) filed on June 2, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3203 to be known as the Mayo Dam Project located on the Mayo River in Rockingham County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, Sellers Manufacturing Company, Inc., P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description—The proposed project would consist of: (1) An existing 12-foot high stone masonry dam, which together with an existing bulkhead and headworks is approximately 400 feet long; (2) an existing 3,200-foot long headrace canal with a varying width of 25 to 30 feet; (3) an existing powerhouse located within the Washington Mills Textile Plant with a proposed installed generating capacity of 600 kW and annual energy generation estimated to be 1,580 MWh; (4) an existing short tailrace canal; (5) an existing 10-acre reservoir with a gross storage capacity of approximately 100 acre-feet; and (7) appurtenant facilities.

Purpose of Project—Sellers Manufacturing Company proposes to develop the hydroelectric potential of the project and sell the power to the textile mill (Washington Mills) or Duke Power Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project.

The Applicant's estimated total cost for performing a feasibility study is $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permitted, 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 September 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 October 31, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before September 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. 80-20396 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-7516, G-13445, and CI72-760]

Warren Petroleum Co., a Division of Gulf Oil Corp. (Operator); Application

July 2, 1980.

Take notice that on July 1, 1980, Warren Petroleum Company, a Division of Gulf Oil Corporation (Operator) (Applicant), P.O. Box 2100, Houston, Texas 77001, filed an application to amend its pending abandonment application, filed September 29, 1975 in Docket Nos. G-7516 and G-13445, to include authorization to abandon in part the sale to El Paso Natural Gas Company (El Paso) of surplus residue gas attributable to certain production from the Waddell Lease in Crane County, Texas, authorized by certificate issued in Docket No. CI72-760 and covered by Applicant's FERC Gas Rate Schedule No. 66, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its pending 1975 application, Applicant states that part of the residue gas sold to El Paso after processing in the Waddell Plant was produced by Gulf Oil Corporation (Gulf) from the Waddell Lease and that the portion attributable to gas formerly owned by Gulf under the Waddell Lease has, since July 14, 1975, been owned by the reversionary mineral owners. Therefore, it is said, to the extent that such residue gas is attributable to the interestes of the reversionary mineral owners in the Waddell Lease it is no longer available to Applicant for sale to El Pason. Amendment of the 1975 application is requested based on a further review of Warren's records. Warren states that such review indicates that residue gas attributable to a portion of the production from Gulf's Waddell Lease may have also been sold to El Paso under the certificate of public convenience and necessity which was issued to Warren in Docket No. CI72-760 and Warren's FERC Gas Rate Schedule No. 66.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is requried, 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. 80-20397 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3049 3183

Windsor Locks Canal Co., Massachusetts Municipal Wholesale Electric Co., Connecticut Municipal Electric Energy Cooperative; Extension of Time

July 1, 1980.

The Windsor Locks Canal Company, applicant for a preliminary permit for the Enfield Rapids Project, FERC Project No. 3049, has requested an extension of time to file comments on the competing application filed by the Massachusetts Municipal Wholesale Electric Company and the Connecticut Municipal Electric Energy Cooperative for a preliminary permit for the Enfield Rapids Project, FERC Project No. 3183. Windsor Locks

requests a 30 day extension, or until July 30, 1980, to file its comments. For good cause shown, the requested extension is granted.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20396 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-483]

Carolina Power & Light Co.; Filing

July 1, 1980.

The filing Company submits the following:

Take notice that on June 24, 1980, Carolina Power and Light Company (CPL) tendered for filing changes in its electric service agreement with Four County Electric Membership Corporation (EMC). Pursuant to the proposed changes, CPL will provide EMC with metering pulse information under CPL's additional facilities plan for the Wallace 115/69 KV Point of Delivery.

A copy of this filing has been sent to EMC.

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 July 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20411 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-488]

Cleveland Electric Illuminating Co.; Filing

July 1, 1980

The filing Company submits the following:

Take notice that the Cleveland Electric Illuminating Company (CEI) on June 25, 1980, tendered for filing Revised Service Schedule B—Firm Power Service to its Rate Schedule FERC No. 12, containing revised rates and charges applicable to CEI's firm power service to the City of Cleveland, and third Revised Sheet No. 6 to its FERC Electric Tariff, Original Volume No. 1, for transmission service, containing revised rates and charges applicable to customers under CEI's Tariff. CEI proposes to place the Revised Schedule B to its Rate Schedule FERC No. 12 and Revised Sheet No. 6 to its FERC Electric Tariff, Original Volume No. 1 into effect as of August 24, 1980. The revised rates and charges would increase revenues from sales under Service Schedule B to Rate Schedule FERC No. 12 by $1,277,000 based on calendar year 1980. If transmission service being provided pursuant to a recently filed Service Agreement had been provided throughout the year, the revised rates and charges would increase revenues from its Tariff for transmission service by $110,880 based on calendar year 1980.

CEI states that it expects to realize a rate of return from service under Service Schedule B of only 5.64 percent for calendar year 1980 under the presently effective Supplement No. 2 to Rate Schedule FERC No. 12. The proposed rates contained in Revised Service Schedule B to Rate Schedule FERC No. 12 have been designed to enable CEI to have the opportunity to earn a rate of return of 8.20 percent; the proposed rates contained in Revised Sheet No. 6 to CEI's Electric Tariff Original Volume No. 1 would also allow an opportunity of earning 8.20 percent.

CEI states that a copy of the appropriate portions of the filing has been served upon CEI's customers and the Public Utilities Commission of Ohio.

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 accorance 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 July 22, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20412 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP74-82 and RP74-81, etc.]

Columbia Gas Transmission Corp. et al.; Order Remanding Advance Payments Cases for Further Hearings, Terminating Refund Obligations With Respect to Certain Advances, Denying Rehearing, Modifying Initial Decision, Denying Request for Relief From Interest Obligation and Establishing Procedures

Columbia Gas Transmission Corp. and Columbia Gulf Transmission Corp., Docket Nos. RP74-82 and RP74-81, Michigan-Wisconsin Pipe Line Co., Docket No. CP70-22, *et al.*, Michigan-Wisconsin Pipe Line Co., Docket No. RP73-102, Docket Nos. RP73-102 and RP73-14 (PGA75-1), Michigan-Wisconsin Pipe Line Co., Docket Nos. RP75-96 and RP76-100, Natural Gas Pipeline Co. of America, Docket No. RP73-110, Southern Natural Gas Co., Docket No. RP75-84, Tennessee Gas Pipeline Co., Docket No. RP73-113, Transcontinental Gas Pipeline Corp., Docket Nos. RP74-48 and RP75-3, Trunkline Gas Co., Docket Nos. RP72-23, *et al.* and RP73-35, Trunkline Gas Co., Docket Nos. RP73-35 and RP74-69 (PGA76-1 and AP76-2), Trunkline Gas Co., Docket Nos. RP74-69 and RP73-35 (AP76-1), United Gas Pipe Line Co., Docket Nos. RP74-20 and RP74-83, and United Gas Pipe Line Co., Docket No. RP74-20 *et al.* (Interest Reimbursement).

June 26, 1980.

Each of the above-captioned proceedings involves the application of the 30 day rule by the Commission, or its predecessor the Federal Power Commission, in determining rate base treatment for advance payments.[1] The 30 day rule states that advance payments may not be included in rate base unless expended by the producer-recipient within 30 days following the effective date of the pipeline's rates reflecting the cost of the advances. The 30 day rule has been rejected, and the cases remanded, by three U.S. Circuit Courts of Appeal. *Natural Gas Pipeline Company of America* v. *F.E.R.C.*, 590 F 2d 664 (7th Cir. 1979); *United Gas Pipeline Company* v. *F.E.R.C.*, 595 F 2d. 581 (5th Cir. 1979) and *Trunkline Gas Company* v. *F.E.R.C.*, (No. 79-1364) (5th Cir. 1979); and *Tennessee Gas Pipeline Company et al.* v. *F.E.R.C.*, 606 F. 2d 1094 (D.C. Cir. 1979). Petitions for Writs of Certiorari were denied in *United* and *Tennessee* by the Supreme Court on March 3, 1980.

These thirteen advance payments proceedings are before the Commission in various precedural stages. In four

[1] These thirteen proceedings are not consolidated but are joined only for purposes of this order.

cases only an initial decision has been issued;[2] two cases are pending on rehearing of final FPC or Commission orders;[3] one case is pending Commission decision as a reserved issue in which no initial decision was issued;[4] and the other six are back before the Commission from the court remands noted above.[5]

The courts in *United* and *Trunkline, supra,* reversed the Commission decision to exclude from rate base certain advance payments made pursuant to Order No. 465,[6] and in those two cases as well as in *Natural* remanded the question as to which advances made under Order No. 499[7] could be included in rate base. The *Tennessee* Court remanded for further inquiry both the Order No. 465 and Order No. 499 advances.

On the basis of the court's decision in *Trunkline, supra,* we will enter judgment for Trunkline in the matter of the Order No. 465 advances in the three proceedings before us. Judgment for the Order No. 465 advances will also be entered for United, in accordance with the directions of the court. However, we will not apply the directions of the Fifth Circuit concerning the Order No. 465 advances to United's interest reimbursement proceeding. That proceeding was the subject of a D.C. Circuit Court review in *United Gas Pipeline Company* v. *F.P.C.,* 551 F.2d 460 (D.C. Cir. 1977), and the Commission shall follow the remand of that court. Therefore, the interest reimbursement case will be considered under the directions set forth in *Tennessee, supra.*

The Seventh Circuit in *Natural* and the Fifth Circuit in *United* remanded the question of advances made pursuant to Order No. 499 without further instructions. The court in *Tennessee,* however, directed the Commission to make a more extensive and flexible inquiry into the matter and to consider, among other things, the reasonableness of attempts by the pipelines to protect ratepayers from excessive costs. A review of the records in these cases reveals that many, if not most, of the records do not provide evidence necessary for the analysis and findings required by *Tennessee.* We will therefore remand the captioned proceedings to the respective presiding judges for the purpose of making additional findings and recommendations consistent with the mandate of the courts.[8] The judges shall have full authority to determine the additional evidence necessary to comply with the mandate of the courts and to establish such further procedures, including further hearings and the submission of briefs, as may be required or found advisable. It is the Commission's intent that the rationale set forth in Tennessee shall be applied in evaluating the Order No. 465 and Order No. 499 advance payment issues which we are today remanding in all cases except those involving the *Natural* and *United* orders[9] which will be governed by the respective Court orders but with *Tennessee* looked to for guidance as appropriate.

Following the conclusion of the proceedings on remand, the judges shall issue initial decisions or supplemental initial decisions, as the case may be, recommending disposition of these cases consistent with the evidence and the applicable judicial decisions. We note that the presiding judge in his initial decision in United's interest reimbursement case discussed the *Natural, United* and *Tennessee* decisions. However, these cases were decided subsequent to the hearing in United's interest reimbursement case, and so did not affect the evidence presented there. Therefore, the judge may obtain additional evidence if necessary.

As Judge Leventhal observed in *Tennessee,* the Commission has wide latitude under the Natural Gas Act in choosing the means and methods to formulate and enforce its orders. In view of the time and effort already spent on all of these proceedings, and the additional effort which may be required to reach a final decision on the merits of these cases, we strongly urge the parties and our staff to explore the possibility of resolving these cases informally through settlement.

The remaining portions of the Michigan Wisconsin proceeding in Docket Nos. RP75-96 and RP76-100 concern the two issues which were reserved for separate decision by order issued September 7, 1978. One of these issues concerns rate base treatment for advance payments, the other concerns rate base treatment for expenditures incurred in sponsorship of the unsuccessful applicant-groups for the Alaskan Natural Gas Transportation System. Only the issue of advance payments will be remanded.

The Southern proceeding also concerns two advance payments (one made pursuant to Order No. 441, and one made pursuant to Order No. 499), to which the staff objected on grounds other than the 30 day rule. Since Southern had previously made advances covering all gas discovered in the production areas in question, the staff challenged the advances to Chevron and SONAT on the ground that they lacked "consideration." Under the staff's approach additional reserves must be dedicated to the pipeline before the advance payments can be included in rate base. The judge found that there was consideration and that additional reserves need not be dedicated to the pipeline. Accordingly he allowed rate base treatment. We agree with the judge for the reasons set forth in the initial decision.

The Trunkline proceeding in Docket Nos. RP74-89 and RP73-35 (AP76-1) contains two issues not related to the 30 day rule. The Commission's Opinion No. 22 issued in this docket, required, *inter alia,* that Trunkline refund a pro rata share of any carrying charges collected from ratepayers based on the proportion of gas diverted away from Trunkline through the exercise of a producer reservation condition in the advance payment agreement. The order also stated that if the initial advance under a

[2] *Columbia Gas Transmission Corp.,* Docket No. RP74-82 and RP74-81, initial decision issued November 25, 1977, and see Commission order of February 23, 1977, serving advance payment issue; *Southern Natural Gas Company,* Docket No. RP75-84, initial decision issued May 10, 1977; *United Gas Pipe Company,* Docket No. RP74-20, *et al.,* (Interest Reimbursements), initial decision issued September 26, 1979; and *Trunkline Gas Company,* Docket Nos. RP73-35 and RP74-89 (PGA76-1 and AP76-2). The latter initial decision, erroneously styled as Docket Nos. RP73-35 and RP74-89 (PGA76-1 and PGA76-2), issued November 23, 1976.

[3] *Michigan-Wisconsin Pipe Line Company,* Docket No. RP73-102, RP73-102, and RP73-14 (PGA75-1), issued July 6, 1977, and *Trunkline Gas Company,* Opinion No. 22, issued August 15, 1978, Docket Nos. RP74-89 and RP73-35 (AP76-1). In view of the circumstances giving rise to this order, the Commission's 30 day rule orders pending on rehearing in these cases shall be vacated with respect to the 30 day rule.

[4] *Michigan-Wisconsin Pipe Line Company,* Docket Nos. RP75-96 and RP76-100. Also pending in these dockets is whether the issue reserved in the December 19, 1978, order of whether costs incurred by Michigan-Wisconsin in sponsorship of the Arctic Gas Study Group and Northern Border Pipeline Study Group should be included in rate base. That issue will be considered by separate Commission order.

[5] *Natural,* Docket No. RP73-110; *United,* Docket Nos. RP74-20 and RP74-83; *Trunkline,* Docket Nos. RP72-23, *et al.,* and RP73-35; *Tennessee,* Docket No. RP73-113. *Michigan-Wisconsin,* Docket No. CP70-22, *et al.,* involving only Order No. 499 advances, and *Transcontinental,* Docket Nos. RP74-48 and RP75-3, are part of the *Tennessee* remand from the D.C. Circuit.

[6] Order No. 465, Amending Regulations under Natural Gas Act Re Advance Payments for Gas Development, 48 FPC 1550 (1972).

[7] Order No. 499, Accounting and Rate Treatment for Advances for Gas Exploration, Development and Production, 50 FPC 2111 (1973).

[8] We also remand in *Tennessee,* Docket No. RP73-113, the rate of return issue for re-evaluation in connection with the advance payments issue in accordance with the Court's suggestion, but decline to reopen that issue in the previously approved settlement agreements in *Transco* and *Michigan-Wisconsin.*

[9] *Natural,* Docket No. RP73-110; *United,* Docket Nos. RP74-20 and RP74-83.

contract in the Group I and Group IV advances has been in rate base for five years, and during such time no gas has flowed and no determination has been made that the advance will be repayed in economic consideration other than gas, *all* of the advances under the contract shall be removed from rate base at the end of the 5 year period. Trunkline argues that these conditions are not supported by the Commission regulations. It further argues that a pro rata refund condition prematurely requires Trunkline to absorb the carrying costs on the interest free advances to producers even though the Commission might later authorize the producers' use of gas reservations in the public interest.

Trunkline's arguments are without merit. Order No. 499 specifically provides, Paragraph (E), for the pro rata refund required in Opinion No. 22 Paragraph (E) concludes," Where there is partial recovery of the advance by gas, in this situation, the amount of the advance transferred from this account to Account 167 and the amount of revenues refunded shall be appropriately apportioned." Both this type of condition, and the five year limitation period for receipt of gas deliveries, were fully discussed in *Texas Eastern Transmission Corporation,* Docket No. RP75-73, issued June 6, 1977. Regarding the 5 year rate base limitation, the Commission stated:

> Clearly, the Commission contemplated that several payments might be made to help finance a single project; this is especially likely in light of the nexus which we require between a particular payment and its expenditure by the producer * * *. We have also quite clearly indicated our concern that customers of the pipeline not be unreasonably charged for a project which results in failure. Paragraph (F) of Account No. 166, first promulgated in Order No. 465 reflects this concern. In therein establishing 5 years as the limitations period for receipt of gas deliveries, we assumed that, if no delivery were obtained within 5 years of an advance, no delivery would be obtained at all. In such cases, it is unconceivable that *later* advances in support of the *same* project should be allowed to remain in rate base. Paragraph (F), although it may not specifically so provide, has to be so construed in light of the objectives of the advance payment program and the safeguards built into it.

Opinion No. 22 is therefore reaffirmed, except as to Ordering Paragraph (A) which concerns the 30 day rule and advance payments.

United has requested, in the interest reimbursement case, an interest moratorium on the sums it may be required to refund, due to the delay between initial consideration of the payments and final disposition. United's request is denied. In *Estate of French* v. *F.E.R.C.,* 603 F.2d 1158 (5th Cir. 1979), cited by United, the court relieved the company from interest liability incurred during a seven year period while the FPC considered its petition for special relief from refund obligations. This was based on a finding that the seven year period was *per se* unreasonable, particularly in view of the fact that the company, due to non-liquidity of assets, would have difficulty in protecting itself by placing the funds in an escrow account. Moreover, the Court held that the delay in *French* was caused by the FPC, which did not actively consider the petition for special relief while review of the underlying rate proceeding was pending in the courts. No such circumstances are present here. The issues presented in United's interest reimbursement case have been actively under consideration in both Commission and court proceedings since the initial hearings on the payments.

One final matter remains to be considered. Michigan Wisconsin and its largest customer, Michigan Consolidated Gas Company filed applications on August 5, 1977, for rehearing of the Federal Power Commission (FPC) order issued on July 6, 1977 in Docket Nos. RP73-102, and RP73-14 (PGA75-1). That order, *inter alia* modified the initial decision by changing the formula of cost classification and rate design, but elected to make it applicable prospectively. To that end, the FPC noted that two rate change proposals had been filed by Michigan Wisconsin during the pendency of the proceedings, and ordered requiring Michigan's Wisconsin rates to reflect the *United* formula of cost classification and rate design, but elected to make it applicable prospectively. To that end, the FPC noted that two rate change proposals had been filed by Michigan Wisconsin to reflect the *United* formula only in its latest case, Docket No. RP76-100. Michigan Wisconsin points out on rehearing that the latest case filed at that time was Docket No. RP77-60 rather than Docket No. RP76-100. This Commission approved a settlement in Docket No. RP77-60 on March 30, 1979, which provided, among other things, for the application of the *United* formula in determining Michigan Wisconsin' rates.

The Commission agrees that the order of July 6 should have specified Docket No. RP77-60 rather than Docket No. RP76-100 as the docket in which the *United* method would be applied. The prior order shall accordingly be modified to so provide. In view of this modification no further discussion of Michigan Wisconsin or Michigan Consolidated's rate design arguments is necessary.

The Commission orders: (A) The above-designated proceedings, with the exception of the proceeding specified in paragraph (B) below, are remanded for further proceedings in accordance with the terms of this order.

(B) Trunkline Gas Company's refund liability in Docket Nos. RP72-23, *et al,* and RP73-35, is terminated and the proceeding is terminated.

(C) Trunkline Gas Company's refund obligation pursuant to Order No. 465 advances is terminated in Docket Nos. RP74-89 and RP73-35 (AP76-1).

(D) Trunkline Gas Company's refund obligation pursuant to Order No. 465 advances is terminated in Docket Nos. RP73-35 and RP74-89 (PGA76-1 and AP76-2).

(E) United Gas Pipe Line Company's refund liability with respect to Order No. 465 advances in Docket Nos. RP74-20 and RP74-83 is terminated.

(F) United's petition for a moratorium on interest liability in Docket Nos. RP74-20, *et al,* (Interest Reimbursement).

(G) Southern Natural Gas Company's refund obligation pursuant to the Chevron and SONAT advance payments is terminated in Docket No. RP75-84.

(H) Commission Opinion No. 22, issued in *Trunkline Gas Company,* Docket Nos. RP74-89 and RP73-35 (AP76-1) on August 15, 1978, is vacated with respect to the 30 day rule. The order is reaffirmed and rehearing is denied in all other respects.

(I) The order issued on July 6, 1977, in *Michigan-Wisconsin Pipe Line Company,* Docket No. RP73-102, RP73-102 and RP73-14 (PGA75-1) is vacated with respect to the treatment of advance payments. Also, the order is modified to specify Docket No. RP77-60 rather than Docket No. RP76-100 as the docket in which the *United* formula for cost allocation and rate design would be applied.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-20413 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Vol. 230]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 1, 1980.

The Federal Energy Regulatory Commission received notices of

determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before July 24, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
A R ARCHER JR					RECEIVED: 06/12/80 JA: TX		
8040234	09294	4241330760	103		R L HENDERSON 81185	360.0	CRA INC
A. J. VOGEL,INC.					RECEIVED: 06/12/80 JA: TX		
*8040243	10277	4250131478	103		WEBB NO 1	1.0	SHELL OIL CO
AMARILLO OIL COMPANY					RECEIVED: 06/12/80 JA: TX		
8040226	09192	4248330507	102		BROWN ET AL #1-6	1763.0	PIONEER NATURAL GAS CO
8040244	10285	4239330664	103		FLOWERS A #1-4R	610.0	PIONEER NATURAL GAS CO
AMERICAN PUBLIC ENERGY CO					RECEIVED: 06/12/80 JA: TX		
8040211	08620	4221120934	103		DANIELS NO 2	1095.0	TRANSWESTERN PIPELINE CO
AMERICAN QUASAR PETROLEUM CO					RECEIVED: 06/12/80 JA: TX		
8040358	13701	4248330544	107		BRYANT #1-22	2000.0	MISSISSIPPI RIVER TRANSMISSION COR
AMOCO PRODUCTION CO					RECEIVED: 06/12/80 JA: TX		
8040376	15032	4219500000	108		ARTHUR BERNSTEIN #1	0.7	PHILLIPS PETROLEUM CO
8040274	15033	4219500000	108		BERNSTEIN UNIT C #1	18.7	NORTHERN NATURAL GAS CO
8040305	11724	4236530735	103		CARTHAGE GAS UNIT 14 NO 5	920.0	TENNESSEE GAS PIPELINE CO
8040320	15687	4229732020	102		CHARLES F COEBBLER NO 1	250.0	TRANSCONTINENTAL GAS PIPELINE CORP
8040309	15034	4235700000	108		EARL WAIGE #1	16.8	NORTHERN NATURAL GAS CO
8040314	15214	4231530513	102		GEORGE BEAIRD NO 1	200.0	EAST TEXAS INDUSTRIAL GAS CO
8040323	15770	4220330580	102		J A BREWSTER #1	436.0	UNITED GAS PIPE LINE CO
8040322	15766	4240130794	102		JOHN M GRANT ESTATE G U #1	436.0	LONE STAR GAS CO
8040315	15215	4231530508	102		U D BROOKS NO 1	300.0	EAST TEXAS INDUSTRIAL GAS CO
8040356	13676	4235531203	103		HIBERT LAPRELLE #14	22.6	VALLEY GAS TRANSMISSION INC
ARCO OIL AND GAS COMPANY					RECEIVED: 06/12/80 JA: TX		
8040288	11396	4251130972	102		VIRGINIA BARSDALE NO 1	219.0	TEXAS EASTERN TRANSMISSION CORP
ART MACHIN & ASSOCIATES INC					RECEIVED: 06/12/80 JA: TX		
8040375	14983	4236530810	102		BERNER #1	250.0	UNITED GAS PIPELINE CO
ATAPCO					RECEIVED: 06/12/80 JA: TX		
8040212	08624	4200331776	103		DAVID BASKEN 28 #4	8.0	AMOCO PRODUCTION CO
8040213	08625	4200331793	103		DAVID BASKEN 28 NO 5	8.0	AMOCO PRODUCTION CO
BELCO PETROLEUM CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040359	13702	4223531364	102		SUGG #2	43.0	EL PASO NATURAL GAS CO
BLADE OIL CO					RECEIVED: 06/12/80 JA: TX		
8040218	09035	4223300000	103		SANFORD #3	2.9	PHILLIPS PETROLEUM CO
8040214	08631	4223300000	103		SANFORD #5	2.9	PHILLIPS PETROLEUM CO
C F LAWRENCE & ASSOC INC					RECEIVED: 06/12/80 JA: TX		
8040306	11838	4210500000	103		TODD D #1	150.0	APACHE GAS CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
CHAMPLIN PETROLEUM COMPANY					RECEIVED: 06/12/80 JA: TX		
8040335	17671	4243130730	102		I W TERRY NO 1	60.0	NORTHERN NATURAL GAS CO
8040336	17673	4217330973	102		J E WATSON NO 1	60.0	NORTHERN NATURAL GAS CO
CHEVRON U S A INC					RECEIVED: 06/12/80 JA: TX		
8040168	06415	4233531391	103		W L FOSTER 1 #48	1.0	GETTY OIL CO
CIG EXPLORATION INC					RECEIVED: 06/12/80 JA: TX		
8040337	18701	4248330511	102		E T DAVIS #1-65	253.0	COLORADO INTERSTATE GAS CO
CONOCO,INC.					RECEIVED: 06/12/80 JA: TX		
8040162	05871	4213530784	103		ARTHUR BRINKLEY A #36	40.8	CITIES SERVICE CO
8040163	05880	4247531723	103		NED WILSON ETAL #7	9.1	CLAJON GATH CO
8040140	04571	4242731190	103		T H SLICK EST -A NO 151-L	36.5	TENNESSEE GAS PIPELINE CO
8040242	10050	4200300000	108		WEST FORNMAN-MASCHO UNIT #70	0.3	PHILLIPS PETROLEUM CO
8040165	06067	4213532733	103		WIGHT UNIT NO 98	8.0	AMOCO PRODUCTION CO
8040164	06017	4213532950	103		WIGHT UNIT 20661 NO 126	12.4	AMOCO PRODUCTION CO
COQUINA OIL CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040114	01701	4238331223	103		RICKER RANCH A NO 5	16.6	UNION TEXAS PETROLEUM CO
CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 06/12/80 JA: TX		
8040289	11397	4270330124	102		STATE TRACT 596-L NE/4 NO 3-UT	0.0	HOUSTON PIPE LINE CO
COTTON PETROLEUM CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040350	13454	4235730828	103		MARY B S LANDRUM NO 1	165.0	NORTHERN NATURAL GAS CO
D B BAXTER					RECEIVED: 06/12/80 JA: TX		
8040203	08148	4247530934	108		EDWARDS ESTATE #1	20.0	WARREN PETROLEUM CO
DAVID FASKEN					RECEIVED: 06/12/80 JA: TX		
8040196	07764	4216500000	102		FASKEN - ELLIOTT 214 NO 4	14.0	PHILLIPS PETROLEUM CO
DELTA DRILLING CO					RECEIVED: 06/12/80 JA: TX		
8040117	01860	4210500000	103		COUCH 2 28	206.0	NORTHERN NATURAL GAS CO
8040115	01761	4210500000	103		MEADOWS A 2	180.0	NORTHERN NATURAL GAS CO
8040116	01762	4210500000	103		O B T C #2	189.0	NORTHERN NATURAL GAS CO
DIAMOND SHAMROCK CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040146	05358	4229500000	108		HARRY PARKER NO 1-712 U	8.0	SOUTHWESTERN PUBLIC SERVICE CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
DUGO ENTERPRISES					RECEIVED: 06/12/80 JA: TX		
8040299	11527	4238300000	108		ROACH #1	4.1	EL PASO NATURAL GAS CO
8040300	11528	4238300000	108		ROACH #2	4.1	EL PASO NATURAL GAS CO
EL PASO NATURAL GAS COMPANY					RECEIVED: 06/12/80 JA: TX		
8040343	12272	4217923745	108		RICE #1	26.0	EL PASO NATURAL GAS CO
ENERGY DEVELOPMENT CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040167	06201	4205730361	102		STATE OF TEXAS TRACT 102 NO 1	1.8	UNITED TEXAS TRANSMISSION CO
ERGON ENERGY CORP.					RECEIVED: 06/12/80 JA: TX		
8040366	14318	4235730887	103		JEWELL 1-22	319.0	NORTHERN NATURAL GAS CO
ESTATE OF GENEVIEVE TAHLTON DOUGHER					RECEIVED: 06/12/80 JA: TX		
8040303	11709	4202500000	108		KESSLER #2 RRC ID NO 00819	0.2	TEXAS EASTERN TRANSMISSION CO
EXXON CORPORATION					RECEIVED: 06/12/80 JA: TX		
*8040236	09392	4200331782	103		FULLERTON CLEARFORK UNIT #1135	3.0	PHILLIPS PETROLEUM CO
8040363	14129	4210332045	103		J H TUBB A/C 2 WELL #191L	9.0	EL PASO NATURAL GAS CO
8040360	13753	4200331846	103		MEANS (SAN ANDRES) UNIT #2472	8.0	PHILLIPS PETROLEUM CO
8040292	11413	4200730597	102103		NINE MILE POINT CONS G U #9	1095.0	NATURAL GAS PIPELINE OF AMERICA
8040204	08310	4215631436	103		ROBERTSON (CLEARFORK) UNIT #1002	34.0	PHILLIPS PETROLEUM CO
8040307	12145	4226130440	102103		SANITA OIL & GAS UNIT 144-D	237.0	NGPL CO OF AMER
G B MURCHISON TRUST					RECEIVED: 06/12/80 JA: TX		
8040313	15170	4247931942	102		S J MARTIN 1	73.0	TRANSCONTINENTAL GAS PIPE LINE
GARY D TURNER DBA TURNER PROPERTIES					RECEIVED: 06/12/80 JA: TX		
8040342	12247	4208130744	103		TURNER PROPERTIES TOMMY HENDRY NO 1	7.3	SUN GAS CO
GETTY OIL COMPANY					RECEIVED: 06/12/80 JA: TX		
8040192	07335	4229700000	103		BENHAM-RUENSTILER GAS UNIT NO 1	730.0	LO-VACA GATHERING CO
8040361	13986	4236500000	103		SHARP-SMITH NO 2	0.0	TEJAS GAS CORP
GIFFORD MITCHELL & WISENBAKER					RECEIVED: 06/12/80 JA: TX		
8040311	15056	4249530525	107		DULL KNIFE NO 1	40.1	LONE STAR GAS CO
8040362	14010	4230130208	107		LITTLE RAVEN WELL NO 1	365.0	EL PASO NATURAL GAS CO
8040310	15055	4249530557	107		NOMAN NOSE NO 1-L	65.7	LONE STAR GAS COMPANY
8040312	15057	4249530938	107		NOMAN NOSE NO 2	58.4	LONE STAR GAS CO
GRACE PETROLEUM CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040352	13480	4224930951	103		STELZIG-ZWERNEMAN #8	180.0	NATURAL GAS PIPELINE CO OF AMERICA

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
GRUY MANAGEMENT SERVICE CO					RECEIVED: 06/12/80 JA: TX		
8040278	11318	4248131537	103	108	J W OBENHAUS NO 1	20.0	TENNESSEE GAS PIPELINE
GULF OIL CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040130	02807	4203330440	103		CANON RANCH UNIT NO 1303	11.6	GETTY OIL CO
8040304	11714	4221100000	103		OKA MORRIS 4-92	286.0	CITIES SERVICE GAS CO
H&W ENTERPRISES					RECEIVED: 06/12/80 JA: TX		
8040197	07929	4210531962	103		UNIVERSITY 13-A #1	0.4	BIG LAKE GAS CORP
HENRY PETROLEUM CORP					RECEIVED: 06/12/80 JA: TX		
8040219	09068	4231700000	103		HULT #2	6.1	PHILLIPS PETROLEUM CO
8040221	09072	4231700000	103		HULT #3	3.3	PHILLIPS PETROLEUM CO
8040220	09070	4231700000	103		HULT #4	7.1	PHILLIPS PETROLEUM CO
HILLIARD OIL & GAS INC					RECEIVED: 06/12/80 JA: TX		
8040349	13434	4221530796	107		BARBARA LIPS NO 1	108.0	SOUTHERN NATURAL GAS CO
HISSOM DRILLING CO					RECEIVED: 06/12/80 JA: TX		
8040365	14296	4247531843	103		JULIE #1	270.0	DELHI GAS PIPELINE CORP
HNG OIL COMPANY					RECEIVED: 06/12/80 JA: TX		
8040364	14130	4245530295	102		A W CHILDRESS #1	73.0	COLUMBIA GAS TRANSMISSION CORP
8040367	14588	4245530297	102		TEMPLE #2L	245.0	COLUMBIA GAS TRANS CORP
8040368	14589	4245530297	102		TEMPLE #2U	116.0	COLUMBIA GAS TRANS CORP
INTERCOASTAL OPERATING CO					RECEIVED: 06/12/80 JA: TX		
8040290	11403	4217500000	108		K M LEWIS #2	15.5	TRUNKLINE GAS
8040291	11404	4217500000	108		SWICKHEIMER C-1	15.7	TRUNKLINE GAS
J B WATKINS					RECEIVED: 06/12/80 JA: TX		
8040275	10944	4223300000	108		S B BURNETT #2	8.5	PHILLIPS PETROLEUM CO
J M HUBER CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040150	05371	4223300000	108		HERRING-HURCH HERRING NO 117	1.2	COLORADO INTERSTATE GAS CO
8040153	05383	4223300000	108		HERRING-HURCH HERRING NO 54	1.2	COLORADO INTERSTATE GAS CO
8040156	05398	4223300000	108		HERRING-HURCH HERRING NO 57	1.2	COLORADO INTERSTATE GAS CO
8040154	05384	4223300000	108		HERRING-HURCH HERRING NO 62	1.2	COLORADO INTERSTATE GAS CO
8040155	05385	4223300000	108		HERRING-HURCH HERRING NO 7	1.2	COLORADO INTERSTATE GAS CO
8040147	05368	4223300000	108		HERRING-HURCH HERRING NO 77	1.2	COLORADO INTERSTATE GAS CO
8040149	05370	4223300000	108		HERRING-HURCH HERRING NO 84	1.2	COLORADO INTERSTATE GAS CO
8040148	05369	4223300000	108		HERRING-HURCH HERRING NO 86	1.2	COLORADO INTERSTATE GAS CO
8040152	05380	4223300000	108		HERRING-HURCH HERRING NO 90	1.2	COLORADO INTERSTATE GAS CO
8040151	05375	4223300000	108		RILEY AFGK NO 87	3.4	COLORADO INTERSTATE GAS CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
JAY H FLOYD ESTATE				RECEIVED: 06/12/80 JA: TX			
8040216	08763	4232900000	103		ZEBA NO 1	10,0	PHILLIPS PETROLEUM CO
JAY-DEE PRODUCING CO				RECEIVED: 06/12/80 JA: TX			
8040215	08755	4206500000	108		BURNETT ESTATE #2	10,0	PHILLIPS PETROLEUM CO
KEITH D GRAHAM				RECEIVED: 06/12/80 JA: TX			
8040332	17551	4205130430	102		H POPEK #1	72,0	CHAMPLIN PETROLEUM CO
KERR-MCGEE CORPORATION				RECEIVED: 06/12/80 JA: TX			
8040206	08383	4213532700	103		GIST B NO 9	5,0	ODESSA NATURAL CORP
8040205	08382	4213532703	103		GIST C NO 8	2,0	ODESSA NATURAL CORP
KILLAM & HURD LTD				RECEIVED: 06/12/80 JA: TX			
8040235	09315	4247932057	103		ROSA V DE HENAVIDES #34	160,0	
L & M OIL CO				RECEIVED: 06/12/80 JA: TX			
8040193	07414	4236331978	102		HINKSON #1	35,0	BRAZOS ELECTRIC POWER COOP INC (TX
LACY & BYRD INC				RECEIVED: 06/12/80 JA: TX			
8040344	12288	4223531363	103		ROCKER B C - #1	0,0	
8040345	12289	4238331350	103		ROCKER B C - #2	0,0	
LEAR PETROLEUM CORPORATION				RECEIVED: 06/12/80 JA: TX			
*8040253	10345	4208700000	108		BELL NO 2	1,6	EL PASO NATURAL GAS CO
*8040252	10344	4208700000	108		BELL NO 3	1,9	EL PASO NATURAL GAS CO
*8040259	10353	4208700000	108		BELL NO 4	1,6	EL PASO NATURAL GAS CO
*8040258	10352	4208700000	108		BELL NO 6	1,4	EL PASO NATURAL GAS CO
*8040246	10324	4208700000	108		HALL LEASE NO 2	1,4	EL PASO NATURAL GAS CO
*8040249	10337	4208700000	108		HALL NO 1	1,4	EL PASO NATURAL GAS CO
*8040254	10346	4208700000	108		HALL NO 11	1,4	EL PASO NATURAL GAS CO
*8040255	10347	4208700000	108		HALL NO 8	1,4	EL PASO NATURAL GAS CO
*8040261	10357	4208700000	108		SMITH NO 10	3,0	EL PASO NATURAL GAS CO
*8040247	10329	4208700000	108		SMITH NO 2	3,0	EL PASO NATURAL GAS CO
*8040260	10356	4208700000	108		SMITH NO 25	3,0	EL PASO NATURAL GAS CO
*8040248	10332	4208700000	108		SMITH NO 4	3,0	EL PASO NATURAL GAS CO
*8040257	10349	4208700000	108		SMITH NO 6	6,0	EL PASO NATURAL GAS CO
*8040256	10348	4208700000	108		SMITH NO 8	3,0	EL PASO NATURAL GAS CO
*8040262	10358	4208700000	108		SMITH NO 9	3,0	EL PASO NATURAL GAS CO
*8040250	10338	4208700000	108		YATES NO 1	0,7	EL PASO NATURAL GAS CO
*8040251	10339	4208700000	108		YATES NO 3	0,7	EL PASO NATURAL GAS CO
LIFESTYLE ENERGY CORPORATION				RECEIVED: 06/12/80 JA: TX			
8040284	11372	4224930960	103		WILLIE BRUNS #1	73,0	UNITED GAS PIPE LINE CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
MAY PETROLEUM INC					RECEIVED: 06/12/80 JA: TX		
8040317	15479	4235730899	102		SCHNEIDER NO 1	548.0	NORTHERN NATURAL GAS CO
MCCORMICK OIL & GAS CORP					RECEIVED: 06/12/80 JA: TX		
8040207	08389	4236530615	103		FRUST LUMBER IND INC UNIT #1	77.0	DELHI GAS PIPELINE CORP
8040217	09027	4236530712	103		TENNECO - WEINER #1	100.0	UNITED GAS PIPE LINE CO
MCMORAN - TRANSCO EXPLORATION CO					RECEIVED: 06/12/80 JA: TX		
8040301	11545	4200730598	102		STATE TRACT 38 NO 1	350.0	VALLEY PIPELINE CO
MESA PETROLEUM					RECEIVED: 06/12/80 JA: TX		
*8040353	13526	4270430099	102		BRAZOS STATE TRACT 409-L #1	912.0	TRANSCONTINENTAL GAS PIPELINE CORP
*8040316	15386	4270430099	102		BRAZOS STATE TRACT 409-L #1-D	912.0	TRANSCONTINENTAL GAS PIPELINE CORP
MEWBOURNE OIL COMPANY					RECEIVED: 06/12/80 JA: TX		
8040120	02087	4229530534	103		BRADFORD #1	0.0	TRANSWESTERN PIPELINE CO
8040119	01936	4235730815	103		TREGELLAS #1	70.0	NORTHERN NATURAL GAS CO
MITCHELL ENERGY CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040145	05097	4249700000	108		A D SCOTT #2	3.4	NATURAL GAS PIPELINE CO OF AMERICA
8040141	05068	4249731256	103		ARIZONA BURNS #2	182.5	NATURAL GAS PIPELINE CO OF AMERICA
8040142	05077	4249730174	108		COKE L GAGE -B- #3	11.8	NATURAL GAS PIPELINE CO OF AMERICA
8040144	05092	4249700000	108		G T LEMAY #1	2.0	NATURAL GAS PIPELINE CO OF AMERICA
8040135	04119	4236730776	108		H H PRATHER #4	9.5	NATURAL GAS PIPELINE CO OF AMERICA
8040138	04241	4249700000	108		HOMER L DAVIS #1	12.2	NATURAL GAS PIPELINE CO OF AMERICA
8040143	05080	4249700000	108		J S WARDEN #1	9.2	NATURAL GAS PIPELINE CO OF AMERICA
8040134	04040	4249700000	108		JACK UNEAL #2	6.1	NATURAL GAS PIPELINE CO OF AMERICA
MONSANTO COMPANY					RECEIVED: 06/12/80 JA: TX		
8040121	02140	4207900000	103		STARNES #1	2.3	CITIES SERVICE GAS CO
8040129	02148	4207930964	103		STARNES #10	12.2	CITIES SERVICE GAS CO
8040122	02141	4207930876	103		STARNES #2	70.9	CITIES SERVICE GAS CO
8040123	02142	4207930946	103		STARNES #3	6.4	CITIES SERVICE GAS CO
8040124	02143	4207930951	103		STARNES #5	14.5	CITIES SERVICE GAS CO
8040125	02144	4207930950	103		STARNES #6	18.1	CITIES SERVICE GAS CO
8040126	02145	4207930952	103		STARNES #7	9.7	CITIES SERVICE GAS CO
8040127	02146	4207930960	103		STARNES #8	11.1	CITIES SERVICE GAS CO
8040128	02147	4207930961	103		STARNES #9	12.8	CITIES SERVICE GAS CO
MUELLER ENGINEERING CORP					RECEIVED: 06/12/80 JA: TX		
8040354	13542	4227331339	103		W A RAY NO 1	110.0	LOVACA GATHERING CO
NATOMAS NORTH AMERICA INC					RECEIVED: 06/12/80 JA: TX		
8040329	16710	4208130741	102		HIGGINS #1	56.0	LONE STAR GAS CO
8040328	16709	4208130742	102		HIGGINS #2	57.0	LONE STAR GAS CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8040327	16708	4208100000	102		HIGGINS #3	61.0	LONE STAR GAS CO
8040326	16706	4208130768	102		HIGGINS #4	21.0	LONE STAR GAS CO
8040333	17536	4208130807	102		HIGGINS #8	24.0	LONE STAR GAS CO
8040334	17537	4208130819	102		HIGGINS #9	82.0	LONE STAR GAS CO
NATURAL GAS ANADARKO INC					RECEIVED: 06/12/80 JA: TX		
8040139	04428	4235730820	103		PARNELL BROTHERS #1-4746	150.0	PHILLIPS PETROLEUM CO
8040347	12574	4235730824	102		PARNELL BROTHERS A #1-495U	250.0	PHILLIPS PETROLEUM CO
NORTHERN NATURAL GAS CO					RECEIVED: 06/12/80 JA: TX		
8040318	15525	4248330591	102		HEELEY NO 1-48	365.0	NORTHERN NATURAL GAS CO
PAN RESOURCES INC					RECEIVED: 06/12/80 JA: TX		
8040184	06777	4223300000	108		HAILE NO 10	1.7	GETTY OIL CO
8040185	06778	4223300000	108		HAILE NO 12	1.7	GETTY OIL CO
8040182	06775	4223300000	108		HAILE NO 2	1.7	GETTY OIL CO
8040181	06774	4223300000	108		HAILE NO 6	1.7	GETTY OIL CO
8040183	06776	4223300000	108		HAILE NO 9	1.7	GETTY OIL CO
8040175	06766	4223300000	108		WARE NO 10	0.3	GETTY OIL CO
8040179	06770	4223300000	108		WARE NO 12	0.3	GETTY OIL CO
8040176	06767	4223300000	108		WARE NO 13	0.3	GETTY OIL CO
8040177	06768	4223300000	108		WARE NO 5	0.3	GETTY OIL CO
8040178	06769	4223300000	108		WARE NO 6	0.3	GETTY OIL CO
8040174	06765	4223300000	108		WARE NO 7	0.3	GETTY OIL CO
8040190	06797	4223300000	108		WHITTENBURG A NO 10	1.0	GETTY OIL CO
8040188	06795	4223300000	108		WHITTENBURG A NO 2	1.0	GETTY OIL CO
8040189	06796	4223300000	108		WHITTENBURG A NO 4	1.0	GETTY OIL CO
8040187	06794	4223300000	108		WHITTENBURG A NO 6	1.0	GETTY OIL CO
8040186	06787	4223300000	108		WHITTENBURG ESTATE NO 1	0.9	GETTY OIL CO
8040173	06761	4223300000	108		WHITTENBURG ESTATE NO 10	1.0	GETTY OIL CO
8040180	06772	4223300000	108		WHITTENBURG ESTATE NO 12	0.9	GETTY OIL CO
8040172	06760	4223300000	108		WHITTENBURG-DRAPER 120 NO 6	1.6	GETTY OIL CO
PAUL E CAMERON JR INC					RECEIVED: 06/12/80 JA: TX		
8040286	11376	4217500000	102		JOSEPH FELLS ESTATE #1	90.0	UNITED TEXAS TRANSMISSION CO
8040279	11346	4217500000	102		K CHANCE #1	66.0	HOUSTON PIPELINE CO
8040285	11375	4217500000	102		WILKINSON WELL NO 1	91.0	UNITED TEXAS TRANSMISSION CO
PENNZOIL PRODUCING COMPANY					RECEIVED: 06/12/80 JA: TX		
8040346	12405	4235530849	102		E A KINSEY NO 8 2 F	320.0	UNITED GAS PIPE LINE CO
PHILLIPS PETROLEUM COMPANY					RECEIVED: 06/12/80 JA: TX		
8040374	14970	4213505789	108		GOLDSMITH ADURE UNIT 42-02	4.3	SHELL OIL CO
8040370	14937	4246101392	108		NORTH PEMBROOK SPRABERRY NO 5-13	1.2	NORTHERN NATURAL GAS CO
8040369	14724	4213520809	108		NORTH PENWELL U NO 25	2.0	EL PASO NATURAL GAS CO
8040372	14938	4213507246	108		NORTH PENWELL UNIT NO 32	0.8	EL PASO NATURAL GAS CO
8040371	14940	4213520125	108		NORTH PENWELL UNIT NO 74	0.8	EL PASO NATURAL GAS CO
*8040133	03222	4223300000	108		RUHIN-MCDOWELL NO 1	17.1	EL PASO NATURAL GAS CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
PIONEER PRODUCTION CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040294	11490	4229530606	102		WRIGHT #1-75	550.0	PHILLIPS PETROLEUM CO
ROY E KIMSEY					RECEIVED: 06/12/80 JA: TX		
8040373	14947	4247531786	107		LUCIA HARVEY-STATE NO 1 WELL	1095.0	INTRATEX GAS CO
SAMEDAN OIL CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040209	08583	4216531321	103		H A MOORE #15	3.0	PHILLIPS PETROLEUM CO
8040319	15590	4270230132	102		STATE TRACT 818-L#D-2	150.0	EL PASO NATURAL GAS CO
SANFORD P FAGADAU					RECEIVED: 06/12/80 JA: TX		
8040306	12225	4242900000	108		C K WEST C #2	15.0	LONE STAR GAS CO
SHELL OIL CO					RECEIVED: 06/12/80 JA: TX		
8040321	15762	4221530914	102		M A HOPKINS G U NO 6	500.0	NATURAL GAS PIPELINE CO OF AMERICA
SIGMA ENERGY CORP					RECEIVED: 06/12/80 JA: TX		
*8040239	09731	4249700000	103		RE MEEKER #2	80.0	CITIES SERVICE CO
SOUTHLAND MINERALS CO					RECEIVED: 06/12/80 JA: TX		
8040195	07704	4229731734	102		J H LYNE #1-137	218.0	TEXAS EASTERN TRANSMISSION CORP
SOUTHPORT EXPLORATION INC					RECEIVED: 06/12/80 JA: TX		
*8040225	09190	4228500000	103		S J ROSE NO 2	80.0	ARKANSAS LOUISIANA GAS CO
SPRADLING DRILLING CO					RECEIVED: 06/12/80 JA: TX		
8040161	05796	4223300000	108		WARE NO 1	2.4	GETTY OIL CO
SS & B PRODUCTION CO					RECEIVED: 06/12/80 JA: TX		
8040208	08435	4217930616	103		HACKIE #1	169.0	NORTHERN NATURAL GAS CO
STRATA ENERGY INC					RECEIVED: 06/12/80 JA: TX		
8040338	19421	4205130466	102		J H GLOVER #1	50.0	CLAJON GAS CO
8040339	19422	4205130452	102		LILLIAN PIWONKA #1	50.0	CLAJON GAS CO
8040340	19423	4205130423	102		HARVIN HATCEK UNIT #1	50.0	CLAJON GAS CO
8040341	19424	4205130439	102		MELVIN UNDRASEK ET AL #1	50.0	CLAJON GAS CO
SUN OIL COMPANY (DELAWARE)					RECEIVED: 06/12/80 JA: TX		
8040357	13698	4232100000	108		MIDFIELDS WEST UNIT NO 44	15.0	FLORIDA GAS TRANSMISSION
8040280	11348	4224900000	108		SELLIGSON UNIT WELL #42-44	1.0	TENNESSEE GAS PIPELINE CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8040281	11350	4224900000	108		SEELIGSON UNIT WELL #42-63	3,0	TENNESSEE GAS PIPELINE CO
8040282	11351	4224900000	108		SEELIGSON UNIT WELL #42-73	3,0	TENNESSEE GAS PIPELINE CO
TADCO INC					RECEIVED: 06/12/80 JA: TX		
8040263	10683	4223300000	108		CHRISTIAN NO 4	0,8	PHILLIPS PETROLEUM CO
TAURUS OIL CORP					RECEIVED: 06/12/80 JA: TX		
8040287	11392	4214330404	103		FOSS #1	55,2	NORTHERN GAS PRODUCTS
TAYLOR OPERATING COMPANY					RECEIVED: 06/12/80 JA: TX		
8040293	11427	4249731136	103		J D HOLDER #1	5,4	NATURAL GAS PIPE CO OF AMERICA
TEJAS PRODUCTION CO					RECEIVED: 06/12/80 JA: TX		
8040325	16569	4208900000	102		FRANCES S MATTHEWS NO 1	183,0	SEAGULL PIPELINE CORP
TENNECO OIL COMPANY					RECEIVED: 06/12/80 JA: TX		
8040355	13594	4236530857	103		FLOYD GAS UNIT #4	750,0	UNITED GAS PIPE LINE CO
8040283	11364	4242130215	103		FUENTES 1-104	60,2	PHILLIPS PETROLEUM CO
TEPCO ENGINEERING INC					RECEIVED: 06/12/80 JA: TX		
8040348	13224	4224930916	103		POWELL GAS UNIT NO 1	40,0	LOVACA GATHERING CO
TEXACO INC					RECEIVED: 06/12/80 JA: TX		
8040136	04152	4203300000	103		JO MILL UNIT NO 3423	11,0	GETTY OIL CO
8040137	04159	4203300000	103		JO MILL UNIT NO 3544	84,4	GETTY OIL CO
8040241	09945	4213500000	108		TXL SOUTH UNIT #3303	5,5	EL PASO NATURAL GAS CO
8040166	06086	4242900000	108		W M HOUSTON #6	6,6	WARREN PETROLEUM CO
TEXAS OIL & GAS CORP					RECEIVED: 06/12/80 JA: TX		
8040351	13471	4240130802	103		CUNNINGHAM A #1	750,0	UNITED GAS PIPELINE CO
8040132	03065	4226130427	102		ERCK WELL #9	438,0	FLORIDA GAS TRANSMISSION CO
*8040324	15863	4207330350	102		WALE #1	0,0	UNITED GAS PIPE LINE CO
*8040330	16734	4216130466	102		WILLIFORD #1	1000,0	UNITED GAS PIPE LINE CO
THE ARD DRILLING COMPANY INC					RECEIVED: 06/16/80 JA: TX		
8040240	09737	4226930402	103		BEN & TOM MASTERSON NO 8	365,0	
TIDEWAY OIL PROGRAMS INC					RECEIVED: 06/12/80 JA: TX		
8040191	07123	4242130200	103		JOE R FUENTES NO 1	3,0	DIAMOND SHAMROCK CORP
TIPPERARY OIL AND GAS CORP					RECEIVED: 06/12/80 JA: TX		
8040131	02903	4212731611	102		WHITE ET AL #1	51,0	SUN GAS GATHERING CO INC

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
TOM BROWN INC					RECEIVED: 06/12/80 JA: TX		
8040210	08608	4241330580	103		MARY COOPER NO 2	22.6	NORTHERN NATURAL GAS CO
TRANSOCEAN OIL INC					RECEIVED: 06/12/80 JA: TX		
8040302	11608	4217730181	103		C VORDENBAUM #1 UNIT #1	6.8	MCCASKILL GATHERING CO INC
TRAVELERS OIL CO G-V PROJECT					RECEIVED: 06/12/80 JA: TX		
8040200	08125	4217900000	108		BROWN #1	0.1	
8040202	08133	4217900000	103		CARPENTER B #1	0.0	
8040198	08075	4217900000	103		CARPENTER D #1	0.0	
8040201	08129	4217900000	103		CHAPMAN #2	0.1	
8040199	08114	4217900000	103		CHAPMAN #5 04213	0.1	
8040171	066539	4217900000	103		JEFFRIES #1	5.4	TRANSWESTERN PIPELINE CO
8040170	06440	4217900000	108		MARK #10A	3.9	PHILLIPS PETROLEUM CO
8040169	06439	4217900000	108		MARK #8	3.9	PHILLIPS PETROLEUM CO
VANDERBILT RESOURCES CORPORATION					RECEIVED: 06/12/80 JA: TX		
8040331	16756	4248131787	102		BAUN GAS UNIT NO 2-C	260.0	TENNESSEE GAS PIPELINE CO
8040118	01916	4248131582	102		STOVALL NO 1	87.0	TENNESSEE GAS PIPELINE CO
VEGA PETROLEUM CORP					RECEIVED: 06/12/80 JA: TX		
8040194	07626	4240931201	103		HOUTS-BAYO NO 1	250.0	TEXAS EASTERN TRANSMISSION CORP
W E POPE					RECEIVED: 06/12/80 JA: TX		
8040273	10725	4222100000	108		ADOLPH KAUFFMANN #1	2.3	TEXAS UTILITIES FUEL CO
*8040265	10717	4222100000	108		ALDENHOVEN #1	9.5	TEXAS UTILITIES FUEL CO
8040264	10715	4222100000	108		ALDENHOVEN #4	4.5	TEXAS UTILITIES FUEL CO
8040272	10724	4236500000	108		BOLES HEIRS #1	17.3	DIXIE NATURAL RESOURCES OF TX INC
8040267	10719	4214300000	108		D W WHITTENTON #1	10.9	LONE STAR GAS CO
8040269	10721	4236500000	108		FRANK MARTIN #1	15.2	DIXIE NATURAL RESOURCES OF TX INC
8040270	10722	4236500000	108		FRANK MARTIN #2	9.4	DIXIE NATURAL RESOURCES OF TX INC
8040266	10718	4222100000	108		JAKE GREEN #1	8.6	TEXAS UTILITIES FUEL CO
8040271	10723	4222100000	108		KEY #1	18.6	TEXAS UTILITIES FUEL CO
8040268	10720	4236500000	108		MRS N W SMITH #1	9.6	DIXIE NATURAL RESOURCES OF TX INC
W L BRUCE OPERATOR					RECEIVED: 06/12/80 JA: TX		
8040159	05736	4233900000	108		LYNCH #2	25.0	PHILLIPS PETROLEUM CO
8040158	05728	4233900000	108		LYNCH #5	25.0	PHILLIPS PETROLEUM CO
8040157	05697	4233900000	108		LYNCH #8	25.0	PHILLIPS PETROLEUM CO
8040160	05743	4217900000	108		WALBERG #3	1.1	PHILLIPS PETROLEUM CO
WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 06/12/80 JA: TX		
8040237	09397	4210532020	103		P J LEA ET AL #L-006	38.0	EL PASO NATURAL GAS CO
8040222	09164	4210531971	103		P J LEA ET AL #85	21.0	EL PASO NATURAL GAS CO
8040223	09166	4210531970	103		P J LEA ET AL #86	33.0	EL PASO NATURAL GAS CO
8040224	09178	4210531969	103		P J LEA ET AL #87	26.0	EL PASO NATURAL GAS CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DFN	WELL NAME	PROD	PURCHASER
8040231	09288	4210331975	103		P J LEA ET AL #89	26.0	EL PASO NATURAL GAS CO
8040228	09281	4210331972	103		P J LEA ET AL #90	7.0	EL PASO NATURAL GAS CO
8040230	09284	4210331973	103		P J LEA ET AL #91	52.0	EL PASO NATURAL GAS CO
8040232	09289	4210331982	103		P J LEA ET AL #92	9.0	EL PASO NATURAL GAS CO
8040233	09291	4210331968	103		P J LEA ET AL #93	8.0	EL PASO NATURAL GAS CO
8040227	09280	4210331981	103		P J LEA ET AL #94	15.0	EL PASO NATURAL GAS CO
8040229	09282	4210331980	103		P J LEA ET AL #95	7.0	EL PASO NATURAL GAS CO
8040245	10318	4210332012	103		P J LEA ET AL L-098	11.0	EL PASO NATURAL GAS CO
8040238	09723	4210332004	103		W N WADDELL ET AL #1116	334.0	M-T GATHERING CO
8040276	11028	4210300000	108		W N WADDELL ET AL TR A NU 221	10.0	EL PASO NATURAL GAS CO
8040277	11029	4210300000	108		W N WADDELL ET AL TR I NU 941	5.0	EL PASO NATURAL GAS CO
WORLD PRODUCERS INC					RECEIVED: 06/12/80 JA: TX		
8040295	11512	4236730872	102		GROULEAU #1	110.0	SOUTHWESTERN GAS PIPELINE INC
8040297	11516	4236731334	102		JENKINS #3	91.0	SOUTHWESTERN GAS PIPELINE INC
8040296	11515	4236730961	102		PARSONS #1	20.0	SOUTHWESTERN GAS PIPELINE INC
8040298	11517	4236730904	102		SMITH #1	131.0	SOUTHWESTERN GAS PIPELINE INC

OTHER PURCHASERS

8040133	PANHANDLE EASTERN PL CO
8040225	LO-VACA GATHERING CO
8040236	PHILLIPS PETROLEUM CO
8040239	LONE STAR GAS CO
8040243	COLTEXO CORP
8040246	RAEL GAS CO
8040247	RAEL GAS CO
8040248	RAEL GAS CO
8040249	RAEL GAS CO
8040250	RAEL GAS CO
8040251	RAEL GAS CO
8040252	RAEL GAS CO
8040253	RAEL GAS CO
8040254	RAEL GAS CO
8040255	RAEL GAS CO
8040256	RAEL GAS CO
8040257	RAEL GAS CO
8040258	RAEL GAS CO
8040259	RAEL GAS CO
8040260	RAEL GAS CO
8040261	RAEL GAS CO
8040262	RAEL GAS CO
8040265	NORTHERN GAS PRODUCTS
8040316	TRANSCONTINENTAL GAS P L CORP
8040324	TEXAS UTILITIES FUEL CO
8040330	UNITED TEXAS TRANSMISSION CO
8040353	TRANSCONTINENTAL GAS PL CORP

[FR Doc. 80-20420 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-C

[Vol. 231]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

The Federal Energy Regulatory Commission received notices of determination from the jurisdictional agencies listed herein, for the indicated wells, pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a (D) in the DEN column. Estimated annual production is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before July 24, 1980.

Please reference the FERC Control Number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary

BILLING CODE 6450-85-M

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION							
GAS PRODUCING ENTERPRISES INC					RECEIVED: 06/12/80 JA: CA		
8040382	80-6-0005	0409520388	102		F DIXON #1	246,0	PACIFIC GAS & ELECTRIC
THE DOW CHEMICAL COMPANY					RECEIVED: 06/12/80 JA: CA		
8040379	79-6-0062	0411320423	102		UNIT WELL 1 NO 1	695,0	PACIFIC GAS AND ELECTRIC CO
8040381	79-6-0061	0411320489	102		UNIT 485 NO 2	575,0	PACIFIC GAS AND ELECTRIC CO
8040378	79-6-0060	0411320481	102		UNIT 485 WELL NO 1	585,0	PACIFIC GAS AND ELECTRIC CO
8040380	79-6-0063	0411520399	102		WAUHAB NO 1	950,0	PACIFIC GAS AND ELECTRIC CO
U. S. GEOLOGICAL SURVEY: ALBUQUERQUE,N.M.							
ARCO OIL AND GAS COMPANY					RECEIVED: 06/12/80 JA: CO 4		
8040506	COA-0217-80B	0506761800	103		SOUTHERN UTE 24-1 32-9 DK	182,0	WESTERN SLOPE GAS CO
8040470	COA-0217-80A	0506761800	103		SOUTHERN UTE 24-1 32-9 MV	69,0	WESTERN SLOPE GAS CO
KANSAS CORPORATION COMMISSION							
GULF OIL CORPORATION					RECEIVED: 06/23/80 JA: KS		
8040377	K-79-1856	1517520377	103		RICE DAVIES NO 2-1	143,0	ANADARKO PRODUCTION CO
LOUISIANA OFFICE OF CONSERVATION							
ARKLA EXPLORATION COMPANY					RECEIVED: 06/12/80 JA: LA		
8040403	80-1870	1711122134	103		ART NOLAN #3	2,0	ARKANSAS LOUISIANA GAS CO
8040402	80-1871	1711122135	103		ART NOLAN #4	2,0	ARKANSAS LOUISIANA GAS CO
8040401	80-1872	1711122133	103		FLORA PUTTS ET AL #2	2,0	ARKANSAS LOUISIANA GAS CO
8040400	80-1873	1711122153	103		W E WRIGHT EST #2	2,0	ARKANSAS LOUISIANA GAS CO
8040399	80-1874	1711122154	103		W E WRIGHT EST #3	2,0	ARKANSAS LOUISANA GAS CO
CEKA GAS CORP					RECEIVED: 06/12/80 JA: LA		
8040392	80-2137	1711121781	103		HSC NO 5	12,0	INTERNATIONAL MINERALS CORP
CENTRAL TRANSMISSION INC C/O ENERGY					RECEIVED: 06/12/80 JA: LA		
8040405	80-1844	1711120643	108		GREEN #1	1,2	IMC EXPLORATION CO
8040410	80-1839	1711120668	108		HEAD #2	3,6	IMC EXPLORATION CO
8040404	80-1845	1711120680	108		ROYAL #1	5,4	IMC EXPLORATION CO
8040408	80-1841	1711120808	108		RUSSELL #1	3,6	IMC EXPLORATION CO
8040407	80-1842	1711120817	108		RUSSELL #2	4,9	IMC EXPLORATION CO
8040406	80-1843	1711120809	108		RUSSELL #3	7,1	IMC EXPLORATION CO
8040409	80-1840	1711120683	108		TRAYLOR #1	5,0	IMC EXPLORATION CO
ELI REBICH					RECEIVED: 06/12/80 JA: LA		
8040391	80-2136	1703100662	108		HAGLEY #1	18,0	TEXAS EASTERN TRANSMISSION CORP
ERGON INC					RECEIVED: 06/12/80 JA: LA		
8040439	80-2208	1711122140	103		ALTON G ANDREWS NO 1	9,3	TEXAS GAS TRANSMISSION CORP
8040436	80-2211	1711121842	103		EXXON D NO 1	9,0	TEXAS GAS TRANSMISSION CORP
8040434	80-2212	1711121884	103		EXXON D NO 2	11,1	TEXAS GAS TRANSMISSION CORP
8040437	80-2210	1711121976	103		EXXON E NO 4	11,8	TEXAS GAS TRANSMISSION CORPORATION
8040438	80-2209	1711122144	103		PIKER-ANDREWS NO 1	11,8	TEXAS GAS TRANSMISSION CORP
8040440	80-2207	1711122175	103		WILKS SAVAGE NO 2	5,6	TEXAS GAS TRANSMISSION CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
FRANK SPOONER				RECEIVED: 06/12/80 JA: LA			
8040432	80-2132	1702120397	102		RUSSELL RA SUA IPCU B NO 1	180,0	LOUISIANA INTRASTATE GAS CORP
8040433	80-2131	1702120406	102		RUSSELL RA SUB IPCU B NO 2	180,0	LOUISIANA INTRASTATE GAS CORP
GATOR HAWK GAS CO				RECEIVED: 06/12/80 JA: LA			
8040414	80-2140	1707321247	103		HARDIN NO 1	2,4	UNITED GAS PIPE LINE CO
IMC EXPLORATION COMPANY				RECEIVED: 06/12/80 JA: LA			
8040395	80-1878	1706720275	108		HALL #N-240	8,0	GEORGIA PACIFIC CORP
8040396	80-1877	1706700283	108		HALL #16	3,6	GEORGIA PACIFIC CORP
8040397	80-1876	1706700259	108		HALL #30	3,6	GEORGIA PACIFIC CORP
8040398	80-1875	1706700228	108		HALL #35	3,6	GEORGIA PACIFIC CORP
JOHN O CLAY EXPLORATION INC				RECEIVED: 06/12/80 JA: LA			
8040411	80-2129	1702120513	102		DAWS ESTATE NO 1	90,0	GLASS CONTAINERS CORP
8040431	80-2130	1702120516	102		NETHERY - HARNHILL NO 1	90,0	GLASS CONTAINERS CORP
LOCK ARBOR PRODUCTION CO				RECEIVED: 06/12/80 JA: LA			
*8040413	80-2141	1707321297	103		HSU 711 SMITH ET AL #18	30,0	UNITED GAS PIPE LINE CO
MARATHON OIL COMPANY				RECEIVED: 06/12/80 JA: LA			
8040415	80-2139	1711920247	103		CVSU MUC GRAY WELL NO 3	602,0	UNITED GAS PIPE LINE CO
MID LOUISIANA GAS COMPANY				RECEIVED: 06/12/80 JA: LA			
8040393	80-1910	1711121652	108		MLGC FEE GAS #754	12,2	MID LOUISIANA GAS CO
8040394	80-1909	1711121678	108		MLGC FEE GAS #758	19,1	MID LOUISIANA GAS CO
PRIMOS PRODUCTION CO				RECEIVED: 06/12/80 JA: LA			
8040445	80-1797	1707321254	103		A HAYLES #1	7,3	UNITED GAS PIPELINE
8040446	80-1796	1707321186	103		APENT #3	27,3	UNITED GAS PIPELINE
8040420	80-1767	1706721442	103		CHUSSETT TIMBER & DEV CO #2	12,8	UNITED GAS PIPELINE
8040453	80-1766	1706721444	103		CHUSSETT TIMBER DEVEL #1	14,6	UNITED GAS PIPELINE
8040442	80-1800	1707321165	103		DARBONNE CO #1	9,1	UNITED GAS PIPELINE
8040441	80-1801	1707321166	103		DARBONNE CO #2	16,4	UNITED GAS PIPELINE
8040452	80-1803	1707321197	103		FEE 136 #1	127,7	UNITED GAS PIPELINE
8040451	80-1804	1707321203	103		FEE 136 #2	127,7	UNITED GAS PIPELINE
8040421	80-1795	1707321198	103		FEE 136 #3	23,7	UNITED GAS PIPELINE
8040449	80-1761	1707321215	103		FEE 523 #1	12,8	UNITED GAS PIPELINE
8040447	80-1802	1707321206	103		FEE 55 #1	127,7	UNITED GAS PIPELINE
8040450	80-1760	1706721333	103		GEORGIA PACIFIC B #12	9,1	UNITED GAS PIPELINE
8040419	80-1768	1706721379	103		GEORGIA PACIFIC C #28	22,8	UNITED GAS PIPELINE
8040422	80-1794	1706721354	103		GEORGIA PACIFIC C-11	10,3	UNITED GAS PIPELINE CO
8040423	80-1793	1706721380	103		GEORGIA PACIFIC C-21	20,5	UNITED GAS PIPELINE CO
8040424	80-1792	1706721449	103		GEORGIA PACIFIC C-25	20,5	UNITED GAS PIPE LINE CO
8040425	80-1791	1706721482	103		GEORGIA PACIFIC C-30	20,5	UNITED GAS PIPELINE CO
8040418	80-1769	1706721378	103		GEORGIA PACIFIC C#29	16,4	UNITED GAS PIPELINE

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8040426	80-1773	1706721381	103		GEORGIA PACIFIC D #10	13.7	UNITED GAS PIPELINE
8040417	80-1770	1706721447	103		GEORGIA PACIFIC D #4	18.2	UNITED GAS PIPELINE
8040416	80-1771	1706721371	103		GEORGIA PACIFIC D #5	13.7	UNITED GAS PIPELINE
8040427	80-1772	1706721417	103		GEORGIA PACIFIC D #6	9.1	UNITED GAS PIPELINE
8040444	80-1798	1707321216	103		H C COLE #2	18.2	UNITED GAS PIPELINE
8040443	80-1799	1707321214	103		H C COLE #3	18.2	UNITED GAS PIPELINE
8040448	80-1762	1711121940	103		HAILE BROS #1	21.9	UNITED GAS PIPELINE
8040456	80-1763	1707321188	103		JOHNSON #1	9.1	UNITED GAS PIPELINE
8040455	80-1764	1707321213	103		PERRYVILLE #1	18.2	UNITED GAS PIPELINE
8040454	80-1765	1707321196	103		WALL #1	14.6	UNITED GAS PIPELINE
PRIMOS-TOMLINSON				RECEIVED: 06/12/80 JA: LA			
8040412	80-2142	1706721519	103		MURPHY NO 1	45.0	LOUISIANA GAS SERVICE EXPLORATION
TEEL 79 A				RECEIVED: 06/12/80 JA: LA			
8040430	80-2203	1707321237	103		NACHTRIEB A #11	6.2	IMC PIPELINE CO INC
8040429	80-2204	1707321238	103		NACHTRIEB A #12	11.3	IMC PIPELINE CO INC
8040428	80-2205	1707321239	103		NACHTRIEB A #13	5.5	IMC PIPELINE CO INC
8040435	80-2206	1707321240	103		NACHTRIEB A #14	3.6	IMC PIPELINE CO INC
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
ARCO OIL AND GAS COMPANY				RECEIVED: 06/13/80 JA: NM			
*8040390		3002526175	102		LANGLEY BOREN COM #1 DEV	1800.0	EL PASO NATURAL GAS CO
CONOCO,INC.				RECEIVED: 06/13/80 JA: NM			
8040385		3002526040	107		STATE E NO 10	1278.0	EL PASO NATURAL GAS CO
DUGAN PRODUCTION CORP				RECEIVED: 06/13/80 JA: NM			
8040384		3004500000	103		COM #1E	75.0	EL PASO NATURAL GAS CO
EL PASO NATURAL GAS COMPANY				RECEIVED: 06/13/80 JA: NM			
8040386		3004508834	108		MARTIN #4	0.5	EL PASO NATURAL GAS CO
EXXON CORPORATION				RECEIVED: 06/13/80 JA: NM			
8040389		3001523021	102		MILEPOST COM 1 #1	655.0	EL PASO NATURAL GAS CO
JOHN H HENDRIX CORPORATION				RECEIVED: 06/13/80 JA: NM			
*8040388		3002525436	103		CUSSATUT E #2	70.0	WARREN PETROLEUM CORP
SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 06/13/80 JA: NM			
8040387		3002526190	103		STATE 17 #1	273.0	EL PASO NATURAL GAS CO
OKLAHOMA CORPORATION COMMISSION							
ANDOVER OIL COMPANY				RECEIVED: 06/13/80 JA: OK			
8040549	04060	3501721180	103		HUNT #32-1	180.0	DELHI GAS PIPELINE CORP
8040536	04026	3501721125	103		JACK COOKSEY #10-1	180.0	DELHI GAS PIPELINE CORP

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8040547	04024	3501721021	103		MILTON DAVIS #3-1	180.0	DELHI GAS PIPELINE CORPORATION
8040548	04025	3501721124	103		WALTER MILLS 4-1	180.0	DELHI GAS PIPELINE CORPORATION
APACHE CORPORATION					RECEIVED: 06/13/80 JA: OK		
8040535	04061	3512920342	103		ESTIES ESTATE #1-30	219.0	PANHANDLE EASTERN GAS CO
DEPARTMENT OF INTERIOR: OSAGE AGENCY							
BARTLESVILLE OIL AND GAS CORP					RECEIVED: 06/12/80 JA: OK 8		
8040383		3511300000	103		GREY #11	36.0	AJAX OIL AND GAS CORP INC
OKLAHOMA CORPORATION COMMISSION							
CHARLTON-OIL & GAS CO					RECEIVED: 06/13/80 JA: OK		
8040550	003838	3503700000	108		CHARLTON #2	7.7	PHILLIPS PETROLEUM CO
8040551	003839	3503700000	108		CHARLTON #6	17.0	PHILLIPS PETROLEUM CO
CONOCO,INC.					RECEIVED: 06/13/80 JA: OK		
8040546	01098	3507300000	108		EAST HENNESSEY UNIT NO 153	21.7	OKLAHOMA NATURAL GAS CO
8040537	01094	3507300000	108		EAST HENNESSEY UNIT NO 158	5.5	OKLAHOMA NATURAL GAS CO
8040543	01199	3500300000	108		N E CHEROKEE UNIT NO 10	18.4	OKLAHOMA NATURAL GAS CO
8040526	01203	3500300000	108		N E CHEROKEE UNIT NO 11	15.7	OKLAHOMA NATURAL GAS CO
8040542	01200	3500300000	108		N E CHEROKEE UNIT NO 17	8.3	OKLAHOMA NATURAL GAS CO
8040525	01202	3500300000	108		N E CHEROKEE UNIT NO 2	13.4	OKLAHOMA NATURAL GAS CO
8040528	01206	3500300000	108		N E CHEROKEE UNIT NO 44	8.3	OKLAHOMA NATURAL GAS CO
8040544	01197	3500300000	108		N E CHEROKEE UNIT NO 53	11.8	OKLAHOMA NATURAL GAS CO
8040545	01195	3500300000	108		N E CHEROKEE UNIT NO 54	6.5	OKLAHOMA NATURAL GAS CO
8040527	01205	3500300000	108		N E CHEROKEE UNIT NO 63	5.8	OKLAHOMA NATURAL GAS CO
8040524	01201	3500300000	108		N E CHEROKEE UNIT NO 64	4.4	OKLAHOMA NATURAL GAS CO
8040540	01196	3500300000	108		N E CHEROKEE UNIT NO 66	5.8	OKLAHOMA NATURAL GAS CO
8040539	01194	3500300000	108		N E CHEROKEE UNIT NO 67	5.8	OKLAHOMA NATURAL GAS CO
8040541	01198	3500300000	108		N E CHEROKEE UNIT NO 9	14.6	OKLAHOMA NATURAL GAS CO
8040538	01108	3507300000	108		RICHARD HAMIL NO 6	10.1	OKLAHOMA NATURAL GAS CO
DONALD C SLAWSON					RECEIVED: 06/13/80 JA: OK		
8040556	02398	3501720903	102		JOHNSON UNIT #1	2.9	CITIES SERVICE GAS CO
8040554	02401	3501721017	102		WEST UNIT #1	8.3	CITIES SERVICE GAS CO
8040553	02400	3501721012	102		WEST UNIT #1	25.8	CITIES SERVICE GAS CO
HARPER OIL COMPANY					RECEIVED: 06/13/80 JA: OK		
8040529	04057	3501721229	103		KRUGER NO 1	90.0	PHILLIPS PETROLEUM CO
HOOVER & BRACKEN ENERGIES					RECEIVED: 06/13/80 JA: OK		
8040530	04079	3512920270	103		PAULINE LIPPENCOTT #1-A	7.2	EL PASO NATURAL GAS CO
OIL INVESTMENT CO					RECEIVED: 06/13/80 JA: OK		
8040552	02907	3507321722	108		VERNON 18 NO 1	10.0	PHILLIPS PETROLEUM CO
ONG EXPLORATION INC					RECEIVED: 06/13/80 JA: OK		

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API-NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8040531	03604	3501721095	103		DOLEZAL NO 2	50,0	PHILLIPS PETROLEUM COMPANY
PARKFORD PETROLEUM INC					RECEIVED: 06/13/80 JA: OK		
8040533	01402	3511900000	102		LOVEL NO 2	10,0	COLORADO GAS COMPRESSION INC
8040534	01401	3511920920	102		LOVELL NO 1	10,0	COLORADO GAS COMPRESSION INC
SAMEDAN OIL CORPORATION					RECEIVED: 06/13/80 JA: OK		
8040553	04062	3501120960	103		COX NO 1	10,0	PUBLIC SERVICE COMPANY OF OKLAHOMA
SERVICE DRILLING CO					RECEIVED: 06/13/80 JA: OK		
8040532	04022	3513120751	103		FRASIER #1	27,6	DIAMOND S GAS SYSTEMS INC
SPELLER OIL CORP					RECEIVED: 06/13/80 JA: OK		
8040557	03988	3507322105	103		FRANK 12-1	60,0	PHILLIPS PETROLEUM CO
TEXACO INC					RECEIVED: 06/13/80 JA: OK		
8040561	02820	3513705620	108		A N HARLEY NO 4	0,0	MOBIL OIL CORP
8040559	02808	3501920084	108		F C CARR NO 2	1,0	MOBIL OIL CORP
8040558	02810	3501920216	108		F C CARR NO 6	2,0	MOBIL OIL CORP
8040560	02584	3504520143	108		MAUDE S RICHARDSON UNIT #1	5,7	PHILLIPS PETROLEUM CO
U. S. GEOLOGICAL SURVEY: ALBUQUERQUE,N.M.							
LADD PETROLEUM CORPORATION					RECEIVED: 06/12/80 JA: CO 4		
*8040505	COA-0151-80	0506706283	103		NORTH COX CANYON 2-2	198,0	EL PASO NATURAL GAS CO
AMOCO PRODUCTION CO					RECEIVED: 06/12/80 JA: NM 4		
8040518	NM-4582-79	3004511684	108		GALLEGOS CANYON UNIT #226	20,6	EL PASO NATURAL GAS CO
8040461	NM-25-80	3001522963	102		GREENWOOD PRE-GRBG UNIT B COM #13	3832,5	GAS CO OF NEW MEXICO
CHAMA PETROLEUM CO					RECEIVED: 06/12/80 JA: NM 4		
8040508	NM-0179-80	3002526499	103		PENNZOIL FEDERAL WELL NO 2	700,0	EL PASO NATURAL GAS CO
CONSOLIDATED OIL & GAS INC					RECEIVED: 06/12/80 JA: NM 4		
8040502	NM-0125-80	3004523023	103		FREEMAN 1-M	33,0	EL PASO NATURAL GAS CO
8040509	NM-0216-80	3004500000	108		MURRFAND #1	17,0	GAS CO OF NEW MEXICO
8040510	NM-0215-80	3004500000	108		TAFOYA #1	13,0	EL PASO NATURAL GAS CO
8040503	NM-0130-80	3004523024	103		WILLIAMS 1-M	58,0	NORTHWEST PIPELINE
CONOCO,INC.					RECEIVED: 06/12/80 JA: NM 4		
8040479	NM-4351-79	3003921967	103		AXI APACHE K NO 6-A	110,0	GAS CO OF NEW MEXICO
8040481	NM-4352-79-B	3003921840	103		AXI APACHE N NO 15-A (MV)	165,0	GAS CO OF NEW MEXICO
8040480	NM-4352-79-A	3003921840	103		AXI APACHE N NO 15-A (PC)	165,0	GAS CO OF NEW MEXICO
DIETRICH EXPLORATION COMPANY INC					RECEIVED: 06/12/80 JA: NM 4		

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
8040473	NM-0183-80	3004523747	103		DIETRICH EXPLORATION 28 G-1	100,0	EL PASO NATURAL GAS CO
8040472	NM-0182-80	3004523748	103		DIETRICH EXPLORATION 28 J-2	100,0	EL PASO NATURAL GAS CO
DOYLE HARTMAN OIL OPERATOR			RECEIVED: 06/12/80 JA: NM 4				
8040475	NM-0176-80	3002526373	103		EL PASO-PRICHARD FEDERAL #1	0,0	EL PASO NATURAL GAS CO
8040471	NM-0181-80	3002526538	103		ODESSA LANGLIE FEDERAL NO 1	110,0	EL PASO NATURAL GAS CO
8040507	NM 175-80	3002526563	103		SANTA FE FEDERAL NO 1	36,0	EL PASO NATURAL GAS CO
DUGAN PRODUCTION CORP			RECEIVED: 06/12/80 JA: NM 4				
8040482	NM-0058-80	3004500000	108		MARY-ANNE #1	0,3	NORTHWEST PIPELINE CORP
*8040490	NM-0060-80	3004523609	103		MCKENZIE #1F	75,0	EL PASO NATURAL GAS CO
8040501	NM-0074-80	3004523612	103		MOLLY PITCHER #1E	125,0	NORTHWEST PIPELINE CORP
8040483	NM 0057-80	3004522571	103		MUCHO DEAL #1F	100,0	
8040514	NM-0218-80	3004523675	103		PAN AM FED #1E	125,0	NORTHWEST PIPELINE CO
EL PASO NATURAL GAS COMPANY			RECEIVED: 06/12/80 JA: NM 4				
8040465	NM-5094-79	3004507178	108		HANCOCK A #2	23,0	EL PASO NATURAL GAS CO
8040478	NM-0005-80	3004520923	108		HARDIE E #6	21,0	EL PASO NATURAL GAS CO
8040460	NM-0012-80	3004520316	108		HEATON #23	21,0	EL PASO NATURAL GAS CO
8040494	NM-0116-80	3004520861	108		LACKEY A #6	20,0	EL PASO NATURAL GAS CO
8040486	NM-4702-79	3003920963	108		LINDRITH UNIT #84	11,0	EL PASO NATURAL GAS CO
8040497	NM-0097-80	3004520537	108		P L DAVIS #2	20,0	EL PASO NATURAL GAS CO
8040457	NM-0213-80	3003922115	103		SAN JUAN 27-4 UNIT #136	40,0	EL PASO NATURAL GAS CO
8040489	NM-4395-79	3003920877	108		SAN JUAN 27-4 UNIT #76	16,0	EL PASO NATURAL GAS CO
8040459	NM-0008-80	3003920070	108		SAN JUAN 28-4 UNIT #29	22,0	EL PASO NATURAL GAS CO
8040464	NM-5092-79	3003907369	108		SAN JUAN 28-5 UNIT #55	20,0	EL PASO NATURAL GAS CO
8040496	NM-0103-80	3003907145	108		SAN JUAN 28-6 UNIT #66 PC & MV	19,0	EL PASO NATURAL GAS CO
8040458	NM-0212-80	3004523313	103		SAN JUAN 32-9 UNIT #42A	250,0	EL PASO NATURAL GAS CO
8040495	NM-0111-80	3004513231	108		STOREY B #3	20,0	EL PASO NATURAL GAS CO
8040463	NM-4899-79	3004521172	108		SUNRAY #5	21,0	EL PASO NATURAL GAS CO
ENSERCH EXPLORATION INC			RECEIVED: 06/12/80 JA: NM 4				
8040466	NM-5190-79	3004522738	103		FEDERAL 1-30	1200,0	NORTHWEST PIPELINE CORP
FLORIDA GAS EXPLORATION COMPANY			RECEIVED: 06/12/80 JA: NM 4				
8040484	NM-0053-80	3001522810	103		MISS DRAW #7	1280,0	EL PASO NATURAL GAS CO
J HERRION & R L BAYLESS			RECEIVED: 06/12/80 JA: NM 4				
8040513	NM-0191-80	3004523623	103		BLACKROCK D #1-E	175,0	EL PASO NATURAL GAS CO
8040512	NM-0192-80	3004506033	108		FRONTIER #1	10,0	EL PASO NATURAL GAS CO
LADD PETROLEUM CORPORATION			RECEIVED: 06/12/80 JA: NM 4				
8040504	NM-0149-80	3004523869	103		AZTEC 4-35	26,0	EL PASO NATURAL GAS CO
MOROILCO INC			RECEIVED: 06/12/80 JA: NM 4				
8040511	NM-0193-80	3001523161	103		NORMAN FEDERAL #1	72,0	PHILLIPS PETROLEUM CO

* ADDITIONAL PURCHASERS(SEE END OF LIST)

FERC NO	JA DKT NO	API NO	SECT	DEN	WELL NAME	PROD	PURCHASER
PETRO-LEWIS CORPORATION					RECEIVED: 06/12/80 JA: NM 4		
8040485	NM-0048-80	3003922125	103		FLORANCE #7-A	182.5	EL PASO NATURAL GAS CO
8040515	NM-4298-79	3002500000	108		H T FEDERAL #2	6.2	GETTY OIL CO
8040516	NM-4301-79	3003900000	108		RUDDOCK #1	14.6	EL PASO NATURAL GAS CO
8040498	NM-0092-80	3003922124	103		RUDDOCK #7	146.0	EL PASO NATURAL GAS CO
SCHALK DEVELOPMENT COMPANY					RECEIVED: 06/12/80 JA: NM 4		
8040462	NM-0043-80	3003922127	103		SCHALK 41 #2A	0.0	EL PASO NATURAL GAS CO
SOUTHLAND ROYALTY CO					RECEIVED: 06/12/80 JA: NM 4		
8040493	NM-0119-80	3004523411	103		FRONTIER C #2-R	100.0	EL PASO NATURAL GAS CO
8040491	NM-0121-80	3001521694	108		GULF FEDERAL #2	0.2	CONOCO INC
8040492	NM-0120-80	3002500416	108		ROBINSON UNIT TR 1 SEC 31 #5	2.0	PHILLIPS PETROLEUM CO
TENNECO OIL COMPANY					RECEIVED: 06/12/80 JA: NM 4		
8040487	NM-4629-79	3004523548	103		FLORANCE #57-R	125.0	EL PASO NATURAL GAS CO
8040488	NM-4625-79	3004523547	103		FLORANCE #61-R	125.0	EL PASO NATURAL GAS CO
8040499	NM-0077-80	3004523341	103		HUGHES #2	500.0	EL PASO NATURAL GAS CO
TEXACO INC					RECEIVED: 06/12/80 JA: NM 4		
8040476	NM-3922-79	3002510117	108		C P FAURY A NO 1	6.9	GETTY OIL CO
THELMA FORD SIMMONS					RECEIVED: 06/12/80 JA: NM 4		
8040474	NM-0184-80	3004507891	108		SIMMONS S NO 1	19.0	EL PASO NATURAL GAS CO
UNITED CO					RECEIVED: 06/12/80 JA: NM 4		
8040477	NM400179103	3004522723	103		FEDERAL #1	3800.0	EL PASO NATURAL GAS CO
8040523	NM400179108	3004522723	108		FEDERAL #1	3800.0	EL PASO NATURAL GAS CO
WILLIAM C RUSSELL					RECEIVED: 06/12/80 JA: NM 4		
8040468	NM-5275-79	3004523579	103		RUSSELL #92 HAMMOND	50.0	EL PASO NATURAL GAS CO
8040467	NM-5274-79	3004523580	103		RUSSELL #93 HAMMOND	50.0	EL PASO NATURAL GAS CO
8040469	NM-5276-79	3004523578	103		RUSSELL #94 MARRUN	50.0	EL PASO NATURAL GAS CO
YATES PETROLEUM CORPORATION					RECEIVED: 06/12/80 JA: NM 4		
8040522	NM-0197-80	3001522126	108		COLLINS HS FEDERAL NO 1	0.0	TRANSWESTERN PIPELINE CO
8040520	NM-0195-80	3001521625	108		FEDERAL BZ NO 12	0.0	TRANSWESTERN PIPELINE CO
8040519	NM-0196-80	3001521862	108		FEDERAL GI COM NO 1	0.0	TRANSWESTERN PIPELINE CO
8040500	NM-0075-80	3000560608	102		FIVE MILE DRAW LX FEDERAL NO 1	0.0	
8040521	NM-0194-80	3001521523	108		MOSS EG FEDERAL NO 1	0.0	YATES PETROLEUM CORP
THE SUPERIOR OIL COMPANY					RECEIVED: 06/12/80 JA: UT 4		
8040517	UA-4302-79	4303730471	102		NAVAJO TRIBAL #34-43	50.0	EL PASO NATURAL GAS CO

OTHER PURCHASERS

8040388	EL PASO NATURAL GAS CO
8040390	NORTHERN NATURAL GAS CO
8040413	NAVARRO GAS PRODUCTION CO
8040490	NORTHWEST PIPELINE CORP
8040505	NORTHWEST PIPELINE CORP

[FR Doc. 80-20410 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-C

[Docket No. ER80-473]

Duke Power Co.; Proposed Tariff Change

July 1, 1980.

The filing Company submits the following:

Take notice that Duke Power Company on June 20, 1980, tendered for filing proposed changes in its FERC Electric Service Tariff, Volume Nos. I-VI. The proposed changes would increase revenues from jurisdictional sales and service by approximately $26,251,000 based on the twelve-month period ending December 31, 1980.

The reasons for the proposed changes are as follows. For the twelve months ending December 31, 1979, the Company earned a rate of return on its wholesale business of only 8.79%. Such a rate of return is considered inadequate and will not permit the Company to attract necessary capital on reasonable terms to provide reliable service to its customers. The rates proposed in this filing would give the Company the opportunity to earn a rate of return more closely approaching that required to attract the necessary capital.

Copies of the filing were served upon the public utility's jurisdictional customers, the Southeastern Power Administration, the North Carolina Utilities Commission and the Public Service Commission of South Carolina.

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 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20414 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-486]

Florida Power & Light Co.

July 1, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL), on June 24, 1980, tendered for filing an Amendment, entitled "Amendment Number Four to Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and Tampa Electric Company."

FPL states that under the Amendment FPL will transmit power and energy for Tampa Electric Company (TECO) as is required by TECO in the implementation of its interchange agreement with the Jacksonville Electric Authority.

FPL requests waiver of the Commission's Regulations to the extent necessary to permit the proposed amendment to be made effective immediately. According to FPL, copies of the filing were served upon the Manager of Inter-System Planning of TECO.

Any person desiring to be heard or to protect 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 July 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20415 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-487]

Interstate Power Co., Filing

July 1, 1980.

The filing company submits the following:

Take notice that on June 25, 1980, Interstate Power Company (IPC) submitted for filing contract supplements to its FERC Rate Schedule Nos. 14 and 113. The supplements extend the contracts contained in the rate schedules until December 31, 1980, or until a replacement contract is executed, whichever event occurs first.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 22, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20416 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-11]

Natural Gas Pipeline Co. of America; Proposed Changes in FERC Gas Tariff

July 1, 1980.

Take notice that on June 23, 1980, Natural Gas Pipeline Company of America (Natural) tendered for filing the below listed tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1:

Substitute Fourth Revised Sheet No. 118
Original Sheet No. 118-A
Original Sheet No. 118-B

Natural states the purpose of the filing is to comply with the Commission's letter order of March 27, 1980 in Docket No. RP78-78. The Commission's letter order required Natural to file revised tariff sheets to reflect the continuation of the sales Btu change provisions which commenced on December 1, 1978 in Natural's tariff sheets filed to implement incremental pricing filed in Docket No. RP80-11.

Copies of this filing were served upon the company's customers, interested state commissions, and intervenors in Docket No. RP80-11.

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 procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20417 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-484]

Pennsylvania-New Jersey-Maryland Interconnection; Filing

July 1, 1980.

The filing Company submits the following:

Take notice that on June 24, 1980, the Pennsylvania-New Jersey-Maryland Interconnection Group (PJM) submitted for filing schedule 8.03 to the VEPCo-PJM Interconnection Agreement dated September 30, 1965, as supplemented.

Under the proposed section, Conservation Energy is priced on the basis of the cost of such supply.

The parties request waiver of the notice requirements, and further request that the Commission allow the agreement to become effective on August 1, 1980. Finally, PJM requests waiver of any rules and regulations with which it has not complied.

A copy of this filing will be furnished to the Regulatory Commissions of Pennsylvania, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20418 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-481]

Tampa Electric Co.; Filing

July 1, 1980.

The filing Company submits the following:

Take notice that on June 24, 1980, Tampa Electric Company (TECO) tendered for filing a revision to the daily capacity charge for its scheduled interchange service to Florida Power & Light Company and Florida Power Corporation under interconnection agreements between the three companies. According to TECO, the revised charge of $92.15 per MW per day is based on 1979 data and is derived according to the same method shown in cost support schedules submitted with the interconnection agreements.

TECO requests that the revised daily capacity charge be made effective on May 1, 1980 and requests waiver of the 60-day notice requirement.

According to TECO, the filing has been served on Florida Power & Light Company and Florida Power Corporation and the Florida Public Service Service Commission.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before July 21, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by TECO are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20419 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-104]

U.S. Geological Survey, New Mexico, Section 108 NGPA Determination, El Paso Natural Gas Co., San Juan 27-5 Unit No. 113, USGS No. NM 4398-79, JD 80-34013; Preliminary Finding

Issued June 26, 1980.

On May 12, 1980, the United States Geological Survey in New Mexico (USGS) submitted to the Commission a notice of determination that the San Juan 27-5 Unit No. 113 well qualified as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA) and the Commission's regulations implementing that section. The Commission published notice of the determination in the Federal Register on May 28, 1980.

Section 108(b) of the NGPA provides that in order to qualify as a stripper well, a well must, among other things, produce no more than 60 Mcf per production day at its maximum efficient rate of flow (MER) during the 90-day production period upon which the application is based. Section 271.804(d) of the Commission's interim regulations [1] stipulates the methods by which a jurisdictional agency may find that a well produced at its MER during the 90-day production period.

In this case, the USGS found that the subject well had produced an average of 15 Mcf per production day during the 90-day production period upon which the determination was based (March-May 1979). However, the agency was initially unable to find that the well had produced at its MER, since no production capability tests were submitted by the applicant, and average production over the 12-month period ending concurrently with the 90-day production period was 86 Mcf per production day. Accordingly, the agency deferred making the determination in accordance with § 271.804d)(3)(ii) of the interim regulations.

In February, 1980, the applicant submitted additional production information for June-December 1979, and sought to base its MER qualification on the 12-month period from January to December, 1979. For the months of July to December 1979, the records indicate that the well was voluntarily shut-in for well workover and gathering of reservoir data. The production average for the months of January to June, 1979, however, was 57 Mcf per production day. Accordingly, the production average for the 12-month period January-December, 1979 was also 57 Mcf per production day. On that basis the USGS made an MER finding and submitted to the Commission a determination that the subject well qualifies as a stripper well.

Section 271.804(d)(3)(ii) of the interim regulations stipulates that a jurisdictional agency which is unable to make an MER finding may defer its determination and designate a subsequent 12-month period during which the applicant "may secure the data described in subparagraph (2) of this paragraph." Subparagraph (2) provides that an MER presumption may

[1] The deferral procedure of § 271.804(d)(3)(ii) of the interim regulations applies to all NGPA Section 108 applications filed before September 21, 1979. Order No. 44-A, Docket No. RM79-73 (November 9, 1979), mimeo at 7. The instant application was filed with USGS in July, 1979.

be established "if during the [deferred] 12-month * * * such well *produced* non associated natural gas at a rate which did not exceed an average of 60 Mcf per production day" (emphasis added).

In a case such as this, where a well is not in production during the final six months of a 12-month period, a well cannot be presumed to have met the "produced" test established in § 271.804(d)(2). As the Commission has stated previously under the interim regulations, an MER presumption cannot reasonably be made unless the jurisdictional agency has before it a record which establishes a production pattern and a rate of production over a 12-month period during which the well was actually in production.[2] Although the Commission expects that a well may be shut in for short periods in accordance with normal production procedures, a well which is shut in for half of the 12-month period generally will not have established a production pattern.

Accordingly, the Commission finds that there is a lack of substantial evidence that the subject well produced at its maximum efficient rate of flow during the qualifying 90-day production period.

The Commission finds: On the basis of the record submitted with this determination the Commission hereby makes a preliminary finding, pursuant to 18 CFR 275.202(a)(1)(i), that the determination submitted by USGS that the San Juan 27–5 Unit No. 113 well qualifies as a section 108 stripper well, is not supported by substantial evidence in the record on which the determination was made.

By the direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-70421 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

[2] Notice of Preliminary Finding, Docket No. GP79-46 (July 13, 1979), mimeo at 2; *see* Order No. 44, Docket No. RM79-73 (August 22, 1979), mimeo at 27-28 (adopting this position with respect to the final regulations).

[Docket No. ER80-485]

VEPCo-PJM Group, et al.; Filing

July 1, 1980.

VEPCo-PJM Group Interconnection Agreement, Virginia Electric and Power Co. (Referred to as VEPCo), Public Service Electric and Gas Co., Philadelphia Electric Co., Pennsylvania Power & Light Co., Baltimore Gas and Electric Co., Potomac Electric Power Co., Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co. (Above Referred to Collectively as the PJM Group).

The filing Company submits the following:

Take notice that on June 24, 1980 the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the above listed utilities Schedules 5.04, 7.04, and 9.03 to the Interconnection Agreement between VEPCo and the PJM Group dated September 30, 1965, as supplemented September 1, 1976.

The schedules provide for replacing the traditional percentage adders used in pricing Emergency, Extended Emergency, and Short Term Energy and Operating Capacity transactions, as well as for Other Energy transactions, with cost justified fixed adders based upon identifiable costs. The demand rates for Extended Emergency transactions are changed from a daily to an hourly basis.

The schedules also provide for increasing the demand rate for supply of Short Term Power from $500 to $850 per megawatt per week. The demand rate for transmitting Short Term Power purchased from another system is increased from $125 to $240 per megawatt per week.

No new facilities will be installed nor will existing facilities be modified in connection with the schedules. The filing parties have requested a waiver of the 60-day notice period and any otherwise applicable rules and regulations not already complied with so that these changes may become effective on August 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, NE., Washington, DC 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 July 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-20422 Filed 7-8-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of June 9 Through June 13, 1980

During the week of June 9 through June 13, 1980, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings. (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedual regulations, the date of service is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objections within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

June 30, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Decisions and Orders

Gulf Oil Corp., Houston, Tex., DEE-6314, BEE-0990, Motor gasoline

Gulf Oil Corporation filed two Applications for Exception from the provisions of 10 CFR 212.83. The exception requests, if granted, would permit Gulf to remove from its May 1973 direct marketing cost base the May 1973 direct marketing expenses associated with consignee-agent facilities that have been or will be converted to independent jobberships. On June 10, 1980, the DOE issued a Proposed Decision and Order in which it tentatively determined that the Gulf applications be approved, with the condition that the May 1973 cost base reduction not exceed the

reduction in revenues incurred by Gulf as a result of class-of-purchaser designation changes associated with the conversion.

Helmerich & Payne, Inc., Tulsa, Okla., BEE-0842, crude oil

Helmerich & Payne, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the crude oil produced from its Dwight Leonard "A" No. 1 Well located in Beaver County, Oklahoma, as "newly discovered crude oil" which would in turn be eligible for sale at market price levels. On June 10, 1980, the DOE issued a Proposed Decision and Order in which it tentatively determined the exception relief should be denied.

Mid State Oil Co., Fargo, N. Dak., BEE-1174 gasohol

Mid State Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Mid State to purchase 750,000 gallons of unleaded gasoline per month in addition to its base period allocation in order to expand its gasohol marketing activities. On June 13, 1980, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be granted in part, and that Mid State's base period allocation of unleaded gasoline should be increased by 240,000 gallons per month.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provision of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception request be denied.

Company Name, Case No., and Location

Boardman Petroleum, DEE-2488, Augusta, GA.
City of Ann Arbor, DEE-1980, Ann Arbor, MI.
Dap, Inc., BEE-1182, Springfield, MO.
Downtown Standard, DEE-6415, Louisville, MS.
Porter Citgo, DEE-7425, Arlington, MA.
Town of Shelter Island NY, DEE-5123, Shelter Island NY.
Town of Easthampton NY, DEE-6220, Easthampton, NY.

[FR Doc. 80-20402 Filed 7-8-80; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order to the Greater Washington/Maryland Service Station Association

Notice is hereby given that on June 16, 1980, the Proposed Decision and Order which appears below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an Application for Exception filed by the Greater Washington/Maryland Service Station Association (Case No. BEE-0763). The relief tentatively approved in this proposed determination permits the 110 applicant retail service stations to receive increased allocations of unleaded gasoline in oder to market gasohol. The additional allocation for each outlet will be equivalent to the amount of unleaded gasoline from its base period allocation which the outlet is willing to devote to gasohol production and marketing.

Under the procedures governing the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those procedural regulations, the date of service of notice will be deemed to be the date of publication of this Notice (July 9, 1980) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The procedural regulations also specify that if a Notice of Objection is not received from an aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order that it intends to contest in any further proceeding involving the exception matter.

FOR FURTHER INFORMATION CONTACT: George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Room 8014, Washington D.C. 20461, Telephone Number (202) 653-3120.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
July 1, 1980.

June 16, 1980.

Proposed Decision and Order of The Department of Energy

Application for Exception

Name of Petitioner: Greater Washington/Maryland Service Station Association.
Date of filing: January 25, 1980.
Case Number: BEE-0763.

On January 25, 1980, the Greater Washington/Maryland Service Station Association (the Association) filed an Application for Exception with the Office of Hearings and Appeals of the Department of Energy. The exception request, if granted, would enable retail service stations which are members of the Association and have joined in this proceeding to receive additional unleaded gasoline for the purpose of marketing gasohol. "Gasohol" is a trademark held by the State of Nebraska for a petroleum product created when unleaded gasoline and ethyl alcohol are blended in a nine to one ratio.

The Association is a trade association representing approximately 1,300 independent service station operators in the District of Columbia and the State of Maryland. In its Application, the Association states that exception relief is necessary to enable its member stations to meet the demand for gasohol in their marketing areas since the base period allocations of these outlets are not sufficient for this purpose. The Association contends that the DOE regulations which limit its members' assured supply of unleaded gasoline prevent them from purchasing sufficient quantities of reasonably priced unleaded gasoline to enable them to market gasohol in a consistent and predictable fashion that will gain customer acceptance and allegiance. The Association states that unless its members are permitted to purchase increased volumes of unleaded gasoline at reasonable prices, they will be unable to meet the current strong demand for gasohol in their marketing areas. The Association further maintains that exception relief is necessary to promote the important national policy objective of developing alternative domestic energy sources to reduce the nation's dependence on imported oil.

Several major oil companies have submitted comments in opposition to the Association's exception request.[1] These firms dispute the factual contentions raised by the Association and maintain that the precedents established by the DOE in previous gasohol cases are not applicable to the present proceeding. These and other arguments raised by the oil companies have been fully considered in the evaluation of the Association's exception request.

I. Procedural Considerations

In their written and oral comments, a number of oil companies argue that this case does not meet the criteria for an administrative class action proceeding as set forth in our previous Decisions. *See, e.g., Stechshulte Gas & Oil Company,* 3 DOE ¶ 82, 034 (1979). This contention misperceives the nature of the present proceeding. It is not an Application for a Class Exception. The Association's exception application is not submitted on behalf of all 1,300 members of

[1] The following oil companies made oral presentations at a conference held on February 14, 1980. Atlantic Richfield Company, Texaco, Inc., Amoco Oil Company, Exxon Company, Cities Service Company, Mobil Oil Company, Gulf Oil Company and Sun Oil Company of Pennsylvania. *See Official Transcript of Proceedings Before the Department of Energy in the Matter of Greater Washington/Maryland Gasoline Dealers Association.* Written comments were submitted by all of these firms with the exception of Atlantic Richfield Company.

the Association, but only on behalf of the 110 service stations that have indicated in writing that they desire to be considered as applicants.[2] Therefore each of the 110 stations which are listed in the Appendix to this Decision will be considered to be an individual applicant for relief in this proceeding.

In previous cases, we have consolidated individual exception requests when we found that there were common issues of law and fact and that the expeditious processing of those cases was in the public interest. *See, e.g., Perfection Products Company*, 4 DOE ¶ 81,096 (1979). We recognize that the service station applicants in this proceeding do not each present identical factual circumstances. Nevertheless, in our view there are overriding, common material issues of fact and law presented in this proceeding. Moreover any significant issues which require individual treatment can be effectively evaluated in the context of a consolidated Decision.

II. Analysis

This is the first proceeding in which exception relief has been requested by a group of retail service stations that wish to sell gasohol. In prior Decisions, we have considered requests for allocations of unleaded gasoline filed by firms that wanted to blend or produce gasohol as well as to sell it. Nevertheless the discussion in those Decisions of national energy goals and the role of gasohol in furthering those goals is equally applicable to the present submission. *See, e.g., American Agri-Fuels Corporation*, 4 DOE ¶ 81,139 (1979); *Fannon Petroleum Service, Inc.*, 4 DOE ¶ 81,133 (1979).

At the present time, gasohol is sold at relatively few retail stations [3] and represents less than one percent of the nation's motor fuel sales.[4] If gasohol sales are to increase significantly and the alcohol content of the gasohol is to displace a significant amount of imported petroleum, it is essential that gasohol be marketed by stations in heavily populated areas. In this regard, we note that the present request is the first gasohol exception request involving a group of retailers in a major metropolitan area.[5] Moreover, the record indicates that there is a substantial demand for gasohol in the Washington, D.C./Maryland area. For example, a total of almost 400,000 gallons of gasohol per month is currently being sold by sixteen of the applicants.[6] Three of these outlets have gasohol sales, which exceed their base period allocations of motor gasoline.[7]

Sales of gasohol in the District of Columbia/Baltimore greater metropolitan area could be far more extensive than they are at present if the obstacles posed by the DOE Regulations were removed. Because those Regulations limit the quantity of motor fuel which retail stations are entitled to purchase from their base period suppliers, many applicants that desire to market gasohol are not able to do so since they lack adequate supplies for blending purposes. The record in this proceeding also indicates that the applicants which do sell gasohol are generally unable to satisfy the demand for that product in their market areas. *See Official Transcript of Proceedings Before the Department of Energy in the Matter of Greater Washington/Maryland Gasoline Dealers Association* at 44, 60; *see also* the responses to the Association's questionnaire filed with the Office of Hearings and Appeals. Moreover, the stations which currently market gasohol do so at considerable risk since there is no assurance that their supplies of gasohol will not be abruptly terminated. Despite the clear demand for gasohol, these uncertainties and risks confront any firm that wishes to sell that product as a direct result of the DOE regulatory program. They have in turn created a business climate that is not favorable to induce the capital investments and other commitments necessary to market gasohol on an expanded basis.

The applicants in this proceeding request that an allocation of gasohol be established that would give them the protection intended to be provided by the DOE allocation system. We have concluded that exception relief should be approved to do so. In reaching this conclusion, we are aware of the fact that the motor gasoline supply situation has been easing in recent months. However, in view of nationwide and local spot shortages in recent years, it is our judgment that the present supply situation is uncertain and potential marketers of gasohol cannot obtain an assured supply of gasohol because of the uncertain availability of unleaded gasoline. This severely reduces the incentive for independent marketers to commence, maintain or expand gasohol marketing operations. Furthermore, we find that a stable source of supply is required not only to enable the owner of the retail station to invest in gasohol marketing and promotion, but also to persuade motorists to purchase gasohol on a regular basis. In several cases involving the motor gasoline needs of rural communities, exception relief has been approved on gross inequity grounds despite the fact that the service station applicants were temporarily receiving sufficient supplies of motor gasoline through the state set-aside program or purchases of surplus product. *See, e.g., Bowen Service Station; Winninghoff Motors, Inc.*, 2 FEA ¶83,058 (1975); *Great Lakes Development Co., Inc.*, DEE-6465 (Proposed Decision and Order issued March 25, 1980). In those Decisions, we held that denying the applicants an assured supply of motor gasoline would frustrate the important national policy objective of equitable distribution of refined petroleum products among all users. Similarly, the inability of an independent marketer to begin, maintain or expand gasohol sales operations because of the lack of an assured supply of product frustrates the important national energy objective of reducing dependency on foreign energy sources by increasing gasohol use.

The approval of exception relief in this proceeding is also intended to promote other important national policy objectives involving the preservation of an economically sound and competitive petroleum industry and the maintenance of an equitable distribution of refined petroleum products among all sectors of the petroleum industry. *See* Emergency Petroleum Allocation Act of 1973, § 4(b)(1) (D) and (F). The exception relief being approved in this Decision is the first time that the DOE has officially encouraged a significant number of individual retailers to market gasohol. Almost all of the applicants in the present proceeding own or lease only one retail outlet.[8] It is certainly desirable that small independent retailers such as the applicants be enabled and encouraged to sell gasohol in order to foster competition in the marketing of that product. In this connection, we note that in nearly all of our previous Decisions involving gasohol, the applicant was either a major integrated petroleum firm or a large, independent reseller.

It is also useful and appropriate that an exception be granted under these circumstances to demonstrate the gasohol marketing potential of independent retail stations in a large metropolitan region. We have previously approved relief from the allocation regulations to permit the test marketing of gasohol by major oil companies at wholly owned outlets in geographical areas selected by the applicants. *See, e.g., Cities Service Company*, 4 DOE ¶81,249 (1979). In the present case, it is particularly appropriate that the region in which the marketing project is conducted include the District of Columbia in view of the severe disruption in its motor gasoline supplies during the spring and summer of 1979. *See District of Columbia*, 4 DOE ¶82,555 (1979).

In view of the foregoing considerations, we shall approve exception relief increasing the quantity of unleaded motor gasoline

[2] The Association sent a questionnaire to all its members and requested that those service station operators who wanted to be a party to this proceeding answer sixteen questions relating to operation of their outlets and their commitment to gasohol marketing.

[3] It is estimated by the National Gasohol Commission that approximately 4,000 service stations sell gasohol out of a total of more than 150,000 retail motor gasoline outlets nationwide. *See* Notice of Proposed Rulemaking, 45 FR 34846 (May 22, 1980).

[4] On the basis of total ethanol production capacity in the United States, it is estimated that during 1979 gasohol sales totaled approximately 800 million gallons. Lundberg Letter, January 18, 1980, p. 3. While this represents a substantial increase in gasohol use, it constitutes only .7 of one percent of total annual motor gasoline sales of 106 billion gallons.

[5] Over sixty percent of the applicants in this proceeding are located in the combined Washington, D.C.-Baltimore metropolitan areas.

[6] Of the sixteen outlets, eleven are supplied with gasohol by Texaco, Inc., which utilizes the outlets' base period allocations for this purpose; three are supplied with gasoline by Fannon Petroleum Services, Inc., which utilizes unleaded gasoline it has received through an exception approved by the DOE, *Fannon Petroleum Services, Inc.*, 4 DOE ¶ 81,133 (1979); and the remaining two are supplied by firms which utilize surplus quantities of unleaded gasoline in the production of gasohol.

[7] Truckers Inn, Jessup, Maryland; Bill's Gulf Service Center, Washington, D.C.; Takoma Langley Firestone Service, Takoma Park, Maryland.

[8] 96 of the 110 applicants have applied on behalf of one outlet each. Of the remaining applicants, four have applied on behalf of three outlets each, and one has applied on behalf of two outlets.

available to the applicants in order to enable them to obtain assured supplies with which to market gasohol. However, in accordance with previous Decisions in which we required gasohol blenders to demonstrate a commitment to gasohol use, the applicants in this proceeding must establish their commitment to gasohol marketing before they receive the approved relief. Since retailers generally need to make only minimal alterations in their own facilities in order to market gasohol, the applicants need not show that they have made a substantial financial commitment. However, their commitment to marketing gasohol must be evidenced by willingness to devote a portion of their present base period allocation to gasohol sales. We will therefore require each applicant retail outlet to enter into a written agreement with a gasohol blender in which the outlet agrees to transfer to the blender the outlet's right to receive specified monthly amounts of unleaded gasoline sufficient to produce the volume of gasohol to be sold by the outlet.[9] One half of this amount will be supplied from the outlet's current base period entitlement and one-half will be supplied from the relief approved in this proceeding. In addition to evidencing the retail outlet's commitment to gasohol use, the agreement should also establish a formal distribution mechanism by which the retail outlet will be able to obtain an assured supply of gasohol. The gasohol blender must in turn agree to blend and resell to the outlet gasohol produced from all the unleaded gasoline delivered to the blender pursuant to its contract with the outlet. Under this procedure, each applicant will receive ten gallons of gasohol for every 4.5 gallons of unleaded gasoline that it contributes from its present base period allocation.[10] This level of exception relief will establish a considerable incentive for retail outlets to enter into these agreements.

In order to provide maximum flexibility to the applicant and minimal interference with market mechanisms, the applicant may select any eligible gasohol blender/supplier. Any firm that has the capability to blend gasohol is an eligible supplier provided that it has an assured source of at least 800 gallons per month [11] of domestically produced anhydrous ethanol distilled from non-petroleum or non-natural gas sources. The relief will become effective when the retail outlet submits to its base period supplier a copy of this Decision and Order, a fully executed copy of an appropriate gasohol supply contract, and a certification from the gasohol blender that it has a qualified, assured source of alcohol. The base period supplier will thereupon be required to allocate to the retail outlet additional unleaded gasoline equivalent to one-half the quantity of unleaded gasoline which the retail outlet has agreed to devote to gasohol marketing. This additional allocation will be subject to the base period supplier's allocation fraction. Moreover, in order to facilitate the production process and ensure that the unleaded gasoline is in fact blended into gasohol, the base period supplier will be required to make available to the contractually designated gasohol blender on behalf of the retail outlet at an acceptable location the total agreed amount of unleaded gasoline to be devoted to gasohol production.

The DOE has recently issued proposed regulations which are intended to encourage increased production and marketing of gasohol. 45 FR 34846 (May 22, 1980), 5 Fed. Energy Guidelines (CCH) ¶ 41,170. Since those proposals may provide a regulatory remedy for the applicants in this proceeding, we have determined that the relief approved in this Decision should terminate subsequent to the promulgation of a final rule on gasohol allocation. *See* 10 CFR 205.55(b). However, in order to avert dislocations which might occur, the termination of relief should be effective sixty days from the effective date of the final rule. Finally, since the exception relief approved in this proceeding is designed to facilitate a test marketing program, any applicant which is unable to sell in any month at least 85 percent of the amount of gasohol set forth in the contract with its gasohol blender for that month, or which terminates gasohol operations, must file a report with the Office of Hearings and Appeals specifying the reasons for the reduction or termination of its gasohol sales operations.

It is therefore ordered that:

(1) The Application for Exception filed by the Greater Washington/Maryland Service Station Association on behalf of 110 member service stations is hereby granted as set forth in Paragraphs (2) through (5) below, and is in all other respects denied.

(2) Notwithstanding any contrary provisions of 10 C.F.R. Part 211, each service station applicant listed in the Appendix to this Decision and Order shall be entitled to receive an additional allocation of unleaded gasoline from its base period supplier equivalent to one-half of the amount of unleaded gasoline which it has agreed, pursuant to this Decision, to commit to gasohol production and marketing.

(3) The relief set forth in Paragraph (2) shall be subject to the following conditions:

(a) The applicant must submit to its base period supplier (i) a copy of this Decision and Order; (ii) a fully executed contract with a gasohol from the unleaded motor gasoline delivered to it on behalf of the applicant, and the applicant agrees to supply specified monthly quantities of unleaded motor gasoline, as reduced by the allocation fraction of the applicant's base period supplier; and (iii) a certification from the gasohol blender that it has an assured source of at least 800 gallons per month of domestically produced anhydrous ethanol distilled from non-petroleum and non-natural gas sources.

(b) The applicant shall sell the gasohol that it receives from the gasohol blender to the general public in accordance with its normal business practices and the DOE Price Regulations.

(c) The applicant shall fill a written report with the Office of Hearings and Appeals within ten days following any month in which it has purchased less than 85 percent of the amount of gasohol which it is obligated to purchase from its gasohol blender/supplier under the contract referred to in subparagraph (a). This report shall indicate the monthly volumes of gasohol and motor gasoline sold during the period of gasohol operations and clearly specify the reasons for reducing or terminating gasohol sales operations.

(4) Any base period supplier of an applicant in this proceeding which receives a copy of this Decision and Order together with the contract and certification specified in paragraph 3(a) shall make available to the gasohol blender at an acceptable location a quantity of unleaded gasoline equivalent to the monthly volumes specified in the contract as adjusted by the supplier's allocation fraction.

(5) The relief approved in this Decision and Order shall automatically terminate 60 days following the effective date of a final rule amending the Mandatory Petroleum Allocation Regulations with respect to the treatment of gasohol and unleaded gasoline used as blend stock in the production of gasohol.

(6) The exception relief granted in this Decision and Order is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicants and on the validity of the contract and certification delivered to a base period supplier pursuant to paragraph (3a). This exception may be revoked at any time upon a determination that the factual basis underlying the exception relief is incorrect. The DOE may also, by further Order, direct appropriate adjustments or remedial action by the applicants to the extent that the firms' projections of their operating performance are demonstrated to have been different from their actual operating results.

(7) To the extent that the full amount of exception relief has not been granted as requested, an Appeal from this Decision and Order may be filed by any person who is aggrieved or adversely affected by the denial of exception relief. Such Appeal shall be filed within 30 days of the issuance of this Order with the Federal Energy Regulatory Commission pursuant to 18 CFR 1.40, 43 FR 35907 (August 14, 1978).

Appendix

Al Anderson's Exxon, Baltimore, MD
Allentown Sunoco, Camp Spring, MD
Anderson's Exxon Service, Ocean City, MD
Arnold Exxon, Arnold, MD
Aspen Hill Exxon, Silver Spring, MD
Bearsch's Exxon, Abingdon, MD
Belair Shell Service, Mitchellville, MD
Beltway Shell, Silver Spring, MD

[9] The agreement should contain a provision making these amounts subject to the allocation fraction of the retail outlet's base period supplier. Any agreement submitted to a supplier pursuant to this Decision without this required provision shall be deemed to incorporate such a provision.

[10] The ten gallons would be produced from 4.5 gallons of unleaded gasoline from the applicant's present base period allocation, an additional amount of unleaded gasoline derived from the exception relief approved in this Decision, and one gallon of alcohol. (4.5 + 4.5 + 1 = 10.)

[11] This condition ensures that small gasohol blenders will have an opportunity to enter into supply agreements with retailers provided that the gasohol blender is able to produce at least one tank load (8,000 gallons) of gasohol per month. The 800 gallon per month limitation also appears in a recent proposed rulemaking on allocation of unleaded gasoline for gasohol. 45 FR 34846 (May 22, 1980).

Ben's Exxon Auto-Truck Center, Thurmont, MD
Bill's Gulf Serv. Center, Washington, DC
Bill's Parkville Arco, Baltimore, MD
Bradley Blvd. Exxon, Chevy Chase, MD
Burnt Mills Exxon, Silver Springs, MD
Calverton Amoco, Silver Spring, MD
Capital Plaza Texaco, Landover Hill, MD
Carson Texaco, Washington, DC
Cathedral Exxon Servicenter, Baltimore, MD
Cedonia Shell Service, Baltimore, MD
Charlotte Hall Gulf, Charlotte Hall, MD
Chesapeake Exxon, Annapolis, MD
Cloverly Exxon, Silver Spring, MD
Coastline Serv. Center, Washington, DC
Colesville Citgo, Silver Spring, MD
Community Citgo, Silver Spring, MD
Crouch's Texaco, Rockville, MD
Dales Sunoco, Bethesda, MD
Del Mercado Shell, Silver Spring, MD
Dilworth Amoco, Rockville, MD
Dingle Exxon, Cumberland, MD
Distad's Amoco, Washington, DC
Dundalk Exxon, Baltimore, MD
Eastern Shore Arco, Easton, MD
Edmondson Exxon Servicenter, Baltimore, MD
Embassy Gulf Servicenter, Washington, DC
Ernie's Service Center, Darlington, MD
Enterprise Exxon, Glenn Dale, MD
Executive Amoco, Rockville, MD
Expressway Texaco, Baltimore, MD
Fairland Exxon, Silver Spring, MD
Ferguson's Exxon, Adelphi, MD
Flagship Exxon, Rockville, MD
Flook's Texaco, Frederick, MD
Flower Exxon Servicenter, Takoma Park, MD
Forestville Gulf Service, Forestville, MD
Frank's Exxon, Inc., Linthicum, MD
Frederick St. Sunoco, Hagerstown, MD
Freestate Exxon, Laurel, MD
Ft. Washington Texaco, Oxon Hill, MD
Garcia's Servicenter, Sandy Spring, MD
Georgetown Texaco, Washington, DC
Golden Shell, Bowie, MD
Greenbelt Exxon, Greenbelt, MD
Hamilton Park Exxon, Baltimore, MD
Harron's Amoco, Hagerstown, MD
Hatcher's Citgo, Bel Air, MD
Hillside Amoco, Coral Hills, MD
Jimmy Cooke's Texaco, Brandywine, MD
Joe & Sam's Arco, Baltimore, MD
Johnson Shell, Inc., Rockville, MD
Key Bridge Exxon, Washington, DC
Klepper's Exxon, Chester, MD
Lakeview Exxon, McHenry, MD
Lanny's Service Center, Hagerstown, MD
Laurel Shell Service, Laurel, MD
Luksenburg Service Center, Silver Spring, MD
Lutherville Gulf, Inc., Lutherville, MD
Marlboro Texaco, Upper Marlboro, MD
Marriottsville Auto Svc., Inc., Randallstown, MD
Md. R. V. Serv. Center, Inc., Annapolis, MD
Merritt Blvd. Exxon, Baltimore, MD
Miller's Texaco, Bethesda, MD
Montgomery Mall Exxon, Bethesda, MD
Montpelier Exxon, Laurel, MD
Montpelier Texaco, Inc., Laurel, MD
Moravia Exxon, Baltimore, MD
Myers Shell Service, Thurmont, MD
Myers Texaco, Waldorf, MD
Northwood Gulf, Baltimore, MD
Oak Crest "66", Hillside, MD
Oakville Amoco, Mechanicsville, MD
Orleans Shell, Baltimore, MD
Owen Brown Mobil Inc., Columbia, MD
Oxon Hill Chevron, Oxon Hill, MD
Padonia Auto Service, Cockeysville, MD
Pinehurst Citgo, Baltimore, MD
Queenstown Exxon, Hyattsville, MD
Ray Welch Texaco, Arlington, VA
Reisterstown Texaco, Reisterstown, MD
Rockville Gulf, Rockville, MD
Rockville Shell, Rockville, MD
Seminary Hill Serv. Center, Lutherville, MD
Smitty's Gulf, Lothian, MD
Spring Valley Gulf, Washington, DC
Stevens Exxon, Washington, DC
Sun Valley Exxon, Glen Burnie, MD
Takoma Langley Firestone, Inc., Takoma Park, MD
Thompson's Petworth Texaco, Washington, DC
Towson Crown Gas, Towson, MD
Triangle Exxon, Baltimore, MD
Truckers Inn, Jessup, MD
Twinbrook Shell, Rockville, MD
Van Ness Texaco, Washington, DC
Veirs Mill Exxon, Silver Spring, MD
Waldorf Texaco, Waldorf, MD
Washington Chapel Exxon, Gambrills, MD
Westwood Texaco, Inc., Bethesda, MD
Woodbrook Service Sta., Inc., Baltimore, MD
Yorkridge Shell Service Sta., Timonium, MD
Yuen's Exxon, Washington, DC
4th & I Gas Station, Washington, DC

[FR Doc. 80-20407 Filed 7-8-80; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1534-2]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1979 and August 31, 1979.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1979 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 1, 1980.

William N. Hedeman, Jr.,
Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
DS-COE-A39032-IA	Cedar River Local Flood Protection Project, Evansdale, Black Hawk County, Iowa	LO1	H
D-COE-C35028-NY	Local Flood Protection, Dansville, Livingston County, New York	ER2	C
D-COE-E30013-FL	Beach Erosion Control Study and Feasibility, Monroe County, Florida	EU2	E
D-COE-E32026-AL	Navigation Channel Enlargement, Mobile Harbor, Alabama	ER2	E
D-COE-F32063-OO	FY 79, Survey Study, Great Lakes and St. Lawrence Seaway, Navigation Season Extension, Michigan, Pennsylvania, New York, Illinois, Wisconsin and Minnesota.	ER2	F
D-COE-K30000-HI	Waiehu Beach Shore Protection, Waiehu, Maui, Hawaii	LO1	J
D-COE-K91002-HI	Hilo Lava Flow Control, Hawaii	LO1	J
D-COE-L36061-OR	Operations and Maintenance, Willamette Reservoir System, Oregon	LO1	K
D-COE-L82005-WA	Aquatic Plant Management Program, King, Okanogan County, Washington	LO2	K
	Department of Agriculture		
D-AFS-A65121-OO	Renewable Resources, an Assessment of the Forest and Range Land Situation in the United States, RPA Assessment and Alternative Program Direction.	[1]2	A
RD-AFS-A65133-OO	33 CFR Part 219, Guidelines for Land and Resource Management Planning in the National Forest System (44 FR 26554).	LO2	A
D-AFS-G65033-TX	Davy Crockett National Forest, Timber Management Plan, Houston and Trinity Counties, Texas	LO1	G
D-AFS-J61026-CO	Elk Wild and Scenic River Study, Routt National Forest, Routt County, Colorado	LO1	I
D-AFS-J61028-CO	Conejos Wild and Scenic River Study, Conejos River, Conejos County, Colorado	LO1	I
D-AFS-J65084-MT	Hoodoo Fisher Mountain Planning Unit, Land Management Plan, Kootenai National Forest, Lincoln County, Montana.	LO1	I
D-AFS-J65085-MT	Cool Burnt Planning Unit, Land Management Plan, Kootenai National Forest, Lincoln County, Montana.	LO1	I
D-AFS-J65087-MT	Wolf Planning Unit, Land Managment Plan, Kootenai National Forest, Lincoln County, Montana	ER2	I
D-SCS-E36060-KY	Donaldson Creek Watershed, Caldwell and Crittenden Counties, Kentucky	ER2	E
D-SCS-K36031-CA	Lower Pine Creek Watershed Flood Control, Contra Costa County, California	LO1	J
D-SCS-K36032-CA	Tehachapi Watershed Plan, Flood Protection, Kern County, California	LO1	J
	Department of Commerce		
DS-NOA-B91009-OO	Atlantic Herring Fishery Management Plan	LO1	B
D-NOA-E60008-OO	Alabama Coastal Zone Management (CZM)	[2]LO2	E
	Department of Defense		
D-UAF-K11018-CA	Operation of the Pave Paws Radar System, Beale Air Force Base, California	LO1	J
D-USA-D11005-VA	Fort Story Ongoing Mission, Fort Story, Virginia	ER2	D
D-USA-D11006-VA	Fort Eustis Ongoing Mission, Fort Eustis, James City County, Virginia	LO2	D
D-USA-D11007-VA	Fort Lee Ongoing Mission, Fort Lee, Fairfax County, Virginia	LO2	D
D-USA-D11008-VA	Fort Belvoir Ongoing Mission, Fort Belvoir, Fairfax County, Virginia	LO2	D
D-USA-D11009-VA	Fort A. P. Hill Ongoing Mission, Fort A. P. Hill, Carolina County, Virginia	LO2	D
D-USA-D11010-PA	Carlisle Barracks Ongoing Mission, Carlisle, Pennsylvania	LO2	D
D-USN-K11017-CA	New Replacement Pier #13 at Naval Station, San Diego, California	LO2	J
	Department of Interioir		
D-BLM-J07009-UT	Emery Units 3 and 4, Construction and Operation, Emery County, Utah	ER2	I
D-BLM-J99010-UT	Randolph Planning Unit, Grazing Management, Rich County, Utah	ER2	I
D-BLM-J99011-OO	Three Corners Grazing Management, Sweetwater County, Colorado and Unitah and Daggett Counties, Utah.	LO1	I
D-BLM-L46005-ID	Snake River Birds of Prey National Conservation Area, Ada, Canyon, Elmore and Owyhee Counties, Idaho.	LO2	K
D-IBR-J28002-CO	Colorado Big Thompson, Windy Gap Projects, Grand and Larimer Counties, Colorado	3	I
D-NPS-E61028-OO	Great Smoky Mountains National Park, Management Plan, North Carolina and Tennessee	LO2	E
D-NPS-J61027-OO	Colorado and Lower Dolores Rivers, Wild and Scenic River, Colorado and Utah	ER1	I
	Department of Transportation		
D-FAA-H51012-MO	Lambert-St. Louis International Airport, St. Louis, St. Louis, County, Missouri	ER2	H
D-FHW-C40040-NY	Marcy-Utica-Deerfield Transportation Study, Oneida County, New York	ER2	C
D-FHW-D40070-MD	MD-115, Montgomery Village Avenue to Norbeck, Montgomery County, Maryland	ER2	D
D-FHW-E40175-TN	TN-32, U.S. 25E, Appalachian Corridor "S", Grainger County, Tennessee	LO2	E
D-FHW-E40176-TN	TN-35, Sims Road to TN-9/I-40, Sevier, Jefferson and Cocke Counties, Tennessee	LO2	E
D-FHW-E40178-FL	FL-525, Lakewood Circumferential Route, Polk County, Florida	LO2	E
D-FHW-F40132-OH	Relocation of U.S. 250, Cadiz 40 to I-70 Near Clairsville, Belmont and Harrison Counties, Ohio	ER2	F
D-FHW-G40071-TX	I-27, Loop 289 North, South to Loop 289, Lubbock, Lubbock County, Texas	LO2	G
D-FHW-L40084-OR	I-5, Jantzen Beach-Delta Park Interchange, Pacific Highway, Multnomah County, Oregon (FHWA-OR-EIS-79-07-D).	LO2	K
D-UMT-B54003-MA	North Shore Transit Improvement Project, Metropolitan Area, Massachusetts (MA-29-9001)	ER3	B
D-UMT-K54002-CA	Transit System Improvements, Los Angles Regional Core, California	LO2	J
D-UMT-K54003-CA	San Francisco Bay Area Transportation, Terminal Expansion, San Francisco County, California	LO1	J
D-UMT-K54004-CA	Los Angeles Downtown People Mover Project, Los Angeles County, California	LO2	J
	Department of Housing and Urban Development		
D-HUD-A80021-OO	Procedures for Approval of Single Family Proposed Construction Applicants in the New Subdivisions.	ER2	A
D-HUD-C85025-PR	Villas de Loiza Development, Loiza, Puerto Rico	LO1	C
D-HUD-D85018-VA	Burke Centre, Fairfax County, Virginia	LO2	D
D-HUD-E85050-FL	Lake Mandarin Subdivision, Duval County, Jacksonville, Florida	LO2	E
D-HUD-E85051-FL	Bloomingdale Planned Unit Development, Hillsborough County, Florida (HUD-RO4-EIS-78-01)	LO2	E

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	Department of Interior—Continued		
D-HUD-G85140-TX	Steeplechase Subdivision, Harris County, Texas	LO2	G
D-HUD-L85013-WA	Cascade Park Planned Community, Vancouver, Clark County, Washington (HUD-RIO-EIS-79-2D).	LO2	K
	Nuclear Regulatory Commission		
D-NRC-D0600-PA	Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania	ER2	D
D-NRC-E06009-SC	Virgil C. Summer Nuclear Station, Unit No. 1, Fairfield County, South Carolina	LO2	E
D-NRC-J00013-WY	Gas Hills Uranium Mill, Natrona and Freemont Counties, Wyoming	LO2	I

[1]Because of the deficiencies in the RPA documents identified in our detailed comments, we have categorized the DEIS as 2; insufficient information. Since there was no recommended alternative as part of the DEIS for RPA, we have not categorized the "project" impact.

[2]This review was inadvertently excluded from June 1, 1979 to June 30, 1979 Federal Register Report, published June 19, 1980 pages 41493–41497 Vol. 45 No. 120.

Appendix II—Definitions of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action. ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
FS-COE-A30031-FL	Beach Erosion Control, Anna Maria Key, Manatee County, Florida.	The statement is generally acceptable. Impacts could be lessened by locating areas where there is natural accretion thereby mitigating possible water quality problems. This dredging can be combined with that of Longboat Pass or Passage Key so as to cut down on the frequency of dredging in the project area. EPA prefers the alternate borrow site of Longboat Pass and the accretion area off the north end of Anna Maria Key be used. The long borrow pit off shore of Holmes and Bradenton Beach has the potential to form a pocket with water quality problems as well as hamper natural nourishment processes. Additionally, dredging should be scheduled so as not to coincide with nesting and incubation periods of sea turtles.	E
F-COE-J35000-ND	Pembilier Lake and Dam, Pembina River Basin, Pembina and Cavalier Counties, North Dakota.	EPA recommends a full NEPA review of the phase I study, aimed at improved disclosure of the impacts of the proposed project and more thorough consideration of the alternatives. EPA's principal concerns pertain to water quality problems associated with the impoundment, including the possibility of extreme eutrophication in the reservoir, violation of water quality standards and downstream effects on public water suplies and biological communities.	I
F-COE-K34004-CA	Imperial Beach Erosion Control, San Diego County, California.	EPA's concerns were adequately addressed in the final EIS.	J
	Department of Agriculture		
F-REA-G07015-NM	Ojo-Taos 345 kV Transmission Line, Related Facilities, Taos and Rio Arriba Counties, New Mexico.	EPA's concerns were adequately addressed in the final EIS.	G
	Department of Commerce		
F-NOA-D86001-DE	Delaware Coastal Zone Management Program (CZM).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA continues to be concerned regarding the treatment to alternatives in the EIS and the mechanism for State and local plan coordination in the program.	D
F-NOA-K90004-CA	Elkhorn Slough Estuarine Sanctuary, Grant, Monterey, California.	EPA's concerns were adequately addressed in the final EIS.	J

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
		Department of Defense	
F-USA-E10003-OO	U.S. Army Nuclear, Biological and Chemical School, Alabama and Maryland.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA raised questions regarding the disposal of the potentially hazardous wastes residual.	E
F-USN-K11012—CA	Reestablishment, Long Beach Naval Station, Pacific Fleet Homeporting, Los Angeles County, California.	Generally, EPA's concerns were adequately addressed in the final EIS. However, since violations of the one hour CO standard are predicted, EPA recommended the Navy pursue the monitoring program in addition to developing mitigating measures in the event of violation.	J
		Department of the Interior	
F-IGS-J01020-UT	Development of Coal Resources in Central Utah	EPA maintains that the values of the past round of regional coal EIs's have been seriously compromised because of lack of current analysis of mining plans in accordance with SMCRA EPA has identified the potential for serious water quality degradation resulting from the proposed action.	I
F-NPS-K61022-AZ	Colorado River Management Plan, Grand Canyon National Park, Mohave County, Arizona.	EPA's concerns were adequately addressed in the final EIS	J
F-SFW—J99003-OO	Mammalian Preator Damage Management, Livestock Protection, Western United States.	Although EPA's review indicated the final EIS is substantially improved, EPA continues to be concerned with a number of important issues which have not been addressed. Specifically, the proposal does not adequately reflect the President's policy on predator control, EO 11870. or the Secretary's directive of May 31, 1977. Furthermore, EPA believes the alternatives section is inadequate basically since the realistic alternatives other than the present program are not fairly considered and tend to emphasize only certain extreme elements in each alternative.	A
		Department of Transportation	
FS-CGD-A52090-OO	Seadock, Texas Deepwater Port Authority Application Amendment, Offshore Texas.	EPA's concerns were adequately addressed in the final supplement EIS	A
F-FAA-C51008-NY	Albany County Airport, Extension of Runway 1-19, Albany, New York.	EPA's concerns were adequately addressed in the final EIS	C
F-FHW-E40079-NC	NC-160, Charlotte Airport, Charlotte, Mecklenburg County, North Carolina.	EPA's concerns were adequately addressed in the final EIS	E
F-FHW-E40106-TN	Appalachian Corridor "J", TN-8, Soddy-Daisy to Dunlap, Hamilton and Sequatchie Counties, Tennessee.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA made several suggestions and indicated its position to review all applicable 404 permits necessary for this proposal.	E
F-FHW-E40147-GA	North Camp Creek Parkway Extension, Fulton and Douglas Counties, Georgia.	EPA's concerns were adequately addressed in the final EIS	E
F-FHW-L40060-OR	Swan Island Transportation Access, Basin Avenue to Going Street Interchange, Multnomah County, Oregon (FHWA-OR-EIS-78-01-F).	EPA raised several technical and procedural issues and asked FHWA to provide some additional analysis for EPA to review. EPA was not certain that a formal supplement to the EIS would be needed.	K
F-UMT-D54027-MD	Lexington Market Joint Development project, Baltimore, Maryland.	EPA's concerns were adequately addressed in the final EIS	D
		Federal Energy Regulatory Commission	
F-FRC-C05006-NY	Prattsville Pumped Storage Project No. 2729, New York.	EPA considers this project to be environmentally unacceptable, because it is expected to cause unmitigated adverse impacts on water quality and on fisheries in the area. EPA acknowledged the importance of power generation projects to the economic vitality of the nation, but EPA stressed that energy conservation is the cornerstone of our national energy policy. The PSP would require the equivalent of a 1300 megawatt fossil-fueled or nuclear-fueled baseload plant for its operation because pumped storage projects consume more energy than they generate.	C
		Department of Housing and Urban Development	
F-HUD-D85015-MD	Frederick heights Residential Development, Frederick, Maryland.	EPA's concerns were adequately addressed in the final EIS. However, EPA suggested that future EIS's integrate the analysis of air and noise impacts more effectively.	D
F-HUD-E85044-FL	Skylake South Subdivision, Orlando, Orange County, Florida.	EPA's concerns were adequately addressed in the final EIS	E
F-HUD-F85040-IL	Fox Valley Villages, Aurora, Kane and DuPage Counties, Illinois.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA recommends that the projected noise levels, the numbers of people affected, and the measures to mitigate the noise impacts of the railroad and motor vehicle traffic on the residences in the development be more specifically addressed before the plans are finalized.	F
F-HUD-F89003-WI	Plankinton house, 1492 West Wisconsin Avenue, urban Renewal Program, Milwaukee, Milwaukee County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS. It is EPA's understanding that HUD is investigating the ramifications of the recommended "no action" alternative and will keep EPA informed on the final decision.	F
		Veterans Administration	
F-VAD-C81004-NJ	Veteran's Administration Medical Center, Camden County, New Jersey.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA recommended that the certified test report be available for review.	C
F-VAD-F69001-OO	National Cemetery, Great Lakes Area, Site Proposal, Kalamazoo County, Michigan and Huron County, Ohio.	EPA's concerns were adequately addressed in the final EIS	F
F-VAD-G81011-AR	John L. McClellan Memorial Veterans Hospital, Little Rock, Arkansas.	EPA's concerns were adequately addressed in the final EIS	G

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and not Commented on Between Aug. 1, and Aug. 31, 1979*

Identifying No.	Title	Source of review
	Corps of Engineers	
F-COE-E39004-FL	Grove Isle (Fair Isle) Marina, Permit, Miami, Dade County, Florida	E
F-COE-H36016-IA	West Des Moines Local Flood Protection, Des Moines, Polk County, Iowa	H
	Department of Agriculture	
F-AFS-J65079-MT	Zeigler Planning Unit, Kootenai National Forest, Lincoln County, Montana	I
F-AFS-J65082-MT	Beaver-Marten-Vermillion Planning Unit, Kootenai National Forest, Sanders County, Montana	I
F-AFS-L61128-OR	Burnt Powder Land management Plan, Wallowa-Whitman National Forest, Baker, Grant, Malheur and Union Counties, Oregon	K
	Department of Defense	
F-USN-B35008-CT	Trident Dredging, Thames River channel, Groton and New London, New London County, Connecticut	B
	Department of Transportation	
FS-FHW-A41284-KS	U.S. 169 Highway, Earlton to Humboldt, Neosho and Allen Counties, Kansas	H
F-FHW-B40028-VT	VT-127, Burlington to Warner's Corner, Colchester, Chittenden County, Vermont	B
F-FHW-B40036-VT	U.S. 7, VT-11 to U.S. 7, Manchester to Dorset, Vermont (FHWA-VT-EIS-78-03-F)	B
F-FHW-E40128-NC	I-40 Highway Extension to I-95, Benson to Wilmington, Sampson, Johnston, Duplin, Dender and New Hanover Counties, North Carolina	E
F-FRA-B53004-CT	Replacement of Niantic River Bridge and Approaches, East Lyme and Waterford, New London County, Connecticut (FRA-RNC-EIS-78-01-F).	B
	Department of Housing and Urban Development	
F-HUD-B89012-MA	South End Urban Renewal Project, Financial Settlement, Boston, Suffolk, County, Massachusetts (CDBG)	B
F-HUD-C85023-PR	Plaza Renacimiento, Stage III, San Juan, Puerto Rico	C
F-HUD-C85024-PR	Toa Alta Heights Development, Toa Alta, Puerto Rico	C
F-HUD-E85030-GA	Blair Village Apartment Complex, Proposed Sale, Fulton County, Georgia	E
F-HUD-E85046-AL	High Service Transmission Main, Alexander City, Tallapoosa County, Alabama (CDBG)	E
F-HUD-E89010-NC	Downtown Urban Renewal Area, Burlington, Alamance County, North Carolina	E
	Tennessee Valley Authority	
F-TVA-E08013-TN	Montgomery 500 kV Substation and Transmission Paradise Plant, Montgomery County, Tennessee	E

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*

Identifying No.	Title	General nature of comments	Source for copies of comments
	Corps of Engineers		
R-COE-A36010-OO	33 CFR Part 280, Water Resources Policies and Authorities, Use of Nonstructural Measures in Planning for Flood Damage Reduction.	EPA supports the overall concept of evaluating nonstructural measures; carrying them through all stages of the planning process and taking advantage of opportunities to acquire lands for recreation, fish and wildlife enhancement and other floodplain benefits. EPA suggest that the corps define how an alternative is to be determined "viable" (280.6(1)) and "practicable" (280.6(d)) or the appropriate engineer regulation regulation be included. Also EPA suggests that equal treatment be given the beneficial aspects of nonstructural measures.	A
R-COE-A86139-OO	33 CFR Part 230, Environmental Quality, Policy and Procedures for Implementing NEPA (ER 200-2-2) (44 FR 38292).	EPA finds the proposed rules generally responsive to CEQ NEPA regulations. EPA suggests to the maximum extent possible, the 404(b)(1) evaluation be included as an appendix to the EIS.	A
A-COE-F36048-IL	Kaskaskia Island, Drainage and Levee District, Section 404.	EPA's principal concerns pertain to the potential loss of 121 acres of wetlands and additional water pollution expected from runoff from increased farming operations which the flood control project is expected to encourage. EPA recommends addressing these concerns in the planning stages prior to implementing the project.	F
	Department of Energy		
A-DOE-A86161-OO	Compliance With the NEPA, Proposed Guidelines	EPA believes that these guidelines should be promulgated as regulations to increase their standing within and outside DOE and give them greater legal authority. EPA also believes that several sections of these guidelines could be expressed more explicitly or more clearly. EPA suggests that the regulations provide mechanisms for approved projects to assure that the mitigation measures promised are actually provided.	A
	Department of Interior		
A-DOI-A86144-OO	National Environmental Policy Act Revised Implementing Procedures (44 FR 40436).	EPA suggested a number of modifications to these procedures including requirements for public involvement, page limits and consideration of environmental values.	A

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
		Department of Energy	
R-DOI-A91044-OO	40 CFR Parts 450, 452, and 453, Interim Final Rule on Endangered Species, Review Board and Endangered Species (44 FR 33127).	Many of EPA's comments hinge on the issues of a pending lawsuit involving the Pittston Company's application for exemption from the requirements of section 7(a) of the Endangered Species Act. The rules need to clarify the term "cumulative effects" to prevent various expanded interpretations which would result in finding more "irresolvable conflicts" than necessary. The wording of section 452.03(c)(4) must be changed to conform to the language of section 7(g)(5) of the act so as to require the review board to make threshold determinations, including whether an irresolvable conflict exists, based on the record before them. Supplemental hearings, going beyond the existing record, should be held only in extraordinary cases. The definition of "permit or license applicant" should be expanded to include other types of applicants who must rely on agency action, such as grant applicants. The person appointed by the Secretary should be a recognized authority on the "endangered species" in question and the administrative law judge should chair the proceedings and be empowered to determine the procedural course of the proceedings. The statement in the preamble that where a deficiency is subsequently corrected, a new exemption application can be made to the Secretary should be incorporated into the regulations. The regulations should explicitly require, as does the act, that a hearing precede a section 452.03(g) termination of the review process. Section 452.05(b)(2) should be revised to substitute "shall" for "may" regarding the review board's issuance of a statement following any prehearing conference. The regulations do not delineate procedural rules to be followed when two review boards sit together in a joint proceeding. The regulations should require some threshold criteria for "national security".	A
A-IGS-A02147-OO	Oil and Gas Operations in the Outer Continental Shelf, Proposed Operating Procedures for the OCS Platform Verification Program (44 FR 38676).	EPA fully supports the concept of providing maximum assurance for the safety and reliability of offshore oil and gas oporations. However, EPA continues to be concerned that subsea completions and development systems are not addressed in this program, nor in any other regulations or standards. EPA believes that the concept of the platform verification program can and should be extended to include subsea completions and production systems.	A
R-SFW-A64046-OO	50 CFR Part 410, Fish and Wildlife Coordination Act, Notice of Proposed Rulemaking (44 FR 29300).	EPA supports the intent of the regulations of the Fish and Wildlife Coordination Act despite some problems that exist with them. These trouble areas include unclear language regulation provisions providing wildlife agencies for EPA input going beyond those afforded other agencies, and unnecessary duplication of EPA procedures for implementing NEPA. EPA requests that the FWCA regulations be revised and reproposed.	A
		Department of Transportation	
R-CGD-A52144-OO	33 CFR Part 156, Special Requirements for Cargo Lightering Operations (44 FR 31486).	EPA commends the Coast Guard on the thoroughness of this proposed rule. However, EPA feels that two sections could be improved. Under section 156.1710 the lightering operations must be suspended if the wave height exceeds 3 meters (10 feet). In addition, under section 156.1820, the district commander should consider national seashores and coastal national parks and monuments as additional factors to be considered in designating lightering zones.	A
A-FRA-A86141-OO	Procedures for Considering Environmental Impacts (44 FR 40174).	EPA commended FRA on the scope and content of their proposed regulations and suggested that the evaluation of mitigation measures be described more clearly in the environmental assessment stage. EPA also made several other minor suggestions.	A
		Federal Communications Commission	
R-FCC-A86142-OO	47 CFR Part 1, Amending Environmental Rules in Response to New Rules Issued by the CEQ (44 FR 38913) (FCC 79-388).	EPA has no major objections to either the scope or content of the proposed rules. However, EPA is evaluating the environmental effects of non-ionizing radiation and developing appropriate criteria to maintain public health and welfare. Such effects may be significant factors in the environmental evaluation of specific facilities covered in this rulemaking.	A
		Federal Trade Commission	
R-FTC-A86148-OO	16 CFR Part 1, Procedures for Implementation of the National Environmental Policy Act of 1979 (44 FR 42712).	EPA finds that the policies and procedures contained in the proposed rule are adequate and complete.	A
		National Aeronautics and Space Administration	
A-NAS-A86164-OO	14 CFR Parts 1204, 1216, Policy on Environmental quality and Control, Procedures for Implementing the National Environmental Policy Act.	EPA feels the proposed rules are adequate and complete and has offered assistance in the development of the implementing handbook.	A
		Nuclear Regulatory Commission	
R-NRC-A06138-OO	10 CFR Part 2, Study of Nuclear Power Plant Construction During Adjudication (44 FR 33883).	EPA suggested that NRC powerplant construction procedures and the public interest would benefit from a consideration of incorporating the NPDES/SPDES requirements concerning the plant's circulating cooling water system into the construction permit. EPA also suggested that the "immediate effectiveness rule" (10 CFR 2.764) be revised to strengthen the position of public participation in the plant construction process and to diminish the applicant's advantage in subsequent appeals related to safety and environment.	A
R-NRC-A06139-OO	10 CFR Part 73, Physical Protection of Irradiated Reactor Fuel in Transit (44 FR 34466).	EPA commended NRC for its decision to promulgate the interim final rule to minimize the public danger associated with spent fuel shipments. EPA suggested two minor clarifications.	A

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Aug. 1 and Aug. 31, 1979*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
		Tennessee Valley Authority	
R-TVA-A86143-OO	40 CFR Parts 1500-1508, Proposed Procedures for Compliance With the National Environmental Policy Act.	EPA feels that the NEPA process offers TVA an excellent mechanism for assuring that conserving energy is routinely considered as an alternative in developing additional energy supplies. EPA suggests that final regulations institutionalize this process. EPA is concerned about the vagueness of many provisions in the proposed regulations, and believes that the final TVA NEPA regulations should contain a section limiting agency action during NEPA process.	A
		Water Resources Council	
R-WRC-A86147-OO	18 CFR Part 707, Compliance With the National Environmental Policy Act (44 FR 43749).	EPA finds the proposed rules generally responsive to CEQ NEPA regulations. EPA is concerned, however, that procedures do not contain sufficient guidance as to when an EIS will be prepared and who will prepare it. EPA recommends identifying the entity responsible for EIS preparation.	A
		Department of Defense	
FA-DOD-K23000-CA	Environmental Assessment, Proposed Disposal Action at Sierra Army Depot, California.	EPA has no comments to offer at this time. EPA appreciates the opportunity to comment on this final environmental assessment and request copies of the subsequent documents describing any NEPA actions.	J

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, GA 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 80-20443 Filed 7-7-80; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51085; FRL 1535-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by August 16, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Green, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms.

In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the PMN submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN are published herein.

Interested persons may, on or before August 16, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St. SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51085]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 1, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-139

Close of Review Period. September 15, 1980.

Manufacturer's Identity. Claimed confidential. Generic information provided:

Annual sales—Between $10,000,000 and $99,000,000.

Place of manufacture—West-North central region, U.S. Standard Identification Code—285.

Specific Chemical Identity. Polymer of Epon 1004, soya fatty acid, styrene, acrylic acid, and di-tertiary butyl peroxide.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. The substance will be used in baking and air dry enamels.

Production Estimates

	Minimum (kg/yr)	Maximum (kg/yr)
First year	250,000	500,000
Second year	500,000	1,000,000
Third year	750,000	1,000,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Inhalation	2	1	251	1-10 ppm.	
Processing	Inhalation	30	4	251	1-10 ppm.	
Use	Inhalation		8	251	1-10 ppm.	
Disposal	Inhalation	8	8	25	1-10 ppm.	

Environmental Release/Disposal

Manufacturing:

Media	Amount/duration of chemical released (kg/yr).
Air	Less than 10. 8 hr/da; 251 da/yr.
Water	10-100. 8 hr/da; 251 da/yr.

Closed equipment is used in the manufacture of this resin. The filter operation is vented to the atmosphere but the resin is non-volatile. Some solvent may be lost in the filter operation.

PMN 80-140

Close of Review Period. September 15, 1980.

Manufacturer's Identity. Claimed confidential. Generic information provided:

Annual sale—between $100,000,000 and $499,999,999.

Manufacturing site—East-North central region, U.S.

Standard Identification Code—285.

Specific Chemical Identity. Generic name provided: Polymer of: Epoxy resin, styrene, diallyl amine, dimethyl amino propyl methacrylamide, 2-ethyl hexyl methacrylate, and isobutoxy methylacrylamide.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. Generic information provided: The substance will be used in an open use that will release less than 50 kilograms per year (kg/yr) into the environment. The use of this substance may possibly involve potential exposure to skin and eyes.

Production Estimates

	Minimum (kg/yr)	Maximum (kg/yr)
First year	3,500	10,000
Second year	15,000	30,000
Third year	30,000	100,000

Physical/Chemical Properties

	Polymer solution	Dried polymer
Solid content	61.6%	
Density	0.96 g/ml	1.18 g/ml
Solubility in water		0.01 g/100 ml
Number average molecular weight	2900-3100	
Weight average molecular weight	7300-9200	
Flash point (closed up)		35° above 212°F
Residual monomer	0.5%	
pK(a)	7.57	
Elemental analysis		%C=73.11 %H=9.20 %O=13.71 %N=3.98
Chemical oxygen demand (ug/g)	2,300,000	

Toxicity of Raw Materials. Epoxy resin. The oral LD_{50} in rats in about 30 g/kg. The dermal LD_{50} in rabbits is over 14.4 g/kg. The skin and eye exposure in rabbits has not been found to cause irritation or sensitization.

Diallyl amine. The skin LD_{50} in rabbits is 356 mg/kg. The oral LD_{50} in rats is 578 mg/kg. Vapor is extremely irritating to the respiratory tract, eyes, and mucous membranes. Contact with liquid is very irritating and may cause burns.

2-Ethyl hexyl methacrylate. The intraperitoneal LD_{50} in mice is 261 mg/kg (slightly toxic). Exposure may produce irritation of the eyes, skin and respiratory tract.

Styrene. The oral LD_{50} in rats is 5 g/kg (minimally toxic). Irritation is experienced by humans at 600 ppm. The American Conferences of Governmental Industrial Hygienists (ACGIH) has established a Threshold Limit Value (TLV) of 100 ppm to protect against narcosis and irritation.

Dimethylamine propyl methacrylamide. The oral LD_{50} in rats is 3.54 ml/kg (slightly toxic). The dermal LD_{50} in rabbits is 2.50 ml/kg (slightly toxic). The monomer's low vapor pressure minimizes inhalation hazard.

Isobutoxy methacrylamide. Over exposure to this monomer causes eye irritation and peeling of skin on fingertips. Prolonged or repeated contact will, in time, produce disturbances of the nervous system.

Vato Catalyst (Azobisisobutyronitrile). The oral LD_{50} in mice is 700 mg/kg (moderately toxic). Thermal decomposition by *burning* can release cyanide.

Butyl cellosolve. The ACGIH has established a TLV of 500 ppm to protect against irritation and systemic effects.

Methyl ethyl ketone. The ACGIH has established a TLV of 200 ppm to protect against irritation. The skin LD_{50} in rabbits is 12.6 ml/kg.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Inhalation, dermal	6	4	20	0-1 ppm.	1-10 ppm.
Processing	Inhalation, dermal	8	4	20	0-1 ppm.	
Disposal	Inhalation, dermal	5	8	2	0-1 ppm.	1-10 ppm.

Environmental Release/Disposal

Manufacturing:	
Media	Amount/duration of chemical released (kg/yr).
Air	Less than 10. 12 hr/da; 20 da/yr.

Each reactor at the manufacturing plant is equipped with an exhaust and fume condenser. The effluent (air borne) is also treated by an exhaust fume scrubber. Scrubber water goes to biological treatment lagoons with a sixty day retention period. Sludge from the lagoons is transported by state licensed carriers to a state licensed landfill.

[FR Doc. 80-20434 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[PF-189; FRL 1534-6]

Certain Pesticide Chemicals; Filing of Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces companies that have filed requests with the EPA to establish tolerances for residues of certain pesticide chemicals in or on raw agricultural commodities and animal feeds in accordance with the Federal Food, Drug, and Cosmetic Act, as amended.

ADDRESS: Written comments and inquiries should be directed to the designated product manager (PM). Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Written comments may be submitted while the petition is pending before the Agency. The comments are to be identified by the document control number "[PF-189]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the Agency proposing the establishment of tolerances for residues of pesticide chemicals in or on certain raw agricultural commodities and animal feeds. The analytical method for determining residues, where required, is given in each specific petition.

PP OF2350. EM Laboratories, Inc., 500 Executive Blvd., Elmford, NY 10523. Proposes that 40 CFR 180 be amended by establishing tolerances for residues of the insecticide chlorthiophos, that is a mixture of 0-[2,5-dichloro-4-(methylthio)phenyl] 0,0-diethylphosphorothioate; 0-[2,4-dichloro-5-(methylthio)phenyl] 0,0-diethylphosphorothioate; 0-[4,5-dichloro-2-(methylthio)phenyl] 0,0-diethylphosphorothioate and the metabolites 0-[2,5(2,4 or 4,5)-dichloro-4(5 or 2)-(methylsulfonyl)phenyl] 0,0-diethyl-phosphorothioate; 0-[2,5(2,4 or 4,5)-dichloro-4(5 or 2)-(methylsulfonyl)phenyl] 0,0-diethylphosphorothioate and 0-[2,5(2,4 or 4,5)-dichloro-4(5 or 2)-(methylthio)phenyl] 0,0-diethylphosphate[0-isolog] in or on the raw agricultural commodities apricots, blueberries, nectarines, peaches, plums, and prunes at 1.0 part per million (ppm); almonds, cherries, grapes, and raisins at 2 ppm. The proposed analytical method for determining residues is gas chromatography with a phosphorus detector.

Mr. Phillip Hutton, Acting Product Manager (PM) 12, Rm. E-327, 202/426-2635.

FAP OH5258. EM Laboratories, Inc., Proposes that 21 CFR 561 be amended by establishing a regulation permitting the use of the above insecticide in or on the feed commodities raisin waste at 2.0

ppm, almond hulls at 4.0 ppm, and grape pomace at 6.0 ppm.

PM-12.

PP OF2356. Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120. Proposes that 40 CFR 180.320 be amended by establishing a tolerance for residues of the insecticide/bird repellent 3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity grapes at 10. ppm. The proposed analytical method for determing residues is gas chromatographic procedure equipped with a flame photmetric detector operating in the sulfur-mode.

Mr. William Miller, PM-16, Rm. E-342, 202/426-9458.

FAP OH5259. Mobay Chemical Corp. Proposes that 21 CFR 561.175 be amended by establishing a regulation permitting the use of insecticide/bird repellent 3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the feed commodity raisin trash at 50 ppm.

PM-16.

(Sec. 408(d)(1) and 409(b) 68 Stat. 512, (7 U.S.C. 135))

Dated: July 1, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-20439 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-66071; FRL 1535-2]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: List of firms who have requested voluntary cancellation of registration of their presticide products as provided for in Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: August 8, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Lela Sykes, Process Coordination Branch (TS-767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street., SW, Washington, DC 20460, 202-426-8540.

EPA Reg. No. and product name	Registrant	Date Reg.
226-180 Thiodan 50 Wettable Powder Insecticide	Tobacco States Chem. Co., Inc., P.O. Box 12046, Lexington, KY 40580.	July 11, 1966.
226-191 Tobacco States Brand Nemagon E.C. Soil Fumigant.	do	Sept. 21, 1970.
524-5 Monsanto Penta	Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166.	Nov. 2, 1953.
524-23 Santobrite Briquettes Technical Sodium Pentachlorophenate.	do	May 26, 1948.
525-55 Santobrite S	do	Aug. 4, 1952.
524-133 3,4,4-Trichlorocarbanilide	do	Oct. 12, 1970.
524-142 Santobrite 2 Fine	do	May 13, 1963.
524-305 Santobrite Pellets	do	Apr. 30, 1973.
1043-15 Vesco-Lite Anti-Bacterial	Vestal Laboratories, 5035 Manchester Ave., St. Louis, MO 63100.	Mar. 7, 1962.
1677-78 Quik-Klor	Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102.	Sept. 17, 1976.
5389-5 Chloro-Tablets	Kay Chemical Co., 300 Swing Road, Greensboro, NC 27409.	Nov. 6, 1967.
10392-1 Warden—50	Sterling Drug Inc., 90 Park Ave., New York, NY 10016.	Mar. 19, 1969.
10392-2 Warden—20	do	
37296-1 Bioderm 200 Antimicrobial	Product-Sol, Inc., 2010 Cole Ave., Birmingham, MI 48006.	Oct. 14, 1976.
37296-2 Bioderm 400	do	Dec. 7, 1976.
37296-3 Bioderm 500 Antimicrobial	do	Oct. 15, 1976.
37296-4 Bioderm 100 Antimicrobial	do	Oct. 14, 1976.
37296-5 Bioderm 300	do	Mar. 16, 1976.

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

The Agency has agreed that such cancellation shall be effective August 8, 1980, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66071]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Office of Process Coordination Branch at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136))

Dated: July 2, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-20435 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51088; FRL 1534-4]

Complex of P-Phenylphenol and an Alkyl Amine Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Kirk Maconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202/426-3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 22, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51088]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 30, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-143.

Close of Review Period. September 21, 1980.

Manufacturer's Identity. Claimed confidential. Generic information provided:

Annual sales—between $10,000,000-$99,000,000.

Manufacturing site—East-North central region, U.S.

Standard Industrial Classification Code—264.

Specific Chemical Identity. Claimed confidential. Generic name provided: Complex of *p*-phenylphenol and an alkyl amine.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. The submitter states that the PMN substance will be used as an ingredient in the manufacture of paper coating.

Production Estimates. Claimed confidential.

Physical/Chemical Properties.

Melting point—100° C.

Solubility—Soluble in methanol. Insoluble in water.

Toxicity Data. No data were submitted.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture	Dermal and inhalation.	1	2	28	None submitted.	
Processing	Dermal and inhalation.	4	8	66	None submitted.	

Environmental Release/Disposal. The new chemical is not released to the air, land, or water during the manufacture or the paper coating process.

The combined filtrates and washings from manufacturing operations are placed in drums and disposed of by a licensed disposal service.

The PMN formulation is prepared in a closed ball mill and then transferred to the paper coating equipment via holding tanks and pumps. The ball mill, tanks and lines are cleaned with water and the washings are placed in drums for disposal in the manufacturing process.

[FR Doc. 80-20441 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[PP 8G2023/T248; FRL 1534-8]

Fenvalerate; Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the residues of the insecticide fenvalerate [cyano(*S*-phenoxphenyl) methyl-4 chloro-alpha-(1-methylethyl)benzeneacetate] in or on the raw agricultural commodities: apples, cabbage, and peaches at 2 parts per million (ppm); bell peppers, cauliflower, grapes, head lettuce and tomatoes at 1 ppm; beans (dried and snap), broccoli, and peas at 0.5 ppm; corn grain (except popcorn) and fresh corn including sweet corn (kernels plus cob with husk removed), cucumber, and squash (corn and summer) at 0.05 ppm.

ADDRESS COMMENTS TO: Franklin D. R. Gee, Product Manager, (PM) 17, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, 202/426-9741.

SUPPLEMENTARY INFORMATION: The EPA published on July 16, 1979, (44 FR 41329) the establishment of a temporary tolerance for the residues of the insecticide cyano (*S*-phenoxphenyl) methyl-4 chloro-alpha-(1-methylethyl)benzeneacetate] in or on the raw agricultural commodities: apples, cabbage, and peaches at 2 parts per million (ppm); bell peppers, cauliflower, grapes, head lettuce and tomatoes at 1 ppm; beans (dried and snap), broccoli, and peas at 0.5 ppm; corn grain (except popcorn) and fresh corn including sweet corn (kernels plus cob with husk removed), cucumber, and squash (corn and summer) at 0.05 ppm. The tolerances were established in response to a pesticide petition (PP8G2023) submitted by Shell Chemical Co., Washington, D.C. 20036.

Shell Chemical Co. requested a one-year extension of the temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the experimental use permits 201-EUP-59, that have also been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104, 61 Stat. 163, as amended by P.L. 92-516, 86 Stat 975; P.L. 94-104; 89 Stat. 754, P.L. 95-396 (92 Stat. 189; 7 U.S.C. 136)).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerance would protest the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized in the experimental use permits.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use permits that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires May 23, 1982. Residues not in excess of 2 ppm on apples, cabbage, and peaches; 1 ppm on bell peppers, cauliflower, grapes, head lettuce and tomatoes; 0.5 ppm on beans (dried and snap), broccoli, and peas; 0.05 ppm on corn grain (except popcorn and fresh corn including sweet corn (kernels plus cob with husk removed), cucumber, and squash (corn and summer) will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protest the public health.

(Sec. 408(j), 68 Stat. 561; (21 U.S.C. 346a(j))

Dated: July 1, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-20437 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180447; FRL 1535-4]

Georgia Department of Agriculture; Issuance of Specific Exemption for Ethylene Dibromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Georgia Department of Agriculture (hereafter referred to as the "Applicant") for the use of ethylene dibromide (EDB) on a maximum of 98,000 acres of soybeans in Georgia for control of the soybean cyst nematode, peanut root-knot nematode, and lance nematode. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: According to the Applicant, up to five percent of the soybean crop was lost last year to the soybean cyst nematode (Heterodera glycines), peanut root-knot nematode (Meloidogyne arenaria), and lance nematode (Hoplolaimus columbus). The Applicant claimed that DBCP was the only effective nematocide for controlling these pests. DBCP was suspended on November 3, 1977. The Applicant stated that the registered pesticides Nemacur, Temik, Mocap, and Dasanit do not adequately control the lance and root-knot nematodes. These pesticides are not registered for the cyst nematode. Data submitted by the Applicant show that yields from fields treated with EDB are better than yields from fields treated with the registered pesticides named above.

EPA has determined that residues of EDB per se from the proposed use are below the method of detectability (0.01 part per million (ppm)). Residues of inorganic bromides should not exceed 125 ppm in soybeans and 150 ppm in soybean meal. These levels have been judged adequate to protect the public health. Since the proposed use might present an exposure problem to applicators of EDB, EPA has imposed a clothing and respirator requirement for applicators unless a "closed system" is used.

It should be noted that a rebuttable presumption against registration of pesticide products containing EDB was published in the Federal Register of December 14, 1977 (42 FR 63134); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

After reviewing the application and other available information, EPA has determined that the critieria for an exemption have been met. Accordingly,

the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The ethylene dibromide products Soilbrom 90 EC (EPA Reg. No 5875-54), Dow-Fume W-85 (EPA Reg. No. 464-121), and Ethylene Dibromide (EPA Reg. No. 464-427) may be used;

2. Application of ethylene dibromide is not to exceed 32 pounds of active ingredient per acre per year;

3. Application is to be carried out in accordance with the supplemental labeling submitted on March 27, 1980 except that use must be limited to pests authorized by this exemption;

4. Applicators and others handling EDB must wear protective clothing and a respirator unless a "closed system" is used which prevents their coming in contact with EDB;

5. All applicable precautions and restrictions on the registered product labels are to be observed;

6. No more than 98,000 acres of soybeans are to be treated;

7. Soybean hay from treated fields may not be used for feed;

8. Residues of inorganic bromide should not exceed 125 ppm in or on soybeans or 150 ppm in soybean meal. Soybeans with less than 125 ppm and soybean meal with less than 150 ppm inorganic bromide residues may be moved in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action;

10. The applicant must submit a report summarizing the results of this program by March 31, 1981; and

11. The EPA shall be immediately notified of any adverse effects resulting from use of EDB in connection with this exemption.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136)).

Dated: July 2, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-20433 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-G30179; FRL 1534-7]

Receipt of Applications To Register and Conditionally Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice:

SUMMARY: Applications have been submitted to the EPA to register and conditionally register pesticide products containing active ingredients which have not been included in any previously registered pesticide products.

SUPPLEMENTARY INFORMATION: Notice of approval or denial of the applications to register and conditionally register these presticide products will be announced in the Federal Register. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the Federal Register if an application is approved. Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

COMMENTS/INQUIRIES: Interested persons are invited to submit written comments on these applications. Comments may be submitted, and inquiries directed, to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, or by telephone at the numbers cited. The comments must be received on or before August 8, 1980, and should bear a notation indicating the EPA file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The labels furnished by the applicants, as well as all written comments filed pursuant to this notice, will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

(Sec. 3(c)(4), 86 Stat. 972, (7 U.S.C. 136a)).

Dated: July 1, 1980.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

Application Received

ERA File Symbol 538-RAE. O. M. Scott & Sons, Co., Marysville, OH 43040. PROTURF INSECTICIDE 4. Active ingredient: 1-methylethyl 2-[[ethoxy[(1-methylethyl)amino]phosphinothioyl]oxy] benzoate 2%. Application proposes that this pesticide product be classified for general use to control white grubs on home lawns. PM16, Mr. William Miller, Room E-343, 202-426-9458.

EPA File Symbol 43839-R. Maxine L. Button, 1508 N.E. 142nd Court, Vancouver, WA 98664. ORGANTROL. Active ingredient: cayenne pepper 0.4%. Application proposes that this pesticide be used in nonpressurized treatment. PM17, Mr. Franklin Gee, Room E-341, 202-426-9417.

[FR Doc. 80-20436 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180459; FRL 1535-1]

Texas Department of Agriculture; Issuance of Specific Exemption for Use of Strychnine Baits for Control of Rabid Skunks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Texas Department of Agriculture (hereafter referred to as the "Applicant") to use strychnine-treated tallow baits to control rabid skunks in Crane County, Texas. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on June 15, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has [occurred] or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the Federal Register of March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the reguest is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. On March 9, 1972, Administrator Ruckelshaus canceled and suspended

the registration of strychnine, sodium cyanide, and 1080 (sodium flouroacetate) for predator control. However, the Administrator's order banned the use of these pesticides for predator control without distinguishing between rabid and nonrabid predators, the former a human health problem and the latter an economic problem. Therefore, the exemption cannot be granted without the treatment of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 3 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and (2) That there is no other feasible solution to such risk; and (3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and (4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

The Administrator has determined that this exemption met the above criteria and a formal hearing was not necessary.

It should be noted that a rebuttable presumption exists against registration of rodenticide products containing strychnine which are registered for outdoor, above-ground use (see Federal Register of December 1, 1976, p. 52810); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

The Applicant reported that two rabid horses, one rabid cow, and one rabid skunk have been confirmed in Crane County, Texas. All these animals were located in or near the outskirts of Crane, Texas. One rabid horse and one rabid cow resulted in twelve human exposures. All twelve victims are undergoing the full treatment series of vaccine inoculations.

Rabies is caused by a virus which affects the central nervous system. It is present in the saliva of infected animals and is transmitted by contamination of a wound with the saliva. People and domestic animals, especially dogs, may become infected.

Rabies epidemics normally are associated with an animal species which has a high population and serve to reduce the high population. The disease is fatal and of short duration. Attempts to control rabies involve reducing the animal population carrying the virus, thus reducing the chance of coming in contact with the infected animal.

The value of man's control of an infected population has been questioned. It has been suggested that a combination of preventive measures, posting of warning signs and vaccination of pets, would be as effective in preventing the spread of rabies and would not pose a threat to non-target species.

The control of a rabid animal population may be useful in high contact areas. If an outbreak occurs which threatens public health, then elimination or removal of the target animal along with posting of warning signs and vaccination of pets may be necessary. The finding of rabid domestic animals in and near Crane, Texas, along with the current exposure of twelve persons, indicates that an immediate public health problem exists with respect to other Crane residents.

The Applicant proposes to apply a maximum of 1,500 strychnine baits at selected sites chosen according to wildlife activity in the area. The area to be treated is in that part of Crane County from longitude 102°15′ to 102°45′ and latitude 31°05′ to 31°35′. The south boundary will follow the Pecos River in Crane County from longitude 102°25′ to 102°40′. The bait will be concentrated near wells and livestock tanks. Each bait will be placed in such a manner as to be specifically attractive to skunks. The program will last three days and the bait will be removed at the end of the third day.

Some non-target species are expected to be taken, but with the limitation of the program to three days and the careful placement of baits, specific animal populations are not expected to be adversely affected. According to the Fish and Wildlife Services, Albuquerque, New Mexico, there are no endangered species in the area to be treated.

In light of the above and pursuant to the controlling regulations, EPA has determined that (a) a pest outbreak of rabid skunks has occurred; (b) there is no pesticide presently registered for use in suppressing populations of rabid skunks in Texas; (c) the applications present a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) the time available to overt the risk to human health is not sufficient to convene a hearing; and (e) the public interest requires the granting of the requested use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use strychnine baits in Crane County, Texas, until June 15, 1980. The specific exemption is also subject to the following conditions:

1. Each strychnine bait will contain approximately one grain of strychnine sulfate;
2. A maximum of 15,000 grains of strychnine sulfate in 15,000 baits will be used, with the entire area being treated in a three-day period;
3. Personnel of the Texas Department of Argiculture or the Texas Department of Health are responsible for preparing the strychnine baits, selecting bait stations, posting warning signs, securing premise entry agreements, checking bait stations periodically for kills, and retrieving all unconsumed baits at the termination of the control program;
4. Strychnine baits will be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, unoccupied buildings, and in the vicinity of water wells and livestock tanks;
5. Strychnine baits will be placed only on those lands where premise entry agreements have been signed by the landowner, lessee, or administrator;
6. Baits may not be placed in populated areas or less than 300 yards from an occupied home;
7. Warning signs will be posted at entries to all premises and other visible positions near locations where treated baits have been placed;
8. Each resident or his designated representative will accompany the baiter while on the premises. This accompaniment will assure complete knowledge by the resident of the locations and amount of bait, and a map of the area will be made to doublecheck the bait location;
9. Each resident will be advised of the steps to take to assure protection of small children and domestic pets;
10. All bait stations will be mapped and marked to monitor effectiveness and to account for all of the toxicant used. A thorough documentation of the bait effects will be recorded for each bait station. This will include target and non-target species killed;
11. Each bait station will be checked as ofter as possible for kills and all bait stations will be collected at the end of the three-day period;
12. All retrieved or excess strychnine baits will be disposed of by burial at least 18 inches deep in a State-approved sanitary landfill or in an appropriate furnace designed for this purpose. Containers to be destroyed will be handled in a similar manner;
13. A representative sample of animals poisoned in the control program should be submitted for laboratory

analysis for presence of rabies virus. All remaining animals will be disposed of in such a fashion as to preclude secondary non-target species poisonings;

14. The Applicant must follow any more stringent requirements imposed by State pesticide law or regulation;

15. The Applicant must notify the State Fish and Wildlife authorities concerning areas to be baited;

16. The Pesticide Branch, EPA Region VI, Dallas, Texas, will be advised of the initiation and progress of the poison bait program so that the branch can initiate any monitoring activities that may be appropriate;

17. The Applicant is responsible for reporting to EPA the number of baits placed, retrieved, consumed, or missing. Total fatalities including non-target species, percent of animals found to be rabid and percent believed to be rabid must be reported. Adverse effects must be reported immediately; and

18. A final report summarizing the entire program must be submitted by September 30, 1980.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: July 2, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-20436 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51084; FRL 1534-5]

12-Molybdosilicic Acid, Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by August 16, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Kirk Maconaughey, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., Sw., Washington, DC 20460, 202/426-3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 26040)], requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any that is not on the inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1974 (44 FR 28588). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before August 16, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St. SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51084]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)).

Dated: June 30, 1980.

Warren R. Muir,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-136

Close of Review Period. September 15, 1980.

Manufacturer's Identity. Pressure Chemical Co., 3419 Smallman St., Pittsburgh, PA 15201.

Specific Chemical Identity. 12-Molybdosilicic acid.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. The PMN substance will be used in metal finishings.

Production Estimates. Claimed confidential.

Physical Properties.

Appearance—Yellow-green crystals.

Solubility—Very soluble in water.

No other data provided.

Toxicity Data. No data were submitted.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	1	8	240	0-1 ppm.	100 ppm.
Disposal	Dermal	1	1	240	0-1 ppm.	100 ppm.
Use	Dermal	5	4	250	10-100 ppm.	100 ppm.

Environmental Release/Disposal.

Manufacturing:

Media—Amount/duration of chemical released (kg/yr).

Water—10-100. 14 hr/da; 260 da/yr.

Waste water to publicly owned treatment works.

[FR Doc. 80-20440 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180445; FRL 1535-5]

Mississippi Department of Agriculture and Commerce; Issuance of Specific Exemption for Ethylene Dibromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicant") to use ethylene dibromide on a maximum of 5,000 acres of soybeans in Mississippi for control of the spiral nematode and the soybean cyst nematode. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: According to the Applicant, the spiral nematode (*Helicotylenchus* sp.) and the soybean cyst nematode (*Heterodera glycines*) are serious pests in soybeans. The Applicant indicated that currently registered nematocides, Nemacur, Temik, Mocap, and Dasanit do not give adequate control of the soybean cyst nematode at high population levels. The Applicant stated that wherever it is economically feasible, farmers use non-host crop rotation to control the soybean cyst nematode, but that where the alternative crop does not bring an economic return, an effective pesticide is necessary. Prior to 1978, DBCP was the standard nematocide for use on soybeans. According to the Applicant, the cancellation of DBCP left nothing available for producers to use to maintain maximum soybean production where high populations of the spiral nematode exist. The Applicant proposed to inject EDB eight inches deep at a rate of 16 to 32 pounds per acre at planting.

EPA has determined that residues of EDB per se from this use are below the method of detectability (0.01 part per million (ppm)). Residues of inorganic bromides should not exceed 125 ppm in soybeans and 150 ppm in soybean meal. These levels have been judged adequate to protect the public health. Since the proposed use might pose an exposure problem to applicators of EDB, EPA has imposed a clothing and respirator requirement for applicators unless a "closed system" is used.

It should be noted that a rebuttable presumption against registration of pesticide products containing EDB was published in the Federal Register of December 14, 1977 (42 FR 63134); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The ethylene dibromide product Soilbrom 90 EC (EPA Reg. No. 5875-54) may be used;

2. Application of EDB is not to exceed 32 pounds of active ingredient per acre per year;

3. Application is to be carried out in accordance with the supplemental labeling submitted on April 1, 1980, except that use must be limited to pests authorized by this exemption;

4. Applicators and others handling EDB must wear protective clothing and a respirator unless a "closed system" is used which prevents their coming in contact with EDB;

5. All applicable precautions and restrictions on the registered product labels are to be observed;

6. No more than 5,000 acres of soybeans are to be treated;

7. Soybean hay from treated fields may not be used for feed;

8. Residues of inorganic bromide should not exceed 125 ppm in or on soybeans or 150 ppm in soybean meal from this program. Soybeans with less than 125 ppm and soybean meal with less than 150 ppm inorganic bromide residues may be moved in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action;

9. The Applicant is responsible for assuring that all of the provisions of this specific exemption are adhered to and must submit a report summarizing the results of this program by March 31, 1981; and

11. The EPA shall be immediately notified of any adverse effects resulting from the use of EDB in connection with this exemption.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: July 2, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-20507 Filed 7-8-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-625-DR]

Nebraska; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Nebraska (FEMA-625-DR), dated June 4, 1980, and related determinations

DATED: June 27, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7845.

NOTICE: The Notice of a major disaster for the State of Nebraska dated June 4, 1980, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 4, 1980.

Hamilton and Merrick Counties for Pubic Assistance limited to eligible repair and/or restoration of public power facilities.

Although the above counties are designated for Public Assistance, the limited monies currently available in the President's Disaster Relief Fund preclude any approval of project applications based on this designation until such time as sufficient additional funds become available.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-20374 Filed 7-8-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

A-M Cargo International, Inc., et al.; Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

A-M Cargo International, Inc., 3347 Rauch Street, Houston, TX 77029. Officers: Frank Reyes, Senior Vice President; Tony G. Reyes, President; John Almendarez, Vice President; John Reyes, Executive Vice President; Tom Wiederhold, Treasurer.

Galbraith International, Inc., 805 Port America Place, Grapevine, TX 75261. Officers: Bruce I. Galbraith, President; Benny Sprayberry, Vice President; Carl Hecht, Vice President; Terry Higgs, Vice President.

Atlantic Air Express, Inc., 120 County Rd., 2nd Fl., Tenafly, NJ 07670. Officers: Uwe Koops, President; Fred L. Crabbe, Corporate Secretary.

Dan-Transport Corporation, 1201 Corbin Street, Elizabeth, NJ 07201. Officers: Adolf Lamprecht, President/Director; Joergen Moeller, Vice President; Rene Sider, Assistant Vice President; Ejvind Frandsen, Secretary/Treasurer; William J. O'Neill, Director.

Dated: July 2, 1980.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-20409 Filed 7-8-80; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2174]

Total Transportation Services, Inc.; Order of Revocation

On July 1, 1980, Total Transportation Services, Inc., 802 East Irving Park Road, Bensenville, IL 60104, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 2174 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), § 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 2174 issued to Total Transportation Services, Inc., be and is hereby revoked effective July 1, 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 Total Transportation Services, Inc.

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-20408 Filed 7-8-80; 8:45 am]

BILLING CODE 6730-01-M

ADVISORY COMMITTEE ON FEDERAL PAY

Federal Pay Adjustment; Meeting

The Advisory Committee on Federal Pay announces that public discussions of the proposed adjustment in Federal Pay for October 1980 have been scheduled for Monday, August 18, in Room 2010, New Executive Office Building, 726 Jackson Place. They will start at 10:00 a.m. Any afternoon meeting on that day will be held in Room 205, 1730 K Street, NW.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposals. Those wishing to discuss the Agent's proposals with the Committee orally should notify the Committee by Friday, August 8. The telephone number is 653-6193. Written comments should also reach the Committee by August 8—Suite 205, 1730 K Street, NW., Washington, D.C. 20006. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent establishment by Section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the policies of Section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the Government of the United States, and such experts as the Committee may consult.

Jerome M. Rosow,

Chairman, Advisory Committee on Federal Pay.

[FR Doc. 80-20364 Filed 7-8-80; 8:45 am]

BILLING CODE 6820-43-M

FEDERAL RESERVE SYSTEM

CBTcorp; Formation of Bank Holding Company

CBTcorp, Carteret, New Jersey, 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 Carteret Bank and Trust Company, Carteret, New Jersey. 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 New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-20515 Filed 7-8-80; 8:45 am]

BILLING CODE 6210-01-M

Wisher Bancorporation, Inc.; Formation of Bank Holding Company

Wisher Bancorporation, Inc., Wisher, North Dakota, 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 82.6 per cent of the voting shares of Security State Bank, Wisher, North Dakota. 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 August 1, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 1, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-20372 Filed 7-8-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

National Council on Health Care Technology, National Center for Health Care Technology; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Subcommittee on Criteria and Research Agenda of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95-623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Monday, July 14, 1980 at 10:00 a.m. in the board room of the Milbank Memorial Fund, 1 East 75th St., New York, N.Y. This meeting will be open to the public from 10:00 a.m. to 4:00 p.m. to discuss the business of the Subcommittee. Principal consideration and discussion will be devoted to discussion on Hypertension as it relates to End-Stage Renal Disease, and a process for writing criteria and standards for use of health care technologies.

On Wednesday, July 16, 1980, the Subcommittee on Coverage will convene at 10:00 a.m. in Room 705A of the Hubert H. Humphrey Building. The Subcommittee on Coverage will be open to the public from 10:00 to adjournment.

Principal consideration will be given to the Guidelines for Coverage determination and discussion of increasing cost in the Medicare program. The Subcommittee on Grants and Contracts will convene on Thursday, August 7, 1980, from 10:00 a.m. to 4:00 p.m. in the board room of the Milbank, Memorial Fund, 1 East 75th St., New York, N.Y.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title V, U.S. Code and Section 10(d) of Pub. L. 92-463, the Subcommittee on Grants and Contracts will be closed from 10:00 a.m. to adjournment for the review, discussion and evaluation of the individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Further information regarding the Council may be obtained by contacting Sharon Paino, Executive Secretary, National Council on Health Care Technology, Room 17A-43, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: July 2, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

July 2, 1980.

[FR Doc. 80-20425 Filed 7-8-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18) and the Endangered Species Act of 1972 (16 USC 1539), and the regulations governing the taking of threatened species.

1. Applicant: National Fish and Wildlife Laboratory.

a. Name: National Museum of Natural History.

b. Address: Washington, D.C. 20560.

2. Type of permit: Scientific Research.

3. Name and Number of Animals: Sea Otter (*Enhydra lutris*).

4. Type of Activity: Capture sea otters for the purpose of marking and later observation.

5. Location of Activity: California coast from Ragged Point to Cambria.

6. Period of Activity: July 1, 1980 to June 30, 1982.

The purpose of this application is to capture sea otters, mark them and release for later observation to determine daily and seasonal movements and activities, dispersal patterns of independent young and gain additional knowledge of life history of this species.

Concurrent with the publication of this notice in the Federal Register the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-6669. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, by August 8, 1980. Those

individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road Arlington, Virginia.

Dated: July 3, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 80-20489 Filed 7-8-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Chattahoochee River National Recreation Area, Boundary Revisions

In accordance with Section 101 of Pub. L. 95-344, which authorized the Chattahoochee River National Recreation Area in the State of Georgia, notice of boundary revisions is to be published. Notice is hereby given that boundary revisions have been made in the Bowmans Island segment of the national recreation area.

A copy of the map depicting the boundary revisions is on file and available for inspection at the following addresses:

Director, National Park Service, Department of the Interior, Washington, D.C. 20240.

Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

Superintendent, Chattahoochee River, National Recreation Area, P.O. Box 1396, Smyrna, Georgia 30080.

Dated: April 11, 1980.

Joe Brown,

Regional Director, Southeast Region.

[FR Doc. 80-20427 Filed 7-8-80; 8:45 am]

BILLING CODE 4310-70-M

Gulf Islands National Seashore; Designation of Wilderness

Pub. L. 95-625 (92 Stat. 3491) approved on November 10, 1978, designated 1800 acres of Gulf Islands National Seashore as Wilderness and another 2,800 acres as potential wilderness additions. These wilderness designations apply to portions of Horn and Petit Bois Islands in Mississippi and are depicted on a map entitled Wilderness Plan, Gulf Islands National Seashore, numbered 635-20, 018A and dated March 1977. Section 403 of the public law directed the Secretary of the Interior to designate the potential wilderness additions as wilderness, by the publication of a notice in the Federal Register, when all uses thereon that are prohibited by the Wilderness Act (Pub. L. 88-577) had ceased.

Title to eight tracts on Horn Island and one tract on Petit Bois Island have now been acquired and all uses thereon prohibited by the Wilderness Act have ceased.

The eight tracts on Horn Island comprise 1,364.56 acres and are described as Tract Numbers 02-107, 02-108, 02-127, 02-130, 02-131, 02-132, 02-133, and 02-165.

The single tract on Petit Bois Island contains 38.32 acres and is described as Tract Number 04-106. Tract numbers refer to NPS Map Number 635-35000B, Sheets 3 and 5 of 12, dated April 1971, and available at the National Park Service Headquarters in Washington, D.C.; the National Park Service Regional Office in Atlanta, Georgia; and at the park headquarters office, 10 miles west of Pensacola Beach, Florida.

In that these land parcels now fully comply with the instructions contained in Pub. L. 95-625, this notice hereby designates the described 1,402.88 acres of potential wilderness additions in Gulf Islands National Seashore as components of the National Wilderness Preservation System and increases the total designated Gulf Islands Wilderness to 4,202.88 acres.

Dated: July 1, 1980.

Cecil D. Andrus,

Secretary.

[FR Doc. 80-20426 Filed 7-8-80; 8:45 am]

BILLING CODE 4310-70-M

International Convention Advisory Commission

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Wednesday, July 23, 1980, 9:00 a.m., at the Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

The Commission will consider applications for international trade in species protected by the Convention, possible amendments to the Convention appendices, and other business pertaining to the third meeting of the Conference of the Parties in New Delhi.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory Commission, Room 3348, 18th & C Streets, N.W., Washington, D.C. 20240, telephone 202/343-7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5:00 p.m., July 21, 1980.

Dated: July 3, 1980.

Jane H. Yarn,

Chairman, International Convention Advisory Commission.

[FR Doc. 80-20464 Filed 7-8-80; 8:45 am]

BILLING CODE: 4310-58-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Eighty-Sixth Revised Exemption 90]

Aberdeen and Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company, Reporting Marks: AR

The Ahnapee & Western Railway Company, Reporting Marks: AHW

Amador Central Railroad Company, Reporting Marks: AMC

Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator, Reporting Marks: AA

Apalachicola Northern Railroad Company, Reporting Marks: AN

Arkansas & Louisiana Missouri Railway Company, Reporting Marks: ALM

The Arcata and Mad River Railroad Company, Reporting Marks: AMR

The Atchison, Topeka and Santa Fe Railway Company, Reporting Marks: ATSF
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB
Bath and Hammondsport Railroad Company, Reporting Marks: BH
Berlin Mills Railway, Inc., Reporting Marks: BMS
Boston and Maine Company, Reporting Marks: BM
Cadiz Railroad Company, Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company, Reporting Marks: CPLT
Central Vermont Railway, Inc., Reporting Marks: CV
Chesapeake Western Railway, Reporting Marks: CHW
Chippewa River Railroad, Reporting Marks: CVSR
City of Prineville, Reporting Marks: COP
The Clarendon and Pittsford Railroad Company, Reporting Marks: CLP
Columbia & Cowlitz Railway Company, Reporting Marks: CLC
Columbus and Greenville Railway Company, Reporting Marks: CAGY
Delaware and Hudson Railway Company, Reporting Marks: DH
Delray Connecting Railroad Company, Reporting Marks: DC
Delta Valley & Southern Railway Company, Reporting Marks: DVS
Detroit and Mackinac Railway Company, Reporting Marks: D&M-DM
Detroit, Toledo and Ironton Railroad Company, Reporting Marks: DT&I-DTI
Duluth, Missabe and Iron Range Railway Company, Reporting Marks: DMIR
East Camden & Highland Railroad Company, Reporting Marks: EACH
East St. Louis Junction Railroad Company, Reporting Marks: ESLJ
Ferdinand Railroad Company, Reporting Marks: FRDN
Galveston Wharves, Reporting Marks: GWF
Genessee and Wyoming Railway Company, Reporting Marks: GNWR
Green Bay and Western Railway Company, Reporting Marks: GBW
Green Mountain Railroad Corporation, Reporting Marks: GMRC
Greenville and Northern Railway Company, Reporting Marks: GRN
The Hutchinson and Northern Railway Company, Reporting Marks: HN
Helena Southwestern Railroad Company, Reporting Marks: HSW
Illionois Terminal Railroad Company, Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc., d.b.a. The Hossier Connection, Reporting Marks: HOSC
Iowa Terminal Railroad Co., Reporting Marks: IAT
Lake Erie, Franklin & Clarion Railroad Company, Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company, Reporting Marks: LSI
Lamoille Valley Railroad Company, Reporting Marks: LVRC
Lancaster and Chester Railway Company, Reporting Marks: LC
Lenawee County Railroad Company, Inc., Reporting Marks: LCRC
Longview, Portland & Northern Railway Company, Reporting Marks: LPN
Louisiana Midland Railway Company, Reporting Marks: LOAM
The Louisiana and North West Railroad Company, Reporting Marks: LNW
Louisville and Wadley Railway Company, Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company, Reporting Marks: LNAC
Manufacturers Railway Company, Reporting Marks: MRS
Maryland and Delaware Railroad Company, Reporting Marks: MDDE
McCloud River Railroad Company, Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc., Reporting Marks: MNJ
*Minneapolis, Northfield and Southern Railway, Reporting Marks: MNS
Mississippian Railway, Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company, Reporting Marks: MKT-BKTY
Missouri Pacific Railroad Company, Reporting Marks: MP-C&EI-MI-TP
Moscow, Camden & San Augustine Railroad, Reporting Marks: MCSA
New Hope and Ivyland Railroad Company, Reporting Marks: NHIR
New Jersey, Indiana & Illinois Railroad Company, Reporting Marks: NJII
New Orleans Public Belt Railroad, Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company, Reporting Marks: NYSW
Norfolk and Western Railway Company Reporting Marks: ACY-N&W-NKP-WAB
Norfolk, Franklin and Danville Railway Company, Reporting Marks: NFD
North Louisiana & Gulf Railroad Company, Reporting Marks: NL&G
Octararo Railway, Inc., Reporting Marks: OCTR
Ontario Midland Railroad Corp., Reporting Marks: OMID
Oregon & Northwestern Railroad Co., Reporting Marks: ONW
Oregon, California & Eastern Railway Company, Reporting Marks: OCE
Oregon, Pacific and Eastern Railway Company, Reporting Marks: OPE
Pearl River Valley Railroad Company, Reporting Marks: PRV
Peninsula Terminal Company, Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company, Reporting Marks: PA&M
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE
Port Huron and Detroit Railroad Company, Reporting Marks: PHD
Port of Tillamook Bay Railroad, Reporting Marks: POTB
Prairie Trunk Railway, Reporting Marks: PARY
Rahway Valley Railroad Company, Reporting Marks: RV
Sacramento Northern Railway, Reporting Marks: SN
St. Lawrence Railroad, Reporting Marks: NSL
St. Louis Southwestern Railway Company, Reporting Marks: SSW
St. Marys Railroad Company, Reporting Marks: SM
Sandersville Railroad Company, Reporting Marks: SAN
Savannah State Docks Railroad Company, Reporting Marks: SSDK
Seattle and North Coast Railroad Company, Reporting Marks: SNCT
Sierra Railroad Company, Reporting Marks: SERA
Southern Pacific Transportation Company, Reporting Marks: SP
Southern Railway Company, Reporting Marks: CG-NS-SA-SOU
Terminal Railway, Alabama State Docks, Reporting Marks: TASD
The Texas Mexican Railway Company, Reporting Marks: TM
Tidewater Southern Railway Company, Reporting Marks: TS
Toledo, Peoria & Western Railroad Company, Reporting Marks: TPW
Transkentucky Transportation Railroad, Inc., Reporting Marks: TTIS
Union Railroad of Oregon, Reporting Marks: UO
Upper Merion and Plymouth Railroad Company, Reporting Marks: UMP
Valley and Siletz Railroad Company, Reporting Marks: VS
Vermont Railway, Inc., Reporting Marks: VTR
The Virginia and Maryland Railroad Company, Reporting Marks: VAMD
Virginia Central Railway, Reporting Marks: VC
Warwick Railway Company, Reporting Marks: WRWK
Wabash Valley Railroad Company, Reporting Marks: WVRC
WCTU Railway Company, Reporting Marks: WCTR
Western Pacific Railroad Company, Reporting Marks: WP
Winchester and Western Railroad Company, Reporting Marks: WW
Youngstown & Southern Railway Company, Reporting Marks: YS
Yreka Western Railroad Company, Reporting Marks: YW

Effective July 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 27, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-20387 Filed 7-8-80; 8:45 am]
BILLING CODE 7035-01-M

[Notice No. 186]

Assignment of Hearings

July 1, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly

as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 144140 (Sub-35F), Southern Freightways, Inc., now being assigned for hearing on September 3, 1980 (1 day) at Orlando, FL location of hearing room will be designated later.

MC 140389 (Sub-62F), Osborn Transportation, Inc., now being assigned for hearing on September 4, 1980 (2 days) at Orlando, FL location of hearing room will be designated later.

MC 118159 (Sub-343F), National Refreigerated Transport, Inc., now being assigned for hearing on September 8, 1980 (1 day) at Tampa, FL location of hearing room will be designated later.

MC 118159 (Sub-364F), National Refreigerated Transport, Inc., now being assigned for hearing on September 9, 1980 (1 day) at Tampa, FL location of hearing room will be designated later.

MC 129273 (Sub-326F), Midwestern Distribution, Inc., now being assigned for hearing on September 10, 1980 (3 days) at Tampa, FL location of hearing room will be designated later.

MC 2754 (Sub-30F), Neuendorf Transportation Co., now assigned for hearing on June 2, 1980 (3 days) at Madison, WI will be held at the Sheraton Inn-Gate Way, 706 John Nolen Drive, on June 5, 1980 (2 days) at Minneapolis, MN, at the Marquette Inn, 710 Marquette Avenue, on June 9, 1980 (5 days) at Appleton, WI, at the Guest House Inn, 3730 West College Avenue, on June 16, 1980 (5 days) at Chicago, IL, in Room 1220, Everett McKinley Dirksen Building, 219 South Dearborn Street, and June 17–20, 1980 in Room 1221 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 129032 (Sub-88F), Tom Inman Trucking, Inc., is canceled and transferred to Modified Procedure.

MC 115826 (Sub-478F), W. J. Digby, Inc., now assigned for hearing on July 10, 1980 (2 days) at Denver, CO, will be held in Court Room 17, Room 414, City & County Building.

MC 74321 (Sub-148F), B. F. Walker, Inc., now assigned for hearing on July 14, 1980 (1 week) at Denver, CO, will be held in Division 1, U.S. Court of Appeals, 1961 Stout Street.

MC 37333, Farmers Marketing Association v. Burlington Northern, Inc., Union Pacific Railroad Company, The Denver & Rio Grande Western RR & Southern Pacific Transportation Company, now assigned for hearing on July 8, 1980 (2 days) at Denver, CO, will be held in Court Room 17, Room 414, City & County Building.

MC 37376, Coast Trading Company, Inc. v. Burlington Northern, Inc., MC 37374, Montana Merchandising, Inc. v. Burlington Northern, Inc., MC 37373, Western Grain Exchange, Inc. v. Burlington Northern, Inc., now assigned for hearing on July 15, 1980 (4 days) at Porland, OR, in a hearing room to be later designated.

MC 119664 (Sub-77F), Craig Transportation Company, transferred to Modified Procedure.

MC 110563 (Sub-290F), Coldway Food Express, Inc., transferred to Modified Procedure.

MC 37417, Shipments In Marine Containers On Railroad Flatcars, April 1980, now assigned for the second Prehearing Conference on June 24, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138703 (Sub-3F), Boesdorfer Trucking, Inc., now assigned for hearing on July 18, 1980 (1 day) at Chicago, IL will be held in Room 280, Everette McKinley Dirksen Building, 219 South Dearborn Street.

MC 37373, Western Grain Exchange, Inc. v. Burlington Northern, Inc., MC 37374, Montana Merchandising, Inc. v. Burlington Northern, Inc., MC 37376, Coast Trading Company, Inc. v. Burlington Northern, Inc., now assigned for hearing on July 15, 1980 at Portland, OR is canceled.

MC 138627 (Sub-67F), Smithway Motor Xpress, Inc., now assigned for hearing on July 10, 1980 (2 days) at Little Rock, AR is canceled and application dismissed.

MC 110525 (Sub-1298F), Chemical Leamna Tank Lines, Inc., assigned for continued hearing on July 15, 1980 at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 95540 (Sub-10557F), Watkins Motor Lines, Inc., now assigned for hearing on June 18, 1980 (3 days) at Omaha, NE is canceled and application dismissed.

MC 100666 (Sub-463F), Melton Truck Lines, Inc., now assigned for hearing on July 8, 1980 at Birmingham, AL, is canceled and reassigned for Prehearing Conference on July 8, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 73688 (Sub-99F), Southern Trucking Corporation, now assign for hearing on July 10, 1980 (2 days) at Little Rock, AR, will be held at the Little Rock Public Library, Auditorium, 700 Louisiana Street.

MC 124887 (Sub-71F), Shelton Trucking Service, Inc., now assigned for hearing on July 10, 1980 (2 days) at Jacksonville, FL, will be held in Room #784, Federal Building, 400 West Bay Street.

MC 115322 (Sub-169F), Redwing Refrigerated, Inc., now assigned for hearing on July 14, 1980 (5 days) at Winter Park FL, will be held in Room No. 16, State Building, 941 Morse Blvd.

MC 147144F, International Carriers, Inc., now assigned for hearing on July 21, 1980 (5 days) at Miami, FL, will be held in the Tax Court Room No. 1524, Federal Building—51 Southwest First Avenue.

MC 57697 (Sub-18F), Lester Smith Trucking, Inc., now being assigned for hearing on September 9, 1980 (2 weeks) Salt Lake City, UT, location of hearing room later designated.

MC 115931 (Sub-83F), Bee Line Transportation, Inc., now being assigned for hearing on September 10, 1980 (3 days) at Billings, MT, location of hearing room will be later designated.

MC 52709 (Sub-383F), Ringsby Truck Lines, Inc., now being assigned for hearing on September 15, 1980 (1 week) at Missoula, MT, location of hearing room will be designated later.

MC 133119 (Sub-168F), Heyl Truck Lines, Inc., is transferred to Modified Procedure.

MC 41432 (Sub-180F), East Texas Motor Freight Lines, Inc., now assigned for continued hearing on September 2, 1980 (4 days) at Kansas City, MO, location of hearing room will be designated later.

MC 22509 (Sub-18F), Missouri-Nebraska Express, Inc., now being assigned for hearing on September 3, 1980 (3 days) at Chicago, IL, location of hearing room will be designated later.

MC 119974 (Sub-82F), L. C. L. Transit Company, now being assigned for hearing on September 8, 1980 (1 week) at Chicago, IL, location of hearing room will be designated later.

MC 134817 (Sub-3F), Owenton Express, is canceled and transferred to Modified Procedure.

MC 123048 (Sub-485F), Diamond Transportation System, Inc., now assigned for hearing on September 16, 1980 (1 day) at Birmingham, AL, in a hearing room to be later designated.

MC 97068 (Sub-18F), H. S. Anderson Trucking Co., now assigned for hearing on September 17, 1980 (3 days) at Birmingham, AL, in a hearing room to be later designated.

MC 19227 (Sub-247F), Leonard Bros. Trucking Co., Inc., now assigned for hearing on September 22, 1980 (2 days) at Atlanta, GA, in a hearing room to be later designated.

MC 124835 (Sub-17F), Producers Transport Co., now assigned for hearing on September 24, 1980 (3 days) at Atlanta, GA, in a hearing room to be later designated.

MC 63792 (Sub-35F), Tom Hicks Transfer Company, Inc., now assigned for hearing on September 3, 1980 (3 days) at New Orleans, LA, in a hearing room to be later designated.

MC 114552 (Sub-224F), Senn Trucking Company, now assigned for hearing on September 8, 1980 (1 day) at New Orleans, LA, in a hearing room to be later designated.

MC 124078 (Sub-975F), Schwerman Trucking Co., now assigned for hearing on September 9, 1980 (1 day) at New Orleans, LA, in a hearing room to be later designated.

MC 148078 (Sub-1F), Beau Parrish Express Co., Inc., now assigned for hearing on September 10, 1980 (3 days) at New Orleans, LA, in a hearing room to be later designated.

MC 136711 (Sub-41F), McCorkle Truck Line, Inc., now assigned for hearing on September 8, 1980 (2 days) at Kansas City, MO, in a hearing room to be later designated.

MC 143739 (Sub-33F), Shurson Trucking Co., now assigned for hearing on September 10, 1980 (3 days) at Kansas City, MO, in a hearing room to be later designated.

MC 121499 (Sub-9F), William Hayes Lines, Inc., now assigned for hearing on September 30, 1980 (9 days) at Atlanta, GA, in a hearing room to be later designated.

MC 37417, Shipments In Marine Containers On Railroad Flatcars, April 1980, now

assigned for hearing on September 9, 1980 (4 days) at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 37417, Shipments In Marine Containers On Railroad Flatcars, April 1980, now assigned for hearing on September 16, 1980 (4 days) at San Francisco, CA, will be held in Room 510, 211 Main Street.

MC 124679 (Sub-115F), C. R. England And Sons, Inc., now assigned for hearing on September 22, 1980 (1 week) at San Francisco, CA, will be held in Room 510, 211 Main Street.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20385 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-M

[Rule 19; Ex Parte No. 241; Revised Exemption No. 105]

Association of American Railroads; Exemption Under Mandatory Car Service Rules

It appearing, That special-type freight cars bearing railroad reporting marks and having mechanical designations identified in Car Service Directives 145, 150, 155, 165, and 435, issued by the Executive Director and Chairman, Car Service Division, Association of American Railroads, are moved when empty, subject to the provisions of those orders; and that compliance with Car Service Rules 1 and 2 would under certain conditions, prevent the full use of these cars in the manner intended by the car owners.

It is ordered, That under authority vested in me by Car Service Rule 19, empty cars moved in the manner required by Car Service Directives 145, 150, 155, 165, and 435 are hereby exempt from the provisions of Car Service Rules 1 and 2.

Effective June 30, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 27, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-20388 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-7F)]

Consolidated Rail Corp.—Discontinuance of Operations—at Flocton and Hamilton in Butler County, Ohio; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided June 11, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the discontinuance of all Consolidated Rail Corporation operations over 6.4 miles of railroad owned by the Norfolk & Western Railway Company between Flocton (milepost 25.1) and Hamilton (milepost 31.5) in Butler County, OH, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 ICC 91 (1979). A certificate of public convenience and necessity permitting the discontinuance of operations was issued to the Consolidated Rail Corporation. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of discontinuance decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than July 24, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective on or before August 25, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20377 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-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(c) 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 July 9, 1980, 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 improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may ber 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 confering more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: July 1, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

Agatha L. Mergenovich

Secretary.

MC-F-14385F, filed May 2, 1980. RED BALL MOTOR FREIGHT, INC. (Red Ball) (3177 Irving Blvd, P.O. Box 4707, Dallas, TX 75247)—Control and Merger—Spector Industries, Inc. (Spector) (1050 Kingery Hwy, Bensenville, IL 60106). Representatives: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312 and Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Red Ball seeks authority to acquire control of Spector and for merger of the operating rights and property into Red Ball for ownership, management, and operation. RBM Transportation Systems, Inc., which controls Red Ball through ownership of 100 percent of its capital stock and TeleCom Corporation, which in turn, controls RBM through ownership of 100 percent of its capital stock, seek authority to acquire control of said operating rights and property through this transaction. The operating rights to be acquired by Red Ball are contained in Spector's certificates issued in No. MC-69116 and sub-numbers thereunder which authorize the transportation as follows: (1) *general commodities,* with usual exceptions, and various *specified commodities,* over a network of regular routes in the states of AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, WI, and DC, and (2) *general commodities,* with usual exceptions, and various *specified commodities,* over irregular routes in the states of AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV, WI, and DC. Red Ball operates as a motor common carrier in interstate or foreign commerce pursuant to certificate No. MC-2229 and sub-numbers thereunder, transporting *general commodities* and *various specified commodities,* over regular and irregular routes in the states of AL, AR, AZ, CA, CO, FL, GA, KJS, LA, MS, MO, NV, NM, OK, TN, and TX. Red Ball controls ET&WNC Transportation Company, a motor common carrier, operating pursuant to certificates issued in No. MC-52593 and sub-numbers thereunder. Through ET&WNC Transportation Company, Red Ball Controls East Tennessee and Western North Carolina Railroad Company, a rail carrier operating between Johnson City, TN and a point outside of Elizabethton, TN. C. B. Weller, a director of Red Ball, is an officer and director of Refrigerated Transport, Inc., operating under MC-97998 and sub-numbers thereunder. W. Crogan Lord, a director of Red Ball, is also a director of Frozen Food Express, Inc., operating under MC-106207 and sub-numbers thereunder. Condition: RPM Transportation Systems, Inc. and TeleCom Corporation shall continue to be deemed a carrier within the meaning of 49 U.S.C. § 11348 (a) and (b) subject to all the applicable statutory provisions (and related regulations) specified in section 11348 (a) and (b), as provided in our decisions in MC-F-12953. Impediment: This application may have a significant impact on the public and therefor will be held open for further processing. (Hearing site: Washington, DC, or Chicago, IL.)

Note.—(1) Red Ball filed two directly related applications in FD 29343F and FD 29344F under 49 U.S.C. 11301 and 11302 on May 2, 1980. In FD 29343F, Red Ball seeks authority to assume liability with respect to outstanding securities of Spector Industries, Inc. As of December 31, 1979, the outstanding securities (and guarantees of securities of others) of Spector Industries aggregated $25,260,761. In FD 29344F, Red Ball seeks authority to issue 2,024,094 shares of its common stock, $1 par value, and to assume liability with respect to outstanding Convertible Subordinate Debentures. As of December 31, 1979, the outstanding principal balance of these Debentures was $3,737,000. (2) An application for temporary authority has been filed.

MC-F-14396F, filed May 22, 1980. D & T TRUCKING CO., INC. (D & T) (498 First Street, N.W., New Brighton, MN 55112)—MERGER—TRIPLE R EXPRESS, INC. (Triple) (498 First Street, N.W., New Brighton, MN). Representative: Robert J. Dolle, Jr., P.O. Box 12866, New Brighton, MN 55112. D & T seeks authority for the merger of the operating rights and property of Triple into D & T for ownership, management, and operation. Robert J. Dolle, sole stockholder of D & T, seeks authority to acquire control of said rights and property through the transaction. Triple holds motor common carrier authority pursuant to certificates issued in MC-134300 and sub-numbers thereunder, which authorize the transportation over irregular routes of (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 commodities in bulk), and *foodstuffs* (except commodities in bulk), when transported at the same time and in the same vehicle with the commodities above, from the plant site or storage facilities of George A. Hormel & Company at Austin, MN, to points in CT, DE, IL, IN, KY, ME, MI, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the above-named plant site or storage facilities and destined to the indicated destinations. (2) *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), (a) from the plant sites and storage facilities of Armour and Company at South St. Paul, MN, to points in WV, VA, PA (except Erie), CT, MA, VT, NH, and NY (except Buffalo), restricted to the transportation of traffic originating at the above-named plant sites and storage facilities, and (b) from the plant sites and storage facilities of the Rod Barnes Packing Co., and Flanery Meat Co. at or near Huron, SD, to points in VA, restricted to the transportation of traffic originating at the above-named plant site and storage facilities and destined to the indicated destination. (3) *foodstuffs,* (except commodities in bulk), from the plant site and warehouse facilities used by Geo. A. Hormel & Co., at or near Beloit, WI, to points in MN, IA, MO, IL, IN, OH, PA, NY, VT, NH, ME, MA, CT, RI, NJ, DE, MD, WV, VA, KY, NC, SC, TN, MS, AL, GA, MI, and DC, restricted to the transportation of traffic originating at the above-named origin plant and warehouse facilities and destined to the indicated destinations. (4) *meat, meat products,*

meat byproducts, foodstuffs, and canning plant materials, equipment and supplies, (except hides and commodities in bulk), from points in MN, IA, MO, IL, IN, OH, PA, NY, NJ, GA, AL, MS, and MI, to the plant site and warehouse facilities used by Geo. A. Hormel & Co., at or near Beloit, WI, restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination plant site and facilities. (5) *frozen fruits and vegetables,* from the facilities of Stokely-Van Camp, Inc., at Fairmont and Winnebago, MN, to Birmingham, AL, Montezuma, GA, and Haines City, Miami, Orlando, and Tampa, FL, restricted to the transportation of traffic originating at the named facilities. (6) *foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., at New Ulm, MN, to points in CT, PA, VA, DE, ME, MD, MA, NH, NY, NJ, RI, VT, OH, IN, MI, WV, KY, IL, ND, SD, NE, MO, IA, and DC, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (7) *frozen potatoes and potato products,* from the facilities of Northern Star Company at Minneapolic, MN, to points in AL, AR, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (8) *windows, screens, doors, building woodwork, and materials* used in their installation, from the facilities of Andersen Corporation at Bayport, MN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (9)(a) *frozen foodstuffs,* and (b) *commodities* which are otherwise exempt under 49 U.S.C. § 10526(a)(6), when transported in mixed loads with frozen foodstuffs, from Syracuse, NY, to points in MI, OH, and PA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (10) *foodstuffs* (except in bulk), from the facilities of Jeno's, Inc., at Duluth, MN, and Superior, WI, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (11) *meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (a) from the facilities of Armour Food Company, at or near Mason City, IA, to points in CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and (b) from the facilities of Armour Food Company at South St. Paul, MN, to points in DE, ME, MD, NJ, RI, and DC, (12) *meats, meat products and meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in sections A, B, C, and D, of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, to the facilities of Armour Food Company, at or near Mason City, IA, restricted in (11) and (12) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (13) *foodstuffs* (except commodities in bulk), from the facilities of Jeno's, Inc., at Duluth, MN, and Superior, WI, to points in AL, GA, KY, MS, and TN. (14)(a) *such commodities* as are dealt in by retail department stores, (except foodstuffs and commodities in bulk), and (b) *foodstuffs* in mixed loads with commodities in (a) above, from the facilities of Target Stores, Division of Dayton Hudson Corp., at Minneapolis, MN, to the facilities of Target Stores, Division of Dayton Hudson Corp., at Mason City, IA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. (15) *frozen meats,* in boxes, in vehicles equipped with mechanical refrigeration, from Miami and Tampa, FL, to points in NC, PA, VA, and WV, restricted to the transportation of traffic having a prior movement by water. (16) *frozen meats,* in boxes, in vehicles equipped with mechanical refrigeration, from the New York, NY, Jersey City, Port Newark, and Elizabethport, NJ, Philadelphia, PA, Wilmington, DE, and New Haven, CT, to points in IL, IN, IA, KY, MI, MN, MO, NE, OH, PA, and WI, restricted to the transportation of traffic having a prior movements by water and against the transportation of trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) traffic. (17) *sugar* (except in bulk), from Brooklyn, NY, to points in IL, IN, MI, and OH. (18) *confectionery* (except commodities in bulk), from (a) the facilities of Deran Confectionery-Borden, Inc., at or near Boston, MA, and North Grosvenordale, CT, to points in ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN, and OH, (b) the facilities of Charles N. Miller Company, Inc., at or near Watertown, MD, to Addison, IL, and points in MI, (c) the facilities of Peter Paul Cadbury, Inc., at or near York, PA, to Frankfort, IL, (d) the facilities of the Schrafft Candy Co., at or near Boston and Woburn, MD, to points in OH, MI, IN, IL, WI, IA, MN, ND, and SD, and (e) the facilities of New England Confectionery Co., at or near Cambridge, MD, to points in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI. (18) *materials and supplies* used in the manufacture of paints and varnishes (except commodities in bulk, in tank vehicles), from those points in the United States in and east of WI, IA, MO, AR, and LA, to Minneapolis, MN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, and (19) polyproplyene *agricultural baler twine,* from Alert Lea, MN, to those points in the United States in and east of ND, SD, NE, KS, AR, and LA. D & T holds authority to operate as a motor contract carrier pursuant to permits issued in MC 117644 and sub-numbers thereunder. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC-F-14389F, filed May 13, 1980.

J & T TRANSPORT, INC. (JT) (7990 NATIONAL HIGHWAY, PENNSAUKEN, NJ 08110)—PURCHASE—JOT TRANSPORT, INC. (JOT) (7990 NATIONAL HIGHWAY, PENNSAUKEN, NJ 08110).

Representative: Joseph T. Bambrick, Jr., Esq., P.O. Box 43308, Atlanta, GA 30336.

JT seeks to purchase the operating authority or JOT and John J. Malloy (also of 7990 National Highway, Pennsauken) seeks to acquire central of the authority through the transaction. The interstate operating rights sought for purchase by JT are contained in JOT's Certificates No. MC-133111 (Sub-No. 2F) which authorize transportation, as a contract carrier, over irregular routes, of general commodities (except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between facilities of Pioneer Warehouse Corporation at Pennsauken, NJ, on the one hand, and, on the other, point in MD, NJ, PA, NY, DE and DC under authorizing contract or contract with Pioneer Warehouse Corporation and Malloy Warehouse & Distribution Corporation of Pennsauken, NJ and (2) from Pennsauken, NJ and Baltimore, MD and points in NY, PA, DE and DC under authorizing contract or contracts with Malloy Warehouse & Distribution Corporation, of Pennsauken, NJ. JT is a motor common carrier operating in interstate or foreign

commerce, under authority issued in Certificate No. MC-65429 and sub numbers thereunder, in the states of CT, NJ and PA. (Hearing site: Camden, NJ.)

Note.—(1) Applicant has not filed an application for temporary authority. (2) Duel operations may be involved.

MC-F-14374, filed April 16, 1980. COOK TRANSPORTS, INC. (Cook) (P.O. Box 6362-A, Birmingham, AL 35217)—PURCHASE (PORTION)—TOM HICKS TRANSFER COMPANY, INC. (Hicks) (P.O. Box 16006, 710 North Post Oak Road, Houston, TX 70022). Representative: John P. Carlton, 727 Frank Nelson Building, Birmington, AL 35203. Cook seeks to acquire a portion of the motor carrier operating rights of Hicks. By the same application, Ocie Cook, Jr., (P.O. Box 6362-A, Birmingham, AL 35217), who controls Cook through sole stock ownership, seeks authority to acquire control of the motor carrier operating rights of Hicks, through the transaction. The operating rights sought to be purchased are contained in Certificate No. 63792 (Sub-24), which authorizes the transportation, in interstate or foreign commerce, as a motor common carrier, of iron and steel articles, except cast iron pipe, between the facilities of Romar Steel, Inc., at New Orleans and Morgan City, LA, Birmingham, AL, and Houston, TX, on the one hand, and, on the other, points in Alabama, Arizona, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee and Texas, restricted against tacking or joining with carrier's other irregular route authority unless specially authorized herein. Cook holds irregular route motor common carrier authority in its Certificate No. 136828 and Sub-numbers thereunder to transport various commodities throughout the United States. With the exception of the authority in its lead certificate and Sub-No. 6 certificate, each of its certificates similarly precludes tacking or joinder with the carrier's other irregular-route authorities unless specifically authorized in the respective Sub-numbered certificate. The lead certificate authorizes the transportation of machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in eight States; between points in 31 States and the District of Columbia; and between points in five States, on the one hand, and, on the other, points in 42 States and the District of Columbia; machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way between points in eight States; between points in 31 States and the District of Columbia; between points in 5 States; and between points in five States, on the one hand, and, on the other, points in 42 States and the District of Columbia; and steel and metal pipe, pipe fittings, paint, and fur, to be used in the construction of pipelines (except gas, gasoline, and oil pipelines), from railheads in New York, Pennsylvania, and Tennessee, to pipeline rights-of-way in those States. Certificate No. MC-136828 (Sub-6) authorizes the transportation of hydrants, valves, fittings, couplings, and materials and supplies used in the installation thereof, from Albertville, AL, and Chattanooga, TN, to points in California. Condition: Authorization and approval of this transaction is made subject to the express retention of the restriction in the authority against tacking or joinder with other irregular route authority unless specifically authorized herein. (Hearing site: Birmingham, AL.)

Notes.—(1) The Application states that tacking of the authority sought to be acquired with that presently held would permit operations in transportation of iron and steel articles between points in Alabama, Arizona, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Illinois, New Mexico, Oklahoma, Tennessee and Texas, and that a separate application is being filed for elimination of the gateway of Birmingham, AL. However, applicant has not filed a directly-related application for an extension of rights through an elimination of the express restrictions contained in No. MC-63792 (Sub-24), as well as contained in any other pertinent authority in No. 136828 and subnumbered certificates so as to permit tacking or joinder. (2) Application for temporary authority has been filed.

MC-F-14365, filed April 3, 1980. T.I.M.E.-DC, INC., (2598 74th St., Lubbock, TX]—PURCHASE (PORTION)—LAKE SHORE MOTOR FREIGHT CO. (LAKE SHORE) (GIRARD, OH). Representatives: Kenneth G. Thomas, 2598 74th St., Lubbock, TX 79408, and A. David Millner, 167 Fairfield, Rd., Fairfield, NJ 07006. T.I.M.E.-DC, INC. seeks authority to purchase a portion of the interstate operating rights of Lake Shore. H. C. Shurtleff, President of T.I.M.E.-DC, and National City Lines, Inc. majority stockholder of T.I.M.E.-DC, INC. also seek authority to control said rights through the transaction. T.I.M.E.-DC, INC. is purchasing that portion of the interstate operating rights contained in Lake Shore's Certificate MC 13569, which authorizes the transportation, as a motor common carrier, over a regular route, of *general commodities,* with the usual exceptions, between Cleveland, OH and Pittsburgh, PA, serving all intermediate points, from Cleveland over OH Highway 14 to the OH-PA State line, then over PA Highway 51 to Monaca, PA, then over PA Highway 930 to junction PA Highway 51, then over PA Highway 51 to Pittsburgh, and return over the same route. T.I.M.E.-DC, INC. is a motor common carrier of general and specified commodities over regular and irregular routes, in AL, AZ, AR, CA, CO, CT, DE, GA, ID, IL, IN, IA, KS, KY, MD, MA, MI, MO, NE, NV, NJ, NM, NY, OH, OK, OR, PA, RI, TN, TX, VA, WA, WV, WI, WY, and DC, pursuant to authority under MC 35320 and sub-numbers thereunder.

Note.—Application for temporary authority has been filed under 49 U.S.C. 11349.

MC-F-14345F, filed March 18, 1980. DUFOUR BROS., INC. (Dufour) (Berkshire Common, South Street Level, Pittsfield, MA 01201)—CONTROL SURF COAST TOURS, INC. (Surf Coast) (P.O. Box 698, Holly Hill, FL 32017). Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Dufour seeks authority to acquire control of Surf Coast through the purchase of capital stock. John R. Dufour and William D. Dufour, equal stockholders of Dufour, seek authority to acquire control of Surf Coast through the transaction. John R. Dufour and William D. Dufour currently hold 50% of the capital stock of Surf Coast. The purpose of this application is to increase their holding to 100%. The operating rights sought to be controlled are contained in MC 145833 which authorizes the transportation of *passengers and their baggage,* in the same vehicle with passengers, in round-trip or one-way special and charter operations, between points in Volusia and Flagler Counties, FL, on the one hand, and, on the other, points in the United States (except AK and HI). Dufour is a motor common carrier of passengers pursuant to authority issued in MC 126986 and sub-numbers thereunder. (Hearing site: Daytona Beach, FL.)

[FR Doc. 80-20384 Filed 7-8-80; 8:45 am]
BILLING CODE 7035-01-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 July 9, 1980, 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 improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed 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: June 27, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC-F-14386, filed May 5, 1980. CENTURY-MERCURY MOTOR FREIGHT, INC. (C-M) (P.O. Box 4350, St. Paul, MN 55164)—purchase—Trans-Mississippi Trucking Co., Inc. (T-M, Inc.) and Trans-Mississippi Trucking Co., Inc. (T-M Co.) (Minneapolis, MN). Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. C-M seeks authority to purchase the interstate operating rights of T-M, Inc., and its wholly owned subsidiary, T-M, Co. Mario J. Bonello, Frank S. Bonello and Julius F. Bonello, controlling stockholders of C-M, join the application and seek authority to control the operating rights through the transaction. C-M is purchasing the interstate operating rights containing in T-M, Inc.'s Certificate No. MC-144818, which authorizes the transportation as a motor common carrier, over irregular routes of *general commodities,* with exceptions, between points in all or portions of Pepin, Buffalo, Pierce, Dunn, Trempealeau, Jackson, and LaCrosse Counties, WI, and Houston, Fillmore, Mower, Winona, Ulmstead and Wabasha Counties, MN, and Minneapolis, St. Paul, South St. Paul, Newport, Hastings, Red Wing and Winona, MN, and Pepin and LaCrosse, WI; *brick, building block, and sand* from Winona, MN to Arcadia, Blair, Black River Falls Trempealeau and Galesville, WI; and *lumber and building materials* between Ettrick, WI and points within 10 miles of Ettrick, WI, on the one hand, and, on the other, Arcadia, Whitehall and Taylor, WI. The operations are within a 300 mile radius and may be tacked. C-M is also purchasing the interstate operating rights contained in T-M Co's Certificate No. MC 144141, which authorizes the transportation as a motor common carrier, over irregular routes, of *general commodities,* with exceptions, from Winona, South St. Paul, St. Paul and Minneapolis, MN to Pepin, WI and designated points in Pepin County, WI restricted against the transportation of empty cheese containers, fish, fish boxes, fencing and farm machinery to Pepin, WI. C-M is a motor common carrier operating, in interstate or foreign commerce, under authority issued in MC-108223 and sub-numbers thereunder, in the states of IL, IN, IA, MN, ND and WI.

Note.—Application has been filed for temporary authority under 49 USC 11349. A directly related application filed in MC-108223 (Sub-No. 34F), is published in this same Federal Register.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate

that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after July 9, 1980.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* the following operating rights applications directly related thereto filed on or before August 8, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 108223 (Sub-34F), filed May 5, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC.—gateway elimination—P.O. Box 43050, St. Paul, MN 55164. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over (1) irregular routes transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Pepin County, WI, the Towns of Canton in Buffalo County, WI, Union in Pierce County, WI, and Eau Galle in Dunn County, WI, points in Trempealeau County, WI on and south of WI Hwy 95, Jackson County, WI, points in LaCrosse County on and west of WI Hwy 108 between the Jackson County-LaCrosse County line and West Salem, WI, and on and north of I90 between West Salem, WI and the Minnesota-Wisconsin State line, and LaCrosse, WI, points in the Minnesota counties of Houston, Fillmore, Winona, Olmstead, that part of Mower County on and east of MN Hwy 56, and that part of Wabasha County on and south of MN Hwy 60 and Minneapolis, St. Paul, Hastings, Red Wing and Winona, MN, and (2) 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), (a) between St. Paul, MN and LaCrosse, WI, serving all intermediate points, from St. Paul over U.S. Hwy 61 to LaCrosse, and return over the same route, and (b) between Minneapolis, MN and LaCrosse, WI, serving the intermediate point of Rochester, MN and all intermediate points between Rochester and LaCrosse, from Minneapolis over U.S. Hwy 52 to its junction with I90, then over I90 to LaCrosse, also, from Rochester over U.S. Hwy 14 to LaCrosse, and return over the same routes.

Note.—This application directly relates to a proceeding pursuant to 49 USC § 11343 in No. MC-F-14306, published in the same Federal Register issue. The purpose of this application is to eliminate internal gateways in Pepin County, WI, and Winona, MN in authority to be acquired in MC-F-14386 and to intergrate the operating rights to be acquired in MC-F-14386 with applicant's existing operating rights.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20380 Filed 7-8-80; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 1, 1980.

In our decisions of May 13, 20, and 27, June 3, 10 17, and 24, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload

traffic is 13.4 percent. Accordingly, we are authorizing that the 13-percent surcharge for this traffic remain in effect. All owner-operators are to receive compensation at this level. No change is authorized in the 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, the 1.3-percent surcharge for United Parcel Service, nor in the 5.0-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for pulication therein.

It is Ordered, This decision shall become effective Friday, 12:01 a.m. July 4, 1980.

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

Agatha L. Mergenovich,

Secretary.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

June 30, 1980 ..... 113.9¢

	Transportation performed by—			
	Owner operator [1] (1)	Other [2] (2)	Bus carrier (3)	UPS (4)
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	5.3	3.3
Percent surcharge developed	13.4	2.3	5.0	[3]2.1
Percent surcharge allowed	13.0	2.3	5.0	[4]1.3

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge figure is reduced 0.8 percent to reflect fuel related increases already included in UPS rates.

[FR Doc. 80-20379 Filed 7-8-80; 8:45 am]

BILLING CODE: 7035-01-M

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before August 8, 1980. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-S-13963F, filed March 13, 1979. Transferee: AMERICAN HOLIDAY VAN LINES, INC., 2323 Chipman Street NW., Knoxville, TN 37917. Transferor: KINGS VAN & STORAGE, INC., 918 Broadway, Oklahoma City, OK. Representative: Robert J. Gallagher, Esq., Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. Authority sought to purchase by transferee of the operating rights of transferor as set forth in Certificate of Public Convenience and Necessity No. MC-292 (Sub No. 17) and MC-292 (Sub No. 18G) described as follows: MC-292 (Sub-17), between Chicago, Illinois and points within 50 miles thereof, on the one hand, and, on the other, points in IL, IN, OH, WI, MI, and IA, between Chicago, Illinois, on the one hand, and, on the other, points in MI, IL, WI, IA, IN, KY, OH, TN, PA, NY, MD and the D.C. between Decatur, Illinois, and points within 50 miles thereof, on the one hand, and, on the other, points in AR, CO, IL, PA, IN, KY, MA, MI, MN, MO, NY, OH, PA, TN, WI, OK, NE, FL, TX, AL, and the D.C. between Philadelphia, Pennsylvania, on the one hand, and, on the other, points in DE, VA, NJ, MD and the D.C. between Marshalltown, IA and points within 80 miles thereof, on the one hand, and, on the other, points in IA, MO, KS, MN, IL, NE, and CO between points in Milwaukee County, WI, on the one hand, and, on the other, points in IL, IN, IA, MN and OH. MC-292 (Sub-18G), (a) between points in OH and NM, on the one hand, and, on the other, points in FL, (b) between points in MA, on the one hand, and, on the other, points in CO, (c) between points in NM, on the one hand, and, on the other, points in AL, and (d) between points in CO, on the one hand, and, on the other, points in AR.

Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission on or before August 8, 1980. Such protests shall conform with Special Rule 247(e) of the Commission's *general rules of practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *general rules of practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly

affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 59617 (Sub-5F), filed July 20, 1979. (Originally published March 14, 1980.) Applicant: WARE'S VAN AND STORAGE CO., INC., 1344 Northwest Boulevard, Vineland, NJ 08360. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in PA, NY, NJ, MA, CT, RI, OH, WV, MD, DE, VA, and DC. New authority is being sought to serve (1) between points in RI, OH, and WV; and (2) between points in NJ. (Hearing site: Washington, DC.)

Note.—This application is directly related to a Section 5 application, Ware's Van and Storage Co., Inc.—Purchase(Portion)—Young's Express, et al, docketed MC-F-14023, published in the Federal Register of March 14, 1980. The purpose of this application is to eliminate the gateways as follows: (1) points in the Philadelphia, PA commercial zone that are located in Salem and Cumberland Counties, NJ; and (2) points within a 25 mile radius of Vineland, NJ that are located in Salem and Cumberland Counties, NJ.

MC 106149 (Sub-5F), filed March 21, 1980. Applicant: AMERICAN HOLIDAY VAN LINES, INC., 2323 Chipman Street, Knoxville, TN 37917. Representative: Stanley G. Emert, Jr., 2323 Chipman Street, Knoxville, TN 37917. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between AL, CT, DC, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NH, NC, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WV, and WI.

Note.—This is a gateway elimination application directly related to a Section 5 application, American Holiday Van Lines, Inc.—Purchase(Portion)—Kings Van & Storage, Inc., docketed MC-F-13963F, published in the same issue of this Federal Register. The gateways to be eliminated are: (1) Decatur, IL and 50 mile radius to AL, AR, CO, FL, IL, IN, KY, MA, MI, MN, MO, NE, NY, OH, OK, PA, TN, TX, WI, and DC; (2) Chicago, IL, and a 50 mile radius to IL, IN, IA, MI, OH, and WI; (3) Marshalltown, IA, and a 80 mile radius to CO, IL, IA, KS, MN, MO, and NE; (4) Chicago, IL, to IL, IN, IA, KY, MI, MO, NY, OH, PA, TN, WI, and DC; (5) Philadelphia, PA to DE, MD, NJ, VA, and DC.

By this gateway elimination proceeding, applicant requests authority to operate between points in the areas for which authority is sought in MC-106149 (Sub-No. 4) and the areas for which authority is sought in MC-F-13963F.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20390 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket Nos. AB-10 (Sub-11) and AB-10 (Sub-12)]

Norfolk and Western Railway Co.—Abandonment—Between New Castle and Rushville, in Henry and Rush Countries, IN and Norfolk, and Western Railway Co.—Abandonment—Between Connersville, and New Castle, in Henry, Wayne, and Fayette Counties, IN; findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided May 16, 1980, a finding, which is administratively final, was made by the Commission, stating that, the public convenience and necessity permit the abandonment by the Norfolk and Western Railway Company in AB-10 (Sub-No. 11) of a portion of line on its Muncie Division, known as the Rushville Branch, extending a distance of 22.21 miles, from milepost 1.92, south of New Castle, IN, in a southerly direction to milepost 23.9, at Rushville, IN, in Rush and Henry Counties, IN, and in AB-10 (Sub-No. 12) of another portion of line on the Muncie Division, this is a 23.50 mile segment in Henry, Wayne and Fayette Counties, IN, extending from milepost 0.0 at Connersville, IN, in a generally northwesterly direction to milepost 23.50 at New Castle, known as the Connersville Branch, subject to (1) the conditions for the protection of railway employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), and (2) the condition that N&W offer in good faith to sell Conrail the portion of the N&W trackage which Conrail operates over pursuant to a trackage rights agreement. A certificate of abandonment will be issued to the Norfolk and Western Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed and served no later than July 24, 1980; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquistion and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Reigster on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interest persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20378 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-15 (Sub-2F)]

Petaluma and Santa Rosa Railroad Co.—Abandonment—Between Petaluma and Denman, Calif.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided June 12, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the abandonment by the Petaluma and Santa Rosa Railroad Company of its line of railroad known as the main line extending from milepost 1.212 at or near Petaluma to milepost 3.587 at or near Denman in Sonoma County, CA, a distance of 2.375 miles, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of public convenience and necessity permitting the abandonment was issued to the Petaluma and Santa Rosa Railroad

Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than July 24, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective August 25, 1980.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-20383 Filed 7-8-80; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-39 (Sub-IF)]

St. Louis Southwestern Railroad Co.—Abandonment—Near East Prairie and Wyatt in Mississippi County, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 25, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the public convenience and necessity permit the abandonment by the St. Louis Southwestern Railroad Company of its line of railroad known as the Wyatt, branch extending from milepost 16.00 near East Prairie to milepost 5.52 at our near Wyatt, consisting of 10.48 miles in Mississippi County, MO, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the St. Louis Southwestern Railroad Company based on the above-described finding of abondonment, on or before August 8, 1980, unless on or before August 8, 1980, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed and served no later than 15 days after publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion os such line or railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-20382 Filed 7-8-80; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29402]

Bennett Lumber Products, Inc.—Purchase—Washington, Idaho & Montana Railway Co. (Richard B. Ogilvie, Trustee); Decision

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Bennett Lumber Products, Inc., to purchase the Washington, Idaho & Montana Railway, a subsidiary of the Chicago, Milwaukee, St. Paul, & Pacific Railroad Company located in WA and ID. The Commission is also setting a schedule for this proceeding.

DATE: This decision shall be effective on July 7, 1980.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-6454.

SUPPLEMENTAL INFORMATION: Bennett Lumber Products, Inc. (Bennett) filed a partial application on June 25, 1980, under Section 5(b) of the Milwaukee Railroad Restructuring Act, Pub. L. 96-101, 93 Stat. 736 (1979), for authority to purchase the Washington, Idaho & Montana Railroad Company (WI&M), a subsidiary of the Chicago, Milwaukee, St. Paul, & Pacific Railroad Company (Milwaukee), located in WA and ID. The application will be handled under the rules adopted in Ex Parte 282 (Sub-No. 4), *Acquisition Procedures for Lines of Railroads,* 360 ICC 623 (1980), 49 CFR 1111.20 et seq.

The WI&M extends from Palouse, WA, to Bovill, ID, for about 48 miles. Bennett seeks to acquire trackage, right-of-way and other WI&M properties.

By decision served May 23, 1980, in Finance Docket No. 29328, we accepted for consideration the application of Burlington Northern Inc. (BN) to acquire certain Milwaukee properties, among which is included the WI&M. In that decision we set a schedule for the proceeding which would enable us to comply with the order of the bankruptcy court that we issue a decision within 90 days.

The public was given notice, by our decision of May 23, 1980, of the filing dates for inconsistent applications, necessitated by the court imposed deadline. Because it may not have been clear that such schedule would apply to Bennett's application, and because our decision in the BN proceeding is likely to have a substantial impact upon Bennett's proposal, we will accept Bennett's application for consideration. To the extent that it remains incomplete, the public may be unable to comment on the entire proposal. In that event, the Commission will consider it in its incomplete form.

By July 22, 1980, replies of BN, Milwaukee, MRC, UP, and Bennett to each other's applications must be filed. Verified comments of the public, the Secretary of Transportation, and the Attorney General of the United States to Bennett's application, must also be filed by July 22, 1980.

The public is advised that no additional inconsistent applications will be entertained in this consolidated proceeding.

It is ordered:

1. The application in Finance Docket No. 29402 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on July 7, 1980.

Decided: July 3, 1980.

By the Commissioner, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20599 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No-F-42]

THE FOLLOWING; APPLICATIONS WERE FILED IN REGION I.

SEND PROTESTS TO REGIONAL AUTHORITY CENTER, INTERSTATE COMMERCE COMMISSION, 150 CAUSWAY ST.—RM. 501, BOSTON, MA 02114.

MC 133272 (Sub-1-1TA), filed June 24, 1980. Applicant: WHALING CITY TRUCKING, INC., 567 Coleman Street, New London, CT 06320. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. New Household Furniture Fixtures, Appliances and Furnishings, New Commercial and Institutional Fixtures, Appliances and Furnishings, Office and Store Furnishing and Equipment, from Plant Site of William Bloom & Son, Incorporated, East Providence, RI, to Holyoke, Hyannis and Swansea, MA., Baltimore, MD, and New York and White Plains, NY. Supporting shipper: William Bloom & Son, Incorporated, 25 Almeida Street, East Providence, RI., 02914.

MC 149167 (Sub-1-1TA), filed June 16, 1980. Applicant: MAVERICK RENTING & LEASING, 105 Howell Street, Jersey City, NJ 07306. Representative: Piken & Piken, Esqs., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. *Contract carrier* hauling over irregular routes: *Bakery Products* and such commodities as are used in the manufacture and distribution of bakery products (except commodities in bulk), between the facilities of Entenmann's, Inc., North Lake, IL, and Pittsburgh, PA, Atlanta, GA and Bay Shore, NY. Supporting shipper: Entenmann's Inc., 1724 Fifth Avenue, Bay Shore, NY 11706.

MC 2860, (Sub-1-8), filed June 18, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representatives: Peter J. Nickles, Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006; Jack Gruenstein, National Freight, Inc., 71 West park Avenue, Vineland, NJ 08360. All correspondence should be directed to the attention of Jack Gruenstein at the above address. *General commodities* between all points in the states of AL, AR, GA, IL, IN, KY, LA, MA, ME, MI, MN, MS, NH, OH, OK, PA, TN, TX, VT, WI and WV.

MC 59806, (Sub-1-2TA), filed June 24, 1980. Applicant: GROSS & HECHT TRUCKING CO., INC., 35 Brunswick Avenue, Edison, NJ 08817. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409 Fairfield, NJ 07006. Contract Carrier, irregular routes: Food stuffs, between points in NJ, DE and those in PA on and east of U.S. Hwy 15. Supporting shipper: Rotelle, Inc., P.O. Box 273, Bethlehem Pike, Spring House, PA 19477.

MC 59655, (Sub-1-2TA), filed June 24, 1980. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs and Pet Foods*, From the facilities of Ralston Purina Company at or near Dunkirk, NY, to points in the states of CT, ME, MA, NH, RI and VT. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 29934, (Sub-1-1TA), filed June 24, 1980. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Merchandise as dealt in by wholesale, retail, chain grocery and food business houses from the plant site and storage facilities of Ralston-Purina at Jersey City, NJ to points in DE, MD, NY, PA, VA and DC. Supporting shipper(s): Ralston-Purina, 108 Industrial Drive, Jersey City, NJ 07305.

MC 151078, (Sub-1-1TA), filed June 24, 1980. Applicant: COASTAL FAST FREIGHT, INC., 346 Claremont Avenue, Jersey City, NJ 07305. Representative: Charles A. Webb, 1828 L Street, NW., Suite 1111, Washington, DC 20036. Contract carrier; irregular routes: *Lighting fixtures and materials, accessories, equipment and supplies used in the manufacture and installation thereof* between Fall River, MA; Norwich, CT; Jersey City, NJ; Elgin, IL; Compton, CA; Atlanta, GA; Dallas, TX; and Seattle, WA, on the one hand, and, on the other hand, points in the United States (except AK and HI), under a continuing contract with Lightolier, Inc., Supporting shipper: Lightolier Incorporated, 346 Claremont Avenue, Jersey City, NJ 07305.

Republication—Correction

MC 151013 (Sub-1-1TA), filed June 11, 1980. Applicant: J. T. L., INC., 49 Rosedale Street, Providence, RI 02903. Representative: Ronald N. Cobert, Esq., Suite 501, 1730 M Street, NW, Washington, DC 20036. Contract carrier irregular routes: (1) *Spark plugs, filters, PCV valves, transmission filters, emission control equipment, gasoline filters, oil filters, air filters, and component filter parts, advertising matter and merchandising aids used in the sale of filter products and filter parts, tools used in the inspection, installation, change, and removal of filters and filter parts* from Nevada, MO, Greenville, OH, East Providence, RI and Salt Lake City, UT, to points in AZ, AR, CA, CO, CT, DE, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, TN, TX, UT, VT, VA, WA, WV, WI, and WY. (2) *Materials, equipment and supplies used in the manufacture and distribution of spark plugs, filters, PCV valves, transmission filters, emission*

control equipment, gasoline, filters, oil filters, air filters, and component filter parts from states listed in (1) above to Nevada MO, Greenville, OH, East Providence, RI, and Salt Lake City, UT. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with Fram Corporation. Supporting shipper: Fram Corporation, Providence RI.

MC 140511 (Sub-1-1TA), filed June 20, 1980. Applicant: AUTOLOG CORP., 319 W. 101 Street, New York, NY 10025. Representative: Larsh B. Mewhinney, Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Used passenger vehicles and pickup trucks, with or without sporting equipment and personal effects of the owners thereof in secondary movements, in truckaway service,* between points in the United States (except HI and AK), restricted against the transportation of five or more vehicles from one origin to one destination in one vehicle, and transportation on behalf of shippers other than individual owners, car dealers, and leasing and rental companies, and companies relocating employees. Supporting shippers: There are eight supporting shippers' statements attached to the application which may be examined at the Regional Office listed.

MC 151013 (Sub-1-2TA), filed June 23, 1980. Applicant: J. T. L., INC., Providence, RI 02903. Representative: Robert L. Cope, Esq., 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Contract, irregular: *Paper and paper articles, and material, equipment and supplies used in the manufacture and distribution of paper and paper articles,* between the facilities of Potlatch Corporation located at or near Sikeston, MO, on the one, hand, and, on the other, AR, AL, CA, CO, DC, GA, IL, IN, KS, KY, LA, MD, MO, MS, NC, OH, OK, SC, TN, TX, VA, and WV. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with Potlatch Corporation. Supporting shipper: Potlatch Corporation Sikeston, MO.

MC 151013 (Sub-1-5TA), filed June 23, 1980. Applicant: J. T. L. INC., 49 Rosedale Street, Providence, RI 02903. Representative: Robert L. Cope, Esq., 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier* irregular routes: *Steel Articles* from Dallas, TX to AZ, AR, CA, CO, ID, IA, KS, LA, MO, MN, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY. Restriction: The operations herein are to be limited to a transportation service to be performed under a continuing contract or contracts with Mosher Steel Co. Supporting shipper: Mosher Steel Co., Dallas, TX.

MC 141705 (Sub-1-1TA), filed June 20, 1980. Applicant: KINSDALE CARRIERS LTD., 423 Ingersoll Avenue, Woodstock, Ontario, CD. Representative: Robert D. Gunderman, P.C., 710 Statler Building, Buffalo, NY 14202. *Contract Carrier:* irregular routes: *Lime and limestone, in bulk, in tank and dump vehicles,* from ports of entry on the International Boundary line between the US and CD on the Detroit River and St. Clair River to Sauget, IL, restricted to the transportation of traffic in foreign commerce under a continuing contract or contracts with Domtar Chemicals Limited, of Toronto, Ontario, CD. Supporting Shipper: Domtar Chemicals Limited, 10 Gurney Cres., Toronto, Ontario, CD.

MC 151152 (Sub-1-1TA), filed June 25, 1980. Applicant: HIGHWAY MERCHANDISE EXPRESS, INC., 535 Secaucus Road, Secaucus, NJ 07094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Garments on hangers and Such Merchandise as is dealt, sold in, or used by Department Stores,* (1) Between points in the New York, NY Commercial Zone, on the one hand, and, on the other, Akron, Canton, Cincinnati, Cleveland, Cuyahoga, Dover, Lima, Mansfield, Painesville, Sandusky, Toledo, Warren, and Youngstown, OH; Atlanta, GA; Charlotte and Wilson, NC; Chicago, Bloomington, Crystal Lake, Evergreen Park, Juliet, Lombard, Matteson, Mt. Prospect, North Riverside, Skokie, St. Charles, and Waukegan, IL; Indianapolis, IN; Jacksonville, Miami, and Tampa, FL; Minneapolis and St. Paul, MN; Detroit, Ann Arbor, Grand Rapids, Grand River, Jackson, Lansing, Livonia, Mt. Clemens, Pontiac, Saginaw, Southfield, Southgate, Sterling Heights, and Warren, MI; Dallas, Ft. Worth, and Houston, TX; Los Angeles and San Francisco, CA; and their respective Commercial Zones; and (2) Between points in the Los Angeles, CA Commercial Zone, on the hand, and, on the other, Dallas, Ft. Worth, and Houston, TX; Chicago, Il; and their respective Commercial Zones. Supporting shippers: Montgomery Ward & Company, 393 Seventh Avenue, New York, NY 10001; Netco/Zaire Corp., 601 W. 26th Street, New York, NY 10001; Neiman-Marcus, 2620 N. Haskell, Dallas, TX 75204; Alexander's Department Stores, 31 West 34th Street, New York, NY; and Petrie Stores Corp., 70 Enterprise Avenue, Secaucus, NJ 07094.

MC 146596 (Sub-1-1TA), filed June 27, 1980. Applicant: FRED McCALL TRUCKING, INC., 2079 Railroad Avenue, Ontario, New York 14519. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *Granite curb stone and granite chips;* from Mt. Airy, NC to points in CT, NJ, NY and PA. Supporting shipper: Syrstone, Inc., P.O. Box 247, N. Syracuse, NY 13212.

MC 113784 (Sub-1-2TA) filed June 26, 1980. Applicant: LAIDLAW TRANSPORT LTD., P.O. Box 3020, Station B, Hamilton, ON, Canada. Representative: David A. Sutherlund, Fulbright & Jaworski, 1150 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036. (1) Gypsum products and roofing materials, from ports of entry on the International boundary line between the United States and Canada located in New York to points in New Jersey, Maryland, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire and Delaware. (2) Materials, equipment and supplies used in the manufacturing of gypsum products and roofing materials in the reverse direction. Supporting shipper: Canadian Gypsum Company of Ontario, CD.

MC 144769 (Sub-1-1TA), filed June 26, 1980. Applicant: ROGER ROMAN d.b.a. R. ROMAN TRUCK LEASING, 8 Creston Avenue, Union, NJ 07083. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. Contract, irregular: *Malt beverages,* except in bulk in tank vehicles, from Newark, NJ, to points in Delaware, Maryland, New York, Pennsylvania and the District of Columbia under a continuing contract or contracts with Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, WI 53201. Supporting shipper: Pabst Brewing Company of Milwaukee, WI.

MC 148127 (Sub-1-8TA), filed June 26, 1980. Applicant: LINEHAUL EXPRESS CORPORATION, Post Office Box 5078, Manchester, New Hampshire 03108. Representative: Neal R. Michaud, Post Office Box 5078, Manchester, New Hampshire 03108. *Frozen food products,* from the facilities of Woodbridge Sweets at Woodbridge, NJ, to points in the U.S. Supporting shipper: Woodbridge Sweets Corp. of Woodbridge, NJ 07095.

MC 108531 (Sub-1-1TA), filed June 26, 1980. Applicant: BLUE BIRD COACH LINES, INC., 502-504 N. Barry St., Olean, NY 14760. Representative: Gregory B. Fraser, Bankers Trust Bldg., Jamestown, NY 14701. *Passengers and their baggage,* in charter operations, from Atlanta, GA, Denver, CO and New York, NY to points in the US (including AK but excluding HI). Restricted to (1) students

accompanied by tour directors, chaperones and their baggage; (2) charter operations subject to a prior or subsequent movement by air; and (3) charters arranged by Trails West, Inc. Supporting shipper: Trails West, Inc., 92 Middle Neck Rd., Great Neck, NY 11021.

MC 141932 (Sub-1-7TA), filed June 25, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. Adhesive glues, Sugar of Milk, Sodium Bisulfite, Pepper, Boxes, fibreboard, Paper backed with foil and Printing Paper and materials, equipment and supplies used in the manufacture and sale of salt, pepper and sugar and salt substitutes, (except commodities in bulk), to Moore, OK from points in DE, MD, MA, NY, PA, SC and WI. Supporting shipper: Diamond Crystal Salt Company of Moore, OK.

MC 145108 (Sub-1-4TA), filed June 25, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* Irregular routes: *Film and Cores,* between Holyoke, MA; New Orleans, LA; Hopewell, VA; Sunnyvale, CA; and Wooster, OH. Supporting shipper(s): Xidex Corporation, 305 Soquel Way, Sunnyvale, CA 94086.

MC 145108 (Sub-1-3TA), filed June 25, 1980. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* Irregular routes: *Candy and Confectionery, in mechanical refrigerated equipment,* from the facilities of Tootsie Roll Industries, Inc., at or near Chicago, IL, to Birmingham, AL; Hayward, Los Angeles, CA; Denver, CO; Jacksonville, FL; Atlanta, GA; Davenport, Des Moines, IA; New Orleans, LA; Cockneyville, MD; Boston, MA; Detroit, Grand Rapids, MI; Minneapolis, MN; Kansas City, St. Louis, MO; Omaha, NE; Jersey City, NJ; Buffalo, NY; Charolotte, NC; Cincinnati, Cleveland, Columbus, OH; Portland, OR; Pittsburgh, PA; Memphis, Nashville, TN; Dallas, TX; Salt Lake City, UT; Hungtington, WV; Green Bay and Milwaukee, WI. Supporting shipper(s): Tootsie Roll Industries, Inc., 7401 S. Cicero Avenue, Chicago, IL 60629.

MC 133419 (Sub-1-1TA), filed June 26, 1980. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, NY 14225. Representative: Marlene Phillips (same address as applicant). Fertilizer and fertilizer materials in dump vehicles, from Buffalo, NY to Union City, PA. Supporting shipper: Agway Inc., P.O. Box 4933, Syracuse, NY 13221.

MC 143127 (Sub-1-14TA), filed June 26, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). *Alcoholic beverages* (except in bulk) and *materials, supplies and equipment* used in the manufacture, sale and distribution of alcoholic beverages (except commodities in bulk), between Owensboro, KY, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Medley Distilling Company, PO Box 838, Louisville, KY 40201.

MC 147585 (Sub-12TA), filed June 25, 1980. Applicant: DICK WELLER, INC., Shoham Road, P.O. Box 313, Warehouse Point, CT 06088. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) from the facilities of Charter Oak Shippers Cooperative Association, Inc. at Berlin, CT to GA and FL. Supporting shipper: Charter Oak Shippers Cooperative Association.

MC 30204 (Sub-1-1TA), filed June 20, 1980. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, MA 02742. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW, Suite 502, Solar Building, Washington, D.C. 20036. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in PA within 45 miles of Johnstown, PA, to Johnstown, PA. Supporting shippers: There are six (6) supporting shippers.

MC 1759 (Sub-1-1TA), filed June 25, 1980. Applicant: FROEHLICH TRANSPORTATION CO., INC., Federal Road, Danbury, CT 06810. Representative: Jerry B. Sellman, 50 W. Broad Street, Columbus, OH 43215. *(1) Such commodities as are dealt in or used by grocery and food business houses and (2) materials, equipment & supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Ralston Purina Company at or near Dunkirk, NY, on the one hand, and, on the other, points in CT, MA, ME, NH, RI, and VT. Supporting shipper: Ralton Purina Company, 3800 Middle Road, Dunkirk, NY 14048.

MC 46421 (Sub-1-1TA), filed June 25, 1980. Applicant: ESCRO TRANSPORT LTD., 274 Mayville Avenue, Buffalo, New York 14217. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, New York 14202. Common carrier: irregular routes: *Such merchandise as is dealt in by retail, wholesale and chain grocery and food business houses, in vehicles equipped with mechanical temperature control devices (exempt commodities in bulk),* from points in NY to the facilities of Dauphin Distribution Services Co. in Cumberland County, PA. Supporting shipper: Dauphin Distribution Services Co., P.O. Box 427, Camp Hill, Pa 17011.

MC 149014 (Sub-1-1TA), filed June 24, 1980. Applicant: EAGLE LINES INC., P. O. Box 902, Merrimack, NH 03054. Representative: Henry Sepessy, P.O. Box 902, Merrimack, NH 03054. *Motorcycles, Motorcycle Parts and Accessories,* From points in Chicago, IL, Pensauken, NJ, Newark, NJ, Gloucester, NJ, on the one hand, and, on the other, all points in PA, CT, NY, MA, NH, ME, VT, OH, NJ, and RI. Supporting shipper(s): Granite State Honda, 546 Amhurst St, Nashua, NH 03063, Nault's House of Wheels, 590 Second St, Manchester, NH 03102, Granite State Suzuki, 546 Amherst St, Nashua, NH 03063.

MC 151133 (Sub-1-1TA), filed June 25, 1980. Applicant: ARCHIBALD REMYU d.b.a. VENUS COACH TOURS, 348 Eastern Parkway, Brooklyn, NY 11225. Representative: Sidney J. Leshin, Esq., 575 Madison Avenue, New York, NY 10022. Irregular routes, *passengers and their baggage in charter operations* restricted to bona fide members of either Charlemagne Peralte Center or Alliance Des Emigres Haitiens, beginning and ending in Brooklyn, NY and extending to all points in the US except AK and HI.

MC 2066 (Sub-1-1TA), filed June 25, 1980. Applicant: R. M. SULLIVAN TRANSPORTATION, INC., 649 Cottage Street, P.O. Box 155, Highland Station, Springfield, MA 01104. Representative: David M. Marshall, Esq., Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,* between the terminal of R. M. Sullivan Transportation, Inc. at Springfield, MA, on the one hand, and, on the other, points in Westchester, Rockland, Dutchess, Greene, Sullivan, Orange, Ulster, Columbia, Rensselaer, Schenectady, Washington, Saratoga, Warren, Putnam, Albany and

Amsterdam Counties, NY. Restriction: restricted to shipments having a prior or subsequent movement by motor carrier including shipments by R. M. Sullivan Transportation, Inc.

Note.—The purpose of this Application is to substitute single-line service in lieu of joint-line service because of the discontinuance of service by connecting carriers. Applicant intends to tack with other Authority in Docket No. MC 2066 and Subs thereto at its terminal in Springfield, MA.

MC 138861 (Sub-1-8), filed June 25, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, Rhode Island 02814. Representative: Ronald N. Cobert, Esq., 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *A common carrier irregular routes, General Commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between railroad ramps located at Bridgeport, North Haven, and Plainfield, CT; Boston, West Springfield, and Worcester, MA; Pawtucket and Providence, RI, on the one hand, and, on the other, points in ME, and NH, restricted to shipments having a prior or subsequent movement by rail. (Supporting shipper: Go-Van Consolidators, Inc.)

MC 138861 (Sub-1-9TA), filed June 25, 1980. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Representative: Ronald N. Cobert, Esq., Suite 501, 1730 M Street, NW, Washington, DC 20036. *Common carrier, irregular routes, General Commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* between railroad ramps located at Alexandria, VA, on the one hand, and, on the other, points in ME, MA, CT, NH, and RI, restricted to shipments having a prior or subsequent movement by rail. (Supporting shipper: Go-Van Consolidators, Inc.)

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 2. SEND PROTESTS TO: ICC, FEDERAL RESERVE BANK BUILDING, 101 N. 7TH STREET, ROOM 620, PHILADELPHIA, PA 19106.

MC 118866 (Sub-II-1TA), filed June 20, 1980. Applicant: PAUL L. ZAMBERLAN & SONS, INC., P.O. Box 15, Lewis Run, PA 16738. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th St., N.W., Washington, DC 20005. *Pipe and materials and supplies* incidental to or used in construction, development, operations and maintenance of facilities for the discovery, development, and production of oil, natural gas and petroleum, from the facilities of J & L Steel Co., at or near Indiana Harbor, IN, to points in Erie, McKean, Mercer, Indiana and Warren Counties, PA, and Allegany, Cattaraugus, Chautauqua, Erie and Wyoming Counties, NY. An underlying ETA seeks 90 days authority. Supporting shippers: Goodman Pipe Co., Inc., Bradford, PA 16701; Bradford Pipe & Supply Co., Inc., Bradford, PA 16701.

MC 8958 (Sub-II-8TA), filed June 23, 1980. Applicant: YOUNGSTOWN CARTAGE CO., 825 W. Federal Street, Youngstown, OH 44501. Representative: Philip J. Cianciolo (same as applicant). *Aluminum articles and materials, equipment, and supplies used in the manufacture of aluminum articles,* between the facilities of Alumax, Inc. in Berkeley County, SC and points in CT, DE, DC, IL, IN, KY, MA, MD, MI, ME, NJ, NY, OH, PA, RI, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Alumax of SC, P.O. Box 1000, Goose Creek, SC.

MC 21866 (Sub-II-23TA), filed June 23, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. *Plastic and plastic products,* and *materials, equipment and supplies* used in the manufacture and distribution of plastic and plastic products (except commodities in bulk), between the facilities of Pennsylvania Polymeric, Inc. at Gilbertville (Montgomery County), PA, on the one hand, and, on the other, points in GA, MA, MD, NJ, NY, PA, RI, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pennsylvania Polymeric, Inc., R.D. No. 2, Swamp Creek Road, Gilbertsville, PA 19525.

MC 136012, (Sub-II-1TA), filed June 23, 1980. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Drive, Cincinnati, OH 45246. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *Liquid chemicals,* from Morral, OH, and its commercial zone, to pts. in IN, KY, MI and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Chem-Lawn Corp., 450 W. Wilson Road, Worthington, OH 43085.

MC 150397, (Sub-II-1TA), filed June 20, 1980. Applicant: UNITED COACHES, INC., 4650 Market Street, Philadelphia, PA 19139. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *Passengers and their baggage, in charter operations,* beginning and ending at Philadelphia, PA, and extending to pts. in the US, (including AK but excluding HI), for 180 days. Supporting shipper: There are 12 supporting shippers. Their statements may be examined at the Phila. Regional ICC Office, Philadelphia, PA.

MC 65941, (Sub-II-3TA), filed June 20, 1980. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, WV 26003. Representative: James R. Stevick (same as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between the facilities of Picoma Industries, Inc. at Martins Ferry and Bellaire, OH, on the one hand, and, on the other pts. in the US in and east of MN, IA, MO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Picoma Industries, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Picoma Industries Inc., P.O. Box 488, Martins Ferry, OH 43935.

MC 64808, (Sub-II-1TA), filed June 23, 1980. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. *Malt beverages,* in containers, from the facilities of Genesee Brewing Co., located at Rochester, NY to Clarksburg, Fairmount and Morgantown, WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Valley Distributing Co. of Fairmont, Inc., 12th Street & Virginia Avenue, Fairmont, WV 26554. Beverage Distributor Inc., 200 Ferry Street, P.O. Box 866, Clarksburg, WV 26301. Jo's Globe Distributing Co., Route 3, Box 43-B, Morgantown, WV 26505.

MC 151015, (Sub-II-1TA), filed June 23, 1980. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Contract; irregular: *Cement, in bulk and in bags,* from Bessemer, PA to pts. in Jefferson and Belmont Counties, OH for the account of Belot Concrete Industries, Inc. for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper: Belot Concrete Industries, Inc., P.O. Box 68, Tiltonsville, OH 43963.

MC 116763 (Sub-II-18TA), filed June 23, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *General commodities (except commodities in bulk, in tank vehicles, used household furniture, commodities the transportation of which because of size or weight require the use of special equipment, automobiles, trucks and*

buses as described in the Report in Description in Motor Carrier Certificates, 61 MCC, 209 and 766, and explosives), Between pts. in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at, or destined to the facilities utilized by International Paper Co. Supporting shipper(s): International Paper Co., 220 E. 42nd Street, New York, NY 10017.

MC 110683 (Sub-II-5TA), filed June 20, 1980. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th Street, NW., Washington, D.C. 20036. Common; regular: *General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment)* (1) Between Memphis, TN, and New Orleans, LA, serving no intermediate points: From Memphis over U.S. Hwy 51 and/or Interstate Hwy 55 to New Orleans and return over the same route. (2) Between Memphis, TN, and Beaumont, TX, serving all intermediate points on U.S. Hwy 90: From Memphis over U.S. Hwy 61 to its junction with U.S. Hwy 82, then over U.S. Hwy 82 to its junction with U.S. Hwy 165, then over U.S. Hwy 165 to its junction with U.S. Hwy 90, then over U.S. Hwy 90 to Beaumont and return over the same route. (3) Serving Port Arthur, TX, as an off-route point in connection with carrier's authorized regular routes. (4) Between Memphis, TN, and Mobile, AL: From Memphis over Interstate Hwy 55 to its junction with U.S. Hwy 49, then over U.S. Hwy 49 to its junction with U.S. Hwy 98, then over U.S. Hwy 98 to Mobile and return over the same route. (5) Between Tupelo, MS, and Mobile, AL, serving no intermediate points: From Tupelo over U.S. Hwy 45 to Mobile and return over the same route. (6) Between Tupelo, MS, and New Orleans, LA, serving all intermediate points in Louisiana: From Tupelo over U.S. Hwy 45 to its junction with U.S. Hwy 45A, then over U.S. Hwy 45A to its junction with U.S. Hwy 45, then over U.S. Hwy 45 to its junction with Interstate Hwy 59, then over Interstate Hwy 59 to New Orleans and return over the same route. (7) Between Birmingham, AL, and New Orleans, LA, serving all intermediate points in Louisiana: From Birmingham over U.S. Hwy 11 and/or Interstate Hwy 59 to New Orleans and return over the same route. (8) Between Chattanooga, TN, and Mobile, AL, serving no intermediate points: From Chattanooga over Interstate Hwy 24 to its junction with Interstate Hwy 59, then over Interstate Hwy 59 to its junction with AL Hwy 5, then over AL Hwy 5 to its junction with U.S. Hwy 43, then over U.S. Hwy 43 to Mobile and return over the same route. (9) Between Chattanooga, TN, and Montgomery, AL, serving no intermediate points: From Chattanooga over Interstate Hwy 24 to its junction with Interstate Hwy 59, then over Interstate Hwy 59 to its junction with Interstate Hwy 65 or U.S. Hwy 31, then over Interstate Hwy 65 or U.S. Hwy 31 to Montgomery and return over the same route.

Note.—No duplicating authority sought. Tacking and interlining is intended. Authority sought to serve the Commercial Zones of all points included in this application, for 180 days. An underlying ETA seeks 90 authority. Supporting shipper(s): There are 45 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 125023 (Sub-II-2TA), filed June 23, 1980. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same as applicant). *Malt beverages, in containers, and materials, equipment and supplies (except commodities in bulk) used in the sale and distribution of malt beverages,* between Rochester, NY and pts. in WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Steel City Dist. Inc., Rice Boulevard, Weirton, WV 26062. Knight Dist. Corp., 1 Berry Street, Wheeling, WV 26003.

MC 129171 (Sub-II-1TA), filed June 23, 1980. Applicant: ARTHUR SHELLEY, INC., R.D. #2, Dallas, PA 18612. Representative: Joseph F. Hoary, 121 S. Main Street, Taylor, PA 18517. *Candy and confectionery and toilet preparations,* From Middlesex, Union, Hudson and Bergen Counties, NJ to Oakland, Hayward, Santa Fe Springs, Los Angeles and Burnham, CA, Portland and Milwaukee, OR and Seattle, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Confectionery Consolidators, Inc., 797 Hillside Road, Rahway, NJ 07065.

MC 134156 (Sub-II-3TA), filed June 23, 1980. Applicant: AL SALEM d.b.a. AL SALEM PRODUCE, 5136 Cherokee Hill Drive, Salem, VA 24153. Representative: Al Salem (same as applicant). *Paint and materials, supplies and equipment used in the manufacture of paint* between the facilities of Evans Paint Div. at or near Roanoke, VA and PTS. in the US, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Evans Paint Division, 1516 Cleveland Avenue, Roanoke, VA 24015.

MC 69052 (Sub-II-5TA), filed June 20, 1980. Appplicant: REED TRUCKING CO., P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 PA Building, PA Avenue & 13th Street, NW., Washington, DC 20004. *(1) Dry chemicals (except in bulk),* from pts. in NJ to Cambridge, MD; and *(2) Empty drums,* from S. Brunswick, NJ to Cambridge, MD, for 180 days. Supporting shipper: Robinson Chemical Co., P.O. Box 264, Cambridge, MD 21613.

MC 119632 (Sub-II-12TA) filed June 24, 1980. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Toilet preparations* from St. Louis, MO to pts. in the states of MD, MI, NY, and PA. Restricted to transportation of traffic originating at facilities of Vi-Jon Laboratories, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Vi-Jon Laboratories, Inc., 6300 Etzel, St. Louis, MO 63133.

MC 119632 (Sub-II-TA), filed June 23, 1980. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Such commodities as are dealt in by grocery and food business houses (except frozen or in bulk)* from Milton, PA to pts. in the states of KY, NY, and OH. Restricted to traffic originating at facilities of American Home Foods and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Home Foods Division, 685 3rd Avenue, New York, NY 10017.

MC 119632 (Sub-II-10TA), filed June 20, 1980. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: Wayne C. Pence (same as applicant). *Drugs, toilet preparations, and chemicals, NOI (except in bulk)* from Elkhart, IN to Fostoria, OH. Restricted to traffic originating at facilities of Miles Laboratories, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, IN 46514.

MC 151113 (Sub-II-1TA), filed June 23, 1980. Applicant: R & E TRANSPORT, INC., 25 Circle Drive, Ephrata, PA 17522. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Paper cups, boxes, trays, containers; paper articles, including stock, fibres and supplies* used in the manufacture and distribution of the above-named commodities, between the facilities of Dopaco Packaging Co., Inc., Downingtown, PA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks

90 days authority. Supporting shipper: Dopaco Packaging Co., Inc., P.O. Box 270, Downingtown, PA 19335.

MC 102616 (Sub-II-10TA), filed June 26, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road. Akron, OH 44313. Representative: W. M. Kiefaber (same as applicant). *Petroleum and petroleum products in bulk in tank vehicles,* from Woodhaven, MI, to Van Wert and Port Clinton, OH, for 180 days. Supporting shipper: Mobil Oil Corp., 150 E. 42nd St., New York, NY 10017.

MC 102616 (Sub-II-9TA), filed June 26, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillion Road, Akron, OH 44313. Representative: W. M. Kiefaber, (same as applicant). *Petroleum and petroleum products, in bulk, in tank vehicles,* from Owensboro, KY; Memphis and Nashville, TN; Oakland City, Evansville and Mount Vernon, IN; Wood River, IL; and West Memphis, AR, to points in AR, IN IL, KY, MO, and TN, for 180 days. Supporting shipper: Industrial Petroleum Supply of Evansville, Inc., P.O. Box 5597, Evansville, IN 47715.

MC 107403 (Sub-II-28TA), filed June 26, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Liquid and dry chemicals, in bulk, in tank vehicles,* from Gulfport, MS to points in AL, FL, GA, LA and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): S & T Services, Inc., P.O. Box 3287, Gulfport, MS 39503.

MC 112359 (Sub-2-1TA), filed June 26, 1980. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazleton, PA 18201. Representative: Joseph F. Hoary, 121 S. Main Street, Taylor, PA 18517. *Malt Beverages, in containers,* from Columbus, OH; Detroit, MI and Williamsburg, VA to Hazleton and Tannersville, PA and from Newark, NJ to Tannersville, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): D. B. Rossi Bev. Co., Inc., 138 W. 21st Street, Hazleton, PA 18201.

MC 107012 (Sub-II-52TA), filed June 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (1) *plastic trays, plastic sheeting and,* (2) *materials and supplies used in the manufacture and distribution of (1) above,* from the facilities of A & E Plastic Inc., at or near (a) City of Industry, CA to points in and east of ND, SD, NE, KS, OK and TX (b) Rockaway, NJ and New York, NY to points in CA, GA, IL and OH for 180 days. Supporting shipper: A & E Plastic Inc., 14505 Proctor Ave., City of Industry, CA 91749.

Note.—Common control may be involved.

MC 114569 (Sub-II-23TA), filed June 23, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as applicant). *Foodstuffs* (except in bulk, in tank vehicles). From the facilities of Peter Paul Cadbury, Inc. in CA to Denver, CO; Kansas City, MO; Dallas, TX; Memphis, TN; York, PA; Frankfort, IN; Hazleton, PA; Chicago, IL; and Naugatuck, CT and their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Peter Paul Cadbury, Inc., New Haven Road, Naugatuck, CT 06770.

MC 117565 (Sub-II-4TA), filed June 23, 1980. Applicant: MOTOR SERVICE CO., INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner (same as applicant). *(1) Roof Cement, Waterproofing Compounds, Paint, Caulking, Adhesives, Sealant, Coatings, and (2) accessories and supplies used in the installation, manufacture and maintenance of (1) above,* from the plant site and warehouse facilities of Tremco Inc. at or near Cleveland, OH to pts. in DC, IL, IN, FL, GA, KY, LA, MD, MA, MN, MO, NJ, NY, PA, TN, TX, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Tremco Inc., 10701 Shaker Boulevard, Cleveland, OH 44104.

MC 73533 (Sub-II-5TA), filed June 25, 1980. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham Street, Baltimore, MD 21224. Representative: William F. Lamperelli (same address as above). *Paper, Paper Products and File Folders, paper and metal or plastic combined* from Berwick, PA to points in the District of Columbia, Maryland and Virginia for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline at Baltimore, MD. Supporting shipper: Data Com, Inc., 2500 Maryland Avenue, P.O. Box 539, Willow Grove, PA 19090.

MC 73533 (Sub-II-4TA), filed June 23, 1980. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham Street, Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Such merchandise as is dealt in by retail department and discount stores* (except commodities in bulk), from the facilities of Key Warehouse Services, Inc., to Prince Frederick, MD, and points in VA, restricted to traffic having a prior movement by truck from King of Prussia or Philadelphia, PA for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to interline at Middle River, MD. Supporting shipper(s): F. W. Woolworth Co., 162 Chelton Avenue, Philadelphia, PA 19144. K-Mart Corp., 645 Highway 18, E. Brunswick, NJ 08816.

MC 124821 (Sub-II-19TA), filed June 20, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Commodities dealt in or used by manufacturers and distributors of metal cabinets and metal stampings,* between Scranton, PA, and on one hand, and, on the other, Boca Raton, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Suckle Corporation, 233 Davis Street, Scranton, PA 18503.

MC 142703 (Sub-21TA), filed October 16, 1980. Applicant: INTERMODAL TRANSPORTATION SERVICE, INC., 750 W. 3rd Street, P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 43215. *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 Danville, KY and its commercial zone, on the one, hand, and, on the other, points in KY, for 180 days. Restricted to the transportation of shipments having a prior or subsequent movement by rail or water. Applicant intends to interline at Danville, KY. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers statements attached which may be examined at the ICC Regional office in Phila., PA.

MC 65475 (Sub-II-5-TA), filed June 23, 1980. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Aluminum, aluminum products, and equipment, materials, and supplies used in the manufacture of aluminum and aluminum products* (except commodities in bulk), between the plantsite of Eastalco Aluminum Co., at or near Frederick, MD, on the one hand, and, on the other, points in Iowa, for 180 days. An underlying ETA seeks 90 day's authority. Supporting shipper: Eastaloco Aluminum Co., Route 9, Box 128, Frederick, MD 21701.

MC 151102 (Sub-II-1TA), filed June 23, 1980. Applicant: FRANKFORD LIMO SERVICE, a Division of Girard Cab Company, Inc., 837 Pinecrest Avenue, Girard, OH 44420, Representative: John A. Vuono, 2310 Grant Building,

Pittsburgh, PA 15219. Contract, irregular *Consolidate Rail Corporation (Conrail) employees and their equipment,* between points in OH, PA west of PA Hwy 219, NY south and west of NY Hwy 15 and WV north and west of Interstate Hwy 79 and Interstate Hwy 64, under a continuing contract(s) with Conrail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Rail Corp., 1528 Walnut Street, Room 301, Phila., PA 19102.

MC 148216 (Sub-II-1TA), filed June 23, 1980. Applicant: L & D TRUCK LEASING, INC., 19871 State Highway 231, Nevada, OH 44849. Representative: Richard H. Brandon, 220 W Bridge Street, P.O. Box 97, Dublin, OH. 43017. *Contract:* Irregular: *Soya Bean Compound* from Mt. Vernon, OH, to Denver, Co. and Ft. Worth, TX. Supporting shipper(s): Loma Linda Foods, Mt. Vernon, OH 43050.

MC 150939 (Sub-II-3TA), filed June 25, 1980. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. *Glass, fiberglass, chemicals, paint and resins and materials used or used in the manufacture, sale or distribution of said commodities,* between points in the United States in and east of WI, IL, KY, TN and MS, for 180 days. Restriction: Restricted to traffic originating at or destined to the facilities of PPG Industries, Inc., Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with PPG Industries, Inc. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 129613 (Sub-II-16TA), filed June 23, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract:* Irregular: *Plastic articles and materials, equipment and supplies* used in the manufacture, sale and distribution thereof, between Winchester, VA, including its commercial zone, on the one hand, and, on the other, points in and east of WI, IL, TN, KY and MS, for 180 days, under a continuing contract(s) with Amoco Foam Products Co. An underlying ETA seeks 90 days' authority. Supporting shipper(s): Amoco Foam Products Co., 2111 Powers Ferry Road, Atlanta, GA 30330.

MC 140294 (Sub-II-6TA), filed June 23, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. *Insecticides, herbicides, pesticides, fertilizer, and agricultural chemicals (except in bulk), and application therefor,* from Edison, NJ, and Lebanon, PA, and their respective commercial zones, to points in MD; Morgan, Berkeley and Jefferson Counties, WV; Loudon, Frederick, Arlington, and Clark Counties, VA, (restricted to traffic originating at or destined to facilities utilized by Chevron Chemical Co.), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Chevron Chemical Co., 1200 State Street, Perth Amboy, NJ 08861.

MC 125335 (Sub-2-12TA), filed June 23, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. (1) *Insulated copper wire cable,* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1), above, from Schuylkill Haven, PA, to points in AL, CT, DE, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WI, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Tamaqua Cable Products Corp, P.O. Box 347, Schuylkill Haven, PA 17972.

MC 4963 (Sub-II-13TA), filed June 25, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. and Schuylkill Road, Spring City, PA 19475. Representative: William H. Peiffer (same address as above). *(1) brick, stone, steel, machinery and (2) materials and supplies used in the manufacture of the commodities in (1) above (except commodities in bulk)* between Crossville, TN on the one hand, and, on the other points in the states of AL, CT, DE, GA, IL, IN, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and the District of Columbia. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. M. Shaffer Quarries, Box 368, Crossville, TN 38555.

MC 151130 (Sub-II-1TA), filed June 25, 1980. Applicant: COLONIAL VIRGINIA TOURS, INC., d.b.a. HAVE BUS WILL TRAVEL, 7716 Bergen Street, Norfolk, VA 23518. Representative: J. G. Dail, Jr., P.O. Box LL, McClean, VA 22101. Contract: Irregular: *passengers and their baggage,* in charter operations, under a continuing contract or contracts with Reuben Z. Cohen, d.b.a. Mr. Happy Travel Service, beginning and ending at Norfolk, Portsmouth, Virginia Beach, Chesapeake, Hampton, and Newport News, VA, points in Northampton and Accomack Counties, VA, and Elizabeth City, NC, and extending to points in the United States (including AK but excluding HI), for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Reuven Z. Cohen, d.b.a. Mr. Happy Travel Service, 1 Southern Shopping Center, Norfolk, VA 23505.

MC 107012 (Sub-II-51TA), filed June 24, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Positve pressure chimney systems and fittings and accessories,* from the facilities of Metalbestos System at Nampa, ID to points in the US (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Metalbestos Systems, Wallace Murray Corp., P.O. Box 372, Nampa, ID 83651.

Note.—Common control may be involved.

MC 109533 (Sub-II-7TA), filed June 23, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, VA 23224. Representative: C. H. Swanson, Box 1216, Richmond, VA 23209. *Common; regular: General Commodities (except those of unusual value, classes A & B explosives, commodities in bulk, household goods as defined by the Commission,* and those requiring special equipment), between Lexington, KY and Mt. Vernon, KY serving all intermediate points and commercial zones: From Lexington over U.S. Hwy. 25 to Mt. Vernon and return over the same route. Applicant intends to tack with authority held in MC-109533. Applicant proposes to interline at points as provided in tariffs on file with the ICC. There are 22 supporting shippers. Their statements may be examined at the ICC office in Philadelphia, PA.

MC 150339 (Sub-2-4TA), filed June 23, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Sand, concrete, and lime, in bags, except commodities in bulk,* from Martinsburg and Berkley Springs, WV; Mauricetown, NJ and Gibsonburg, OH, to pts. in MD for 180 days, under a continuing contract with Belair Road Supply Co., Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Belair Road Supply Co., Inc., 7750 Pulaski Highway, Baltimore, MD 21237.

MC 19201 (Sub-II-1TA), filed June 19, 1980. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, PA 19131. Representative: S. Berne Smith, Robert H. Griswold, P.O. Box 1166, Harrisburg, PA 17108. *General*

commodities (except household goods in use, commodities in bulk, commodities of unusual value, classes A and B explosives, and commodities which because of size or weight require special equipment), (1) between Cleveland, Columbus, and Toledo, OH, Detroit, MI, St. Louis, MO, Chicago, IL, Elkhart and Indianapolis, IN, Louisville, KY, and their commercial zones, on the one hand, and, on the other, points in IL, the lower peninsula of MI, OH, PA on and west of U.S. Hwy. 15, and WV. Restricted in (1) and (2) above to traffic having a prior or subsequent movement via rail, or water. Applicant intends to interline. An underlying ETA seeks 90 days authority. Supporting shippers: There are approximately 27 supporting shippers. Their statements may be examined at the ICC Regional Office in Philadelphia, PA.

MC 150547 (Sub-II-1TA), filed June 23, 1980. Applicant: CASEY'S TRUCKING, INC., 617 Grant Avenue, Virginia Beach, VA 23452. Representative: Kevin C. Dailey (same address as above). *Empty containers, chassis, and loads of general commodities* to various points within the commercial zone of Norfolk, VA having prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Farrell Lines, Inc., One Whitehall, New York, NY.

MC 94265 (Sub-II-13TA), filed June 23, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Meats, meat products, meat by products and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles). (1) from Jarratt (Greensville Cty), VA to points in AL, FL, GA, NC, SC, TN, KY, OH, WV, PA, MD, DC, DE, NJ, NY, CT, RI, MA, NH, VT, ME, and MI; and (2) from points in IL, IN, IA, KS, MO, MN, NE, ND, OH, OK, SD, and TX to Jarratt (Greensville Cty), VA restrict to traffic originating at or destined to facilities of Old Dominion Beef, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Old Dominion Beef, Inc., P.O. Box 227, Jarratt, VA 23876.

MC 133878 (Sub-II-1TA), filed June 23, 1980. Applicant: A. E. TRUCKS, INC., Weston, Luzerne County, PA 18256. Representative: Joseph F. Hoary, 121 S. Main Street, Taylor, PA 18517. Contract, irregular: *Mobile Shelving,* (1) From Wilkes Barre and Plains Township, PA to points in the U.S. (except AK and HI) (2) materials, equipment and supplies used in the manufacture of mobile shelving from points in the U.S. (except AK and HI) to Wilkes Barre and Plains Township, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metropolitan Wire Co., N. Washington Avenue and George Street, Wilkes Barre, PA 18702.

MC 94265 (Sub-II-14TA), filed June 25, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs* (1) from Minneapolis and Eden Prairie, MN to Greenville and Taylor, SC; and (2) from Greenville and Taylor, SC to points in FL, GA, NC, SC, TN and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Golden Valley Foods, Inc., 7214 Washington Avenue, S. Eden Prairie, MN 55344.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 3. SEND PROTESTS TO ICC, REGIONAL AUTHORITY CENTER, P.O. BOX 7520, ATLANTA, GA 30357.

MC 115491 (Sub-3-1TA), filed June 25, 1980. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, FL 33823. Representative: Mr. Tony G. Russell (same address as applicant). (1) *Molten Sulphur* from Tampa, FL, to the facilities of International Minerals & Chemicals Corporation and New Wales Chemicals, Inc., located in Polk County, FL. (2) *Dry Phosphatic Materials* from the facilities of International Minerals & Chemicals Corporation and New Wales Chemicals, Inc., located in Polk County, FL, to Tampa, FL. Supporting shippers: New Wales Chemicals, Inc., P.O. Box 1035, Mulberry, FL 33860; and International Minerals & Chemicals Corporation, 421 East Hawley Street, Mudelein, IL 60060.

MC 151037 (Sub-3-2TA) filed June 24, 1980. Applicant: ROAD RAIL TRANSPORT LTD., Suite 201, 4250 Perimeter Park South, Atlanta, GA 30341. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* between points in the U.S. (except AK and HI). Restricted to shipments: (A) having a prior or subsequent movement by rail; and (B) originating in or destined to the States of AL, FL, GA, KY, LA, MS, NC, SC, TN, VA and WV. NOTE: Applicant intends to interline at all available rail ramp points. Supporting shippers: There are 40 statements of support of this application which can be examined at the ICC Regional Office.

MC 111545 (Sub-3-3TA) filed June 18, 1980. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road, SE., Marietta, GA 30067. Representative: J. Michael May, (same address). *Commodities, the transportation of which because of size or weight require the use of special equipment, and self-propelled articles each weighing 15,000 pounds or more,* between points in TX, on the one hand, and, on the other, points in AR, KY and TN (except those points in KY and TN within 175 miles of Chattanooga, TN). Supporting evidence: Applicant's verified statement concerning cancellation of joint-line operations.

MC 140389 (Sub-3-12TA), filed June 16, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. (1) *Foodstuffs (except in bulk),* from the facilities of Charles Dennery, Inc., Division of DCA Food Industries, Inc., at or near New Orleans, LA, to points in AL, FL, GA, IL, IN, KY, SC, and TN and (3) *foodstuffs (except in bulk) and equipment, materials, and supplies (except in bulk) used in the manufacture, distribution, and sale of foodstuffs,* from points in IL and MI to the facilities of Charles Dennery, Inc., Division of DCA Food Industries, Inc., at or near New Orleans, LA. Supporting shipper: Charles Dennery, Inc., Division of DCA Food Industries, Inc., 698 St. George Ave., Jefferson, LA 70121.

MC 91306 (Sub-3-4TA), filed June 16, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *New furniture and new furniture parts, and materials and supplies used in the manufacture and distribution thereof,* (1) from points in Guilford, Davie and McDowell Counties, NC, to points in DC, DE, MD, NY, NJ, PA, MA, CT and RI; (2) from points in Burke and Cleveland Counties, NC, to points in MA, CT, RI, DC and MD; (3) from points in DE, MD, NY, NJ, PA, MA, CT and RI, to points in Guilford, Davie, Burke, Cleveland and McDowell Counties, NC. Supporting shipper: Drexel Heritage Furnishings Inc., Drexel, NC 28619.

MC 143621 (Sub-3-15TA), filed June 18, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., 901 Fifth Avenue, North, Nashville, TN 37219. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Fabricated steel*

from the facilities of Mesker Steel at or near Evansville, IN to points in IA, KY, MS, MO, and WV. Supporting shipper: Mesker Steel, 400 N.W. First Street, Evansville, IN 47708.

MC 111856 (Sub-3-2TA), filed June 16, 1980. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Road, Prichard, Alabama 36610. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. *Paper and paper products, wood pulp, plastic and plastic articles, plastic lined metal containers, metal containers, metal container ends, and distribution of paper and paper products wood pulp, plastic and plastic articles, plastic lined metal containers, metal containers and metal container ends (except commodities in bulk);* (1) Between all points in AL, GA, MS and FL. Interlining is requested at Mobile & Birmingham, AL; Meridian & Jackson, MS; Augusta, GA; Miami, FL; and any other point at which interline concurrences can be effected. Supporting shipper(s): 1. Moore Business Forms, Inc., P.O. Box 97, Heflin, AL; 2. Scott Paper Co., Scott Plaza II, Phil, PA 19113; 3. Weyerhaeuser Co., 100 S. Wacker Dr., Chicago, IL 60606; 4. Lily Div. of Owens-Illinois, P.O. Box 1035, Toledo, OH 43666; and 5. American Can Co., P.O. Box 1699, Meridian, MS 39301.

MC 127625 (Sub-3-2TA), filed June 24, 1980. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, SC 29059. Representative: Frank B. Hand, Jr., Box C, Berryville, VA 22611. *Lightweight aggregates,* in bulk, in pneumatic tank trailers, from the facilities of Carolina Stalite Company at Gold Hill, NC, to the facilities of Concrete Products Company at Charleston, SC. Supporting shipper: Carolina Stalite Company, P.O. Drawer 1037, Salisbury, NC 28144.

MC 140902 (Sub-3-3TA), filed June 24, 1980. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbetts (same address as applicant). *Contract;* irregular; *(1) tires, tire parts, inner tubes, inner tube parts and wheels; and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in part (1) (except commodities in bulk),* between points in the states of CA, IL, IA, & TN. Supporting shipper: Firestone Tire and Rubber Company; 1200 Firestone Parkway, Akron, OH 44317.

MC 114848 (Sub-3-3TA), filed June 23, 1980. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, TN 38113. Representative: James M. Wharton (same address as applicant). *Hydrated lime, in bulk, in hopper vehicles,* from Fredonia, KY, to Sneads, FL. Supporting shipper: Fredonia Valley Quarrier-Basic Incorporated, Route 2, Fredonia, KY 42411.

MC 129712 (Sub-3-1TA), filed June 20, 1980. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Postnell, & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Lumber, treated and untreated, plywood and building materials,* between all points in the U.S., except AK and HI, under a continuing contract, or contracts, with Empire Wholesale Lumber Co. Supporting Shipper: Empire Wholesale Lumber Co., P.O. Box 249, Akron, OH, 44309.

MC 145836 (Sub-3-1TA), filed June 20, 1980. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Road, Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commision, commodites in bulk and those requiring special equipment),* between Charlotte, NC, and Atlanta, GA, and points in their commercial zones, on the one hand, and, on the other, Boston, MA; Enfield and Hartford, CT; Woonsocket, RI; New York, NY; Philadelphia, PA; Chicago, IL; Dallas and Fort Worth, TX; Minneapolis, MN; Milwaukee, WI; Columbus, OH; and Pittsburgh, PA, and points in their commercial zones, and points in FL, NC, SC, AL, VA, GA and TN, restricted to traffic originating at or destined to the facilities of Charlotte Freight Association and its members. Supporting shipper: Charlotte Freight Association, P.O. Box 8825, Charlotte, NC 28208.

MC 126736 (Sub-3-2TA), filed June 19, 1980. Applicant: FLORIDA ROCK AND TANK LINES, 155 East 21st Street, Jacksonville, FL 32206. Representative: L. H. Blow, 155 East 21st Street, Jacksonsville, Florida 32206. *Caustic Soda, Liquid, in bulk, in tank vehicles,* from Jacksonville, FL to points south of the southern boundaries of Harris, Talbot, Upson, Crawford, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Jenkins, and Screven Counties, GA. Supporting shipper: Apperson Chemicals, Inc., Jacksonville, FL 32203.

MC 151125 (Sub-3-1TA), filed June 24, 1980. Applicant: MOBILE BAY ENTERPRISES, INC., 8461 Airport Boulevard, Mobile, AL 36608. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36197. *Passengers and their baggage,* between Mobile Muncipal Airport-Bates Field, Mobile, AL, on the one hand, and Harrison, Jackson and Georgia Counties, MS, and Escambia, Okaloosa and Santa Rosa Counties, FL, on the one hand. Supporting shippers: City of Mobile, AL, P.O. Box 1827, Mobile, AL 36609, and Mobile Airport Authority, 307 E. Delwood Drive, Mobile, AL.

MC 142977 (Sub-3-1TA), filed June 25, 1980. Applicant: HOOSIER FREIGHT LINES, INC., P.O. Box 16006, 3101 Dixie Highway, Louisville, KY 40216. Representative: James K. Stayton, Attorney at Law, 3008 Preston St., Louisville, KY 40217. *General Commodities, with the usual exceptions,* Between Louisville, KY and its commercial zone, and all points and places in IN on and south of U.S. Hwy. 40, including Indianapolis, IN, and its commercial zone, and Cincinnati, OH and its commercial zone. Applicant intends to tack with existing authority and interline at Louisville, KY, Indianapolis, IN, and Cincinnati, OH. There are 27 statements of support that may be viewed at the Regional Authority Center, Atlanta, GA.

MC 96925 (Sub-3-1TA), filed June 25, 1980. Applicant: CROWN MOTOR LINES, INC., P.O. Box 41209, Jacksonville, FL 32203. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Common carrier:* regular routes: *General Commodities, except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission,* (1) between Lake City, FL and Pensacola, FL, over U.S. Hwy 90, serving all intermediate points; (2) between junction Interstate Hwys 75 and 10 near Lake City, FL and Pensacola, FL, over Interstate Hwy 10, serving all intermediate points; (3) between Lake City, FL and junction Interstates Hwys 75 and 10 near Lake City, over Interstate Hwy 75, serving all intermediate points; (4) Between Tampa, FL and Homosassa Springs, FL, over Interstate Hwy 275 from Tampa to St. Petersburg, then over U.S. Hwy 19 to Homosassa Springs, FL, serving all intermediate points; (5) between Homosassa Springs, FL and Tallahassee, FL, from Homosassa Springs over U.S. Hwy 19 to Capps, FL, then over U.S. Hwy 27 to Tallahassee and return, serving all intermediate points; (6) between Dunnellon, FL and High Springs, FL, over U.S. Hwy 27, serving all intermediate points; (7) Between Perry, FL and Pensacola, FL, over U.S. Hwy 98, serving all intermediate points; (8) Between Tallahassee, FL and Panama City, FL, over FL Hwy 20 to

junction of U.S. Hwy 231, then over U.S. Hwy 231 to Panama City and return, serving all intermediate points; (9) Serving all points in Florida not served on a regular route as off-route points; and (10) All regular routes presently authorized to be served are to be joined to routes sought to be served to provide through service. There are fourteen (14) statements in support which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 145190 (Sub-3-1TA), filed June 24, 1980. Applicant: D.A.D. TRANSPORT CORP., 3832 New Cummings Road, Chattanooga, TN 37409. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Stoves, heaters and parts and accessories for stoves and heaters,* from Chattanooga, and South Pittsburg, TN to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting Shipper(s): U.S. Stove Company, 3500 N. Hawthorne St., P.O. Box 5349, Chattanooga, TN 37406.

Note.—Applicant holds contract carrier authority in MC 142753 and subs thereunder, therefore, dual operations may be involved.

MC 107002 (Sub-3-16TA), filed June 17, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Aviation fuel, in bulk,* from Kenner, LA to Pine Belt Regional Airport near Hattiesburg, MS. Supporting shipper: Miller-Wills Aviation, Inc., P.O. Box 22551, Jackson, MS 39205.

MC 141652 (Sub-3-2TA), filed June 12, 1980. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 29308. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *(1) Electric motors, electric generators and (2) Electric motor and electric generator parts* from the facilities of Gould, Inc. at or near LaVergne, TN, to points in the U.S. except AK and HI. Supporting shipper: Gould, Inc., 1831 Chester Street, St. Louis, MO 63166.

MC 139822 (Sub-3-1TA), filed June 17, 1980. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., N.W., Washington, D.C. 20004. *Equipment, materials and supplies used in the manufacture of food products* from points in TX to the facilities of Savannah Foods and Industries and its subsidiary, Everglades Sugar Refinery, Inc., in Hendry County, FL, Supporting shipper: Savannah Foods & Industries, Inc., P.O. Box 339, Savannah, GA 31402.

MC 61403 (Sub-3-4TA), filed June 20, 1980. Applicant: THE MASON & DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: James P. Ray (same address as applicant). *Acrylonitrile Butadiene Styrene (ABS), in bulk, in tank or hopper type vehicles,* from the facilities of U.S. Steel Corp. located at or near Haverhill, Scioto County, OH to points in the U.S. except AK and HI. Supporting shipper: U.S. Steel Corp., 600 Grant Street, Pittsburgh, PA 15230.

MC 148620 (Sub-3-1TA), filed June 19, 1980. Applicant: K.G.L. CONTRACTING SERVICES, INC., 2270 S.W. 36th Street, Fort Lauderdale, FL 33312. Representative: John T. Bond, Esq., Suite 410, Hollywood Fed. Bldg., 909 South State Road 7, Hollywood, FL 33023. *Contract carrier:* regular: (A) *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses and* (B) *materials, equipment and supplies used or useful in the manufacture, sale and distribution of the commodities in (A) above.* Restricted against shipments in bulk. Between the facilities owned or used by General Foods Corporation at or near Jacksonville, FL and Atlanta, GA and points in their Commercial Zones on the one hand, and, on the other, points in the states of CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI. Supporting shipper: General Foods Corporation, 250 N. St., White Plains, NY 10625.

MC 146402 (Sub-3-7TA), filed June 20, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). (1) *Belt conveyors,* and *miscellaneous steel supports (except commodities in bulk) and (2) Equipment, Materials and Supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* from the facilities of ZINIZ Inc. at Louisville, KY to points in AL, AR, DE, FL, GA, IL, IN, KA, LA, MD, MO, MS, NJ, OH, OK, PA, TN, TX, and WV. Supporting shipper: ZINIZ, Inc., 11619 Blue Lick Road, Louisville, KY 40229.

MC 143059 (Sub-3-12TA), filed June 25, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *Aluminum ingots, billets, scrap, and forging rods (except in commodities in bulk, in tank vehicles),* from Chandler, AZ to points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Induction Billet Corporation. Supporting shipper: Induction Billet Corporation, P.O. Box 5025, Chandler, AZ 85224.

MC 140484 (Sub-3-8TA), filed May 27, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as above). *Malt beverages (except in bulk in tank vehicles)* from the facilities of Carling National Breweries at or near Baltimore, MD. to Fort Myers, FL. Supporting shipper: Sunset Distributors, Inc., 3404 Cargo Street, Fort Myers, FL 33901.

MC 151086 (Sub-3-1TA), filed June 18, 1980. Applicant: BRYSON ENVIRONMENTAL SERVICES, INC., 1004 Hoke Ave., Dolomite, AL 35061. Representative: Charles M. Kelly, 108 White Oak Lane, Lexington, SC 29072. *Industrial chemical waste, not for resale,* from SC, NC, FL, GA, TN, AL, MS, LA, AR, MO, IA, IL, OH, KY, WV, MD, MI, NY, NJ, PA to Pinewood, SC. Supporting Shipper(s): South Carolina Service Corporation of America, Inc., Route 1, Box 55, Pinewood, SC 29125.

MC 106074 (Sub-3-9TA), filed June 17, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Air cleaners, fuel and oil filters, air cleaner cartridges; and materials and supplies used in the distribution of such commodities* from Gastonia, NC and Dillon, SC to points in AL, AR, FL, IL, IN, IA, KS, LA, MN, MS, MO, MI, NE, ND, OK, SD, TX and WI. Supporting shipper: Wix Corp., P.O. Box 1967, Gastonia, NC.

MC 119777 (Sub-3-10TA), filed June 18, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. (1) *Cooling equipment and (2) Parts, materials, equipment and supplies (except in bulk), used in connection with (1) above,* from facilities utilized by The Marley Cooling Tower Company at or near Kansas City, MO and Olathe, KS to points in the U.S. (except AK and HI). Supporting shipper: The Marley Cooling Tower Company, 5800 Foxridge Drive, Mission, KS 66202.

MC 146646 (Sub-3-19TA), filed June 18, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. BOX 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *(1) Animal and poultry feed and feed ingredients and foodstuffs (2) Materials, supplies and equipment used in the manufacture thereof (except commodities in bulk)* between points in the U.S. (except AK and HI) restricted to

traffic originating from or destined to the facilities of ConAgra, Inc. Supporting shipper: ConAgra, Inc., 200 Kiewit Plaza, Omaha, NE 68131.

MC 47171 Sub-3-4TA), filed June 14, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Drugs, medicines and toilet preparations, including equipment, materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)* between the facilities of Bristol-Myers Co. at or near Hillside, NJ and Morrisville, NC. Supporting shipper: Bristol-Myers Products, Hillside, NJ.

MC 148183 (Sub-3-6TA), filed June 20, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Registered Practitioner, Suite 348, Pennsylvania Bldg., Pennsylvania & 13th Street, NW, Washington, DC 20004. *Frozen bagel goods* from the facilities of Lender's Bagel Bakery, Inc. at West Haven, CT and Buffalo, NY to points in NC, SC, GA, AL, FL, and TN. Supporting Shipper: Lender's Bagel Bakery, Inc., Post Road, West Haven, CT 06516.

MC 115162 (Sub-3-8TA), filed June 18, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as above). *(1) Plastic articles and steel articles (except commodities in bulk, in tank vehicles)* from Mexico, MO to points in OH; and *(2) Materials, equipment and supplies used in the manufacture, sale and distribution of plastic articles and steel articles (except commodities in bulk, in tank vehicles)* from points in OH to Mexico, MO. Supporting shipper: Mexico Plastic Company, Inc.; 2000 W. Boulevard; P.O. Box 620; Mexico, MO 65265.

MC 107002 (Sub-3-19TA), filed June 18, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Liquid chemicals, vegetable oils, vegetable oil products, naval stores, naval stores products, petroleum and petroleum products, in bulk,* between the facilities of Hercules, Inc., at Hattiesburg, MS and points in the U.S. (excluding AK and HI). Supporting shipper: Hercules, Incorporated, 3169 Holcomb Bridge Rd., Suite 700, Norcross, GA 30071.

MC 115840 (Sub-3-2TA), filed June 16, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good, McBride Lane, P.O. Box 22168, Knoxville, TN 37922. *Aluminum and aluminum articles* from the facilities utilized by Alumax of South Carolina, Inc., located at or near Mt. Holly, SC (in Berkeley County), to Jolliet, IL; Decatur, AL; Hernando, MS; Plant City, FL; Dunkirk, NY; Denison, TX; St. Louis, MO; Cleveland, OH; Checotah, OK; Chicago, IL; Jonesboro, GA; Ellenville, NY; Mt. Top, PA; Youngstown, OH; St. Augustine, FL; Winston-Salem, NC; Harrisonburg, VA; Franklin, IN; Barberton, OH; Columbus, OH; McComb, MS; and Franklin, GA. Supporting shipper: Alumax of South Carolina, Inc., P.O. Box 1000, Goose Creek, SC 29445.

MC 107002 (Sub-3-18TA), filed June 18, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Lube oil, in bulk,* from Atlanta, GA; Jacksonville, FL; Maryland Heights, MO; Norphlet, AR; Oil City, PA; Princeton and Shreveport, LA; and Tulsa, OK to points in AL, MS and TN. Supporting shipper: Jackson Oil Products Company, P.O. Drawer 5568, Jackson, MS 39208.

MC 150197 (Sub-3-1TA), filed June 17, 1980. Applicant: LUTHER E. SPOONER, JR., d.b.a., LUKE SPOONER TRUCKING CO., Route 1, Box 4B, Donalsonville, GA 31745. Representative: Billy M. Grantham, Attorney at Law, 218 W. Second Street, Donalsonville, GA 31745. *Dry Fertilizer, Lime and Land Plaster,* between Donalsonville, GA, and Bainbridge, Tifton and Cordele, GA; Marianna, White Springs, Port St. Joe and Cabbage Grove, FL; and Auburn, AL. Supporting shippers: Farmers Mutual Exchange, P.O. Box 397, Donalsonville, GA; Seminole Nitrogen Co., Donalsonville, GA; Agri Services, Donalsonville, GA.

MC 133993 (Sub-3-2TA), filed June 24, 1980. Applicant: SAND MOUNTAIN AUTO AUCTION, INC., P.O. Box 638, Boaz, Alabama 35957. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, Alabama 35203. *Motor vehicles (except trailers), in secondary movements, in truckaway service,* between all points in the states of CA, AZ, NM, TX, LA, AR, OK, MS, AL, TN, GA, FL, SC, NC, VA and Port Newark, NJ, restricted to shipments moving on Freight Forwarder bills of lading of Tn'T, Inc. Supporting Shipper; Tn'T, Inc., 2818 S. Eastern Avenue, Los Angeles, CA 90040.

MC 141187 (Sub-3-1TA), filed June 24, 1980. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Wallace A. Knerr (same as above). *Contract,* irregular, *brick veneer and materials and supplies used in the installation of same,* from Clackamus, OR to points in the U.S. (except AK and HI), under a continuing contract(s) with Interpace Corporation of Seattle, WA. Supporting shipper: Interpace Corporation, 401 Second Avenue, West, Seattle, WA 98119.

MC 138635 (Sub-3-4TA), filed June 24, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same as above). *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 Carson, CA, on the one hand, and, on the other, points in FL and Atlanta, GA and points in its commercial zone, restricted to traffic originating at or destined to the facilities of K Mart Apparel Corporation. Supporting shipper: K Mart Apparel Corporation, 23000 S. Avalon Blvd., Carson, CA 90745.

MC 11207 (Sub-3-10TA), filed June 16, 1980. Applicant: DEATON, INC., P.O. Box 938, Birmingham, AL 35201. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *(1) Alcohol anti-freeze, anti-freeze proprietory compounds, de-icing proprietory, windshield washer solvent, petroleum and petroleum products, additives, agricultural chemicals (except commodities in bulk, in tank vehicles), containers and enclosures* from points in Montgomery County, AL to points in the U.S. in and east of the states of ND, SD, NE, KS, OK, and TX; and *(2) Materials, equipment and supplies as are used in the manufacture, sale and distribution of the commodities named in (1) above* (except commodities in bulk, in tank vehicles) from points in the U.S. in and east of the states of ND, SD, NE, KS, OK, and TX to points in Montgomery County, AL. Supporting shipper: Kinpak, Incorporated, P.O. Box 3594, Montgomery, AL 36109.

MC 121664 (Sub-3-19TA), filed June 18, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Ave., S., Birmingham, AL 35233. *Roofing material.* From Doraville, GA, to AL, and KY. Supporting shipper: Warrior Asphalt Company of Alabama, Inc., P.O. Box 3159, Tuscaloosa, AL 35404.

MC 107515 (Sub-3-34TA), filed June 17, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative:

Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *(1) Cleaning compounds, buffing and polishing compounds, textile softener, lubricants, hypochlorite solution, deodorants, disinfectants, paints, plastic bags, and filters (except commodities in bulk), and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above (except in bulk)* between Avenel, NJ and Joliet, IL, on the one hand, and, on the other, points in the U.S. Restricted to transportation of traffic originating at or destined to the facilities of Economics Laboratory, Inc. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 151040 (Sub-3-1TA), filed June 12, 1980. Applicant: RTL HOLDINGS, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Contract carrier,* irregular, *Commodities as dealt in by chain groceries and food business houses (except commodities in bulk or tank vehicles),* between the facilities of Smitty's Super Valu, Inc., at or near Phoenix, AZ, on the one hand, and, on the other, points and places in the U.S. under contract with Smitty's Super Valu Stores. Supporting shipper: Smitty's Super Valu, Inc., 2626 South 7th Street, Phoenix, AZ 85034.

MC 116947 (Sub-3-11TA), filed June 17, 1980. Applicant: SCOTT TRANSFER, INC., 920 Ashby Street, S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Contract carrier,* irregular *(1) Foodstuffs, (2a) metal containers, pallet, paper shrouds, and clipboard, and (2b) materials and supplies used in the manufacture and distribution of metal containers,* (1) From the facilities of Allied Foods, Inc., Atlanta, GA to points in the U.S. on and east of U.S. Hwy 85 (2a) and (2b) from all points in the U.S. on and east of U.S. Hwy 85 to the facilities of Allied Foods, Inc., Atlanta, GA. Under continuing contract with Allied Foods, Inc. Supporting shipper: Allied Foods, Inc., 1450 Hills Place, N.W., Atlanta, GA.

MC 145593 (Sub-3-1TA), filed June 24, 1980. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 1533, Hickory, NC 28601. Representative: Harold D. Shull, Curley Fish Camp Road, Hildebran, NC 28637. *(1) Furniture and furniture parts; (2) equipment, materials, and supplies used in the manufacture of new furniture and parts, except in bulk,* (1) From Catawba, Iredell, Caldwell, Wilkes, Burke, Lincoln, Rutherford, Cleveland, Alexander, Mitchell, Davie, Guilford, and McDowell Counties, NC to WV. (2) From WV to Burke, McDowell, Cleveland, Davie and Guilford Counties, NC. Supporting shipper: There are twelve (12) statements of support.

MC 136123 (Sub-3-5TA), filed June 24, 1980. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *Rubber tires, tubes, tread rubber and related tire parts and accessories,* between all points in the U.S., except AK and HI. Supporting shipper: Cooper Tire Co., P.O. Box 550, Findlay, OH 45840.

MC 143276 (Sub-3-3TA), filed June 24, 1980. Applicant: WEAVER TRANSPORTATION CO., 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, GA 30032. *Strand steel wire in coils and fabricated steel wire in bundles; plastic strips in coils; and grease in bins,* from the facilities of American Spring Wire Corp., located in Bedford Heights, OH and the facilities of North American Plastics, located in Cleveland, OH to the facilities of Continental Concrete Structures, located in Gwinnett County, GA; and between the facilities of Continental Concrete Structures, located in Gwinnett County, GA and all points and places in the states of LA, SC, NC and TN. Supporting shipper: Continental Concrete Structures, Inc., P.O. Box 814, Norcross, GA 30091.

MC 145836 (Sub-3-2TA), filed June 25, 1980. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Road, Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *General commodities (except those of unusual value, classes A&B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between points in NC, SC, FL, GA, TN, MD, DE and VA, restricted to traffic originating at or destined to the facilities of Belk Stores, Inc. Supporting shipper: Belk Stores, Inc., Box 31788, Charlotte, NC 28231.

MC 115841 (Sub-3-13TA), filed June 25, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Chain saw parts, components, and tool kits* from Raleigh, NC to Nogales, AZ. Restricted to traffic originating at or destined to the facilities utilized by the Roper Corp. Supporting shipper: Roper Corporation, Broadway & Schuyler Avenues, Bradley, IL 60915.

MC 107002 (Sub-3-20TA), filed June 25, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Petroleum products,* in bulk, in tank vehicles, from Birmingham, AL to points in MS. Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001.

MC 126625 (Sub-3-1TA), filed June 25, 1980. Applicant: MURPHY SURF-AIR TRUCKING CO., INC., Administration Bldg., Bluegrass Field, Lexington, KY 40504. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. *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 Bell, Boone, Campbell, Clay, Kenton, Knox, Laurel and Whitley Counties, KY; Atlanta, GA; Lexington, KY; Cincinnati, OH; and Chattanooga and Knoxville, TN and the commercial zones of named cities; and McGhee Tyson Airport in Blount County, TN, restricted to traffic having a prior or subsequent movement by air. Interline with air carriers at airports in Boone and Laurel Counties, KY; Atlanta, GA; Lexington, KY; Chattanooga, TN; and Blount County, TN. Supporting shippers: Flying Tiger Line, P.O. Box 75125, Greater Cincinnati Airport, Cincinnati, OH 45275; Frontier Airlines, Inc., 8250 Smith Road, Denver, CO 80207; and Associated Air Freight, 3570 Cox Road, Erlanger, KY 41018.

MC 146451 (Sub-3-15TA), filed June 25, 1980. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, N.E., Dothan, AL 36302. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36197. *Plastic pellets,* from the facilities of Reichhold Chemicals, Inc., at or near Louisville, KY, on the one hand, and on the other hand, points in AL, FL, GA, LA, MS, NC, SC, and TN. Supporting shipper: Reichhold Chemicals, Inc., 3001 Watterson Trail, Jeffersontown, KY 40299.

MC 114334 (Sub-3-6TA), filed June 25, 1980. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel articles* from the facility of Arkansas Foundry Company at or near Little Rock, AR to all points in GA and AL. Supporting shipper: Arkansas Foundry Company, 1423 E. 6th Street, Little Rock, AR 72203.

MC 142835 (Sub-III-3TA), filed June 25, 1980. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale,

FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Bakery products,* from the facilities of Nabisco, Inc. at Richmond, VA to points in CT, FL, ME, MA, NH, NJ, NY, PA, RI and VT. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 126305 (Sub-3-7TA), filed June 25, 1980. Applicant: BOYD BORTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Alcoholic beverages and equipment, materials and supplies used in or in connection therewith,* from Schenley, PA, to Jacksonville and Pensacola, FL. Supporting shipper: Schenley Distillers, Inc., 36 E. Fourth St., Cincinnati, OH 45202.

MC 121568 (Sub-3-12TA), filed June 25, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). *Clothing and the materials, supplies, and equipment used in the manufacture and distribution of these commodities,* betwen Elizabethton, TN and Amarillo, TX. Supporting shipper: Levi Strauss, Route 9, Troy Road, Elizabethton, TN. Applicant intends to tack at Elizabethton, TN and Memphis, TN with MC 121568 and interline at Memphis and Nashville, TN and other authorized points.

MC 149218 (Sub-3-5TA), filed May 21, 1980. Applicant: SUNBELT EXPRESS, INC., 118 Hamilton Circle, Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs (except in bulk)* from DuPage City, IL to points in GA and TN. Supporting shipper: Ovaltine Products, Inc., #1 Ovaltine Court, Villa Park, IL 60181.

MC 94265 (Sub-3-4TA), filed June 3, 1980. Applicant: SUNBELT EXPRESS, INC., 118 Hamilton Circle, Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Malt beverages and containers,* between points in OH, on the one hand, and, on the other, points in GA. Supporting shippers: The Stroh Brewery Co., One Stroh Dr., Detroit, MI 48226 and Southern Can Co., 100 Stoffel Dr., Tallapoosa, GA 30176.

MC 146451 (Sub-3-16TA), filed June 25, 1980. Applicant: WHATLEY-WHITE, INC., P.O. Box 6, Dothan, AL 36302. Representative: Bruce E. Mitchell, Suite 520, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. (1) *Rubber goods* from Dothan, AL to New Windsor, MD; Atlanta, GA; New Orleans, LA and Boston, MA; and (2) *Materials, equipment and supplies used in the production or distribution of rubber goods* from points in the U.S. in and east of OH, KY, TN and AL to Dothan, AL, res. cted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Akwell Industries, Inc. at or near Dothan, AL. Supporting shipper: Akwell Industries, Inc., P.O. Box 1252, Dothan, AL 36302.

MC 151123 (Sub-3-1TA), filed June 25, 1980. Applicant: T-A-T AIRFREIGHT, INC., 4401 N. W. 74th Avenue, Miami, Florida 33152. Representative: Alan F. Wohlstetter, Denning & Wholstetter, 1700 K Street, N.W., Washington, D.C. 20006. *General commodities, except classes A and B explosives, those of unusual value, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment,* between points in New York, Kings, Queens, Bronx, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange and Putnam counties, NY; Fairfield and New Haven counties, CT; and points in NJ, restricted to shipments having a prior or subsequent movement by air or water. Supporting shippers: Cargo International, Inc., P.O. Box 17096, Nashville, TN, Rhone-Poulenc, Inc., P.O. Box 125, Monmouth, NJ; and Abrasive Distributors Corp., 811 Palisades Avenue, Teaneck, NJ.

MC 121664 (Sub-3-17TA), filed June 16, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st. Ave., S., Birmingham, AL 35233. (1) *Building and roofing slabs, and accessories,* (2) *Materials and supplies used in the manufacture, distribution and sales.* (1) From Brunswick, GA and Terry, MS to points in and east of MD, SD, NE, KS, OK and TX. (2) From points in and east of ND, SD, NE, KS, OK and TX to Brunswick, GA and Terry, MS. Supporting shipper: Concrete Products, Inc., P.O. Box 130 Brunswick, GA 35120.

MC 107515 (Sub-3-23TA), filed May 21, 1980. Republication—Originally published in Federal Register of June 11, 1980, page 39558, Vol. 45, No. 114. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE, 5th. Floor-Lenox Towers, S., Atlanta, GA 30326. *General commodities (with the usual exceptions) in bulk, and those requiring special equipment.* From LaFollette, TN to Olive Branch, MS. Restricted to the transportation of traffic originating at and destined to the facilities of American Metal Products Co. at the points named. Supporting shipper: American Metal Products Co., 6100 Bandini Blvd., Los Angeles, CA 90040.

MC 2900 (Sub-3-8TA), filed June 5, 1980. Republication—Originally Published in Federal Register of June 18, 1980 Page 41238, Volume 45, No. 119. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Common carrier: regular route General Commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission)* (1) Between Joliet, IL and the Indiana/Ohio State line over U.S. Hwy 30, (2) Between South Bend, IN and Paoli, IN, from South Bend over U.S. Hwy 31 to Indianapolis then over IN Hwy 37 to Paoli and return over the same route, (3) Between Elkhart, IN and Muncie, IN from Elkhart over IN Hwy 19 to Peru then over IN Hwy 21 to Mier then over IN Hwy 18 to Marion over U.S. Hwy 35 to Muncie and return over the same route, (4) Between Indianapolis and Huntington, IN over IN Hwy 37, (5) Between Elkhart, IN and Ft. Wayne, In over U.S. Hwy 33, (6) Between Michigan City, IN and Kokomo, IN over U.S. Hwy 35, (7) Between Vincennes, IN and Nashville, TN over U.S. Hwy 41, (8) Between Brazil, IN and Columbus, IN over IN Hwy 46, (9) Between Sullivan, IN and Bloomington, IN from Sullivan over IN Hwy 54 to Jct. IN Hwy 45 then over IN Hwy 45 to Bloomington and return over the same route, (10) between Prospect, IN and Owensboro, KY (a) from Prospect over IN Hwy 56 to Jct. U.S. Hwy 231 then over U.S. Hwy 231 to Ownesboro, (b) from Prospect over IN Hwy 145 to Jct. IN Hwy 62 and over IN Hwy 62 to U.S. Hwy 231 then over U.S. Hwy 231 to Nashville and return over the same routes, (11) Between Crawfordsville, IN and the junction of IN Hwy 47 and U.S. Hwy 41, over IN Hwy 47, (12) Between Warsaw, IN and Logansport, IN over IN Hwy 25, (13) Between Gary, IN and Ligonier, IN over U.S. Hwy 6, (14) Between Jasper, IN and Centerville, IN over IN Hwy 162, (15) Between Evansville, IN and Jct. IN Hwy 66 and U.S. Hwy 231 over IN Hwy 66, (16) Between Ownesboro, KY and Nashville, TN over U.S. Hwy 431, serving all intermediate points in Indiana and Owensboro, KY and all other points for the purposes of joinder only in routes (1) through (16) above. Applicant proposes to tack with all existing authority and proposes to interline at approximately 85 locations throughout its system. Applicant further requests the commerical zones of all

regular route points. Supporting shipper(s): There are 15 statements in support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 150865 (Sub-3-1TA), filed May 30, 1980. Republication—Originally Published in Federal Register of June 18, 1980 Page 41239, Volume 45, No. 119. Applicant: ATLANTIC & WESTERN TRANSPORTATION COMPANY, INC., P.O. Box 948, Forest Park, GA 30051. Representative: Robert W. Gerson, 1400 Candler Building, Atlanta, GA 30303. *Contract Carrier:* Irregular Routes: *New furniture* between the facilities of Fox Manufacturing Company at or near Rome, GA, on the one hand, and points in AR, CA, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OH, OK, SD, TX and WI on the other hand under a continuing contract with Fox Manufacturing Company. Supporting shipper: Fox Manufacturing Company, P.O. Drawer A, Rome, GA 30161.

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 4. SEND PROTESTS TO: ICC, DIRKSEN, BLDG., 219 S. DEARBORN ST., ROOM 1386, CHICAGO, IL 60604.

MC 108937 (Sub-4-3TA), filed June 20, 1980. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164. *Common;* regular; *General commodities, (except those of unusual value, classes A and B expolosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* (1) Between Owatonna, MN and Winona, MN over U.S. Hwy 14, serving all intermediate points and the off-route points of Mantorville, Douglas, Altura, Beaver, Elba, and Rollingstone, (2) Between Austin, MN and La Crescent, MN over U.S. Hwy 16, serving all intermediate points and the off-route points of Elkton, Wykoff, Rushford, Hart, Ridgeway and Money Creek, (3) Between Dodge Center, MN and jct. U.S. Hwy 63 and MN Hwy 56, over MN Hwy 56, serving all intermediate points and the off-route point of Sargeant, (4) Between Rochester, MN and jct. of U.S. Hwy 63 and MN Hwy 56, over U.S. Hwy 63, serving all intermediate points and the off-route points of Rock Dell, Simpson, Ostrander, Cherry Grove, Greenleafton and Granger, (5) Between Harmony, MN and Hokah, MN over MN Hwy 44, serving all intermediate points and the off-route points of Henrytown, Eitzen and Brownsville, (6) Between Rochester, MN and Harmony, MN over U.S. Hwy 52, serving all intermediate points, (7) Between jct. U.S. Hwy 14 and MN Hwy 42 and jct, MN Hwy 42 and U.S. Hwy 61; over MN Hwy 42, serving the intermediate points of Elgin and Plainview, and the off-route point of Viola, and serving points in Marathon, Portage and Wood Counties, WI as off-route points in conjunction with applicant's regular route operations. There are 22 supporting shippers.

MC 110380 (Sub-4-3TA), filed June 19, 1980. Applicant: BERSCHENS OF MADISON, INC., P.O. Box 187, Verona, WI 53593. Representative: James A. Spiegel, Esq., Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. *Automotive parts, automotive equipment, and automotive supplies,* between the shipper's facility at Stevens Point, WI, on the one hand, and on the other hand, points in the Upper Peninsula of MI. Restricted to shipments originating or terminating at the facilities of General Automotive Parts Corporation, d.b.a. NAPA Distribution Center, Stevens Point, WI. An underlying ETA seeks 90 days authority. Supporting shipper: General Automotive Parts Corporation, d.b.a. NAPA Distribution Center, 5555 Coye Drive, Stevens Point, WI 54481.

MC 111812 (Sub-4-5TA), filed June 20, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *(1) Automobile accessories, home canning kits, cleaning compounds, plastic, metal, wooden and rubber articles and materials; and (2) Equipment and supplies used in the manufacture of the commodities in (1) above,* between Huron, SD and Savage, MN, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Mastermotive, Inc., 5440 W. 125 St., Savage, MN 55378.

MC 113170 (Sub-4-1TA), filed June 19, 1980. Applicant: PEET FRATE LINE, INC., 1315 South Route 47, P.O. Box 529, Woodstock, IL 60098. Representative: Eugene L. Cohn, One N. La Salle St., Chicago, IL 60602. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* between points in Lake and McHenry Counties, IL, on the one hand, and, on the other, Milwaukee, Racine and Kenosha, WI and their commercial zones. Supporting shippers: There are 26 supporting shippers.

MC 123640 (Sub-4-1TA), filed June 20, 1980. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Ave., Fort Wayne, IN 46803. Representative: Irving Klein, 371 7th Ave., New York, NY 10001. *Contract;* irregular; *carpet padding and equipment, materials and supplies used in the sale and installation of carpet padding,* between Fort Wayne, IN on the one hand and on the other, points in MO, KY, IA, IL, MI, OH and WI, under a continuing contract with General Felt Industries of Saddle Brook, NJ. Supporting shipper: General Felt Industries, Saddle Brook, NJ.

MC 133689 (Sub-4-22TA), filed June 18, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St., NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Petroleum and Petroleum products, Automotive Chemicals, and Cleaning Compounds, and such equipment, materials, and supplies, as are used by automotive service centers (except in bulk),* between the facilities of Valvoline Oil Company, a division of Ashland Oil, Inc., located at Willow Springs, IL on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI, and WY, restricted to traffic originating at or destined to named facilities. Supporting shipper: Valvoline Oil Co., Div. of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 133689 (Sub-4-23TA), filed June 18, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St., NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *(1) Plastic articles and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities described in (1) above (except in bulk),* between Monroe, GA on the one hand, and on the other, points in NC and SC. An underlying ETA seeks 90 day authority. Supporting shipper: Amoco Container Company, 2111 Powers Ferry Road, N.W., Atlanta, GA 30339.

MC 133689 (Sub-4-24TA), filed June 18, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St., NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Beverages,* from Watertown, WI to points in IL, IA, Upper Peninsula MI, MN, and ND. An underlying ETA seeks 90 day authority. Supporting shipper: WIS-PAK, 860 West St., Watertown, WI 53094.

MC 133689 (Sub-4-25TA), filed June 18, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Cleaning compounds and toilet preparations (except*

commodities in bulk) and equipment, materials, and supplies used in the manufacture, sale and distribution of the commodities described above, between Chaska, MN, Momence, IL and Totowa, NJ on the one hand and points in the U.S. (except NJ AK & HI) on the other hand. Supporting shipper: Minnetonka, Inc., P.O. Box 1A Minnetonka, MN 55343.

MC 140132 (Sub-4-1TA), filed June 20, 1980. Applicant: GREEN LINE TRUCKING, INC., Grenora, ND 58845. Representative: Fred E. Whisenand, 113 East Broadway, P.O. Box 1307, Williston, ND 58801. *Contract; irregular; Farm machinery and equipment, including tractors and power operated farm equipment, as well as parts and supplies incidental thereto,* from and between facilities of John Deere Company and other manufacturers or distributors of farm machinery and equipment located in IL, IA, MN, WI, ID, WA, CO, NE, SD, ND, MT, and WY, and points on the U.S.-Canada border in the states of ND and MT, on the one hand, and on the other hand, points in Sheridan and Hill Counties in MT, and Divide and Williams Counties in ND, under a continuing contract or contracts with Plentywood Power Equipment Co. and Petersen's Havre Implement Co. located in MT, and Crosby Implement Co. and Grenora Implement Co. located in ND. Supporting shippers: Plentywood Power Equipment Co., Grenora, ND 58845: Petersen's Havre Implement Co., P.O. Box 1150., Havre, MT 59501,: Crosby Implement Co., Grenora, ND 58845. Grenora Implement Co., ND 58845.

MC 144293 (Sub-4-1TA), filed June 4, 1980. Applicant: DUANE MCFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005. *Prepared Food NOI (Toasted Corn),* from the facilities of Cornnuts, Inc., at Urbana, OH to Minneapolis, MN. Supporting shipper: Cornnuts, Inc., P.O. Box 6739, Oakland, CA 94603.

MC 144630 (Sub-4-9TA), filed June 20, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Alcoholic beverages, (except in bulk,* from points in the U.S. to points in FL and GA. Supporting shippers: National Wine & Liquor, 16601 N.W. 8th Ave., Miami, FL 33192 and National Distributing Co., P.O. Box 20078, Atlanta, GA 30318.

MC 146643 (Sub-4-23TA), filed June 19, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; Automotive oils and chemicals (except in bulk),* from Kansas City, Ks, and Edison, NJ, to points in IL, IN, IA, KY, MI, MN, MO, NJ, NY, OH, PA and WI; Supporting shippers: Burmah-Castrol, Inc., 6803 W. 64th St., Suite 226, Shawnee Mission, KS 66202, and Inter State Oil Co., Inc., 87 Shawnee Ave., Kansas City, KS 66119.

MC 147343 (Sub-4-4TA), filed June 9, 1980. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260. Representative: Charles E. Mayer (same address as applicant). *Such merchandise as is dealt in by wholesale, retail, or chain grocery and food business houses (except commodities in bulk and foodstuffs),* between Indianapolis, IN, including its commercial zone, on the one hand, and, on the other, points in IL, OH, MI, PA, NJ, and NY. An underlying ETA seeks 90 days authority. Supporting shippers: Tradeway Distribution, Inc., 2350 N. Shadeland Ave., Indianapolis, IN 46219; Ratco, Inc., 6269 Coffman Road, Indianapolis, IN 46268; Danners, Inc., 6060 N. Guion Rd., Indianapolis, IN 46206; Capital Consolidated, Inc., 3333 N. Franklin Road, Indianapolis, IN.

MC 149170 (Sub-4-9TA), filed June 20, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. *Automobile accessories, home canning kits, cleaning compounds, plastic, metal wooden and rubber articles and materials; and equipment and supplies used in the manufacture of the commodities listed above (Except in Bulk),* Between Huron, SD and Savage, MN, on the one hand, and, on the other, all points in the U.S. (Except AK and HI), Restricted to traffic originating at or destined to the facilities of Mastermotive, Inc. Supporting shipper: Mastermotive, Inc., 5440 W. 125th St., Savage, MN 55378.

MC 151079 (Sub-4-1TA), filed June 16, 1980. Applicant: ALL WAY SERVICES, INC. d.b.a. MUSICLINE SERVICES, 5689 West Betty Lane, Milwaukee, WI 53223. Representative: Gary William Cleven, 2503 N. Cramer St., Milwaukee, WI 53211. *Passengers,* between Milwaukee, WI and its commercial zone to the Poplar Creek Music Theater near Hoffman Estates, IL; and special and charter operations between Milwaukee, WI and the Poplar Creek Music Theater near Hoffman Estates, IL; and special operations in round trip and sightseeing and pleasure tours beginning and ending at points in the Milwaukee, WI commercial zone and extending only to Marriot's Great America near Gurnee, IL. There are 5 supporting shippers.

MC 117730 (Sub-4-6TA), filed June 25, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route No. 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 N. LaSalle, Suite 2027, Chicago, IL 60602. *Automobile parts (except in bulk),* from Alpena, MI, West Unity, Fremont, Archbold, Akron, Defiance, Luckey, Norwalk, and Dayton, OH to the facilities of Chrysler Corporation at Belvidere, IL. Supporting shipper: Chrysler Corporation, P.O. Box 1976, Detroit, MI 48288.

MC 119641 (Sub-4-2TA), filed June 25, 1980. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. (1) *Forklift trucks,* from ports of entry at Chicago, IL, New Orleans, LA, Baltimore, MD, New York, NY, and Houston, TX, to points in the U.S. (except AK and HI); and (2) *axles,* from Oshkosh, WI, to ports of entry at New York, NY. Supporting shipper: Kalmar, Inc., 274 Riverside Ave., Westport, CT 06880.

MC 149234 (Sub-4-4TA), filed June 25, 1980. Applicant: RIVER VALLEY OIL CO., INC., Box 526, Spring Green, WI 53588. Representative: Michael J. Collins, 150 E. Gilman St., Madison, WI 53703. *Glass and insulated glass units, and parts and accessories thereto,* from Spring Green, WI to points in IN, KY, and TN. An underlying ETA seeks 90 days authority. Supporting shipper: Cardinal Insulated Glass Co., 1011 E. Madison St., Spring Green, WI 53588.

MC 19311 (Sub-4-1TA), filed June 25, 1980. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Heights, MI 48077. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Common; regular; 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 South Bend and Columbus, IN, serving all intermediate points; from South Bend over U.S. Hwy 31 and Alternate U.S. Hwy 31 to Columbus and return over the same route; (2) between Indianapolis and Bloomington, IN, serving all intermediate points; from Indianapolis, over IN Hwy 37 to Bloomington and return over the same route; (3) between Ft. Wayne and Logansport, IN, serving all intermediate points; from Ft. Wayne over U.S. Hwy 24 to Logansport and return over the same route; (4) between Indianapolis, IN and Danville, IL, serving all intermediate points, and

serving the off-route point of Attica, IN; from Indianapolis over U.S. Hwy 136 to Danville and return over the same route. There are 107 supporting shippers.

MC 126091 (Sub-4-2TA), filed June 25, 1980. Applicant: FRALEY & SCHILLING, INC., R.R. 1, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Aluminum ingots and extrusions and materials, equipment and supplies,* between the facilities of Pimalco Corporation at Chandler, AZ and Miami, FL, under a continuing contract with Pimalco Corporation. Supporting shipper: Pimalco Corporation, Box 5050, Chandler, AZ.

MC 133689 (Sub-4-26TA), filed June 25, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St., N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Plastic articles (except in bulk),* from Milwaukee, WI to points in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 90 days authority. Supporting shipper: Pereles Brothers, Division of Beatrice Foods Company, 5840 N. 60th St., Milwaukee, WI 53218.

MC 123407 (Sub-4-38TA), filed June 25, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Marine sandblasting and painting equipment, and supplies used in marine sandblasting and painting,* from Mobile, AL, Beaumont and Port Arthur, TX, to Newport News, VA; and from Newport News, VA, to Beaumont and Port Arthur, TX. Supporting shipper: Sabine Coatings, Inc., 1670 Cardinal Dr., Beaumont, TX 77700. An underlying ETA seeks 90 days authority.

MC 151121 (Sub-4-1TA), filed June 25, 1980. Applicant: BURL FELTY, d.b.a., B&F TRANSPORT, Box 18, Harvel, IL 62538. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract;* irregular; (1) *Beer,* from Pabst, GA, Evansville, IN, Newport, KY, LaCross and Milwaukee, WI to Taylorville, IL; and (2) *Beer,* from Milwaukee, WI to Taylor Springs, IL. An underlying ETA seeks 90 days authority. Supporting Shippers: Leo Sassatelli, d.b.a., Sassatelli Distributing Co., R.R. #3, Taylorville, IL 62568 and Leonard Homa, d.b.a., Homa Distributing, 602 Hamilton, Taylor Springs, IL 62089.

MC 151042 (Sub-4-1TA), filed June 16, 1980. Applicant: STOOPS COACHES, INC., 5754 Agawam Dr., Indianapolis, 46226. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Passengers, and their baggage, in round-trip, special and charter operations,* beginning and ending at points in Marion, Madison, Delaware, Hamilton, Johnson, Hancock, Hendricks and Henry, Counties, IN, and extending to points in the U.S. (except HI). There are ten supporting shippers.

MC 145747 (Sub-4-1TA), filed June 25, 1980. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Ave., Dearborn, MI 48120. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Fly ash, in bulk, in tank vehicles,* from St. Albans, WV to points in IN, KY, OH, MO, and PA. Supporting shipper: Pozzolanic, Inc., 617 Vine St., Cincinnati, OH 45202.

MC 120077 (Sub-4-1TA), filed June 25, 1980. Applicant: CLETUS CASEY, d.b.a., HOLMEN-LA CROSSE TRUCK LINE. 115 W. 3rd St. Ettrick, WI 54627. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, La Crosse, WI 54601. *Common:* regular: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between Galesville and Whitehall, WI, from Galesville over U.S. Hwy 53 to Whitehall and return over the same route, serving the intermediate points of Blair and Ettrick, WI. An underlying ETA seeks 30 days authority. There are 14 supporting shippers.

MC 119641 (Sub-4-1TA), filed June 25, 1980. Applicant: RINGLE EXPRESS, INC., 450 E. Ninth St., Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Concrete and wood fibre* from the facilities of Concrete Products Co., at of near Brunswick, GA and Terry, MS, to points in AR, IA, IL, IN, KS, KY, MI, MO, MN, ND, NE, OH, OK, SD, TN, TX, VA, WI and WV. An underlying ETA seeks 90 days authority. Supporting shipper: Concrete Products, Inc., P.O. Box 130, Brunswick, GA.

MC 123407 (Sub-4-39TA), filed June 25, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Wallboard, mulch, pads and padding, sorbent, insulation and insulating materials, and equipment materials and accessories and supplies used in the manufacture, distribution, installation, or the application of the named goods* between Conwed Corporation at Cloquet, MN, on the one hand, and, on the other, points in DE, KY, MD, NJ, NY (points west of I-81 which runs north and south from Syracuse to Binghamton, NY, including Long Island), VA, WV, and DC.

* Supporting shipper: Conwed Corporation, Arch Street, Cloquet, MN 55720. * An underlying ETA seeks 90 days authority.

MC 114241 (Sub-4-2TA), filed June 25, 1980. Applicant: C. T. HERTZSCH, INC., Speed, IN 47172. Representative: Louis B. Hartlage, P.O. Box 35750, Louisville, KY 40232. *Contract*—Irregular *Fly Ash, In Bulk,* from Cincinnati, OH, to Speed, IN. Supporting shipper: Louisville Cement Company, P.O. Box 35750, Louisville, KY 40232.

MC 30837 (Sub-4-3TA), filed June 25, 1980. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314 39th Ave., Kenosha, WI 53142. Representative: Albert P. Barber (same address as applicant). *Motor Vehicles (except automobiles and trailers), in (1) initial and secondary movements,* from Hampton, VA to all points in the U.S. (except HI); *(2) secondary truckaway authority,* from Englewood, NJ, Jacksonville, FL and Houston, TX, to all points in the U.S. (except HI); and *(3) secondary driveaway authority,* (a) from Englewood, NJ to all points in the U.S. (except HI), and (b) from Jacksonville, FL and Houston, TX to points in AL, AR, CT, DE, GA, KY, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, VT, WV and DC, Restricted to traffic moving from the facilities of and for the account of Mercedes-Benz. Supporting shipper: Mercedes-Benz of North America, Inc., One Mercedes Drive, Montvale, NJ 07645.

MC 134477 (Sub-4-29TA), filed June 25, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Foodstuffs (except commodities in bulk),* (1) from the facilities of The Creamette Company at or near Minneapolis and New Hope, MN to points in and east of ND, SD, NE, KS, OK, and TX; and (2) from Fairlawn, NJ and Carnegie, PA to the facilities of The Creamette Company at or near Minneapolis and New Hope, MN. An underlying ETA seeks 90 days authority. Supporting shipper: The Creamette Company, 428 N. 1st St., Minneapolis, MN 55401.

MC 143320 (Sub-4-3TA), filed June 23, 1980. Applicant: POTAWATOMI TRAILS, INC., 51585 Winding Waters Lane, Elkhart, IN 46514. Representative: Paul Borghesani, Suite 300, Communicana Bldg., 421 S. 2nd St., Elkhart, IN 46514. *Tanks, pressure vessels, and materials, equipment, accessories, and supplies used in the manufacture and distribution of tanks and pressure vessels (except in bulk, in tank vehicles),* from Harrison, OH to

points in the U.S. (except AK and HI). Supporting shipper: Energy International, Inc., P.O. Box 1346, Elkhart, IN 46515.

MC 127812 (Sub-4-2TA), filed June 23, 1980. Applicant: TYSON TRUCK LINES, INC., 185 5th Ave. S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk),* between Minneapolis-St. Paul, MN and points in the Commercial Zone as defined by the Commission on the one hand, and, on the other hand Chicago and Rock Island, IL; Kansas City, KS; Kansas City, MO and Ackley, Agency, Ainsworth, Alden, Alexander, Allerton, Allison, Alta Vista, Altoona, Amana, Ames, Ankeny, Aredale, Arlington, Atalissa, Atlantic, Aurora, Bailey, Balltown, Barnes City, Bassett, Beacon, Bellevue, Belmond, Bennett, Bernard, Bettendorf, Big Rock, Bloomfield, Blue Grass, Boone, Bondurant, Bradford, Brighton, Bristol, Buena Vista, Buffalo, Burdette, Burr Oak, Calamus, Calmar, Camanche, Carlisle, Carpenter, Carroll, Cedar, Cedar Falls, Cedar Rapids, Centerville, Central, Central City, Chaplin, Charles City, Chester, Church, Clear Lake, Clermont, Clio, Colesburg, Colo, Columbus City, Columbus Jct., Conesville, Conrad, Coralville, Cotter, Coulter, Cranston, Cresco, Davenport, David, Davis Corners, Decorah, Deep River, Delaware, Delhi, Delta, Des Moines, Dison, Dougherty, Downey, Dows, Drakesville, Dubuque, Dumont, Dundee, Dunkerton, Durango, Durant, Dyersville, Earlville, East Davenport, Eddyville, Edgewood, Eldon, Edlora, Eldorado, Eldridge, Elgin, Elkader, Elma, Epworth, Evans, Evansdale, Fairbank, Fairfield, Fairport, Farley, Fayette, Fertile, Festina, Floris, Floyd, Folletts, Forest City, Fort Atkinson, Fredericksburg, Frederika, Fremont, Frytown, Galt, Garner, Geneva, Gibson, Given, Goodell, Grafton, Greeley, Greene, Green Acres, Grimes, Grundy Center, Guttenberg, Hampton, Hanlontown, Hanover, Hansell, Harper, Harpers Ferry, Harvard, Hawkeye, Hiawatha, Hills, Holy Cross, Independence, Indianaola, Ionia, Iowa City, Iowa Falls, Jesup, Kalona, Kensett, Keota, Keswick, Key West, Kinross, Klemme, Lake Mills, LaMott, Lansing, LaPorte, Latimer, LeClaire, Leighton, Letts, Libertyville, Lime Springs, Lineville, Little Cedar, Lone Tree, Long Grove, Luxembourg, McCausland, McGregor, McIntyre, Malcolm, Manchester, Manly, Marble Rock, Marion, Marshaltown, Marquette, Mason City, Massey, Maxwell, Marynard, Maysville, Meservey, Meyer, Mitchell, Monona, Monroe, Montezuma, Montpelier, Moscow, Mount Joy, Muscatine, Nahant, Nevada, New Albin, New Hampton, New Haven, New Liberty, New Vienna, Nichols, Nora Springs, North Liverty, North Washington, Northwest, Northwood, Norwalk, Numa, Oakdale, Oelwein, Oran, Orchard, Osage, Oskaloosa, Ossain, Otley, Otranto Station, Ottumwa, Panarama Pk., Paris, Parkview, Parkersburg, Parnell, Pella, Peosta, Plainview, Pleasant Plain, Pleasant Prairie, Plymouth, Postville, Prairie City, Princeton, Probstei, Promise City, Protivin, Randalia, Raymond, Recordsville, Reinbeck, Riceville, Richland, Richmond, Ridgeview Park, Rideway, Riverdale, Riverside, Rock Falls, Rockford, Rockingham, Rockwell, Rowan, Rudd, Sageville, Saint Ansgar, Saint Cathleen, Saint Donatus, Saratoga, Sexton, Seymour, Shefield, Sherrill, Sigourney, South English, Stacyville, Stockton, Story City, Strawberry Pt., Sumner, Sunbury, Swaledale, Thornburg, Thornton, Toeterville, Tripoli, Udell, Unionville, Ventura, Walcott, Washington, Waterloo, Waukee, Waukon, Waverly, Webster, Wellman, West Branch, West Chester, West Davenport, Westgate, West Grove, West Liberty, West Union, What Cheer, Williamburg, Wilton, Worthington, Zwingle, IA, and Abbotsford, Alma, Alma Center, Altoona, Arkansaw, Arlington, Arpin, Athena, Auburndale, Bakerville, Baldwin, Bangor, Baraboo, Bay City, Beaches Corner, Beldenville, Biron, Black Earth, Black River Falls, Blair, Blenker, Brokaw, Burr Oak, Camp Douglas, Camp McCoy, Chili, Hippewa Falls, Christie, Cochrane, Colby, Cross Plains, Cottage Grove, Deforest, Dorchester, Downsville, Durand, East Ellsworth, Eau Clair, Eau Galle, Edgar, Ellsworth, Elmwood, El Paso, Endeavor, Ettrick, Foster, Fountain City, Frenchville, Galesville, Genoa, Granton, Greenwood, Hager City, Halder, Hale, Hammond, Hersey, Hewitt, Holman, Hub City, Hudson, Independence, Junction City, Knapp, La Crosse, Lake Delton, Lodi, Lone Rock, Loyal, Lyndon Station, Lynex, Lynn, Madison, Maiden Rock, Maple Bluff, Marathon, Marshfield, Martell, Maxville, Mazomanie, McFarland, Medford, Melrose, Menomonie, Marrillan, Middleton, Milladore, Mondora, Mondovi, Monona, Moisinee, Neilsville, Nekoosa, North Bend, Northfield, Oakdale, Onalaska, Ossea, Park Ridge, Pigeon Falls, Pittsville, Plain, Pleasantville, Plover, Plum City, Portage, Port Edwards, Poynette, Prairie Du Chien, Prescott, Reedsbirh, Ringle, River Falls, Roberts, Robk Elm, Rockland, Rock Springs, Rosendale, Rothschild, Rozellville, Rusk, Sauk City, Schofield, Sechlerville, Sparta, Spencer, Spring Green, Spring Valley, Stetsonville, Stevens Point, Stevenstorn, Stockholm, Stratford, Strum, Sun Prairie, Taylor, Tee Green, Token Creek, Tomah, Trauxfield, Tunnell City, Unity, Verona, Vesper, Warrens, Wausau, Wauzeka, Waverly, West Baraboo, West Field, West Salem, Wheaton, Whitehall, Whiting, Wilson, Windsor, Wisconsin Dells, Wisconsin Rapids, Woodville, Wyeville, York, WI, and points in their commercial zones as defined by the Commission. Intend to tack with current irregular route authority and interline at Minneapolis-St. Paul, MN. An underlying ETA seeks 90 days authority. There are 13 supporting shippers.

MC 134970 Sub-4-1TA), filed June 23, 1980. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Meat, meat products and meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from Sioux City, Cherokee, Dubuque, and Cedar Rapids, IA, Crete, NE, and Sioux Falls, SD to Bloomington, IL, Dayton, and Washington Court House, OH. Supporting shipper: Sugar Creek Packing Company, 2101 Kenskill Ave., Industrial Park, Washington Court House, OH.

MC 151110 (Sub-4-1TA), filed June 24, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). *Such commodities as are dealt in, or used by, manufacturers and distributors of agricultural, industrial, and construction machinery and equipment, outdoor power equipment, and motor vehicles,* between points in the U.S. (except AK, HI, AZ, CA, CO, ID, MT, NV, NM, OR, WA, WY, and UT), restricted to traffic moving from, to, or between the facilities of International Harvester Company, in van-type trailers, under a continuing contract with International Harvester Company, of Chicago, IL. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, IL 60611.

MC 147312 (Sub-4-2TA), filed June 25, 1980. Applicant: DALOR TRANSIT, INC., 7520 Ryan Rd., Franklin, WI 53132.

Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601. *Contract;* irregular; *Printed matter,* from the facilities of Moebius Printing Co., at Milwaukee, WI to points in MI, OH, IN, IL, IA and MN. An underlying ETA seeks 90 days authority. Supporting shipper: Moebius Printing Co., 300 N. Jefferson, Milwaukee, WI 53201.

MC 106674 (Sub-4-24TA), filed June 25, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Metal Containers and Closures, cans, pails, and drums,* from the facilities of Inland Container Corporation at Alsip, IL to points in AL, AR, GA, KY, LA, MS, and TN. Supporting shipper: Inland Steel Container Corp., 4300 West 130th St., Chicago, IL 60658.

MC 111812 (Sub-4-7TA), filed June 25, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: R. H. Jinks (address same as applicant). *Petroleum and petroleum products, automotive chemicals and cleaning compounds, and such equipment, materials and supplies as are used by automotive service centers (except in bulk),* between the facilities of Valvoline Oil Company, a division of Ashland Oil, Inc., located at Willow Springs, IL, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI and WY; restricted to the transportation of traffic originating at or destined to the facilities of Valvoline Oil Company. Supporting shipper: Valvoline Oil Company, Division of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 111812 (Sub-4-6TA), filed June 25, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: R. H. Jinks (same address as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between the facilities of the Purex Corporation at or near Marion, OH, on the one hand and, on the other, points in the U.S. in and east of MT, WY, CO and NM (except AK and HI). Supporting shipper: Purex Corporation, Box 6200 S. Main St., Carson, CA 90749.

MC 114632 (Sub-4-12TA), filed June 25, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *General Commodities (except in bulk),* from points in MA, NH, NJ, NY and VT to points in CA, IL, IN, IA, KS, MN, MO, NE, ND, OH, SD, TX, WA and WI, restricted to the transportation of traffic originating at the facilities of New England Shipping Association Cooperative and its members. Supporting shipper: New England Shipping Association Cooperative, 1029 Pearl St., Brockton, MA 02403.

MC 148751 (Sub-4-4-3TA), filed June 25, 1980. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Paper and paper products, and materials, equipment and supplies used in the manufacture and distribution of paper and paper products (except in bulk),* between Munster, IN and points in IL, MO, KS, IA, OH, MI, and MN, restricted to traffic originating at or destined to the facilities of Scott Paper Company. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 135152 (Sub-4-9TA), filed June 25, 1980. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 3, West Harrison, IN 45030. Representative: James D. Campbell, P.O. Box 327, Harrison, OH 45030. *Agricultural implements,* from Troy, NY to Portland, OR and Atlanta, GA. Supporting shipper: Gardenway Manufacturing Company, 102nd St. and 9th Ave., Troy NY 12180.

MC 64932 (Sub-4-6TA), filed June 25, 1980. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Ave., Oak Lawn, IL 60453. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Acrylonitrile Butadiene Styrene (ABS), in bulk, in tank or hopper type vehicles,* From the facilities of U.S. Steel Corporation located at or near Haverhill, Scioto County, OH to points in the U.S. (Except AK & HI), and returned and rejected shipments on return. Supporting shipper: United States Steel Corporation, 600 Grant St., Pittsburgh, PA 15230.

MC 117730 (Sub-4-4TA), filed June 25, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route No. 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. *Such commodities as are used in the manufacture and distribution of motor vehicles (except commodities in bulk),* from Bloomsburg and Lansdale, PA, Rocky Hill, CT, and Cookeville, TN, to the facilities of American Motors Corp. at Kenosha, WI. An underlying ETA seeks 90 days authority. Supporting shipper: American Motors Corp., 5656 25th Ave., Kenosha, WI 53140.

MC 118202 (Sub-4-6TA), filed June 25, 1980. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, MN 55987. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005. *Beverages (except in bulk),* from (1) New Bedford, MA to NY, NJ, PA and MD; (2) Columbus, OH to IL, PA, NY, IN and MI; (3) Kansas City, KS to CO, IA, MN, ND and SD; (4) Union, NJ to OH and PA; (5) Tampa, FL to Charlotte, NC; and (6) St. Louis, MO to IL, IA, MN and KY. Restricted to traffic originating at the facilities of Shasta Beverages. Supporting shipper: Shasta Beverages, 26901 Industrial Blvd., Hayward, CA 94545.

MC 142204 (Sub-4-1TA), filed June 23, 1980. Applicant: GUNVILLE TRUCKING, INC., d.b.a. GUNVILLE TRUCKING, P.O. Box 74, Niagara, WI 54151. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703. *Wood pulp,* from Escanaba, MI to Park Falls, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Flambeau Paper Corp., 200 1st Avenue N., Park Falls, WI 54552.

MC 129645 (Sub-4-2TA), filed June 24, 1980. Applicant: SMEESTER BROS, INC., 1330 S. Jackson St., Iron Mountain, MI 49801. Representative: H. G. Denney (same address as applicant). *(1) Iron and steel articles and metal alloys, NOI; (2) mining, ore milling and smelting equipment and materials and supplies (except commodities in bulk and those which because of size or weight require the use of special equipment or handling),* between the facilities of Lake Shore, Inc., located at Kingsford, Marquette and Negaunee, MI on the one hand, and, on the other points in IA, IL, IN, OH, MN, NC, PA, and WI. An underlying ETA seeks 90 days authority. Supporting shipper: Lake Shore, Inc., P.O. Box 809, Iron Mountain, MI 49801.

MC 107295 (Sub-4-14TA), filed June 23, 1980. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Plastic pipe, fittings, and accessories,* from Broken Arrow, OK, to points in AR, CA, FL, GA, IL, IN, IA KS, MN, MO, OH, SC, TX and WI. Supporting shipper: Continental Industries, Inc., P.O. Box 994, Tulsa, OK 74104.

MC 136844 (Sub-4-1TA), filed June 23, 1980. Applicant: HENRY BRISTOL d.b.a. B & B TRANSPORT & LEASE, P.O. Box 877, Palatine, IL 60067. Representative: George A. Olsen, P.O. Box 357, Bladstone, NJ 07934. *Contract;* irregular; *Adhesives and Decorative Brick Facings, and materials, equipment, and supplies used in the manufacture and sale of Adhesives and Decorative Brick*

Facings (except commodities in bulk), Between the facilities of H. B. Fuller Co., on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper: H. B. Fuller Co., 315 S. Hicks Rd., Palatine, IL 60067.

MC 148685 (Sub-4-3TA), filed June 24, 1980. Applicant: TAD TRUCKING, LTD., 923 Reddin, Neenah, WI 54956. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract;* irregular; *Precast, stressed concrete members and the components used to manufacture these products,* between the plant site of Midwest Fiber-Concrete, Ltd. near Whitewater, WI, on the one hand, and, on the other, points in CO, IA, IL, IN, KY, MI, MN, MO, NE, ND, OH, SD, and WY, under continuing contract(s) with Midwest Fiber-Concrete, Ltd. An underlying ETA seeks 90 days authority. Supporting shipper: Midwest Fiber-Concrete, Ltd., P.O. Box 223, Sussex, WI 53089.

MC 106674 (Sub-4-23TA), filed June 23, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Cardboard containers, knocked down, corrugated,* from the facilities of Container Corporation of America at or near Nashville and Knoxville, TN to the states of KY, OH, IN, AR, AL and MS. Supporting shipper: Container Corporation of America, P.O. Box 1225, Stone Mountain, GA 30086.

MC 69024 (Sub-4-2TA), filed June 23, 1980. Applicant: H. B. RUSSELL TRUCK SERVICE, INC., 104 Orange St., Red Bud, IL 62278. Representative: Gale H. Stellhorn (same address as applicant). *Wood and coal burning stoves, gas and electric ranges and ovens, parts and accessories, and materials, equipment and supplies used in the manufacture and distribution of the foregoing commodities (except commodities in bulk and those requiring the use of special equipment),* between the facilities of Autocrat Corporation at or near New Athens, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Autocrat Corporation, Illinois & Benton St., New Athens, IL 62264.

MC 103798 (Sub-4-1TA), filed June 25, 1980. Applicant: MARTEN TRANSPORT, LTD., Rural Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Muscatine and Iowa City, IA to points in CO, IL, KS, and MO, and to facilities of Heinz USA at or near Tracy & Stockton, CA; and from facilities of Heinz USA at or near Tracy & Stockton, CA to points in AZ, NV, UT, CO, IL, IA, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: Heinz USA, Div. of H. J. Heinz Co., Pittsburgh, PA 15230.

MC 148428 (Sub-4-3TA), filed June 23, 1980. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. *(1) Books and periodicals and (2) materials, equipment and supplies used in the production and distribution of (1) above,* between the facilities of the West Publishing Company in the St. Paul-Minneapolis commercial zone on the one hand, and, on the other, Little Rock, AR, Los Angeles and San Francisco, CA, Denver, CO, Jacksonville, FL, Atlanta, GA, Chicago, IL, Des Moines, IA, Lexington, KY, New Orleans, LA, Worcester, MA, Detroit, MI, Kansas City and St. Louis, MO, Syracuse and New York City, NY, Charlotte, NC, Cleveland, OH, Philadelphia and Pittsburgh, PA, Memphis and Nashville, TN, Dallas and Houston, TX, Seattle, WA and Milwaukee, WI, Cincinnati, OH, Greensboro, NC, Washington, D.C. and Springfield, MA. Supporting shipper: West Publishing Co., 50 West Kellogg Blvd., P.O. Box 3526, St. Paul, MN 55165.

MC 908 (Sub-4-4TA), filed June 23, 1980. Applicant: CONSOLIDATED CARTAGE COMPANY, INC., P.O. Box 171, Argo, IL 60501. Representative: Eugene L. Cohn, RM 2255, One LaSalle St., Chicago, IL 60602. *Plastics and plastic articles, and materials, equipment and supplies used in the manufacture and distribution thereof,* between Indianapolis, IN, Commercial Zone as defined by the Commission, on the one hand, and on the other, points in IL, KY, MI, OH, and St. Louis, MO, Commercial Zone as defined by the Commission. Supporting shipper: Rheem Manufacturing Company (Plastics Div.) 7600 S. Kedzie Ave., Chicago, IL 60632.

MC 109376 (Sub-4-2TA), filed June 23, 1980. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Cans and can ends,* from the facilities of Crown Cork & Seal Company, Inc., located at or near Faribault, MN and Perrysburg, OH to Reedsburg and Sauk City, WI, and points in their respective commercial zones. An underlying ETA seeks 90 days authority. Supporting shippers: Reedsburg Foods Corp., P.O. Box 270, Reedsburg, WI 53959; and Sauk City Canning Corp., 401 John Quincy Adams, Sauk City, WI 53583.

MC 57778 (Sub-4-1TA), filed June 20, 1980. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 W. Jefferson Ave., Detroit, MI 48209. Representative: William B. Elmer, 21635 E. Nine Mile Rd., St. Clair Shores, MI 48080. *Foodstuffs* (except in bulk), from the facilities of Joan of Arc Company at or near Hoopeston and Princeville, IL, to points in MI, MS, OH and TN. Supporting shipper: Joan of Arc Co., 2231 W. Altorfer, Peoria, IL 61614.

MC 55896 (Sub-4-6TA), filed June 20, 1980. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Rd., Taylor, MI 48180. Representative: George E. Batty (same address as applicant). *Beverages (except in bulk, in tank vehicles),* from Detroit, MI and its Commercial Zone to the Commercial Zones of Greensville, Lexington, Louisville, KY; and Bloomington, IN. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207.

MC 118696 (Sub-4-18TA), filed June 20, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Rd., Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Printed matter and materials, equipment and supplies,* from the facilities of Rand McNally & Company at Hammond and Indianapolis, IN, and Chicago, IL and its commercial zone, on the one hand, and on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Rand McNally & Co., 8255 N. Central Park Ave., Skokie, IL 60076.

MC 110988 (Sub-4-44TA), filed June 23, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Paint and paint products,* from the facilities of Rust-Oleum Corporation at Evanston, IL to Hagerstown, MD. Supporting shipper: Rust-Oleum Corporation, 11 Hawthorne Parkway, Vernon Hills, IL 60061.

MC 110988 (Sub-4-43TA), filed June 23, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Chemicals, in bulk,* from the facilities of Cargill, Inc. at Chicago, IL and points in its commercial zone to points in DE, MD, MA, CT, and RI. Supporting shipper: Cargill, Inc., Cottage Ave., and Lake Marion Rd., Carpentersville, IL 60110.

The following protests were filed in Region 5. Send Protests to: Consumer

Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 989 (Sub-5-2TA), filed June 23, 1980. Applicant: IDEAL TRUCK LINES, INC., P.O. Box 330, Norton, KS 67654. Representative: Ed J. Copenhaver, 6785 E. 50th Ave., Commerce City, CO 80022, Phone: (303) 287-5519. Foodstuffs and canned goods, frozen or other than frozen, from the facilities of Skyland Food Corporation at or near Delta Co., to points in KS, NE, IA, IL, MO, OK and TX. Supporting shipper: Skyland Food Corp., Box 250, Delta Co. 81416, Mr. Jack L. Ray, Sales Manager.

MC 13547 (Sub -5-1TA), filed June 13, 1980. Applicant: LEONARD BROTHERS TRANSPORT CO., INC., 1528 West 9th Street, Kansas City, MO 64101. Representative: Joe M. Lock, 1528 West 9th Street, Kansas City, MO 64101. Common, regular; *general commodities except those of unusual value, Class A and B Explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment* between Kansas City, MO-KS and its commercial zone and the facilities of Mattingly Stores, Inc. at or near Lexington, MO via Highway No. 24. Also serving the facilities of Mattingly Stores, Inc. at or near Buckner, MO as an intermediate point. Supporting shipper: Mattingly Stores, Inc., 13th and Franklin, Lexington, MO 64067.

MC 29910 (Sub-5-34TA), filed June 23, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). Common, Regular, *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 Jacobsen Textron, at or near Prentiss, MS as an off route point in connection with carrier's regular route service between Jackson, MS and New Orleans, LA. Supporting shipper: Jacobsen Textron, Jacobsen Division of Textron, Box 568, Brookhaven, MS 39601. Applicant intends to tack and interline.

MC 30844 (Sub-5-15TA), filed June 23, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, Tulsa, OK 74121. Representative: Larry Strickler, P.O. Box 5000, Waterloo, IA 50704. *Petroleum and petroleum products, automotive chemicals, and cleaning compounds, and such equipment, materials, and supplies, as are used by automotive service centers (except in bulk),* between the facilities of Valvoline Oil Company, a division of Ashland Oil, Inc. loacted at Willow Springs, IL on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI, and WY. Restriction: Restricted to traffic originating at or destined to named facilities. Supporting shipper: Valvoline Oil Co., Div. of Ashland Oil, Inc., P.O. Box 391, Ashland, KY 41101.

MC 47583 (Sub-5-12TA), filed June 24, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. *Paper and paper products (except in bulk),* from Pryor, OK to points in TX, AR, CO, KS, MO, NE, IL, LA; and from Flagstaff, AZ to points in NM, TX, and CA. Restricted to traffic originating at the above named origin points and destined to the above named destination points. Supporting shipper: Concel, Inc., a Division of APL Corp., 5911 Fresca Drive, La Palma, CA 90623.

MC 65300 (Sub-5-1TA), filed June 23, 1980. Applicant: LUNA TRUCK LINE, INC., 305 Harlen Drive, Gainesville, MO 65655. Representative: Thomas A. Stroud, Goff, Sims, Cloud, Stroud & Walker, P.C., 5100 Poplar Avenue, 2008 Clark Tower, Memphis, TN 38137. Common, Regular; *General commodities, except classes A and B explosives, commodities in bulk, household goods, and commodities which because of size or weight require the use of special equipment.* (1) Between Mountain Home, AR and points in its commercial zone, and junction U.S. Hwys 62 and 65, from Mountain Home, AR, over U.S. Hwy 62 to its junction with U.S. Hwy 65 and return; (2) Between Harrison, AR, and points in its commercial zone, and Marshall, AR, and points in its commercial zone, from Harrision over U.S. Hwy 65 to Marshall and return; (3) Between St. Louis, MO, and points in its commercial zone, and Mountain Home, AR, and points in its commercial zone, from St. Louis, MO, over Interstate Hwy 44 to its junction with MO Hwy 5; then south on MO Hwy 5 to the AR-MO state line; then south on AR Hwy 5 to its junction with U.S. Hwy 62; then west on U.S. Hwy 62 to Mountain Home, AR and return; (4) Between St. Louis, MO and Harrison, AR from St. Louis, MO over Interstate Hwy 44 to Springfield, MO, then south over U.S. Hwy 65 to Harrison, AR, serving no intermediate points, as an alternate route for operating convenience only; (5) Between St. Louis, MO and Gainesville, MO, from St. Louis, MO over Interstate Hwy 44 to its junction with U.S. Hwy 63 at or near Rolla, MO; then south over U.S. Hwy 63 to its junction with U.S. Hwy 160 at or near West Plains, MO; then west over U.S. Hwy 160 to Gainesville, MO and return, serving no intermediate points, as an alternate route for operating convenience only. Serving all intermediate points and points in their respective commercial zones, on routes (1) and (2) above, and, on route (3) serving all intermediate points, and points in their respective commercial zones, between Gainsville, MO and Mountain Home, AR. Restriction: Restricted against rendering any service between St. Louis, MO and Springfield, MO. Applicant intends to tack or join any authority received with all other authority it holds at all common points and to interline with other motor carriers at St. Louis and Gainesville, MO and Mountain Home and Harrison, AR. Supporting shipper: 17.

MC 69834 (Sub-5-4TA), filed June 23, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. *Alcoholic beverages (except in bulk),* from points in CA to points in KS. Supporting shipper: Standard Liquor Corp., 3629 N. Hydraulic, Wichita, KS 67219.

MC 100666 (Sub-5-6TA), filed June 24, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Roofing materials* from facilities of Allied Materials Corporation at Oklahoma City, OK to points in CO, IA, MO, NE, NM and WY. Supporting shipper: Allied Materials Corp., P.O. Box 12340, Oklahoma City, OK 73157.

MC 112713 (Sub-5-7TA), filed June 23, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, Overland Park, KS 66207. Representative: John M. Records (same as applicant). Common; Regular. *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, which are at the time moving on bills of lading of freight forwarders under 49 U.S.C. 10102(8),* between the junction of Interstate Hwy 75 and U.S. Hwy 27, and Tampa, FL, serving no intermediate points: From the junction of Interstate Hwy 75 and U.S. Hwy 27 near Ocala, FL, over Interstate Hwy 75 to Tampa and return over the same route. Applicant intends to tack the authority sought with its authority in MC-112713. Supporting shipper: Yellow

Forwarding Co., 10990 Roe Avenue, P.O. Box 7270, Overland Park, KS 66207.

MC 113651 (Sub-5-14TA), filed June 23, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Omaha, NE 68154. Representative: James F. Crosby, James F. Crosby & Associates, Oak Park Office Bldg., Suite 210B, 7363 Pacific St., Omaha, NE 68114. *Such commodities as are dealt in by wholesale, retail chain stores and food distribution houses,* from Chicago, IL to Omaha, NE; Springfield, MO; Kansas City and Hutchinson, KS; Denver and Grand Junction CO; and points in their respective commercial zones. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 114273 (Sub-5-14TA), filed June 23, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Telephone equipment, materials and supplies used in the construction and maintenance of telephone systems,* from the facilities of the Western Electric Company at or near Kearny, NJ to Goddard, KS, including points in the commercial zones of the above-mentioned cities. Supporting shipper(s): Western Electric Company, P.O. Box 25000, Greensboro, NC.

MC 114273 (Sub-5-15TA), filed June 24, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Foodstuffs, edible, and materials, equipment and supplies (except in bulk) used in the manufacture thereof,* between Danville, IL, on the one hand, and, on the other, points in CT, DE, IN, IA, KY, MD, MI, MO, NJ, NY, OH, PA, TN, VA, and WV. Restricted to traffic originating at or destined to the facilities of Quaker Oats Company. Supporting shipper(s): Quaker Oats Company, 345 Merchandise Mart Plaza, Chicago, IL.

MC 114273 (Sub-5-16TA), filed June 23, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Petroleum and petroleum products, automotive chemicals, and cleaning compounds, and such equipment, materials, and supplies, as are used by automotive service centers (except in bulk),* between the facilities of Valvoline Oil Company, a division of Ashland Oil, Inc. located at Willow Springs, IL, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI and WY. Restricted to traffic originating at or destined to named facilities. Supporting shipper(s): Valvoline Oil Co., P.O. Box 391, Ashland, KY 41101.

MC 114273 (Sub-5-17TA), filed June 23, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* from points in MO to points in IL, IN, IA, KY, MD, MI, MN, NE, NJ, NY, OH, PA, VA, and WV. Restricted to traffic originating at or destined to the facilities utilized by Rival Manufacturing Co. Supporting shipper(s): Rival Manufacturing Co., 36th and Bennington, Kansas City, MO 64129.

MC 114273 (Sub-5-18TA), filed June 23, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as above). *Metals,* from Walnutport, PA to IA, IL, IN, KY, MI, MN, MO, OH, and WI. Supporting shipper(s): American Nickeloid Co., Walnutport, PA 18088.

MC 119789 (Sub-5-21TA), filed June 23, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Plastic Moulding Compound, in mechanically refrigerated equipment,* from the facilities of Plastic Manufacturing Company at Dallas, TX to St. Paul, MN. Supporting shipper: Plastic Manufacturing Company, 2700 South Westmoreland, Avenue, Dallas, TX 75223.

MC 119789 (Sub-5-22TA), filed June 24, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Prepared Foodstuffs (other than frozen)* from New Orleans, LA to IN. Supporting shipper: DCA Food Industries, Inc., 919 Third Ave, New York, NY 10022.

MC 120427 (Sub-5-1TA), filed June 23, 1980. Applicant: WILLIAMS TRANSFER, INC., 2128 East Highway 30, Grand ISlans, NE 68801. Representative: John K. Walker, 2128 East Highway 30, Grand Island, NE 68801. *Items, equipment, materials and supplies used to rebuild and restore a tornado stricken area.* Between points in the U.S. on the one hand and on the other, points in Hall, Howard, Merrick, Hamilton, Adams, and Buffalo Counties, NE. Supporting shipper: Hardman Lumber Co., Grand Island, NE 68801.

MC 121658 (Sub-5-4TA), filed June 20, 1980 Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. drawer 149, Winnsboro, LA 71295. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Common, regular: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Little Rock, AR and Shreveport, LA: from Little Rock, AR over Interstate Hwy 30 to Texarkana, AR; then over U.S. Hwy 71 to Shreveport, LA and return over the same routes, serving no intermediate points, but serving the commercial zones of Little Rock, AR and Shreveport, LA. Supporting shippers: 32.

Note.—Applicant seeks to interline and tack.

MC 121658 (Sub-5-5TA), filed June 20, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, La 71295. Representative: Robert L. McArty, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Common, regular: *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 Oil City and Vivian, LA as off-route points in connection with carrier's authorized points, and points in their commercial zones. Supporting shippers: 11.

Note.—Applicant intends to tack and interline.

MC 124174 (Sub-5-12TA), filed June 23, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *(a) Stone (except finished monuments) Granite working materials and machinery (b) Rough Granite Blocks,* from (a) the facilities of Rock of Ages Corp and Rock of Ages Building Granite Corp of Barre, VT and Concord, NH on the one hand, and on the other, points in the USA in and East of ND, SD, NE, CO, OK and TX; (b) from the Supporter's Quarries—Rock of Ages—in Mountain Park, Meers, and granite, OK to Barre, VT and Concord, NH. Supporting shipper(s): Rock of Ages Corporation, P.O. Box 482, Barre, VT 05641.

MC 124174 (Sub-5-13TA), filed June 23, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Iron and steel and iron and*

steel articles, from points in PA to points in KS. Supporting shipper(s): Bethlehem Steel Corporation, Bethlehem, PA 18016; Paxton & Vierling Steel Co., Carter Lake, IA 68110; Franklin Steel Company, Franklin, PA 16323; Linn Post & Pipe, Inc., Linn, KS 66953.

MC 125254 (Sub-5-4TA), filed June 22, 1980. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Canned and preserved foodstuffs,* From Kenosha, WI, to Heinz U.S.A. facilities at Iowa City, IA. Supporting shipper: Heinz U.S.A., P.O. Box 57, Pittsburgh, PA 15230.

MC 128273 (Sub-5-12TA), filed June 23, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Petroleum and petroleum products, automotive chemicals, and cleaning compounds, and such equipment, materials and supplies as are used by automotive service centers (except in bulk),* between the facilities of Valvoline Oil Company, a division of Ashland Oil, Inc., located at Willow Springs, IL, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, KS, LA, MI, MN, MO, MT, NE, NM, ND, OH, OK, PA, SD, TN, TX, WI and WY. Restricted to traffic originating at or destined to the named facilities. Supporting shipper: Valvoline Oil Co., Div. of Ashland Oil, Inc. P.O. Box 391, Ashland, KY 41101.

MC 133735 (Sub-5-1TA), filed June 23, 1980. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Corn products, in bulk,* from the facilities of The Hubinger Company, at or near Keokuk, IA, to points in AR, KY, MI, OK, TN, and TX. Supporting shipper: The Hubinger Company, 601 Main, Keokuk, IA 52632.

MC 134286 (Sub-5-12TA), filed June 24, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Kenneth L. Ackerman (same address as above). *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* from points in Bradford, Carbon, Columbia, Franklin, Lackawanna, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Schuylkill, Tioga, Wayne and Wyoming Counties, PA, and Broome, Cayuga, Chemung, Chenango, Cortland, Onondaga, Schuyler, Seneca, Steuben, Tioga, Tompkins, and Yates Counties, NY, to points in AR, OK, IN, LA, and OK. Restricted to traffic originating at or destined to the facilities utilized by either the Northeastern Pennsylvania Shipper's Co-Op Association, Inc., or its members; and restricted to shipments on bills of lading of shipper's associations. Supporting shipper: Northeastern Pennsylvania Shipper's Co-Op Association, Inc., Nelson Building, W. Eighth Street, West Wyoming, PA 18644.

MC 134501 (Sub-5-8TA), filed June 20, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *New furniture,* from Huntsville, AL to points in MI, MO, IL, IN, OH, PA (except Philadelphia), RI, NY, NJ (except Totowa), NH, VT, ME, CT, MA, DE, DC, MD, VA, WV, KY, TN (except Shelby County), NC, SC, GA, FL, LA, MS, and TX (except points on, north and west of a line beginning at the TX-AR state line extending along U.S. Hwy 67 to Dallas, then along Interstate Hwy 35E to Waco, then along U.S. Hwy 81 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction U.S. Hwy 80, then along U.S. Hwy 80 to the TX-NM state line). Supporting shipper: Harris Pine Mills, P.O. Drawer 1168, Pendleton, OR 97801.

MC 134922 (Sub-5-1TA), filed June 24, 1980. Applicant: B. J. McADAMS, INC., Rt. 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams, Route 6, Box 15, North Little Rock, AR 72118. *Potatoes, fresh frozen or cooked frozen and potatoes, cooked, diced, flaked, sliced, other than frozen,* from Quincy, Richland, and Connell, WA, Hermiston, OR, American Falls, ID, and Clearfield, UT to Moline and Rock Island, IL and points in IA. Supporting shipper: Unifoods Trading Corporation, P.O. Box 1006, Clive, IA.

MC 135419 (Sub-5-1TA), filed June 23, 1980. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh Street, Fort Smith, AR 72901. Representative: William D. Hendrix (address same as above). *Containerized New Motor cars,* from Port of Houston, TX to Dallas, TX. Supporting shipper: Rolls-Royce Motors, Inc., 11225 Gemini Lane, Dallas, TX 75229.

MC 135797 (Sub-5-50TA), filed June 23, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. BOX 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *General commodities (with the usual exceptions),* between points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of Ralston Purina Company. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 135797 (Sub-5-51TA), filed June 23, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Paper and paper products,* between the facilities of Lehigh Steck-Warlick at Dallas, TX and points in the United States (except AK and HI). Supporting shipper: Lehigh Steck-Warlick, 1515 Round Table Drive, Dallas, TX 75247.

MC 140665 (Sub-5-17TA), filed June 23, 1980. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Such commodities as are manufactured or distributed by the General Tire and Rubber Company, and materials and supplies used in the production of the above commodities,* (except commodities in bulk), between the facilities utilized by General Tire and Rubber Company on the one hand, and, on the other, points in the United States (except AK and HI) restricted to traffic originating at or destined to the above facilities. Supporting shipper: General Tire and Rubber Company, One General Street, Akron, OH 44329.

MC 140665 (Sub-5-18TA), filed June 23, 1980. Applicant: PRIME, INC., P.O. Box 4208 G.S., Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Such commodities as are manufactured or distributed by ESB, Incorporated and materials and supplies used in the production or distribution of these commodities (except commodities in bulk),* between points in the United States (except AK and HI) restricted to traffic originating at or destined to the facilities utilized by ESB Incorporated. Supporting shipper: ESB, Incorporated 101 Gibraltar Road, Horsham, PA 19044.

MC 140665 (Sub-5-19TA), filed June 23, 1980. Applicant: PRIME, INC., P.O. Box 4208 G.S., Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Plastic bags and plastic film or sheeting,* from Tyler, TX to points in the United States (except AK and HI). Supporting shipper: U.S. I. Film Products, P.O. Box 818, Tyler, TX 75710.

MC 142463TA, (Sub-5-2TA), filed June 24, 1980. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha St., Sioux City, IA 51103. Representative: Edward

A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *(1) Iron and Steel Articles and (2) Materials, Equipment and Supplies, used in the manufacture and distribution of the commodities in (1) above,* between the facilities utilized by Sioux City Foundry Co. located in AR, CO, ID, IL, IN, IA, KS, KY, MN, MO, MT, NE, ND, OK, SD, UT, WI, and WY. Restricted to traffic originating at or destined to the facilities of Sioux City Foundry Co.

MC 147003 (Sub-5-2TA), filed June 23, 1980. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. (1) *Steel buildings, knocked down, or in sections, and components, parts, materials, supplies and fixtures therefor,* from the facilities utilized by Conrad American, Inc., at Houghton, IA to points and places in CO, KS, MN, MO, NE, ND and SD and (2) *materials, parts, and supplies (except commodities in bulk, in tank vehicles) used in the manufacture of steel buildings,* from points and places in CO, KS, MN, MO, NE, ND and SD to the facilities utilized by Conrad American, Inc. at Houghton, IA. Supporting shipper: Conrad American, Inc., Houghton, IA 52631.

MC 147552 (Sub-5-2TA), filed June 20, 1980. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis Street, New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Building, Washington, DC 20036. *Paper and paper products, and materials and supplies used in the manufacture and conversion of paper and paper products (except commodities in bulk),* between the plant site of Olinkraft located at or near West Monroe, LA, on the one hand, and on the other, New Orleans and Lake Charles, LA, and Houston and Galveston, TX. Restriction: The above authority is restricted to the transportation of such commodities having a prior or subsequent movement by rail or water. Supporting shipper: Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291.

MC 148319 (Sub-5-2TA), filed June 24, 1980. Applicant: ELLIS B. STOFLE, d.b.a. STOFLE TRUCKING, P.O. Box 42, Tioga, TX 76271. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Liquor and wines,* (1) from Brooklyn, NY to Amarillo, Corpus Christi, Dallas, Fort Worth, Houston, Odessa and San Antonio, TX; and (2) from Woodside, NY to Amarillo, Corpus Christi, Fort Worth, Houston, Odessa and San Antonio, TX. Supporting shipper: Galzer's Wholesale Drug Co., Inc., 508 Park Avenue, Dallas, TX 75221.

MC 150496 (Sub-5-5TA), filed June 20, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri, P.O. Box 188, Tontitown, AR 72770. *Such commodities as are used in the manufacture of sporting goods and recreational equipment (except in bulk),* from points in MO, WI, PA, MI, OH, IL, NJ, TN and TX to the facilities of Gym Dandy, Inc., at Bossier City, LA. Supporting shipper: Gym Dandy, Inc., P.O. Box 5637, Bossier City, LA.

MC 150521 (Sub-5-2TA), filed June 23, 1980. Applicant: HUMISTON FARMS, Route 1, Box 144, Muleshoe, TX. 79347. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236 Lubbock, TX 79408. *Irrigation systems and parts, materials and supplies* used in the manufacture, assembly and distribution of irrigation systems, between points in NE, TX and NM. Supporting shipper: Campbell Irrigation Systems of Muleshoe, 604 North First Street, Muleshoe, TX, 79347.

MC 150783 (Sub-5-3TA), filed June 23, 1980. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR, 72756. Representative: Ronnie Sleeth, P.O. Box 757 Rogers, AR 72756. *Malt beverages* from St. Louis, MO, to points in KS. Supporting shipper: Menghini Bros. Distribution, 250 N. Cayuga, Frontenac, KS 66762.

MC 151025 (Sub-5-1TA), filed June 23, 1980. Applicant: FRANKLIN McVEY P.O. Box 8, Des Arc, 72040. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *Agricultural Chemicals (except in bulk),* between points in AR, TN, LA, TX, MD, OK, MS, FL, and AL. Supporting shipper: McCrary Farm Supply, Inc., Lonoke, AR.

MC 151109 (Sub-5-1TA), filed June 20, 1980. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX. 79105. Representative: D. Douglas Titus, of Titus and Storm, Suite 510 Benson Building, Sioux City, IA 51101. *Materials, supplies and equipment used in the conduct of business and repair and construction by meat packinghouses and hide companies,* between all points in the United States except AK and HI. Supporting shipper(s): Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, NE 68731.

MC 151108 (Contract) (Sub-5-1TA), filed June 23, 1980. Applicant: JOHN W. GAITHER, JR., d.b.a. GAITHER TRUCKING, P.O. Box 926, Wakeeney, KS 67672. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract irregular, *(1) Fabricated agricultural implement parts, materials and supplies,* from the facilities of Metal Contracting & Manufacturing, Inc. at or near Wakeeney, KS to points in the United States (except AK and HI. (2) *Iron and steel articles,* from points and places in the United States (except AK and HI) to the facilities of Metal Contracting & Manufacturing, Inc. at or near Wakeeney, KS. Supporting shipper: Metal Contracting & Manufacturing, Inc., P.O. Box 428, Wakeeney, KS 67672.

MC 151111 (Sub-5-1TA), filed June 23, 1980. Applicant: CUSTOMER SERVICES, INC., P.O. Box 489, Red Cloud, NE 68970. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *Chemicals, toilet preparations, personal care items, buffing and polishing compounds and foodstuffs* from Chicago, IL and its commercial zone to TX, FL, NJ and Sparks, NV, and from Sparks, NV to WA and OR. Supporting shipper: Alberto-Culver Company, 2525 Armitage Avenue, Melrose Park, IL 60160.

MC 151112 (Sub-5-1TA), filed June 23, 1980. Applicant: JOHN C. SWARTZ, d.b.a. B & J ENTERPRISE, 333 N.W. Stratford, Ankeny, IA 50021. Representative: WILLIAM L. FAIRBANK, 1980 Financial Center, Des Moines, IA 50309. Contract, irregular, *Doors, windows and frames and accessories for doors and windows,* from Mason City and Des Moines, IA, McKenzie, TN, Omaha, NE and Kansas City, MO, to points in IA, KS, MO and NE, under contracts with Metal Doors and Frame Co. and Metal Doors and Hardware Co. Supporting shipper: Metal Doors & Hardware Co., 4909 "F" Street, Omaha, NE 68117, and Metal Doors & Frame Co., 1407 21st Street, Des Moines, IA 50311.

MC 151124 (Sub-5-1TA), filed June 23, 1980. Applicant: LOLA JEANNE LYNN d.b.a. LYNN LEASING, P.O. Box 117, Labadie, MO 63055. Representative: Lola Jeanne Lynn (same address as applicant). *Sand, in bulk,* from the facilities of Pennsylvania Glass Sand Corp. at or near Klondike, MO, to points in AL, AR, IL, IN, KS and OK. Supporting shipper(s): Pennsylvania Glass Sand Corp., Berkeley Springs, WV 25411.

MC 151127 (Sub-5-1TA), filed June 24, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney, P.O. Box 68, Cedar Rapids, IA 52406. Contract, irregular, *general commodities (except classes A & B explosives, household goods as defined by the Commission and commodities in bulk),* between points in and east of ND, SD, NE, CO, and NM, under continuing contract(s) with the

Aluminum Company of America. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 200 (Sub-5-16TA), filed June 19, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* from the facilities of Colgate Palmolive Corp. at Jeffersonville, IN to Atlanta, GA; New Orleans, LA; Memphis, TN; Birmingham, AL; Jacksonville, FL; Greenville, SC; and Raleigh, NC. Restricted to shipments originating at the named origin and destined to the indicated destinations. Supporting shipper: Colgate-Palmolive Company, State & Woerner Streets, Jeffersonville, IN 47130.

MC 200 (Sub-5-17TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City MO 64141. Representative: H. Lynn Davis (same as applicant). *Rubber Hose,* between the facilities of Uniroyal, Inc. at or near Red Oak, IA and Maryville, MO, on the one hand, and, on the other, all points and places in the United States (except AK and HI). Restricted to shipments originating at the named origins and destined to the indicated destinations. Supporting shipper: Uniroyal, Inc., World Headquarters, Middlebury, CT 06749.,

MC 200 (Sub-5-18TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City MO 64141. Representative: H. Lynn Davis (same as applicant). *Plastic sheet or plate, NOI, flat, self-supporting,* from the facilities of Impact Extrusions at or near Grand Praire, TX to the facilities of Triangle Plastics at or near Winthrop, IA. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: Impact Extrusions, Inc., 2401 Dillard, Grand Prairie, TX 75051.

MC 200 (Sub-5-19TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City MO 64141. Representative: H. Lynn Davis (same as applicant). Common: Regular. *General Commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving the facilities of Riegel Textile at or near Maryville, MO as an off-route point in connections with applicant's regular route authority. Restricted to shipments originating at the named origin and destined to the indicated destinations. Supporting shipper: Riegel Textile, 1000 North College Drive, P.O. Box 10, Maryville, MO 64468.

MC 200 (Sub-5-20TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City MO 64141. Representative: H. Lynn Davis (same as applicant). *Data Processing Devices, Duplicating Equipment, Copying Equipment, and Materials and Supplies used in the manufacture and distribution of such devices and equipment,* from the facilities of the A. B. Dick Co. at or near Manchester, NH to Niles, IL. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: A. B. Dick Co., 5700 West Touhy Avenue, Chicago, IL 60648.

MC 200 (Sub-5-21TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Aluminum, Steel, and Vinyl Siding, and Materials, and Supplies and Equipment used in the distribution and installation thereof (Except in bulk),* (1) from the facilities of Wolverine Aluminum at or near Jackson, MI to points in NC. ND, NH, SC, SD, TN, and UT; (2) Serving Jackson, MI as an off-route point in connection with carrier's regular route authority. (1) Restricted to shipments originating at named origin and destined to indicated destinations. Supporting shipper: Wolverine Aluminum, 1650 Howard, Linclon Park, MI.

MC 200 (Sub-5-22TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Iron and Steel Nuts, Bolts, and Washers,* between the facilities of Sterling Bolt Co. at or near Dallas, TX; Houston, TX; Tulsa, OK; Omaha, NE and points and places in the United States (except AK and HI). Restricted to shipments originating at the named origins and destined to the indicated destinations. Supporting shipper: Sterling Bolt Co., Inc., 1616 Hinton St., Dallas, TX 75235.

MC 200 (Sub-5-23TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Starch (except in bulk),* from Kansas City, MO to Hanover, PA. Restricted to shipments originating at the named origin and destined to the indicated destination. Supporting shipper: Faultless Starch/Bon Ami Co., 1025 W. 8th St., Kansas City, MO 64101.

MC 200 (Sub-5-24TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *Toilet Preparations,* from the facilities of Vi-Jon Laboratories, Inc., at or near San Leandro, CA to all areas in the state of NV. Restricted to shipments originating at the named origin and destined to the indicated destinations. Supporting shipper: Vi-Jon Laboratories, Inc., 2055 Adams Avenue, San Leandro, CA 94577.

MC 200 (Sub-5-25TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* From the Ports of Long Beach and Los Angeles, CA to the facilities of A and A International, Inc. at or near Groveport, OH. Restricted to shipments imported from overseas thru the Ports of Long Beach and Los Angeles, CA and destined to the indicated destination. Supporting shipper: A and A International, Inc., A Division of Tandy Corp., 1200 One Tandy Center, Fort Worth, TX 76102.

MC 200 (Sub-5-26TA), filed June 23, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment),* from points in CA to Chicago, IL and its Commercial Zone. Restricted to shipments imported from overseas and destined to the facilities of Karl Schroff and Associates, Inc. at or near Chicago, IL. Supporting shipper: Karl Schroff and Associates, Inc., 9440 W. Foster Ave., Chicago, IL.

MC 3062 (Sub-5-5TA), filed June 23, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: G. H. Boles (same address as applicant). Common, Regular, *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 Wayne City, IL as an off-route point in connection with its authorized routes to and from Evansville, IN. Applicant intends to tack and interline. Supporting shippers: Kissner and Weaver Farm Equipment, H. B. Williamson Company.

MC 29910 (Sub-5-32TA), filed June 23, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). *Plastic pipe, plastic pipe fittings and materials, supplies and accessories used in the manufacture thereof,* between the facilities of Cement Asbestos Products Company at or near Mt. Vernon, IN, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Cement Asbestos Products Company, Subsidiary of ASARCO Incorporated, 611 Oliver Street, Suite 1755, St. Louis, MO 63101.

MC 29910 (Sub-5-33TA), filed June 23, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (same address as applicant). *Activated carbon,* from Marshall, TX to all points in the U.S. (except AK and HI). Supporting shipper: ICI Americas Inc., Wilmington, DE 19897.

MC 82841 (Sub-5-1TA), filed June 23, 1980. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. *Glass and glass products* from Toledo and Rossford, OH, to points in and West of MN, IA, MO, AR, and LA. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 108207 (Sub-5-16TA), filed June 20, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Flavoring material,* in mechanically refrigerated equipment, from Cincinnati, OH to Battle Creek, MI and Lafayette, IN. Supporting shipper: Fries and Fries, 110 East 70th St., Cincinnati, OH 45216.

MC 108207 (Sub-5-17TA), filed June 20, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 76265. Representative: M. W. Smith (same address as applicant). *Meats, meat products, meat by-products, and foodstuffs,* in mechanically refrigerated equipment, (1) from Dallas and Fort Worth, TX to Salt Lake City, UT; and (2) from Salt Lake City, UT to Dallas, Fort Worth, and Tyler, TX. Supporting shippers: 5.

MC 124174 (Sub-5-11TA), filed June 20, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Cast iron products and materials and supplies used in the manufacture of cast iron products (except commodities in bulk),* between the plant site and storage facilites of Griffin Pipe Products Co. at or near Florence, NJ on the one hand, and on the other, points in the states of IA, IL, IN, MI, MN, MO, NE and WI, restricted to traffic originating at or destined to the points involved. Supporting shipper(s): Griffin Pipe Products Company, 2000 Spring Road, Oak Brook, IL 60523.

MC 126822 (Sub-5-18TA), filed June 20, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Ks 66061. Representative: John T. Pruitt (same address as applicant). *Canned goods* from the facilities of Pacific Coast Producers to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Pacific Coast Producers, 1601 Civic Center Drive, P.O. Box 218, Santa Clara, 95054.

MC 128273 (Sub-5-11TA), filed June 20, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Such commodities as are used or dealt in by manufacturers and distributors of paper and paper products, printed forms, printing paper and carbon paper (except commodities in bulk, in tank vehicles),* between Fullerton, Gardena, Los Angeles, San Diego, San Jose, Santa Ana and Santee, CA, and Dallas and Houston, TX, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to the transportation of traffic which originates at or is destined to the facilities of Vanier Graphics Corporation. Supporting shipper: Vanier Graphics Corporation, P.O. Box 2155, Santa Ana, CA 92707.

MC 133591 (Sub-5-5TA), filed June 23, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. *Paper* and *plastic cups, containers, dishes, plates, napkins, plastic articles, plastic products, glass products and articles related thereto* between facilities used by Owens-Illinois at or near Springfield, MO; Bardstown, KY; Augusta, GA and Holmdel, NJ. Supporting shipper: Lily Division of Owens-Illinois, P.O. Box 1035, Toledo, OH 43666.

MC 135678 (Sub-5-8TA), filed June 20, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. (1) *Air Cleaners, Coolers other than waterevaporative type, Dehumidifiers, Heaters other than portable, Humidifiers or Washers with blowers or fans; electric motors,* (2) *Lathes, metal working; machinery or machines, or parts thereof, NOI; Presses, as described in NMFC Item 127000 to 127180; Tools power, other than hand tools, separate or combined, with or without stands (as described NMFC Item 131670 to 131674;) Well boring or drilling machines, portable or self-propelled,* between points in OK, CO, UT, WA, OR, NV, CA, AZ and TX. Supporting shipper: Summit Machine Tool Mfg., 518 N. Indiana St., Oklahoma City, OK 73108.

MC 145363 (Sub-5-2TA), filed June 20, 1980. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton, P.O. Box 508, Winnfield, LA 71483. Contract; Irregular. *Landscape timbers, poles and pilings thereof,* from the facilities of International Paper Company at or near DeRidder, LA, Joplin, MO and Navasota, TX to points in and east of AZ, CO, SD, ND, and WY. Supporting shipper: International Paper Company, P.O. Box 160707, Mobile, AL 36616.

MC 151099 (Sub-5-1TA), filed June 20, 1980. Applicant: PHELCO, INC., 11842 Missouri Bottom Road, St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1499, St. Louis, MO 63105, St. Louis, MO 63105, (314) 727-0777. Contract, irregular, *Boxes, corrugated or not corrugated, pulpboard, paper products,* and all *materials used in the manufacturing of paper products,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI on traffic originating at the facilities of Alton Box Board Company on the one hand, and destined to points in the named States, on the other, or originated at points in the named States, on the one hand, and destined to the facilities of Alton Box Board Company, on the other. Supporting shipper: Alton Box Board Company, 401 Alton Street, Alton, IL 62002.

MC 150102 (Sub-5-2TA), filed June 5, 1980. Applicant: MUSTANG TRANSPORTATION, INC., 1101 Rue

Corton, Slidell, LA 70458. Representative: Albert T. Riddle, 1101 Rue Corton, Slidell, LA 70458. Contract, Irregular; *canned goods* between the plant site of Woldert Canning, Inc., located at Lindale, TX to all points in MS, OK, and LA and under a continuing contract with Woldert Canning, Inc. Supporting shipper: Woldert Canning, Inc., P.O. Box 1140, Tyler, TX 75710.

MC 150874 (Sub-5-1TA), filed June 20, 1980. Applicant: GATEWAY TRUCKING COMPANY, 11351 E. 36th Street North, Tulsa, OK 74116. Representative: David R. Worthington, 1810 S. Oklahoma, Sapulpa, OK 74066. *Building materials, iron and steel articles, and materials, equipment, and supplies used in their production (except commodities in bulk, in tank vehicles),* between points in the state of OK, on the one hand, and, on the other, points in the states of NM, CO, KS, AR, MO, and TX. Supporting shippers: Ideal Brick Company, 11351 E. 36th St. North, Tulsa, Oklahoma 74116; Builders Products Co., Inc., 2104 W. Detroit, Broken Arrow, OK 74012; Sapulpa Brick & Tile Corp., P.O. Box 1170, Sapulpa, OK 74066; Frontier Enterprises, 1116 S. Lynn Riggs, Claremore, OK 74017; Singer Metals Co., P.O. Box 3528, Enid OK 73701; Veale Brothers Concrete Products Co., 1900 S. 81st W. Avenue, Tulsa, OK 74127; Beaver Log Homes, P.O. Box 1145, Claremore, OK 74017; Ace Brick & Stone, 4900 S. 101st E. Avenue, Tulsa, OK 74145; John-Mansville Sales Corp., P.O. Box 45150, Tulsa, OK 74145.

Republication

MC 29910 (Sub-No. 5-19TA), filed May 28, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *Common,* regular, *General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment:* (1) Between Danville, AR and Little Rock, AR, serving all intermediate points: From Little Rock, over AR Hwy 10 to Danville, and return over the same route. (2) Between Fort Smith, AR and Booneville, AR, serving no intermediate points: From Fort Smith, over U.S. Hwy 71 to Greenwood, AR, then over AR Hwy 10 to Booneville, and return over the same route. (3) Between Booneville, AR and Danville, AR over Arkansas Highway 10, serving all intermediate points. From Booneville over AR Hwy 10 to Danville, and return over the same route. Applicant intends to tack and interline with other carriers. The sole purpose of this application is to substitute single-line for joint-line operations in which applicant has been participating.

Republication

MC 117119 (Sub-5-10TA), filed May 27, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such merchandise as is dealt in by wholesale, retail, and discount stationers (except commodities in bulk)* from the facilities of St. Regis Paper Co. at Phoenix, AZ to (1) points in CO, ID, NV, OR, UT, WA, WY and (2) points in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at and destined to the named points. Supporting shipper: St. Regis Paper Co., P.O. Box 19130, Phoenix, AZ.

Republication

MC 150800 (Sub-5-1TA), filed June 2, 1980. Applicant: BAY'S TEXACO SERVICE & SUPPLY, INC., 116 E. Osage Street, Pacific, MO 63069. Representative: Miles E. Bay, First & Walnut St., Pacific, MO 63069. *Hardboard, Particleboard, Plain or Covered, cut to size, and materials and supplies used in the manufacturing of hardboard,* from Maryland Heights, Pacific, and Wright City, MO, on the one hand, and, on the other, all points in AR, IL, IA, KY, LA, MS and TN. (Material and supplies used in the manufacturing and distribution of hardboard and particleboard on the return trip.) Supporting shipper: Japco Manufacturing Company, 11534 Adie Road, Maryland Heights, MO 63069.

MC 2229 (Sub 5-5TA), filed June 20, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). Common: regular, *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 New Iberia, Jeanerette, Morgan City, Garden City and St. Martinville, LA as off-route points in conjunction with carrier's regular route operations. Applicant seeks to tack this authority with that issued in MC-2229 and subs thereto and to interline. Common control may be involved. Supporting shippers: 13.

MC 29910 (Sub-5-31TA), filed June 18, 1980. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber (address same as above). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between the facilities of Huffy Corporation at or near Ponca City, OK, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Huffy Corporation, 3305 North 14th Street, Ponca City, OK 74601.

MC 49387 (Sub-5-2TA), filed June 18, 1980. Applicant: ORSCHELN BROS. TRUCK LINES, INC., U.S. Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. Common, regular, *General commodities, except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading,* (1) between St. Louis, MO, and its commercial zone, on the one hand, and, on the other, Louisville, KY, and its commercial zone, serving the off-route point of Evansville, IN, and its commercial zone, and the junctions of Interstate Hwy 64 and U.S. Hwy 51, Interstate Hwy 64 and Interstate Hwy 57, and Interstate Hwy 64 and U.S. Hwy 41, for purposes of joinder only: from St. Louis over Interstate Hwy 64 to Louisville, and return over the same route; and (2) between Chicago, IL, and its commercial zone, on the one hand, and, on the other, Louisville, KY, and its commercial zone, serving the intermediate point of Indianapolis, IN, and its commercial zone: from Chicago over Interstate Hwy 65 to Louisville, and return over the same route. There are 50 supporting shippers.

Note.—Applicant proposes to tack with its existing authority and to interline with other carriers.

MC 52460 (Sub-5-9TA), filed June 20, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Michael A. Calvert, P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. *Paper and Paper Products, and Supplies and Materials used in the manufacture and distributing thereof,* between the facilities of Sonoco Products Company at or near Tulsa, OK, on the one hand, and, on the other, points in AR, CO, KS, MS, MO, NM, and TX. Supporting shipper: Sonoco Products Company, North 2nd St., Hartsville, SC 29550.

MC 53965 (Sub-5-2TA), filed June 20, 1980. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, KS 67401. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Common, Regular. *General Commodities (except articles of unusual value, commodities requiring special equipment, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between St. Louis, MO and its commercial zone and Kansas City, MO and its commercial zone, from St. Louis, MO and its commercial zone via I-70 to Kansas City, MO and its commercial zone and return over the same route. Supporting witness: Graves Truck Line, Inc.

Note.—Applicant requests permission to join the authority at Kansas City with its existing authority and to interline at, inter alia, St. Louis, MO, Denver, CO, Dallas, TX and Wichita, KS.

MC 106398 (Sub-5-34TA), filed June 16, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Metal products and accessories,* from: Jefferson County, AL and Pelham, AL, to: Points in AR, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shippers: (1) Stratabolt, P.O. Box 10, Pelham, AL 35124; (2) Hardwick Co., Inc., P.O. Box 10543, Birmingham, AL 35202; (3) Passavent Corporation, 125 N. Carson Road, Pinson, AL; (4) Redwine Supply, Inc., 2201 5th Avenue North, Bessemer, AL; (5) Toyoda America, Inc., 940 Parkway, Alton, AL 35210; and (6) North American Metal Processing, Inc., 3900 12th Avenue North, Birmingham, AL 35222.

MC 106398 (Sub-5-35TA), filed June 20, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Wood handling equipment and machinery, materials, equipment and supplies used in the manufacture thereof,* from: The facilities of Peerless (Division of Lear-Siegler) at Tualatin, OR; Paragould, AR; Seattle, WA; and Compton, CA, to: All points in the United States (except AK and HI). Supporting shipper: Peerless, Division of Lear-Siegler, 18205 S.W. Boones Ferry Road, Tualatin, OR.

MC 106398 (Sub-5-36TA), filed June 20, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK, 74120. *Metal products,* from: Jacksonville, FL, to: Points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, TN, TX and VA. Restricted to shipments originating at the facilities of Mississippi Valley Equipment Company. Supporting shipper: Mississippi Valley Equipment Company, 14401 Old St. Augustine Road, Jacksonville, FL 32223.

MC 106398 (Sub-5-37TA), filed June 20, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa OK 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, OK 74120. *Building materials and lumber and lumber mill products including treated lumber,* from: Jacksonville, FL. to: Points in AL, GA, IL, IN, KY, LA, MD, MS, MI, NJ, NY, NC, OH, PA, SC, TN, and VA. Supporting shipper: American Cross-Arm Co., Inc., P.O. Box 1255, Jacksonville, FL 32201.

MC 108207 (Sub-5-15TA), filed June 17, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Pickles,* from St. Louis, MO and its commercial zone, to points in IL, IA, MN, NE, ND, OH, SD, and WI. Supporting shipper: Berger Food Products, Inc., Duncan St., St. Louis, MO.

MC 113362 (Sub-5-10TA), filed June 20, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Meats and Meat Products (except in bulk),* from the facilities of John Morrell & Co., located at Ft. Smith, AR to points in AL, IL, KS, MS, TN, OH, and WI. Supporting shipper: John Morrell & Co., 208 S. La Salle Street, Chicago, IL 60604.

MC 113908 (Sub-5-13TA), filed June 19, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: Jim G. Erickson (same address as applicant). *Refined, hydrogenated, deodorized soybean oil, and various blends thereof, in bulk,* from Helena, AR and the commercial zone thereof, to Opelousas, LA and Carrollton, TX and the commercial zones thereof. Supporting shipper: Riceland Foods, Inc., P.O. Box 927, Stuttgart, AR 72160.

MC 114273 (Sub-5-13TA), filed June 20, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney, P.O. Box 68, Cedar Rapids, IA 52406. Contract, irregular, *general commodities (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk),* between points in and east of ND, SD, NE, CO, and NM, under continuing contract(s) with the Aluminum Company of America. Supporting shipper(s): Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 114284 (Sub-5-3TA), filed June 20, 1980. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73108. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. *Foodstuffs,* between plantsites and storage facilities utilized by Geo. A. Hormel & Co. at Oklahoma City, OK, Austin, MN, Fremont, NE, Ottumwa and Fort Dodge, IA. Restricted to traffic originating at and destined to the above-named points. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN. 55912.

MC 115554 (Sub-5-1TA), filed June 19, 1980. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. (1) *Paper and paper products, plastic articles, and building materials, and (2) materials, equipment and supplies used in the manufacture of the commodities named in (1) above (except commodities in bulk and commodities which because of size or weight require the use of specialized equipment),* between points in the U.S., restricted to traffic originating at or destined to facilities utilized by International Paper Company and its subsidiaries. Supporting shipper: International Paper Company 220 East 42nd Street, New York, NY 10017.

MC 118159 (Sub-5-5TA), filed June 19, 1980. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2298, Green Bay, WI 54306. (1) *Plastic articles, including bags, film, splash blocks, and cutlery; deodorants, including carpet and room deodorizers and solid bowl blocks; and aluminum foil, moist towelettes, and oven bags;* and (2) *Equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above between South Boston, VA on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Presto Products, Inc., P.O. Box 2399, Appleton, WI 54913.

MC 118468 (Sub-5-11TA), filed June 19, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Contract,* irregular, *Plastic*

articles and polystyrene products, from the facilities of U. C. Industries at Rockford, IL, to points in CO, IA, IN, KS, MN, MO, MT, NE, ND, OK, SD, WI and WY, under contract with United States Gypsum Company. Supporting shipper: United States Gypsum Company, 101 S. Wacker Dr., Chicago, IL 60606.

MC 119399 (Sub-5-18TA), filed June 19, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (same address as applicant). *Agricultural pesticides and agricultural chemicals* from the facilities of Nor-Am Agricultural Products, Inc., to points in AL, AR, AZ, IA, LA, MS, SC, and TX. Supporting shipper: Nor-Am Agricultural Products, Inc., 350 West Schuman Boulevard, Naperville, IL 60540.

MC 119774 (Sub-5-3TA), filed June 19, 1980. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Industrial Filler, in bags and in bulk,* from the facilities of Ozan Creek Mining Company, at or near Washington, AR to points in KS, LA, MS, MO, OK, TN and TX. Supporting shipper: Ozan Creek Mining Company, 5575 Poplar, Suite 818, Memphis, TN 38117.

MC 138198 (Sub-5-2TA), filed June 19, 1980. Applicant: SPD TRUCK LINE, INC., 401 Cottage Street, Abilene, KS 67410. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Contract; Irregular. *Such commodities as are dealt in by school supply houses,* between the facilities of School Specialty Supply, Inc., at or near Salina, KS, on the one hand, and on the other, points in AR, CO, IL, IA, KS, MN, MO, NE, NM, OK, SD, TX and WY, under contract(s) with School Specialty Supply, Inc. Supporting shipper: School Specialty Supply, Inc., P.O. Box 1327, Salina, KS 67401.

MC 142672 (Sub-5-8TA), filed June 20, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Drawer F, Fayetteville, AR 72701. *Lawn and patio furniture,* from Granville, NY, to points in AL, AR, AZ, CA, CO, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, NM, NV, OH, OK, OR, SC, TN, TX, UT, WA, WI and WV. Supporting shipper: Telescope Folding Furniture, Inc., Granville, NY 12832.

MC 144117 (Sub-5-4TA), filed June 19, 1980. Applicant: T. L. C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Petroleum products and synthetic lubricating oils, NOI (except in bulk), automobile parts and accessories and such commodities as are used or dealt in by retail fuel stations and automobile service centers,* between the facilities of Exxon Company, U.S.A. at Bayonne and Bayway, NJ, Baton Rouge, LA, Baytown, TX, and Pittsburgh, PA, on the one hand, and on the other, points in the United States (except AK and HI). Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001.

MC 144622 (Sub-5-42TA), filed June 16, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *Refractories, foundry supplies, chemicals, and chemical products (except in bulk)* from Cleveland, OH to points in OK. Supporting shippers: Foseco, Inc., 20200 Sheldon Rd., Cleveland, OH 44142.

MC 146448 (Sub-5-4TA), filed June 13, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Tile and materials, equipment and supplies in the installation, manufacture and sale thereof* from Olean, NY and Jackson, TN, to Phoenix, AZ, Los Angeles Commercial Zone, Roseville, San Francisco Commercial Zone, San Diego and San Jose, CA, Salt Lake City, UT and Seattle, WA. Supporting shipper: American Olean Tile Company, 1000 Cannon Avenue, Lansdale, PA 19446.

MC 150088 (Sub-5-4TA), filed June 19, 1980. Applicant: STERLING TRANSPORTATION DIVISION, INC., 801 Heinz Way, Grand Prairie, TX 75071. Representative: Robert K. Frisch, Phinney Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. (1) *Canned and preserved foodstuffs* from the facilities of Heinz U.S.A. at or near Grand Prairie, TX to points in the states of LA, AR, OK, and NM. (Restricted to traffic originating at the named facilities). (2) *Carpet* from Hope, AR to Dallas, TX. Supporting shippers: Heinz U.S.A., P.O. Box 57, Pittsburgh, PA 15230; and Spears Carpet, Inc., 2401 West Commerce Street, Dallas, TX 75208.

MC 150803 (Sub-5-1TA), filed June 10, 1980. Applicant: T. W. KOEGER TRUCKING, P.O. Box 145, Williamsville, MO 63967. Representative: T. W. Koeger (same as above). Contract, Irregular. (1) *Rough steel forgings, and (2) materials and supplies used in the manufacture and distribution of product* between the facilities of Missouri Forge, Inc., at Doniphan, Mo., on the one hand, and on the other, Rockford, Chicago and East Alton, IL and East Chicago, IN. Supporting shipper(s): Missouri Forge, Inc., East Old Highway 142, Doniphan, MO 63935.

MC 151000 (Sub-5-1TA), filed June 16, 1980. Applicant: WILFORD P. DONNELLY, d.b.a. TUFFERNELL TRUCKING, P.O. Box 526, Chadron, NE, 69337. Representative: Wilford P. Donnelly, c/o Keith Spencer, CPA, 346 Main Street, Chadron, NE 69337. Contract, Irregular, *Malt Beverages (beer),* from Milwaukee, WI and St. Paul, MN and Fort Worth, TX to Chadron, NE. Supporting shipper: Bolln Distributing Co., 810 E. 2nd St., Chadron, NE, 69337.

MC 151003 (Sub-5-2TA), filed June 16, 1980, Applicant: J. B. HAWKINS d.b.a. LITTLE HAWK TRUCKING, P.O. Box 3335, Beaumont, TX. 77704. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Contract, Irregular. *Heat exchangers, tube bundles and related equipment, materials and supplies,* between the facilities of Ohmstede Machine Works, Inc. at or near Beaumont, TX, on the one hand, and, on the other, points in AL, AR, FL, KY, LA, MS, OH, OK, PA and TN. Supporting shipper: Ohmstede Machine Works, Inc., Box 2431, Beaumont, TX, 77704.

MC 151076 (Sub-5-1TA), filed June 19, 1980. Applicant: WESTERN OIL TRANSPORTATION COMPANY, INC., P.O. Box 1183, Houston, TX. 77001. Representative: Mike Cotten, P.O. Box 1148, Austin TX 78767. Contract, Irregular. *Crude oil and condensate, in bulk, in tank vehicles,* (1) between points in CO, and UT, and (2) between points in CO and UT, on the one hand, and, on the other, points in WY. Supporting shipper: The Permian Corporation, P.O. Box 1183, TX 77001.

MC 151081 (Sub-5-1TA), filed June 18, 1980. Applicant: DON AVERY TRUCKING, Rt. 2, Box 282A, Pacific, MO 63069. Representative: Paul Donald Avery, Jr., (same address as applicant). Contract, Irregular. *Cullet consisting of bottles and sheets of glass broken into a meltable substance and scrap glass with contamination,* between various points in MO, IL, and IN. Supporting shipper: Circo Glass, 3807 Bates St., St. Louis, MO 63116.

MC 151090 (Sub-5-1TA), filed June 19, 1980. Applicant: R. L. GARRETT, INC., 1709 Kemper Avenue, Muscatine, IA 52761. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Spent grain mash, gluten meal, and gluten feed,* from Muscatine, IA to points in IL. Supporting

shipper: Grain Processing Corporation, 1600 Oregon St., Muscatine, IA 52761.

MC 151097 (Sub-5-1TA), filed June 20, 1980. Applicant: DAVID GRICE, d.b.a. BRICE WRECKER SERVICE, 910 N. East (Box 435), Guymon, OK 73942. Representative: C. L. Phillips, Room 248, 1411 N. Classen, Oklahoma City, OK 73106. *Wrecked, disabled, repossessed and Replacement Vehicles,* between points in AZ, AR, CO, KS, NE, NM, OK and TX. Supportng shippers: NL McCullough, Box 550, Guymon, OK 73942; Rollins Motor Co., 820 W. 6th, Guymon, OK; Shupe Bros. Co., Box 1195, Guymon, OK 73942; and King Grain Co., 206 NE 18th, Guymon, OK 73942.

Republication

MC 107496 (Sub-5-17TA), filed May 21, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Caustic soda, in bulk, in tank vehicles,* from Two Rivers, WI to points in the Upper Peninsula of MI. Supporting shipper: U.S. Oil Co., Inc., P.O. Box 25, Combined Locks, WI 54113.

Rebublication

MC 150115 (Sub-5-1TA), filed March 24, 1980. Applicant: DON R. PRICE d.b.a. PRICE TRANSFER & STORAGE, P.O. Box 369, Winfield, KS 67156. Representative: W. Boyd Evans, 120 South Market, Suite 600, Wichita, KS 67202. *General commodities, restricted to the transportation of traffic contained in trailer-on-flat-car trailers having an immediate, prior or subsequent movement by rail in interstate traffic* between points and places in Sumner, Cowley, and Sedgwick Counties, KS. Supporting shippers: Gott Corporation, 1616 Wheat Road, P.O. Box 652, Winfield, KS 67156, and Morton Buildings, Inc., P.O. Box 649, Winfield, KS 67156.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 116544 (Sub-6-10TA), filed June 23, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, 94303. (1) *Tents, tent frames, canvas articles, welded aluminum tubing, plastic articles and commodities such as are dealt in by department and retail discount stores;* (2) *materials and supplies* (except commodities in bulk) *used in the manufacture and distribution* of the commodities named in (1) above, between points in MO and points in UT or CA, restricted to shipments originating at or destined to the facilities of Kellwood Co., for 180 days. Supporting shipper: Kellwood Company, New Haven, MO 63068.

MC 113678 (Sub-6-13TA), filed June 23, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Foodstuffs* (except commodites in bulk) from Atlanta, GA, to points in the United States (except AK, GA, and HI) restricted to traffic originating at the facilities of Alex Foods, Inc., for 180 days. Supporting shipper: Alex Foods, Inc., 2750 East 50th, Vernon, CA.

MC 113678 (Sub-6-14TA), filed June 23, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Foodstuffs, gift packages, and materials and supplies used in the manufacture and distribution of foodstuffs and gift packages* (except commodities in bulk) between the facilities of Hickory Farms of Ohio, Inc., and its vendors and suppliers, on the one hand, and, on the other, points in the United States (except AK and HI) for 180 days. Supporting shipper: Hickory Farms of Ohio, Inc., 300 Holland Road, Maumee, OH.

MC 151101 (Sub-6-1TA), filed June 20, 1980. Applicant: FRANK H. AMATISTO d.b.a. F. A. DELIVERY SERVICE, 1666 Meade Street, North Bend, OR 97459. Representative: Frank H. Amatisto (same as applicant). *Contract Carrier,* Irregular routes: *cleaning compounds, toilet preparations, jewelry, food supplements, cooking utensils, and other merchandise, equipment and supplies sold or distributed by Amway Corporation,* from Medford, OR on the one hand to points in Douglas, Curry, Coos, Lane, and Lincoln Counties, OR on the other, for 180 days. Supporting shipper: Amway Corporation, 7250 South 228th Street Kent, WA 98031.

MC 48958 (Sub-6-4TA), filed June 23, 1980. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). *Meats, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from points in IL, IA, MN, and NE, to the facilities of Trinity Processors, Inc., located at or near Paris, TX for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Trinity Processors, Inc., 1145 North Main, Paris, TX, 75460.

MC 89716 (Sub-6-2TA), filed June 23, 1980. Applicant: DICK JONES TRUCKING, Box 965, Powell, WY 82435. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. (1) *Lumber, lumber mill products and wood products* (a) from ID, OR and WA to MT, (b) from ID, MT, OR and WA to CO and WY, and (2) *buildings, building equipment, materials and supplies* from CO to MT and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the Regional Office listed.

MC 151100 (Sub-6-1TA), filed June 20, 1980. Applicant: LITTLE CITY TOW, INC., 3410 Mill St., Reno, NV 89502. Representative: Marion McGraw (same as applicant). *Automobiles, motorcycles, trucks, motor homes and mobile homes,* by towaway and truckaway, between Reno and Sparks NV, on the one hand, and on the other, the Sacramento, Yolo, Shasta, Alameda, Contra Costa, Santa Clara, Santa Cruz, San Joaquin, Fresno, Kern, Sonoma, San Francisco, El Dorado, Plumas, Lassen, Nevada, Tooele Counties, CA, for 180 days. Supporting shipper: There are five shippers. Their statements may be examined at the Regional Office listed.

MC 140024 (Sub-6-3TA), filed June 23, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). *(1) shelving, (2) equipment, materials, and supplies* used in the operation of libraries. From CT, VA, PA and NJ to CO, NM, UT and WY, for 180 days. Supporting shipper: First Continental Library Equipment Corporation, Suite 405, Executive Club Building, 1776 South Jackson, Denver, CO 80210.

MC 147840 (Sub-6-2TA), filed June 23, 1980. Applicant: NORTH PACIFIC LUMBER CO., 1505 S. E. Gideon Street, Portland, OR 97202. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Wrought steel pipe* from the facilities of Northwest Pipe & Casing Co. located or near Clackamas, OR to Denver CO, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Northwest Pipe & Casing Co, 9200 S.E. Lawnfield Road, Clackamas, OR 97015.

MC 730 (Sub-6-6TA), filed June 23, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same as applicant). *Liquid soap,* in bulk, in tank

vehicles from Dayton, NJ to Redding, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Miranol Chemical Co., 68 Culver Road, Dayton, NJ 08810.

MC 151084 (Sub-6-2TA), filed June 23, 1980. Applicant: PACIFIC STATES TRANSPORTS, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. *Contract Carrier,* Irregular routes: *Lifttrucks, hydraulic platforms (and/or scissor type working lifts) and parts thereof* between the facilities of Calavar Corporation located at Santa Fe Springs, CA, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of Calavar Corporation, for the account of Calavar Corporation, for 180 days. Supporting shipper: Calavar Corporation, 9200 Sorenson Avenue, Santa Fe Springs, CA.

MC 11327 (Sub-6-5TA), filed June 23, 1980. Applicant: TRANSYSTEMS INC., P.O. Box 399, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *(1) Metal, plastic and glass containers, and (2) caps, lids, ends and closures for the commodities described in (1) above,* from points in CA, CO, OR and WA to points in MT, for 180 days. Supporting shippers: Great Falls Coca-Cola Bottling Co., Inc., 933 38th Street North, Great Falls, MT 59401; Big Sky Bottling, Inc., 2010 South 3rd West, Missoula, MT 59801.

MC 150412 (Sub-6-2TA), filed June 20, 1980. Applicant: VERNON EQUIPMENT, INC., 2115 East 27th Street, Los Angeles, CA 90058. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract Carrier,* irregular routes: *Such merchandise as is dealt in by retail department stores,* between Ontario, CA, on the one hand, and, on the other, points in TX on and west of U.S. Hwy. 83, under continuing contract or contracts with Mervyn's for 180 days. Supporting shipper: Mervyn's, 25001 Industrial Blvd., Hayward, CA 94545.

MC 112989 (Sub-6-6TA), filed June 23, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99S, Eugene, OR 97405. Representative: John A. Anderson, Suite 1440, 200 SW Market St., Portland, OR 97201. *Diatomaceous earth and equipment, materials and supplies used in the manufacture and distribution of diatomaceous earth,* between the facilities of Eagle-Picher Industries, Inc., located in Storey and Pershing Counties, NV, on the one hand, and on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., 1755 E. Plumb Lane, P.O. Box 12130, Reno, NV 89510.

MC 143775 (Sub-6-16TA), filed June 20, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *General commodities* (except Classes A and B explosives, commodities in bulk, commodities requiring the use of special equipment, household goods as defined by the Commission and commodities of unusual value), from Cincinnati, OH, and points in its commercial zone, to points in AL, CT, IL, LA, MA, MS, NJ, NC, RI and TN, restricted to traffic originating at the facilities of or used by non-profit shippers associations as defined by the Commission, for 180 days. Supporting shipper: Robert Murphy, Nationwide Shippers Cooperative Association, 1400 Gest Street, Cincinnati, OH 45703.

MC 151106 (Sub-6-1TA), filed June 23, 1980. Applicant: ACE TRUCK LINE, INC., 2372 Newark St., Aurora, CO 80203. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. *Foodstuffs, restaurant materials, equipment and supplies as sold by wholesale food and equipment distributors to grocery stores, restaurants, hotels, schools and institutions* from CA counties of Alameda, Contra Costa, Fresno, Kings, Los Angeles, Madera, Marin, Merced, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Stanislaus, Tulare and Ventura to Albuquerque, NM and Denver, CO for 180 days. ETA filed seeking 90 days authority. Supporting shipper: Nobel, Inc., 1101 W. 48th Ave., Denver, CO 80216.

MC 136208 (Sub-6-7TA), filed June 23, 1980. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: Donald L. Smith (same as applicant). *Roofing materials* from Pittsburg, CA to points in OR and WA; *pipe, asbestos or plastic from* Stockton, CA to points in OR and WA; *plastic pipe,* from McNary, OR to points in CA for 180 days. Supporting shipper: Johns-Manville Sales Corporation, 2600 Campus Drive, San Mateo, CA. Underlying ETA seeks up to 90 days authority.

MC 113678 (Sub-6-15TA), filed June 26, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Photographic paper and supplies* (except in bulk) (1) from Salt Lake City, UT, to Denver, CO; Hastings, MN; Billings, MT; Omaha, NE; Fargo, ND; Richardson, TX; and Chehalies and Spokane, WA, and (2) from Los Angeles, CA, to Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: TransAmerican Film Service Corp., 433 W. Lawndale Drive, Salt Lake City, UT 84115.

MC 115826 (Sub-6-16TA), filed June 23, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). *Meats, meat products and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* from the facilities of Monfort of Colorado, Inc. at or near Jacksonville, FL to points in the United States (except AK and HI) for 180 days. Supporting shipper: Monfort of Colorado, Inc., Box G, Greeley, CO 80632. An underlying ETA seeks 90 days authority.

MC 139906 (Sub-6-24TA), filed June 23, 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. *Headboards and frames, and new furniture* from the facilities of Sahara Industries, Inc., at or near Goodyear, AZ to Fort Wayne and Indianapolis, IN, Minneapolis, MN, Kansas City, MO; Oklahoma City, OK; Memphis, TN; Austin, Corpus Christi and Dallas TX; and Kenosha, WI and points in their respective commercial zones for 180 days. Applicant seeks underlying ETA authority for 90 days. Supporting shipper: Sahara Industries, Inc., 200 Camino Oro, Goodyear, AZ 85338.

MC 139906 (Sub-6-25TA), filed June June 23, 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. *Plastic automotive body parts* from Dover, NH to Fraser, MI for 180 days. Applicant seeks underlying ETA authority for 90 days. Supporting shipper: Continental Plastics Corporation, 33525 Groesbeck Hwy, Fraser, MI 48026.

MC 125952 (Sub-6-3TA), filed June 23, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier;* Irregular

Routes: *Paper, paper products, or cellulose plastic materials and products* from Hoquiam, WA, to points in ID, MT, NV, CA, OR, WA and UT under contract with Grays Harbor Paper Co., for 180 days. Supporting shipper: Grays Harbor Paper Co., P.O. Box 60, Hoquiam, WA 98550.

MC 142259 (Sub-6-1TA), filed June 24, 1980. Applicant: JACK D. STEEL, 322 East Mountain View Drive, Sheridan, WY 82801. Representative: Rose Mary Steel (same address as applicant). *Passengers and their baggage,* in charter Operations, between points in Sheridan, Johnson, Campbell and Big Horn, Counties, WY and Co, MT, ND, SD, and UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Heritage Towers Building Corporation, 428 North Jefferson, Sheridan, WY 82801; Senior Citizens Coordinating Council, Box 848-City Hall, Sheridan, WY 82801; Sheridan College, Sheridan, WY 82801.

MC 143328 (Sub-6-3TA), filed June 23, 1980. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59806. Representative: David A. Sutherlund, 1150 Connecticut Ave., N.W., Washington, DC 20423. *Mineral water* from CA to points in AZ, CO, NV, and WA, for 180 days. Supporting shipper: Sheffield's 02, P.O. Box 304, Kenwood, CA 95452.

MC 148404 (Sub-6-4TA), filed June 25, 1980. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 La Monde Street, Hacienda Heights, CA 91745. Representative: Bobbie F. Albanese, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *Fertilizer and chemicals in bags palletized and 30 or 55 gallon drums; and materials and supplies used in the manufacture, production and distribution of fertilizer and chemicals (not in bulk)* between Houston, TX, on the one hand, and, on the other, points and places in the United States, except AK, HI and TX, for 180 days. Supporting shipper: Stoller Chemical Company, Inc., 8582 Katy Freeway, Suite 200, Houston, TX 77024.

MC 145999 (Sub-6-2TA), filed June 23, 1980. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: James C. Waddell, 2001 Broadway, Vallejo, CA 94590. *Gypsum Wallboard and Materials and Supplies used in the installation of Gypsum Wallboard,* from the facility of Domtar Gypsum America Inc., at or near Long beach, CA to points in the counties of Maricopa, Pima, Coconino, and Yavapai, AZ, for 180 days. Supporting shipper: Domtar Gypsum America, Inc., 1221 Broadway, Seventh Floor, Oakland, CA 94612.

MC 141804 (Sub-6-56TA), filed June 24, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Computers and parts and accessories necessary for the manufacture and maintenance of computers,* between points in CA, Richardson, TX, Charlotte, NC, and Sudbury, MA, and their respective commercial zones, 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 Apple Computer, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frederick W. Tierney, Jr., Traffic Manager, Apple Computer, Inc., 10260 Bandley Drive, Cupertino, CA 95014.

MC 141804 (Sub-6-57TA), filed June 24, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Computers and parts and accessories necessary for the manufacture and maintenance of computers,* between Richardson, TX, on the one hand, and, on the other, Costa Mesa, Cupertino, Sunnyvale and San Jose, CA, Charlotte, NC and Sudbury, MA, including their respective commercial zones. Restricted to traffic originating at and destined to the facilities of Apple Computer, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frederick W. Tierney, Jr., Traffic Manager, Apple Computer, Inc., 10260 Bandley Drive, Cupertino, CA 95014.

MC 141804 (Sub-6-58TA), filed June 24, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Kitchen hand tools, other than power, and security hardware,* between Los Angeles, CA, Chicago and Franklin Park, IL, Canton, Massilon and Byesville, OH, Locke Mills, ME, Holyoke, MA and Lancaster, PA, 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 Ekco Housewares Corporation, for 180 days. Supporting shipper: James W. Jamieson, Director of Distribution, Ekco Housewares Corporation, 9234 W.Belmont, Franklin Park, IL 60131.

MC 141804 (Sub-6-59TA), filed June 25, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Foodstuffs* (except those commodities requiring refrigeration), (A) From Toledo, OH to Dallas, TX and points in CA, and (B) From Dallas, TX to all points in the U.S. (except AK and HI). Restricted to traffic originating at the facilities of General Mills, Inc., for 180 days. Supporting shipper: Gail R. Dieleman, Transportation Manager Package Foods, General Mills, Inc., P.O. Box 113, Minneapolis, MN 55440.

MC 150485 (Sub-6-4TA), filed June 24, 1980. Applicant: WESTSPAN HAULING, INC., 9122 South Tacoma Way, Tacoma, WA 98499. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *Contract Carrier,* Irregular routes: *mobile homes and portable buildings* and *equipment, materials and supplies used in the distribution and installation of mobile homes and portable buildings,* from points in the commercial zone of Pendleton, OR to points in the commercial zone of Tacoma, WA, for the account of Don's Mobile Homes of Tacoma, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Don's Mobile Homes, 9816 South Tacoma Way, Tacoma, WA 98499.

MC 119755 (Sub-6-2TA), filed June 23, 1980. Applicant: WEST-TRADE TRANSPORT LTD., P.O. Box 5300, Vancouver, BC, Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *Mineral water* (except in bulk in tank truck vehicles) restricted to foreign commerce only, from points in CA to the United States-Canada international boundary at or near Blaine, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: David Herman Agencies, 2128 Burrard Street, Vancouver, BC, Canada V6J 3H6.

MC 119755 (Sub-6-3TA), filed June 23, 1980. Applicant: WEST-TRADE TRANSPORT LTD., P.O. Box 5300, Vancouver, BC, Canada V6B 4B6. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *Beer* (except in bulk in tank truck vehicles) restricted to foreign commerce only, from the facilities of Jos. Schlitz Brewing Co. at or near Van Nuys, CA to the United States-Canada international boundary at or near Blaine, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper:

Consolidated Wine & Spirits, #102-1271 Howe Street, Vancouver, BC, Canada.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-20423 Filed 7-8-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

[Delegation of Authority No. 4]

Trade and Development Program

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), Reorganization Plan No. 2 of 1979 and Executive Order 12163 of September 29, 1979 (44 FR 56673), entitled "Administration of Foreign Assistance and Related Functions" (hereinafter referred to as the "Executive Order"), and reserved by IDCA Delegation of Authority No. 1 (44 FR 57521), it is hereby ordered as follows:

1-1. *Establishment of Trade and Development Program.*

1-101. There is hereby established, as an organizational unit within the United States International Development Cooperation Agency (hereinafter referred to as "IDCA"), the Trade and Development Program (hereinafter referred to as the "Program"). The Program shall be headed by a Director (hereinafter referred to as the "Director of the Program") and shall be considered a component of IDCA.

1-102. All delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, designations, and other actions made, issued or entered into under authority existing prior to the date of this Delegation of Authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation shall continue in full force and effect until amended, modified or terminated by appropriate authority.

1-103. There is hereby rescinded the delegation to the Administrator of the Agency for International Development (hereinafter referred to as "A.I.D.") of the functions under Sections 607(a) and 661 of the Foreign Assistance Act of 1961, as amended (hereinafter referred to as the "Act"), except that the functions under Section 607(a) relating to the excess property program of A.I.D. continue to be delegated to the Administrator of A.I.D.

1-104. There are hereby redelegated to the Director of the Program, the functions conferred upon me by Sections 607(a) (except as it relates to the excess property program of A.I.D.) and 661 of the Act.

1-2. *Responsibilities and Functions of the Director of the Program.*

1-201. The Director of the Program shall be responsible for:

(a) Making determinations pursuant to Section 607(a) of the Act, except as that subsection relates to the excess property program of A.I.D.; and

(b) Carrying out the programs authorized pursuant to Section 661 of the Act.

1-202. In carrying out functions delegated pursuant to this delegation, the Director of the Program shall be subject to the budget and policy guidance of the IDCA Director.

1-203. There are hereby delegated to the Director of the Program such functions contained in the Act as are necessary to carry out the programs authorized under Sections 607(a) and 661 of the Act, the functions conferred upon the IDCA Director by Section 4 of Executive Order 11223, as amended, and the functions conferred upon the IDCA Director under Section 604(a) of the Act consistent with the Determination of the President dated October 18, 1961, as amended.

1-204. The functions of negotiating, concluding, and terminating international agreements pursuant to the Act shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-3. *Concurrent Authority.*

1-301. Notwithstanding any provision of this Delegation of Authority, the IDCA Director may at any time exercise any function delegated by this Delegation of Authority.

1-4. *Foreign Service Personnel Authorities.*

1-401. The authority of the Foreign Service Act of 1946, as amended, to employ and assign personnel, which the Director of the Program is authorized to exercise pursuant to Section 625(d) of the Act and the provisions of the Foreign Service Act which apply to personnel so appointed or assigned, shall consist of:

(a) The authority available to the Secretary of State under the Foreign Service Act of 1946 (including Section 571 of that Act), relating to Foreign Service Reserve Officers, Foreign Service Staff officers and employees, and alien clerks and employees;

(b) The authority available to the Secretary of State under Sections 1021 through 1071 of the Foreign Service Act of 1946;

(c) The authority available to the Board of Foreign Service and under the Foreign Service Act of 1946;

(d) The authority to prescribe or issue in pursuance of the Foreign Service Act of 1946 and the Act such regulations, orders and instructions as may be incidental to, or necessary for, or desirable in connection with, the carrying out of the provisions of Section 625(d)(2) of the Act or the provisions of this Delegation of Authority; and

(e) The prohibitions contained in Sections 1001 through 1005 of the Foreign Service Act of 1946.

1-5. *Allocation of Funds.*

1-501. There are hereby allocated to the Director of the Program: (a) Funds made available to the IDCA Director by Section 1-801(a) of the Executive Order as may be necessary for carrying out programs authorized under Section 661 of the Act; and (b) Funds made available to the Director of IDCA by Section 1-801(a) of the Executive Order as may be necessary to pay the operating expenses of the Program.

1-6. *Coordination.*

1-601. The Director of the Program shall keep the IDCA Director, the Administrator of A.I.D., and the President of the Overseas Private Investment Corporation advised of programs authorized pursuant to Sections 607(a) and 661 of the Act.

1-7. *General Authorities.*

1-701. The Director of the Program may to the extent consistent with law: (a) Delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority to any other officer of IDCA including any component agency thereof, or to any officer or executive of any executive agency of the Executive Branch; and, (b) Authorize any officer to whom functions are so delegated or assigned to successively redelegate or reassign any of such functions.

1-8. *Definition.*

1-801. As used in this delegation, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion or duty.

1-9. *Effective Date.*

1-901. This delegation shall become effective as of July 1, 1980.

Dated: July 27, 1980.

Thomas Ehrlich,

Director, United States International Development Cooperation Agency.

[FR Doc. 80-20371 Filed 7-8-80; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

Appointment of Individuals To Serve as Members of Performance Review Boards

AGENCY: United States International Trade Commission.

ACTION: Appointment of individuals to serve as members of Performance Review Boards.

SUPPLEMENTARY INFORMATION: The Chairman of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Boards (PRB):

Chairman of PRB—Commissioner Michael J. Calhoun.
Member—Commissioner Catherine Bedell.
Member—Commissioner Paula Stern.
Member—Charles W. Ervin.
Member—Norman S. Fieleke.
Member—Norris A. Lynch.
Member—Russell N. Shewmaker.
Member—Michael H. Stein.

Notice of these appointments is being published in the Federal Register pursuant to the requirement of 5 U.S.C. 4314(c)(4).

FOR FURTHER INFORMATION CONTACT: Terry P. McGowan, Director of Personnel, U.S. International Trade Commission (202) 523-0182.

By order of the Chairman.
Issued: July 2, 1980.
Kenneth R. Mason,
Secretary.

[FR Doc. 80-20493 Filed 7-8-80; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 731-TA-25 (Preliminary)]

Anhydrous Sodium Metasilicate From France

Determination

On the basis of the record in investigation No. 731-TA-25 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [1] by reason of imports from France of anhydrous sodium metasilicate, provided for in item 421.34 of the Tariff Schedules of the United States (TSUS), which are allegedly sold or likely to be sold at less than fair value (LTFV).

[1] Chairman Alberger found reasonable indication of material injury only.

Background

On May 15, 1980, the U.S. International Trade Commission and the Department of Commerce each received a petition from PQ Corp., Valley Forge, PA., alleging that anhydrous sodium metasilicate is being, or is likely to be, sold in the United States at less than fair value. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France of anhydrous sodium metasilicate, provided for in item 421.34 of the TSUS, allegedly sold or likely to be sold at less than fair value. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by June 30, 1980.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's Office in New York City, and by publishing the notice in the Federal Register of May 29, 1980 (45 FR 36228). A public conference was held in Washington, D.C., on June 13, 1980.

In arriving at its determination, the Commission has given due consideration to the information provided by the Department of Commerce, to all written submissions from interested parties, and to information adduced at the conference and obtained by the Commission's staff from questionnaires, documented personal interviews, and other sources, all of which have been placed on the administrative record of this preliminary investigation.

On June 4, 1980 the Department of Commerce issued a notice announcing that it had found the petition to be properly filed within the meaning of its rules and that it was instituting an investigation. Notice to such effect was published in the Federal Register of June 10, 1980 (45 FR 39324). The product scope of the Commerce investigation is the same as that instituted by the Commission.

Views of Chairman Bill Alberger and Vice Chairman Michael J. Calhoun

Determination and Conclusion of Law

On the basis of the record developed in investigation No. 731-TA-25 (Preliminary), we determine that there is a reasonable indication that an industry in the United States is materially injured [2] by reason of imports from France of anhydrous sodium metasilicate, allegedly sold or likely to be sold at less than fair value (LTFV).

Discussion

In this investigation, we consider the relevant domestic industry to be comprised of the four firms currently producing anhydrous sodium metasilicate (ASM) in the United States. Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides, in part, guidance for determining what constitutes a domestic industry as follows:

> (A) In general.—The term "industry" means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.
>
> (D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

Further, Section 771(10) (19 U.S.C. 1677(10)) provides:

> The term "like product" means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.

ASM, the imported product alleged to be sold at LTFV, is a sodium silicate product made primarily for use by the detergent industry. Sodium metasilicate is used by the detergent industry as a source of alkali, one of the main cleaning components of detergent. Sodium metasilicate in either its Sodium Metasilicate Penthydrate form (SMP) or ASM form is more desirable than other sources of alkali because of such inherent characteristics as better wetting powers and better neturalization of acidic soils. However,

[2] Commissioner Calhoun found both material injury and threat thereof.

the SMP and ASM forms of sodium metasilicate are not interchangeable in most formulations of detergent. Though both have a sodium metasilicate base, they are manufactured by different processes and provide different properties for the users. It is my view that they are separate and distinct, and that injury can and should be assessed by analysis of the production and profitability of ASM operations as the like product and relevant product line.

Indication of Material Injury

France is the only known source of ASM imports to the United States and all such imports are produced by Rhone-Poulenc. In 1976 only a small amount of imported ASM from France appeared on the U.S. market. Since that time, import levels have increased consistently and substantially. In addition, the importers have expanded from their initial marketing area from the Northeast U.S. to new markets throughout the country.

From 1977 to 1979, shipments of ASM by domestic producers have declined by 7.5 percent. Domestic capacity to produce ASM has declined 21 percent over the same period. Declining demand was given as the reason for the closing of one domestic ASM plant in 1978. The Commission staff confirmed 9 instances of lost sales from information supplied by U.S. producers. In every instance, price was the reason purchasers gave for switching to the imported product. Purchasers did not substantiate the claims by importers that qualify differences were critical in decisions to switch from the domestic product to the imported product.

The petitioner noted that it sells ASM in two distinct markets, namely the large volume contract market and the spot market. Imported ASM and the domestic product compete in the spot market. Though smaller than the large volume contract market, the spot market comprises a substantial amount of the domestic commercial market for ASM. It is this market where small-order customers purchase lesser quantities and pay list price for ASM. All sales lost to importers have occured in this spot market. Both petitioner and Rhone-Poulenc agree that there is currently no market penetration by imports in the large volume contract market.

In a price comparison between domestic and imported ASM, alleged LTFV imports consistently undersold the domestic market by $1.40 to $4.85 per 100-pound unit during the 1977–1979 period. Increases in the ASM raw material costs have exceeded all price increases made by the petitioner since January 1, 1977. Further, the rise in the general industrial commodities price index has also exceeded the price index rise of sodium metasilicate, the basic ingredient of ASM.

Based on declining domestic shipments, sharply increasing imports from France, clear price underselling, lost sales on the basis of price at margins of underselling roughly equal to the alleged LTFV margins, evidence of price suppression, declining profits and employment, and rising inventories, it is clear that this case should continue. There is a reasonable indication of material injury[3] to the domestic industry producing ASM by reason of imports of such product from France alleged to be sold at LTFV.

Findings of Fact[4]

The following findings of fact are relevant to our determination in the investigation. To the extend data are available, these findings contain our analysis of the statutory criteria required by section 771(7) (B) and (C) of the Tariff Act of 1930.

Volume of Imports

1. Imports from France of Anhydrous Sodium Metasilicate (ASM) increased from a small amount in 1976 to a significant level in 1977, and in 1978 almost tripled their 1977 mark. In 1979, French imports doubled their 1978 level.

2. ASM imports from France have taken an increasing share of a declining domestic market during 1977–1979.

The Effect of Imports on Prices

3. During the period 1977–79 ASM imports from France consistently undersold the domestic product by $1.40 to $4.85 per 100 pound unit in the spot market. (Report, at pp. A–26–29; table 8) (Public version A–19–23, table 8)

4. The alleged LTFV margins, which ranged from 22 to 46 percent during the period 1977–80, account for most, if not all, of the underselling of the U.S. product by Rhone-Poulenc, the French producer and sole exporter to the U.S. market. (Report, at pp. A–2, 28) (Public version pp. A–1, 19)

5. Prices of PQ Corp.'s product have risen by 29 percent since January 1, 1977, while raw material costs have risen by 52 percent and the general industrial commodities price index has risen by 42 percent during the same period. (Transcript of public conference, June 13, 1980, at p. 10)

Impact on the Affected Industry

6. Between 1977 and 1979 U.S. ASM capacity fell by 21 percent, commercial shipments by domestic producers declined by 7.5 percent, domestic producers' inventories rose irregularly, industry employment declined, and 78–79 industry profit ratios fell. (Report at pp. A–12–16, 19–22; tables 1, 3, 5, and 6) (Public version pp. A–8–11, 13–15; tables 1, 3, 5, and 6)

7. The Commission was able to confirm that in 9 specific cases, sales totalling about 2.3 million pounds in quantity and $376,000 in value were lost by domestic producers to the alleged LTFV imports. Purchasers gave price as the reason for switching from domestic ASM to the imported product. None of the firms gave quality as the reason. (Report at pp. A–24–26) (Public version at p. A–18, 19)

8. A majority of the purchasers contacted by the Commission stated that lower priced imported ASM was a factor in moderating the price of the domestic product. (Report, at p. A–26) (Public version p. A–19)

9. No information was obtained by the Commission with respect to investment, return on investment or cash flow.

10. Information on wages obtained by the Commission was not complete. Wages paid to production and related ASM workers for each period during 1977 to March 1980 was not reported by all producers.

Supporting Statement by the Acting Director of Operations for an Affirmative Preliminary Determination on Anhydrous Sodium Metasilicate From France (Investigation No. 731–TA–25 (Preliminary))[5]

I. Recommendation

On the basis of my review of the information developed during this investigation, I recommend that the Commission determine that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of the importation of anhydrous sodium metasilicate from France that is allegedly sold in the United States at less than fair value. The question of material retardation of the establishment of an industry in the United States is not an issue in this investigation as there are four companies producing anhydrous sodium metasilicate in the United States.

[3] Commissioner Calhoun voted for both material injury and threat thereof.

[4] We concur generally with the analysis made by the Acting Director of Operations and include his statement for informational purposes at the end of our opinion at page 9–10.

[5] We concur generally with this analysis made by the Acting Director of Operations and include it at the end of our opinion for informational purposes.

II. The Industry

The industry in the United States is composed of four U.S. firms producing anhydrous sodium metasilicate (hereafter referred to as ASM). In 1979 they collectively produced 165 million pounds of ASM. A substantial portion of their production is used captively by the U.S. producers in the production of other products.

III. Material Injury

(1) U.S. imports of ASM from France are all alleged to be at LTFV prices, and all are produced by Rhone-Poulenc. Imports from France, the only known source of U.S. imports of ASM, increased from a minimal amount in 1976 to a significant level in 1977, and in 1978 almost tripled from the 1977 levels. Imports of alleged LTFV imports of ASM from France more than doubled in 1979 from their 1978 levels.

(2) U.S. producers' commercial shipments of ASM declined by 7.5 percent from 1977 to 1979.

(3) U.S. industry capacity to produce ASM in 1979 declined 21 percent from its 1977 level.

(4) Two U.S. producers supplied the Commission with a list of purchasing firms from which they allegedly lost sales of ASM to alleged LTFV imports from France. The Commission staff was able to confirm nine lost sales totaling approximately 2.3 million pounds, with an estimated value of $376,000. In all nine lost sales, price was given by the purchasers as the reason for switching to the imported product. Arguments that quality differences between the domestic producer's product and the imported product accounted for the switch to the imported material were not supported by the purchasers' responses. Lost sales confirmed by the staff, although heaviest in the Northeastern States, were present in other parts of the United States as well.

(5) A price comparison of domestic and imported ASM allegedly sold at LTFV indicated that imports consistently undersold the domestic product by $1.40 to $4.85 per 100-pound unit during the 1977–79 period. The alleged LTFV margins, ranging from 22–46 percent during the period 1977–80, could have accounted for most, if not all, of the margins of underselling of the U.S. product by Rhone-Poulenc. The underselling of the U.S. product has occurred in all parts of the United States in which Rhone-Poulenc sells the alleged LTFV merchandise.

IV. Threat of Material Injury

(1) While apparent U.S. consumption of ASM was declining in the commercial, captive and total markets from 1977 through 1979 U.S. imports of ASM from France accounted for an increasing share of the declining U.S. market. Such imports increased as a share of the U.S. aggregate market from less than 1 percent in 1977 to nearly 5 percent in 1979.

(2) Alleged LTFV imports are currently being marketed in the New York Metropolitan area; Miami, Florida; and in Los Angeles and San Francisco, California. The importer has announced plans to enter the Midwest market through Chicago, Illinois.

Statement of Reasons of Commissioners George M. Moore and Catherine Bedell

On the basis of the information available in investigation No. 731–TA–25 (Preliminary), we determine that there is a reasonable indication that an industry in the United States is materially injured (or threatened with material injury) by reason of the inportation from France of anhydrous sodium metasilicate, provided for in item 421.34 of the Tariff Schedules of the United States, allegedly sold at less than fair value.

The following findings and conclusions, which are based on the record in this investigation, support our determination.

Domestic Industry

The first question which we must answer concerns what is the industry against which the impact of the subject imports must be assessed. The term "industry" is defined in section 771(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1677(4)(A)) as meaning "the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic producton of that product." The term "like product" is further defined in section 771(10) of the Tariff Act as meaning "a product which if like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation . . . ."

In the present case we find the industry to consist of the four U.S. firms producing anhydrous sodium metasilicate (hereinafter ASM).[6] Each of these firms is vertically integrated, and each internally consumes a part of its own ASM production in the formulation of detergent mixtures for its laundry products division.[7]

The Question of Reasonable Indication of Material Injury

Section 703(a) of the Tariff Act directs that the Commission "shall make a determination, based upon the best information available to it at the time of the determination . . . ." Section 771(7)(A) defines the term "material injury" to mean "harm which is not inconsequential, immaterial, or unimportant." And sections 771(7) (B) and (C) direct that the Commission, in making its determination, consider, among other factors, (1) the volume of imports of the merchanise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products. In light of these directives, we base our decision on the findings of fact and conclusions of law discussed below.

Volume of imports. With regard to the volume of imports, the record shows that ASM imports from France increased from *** pounds in 1976 to *** pounds in 1977, *** pounds in 1978, and *** pounds in 1979.[8] Imports were *** pounds and *** pounds in January-March 1979 and 1980, respectively.[9] All the ASM imports from France are manufactured by Rhone-Poulenc, S.A., of Paris.[10]

ASM imports from France took an increasing share of a declining U.S. ASM market during 1977–79. Such imports increased as a share of the U.S. aggregate market (including captive use by the U.S. producers) from * * * percent in 1977 to * * * percent in 1979.[11]

Thus, during the period 1977–79 there has been a marked increase in the volume of ASM imports from France and these imports have accounted for an increasing share of U.S. ASM consumption.

Effect of imports on prices. The record shows that during the period 1977–79 ASM imports from France consistently undersold the domestic product by $1.40 to $4.85 per 100 pound unit in the spot market.[12] The alleged LTFV margins, which ranged from 22 to 46 percent during the period 1977–80, account for most, if not all, of the underselling of the

[6] See Commission Report in investigation No. 731–TA–25 (Preliminary), at p. A–10 (see public version, at p. A–7).

[7] Comission report, at p. A–10 (public version, at p. A–7).

[8] Commission report, at p. A–17 (public version, at p. A–12).

[9] Id.

[10] Commission report, at p. A–2 (public version, at p. A–1).

[11] Commission report, at p. A–23 (public version, at p. A–17). See also table 7, at p. A–24 (public version, at p. A–17).

[12] Commission report, at pp. A–26–28 (public version, at pp. A–19–20).

U.S. product by Rhone-Poulenc.[13] Such underselling of the U.S. product occurred in the four U.S. market areas for which the Commission received price data.[14]

Furthermore, information indicates that prices of PQ Corp's product have risen by 29 percent since January 1, 1977, while raw material costs have risen by 52 percent and the general industrial commodities price index has risen by 42 percent during the same period.[15]

In view of the relatively large LTFV margins and margins of underselling and of the declining U.S. market of ASM, it is appropriate to infer at this time that such sales have had a suppressing and/or depressing effect on domestic ASM prices, not withstanding some price increases by domestic manufacturers.

Impact of imports on domestic producers. The record shows that between 1977 and 1979 U.S. ASM capacity fell by 21 percent,[16] commercial shipments by domestic producers declined by 7.5 percent percent,[17] inventories rose irregularly by 5 percent,[18] employment declined by 31 percent,[19] and profits declined.[20] Furthermore, the Commission was able to confirm at least 9 sales, totalling about 2.3 million pounds in quantity and $376,000 in value, lost to the alleged LTFV imports.[21] Purchasers gave price as the reason for switching.[22] None of the firms gave quality as the reason.[23] A majority of the purchasers contacted stated that lower priced imported ASM was a factor in moderating the price of domestic ASM.[24]

The record thus shows that domestic ASM producers have lost sales to the alleged LTFV imports for reasons of price and there is information indicating that the prices of the alleged LTFV imports have depressed and/or suppressed domestic ASM prices.

Conclusion

On the basis of the information available to the Commission at this time, we believe that there is a reasonable indication of material injury to a domestic industry by reason of imports from France of anhydrous sodium matasilicate provided for in item 421.34 of the TSUS.

Views of Commissioner Paula Stern

Introduction

In this preliminary investigation I have found that a reasonable indication of material injury or threat of such injury due to alleged less-than-fair-value (LTFV) imports of anhydrous sodium metasilicate (ASM) from France does exist. This is not to say that contradictory information did not abound. Discrepancies related not only to the central issue of the effects of the alleged LTFV imports on the health of the domestic industry, but also to issues that set the parameters of the investigation—the designation of the imports under consideration and the identity of the domestic industry. I have followed the Congress's directive concerning "best available information" [25] in arriving at decisions on each of these matters in this preliminary investigation. Should this case return to the ITC for a final determination, my final judgment based on additional information available at that time may not be the same.

The Imported Product

The Commerce Department initiated this case in regard to "anhydrous sodium metasilicate from France" falling under TSUS item 421.34. However, Rhone-Poulenc S.A. (Rhone-Poulenc), the foreign producer, [26] contends that most grades of ASM imported into the United States are not competitive with the U.S. product. [27] The best available information indicates that all grades of ASM are competitive with the U.S. product. [28] I, therefore, have made my assessment of reasonable indication of injury in this case by examining the role of all ASM imports in the U.S. market.

The Domestic Industry

The impact of allegedly dumped imports may be measured against the industry producing a "like product," if data are available permitting "the separate identification of production in terms of such criteria as production process or producers' profits." [29] In this case the best available information indicates that on the whole ASM serves different uses than sodium metasilicate pentahydrate (SMP), the next most similar product. Moreover, the production process for ASM requires different machinery than that used to manufacture SMP. [30] Also, the staff was able to obtain separate data related to ASM production. Therefore, my analysis in this case focused on the effects of alleged LTFV imports on domestic producers of ASM.

There are four U.S. producers of ASM—PQ Corporation (PQ), Stauffer Corporation (Stauffer), Diamond-Shamrock, Co. and Mayo Co.—all of whom are vertically integrated. To a greater or lesser degree, they all produce ASM for their own "captive" consumption as well as for non-captive sales. For some companies commercial (non-captive) sales are, in turn, divided between large contracts and retail sales in the so-called "spot market." To date, imports of ASM have been competing only with U.S. sales in the spot market. Since imports are packaged in 100-pound bags and large users of ASM prefer bulk shipments, it is questionable whether imports could seriously compete for large volume contract sales. Imports obviously do not compete with captive sales.

Conditions in the Industry

Demand for ASM in the United States has been declining. In 1977 total U.S. apparent consumption of ASM was 196 million pounds. By 1979, it had fallen roughly eleven percent to 175 million tons. The drop in demand is related to changes in the U.S. markets using ASM. [31] During the past few years substitutes for ASM, principally caustic soda and soda ash, have become economically attractive. Also, the record

[13] Commission report, at p. A-28 (public version, at p. A-19).

[14] Table 8 of Commission report, at p. A-27 (public version, at p. A-20).

[15] Transcript of public conference, Jun. 13, 1980, at p. 10.

[16] Commission report, at p. A-12 (public version, at p. A-8).

[17] Commission report, at p. A-15 (public version, at p. A-10).

[18] Commission report, at p. A-18 (public version, at p. A-13).

[19] Table 5 in Commission report, at p. A-19 (public version, at p. A-13).

[20] Commission report, at p. A-21 (public version, at p. A-14) and table 6, at p. A-22 (public version, at p. A-15).

[21] Commission report, at p. A-24 (public version, at p. A-16).

[22] Commission report, at p. A-25 (public version, at p. A-18).

[23] Commission report, at p. A-25 (public version, at p. A-19).

[24] Commission report, at p. A-26 (public version, at p. A-19).

[25] In a preliminary investigation the Congress has directed the Commission to make its determination on the basis of the "best available information." See Sec. 733(a) of the Tariff Act of 1930. This section was added by the Trade Agreements Act of 1979 (P.L. 96-39) which took effect on January 1, 1980.

[26] Almost all French ASM is supplied by Rhone-Poulenc. Also, France supplies virtually all the ASM imported into the United States.

[27] At the conference, the sales manager for Rhone-Poulenc, Inc. of N.J. reported that in 1977 these "non-competitive" grades represented 100 percent of Rhone-Poulenc's sales, in 1978 eight-six percent, and in 1979 forty-seven percent. (See Conference Transcript, pp. 47-48.)

[28] Staff Report, p. A-19.

[29] See Sec. 771(4)(A)(D) and Sec. 771(10) of the Tariff Act of 1930. These sections were added by the Trade Agreements Act of 1979 (P.L. 96-39) which took effect on January 1, 1980.

[30] Staff Report, p. A-2.

[31] ASM provides a source of alkali for detergent formulations.

of the investigation [32] indicates that changes in the institutional laundry business have reduced the demand for ASM even further. In the past, hotels, hospitals, schools and similar institutions sent their laundry to commercial laundries for cleaning. These laundries utilized ASM in formulating their detergents. Recently, many institutions have established their own "on-premises laundries" utilizing finished detergents which are not ASM-based. These developments appear to have affected captive consumption of ASM more than non-captive consumption. Between 1977 and 1979 intracompany use of ASM declined about 24 percent, whereas non-captive consumption fell only about four percent. This background is important to evaluate fairly the relationship between the economic health of the domestic ASM industry and the LTFV imports that are the subject of this investigation. [33]

A glance at the aggregate economic data available for this industry reveals an industry experiencing economic difficulty. From 1977–1979 production fell roughly fifteen percent from 195 million pounds to 165 million pounds and shipments fell about thirteen percent. During the same period, capacity followed a similar trend, declining in 1979 to 237 million pounds, 21 percent below the 1977 level. Employment dropped 33 percent from 152 workers in 1977 to 105 workers in 1979. Meanwhile, inventories rose five percent from 1977 to 1979.[34]

A closer look at the data, however, provides a more realistic view of the industry's condition. Specifically, the closure of Stauffer's Skaneateles plant accounts for the declines noted above in employment and capacity, and almost all of the drop in production. (It also largely explains why industry capacity utilization, which fell slightly between 1977 and 1979 from 65 percent to 63 percent, rose from 1978 to 1979 to 70 percent.) These negative indicators cannot be attributed to imports because the large decline in Stauffer's shipments was almost entirely in shipments for captive consumption. The recent changes in ASM consumption patterns and the closing of the Stauffer plant do not, however, explain the full decline in shipments. Shipments to the non-captive market dropped several percentage points further than demand in that market.

The Trade Agreements Act of 1979 directs the Commission to evaluate "all relevant economic indicators which may have a hearing on the state of the U.S. industry" that is alleged to be impacted by alleged LTFV imports. Factors to be examined include, but are not limited to: (1) actual and potential declines in output, sales, market share, profits, production, return on investments and utilization of capacity: (2) factors affecting domestic prices; and (3) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital and investment.[35] However, the record of this investigation does not include information on an industry-wide basis on productivity, return on investments, cash flow, growth, ability to raise capital and investment. More critically, the financial data on the record have not been particularly helpful.[36]

Impact of the Imports

Indications of actual material injury by reason of LTFV imports are not clear-cut. However, the causal factors that often link alleged LTFV imports to such injury are clearly present.

Imports growth and penetration.—From 1977 to 1979 the volume of imports of ASM from France increased significantly in absolute terms and relative to U.S. consumption. Imports of ASM from France rose from a negligible amount in 1976 to a substantial quantity in 1977, and then almost tripled in 1978. In 1979 ASM imports from France increased over 100 percent from the 1978 levels.[37] Furthermore, these imports accounted for an increasing share of the declining U.S. market for ASM during this period. In 1977 they represented less than one percent of total U.S. ASM consumption as compared to more than three percent in 1979. In the non-captive market where imports and the domestic product actually compete, the import/consumption ratio has risen at a more rapid rate than in the total ASM market, from less than one percent in 1977 to more than four percent in 1979.

Price considerations.—Imports consistently and substantially undersold U.S.-produced ASM from 1977 to 1979. Prices of imports were $1.40 to $4.85 per 100-pound unit below U.S. prices in the spot market during this period. The alleged LTFV margins, from 22 to 46 percent during the 1977–1979 period, would account for most, if not all, of the underselling. For at least one member of the industry—the petitioner, PQ—the comparative pricing information points toward price suppression. The record indicates that PQ's raw materials costs rose twice as fast as its prices from 1977–1979.

This price information is particularly significant because the record shows that purchasers of ASM shift suppliers in reaction to what would appear to be small price differences—two to four cents a pound.[38] The Commission confirmed nine lost sales alleged by the petitioner valued at roughly $376,000. In all nine instances the purchasers reported that price was the reason for switching to the imported product.

The Congress has pointed out that the "significance of the various factors affecting an industry will depend upon the facts of each particular case." [39] To assess the impact of lost sales, underselling and price suppression on the domestic ASM industry, data are required on the profits of the industry because the other factors examined above do not provide a clear picture. For reasons discussed above, meaningful financial data were not obtained. If the Commission receives this case as a final investigation, financial data for all the companies, consistently allocated and broken out for captive and market sales should be provided.

Threat

The severe data limitations have led me to conclude that the aggregate economic indicators may not fully reflect present adversity due to alleged LTFV imports. But the regional pattern of import penetration coupled with a more individual analysis of available information indicates that a threat of

[32] Prehearing statement on behalf of Rhone-Poulenc by Donohue & Donohue, June 12, 1980, pp. 17–18.

[33] the Committee on Ways and Means has directed the ITC to "take account of evidence presented to it which demonstrates that the harm attributed by the petitioner to the . . . dumped imports is attributable to other factors," such as "contraction in demand or changes in patterns of consumption." Committee on Ways and Means, Report on the Trade Agreements Act of 1979, Report No. 96–317, 96th Cong., 1st Sess., July 3, 1979, at p. 47.

[34] Other data available were not particularly illuminating. Wages rose slightly from 1977 to 1978, and after the Stauffer plant closing dropped slightly in 1979. Exports are not important to this industry due to prohibitive shipping costs. (See Staff Report, p. A–13.)

[35] See Sec. 771(7)(C)(iii) of the Tariff Act of 1930. This section was added by the Trade Agreements Act of 1979 (P.L. 96–39) which took effect on January 1, 1980.

[36] Profit data were obtained from only two companies on the basis of various arbitrary allocation methods, covering 50 percent of production. Methods used by each company differed, particularly in regard to the valuation of intracompany ASM consumption. Profit data were not obtained from one of the largest ASM producers.

[37] While imports did decline in the first quarter of 1980 as compared to the first quarter of 1979, it is not clear that this decline will continue.

[38] Since most ASM is sold by the truckload (roughly 40,000 pounds), small price differences per pound translate to sizeable amounts on a per-order basis. (See Transcript of Conference, at p. 7.)

[39] Committee on Ways and Means, House Report No. 96–317, 96th Cong., 1st Sess., July 3, 1979, at p. 46.

material injury due to imports does exist.[40] In 1976 and 1977 virtually all imports entered through the port of New York, but in 1978 some imports began to enter through the port of Miami. In 1979, Rhone-Poulenc began to ship to Los Angeles and San Francisco as well. In that year most of the imports still entered through New York, with small but roughtly equal percentages imported through Miami, Los Angeles and San Francisco. Recently, Rhone-Poulenc began to ship to Chicago.[41, 42]

The company with the greatest stake in the Northeast market is the petitioner. The petitioner makes the largest sales on the spot market, where imports are competing, and is the only company with a plant in the Northeast[43] to service that market. Data on the health of PQ's Northeast operations reveal serious economic difficulties that may not be attributable to the general drop is ASM demand. Since alleged LTFV imports have only recently begun to compete with the domestic industry outside the Northeast, the strength of the industry outside the Northeast, even if not yet materially affected, may become so within the immediate future.

In this case, the situation that has developed in the Northeast may be indicative of the vulnerability of the domestic industry in the face of large volumes of alleged LTFV imports.[44] The industry as a whole is already operating at less than full capacity (70 percent) and further import penetration could decrease production even more. Lost sales already have been reported not only in the Northeast, but in other parts of the country as well. Even if the declining demand is halted or reversed as predicted by some industry sources, the alledged, LTFV imports at substantially lower prices than U.S. products could fill any new demand that develops.[45] Rhone-Poulenc's 1979 prices undersold U.S. products in all parts of the country.

While more information is needed concerning the importance of the spot market to the overall viability of domestic ASM production, at this preliminary juncture it appears that the industry is—and will continue to be—vulnerable to injury. The question that needs to be addressed is whether the pattern of import penetration evident in the 1977–1979 data will continue, thus becoming a cause of material injury.

In examining threat of material injury, the Senate Finance Committee states that "demonstrable trends—for example, the rate of increase of the . . . dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other import markets . . . will be important."

Information presented in this investigation supports the view that the broader distribution of imported ASM which began in 1979 will continue. In fact, Mr. Molteni, sales manager for Rhone-Poulenc, stated at the conference ". . . what we are attempting to do . . . is to sort of spread out ourselves a little bit so we don't concentrate in any one area which is usually the reason why you get a petition, where we have grabbed in any geographical area too high a portion." But it should be noted that Rhone-Poulenc has the capacity to continue to increase its exports and to direct such exports to the entire United States market. Information provided by Rhone-Poulenc shows that in 1979 its capacity utilization rate for the production of the grade of ASM which is most popular in the United States was roughly 76 percent, leaving 24 percent excess capacity.[46] There is also existing excess capacity for production of its other grades of ASM, which Commission information indicates compete with United States ASM.

In addition to this actual excess capacity, it is important to look at Rhone-Poulenc's international sales pattern to obtain a complete picture of the potential for increased alleged LTFV imports to the United States. Rhone-Poulenc sells ASM in 49 countries. Data submitted in this investigation shows that sales volumes to other countries (unlike those to the United States which have consistently risen) fluctuate radically from year to year. From 1978 to 1979, Phone-Poulenc sales to many of its major and minor markets in Europe and elsewhere dropped significantly.[47] At the same time that sales to these countries dropped, sales to the United States, Rhone-Poulenc's largest market outside Euripe, doubled. Figures on actual excess capacity, therefore, underestimate potential Rhone-Poulenc exports of ASM since exports to other countries in one year may be shipped to the United States another year.[48]

The geographic pattern of the import penetration raises the specter of material injury from alleged LTFV imports. An affirmative determination that an industry is likely to be injured by LTFV imports must, according to the Senate Finance Committee, rest on evidence showing that the likelihood is "real and imminent."[49] The Report states further that "economic factors which may indicate that a threat of material injury is present vary from case to case and industry to industry. The ITC will continue to focus on the conditions of trade and competition and the nature of the particular industry in each case."

For the final investigation more information will be needed concerning the ability of Rhone-Poulenc to utilize existing idle capacity, comparative prices for French ASM in Rhone-Poulenc's different export markets, and projected demand for ASM in various countries over the next few years. However, based on the best information now available concerning the state of the U.S. industry, the rapid growth of imports, Rhone-Poulenc's capacity utilization, and the possibility that increased exports could be directed to the entire United States, I determine there is a reasonable indication that the ASM industry in the United States is threatened with material injury by reason of the alleged LTFV imports.

Conclusion[50]

Growing imports, increasing market penetration, lost sales and underselling

[40] The criteria which I believe should be satisfied before treating a regional industry as the domestic industry for the purposes of the law are: (1) the producers in the geographic area in question must make almost all of their sales within the region's markets, (2) the market must not be served to any substantial degree by domestic producers from other areas, and (3) the industry in question should constitute a significant segment of the national industry. The record in this case does not show that these conditions have been met, and I am, therefore, not making my determination on a regional basis.

[41] The record indicates that it is Rhone-Poulenc's practice to market its products near ports of entry.

[42] Information provided by the petitioner indicates that the import/consumption ratio in the Northeast was ten to fifteen percent in 1979.

[43] As noted above, Stauffer closed its Skeneateles, New York plant in 1978.

[44] Diamond-Shamrock, which does its major business in the Central United States, took part in the conference to "express concern for future" business in that area.

[45] The industry informed the Commission that the prices of soda ash and caustic soda, the principal substitutes for ASM, are becoming less competitive with ASM. As a result, demand for ASM is expected to stabilize and then to increase.

[46] In the first four months of 1980 this rate increased to 86 percent, but confidential information indicates that this figure may not be representative.

[47] Rhone-Poulenc's total export sales to all countries declined substantially between 1978 and 1979.

[48] Rhone-Poulenc puts a limit on potential increased exports to the United States. The company has informed the Commission that it has a self-imposed quota on its shipments to the U.S. At this point in the investigation the significance of such a quota commitment cannot be assessed. (See prehearing brief of Donohue & Donohue on behalf of Rhone-Poulenc, at p. 24.)

[49] S. Rept. No. 96–249, 96th Cong., 1st Sess. (89) 1979.

[50] Commissioner Stern concurs in the Findings of Fact stated in the "Views of Chairman Bill Alberger and Vice Chairman Michael J. Calhoun," with the

Footnotes continued on next page

are striking. What has emerged is a picture of an industry whose non-captive segment is stagnant and facing an uncertain future. Based on the record available, the possibility that there is material injury cannot be dismissed at this point. Furthermore, there is a reasonable indication that the threat of material injury due to subject imports is real and imminent.

Issued: June 30, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-20496 Filed 7-8-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-87]

Certain Coin-Operated Audio Visual Games and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: June 30, 1980.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 80-20494 Filed 7-8-80; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-7 (Final)]

Certain Electric Motors From Japan; Institution of Final Antidumping Duty Investigation and Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping duty investigation to determine whether an industry in the United States materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain electric motors from Japan, upon which the Administering Authority has made a tentative affirmative preliminary determination are being, or are likely to be, sold in the United States at less than fair value.

EFFECTIVE DATE: June 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Cates of the Commission's staff (202) 523-0369.

SUPPLEMENTARY INFORMATION: *Background.* A petition was received in satisfactory form on August 27, 1979, from the Motor and Generator Section of the National Electrical Manufacturers Association, alleging that certain electric motors imported from Japan are being sold at prices far below fair value and that, as a result, an industry in the United States is being materially injured and is threatened with material injury. These sales are alleged to constitute sales at less than fair value pursuant to section 731 of the Tariff Act of 1930 as amended (Pub. L. No. 96-39, 93 Stat. 162), hereinafter "the Act." Notice of the institution of the Commission's preliminary investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's New York Office, and by publishing the notice in the Federal Register of January 14, 1980 (45 FR 2715). A public conference was held in Washington, D.C. on January 30, 1980.

On February 14, 1980, the Commission determined "that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation (from Japan) of AC, polyphase electric motors, over 5 horsepower but not over 500 horsepower, provided for in item 682.41 through 682.50 of the Tariff Schedules of the United States, which are allegedly sold at less than fair value." Notice of the determination was published in the Federal Register of February 22, 1980. (45 FR 11939). On May 5, 1980, a Notice of Postponement of Preliminary Determination was published by the Department of Commerce in the Federal Register (45 FR 29619). The postponement was based on a determination that the case is "extraordinarily complicated" and extended the deadline for the preliminary determination to June 16, 1980.

On June 16, 1980, the Commerce Department made a tentative affirmative less-than-fair-value determination, but no final determination with regard to certain electric motors from Japan. On June 17, 1980, the Commerce Department granted a 60-day extension of the deadline for their final determination. Therefore, the final determination which was due on September 2, 1980, will be made not later than October 29, 1980.

Authority: The provisions of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144 (July 26, 1979) (19 U.S.C. 1671 et seq.)) repealed the Antidumping Act, 1921, and replaced it with Subtitle B of Title VII of the Tariff Act of 1930 (19 U.S.C. 1673) (hereinafter "the Tariff Act") effective on January 1, 1980. The antidumping statutes, as amended by the Trade Agreements Act of 1979, require that the Commission complete this investigation before the 45th day after which the administering authority (Commerce) makes its final affirmative determination. Commerce's final determination is due on October 29, 1980, and therefore the statutory deadline for completion of the Commission's investigation is December 12, 1980. Consequently, effective as of June 17, 1980, the Commission is instituting antidumping investigation No. 731-TA-7 (Final) pursuant to section 735(b) of the Tariff Act, as added by Title I of the Trade Agreements Act of 1979. This investigation will be conducted according to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), subpart C thereof.

Scope: The present investigation is being titled "Certain Electric Motors from Japan" to conform with the title used by the Department of Commerce in its investigation. For the purposes of this investigation, the term "certain electric motors" means polyphase AC electric motors, other than submersible well pump motors, over 5 horsepower but not over 500 horsepower, provided for in item Nos. 682.4130, 682.4200, 682.4545, 682.4600, 682.5010, and 682.5030 of the Tariff Schedules of the United States Annotated. The scope of this investigation has been narrowed to exclude submersible well pump motors as a consequence of the exclusion of such merchandise from the investigation by the Commerce Department.

Written Submissions: Any person may submit to the Commission on or before the prehearing statement due date specified below a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information."

Footnotes continued from last page exception of Finding No. 6. For reasons stated above in footnote 36, Commission Stern does not believe that the figures obtained on industry profits are meaningful.

Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6).

All written submissions, except for confidential business data, will be available for inspection by interested persons at the Office of the Secretary in Washington, D.C., and at the Commission's New York Office, 6 World Trade Center, New York, N.Y. 10048.

A staff report containing preliminary findings of fact will be available to all interested parties on October 31, 1980.

Hearing: The Commission will hold a public hearing in connection with the investigation on November 20, 1980. The proceeding will be conducted in the hearing room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, and will begin at 10:00 a.m., e.s.t. Parties desiring to appear at the hearing should notify the Office of the Secretary not later than five (5) business days prior to the date of the hearing, and attend the prehearing conference at 10 a.m. on November 14, 1980, in Room 117 at the Commission. In addition, all hearing participants must file written prehearing statements in conformity with section 207.22 of the Commission's Rules of Practice and Procedure (19 CFR 207.22) on or before November 14, 1980.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's *Rules of Practice and Procedure,* Part 207, Subpart C (19 CFR 207), and Part 201 Subparts A through E (19 CFR 201). This notice is published pursuant to section 207.20 of the Commission's *Rules of Practice and Procedure* (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Issued: July 3, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-20495 Filed 7-8-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-86]

Certain Shell Brim Hats; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: June 30, 1980.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 80-20492 Filed 7-8-80; 8:45 am]

BILLING CODE 7020-02-M

[603-TA-6]

Steel Jacks From Canada; Extension of Preliminary Investigation

Notice is hereby given that on July 3, 1980, the United States International Trade Commission voted to continue a preliminary investigation under section 603 of the Trade Act of 1974 (19 U.S.C. 2482) which had been instituted on April 23, 1980 (45 FR 29141). The Commission voted to continue the investigation to permit the Commission staff to negotiate a settlement with respect to possible violations of section 337 of the Tariff Act of 1930, as amended, which were the subject of the staff's preliminary investigation. The expected parties to the settlement, in addition to the Commission, will include J. C. Hallman Manufacturing Company, Ltd., Ontario, Ontario; American Gage and Manufacturing Company, Wauseon, Ohio; A. H. Bottorff Company, St. Joseph, Missouri; and Bloomfield Manufacturing Co., Inc., Bloomfield, Indiana.

The Commission voted to continue the preliminary investigation until a settlement is reached or until the Commission determines one cannot be reached within a reasonable time. The Commission directed the staff to report back to the Commission on the status of the investigation in four weeks.

By order of the Commission.

Issued: July 3, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-20491 Filed 7-8-80; 8:45 am]

BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Certain Steel Products From Italy

AGENCY: U.S International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigations under section 704(a) of the Tariff Act of 1930.

EFFECTIVE DATE: June 27, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Leahy, Office of Investigations, telephone number (202) 523-1369.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order to conduct an investigation to determine whether an industry in the United States would be materially injured, threatened with material injury or that the establishment of such industry would be materially retarded if the order were to be revoked. On March 27, 1980, the Commission received a request from the Societa Anonima Elettrificazione S.p.a. for the review of the following countervailing duty orders:

Treasury Decision Establishing Countervailing Duty

Commodity	Decision
Galvanized fabricated structural steel units for the erection of electrical transmission towers	T.D. 67-102
Certain steel products: Fabricated structural steel units for the erection of electrical transmission towers, not galvanized	T.D. 69-113

The Commission has also been notified by letter that U.S. Steel, the original petitioner in these countervailing duty orders, wishes to withdraw its petition in T.D. 69-113 as to all of the nine product groups covered by that order pursuant to section 704(a) of the Tariff Act of 1930. The nine product groups are:

Commodity

1. Steel pipes for penstocks, even armored, of the type used for hydroelectric installations.
2. Cables, ropes, plaits and such in iron or steel wire, with or without core of other materials, excluding those insulated for electricity; except as stated below:
   Galvanized steel wire rope.
   Stainless steel aircraft cable.
3. Staples in strip form.
4. Nails of iron or steel.
5. Bolts and nuts of iron or steel except as noted below:
   Galvanized nuts.
6. Rivets of iron or steel.
7. Forged steel grinding balls.
8. Wheels and axles of vehicles for railroads.
9. Iron and steel constructions and their parts, such as pieces for bridges, steel structural works, gates, frameworks, etc., not galvanized.

The legislative history of section 704(a) indicates that the Commission should solicit public comment prior to termination and approve the termination only if it is in the public interest. In the instant case, if the Commission terminated its investigation as to the nine product groups under T.D. 69-113 listed above, the Commission would then proceed to institute investigations

on all products covered by T.D. 67-102 pursuant to section 104(b)(1) to be completed within three years after institution.

In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination as to the nine product groups previously listed covered by T.D. 69-113. These written comments must be filed with the Secretary of the Commission on or before August 8, 1980.

By order of the Commission.

Issued: June 30, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-20603 Filed 7-8-80; 8:45 am]

BILLING CODE 7020-02-M

LEGAL SERVICES CORP.

East Texas Legal Services; Grants and Contracts

July 2, 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:

East Texas Legal Services in Nacogdoches, Texas, to serve Delta, Fannin, Franklin, Hopkins, Hunt and Lamar Counties.

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, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-20360 Filed 7-8-80; 8:45 am]

BILLING CODE 6820-35-M

Legal Aid of Western Oklahoma, Inc., Grants and Contracts

July 2, 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:

Legal Aid of Western Oklahoma, Inc., in Oklahoma City, Oklahoma, to provide service to Native Americans in Oklahoma.

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, Native American Desk, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons, Director,

Office of Field Services.

[FR Doc. 80-20361 Filed 7-8-80; 8:45 am]

BILLING CODE 6820-35-M

North Louisiana Legal Assistance Corp.; Grants and Contracts

July 2, 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 on 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:

North Louisiana Legal Assistance Corporation in Monroe, Louisiana to serve Lincoln, Union and Jackson 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. 80-20363 Filed 7-8-80; 8:45 am]

BILLING CODE 6820-35-M

Northwest Louisiana Legal Services; Grants and Contracts

July 2, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-35a, 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 herebay announces publicly that is is considering the grant application submitted by:

Northwest Louisiana Legal Services in Shreveport, Louisiana, to serve Bienville and Claiborne 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. 80-20362 Filed 7-8-80; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Screening Committee for Lawyer Vacancies on the Licensing Board Panel; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that NRC's Screening Committee for Lawyer Vacancies on the Licensing Board Panel will hold a meeting on July 23, 1980 in the Commission's offices at 1717 H Street, NW, Washington, DC, Room 1116. The meeting will begin at 9:00 a.m. and will be closed.

The purpose of the meeting will be to interview and evaluate candidates for the position of Chairman of the Atomic Safety and Licensing Board Panel.

In the event the business of the meeting cannot be completed on July 23,

1980, the meeting will be continued on July 24, 1980.

I have determined in accordance with Subsection 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, that it is necessary to close this meeting in order to protect information the release of which would represent an unwarranted invasion of personal privacy under Section 5 U.S.C. 55b(c)(6). Separation of factual information from information considered exempt from disclosure is not considered practical.

For further information contact Charles J. Fitti, Assistant Executive Secretary, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (Telephone: (301) 492-7814).

Dated at Washington, D.C., this 7th day of July 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-20612 Filed 7-8-80; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1865]

South Dakota; Declaration of Disaster Loan Area

The following 10 counties and adjacent counties within the State of South Dakota constitute a disaster area as a result of natural disaster as indicated:

County, Natural Disaster(s), Date(s)

Ziebach, Drought, 8/1/79-5/28/80.
Perkins, Drought, 8/1/79-5/21/80.
Dewey, Drought, 9/1/79-5/29/80.
Meade, Drought, 9/1/79-6/9/80.
Butte, Drought, 9/1/79-5/28/80.
Harding, Drought, 9/1/79-5/29/80.
Hughes, Drought, 9/1/79-6/13/80.
Stanley, Drought, 9/1/79-6/13/80.
Walworth, Drought, 10/1/79-5/30/80.
Campbell, Drought, 10/1/79-5/30/80.

Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on January 2, 1981, and for economic injury until the close of business on April 1, 1981, at:

Small Business Administration, District Office, Security Bldg., Suite 101, 101 S. Main Avenue, Sioux Falls, South Dakota 57102.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: July 1, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-20500 Filed 7-8-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 21-80]

Bonds of 1995; Interest Rate

July 3, 1980.

The Secretary announced on July 2, 1980, that the interest rate on the Bonds of 1995, described in Department Circular—Public Debt Series—No. 21-80, dated June 27, 1980, will be 10⅜ percent. Interest on the bonds will be payable at the rate of 10⅜ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-20459 Filed 7-8-80; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Availability of Summary Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Service-Connected Outpatient Dental Program has been completed.

Single copies of the Service-Connected Outpatient Dental evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: July 1, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-20373 Filed 7-8-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 133
Wednesday, July 9, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Election Commission	1
Federal Energy Regulatory Commission	2
Federal Maritime Commission	3
Federal Reserve System	4
National Credit Union Administration	5
Nuclear Regulatory Commission	6, 7
Environmental Quality Council	8

1

[FR No. 1286]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, July 8, 1980 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

CHANGE IN MEETING: The following item has been added to the agenda for the executive session (closed) for this date:

Audit and Review Policy.

* * * * *

DATE AND TIME: Wednesday, July 9, 1980 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Any matters not completed in executive session on Tuesday, July 8, 1980.

* * * * *

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, July 10, 1980 at 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fith floor).

CHANGE IN MEETING: The following item has been added to the agenda for the open session for this date:

Draft AO 1980-50 Barry Hodge, United Merchants and Manufacturers, Inc., Manufacturing Division, Committee for Responsible Government.

Draft AO 1980-80 Robert Short (Treasurer for Candidate of 13th CD Michigan).

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-1311-80 Filed 7-7-80; 3:56 pm]
BILLING CODE 6715-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: July 3, 1980 (following gas agenda—approximately 3:30 p.m.).

PLACE: Room 9306, 825 North Capitol Street, NE., Washington D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Agency's Participation in a Civil Action.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

[S-1307-80 Filed 7-8-80; 8:55 am]
BILLING CODE 6450-85-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., July 10, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Discussion on Commission's Anti-Rebating Program.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1310-80 Filed 7-7-80; 2:58 pm]
BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Friday, July 11, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 3, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-1306-80 Filed 7-7-80; 8:54am]
BILLING CODE 6210-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, July 10, 1980.

PLACE: 1776 G Street NW., Washington, D.C., Seventh Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Central Liquidity Facility Agent Membership Application: Mid-Atlantic Central FCU.
3. Federal Financial Institutions Examination Council Policy Guide on Truth-in-Lending Restitution.
4. Semi-Annual Agenda of Regulations.
5. Proposed amendments to Share Draft Accounts, Share Accounts and Share Certificate Accounts.
6. Consideration of Senior Executive Service Performance Appraisal Plan.
7. Consideration of Performance Appraisal System (Non-Senior Executive Service).
8. Report of actions taken under delegations of authority.
9. Applications for charters, amendments to charters, by law amendments, mergers as may be pending at that time.

TIME AND DATE: 10:30 a.m., Thursday, July 10, 1980.

PLACE: 1776 G Street NW., Washington, D.C., Seventh Floor Board Room.

STATUS: Closed:

MATTERS TO BE CONSIDERED:

1. Administrative Actions under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
2. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Unions Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Personnel Actions. Closed pursuant to exemption (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-1305-80 Filed 7-3-80; 4:06 pm]
BILLING CODE 7535-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Thursday, July 3, 1980.

PLACE: Commissioners Conference Room, 1717 H Street NW., Washington, D.C. (changes).

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

10 a.m.

Discussion of Management-Organization and Internal Personnel Matters (was cancelled).

4:30 Additional Item

Briefing by staff on Browns Ferry 3 (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Dated: July 3, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–1308–80 Filed 7–7–80; 11:11 am]

BILLING CODE 7590–01–M

7

NUCLEAR REGULATORY COMMISSION.

DATE: Week of July 7.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, July 7:

10 a.m.

Discussion of Management-Organization and Internal Personnel Matters (approximately 2 hours, closed—Ex. 2 and 6).

2 p.m.

Discussion of Action Plan (Chapter V) (approximately 2 hours, public meeting).

Tuesday, July 8: No meetings.

Wednesday, July 9: No meetings (meeting previously announced is cancelled).

Thursday, July 10: No meetings.

Friday, July 11:

11 a.m.

1. Report on Nuclear Data Link (approximately 1 hour, public meeting).

1:30 p.m.

1. (Room 1046) Meeting of Commission with ACRS (1 hour, public meeting).

2:30 p.m.

1. Discussion and Possible Vote on Interim Operation at Indian Point (approximately 1½ hours, public meeting).
2. Affirmation Session (approximately 10 minutes, public meeting).
   License Requirements for Spent Fuel Storage in an Independent Spent Fuel Storage Facility (Tentative).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498.

Those planning to amend a meeting should reverify the status on the day of the meeting.

Dated: July 3, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–1309–80 Filed 7–7–80; 11:12 am]

BILLING CODE 7590–01–M

8

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: July 17, 1980, 11:30 a.m.

PLACE: Conference Room, 722 Jackson Place, N.W., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Review of and Briefing on Toxic Substance Strategy Committee Report.

CONTACT PERSON FOR MORE INFORMATION:

John F. Shea III (202) 395–4616.

[S–1315–80 Filed 7–8–80; 11:08 am]

BILLING CODE 3125–01–M

federal register

Wednesday
July 9, 1980

Part II

Administrative Committee of the Federal Register

List of Subjects: New Information Requirement for Agency Regulations; Notice of Proposed Rulemaking

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 18

Identification of Subjects in Agency Regulations

AGENCY: Administrative Committee of the Federal Register (ACFR).

ACTION: Proposed rule.

SUMMARY: We are proposing to require agencies to identify major topics and categories of persons affected in their regulations in standard terms derived from the *Federal Register Thesaurus of Indexing Terms* and the *Standard Industrial Classification Manual.* Increased public involvement and need for information on regulations has led to the need for more comprehensive indexes and information services for the Federal Register and *Code of Federal Regulations* (CFR). Having agencies identify the subjects in their regulations in a standard terminology would help alert readers to all the regulations that affect or are of interest to them. It would also help the Office of the Federal Register (OFR) provide more effective information services to the public directly and through published finding aids.

DATE: Comments must be received by September 8, 1980.

ADDRESS: Comments should be addressed to: The Federal Register (Thesaurus), National Archives and Records Service, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408, Telephone (202) 523-5266.

SUPPLEMENTARY INFORMATION:

Background

An advance Notice of Proposed Rulemaking (ANPRM) on identification of subjects in agency regulations was published in the Federal Register of January 15, 1980 (45 FR 2998).

A copy of the ANPRM was sent to Federal Register liaison officers in the agencies. We subsequently held two informal meetings attended primarily by agency personnel to answer questions on implementation of the proposal and extended the comment period on the ANPRM to March 31, 1980 (45 FR 13715, Feb. 29, 1980).

We received a total of 50 written comments on the ANPRM, as well as a number of telephone calls. In general, response from the public was highly favorable. Many agencies were also supportive of the concept. Some, however, had specific concerns and suggestions which have led us to revise our proposal in several respects.

This Proposed Rule

In this proposed rule we are reversing the implementation schedule described in the ANPRM. We now are proposing that each agency first prepare a "List of Subjects" for each of its existing CFR Parts and submit the Lists to the Director of the Federal Register before December 31, 1982. In the List agencies would be required to identify the major topics and the persons or classes of persons affected in each CFR Part using words derived from the *Federal Register Thesaurus of Indexing Terms* and the *Standard Industrial Classification Manual.*

After December 31, 1982, each agency that published a document in the Federal Register would be required to include in the document a "List of Subjects" for each CFR Part affected or proposed to be affected by the document.

Specific comments received on the ANPRM are discussed in the following sections of this document.

Printing of the Lists in the Federal Register and Code of Federal Regulations

Several agencies objected to the proposal in the ANPRM for including the "List of Subjects in this Part" with the codified regulation and having the List appear in the CFR. Agencies stated that—

(1) Their Part and section headings were very descriptive of the content of each Part, therefore, the "List" would be redundant;

(2) The "List" would be no use to researchers in the CFR because once they have found the Part they would know what it is about;

(3) Printing the "List" in the Federal Register and CFR could add to their printing costs, if the "List" contained a large number of subjects.

Some agencies suggested alternatives to printing the List in the CFR such as adding a new item to the preamble in Federal Register documents to be captioned: "List of Subjects in this Document," or having agencies supply identifying information to the Office of the Federal Register (OFR) separate from its documents to be used by the OFR only in preparing indexes.

After carefully considering these comments we have concluded that:

—Agencies should submit the initial "List of Subjects" for their existing CFR Parts outside of the printing process for regulations. This will provide agencies and the OFR the maximum time and flexibility to develop techniques to use the Federal Register Thesaurus and the SIC Manual, apply them to regulations, and compile the Lists.

—The OFR will use the Lists in a systematic way to link the standardized indexing terms with the regulations they describe to provide more effective information services to the public directly and through published finding aids.

—After the initial compilation of the Lists for existing regulations, i.e. after December 31, 1982, each Federal Register document affecting the CFR, should contain a complete "List of Subjects" for the CFR Parts affected in that document. This will keep the Lists accurate and up-to-date for each CFR Part on an ongoing basis and serve as a guide for Federal Register readers to the major topics and persons affected by Federal Register documents.

The format and placement of the List for Federal Register documents shall be prescribed by the Director of the Federal Register. Most likely, the List will be a new item in the preamble section of the documents.

Additional comments on the placement and printing of the Lists are welcome during this proposed rule comment period.

Proposed Rules Documents

We also had some suggestions that the "List of Subjects" requirement be extended to proposed rules documents. Commenters wrote:

> Enhancing (the) readers' abilities to quickly determine the scope and impact of proposals, would facilitate greater opportunities for public participation in the development of regulations, as required by E.O. 12044.
>
> In addition, use of thesaurus terms to accompany proposals published in the Federal Register would permit readers to scrutinize the appropriateness of the published terms and suggest alternative or additional terms and, thus, further refine the process for implementing the new information element.

We agree with this suggestion and are proposing in this document to extend the "List of Subjects" requirement to documents published in the proposed rules section of the Federal Register after December 31, 1982.

Cost and Burden to Agencies

Several agency commenters were concerned that the proposed requirement to identify the major subjects and affected parties of existing regulations appearing in the CFR volumes would place too great a burden

on the agencies. On the contrary, we feel that this requirement would dovetail neatly with section 4 of Executive Order 12044, "Improving Government Regulations." Section 4 requires that agencies "shall periodically review their existing regulations." The addition of subject terms to existing regulations can be undertaken in connection with the review required by the Executive Order.

A number of comments addressed the time that would be required to compile the necessary terms for Federal Register documents which could result in delays in issuing the regulations and considerable additional costs to the agency. We feel that these objections are of dubious validity. If the drafter of a regulation cannot quickly compile the major subject terms of the regulation and identify the categories of persons that will be affected by it, then certainly it would be unreasonable to expect other persons to make those determinations merely by scanning it when it is published in the Federal Register. In addition, after having first determined the "List of Subjects" for its existing body of regulations agencies should find compiling a List for new or revised regulations easier and less time-consuming.

Use of the Federal Register Thesaurus

Specific Thesaurus Terms Suggested

The largest number of comments on the ANPRM suggested new or revised terms for the Federal Register *Thesaurus*. We are adding some of these suggested terms to the *Thesaurus* and have listed them in the Appendix to this document.

In a number of cases we have not made suggested revisions to the *Thesaurus*.

(1) Some of the suggested changes show a misunderstanding of the organization and arrangement of the *Thesaurus*. We are including in the Appendix to this document sample *Thesaurus* entries to clarify the relationship between each term and the cross references which appear under it.

(2) Some of the suggested terms have not been added at this time either because we are not aware of any regulations on the subject or are not sure exactly how the terms would be used and how they relate to existing terms in the *Thesaurus*. For terms falling into this category, we would rather wait to see the term in context, i.e., submitted at the time an agency indexes a regulation on the subject. At that time, the term, if appropriate, will be added to the *Thesaurus*.

(3) Some of the suggested additions to the *Thesaurus* are so general and could be applied to so many regulations that they don't seem to be useful terms for classifying regulations as to subject, or persons or classes affected. Terms falling into this group include terms like: "Coordination," "certification," "Eligibility." These terms will not be added to the Federal Register *Thesaurus*.

We will print a revised *Thesaurus* including all changes to the January 15, 1980 edition (45 FR 2999) when we publish a final rule.

General Thesaurus Comments

The most common general criticism of the *Thesaurus* received in the comments was that the terms are too general and the *Thesaurus* not complete enough to help researchers or adequately describe agency programs.

We have continually stressed that the existing *Thesaurus* is the beginning of a vocabulary for identifying regulations across agency lines, and that it will not only expand but improve through use and with the suggestion of terms by agencies and Federal Register users. In addition, as we said in the ANPRM, some agencies may wish to include very specific terms in its "List of Subjects" which are not contained in the *Thesaurus*. These more specific terms may be used, as long as the appropriate thesaurus terms are also used.

Standard Industrial Classification Manual

We received several comments suggesting that, in addition to the *Thesaurus*, agencies use the *Standard Industrial Classification Manual* (SIC) titles for identifying industries or individual goods and services affected by their regulation. One commenter stated:

> The Standard Industrial Classification Manual * * * establishes standardized titles and definitions for industries. These titles and definitions are used by Federal, State and local government agencies and by most business firms, trade associations, and private research organizations. The SIC provides a common language to identify the wide array of information flowing from these sources and thereby assures that this information is consistent with respect to industry classification.
>
> We recommend that the Federal Register *Thesaurus* use the SIC industry titles wherever possible when referring to industries. The *Thesaurus* should also use the industry titles when referring to individual goods and services. If the *Thesaurus* were to adopt the SIC titles, it would help to assure that the *Thesaurus* terms would have consistent, precise, and well defined meaning for many users of the FR/CFR. Furthermore, an important portion of the FR/CFR would be systematically linked to the large number of information systems that have already adopted the SIC.

In response to the comments received in our ANPRM and to the general interest in the SIC as an existing tool for identifying groups or classes of persons affected by regulations, we are proposing that agencies use the SIC manual in conjunction with the Federal Register *Thesaurus* in compiling their "Lists of Subjects." We are particularly interested in comments on this aspect of the proposed rule. The Standard Industrial Classification is administered by the Office of the Federal Statistical Policy and Standards, Department of Commerce. The 1972 edition of the manual is the latest revised edition. It is available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC. 20402.

Assistance to Agencies

As stated in the ANPRM, we would provide training and consult with agencies to help them comply with this new requirement. This training would include information on how to use the *Thesaurus* and the *Standard Industrial Classification Manual*, and how to analyze and apply the terms to specific agency regulations.

In this connection we would encourage agencies to make arrangements and schedule training well in advance of the December 31, 1982, deadline to allow OFR sufficient time to respond to all training requests.

Ernest J. Galdi,

Secretary, Administrative Committee of the Federal Register.

June 29, 1980.

PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

It is proposed to amend Part 18 of the Code of Federal Regulations as follows:

1. Revise the Citation of Authority to read:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. P. 189. Section 18.20 is issued under 44 U.S.C. 1504.

2. Add a new § 18.20 to read as follows:

§ 18.20 Identification of subjects in agency regulations.

(a) *Existing regulations.* Each agency shall—

(1) Prepare a list of index terms for each of its existing CFR parts; and

(2) Send the lists to the Director of the Federal Register on or before December 31, 1982.

(b) *Publication in the* Federal Register. After December 31, 1982, each agency

that submits a document that is published in the Rules and Regulations section or the Proposed Rules Section of the Federal Register, shall include a list of index terms for each CFR part affected by the document. The list of index terms is to be in a format prescribed by the Director of the Federal Register.

(c) *Preparation.* To prepare its list of index terms, each agency shall use terms contained in the *Federal Register Thesaurus* and the *Standard Industrial Classification Manual.*

Appendix: Thesaurus

Added Terms

Architects
Architectural barriers
Commodity futures
Consultants
Cooperative agreements
Countervailing duties
Electronic fund transfers
Embargoes
Engineers
Food assistance programs
Grants administration
Health planning
Loan programs—veterams
National banks
Nondiscrimination against handicapped
Off-road vehicles
Toxic substances
Travel and transportation expenses
Underground mining
Uranium

Sample Thesaurus Entries

(1)
Subject term and category number—Health facilities (09).
References user to narrower or related terms in the thesaurus—sa Hospitals, Mental health centers, Nursing homes.
References user to synonymous terms not used—x Medical facilities.
References user to broader or related terms in the thesaurus—xx Community facilities Health.

(2)
Synonymous term not used—Medical facilities.
References user to correct subject term—see Health facilities.

[FR Doc. 80-20401 Filed 7-8-80; 8:45 am]
BILLING CODE 6820-26-M

federal register

Wednesday
July 9, 1980

Part III

Department of Agriculture

Federal Grain Inspection Service

Suspension of a Provision of the United States Standards for Milled Rice

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Suspension of a Provision of the United States Standards for Milled Rice

AGENCY: Federal Grain Inspection Service (FGIS) [1] USDA.
ACTION: Suspension action.

SUMMARY: A portion of the definition of milled rice (7 CFR 68.301) which requires that a part of the germs be removed from the kernels is temporarily suspended. The suspension provides an opportunity to evaluate whether such change will better facilitate the marketing of rice, particularly rice (U.S. No. 5 and U.S. No. 6) which has been milled to a lightly milled degree. The suspension of part of the definition of milled rice is effective August 1, 1980, and will continue until such time as the study is completed and final action is taken but not beyond July 31, 1981. During this time period, FGIS will study whether the change facilitates the marketing of lightly milled rice, the effect on uniform inspection practices, and the effect on the costs of rice inspection.

EFFECTIVE DATE: The effective date is August 1, 1980. Due to the emergency nature of this action, comments will be accepted for 120 days following the effective date.

ADDRESS: Comments should be submitted in writing in duplicate to the Director, Issuance and Coordination Staff, U.S. Department of Agriculture, Federal Grain Inspection Service, Room 1127—Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: James L. Driscoll, Director, Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Building 221, Richards-Gebaur AFB, Grandview, Missouri 64030, telephone (816) 348-2861. The Draft Impact Analysis, describing the options considered in developing this suspension action and the impact of implementing each option, is available upon request from the Director, Issuance and Coordination Staff, (202) 447-3910.

SUPPLEMENTARY INFORMATION: This suspension action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "not significant." L. E. Bartelt, Administrator, FGIS, has determined that an emergency situation exists which warrants publication without opportunity for public comment prior to this action.

The Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), provides for the issuance of standards with respect to quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for inspection upon request by producers, merchandisers, processors, and consumers in the marketing of these commodities, upon payment of a fee to cover the cost of the service.

Pursuant to the authority in Sections 203(c) and 203(h) of the Agricultural Marketing Act of 1946, as amended, it is determined by the Administrator of FGIS that the part of the definition of milled rice (7 CFR 68.301) which requires that a part of the germ be removed from rice kernels in order that the rice be considered milled rice should be temporarily suspended, effective August 1, 1980. This action will provide a practical situation this crop year in which a study may be conducted to ascertain whether a change in the definition of milled rice, as proposed by the Rice Millers' Association (RMA), would (i) facilitate the marketing of lightly milled rice, (ii) affect the uniform inspection practices, and (iii) affect the cost of inspection fees.

As a result of the germ requirement in the present milled rice definition (7 CFR § 68.301), the RMA has indicated that, due to current milling and grading practices, it is often necessary to mill rice more severely than the minimum requirements for U.S. No. 5 and U.S. No. 6 grades in order to meet the definition. This results in added milling costs. Further, the RMA has advised that the germ requirement in the milled rice definition has a grade-limiting effect because of the problem in milling to a lightly milled degree to qualify for U.S. No. 5 and U.S. No. 6 rice.

The germ requirement in the definition of milled rice has been used as one basis to distinguish between brown and milled rice kernels. Brown rice kernels generally do not have a part of the germ removed and when found in milled rice are considered "paddy" kernels. "Paddy" kernels are undesirable in milled rice and tolerances limiting the number of such kernels have been established for all numerical grades of milled rice.

The effective date of the suspension has been set to coincide with the beginning of the rice harvest season this crop year. Comments are solicited for 120 days after the effective date of this document. This suspension action will be scheduled for review so that a final document, discussing comments received and what further action may be deemed appropriate as a result of the study, can be published in the Federal Register as soon as practicable.

The suspension of the requirement in the definition of milled rice is to be effective for such period of time, not to exceed 1 year from the effective date of this suspension action, as to enable FGIS to study the effects thereof on facilitating the marketing of rice. Additionally, FGIS will study whether inspection uniformity is more easily maintained when the determination between brown and milled rice kernels is based solely on the amount of bran removed in the milling process. The effects of this suspension upon the costs of inspection also will be reviewed. It is anticipated that the time required to grade a sample may be reduced. FGIS has extended the normal comment period to 120 days in order to allow for the completion of rice harvest and the milling of a sufficient quantity of new crop rice to provide an adequate basis for determining the effect of the suspension action. Also the 120-day comment period should permit the rice industry to have adequate time to prepare and submit comments concerning the effects thereof with respect to facilitating the milling and marketing for lightly milled rice.

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 2.53(a)(1)).

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, § 68.301 of Part 68, Subpart E, United States Standards for Milled Rice (7 CFR 68.301), is revised to include a footnote which reflects this suspension action, as follows:

§ 68.301 Definition of Milled Rice.

Whole or broken kernels of rice (*Oryza sativa* L.) from which the hulls and at least the outer bran layers and a part of the germs have been removed and which contain not more than 10.0 percent seeds, paddy kernels, or foreign material, either singly or combined.[1]

(Sec. 203(c), (h), Pub. L. 79-733, 60 Stat. 1087(c), (h), (7 U.S.C. 1622(c), (h)))

Done in Washington, D.C., on: July 1, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-20458 Filed 7-8-80; 8:45 am]

BILLING CODE 3410-02-M

[1] The phrase "and a part of the germs" is temporarily suspended, effective August 1, 1980, and will continue until final action on a study is taken but not beyond July 31, 1981.

Reader Aids

Federal Register
Vol. 45, No. 133
Wednesday, July 9, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders and problems (GPO) "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266	Public Law Numbers and Dates, Slip Laws, U.S.
-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, JULY

44245-44916.....1
44917-45246.....2
45247-45564.....3
45565-45886.....7
45887-46060.....8
46061-46334.....9

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
18.....46328

3 CFR

Administrative Orders:
Presidential Determinations:
No. 80-20 of June 10, 1980.....45567
E.O. 5327 (Amended by PLO 5732).....45911
Executive Orders:
10560 (Revoked by EO 12220).....44245
10685 (Revoked by EO 12220).....44245
10708 (Revoked by EO 12220).....44245
10746 (Revoked by EO 12220).....44245
10799 (Revoked by EO 12220).....44245
10827 (Revoked by EO 12220).....44245
10884 (Revoked by EO 12220).....44245
10893 (Revoked by EO 12220).....44245
10900 (Revoked by EO 12220).....44245
11846 (See Proc. 4768).....45135
11888 (Amended by EO 12222).....45233
12044 (Revoked by EO 12221).....44249
12196 (Amended by EO 12223).....45235
12220.....44245
12221.....44249
12222.....45233
12223.....45235
12224.....45243
12225.....45571
Proclamations:
4707 (Superseded in part by Proc. 4768).....45135
4768.....45135
4769.....45237
4770.....45245
4771.....45247
4772.....45249
4773.....45565
4774.....45569

4 CFR

Proposed Rules:
2.....44954
3.....44954
4.....44954
5.....44954
6.....44954
7.....44954
8.....44954
9.....44954

5 CFR

Proposed Rules:
351.....44304

7 CFR

29.....44292
68.....45868, 46332
272.....46036
273.....46036
905.....45251
908.....45252, 45573
910.....45301
911.....44302, 44303
916.....45252
917.....44917
919.....46061
930 (2 documents)...45573, 460061
945.....45574
958.....45574
1427.....44293
2900.....45887
Proposed Rules:
180.....45914
410.....44305
413.....44311
999.....44960
1097.....45302
1102.....45302
1108.....45302
2859.....44317

8 CFR

204.....44251
214.....44918
238.....45575
334.....45575

9 CFR

78.....44253
92.....45888
327.....45889
Proposed Rules:
308.....44317
381.....44317, 45915

10 CFR

Ch. I.....45595
2.....45253, 45890
25.....45256
95.....45256
436.....44558
600.....46044, 46074
Proposed Rules:
20.....45302
50.....45916

210 ... 44961
211 ... 44961
212 ... 44961
430 ... 46075
503 ... 45303
504 ... 45303
506 ... 45303
580 ... 45098

11 CFR

9033 ... 45257

12 CFR

Ch. II ... 44574
204 ... 46063
207 ... 44256
225 ... 45257
226 ... 46064
229 ... 46064
701 ... 45576
1204 ... 44919
Proposed Rules:
204 ... 44962, 45303
225 ... 44963
611 ... 45595
612 ... 45917
1204 ... 45303

13 CFR

305 ... 44257, 46065
309 ... 44257, 46065
315 ... 46065
400 ... 44258, 44919

14 CFR

39 ... 45257–45264, 45576
71 ... 45265–45268, 45577
75 ... 45268
159 ... 45578
Proposed Rules:
Ch. I ... 45305
25 ... 45595
71 ... 45305–45310

15 CFR

Ch. III ... 44574
370 ... 45891
372 ... 45891
373 ... 45894
374 ... 45897
375 ... 45897
376 ... 45898
377 ... 46066
386 ... 45898
387 ... 45897
390 ... 46067

16 CFR

3 ... 45578
13 ... 44259, 44260, 44920, 44921, 45901
300 ... 44260
301 ... 44260
303 ... 44260
Proposed Rules:
13 ... 44317, 44322, 44324

17 CFR

240 ... 44922
Proposed Rules:
Ch. II ... 45554

18 CFR

1 ... 44965, 45902
272 ... 45904
274 ... 45905
Proposed Rules:
Ch. I ... 45597
260 ... 46075
273 ... 45598
282 ... 44923

19 CFR

101 ... 44263, 45578
148 ... 45579

20 CFR

725 ... 44264

21 CFR

146 ... 45905
510 ... 45905
520 ... 44264
558 ... 45905–45909
561 ... 46067
1220 ... 44265
1304 ... 44266
1306 ... 44266
Proposed Rules:
109 ... 44325
110 ... 44325
225 ... 44325
226 ... 44325
500 ... 44325
509 ... 44325
589 ... 44326
640 ... 45924

22 CFR

214 ... 45598

24 CFR

207 ... 46068
255 ... 45116
841 ... 44267
860 ... 44267
Proposed Rules:
24 ... 46012

25 CFR

161 ... 45909

26 CFR

1 ... 46069
Proposed Rules:
1 ... 45311, 45924, 46082
7 ... 46082
48 ... 44965
301 ... 45926

28 CFR

0 ... 44267
2 ... 44924
55 ... 44268
Proposed Rules:
Ch. I ... 45311
2 ... 44966, 44967

29 CFR

102 ... 44302
2700 ... 44301

30 CFR

45 ... 44494
Proposed Rules:
Ch. VII ... 45313
722 ... 44326
732 ... 45313
918 ... 45604
943 ... 44967
950 ... 45927

31 CFR

321 ... 44590
322 ... 44590
330 ... 44600
535 ... 45594
Proposed Rules:
535 ... 45609

32 CFR

1–39 ... 44604, 44758, 44818, 44902
208 ... 45580
359 ... 46071

32A CFR

Ch. I ... 44575
Ch. VI ... 44574
Ch. VII ... 44574, 45269
Ch. XV ... 44574
Ch. XVIII ... 44587
801 ... 44574

33 CFR

165 ... 45269
175 ... 45269
Proposed Rules:
207 ... 46093

36 CFR

7 ... 46071
1151 ... 44925
Proposed Rules:
7 ... 44969

37 CFR

201 ... 45270

39 CFR

265 ... 44270
266 ... 44270
268 ... 44270

40 CFR

52 ... 44273, 45275, 45581, 46072
65 ... 45277
180 ... 46073
406 ... 45582
421 ... 44926
Proposed Rules:
52 ... 44970, 45080, 45314, 45318, 45927
58 ... 44327
60 ... 44329, 44970
81 ... 45080
116 ... 46094
117 ... 46097
167 ... 46100
169 ... 46100
401 ... 46103
413 ... 45322

41 CFR

Ch. 7 ... 44275
Ch. 101 ... 44951, 44953
7–6 ... 44283
7–7 ... 44283

42 CFR

405 ... 44287

43 CFR

2800 ... 44518
Public Land Orders:
693 (Amended by PLO 5731 ... 45910
4522 (Amended by PLO 5732 ... 45911
5731 ... 45910
5732 ... 45911
Proposed Rules:
35 ... 44972

44 CFR

Ch. I ... 44574
Ch. IV ... 44574, 45269
205 ... 45862
Proposed Rules:
67 ... 46106

45 CFR

233 ... 45911
Proposed Rules:
Ch. XII ... 45598
177 ... 45130

46 CFR

Ch. II ... 44587
160 ... 45278
502 ... 45280
541 ... 46073
Proposed Rules:
151 ... 45327
510 ... 45599
536 ... 45599

47 CFR

1 ... 45582
73 ... 45593
95 ... 45594
Proposed Rules:
Ch. I ... 46121
2 ... 45600, 45601
21 ... 45600, 45601
73 ... 45601, 45602
74 ... 45600, 45601
94 ... 45600, 56601

49 CFR

23 ... 45281
571 ... 45287
1002 ... 45526, 45534
1003 ... 45534
1004 ... 45528
1011 ... 45525
1033 ... 45288, 45289, 45912
1045A ... 45534
1047 ... 45524
1056 ... 45534
1062 ... 45534
1100 ... 45529, 45534
1101 ... 45525
1130 ... 45534
1131 ... 45525
1136 ... 45526
1150 ... 45534
Proposed Rules:
Ch. X ... 44351, 45545, 45932
571 ... 45334, 45336

50 CFR

17 ... 44935, 44939
32 ... 45289
296 ... 44942

611 ..... 45291, 45296
655 45296
656 45291
674 44292
Proposed Rules:
Ch. II 45604
17 46141
20 44540
219 44352
611 46141
651 45336
664 44972

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HHS/FDA		DOT/SLSDC	HHS/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Housing Office—Federal Housing Commission—

38356 6-9-80 / Urban Renewal Mortgage Insurance and Insured Improvement Loans; eligibility

Deadlines for Comments on Proposed Rules for the Week of July 13 through July 19, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

43789 6-30-80 / Handling of papayas grown in Hawaii; proposed amendments; comments by 7-15-80

Agricultural Stabilization and Conservation Service—

37453 6-3-80 / Beekeeper Indemnity Payment Program (1978-81); comments by 7-18-80

Federal Grain Inspection Service—

32284 5-15-80 / Proposed changes in options to treat insect infested shiplot grain; comments by 7-14-80

CIVIL AERONAUTICS BOARD

40994 6-17-80 / Domestic passenger fare flexibility; comments by 7-17-80

COMMERCE DEPARTMENT

International Trade administration—

33955 5-21-80 / Revision of foreign policy controls on exports to Syria, Iraq, Libya, and the People's Democratic Republic of Yemen; comments by 7-16-80

National Oceanic and Atmospheric Administration—

34020 5-21-80 / Alaska Salmon Fishery; comments by 7-14-80

33649 5-20-80 / Looe Key, Fla. Marine Sanctuary; draft environmental impact statement; comments by 7-15-80

Office of the Secretary—

41153 6-18-80 / Cooperative Generic Technology Program; comments by 7-18-80

CONSUMER PRODUCT SAFETY COMMISSION

32705 5-19-80 / Bicycle safety requirements; retroflective rims; comments by 7-18-80

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

32323 5-16-80 / Provisions relating to premiums, finders fees, and the payment of interest in merchandise; comments by 7-16-80

[Comments extended at 45 FR 38072, 6-6-80]

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

32560 5-16-80 / Municipal waste reprocessing demonstration facilities program; reporting guidelines; comments by 7-15-80

Federal Energy Regulatory Commission—

40617 6-16-80 / Exemption from incremental pricing for distillers who produce fuel grade alcohol blended to form gasohol; comments by 7-18-80

ENVIRONMENTAL PROTECTION AGENCY

41017 6-17-80 / Ambient air quality monitoring; data reporting, and surveillance provisions for the State of Michigan; comments by 7-17-80

40169 6-13-80 / Approval and promulgation of implementation plans; Utah SO_2 control strategy; comments by 7-14-80

40175 6-13-80 / Biological agent Bacillus thruingiensis, Berliner; proposed tolerance; comments by 7-14-80

33260 5-19-80 / Financial requirements for owners and operators of hazardous waste management facilities; comments by 7-18-80

33290 5-19-80 / Consolidated Permit Regulations; comments by 7-15 and 7-18-80

33280 5-19-80 / Hazardous Waste Management: Interim status requirements for underground injection; comments by 7-18-80

33066 5-19-80 / Hazardous Waste Management System: General; comments by 7-18-80

33084 5-19-80 / Hazardous Waste Management System: Identification and listing of hazardous waste; comments by 7-18-80

33136 5-19-80 / Identification and listing of hazardous wastes; comments by 7-18-80

40623 6-16-80 / Revisions to the new source review provisions of regulations in the Washington State Implementation Plan governing Kraft and Sulfite Pulping Mills and primary Aluminum Plants; comments by 7-16-80

33140 5-19-80 / Standards for generators of hazardous waste; comments by 7-18-80

33150 5-19-80 / Standards for transporters of hazardous waste; comments by 7-18-80

FEDERAL COMMUNICATIONS COMMISSION

42622 6-25-80 / Common carriers; second computer inquiry; oppositions to petitions for reconsideration by 7-14-80

[*See* 45 FR 31319, 5-13-80]

40188 6-13-80 / Clarification of aeronautical enroute station rules and addition of two frequencies for use by small aircraft operating agencies; comments by 7-14-80

37238 6-2-80 / FM Broadcast Service; assignment of second Class A FM channel to Indio, Calif.; comments by 7-18-80

37240 6-2-80 / FM Broadcast Stations in Bradford, Kans. and Warren, Pa.; Changes in table of assignments; comments by 7-18-80

29867 5-6-80 / FM Broadcast station in Bullhead City, Ariz.; proposed changes in table of assignments; reply comments by 7-14-80

37244 6-2-80 / FM Broadcast Stations in Cameron and Temple, Tex.; changes in table of assignments; comments by 7-18-80

30094 5-7-80 / FM Broadcast Station in Lawton, Okla.; proposed changes in table of assignments; reply comments by 7-14-80

37242 6-2-80 / FM Broadcast Station in Lewistown, Pa.; changes in table of assignments; comments by 7-18-80

37243 6-2-80 / FM Broadcast Station in Mifflintown, Pa.; changes in table of assignments; comments by 7-18-80

29868 5-6-80 / FM Broadcast Station in Missoula, Mont.; proposed changes in table of assignments; reply comments by 7-14-80

30656 5-9-80 / FM Broadcast Station in Pecos, N. Mex.; changes in table of assignments; reply comments by 7-14-80

20872 5-6-80 / FM Broadcast Station in West Salem, Wis.; proposed changes in table of assignments; reply comments by 7-14-80

37239 6-2-80 / FM Broadcast Station in Wilson, N.C.; changes in table of assignments; comments by 7-18-80

30656 5-9-80 / FM Broadcast Station in Santa Fe, N. Mex.; changes in table of assignments; reply comments by 7-14-80

40626 6-16-80 / Increase in presunrise broadcasting service; Class II daytime—only AM stations; comments by 7-14-80

33657 5-20-80 / Regulatory policies concerning resale and shared use of common carrier international communications services; reply comments by 7-18-80

27795 4-24-80 / Relieving public coast stations operating in the 2 MHz band from monitoring and logging calls on the distress frequency 2182 kHz; reply comments 7-15-80

25418 4-15-80 / Station identification requirements in the Amateur Radio Service; comments by 7-16-80

FEDERAL HOME LOAN BANK BOARD

40132 6-13-80 / Federal savings and loan system; conversion from State stock to Federal stock charter; comments by 7-14-80

FEDERAL MARITIME COMMISSION

17029 3-17-80 / Independent ocean freight forwarders; licensing requirements; comments by 7-15-80

FEDERAL RESERVE SYSTEM

40130 6-13-80 / Extensions of credit by Federal Reserve Banks; comments by 7-15-80

38388 6-9-80 / Federal reserve requirements on all depository institutions that maintain transaction accounts of nonpersonal time deposits; comments by 7-15-80

FEDERAL TRADE COMMISSION

31416 5-13-80 / Beneficial Corp., et al.; consent agreement with analysis to aid public comment; comments by 7-14-80

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

32012 5-15-80 / Establishment and management of effective directives systems; comments by 7-14-80

HEALTH AND HUMAN SERVICES DEPARTMENT

[*See also* Health, Education, and Welfare Department]

Food and Drug Administration—

32324 5-16-80 / Affirmation of GRAS status for lactic acid and calcium lactate for direct human food ingredients; comments by 7-15-80

31422 5-13-80 / Over-the-counter (OTC) category III policy; authorization for ingredient marketing or other product condition after monograph establishment; comments by 7-14-80

25652 4-15-80 / Viral and Rickettsial Vaccines; classification of products into Category I and IIIA and proposed amendments to biological regulations; comments by 7-14-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Assistant Secretary for Housing—Federal Housing Commission

31895 5-14-80 / Low cost and moderate income mortgage insurance; existing multifamily housing demonstration; comments by 7-14-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

40958 6-16-80 / Endangered and threatened species; Kangaroos; completion of five year status review and proposed commercial importation; comments by 7-16-80

Land Management Bureau—

41024 6-17-80 / Surface management of mining claims located on the public lands; comments by 7-16-80

Surface Mining Reclamation and Enforcement Office—

38088 6-6-80 / Arkansas Permanent Regulatory Program; comments by 7-16-80

40619 6-16-80 / Kansas Permanent Program submission; comments by 7-14-80

41162 6-18-80 / North Dakata Permanent Regulatory Program; comments by 7-18-80

INTERSTATE COMMERCE COMMISSION

39874 6-12-80 / Air Terminal Zone—Lambert-St. Louis International Airport; comments by 7-14-80

39519 6-11-80 / Proposal to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders, and authorize individual carriers to establish their own nondiscriminatory credit terms; comments by 7-15-80

[*See also* 45 FR 31766, 5-14-80]

36460 5-30-80 / Railroad cost recovery procedures; comments period extended to 7-17-80

[*See also* 45 FR 29103, 5-1-80]

JUSTICE DEPARTMENT

Attorney General—

40159 6-13-80 / Historic, architectural and archeological properties; procedures for identification and protection; comments by 7-14-80

LABOR DEPARTMENT

Employment and Training Administration—

29854 5-6-80 / Labor certification process for the temporary employment of aliens in agriculture; adverse effect wage rate methodologies; extension of comment period 7-14-80

[*See also* 45 FR 15914, 3-11-80]

NATIONAL CREDIT UNION ADMINISTRATION

41438 6-19-80 / Premiums, finders fees and the payment of dividends in merchandise; comments period extended to 7-16-80

[Originally published at 45 FR 35346, 5-27-80]

NUCLEAR REGULATORY COMMISSION

31393 5-13-80 / Technical criteria for regulating geologic disposal high-level radioactive waste; comments by 7-14-80

PERSONNEL MANAGEMENT OFFICE

31379 5-13-80 / Clarification of applicability of transfer of function provisions of reduction in force regulations; comments by 7-14-80

31382 5-13-80 / Common policies, systems, and practices for fixing and administering pay of prevailing rate employees as required by prevailing rate systems legislation; comments by 7-14-80

31379 5-13-80 / Pay Administration; allotment of pay by civilian employees; comments by 7-14-80

SECURITIES AND EXCHANGE COMMISSION

38407 6-9-80 / Amendment to definition of terms "employee" and "Officer" for fidelity bonding purposes; comments by 7-18-80

STATE DEPARTMENT

37456 6-3-80 / Freedom of Information and Privacy Acts; access provisions of the Ethics in Government Act; comments by 7-14-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

32700 5-19-80 / Petition for rulemaking of Air Transport Association of America to allow an extension not to exceed 3-6-82 of the compliance time regarding flight attendant seats; comments by 7-14-80

Deadlines for Comments On Proposed Rules for the Week of July 20 through July 26, 1980

AGRICULUTE DEPARTMENT

Agricultural Marketing Service—

44960 7-2-80 / Filbert import regulations amendment; comments by 7-21-80

[Originally published at 45 FR 24167, 4-9-80]

42314 6-24-80 / Fresh prunes grown in designated counties in Wash. and in Umatilla County, Oreg.; grade and size requirements; comments by 7-21-80

42313 6-24-80 / Fresh Washington peaches; minimum grade and size requirements on shipments; comments by 7-21-80

42626 6-25-80 / Irish potatoes grown in Idaho and Oregon; handling regulation; comments by 7-24-80

43313 6-24-80 / Lemons grown in Calif. and Ariz.; handling regulations; comments by 7-21-80

Commodity Credit Corporation—

37854 6-5-80 / CCC export credit guarantee program; comments by 7-21-80

Foreign Agricultural Service—

33642 5-20-80 / Dairy products; licenses, eligibility restrictions; comments by 7-21-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

33645 5-20-80 / Looe Key Marine Sanctuary designation; comments by 7-21-80

DEFENSE DEPARTMENT

Engineers Corps, Army Department—

39412 6-10-80 / Water resources policies and authorities; implementation of E.O. 11990—Protection of Wetlands; comments by 7-24-80

ENERGY DEPARTMENT

41649 6-20-80 / DOE sales contracts; disputes clause; comments by 7-21-80

34008 5-21-80 / Electric and hybrid vehicle research, development, and demonstration program; equivalent petroleum based fuel economy calculation; comments by 7-21-80

Economic Regulatory Administration—

34846 5-22-80 / Gasohol pricing and allocation; comments by 7-21-80

Federal Energy Regulatory Commission—

36428 5-30-80 / Proposed revision to reporting forms for public utilities and natural gas companies; comments by 7-22-80

Leasing Policy and Development Office—

35830 5-28-80 / Leasing; Outer Continental Shelf oil and gas joint bidding regulations; comments by 7-25-80

ENVIRONMENTAL PROTECTION AGENCY

44329 7-1-80 / Alternate Method 1 to Reference Method 9 of Appendix A—determination of the opacity of emissions from stationary sources remotely by lidar; comments by 7-25-80

41418 6-19-80 / National Pollutant Discharge Elimination System (NPDES); best management practices guidance document and regulations; comments by 7-21-80

34920 5-23-80 / Rule revisions for five air pollution control districts in the State of California; comments by 7-22-80

42689 7-25-80 / Tennessee; proposed 1979 plan revisions; comments by 7-25-80

33814 5-20-80 / Water programs; oil pollution prevention; non-transportation related onshore and offshore facilities; comments by 7-21-80

FEDERAL COMMUNICATIONS COMMISSION

32029 5-15-80 / FM broadcast stations; channel assignment to Corning, Calif.; reply comments by 7-21-80

34931 5-23-80 / FM broadcast station in Auburn, Me.; changes in table of assignments; reply comments by 7-21-80

34936 5-23-80 / FM broadcast station in Goose Creek, S.C.; changes in table of assignments; reply comments by 7-21-80

37868 6-5-80 / FM broadcast station in Grover City, Calif.; proposed changes in table of assignments; comments by 7-21-80

32028 5-15-80 / FM broadcast stations; channel assignment to Lewiston, Idaho; reply comments by 7-21-80

34938 5-23-80 / FM broadcast station in North Charleston, S.C.; changes in table of assignments; reply comments by 7-21-80

37869 6-5-80 / FM broadcast station in Orchard, Nebr.; proposed changes in table of assignments; comments by 7-21-80

35818 5-28-80 / Small Market Exemption; ascertainment of community problems by broadcast applicants; reply comments by 7-25-80

FEDERAL HOME LOAN BANK BOARD

43430 6-27-80 / Federal Home Loan Bank System; settlement and processing of drafts; comments by 7-24-80

FEDERAL RESERVE SYSTEM

41437 6-19-80 / Truth-in-lending; proposed official staff interpretation; comments by 7-21-80

FEDERAL TRADE COMMISSION

34296 5-22-80 / Bill Crouch Foreign, Inc., d.b.a. Bill Crouch Imports, Inc.; consent agreement with analysis to aid public comment; comments by 7-21-80

[Corrected at 45 FR 36428, 5-30-80]

34291 5-22-80 / Darvel, Inc.; consent agreement with analysis to aid public comment; comments by 7-21-80

34293 5-22-80 / Towle Manufacturing Co.; consent agreement with analysis to aid public comment; comments by 7-21-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Office of the Secretary—

37700 6-4-80 / Grant programs administered by the Office of Assistant Secretary for Planning and Evaluation; technical revision to regulations; comments by 7-21-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

33842 5-20-80 / Endangered Species Convention; revision of implementation rules; comments by 7-21-80

27723 4-23-80 / Review of the status of the Bliss Rapids Snail and the Snake River physa snail; comments by 7-22-80

Heritage Conservation and Recreation Service—

34909 5-23-80 / Determinations of eligibility for inclusion in the National Register of Historic Places; comments by 7-22-80

34911 5-23-80 / Historic preservation certifications pursuant to the Tax Return Act of 1976 and the Revenue Act of 1978; comments by 7-22-80

Surface Mining Reclamation and Enforcement Office—

41659 6-20-80 / Abandoned mine lands reclamation program; Montana; comments by 7-21-80

42333 6-24-80 / Definition of surface coal mining operations; comments by 7-24-80

41164 6-18-80 / Iowa Permanent Regulatory Program; comments by 7-24-80

41456 6-19-80 / Ohio Permanent Regulatory Program; comments by 7-26-80

41158 6-18-80 / Oklahoma Permanent Regulatory Program; comments by 7-22-80

41656 6-20-80 / Pennsylvania Permanent Regulatory Program; comments by 7-21-80

41654 6-20-80 / West Virginia Permanent Regulatory Program; comments by 7-21-80

INTERSTATE COMMERCE COMMISSION

42754 6-25-80 / Modification of rail carrier general increase procedures; comments by 7-25-80

JUSTICE DEPARTMENT

Justice Assistance, Research, and Statistics Office—

33652 5-20-80 / Nondicrimination in Federally Assisted Programs; comments by 7-21-80

Prisons Bureau—

33942 5-20-80 / Control, custody, care, treatment and instruction of inmates; comments by 7-21-80

LABOR DEPARTMENT

Employment and Training Administration—

33922 5-20-80 / Comprehensive Employment and Training Act (CETA) regulations; comments by 7-21-80

Occupational Safety and Health Administration—

33652 5-20-80 / Obtaining warrants an an *ex parte* basis and prior to attempting entry; comments by 7-21-80

Wage and Hour Division, Employment Standards Administration—

42332 6-24-80 / Service Contract Act; labor standards for Federal service contracts; comment period extended to 7-25-80

[*See also* 44 FR 77036, 12-28-79 and 45 FR 34877, 5-23-80]

NATIONAL CREDIT UNION ADMINISTRATION

39279 6-10-80 / Share accounts and share certificate accounts; comments by 7-23-80

PENSION BENEFIT GUARANTY CORPORATION

34899 5-23-80 / Employer liability for a single employer plan termination; comments by 7-22-80

PERSONNEL MANAGEMENT OFFICE

34895 5-23-80 / Provisions for classification under the general schedule; comments by 7-22-80

33640 5-20-80 / Reduction in force; eligibility of employees receiving military retirement pay; comments by 7-21-80

POSTAL SERVICE

42688 6-25-80 / International express mail rates; rates to Bermuda; comments by 7-25-80

STATE DEPARTMENT

34302 5-22-80 / Persons born in U.S. applying for a passport, or inclusion in a passport, for first time; comments by 7-21-80

TRANSPORTATION DEPARTMENT

Coast Guard—

38417 6-9-80 / Electrical systems standard for recreational boats; comments by 7-24-80

38418 6-9-80 / Fuel systems standard for recreational boats; comments by 7-24-80

18987 3-24-80 / Outboard motors; start-in-gear protective devices; comments by 7-24-80

Federal Aviation Administration—

34286 5-22-80 / Recordation of conveyances affecting title to, or an interest in aircraft; comments by 7-21-80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

33651 5-20-80 / Suspension procedure for firearms licenses and explosives licenses or permits; comments by 7-21-80

Internal Revenue Service—

34303 5-22-80 / Income tax; moving expense reduction for foreign moves and for retirees or decedents who were working abroad; comments by 7-21-80

45311 7-3-80 / Income tax; treatment of certain interests in corporations as stock or indebtedness; comment period extended to 7-23-80

[*See also* 45 FR 18957, 3-24-80]

34018 5-21-80 / Time for filing declarations of estimated income tax by farmers, fishermen, and certain nonresident aliens; comments by 7-21-80

WAGE AND PRICE STABILITY COUNCIL

42589 6-25-80 / Anti-Inflationary pay and price standards; amendment of pay standard and Question and Answer; comments by 7-25-80

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

36462 5-30-80 / Humboldt National Forest Grazing Advisory Board, Ruby Valley Guard Station, Nev. (open), 7-18-80

Office of the Secretary—

44355 7-1-80 / Child Nutrition National Advisory Council, Kansas City, Missouri, (open), 7-17 through 7-19-80

Science and Education Administration—
43240 6-26-80 / Agricultural Research and Extension Users National Advisory Board, Arlington, Va. (open), 7-14 through 7-16-80
43239 6-28-80 / Food and Agricultural Sciences Joint Council, Arlington, Va. (open), 7-16 and 7-17-80
43239 6-26-80 / Food and Agricultural Sciences Joint Council, Executive Committee, Arlington, Va. (open), 7-15-80

ARTS AND HUMANITIES, NATIONAL FOUNDATION
40264 6-13-80 / Dance Panel (Dance Touring Program and Long Term Engagements), Washington, D.C. (closed), Washington, D.C., 7-16 through 7-18-80
39366 6-10-80 / Dance Panel (Dance/Film/Video), Washington, D.C. (closed), 7-14 and 7-15-80
41251 6-18-80 / Office for Partnership Panel (Partnership Coordination), Washington, D.C. (closed), 7-14 and 7-15-80

CIVIL RIGHTS COMMISSION
4994 6-23-80 / Maine Advisory Committee, Augusta, Maine (open), 7-16-80
43817 6-30-80 / Nevada Advisory Committee, Las Vegas, Nevada (open), 7-18-80
43817 6-30-80 / Oregon Advisory Committee, Portland, Oregon (open), 7-18-80
43818 6-30-80 / Rhode Island Advisory Committee, Providence, R.I. (open), 7-16-80

COMMERCE DEPARTMENT
International Trade Administration—
43243 6-26-80 / Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 7-16-80
43242 6-26-80 / Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (closed), 7-15-80
43242 6-26-80 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 7-15-80
National Bureau of Standards—
41476 6-19-80 / National Bureau of Standards' Visiting Committee, Gathersburg, Md., 7-14 and 7-15-80
National Oceanic and Atmospheric Administration—
41476 6-19-80 / Gulf of Mexico and South Atlantic Fishery Management Councils' Advisory Subpanels, Tampa, Fla. (open), 7-14-80
39875 6-12-80 / Intent to prepare a draft supplement to the final environmental impact statement on regulations to reduce sea turtle mortality in Southeastern U.S. Waters, Atlanta, Ga. (open), 7-17-80
45339 7-3-80 / Mid-Atlantic Fishery Management Council's Atlantic Mackerel Resources Subpanel, Squid Fishery Resources Subpanel, and Butterfish Subpanel, Philadelphia, Pa. (open), 7-17-80
45336 7-3-80 / New England Fishery Management Council, Peabody, Mass. (open), 7-16-80
[*See also* 45 FR 41986, 6-23-80]
43245 6-26-80 / New England Fishery Management Council's Scientific and Statistical Committee, Oak Bluffs, Mass. (open), 7-14-80

CONSUMER PRODUCT SAFETY COMMISSION
35414 5-27-80 / Workshop on Substitutes for Asbestos, Arlington, Va. (open), 7-14 through 7-16-80

DEFENSE DEPARTMENT
Air Force Department—
41691 6-20-80 / USAF Scientific Advisory Board, Ad Hoc Committee on Air Force in Space, Monterey, Calif. (closed), 7-14 through 7-25-80
41691 6-20-80 / USAF Scientific Advisory Board, Summer Study Group on Long Range Combat Aircraft, Monterey, Calif. (closed), 7-14 through 7-25-80
Navy Department—
44364 7-1-80 / Education and Training, Secretary of the Navy's Advisory Board, Norfolk, Va. (open), 7-16 and 7-17-80
Office of the Secretary—
42004 6-23-80 / Defense Science Board Summer Study Panel on Industrial Responsiveness Advisory Committee, Washington, D.C. (closed), 7-16 through 7-18-80
35854 5-28-80 / Wage Committee, Washington, D.C. (closed), 7-15-80

EDUCATION DEPARTMENT
42365 6-24-80 / Fund for the Improvement of Postsecondary Education, Rockport, Maine, (open), 7-17 through 7-19-80

ENERGY DEPARTMENT
Energy Research Office—
42844 5-25-80 / Energy Research Advisory Board, Gas Research Institute Study Group; Washington, D.C. (open), 7-14-80

ENVIRONMENTAL PROTECTION AGENCY
35414 5-27-80 / Workshop on Substitutes for Asbestos, Arlington, Va. (open), 7-14 though 7-16-80

FEDERAL COMMUNICATIONS COMMISSION
43249 6-26-80 / Radio Technical Commission for Marine Services, Executive Committee, Washington, D.C. (open), 7-17-80
42860 6-25-80 / Radio Technical Commission for Marine Services, Special Committee No. 75 "MPS-Automatic Coordinate Conversion Systems", (open) 7-14-80
43249 6-26-80 / Special Committee No. 77, Committee to Revise the RTCM Marine Radiotelephone Handbook, Washington, D.C. (open), 7-16-80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
41701 6-20-80 / Meeting, Washington, D.C. (partially open), 7-17-80

FINE ARTS COMMISSION
42364 6-24-80 / Various projects affecting the appearance of Wash., D.C., (open), 7-29-80

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
41069 6-17-80 / Antimicrobial Panel, (open), Rockville, Md., 7-18-80; Bethesda, Md., 7-19-80
Health Care Financing Administration—
41074 6-17-80 / National Professional Standards Review Council, Washington, D.C. (open), 7-14 and 7-15-80
National Institutes of Health—
38450 6-9-80 / Allergy and Immunology Subcommittee, National Advisory Allergy and Infectious Diseases Council, Bethesda, Md. (closed), 7-18-80
42040 6-23-80 / Clinical Cancer Program Project and Cancer Center Support Review Committee, Bethesda, Md. (partially open), 7-17 through 7-19-80
37531 6-3-80 / Consensus development conference on role of adjutant chemotherapy in breast cancer, Bethesda, Md. (open), 7-14 through 7-16-80
38449 6-9-80 / Heart, Lung, and Blood Research Review Committee A, Bethesda, Md., (partially open), 7-18-80
44403 7-1-80 / Research Manpower Review Committee, Bethesda, Md. (partially open), 7-16 through 7-18-80
Public Health Service—
45023 7-2-80 / Vital and Health Statistics National Committee, Washington, D.C. (open), 7-15 and 7-16-80

HISTORIC PRESERVATION ADVISORY COUNCIL
43239 6-26-80 / Meeting, Johnson City, Tenn., 7-14 and 7-15-80

INTERIOR DEPARTMENT
Land Management Bureau—
41538 6-19-80 / Boise District, Idaho; Mutliple Use Advisory Council, Boise, Idaho, 7-17-80

National Park Service—

45024 7-2-80 / Chesapeake and Ohio Canal National Historical Park Commission, Shepherdstown, W.Va. (open), 7-19-80

41079 6-17-80 / Coeur d'Alene District Multiple Use Advisory Council, Coeur d'Alene, Idaho (open), 7-17-80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

42092 6-23-80 / Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Rosslyn, Va. (open), 7-14 and 7-21-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

45040 7-2-80 / NASA Advisory Council, Space and Terrestrial Applications Advisory Committee, Washington, D.C. (partially open), 7-17 and 7-18-80

NATIONAL SCIENCE FOUNDATION

43288 6-26-80 / Engineering and Applied Science Advisory Committee, Human Nutrition Subcommittee, Washington, D.C. (open), 7-18-80

43288 6-26-80 / NSF Advisory Council, Task Group No. 11, Washington, D.C. (open), 7-14-80

NUCLEAR REGULATORY COMMISSION

45432 7-3-80 / Implementation of requirements for environmental qualification of electrical equipment, King of Prussia, Pa., 7-14-80; Atlanta, Ga., 7-14-80; Chicago, Ill., 7-16-80; Irving, Tex., 7-17-80 (partially open)

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

37935 6-5-80 / Air Traffic Procedures Advisory Committee, Aurora, Colo. (open), 7-14 through 7-18-80

43298 6-26-80 / Radio Technical Commission for Aeronautics (RTCA), Executive Committee, Washington, D.C. (open), 7-18-80

43298 6-26-80 / Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (ATCRBS/DABS) Airborne Equipment, Washington, D.C. (open), 7-15 and 7-16-80

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Food Safety and Quality Service—

36417 5-30-80 / Food grading policy, St. Petersburg, Fla., 7-16-80

CIVIL AERONAUTICS BOARD

41994 6-23-80 / Florida-Mexico City Service Investigation, Washington, D.C., 7-15-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

44238 6-30-80 / Mandatory petroleum price regulations; equal application rule, Washington, D.C., 7-15-80

40078 6-12-80 / Motor gasoline allocation revision, Atlanta, Ga., 7-17-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

40236 6-13-80 / Proban brand of cythioate oral liquid (animal drug), Rockville, Md., prehearing conference, 7-15-80

Social Security Administration—

43875 6-30-80 / Conformity of Public Assistance Plan of the State of Connecticut with the Social Security Act, Washington, D.C., 7-17-80

INTERIOR DEPARTMENT

Surface Mining, Reclamation and Enforcement Office—

42333 6-24-80 / Definition of surface coal mining operations, Washington, D.C., 7-16-80

41164 6-18-80 / Iowa Permanent Regulatory Program, Des Moines, Iowa, 7-17-80

40619 6-16-80 / Kansas Permanent Program Submission, Pittsburg, Kansas, 7-14-80

41158 6-18-80 / Oklahoma Permanent Regulatory Program, Muskogee, Okla., 7-15-80

41656 6-20-80 / Pennsylvania permanent regulatory program: Indiana, Pa., 7-14-80; Harrisburg, Pa., 7-15-80

41654 6-20-80 / West Virginia permanent regulatory program: Morgantown, W. Va., 7-14-80; Charleston, W. Va., 7-15-80

TRANSPORTATION DEPARTMENT

Office of the Secretary—

43238 6-26-80 / Standard time zone boundary in the state of Alaska; possible relocation; Juneau, Alaska, 7-15, Haines, Alaska, 7-16 and Ketchikan, Alaska, 7-17-80

TREASURY DEPARTMENT

Comptroller of the Currency—

41752 6-20-80 / Application to charter a national banking association, New York, N.Y., 7-15-80

Internal Revenue Service—

34899 5-23-80 / Proposed crude oil windfall profit tax provisions, Washington, D.C., 7-16-80

36431 5-30-80 / Special rule for deduction of certain charitable contributions of inventory and other property, Washington, D.C., 7-15-80

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing July 8, 1980.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

45338 7-3-80 / Commerce/NOAA—Acceptance of competitive applications for assistance with ground-based measurements of solar variability; apply by 8-5-80

45374 7-3-80 / HHS/HDSO—Model Projects on Aging Program; apply by 8-25-80

MEETINGS

44977 7-2-80 / Commerce/NOAA—Sea Grant Review Panel, Washington, D.C. (partially closed), 7-22 and 7-23-80

45374 7-3-80 / HHS/HRA—National Advisory Council on Health Professions Education, Bethesda, Md. (partially open), 8-11 through 8-13-80

44403 7-1-80 / HHS-NIH—Research Manpower Review Committee, Bethesda, Md. (partially open) 7-16 through 7-18-80

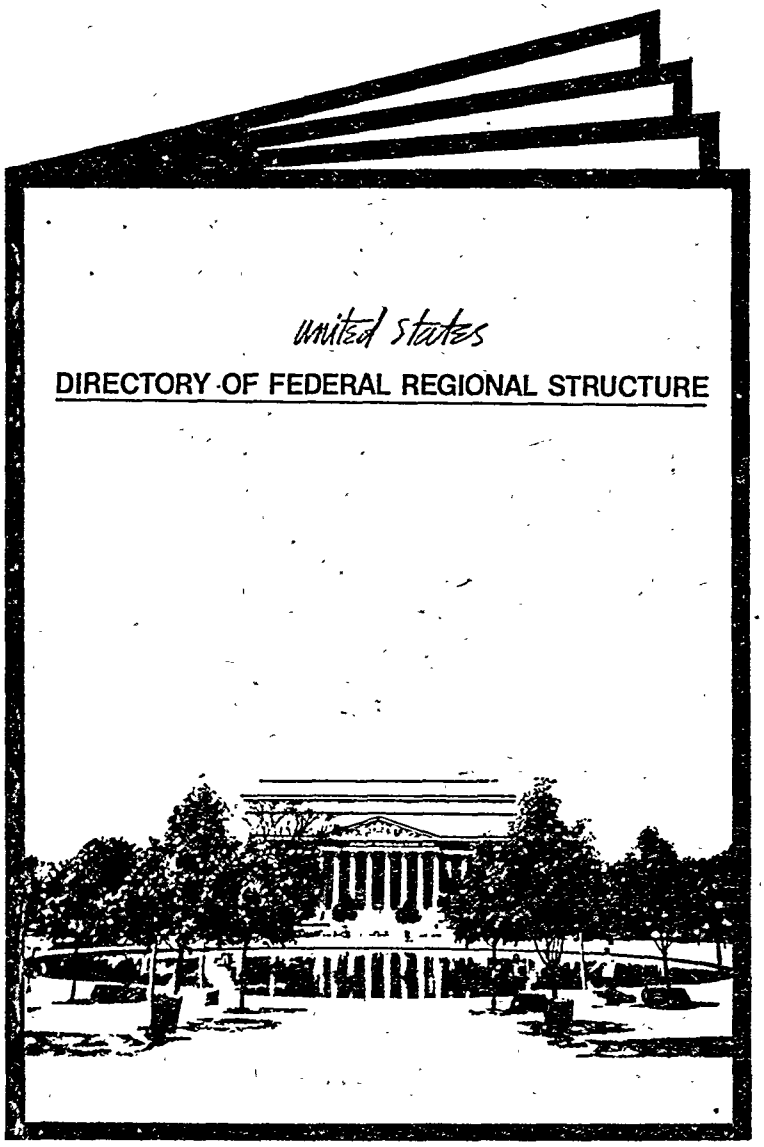
OTHER ITEMS OF INTEREST

44361 7-1-8- / Commerce/MBDA—Financial assistance application announcement to operate one propect for a 12 month period beginning 9-1-80 within certain counties in North Carolina

45345 7-3-80 / DOE—Ocean thermal energy conversion (OTEC) pilot plant; program opportunity notice

45281 7-3-80 / DOT—Minority business enterprise programs in DOT financial assistance programs; implementation guidance

45377 7-3-80 / HHS/HSA—Maternal and Child Health/Crippled Children's Service Program; policy statement on third-party reimbursement for services to mothers and children



ORDER NOW!

Directory of Federal Regional Structure

Revised as of May 8, 1979

The Directory serves as a guide to the regional administrative structure of the departments and agencies of the Federal Government.

Designed to provide the public with practical information about regional offices, the Directory is particularly useful to citizens residing outside the Nation's Capital.

Included in the Directory is a map showing the 10 standard Federal regions followed by tables listing the key personnel, addresses, and telephone numbers for agencies with offices in those regions. In addition, maps and tables are provided for those agencies with regional structures other than that of the standard regional system.

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Price $3.50

ORDER FORM Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA®

master charge

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me_____copies of the **Directory of Federal Regional Structure**, at $3.50 per copy. Stock No. 022-003-00997-3

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

4137 4948

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		